FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

for

THE MEADOWS AT YAPHANK
Planned Development District Application
Town File #2010-011-CZ

Hamlet of Yaphank, Town of Brookhaven
Suffolk County, New York

NP&V Project No. 09176

August 2011
FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
for
THE MEADOWS AT YAPHANK
Planned Development District (PDD) Application
Town File #2010-011-CZ

Hamlet of Yaphank, Town of Brookhaven
Suffolk County, New York

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APPENDICES:

A Resolutions Accepting the Draft GEIS and Scheduling Public Hearings on the Draft GEIS and the Change of Zone Application, Brookhaven Town Board, April 12, 2011

B Conformance to Town PDD Requirements

C Written Agency Comments
  NYS Department of Transportation, May 4, 2011
  CBPJPPC Staff Comments on the Draft GEIS, May 21, 2011
  Town Division of Environmental Protection, May 11, 2011
  Town Division of Traffic Safety, May 9 & March 14, 2011
  VHB Engineering, Surveying & Landscape Architecture, PC, June 20, 2011 (Draft)
  Town Division of Planning, undated
  CBPJPPC Staff Report on the DRS Application, June 15, 2011 (Draft)

D Written Public, Organization & Civic Association Comments
  Deputy Director for Operations, BNL, May 10, 2011
  Syracuse Center for Excellence, May 9, 2011
  Long Island Pine Barrens Society, May 10, 2011
  South Yaphank Civic Association, May 10, 2011
  Community Concerns Committee, Colonial Woods/Whispering Pines Condominiums, May 10, 2011
  The Open Space Council, June 25, 2011

E Transcript of Public Hearing, Brookhaven Town Board, May 10, 2011

F Form-Based Master Plan (Draft), Simone Design Group

G SONIR Computer Model Results, Revised Plan

H Conformance to Standards & Guidelines of the Pine Barrens Plan, Revised Plan

I Supplemental Cumulative Impact Analysis

J Findings Statements for Brookhaven Walk, Town Planning Board and NYSDOT

K Legacy Village Resolution

L Dorade STP Easements-Related Documents

M Conformance to the Recommendations of the Carmans River Watershed Protection and Management Plan, February 2011 (Draft)

N Dorade STP History-Related Documents

O Jurisdiction-Related Documents

P Addendum to Tax Impact/School District Analysis, NP&V, LLC, August 3, 2011

In folder at rear:

  Land Use and Development Plan-FGEIS Plan, Simone Design Group, revised 8/1/11
  Phasing Plan-FGEIS Plan, Simone Design Group, revised 8/1/11
This document, together with the Draft GEIS concerning this proposal, represents a Final GEIS. Copies are available for public review and comment at the office of the Lead Agency. Comments on the Final GEIS should be submitted to the Lead Agency listed above by _______________ to be included in the public record and considered in the Findings Statement.

Date Final GEIS Accepted: _________________

August 2011

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SECTION 1.0

INTRODUCTION
INTRODUCTION

1.1 Purpose of this Document

This document is a Final Generic Environmental Impact Statement (Final GEIS) for a proposed change of zone (COZ) application on 322.37 acres of an overall 333.46-acre combined project site located at the northwestern corner of the interchange of County Route (CR) 46 (William Floyd Parkway) and the Long Island Expressway (LIE), in Yaphank. The requested rezoning would permit a Planned Development District (PDD) on the property. The applicants are Rose-Breslin, LLC, and Dorade, LLC. A petition for the zone change has been submitted to the Brookhaven Town Board, and the project has been designed to conform to the requirements for such a district as presented in Chapter 85, Article XXXIIA of the Brookhaven Town Zoning Code. The application also includes an 11±-acre site occupied by the existing Dorade Sewage Treatment Plant (STP), which is currently in operation and serving projects in the area including Suffolk County Sewer District (SCSD #8) and the Colonial Woods/Whispering Pines condominiums. A change of zone is not needed or requested for the STP parcel. The prior Draft GEIS described the proposed project, catalogued site and area resources, discussed potential environmental impacts of the project, presented measures to mitigate adverse impacts, and examined alternatives to the proposed project.

This Final GEIS represents the penultimate step in the New York State environmental review process, which provides the public and governmental review agencies with information regarding the proposal under review, as well as analyses of its potential environmental effects. This Final GEIS incorporates the Draft GEIS by reference, so that the combination of these two documents constitutes the entire The Meadows at Yaphank PDD EIS. This document fulfills the New York State Environmental Quality Review Act (SEQRA) requirements for a Final GEIS.

The project is located in the Central Pine Barrens Compatible Growth Area (CGA) and is of a size that requires conformance with the Standards and Guidelines of the Central Pine Barrens Comprehensive Land Use Plan (hereafter, the Pine Barrens Plan). Therefore, the project will require review by the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC) as a Development of Regional Significance (DRS) under the Pine Barrens Plan.

The Draft GEIS was submitted to the Town Board on January 20, 2011 and was accepted as complete by that agency (as lead agency under SEQRA) on April 12, 2011. At the same time, the Town Board scheduled public hearings on the Draft GEIS and on the change of zone application (see Appendix A). These actions were published in the NYSDEC Environmental Notices Bulleting in its April 20, 2011 issue. The public hearings were held on May 10, 2011, and the lead agency accepted written public and agency comments through June 25, 2011. As required by SEQRA, this document addresses all substantive comments provided by the public and agencies during the hearing and comment period.

After acceptance of this Final GEIS by the lead agency, there will be a minimum 10-day period of consideration for preparation and adoption of a Findings Statement, prior to a decision on the COZ and associated PDD Master Plan applications.
It is noteworthy that responses contained in this document are based upon a slightly revised plan than was used for the Draft GEIS (see Land Use and Development Plan-FGEIS Plan, in folder at the end of this document). The plan that was the subject of the Draft GEIS has been revised in several respects, in order to respond to public and agency comments made during and after the public hearing noted above. Section 1.3.1 provides a summary list of the plan revisions.

As noted above, the Meadows at Yaphank PDD project has not significantly changed from that as described and analyzed in the Draft GEIS; it continues to provide a total of 850 residences of various types, including age-restricted (i.e., seniors-only), non age-restricted, affordable/workforce and market-rate units, and a total of 1,032,500 SF of commercial spaces that have not been changed in distribution from the prior plan. Generally, the plan revisions involve redistribution of the numbers of residential types, consequent rearrangement of the some of the structures, more defined replacement of a small Town-regulated freshwater wetland that will be removed by construction and replaced by new wetlands, and consolidation of the several public park areas into one, larger area located near the center of the property, to be offered to the Town for dedication.

This revised proposal is described and discussed in Section 1.3, and its impacts are analyzed in Section 1.4 in a form and to an extent directly related to the analyses contained in the Draft GEIS. In this way, the lead agency has substantial information to determine the potential impacts of the revised project plan. This fulfills the applicant’s and lead agency’s needs for proper, complete and timely information on the project so that the requirements of SEQRA are satisfied, and a Supplemental EIS would not be necessary.

1.2 Organization of this Document

As required by SEQRA, only those comments that are “substantive” merit a response; comments that are directed to a specific portion of the Draft GEIS or other aspect of the project have a response. Sections 2.0 through 7.0 of this document present all of the substantive comments on the Draft GEIS that were provided verbally at the hearing and/or in written form received by the lead agency, along with a response to each.

Appendices C and D contain the written comments received by the lead agency from agencies and the public, respectively, and the public hearing transcript is presented in Appendix E. Each substantive comment in these three appendices has been delineated and numbered sequentially. The numbering system includes a letter code that indicates the appendix in which the comment is located, followed by a number that is assigned to each consecutive comment from that source. As a result, the identity of the commenter can easily be determined. Also provided is the subsection of Sections 2.0 through 7.0 where the response can be found.

There were a total of 164 separate comments; Appendix C contains comments C-1 to C-106, Appendix D contains comments D-1 through D-19, and Appendix E contains comments E-1 through E-39. Appendices F through P contain materials prepared in support of various responses.
Because a number of the comments are similar to, closely related to and/or duplicate other comments, related comments are grouped together, so that only one response would be necessary for each grouping. As a result, only 103 different individual or groups of comments were made. Each subsection of Sections 2.0 through 7.0 addresses one of these individual or groups of comments referenced above. The comment numbers to which the response refers are listed in each subsection so that the reader may refer back to the appendix to review the comments in their original form.

Each response provides the information necessary for the Lead Agency (the Brookhaven Town Board) and other involved agencies to make informed decisions on the specific impacts of the project. This document fulfills the obligation of the Lead Agency in completing a Final GEIS based upon Title 6, New York Code of Rules and Regulations Part 617.9 (b)(8).

1.3 The Revised Plan

1.3.1 Description of Plan Changes and Features

As indicated above, the SEQRA process anticipates that changes to the project may occur in response to comments and community input as the review process proceeds, and as updated information on site design, tenants, building configuration and architecture, and related evolutionary changes in the project are made. The stated goal of the applicant and the intent of the PDD law is to create a center that will be successful and an asset to the community. This goal reflects the nature of the changes that have occurred to the Meadows at Yaphank PDD since the Draft GEIS was accepted. The basic concept of the project remains the same; it is a comprehensively planned, mixed-use PDD, featuring significant numbers of housing units in a variety of unit types, commercial uses, retail spaces, and public recreational spaces, along with substantial natural area preservations. The following is a listing of the changes to the plan (see also Tables 1-1a and 1-1b):

- The two small Town park areas have been consolidated into a single, 7±-acre Town Park, which has been moved to a more central location within the site. Like the prior plan, this area will be offered to the Town for dedication.
- The number of rental units has been increased.
- The number of condominium units has been decreased.
- More townhouses have been added.
- The distributions of the three types of residential structures have been shifted, but remain within the same areas of the site as had been shown in the prior plan.
- The commercial structures have been shifted somewhat from their previous locations, but remain within the same areas of the site as was previously shown.
- The loss of Town-regulated wetlands has been reduced, and the acreage of the 0.22 acres of wetland that will be lost will be replaced by 0.44 acres of created wetlands.
- The amount of clearing of natural vegetation has been reduced slightly, by retaining the area around the small Town-regulated wetland along CR 46.
- The two stormwater pond/wetland systems in the site’s southwestern corner have been reconfigured, to provide for the creation of a new 0.44-acre freshwater wetland adjacent to the Town Greenbelt (to mitigate the loss of the 0.22 acre wetland noted above).
Table 1-1a
COMPARISON OF PROJECT USES AND YIELDS, Commercial Component
Prior Plan (Draft GEIS) & Revised Plan (Final GEIS)

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<th>Prior Plan, per Draft GEIS (SF)</th>
<th>Revised Plan, per Final GEIS (SF)</th>
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<td>Hotel (220 rooms):</td>
<td>150,000</td>
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<td>Retail (total):</td>
<td>327,500</td>
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<td>Large Retail</td>
<td>150,000</td>
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<td>Pharmacy</td>
<td>14,700</td>
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<td>Neighborhood Retail (total):</td>
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</tr>
<tr>
<td>Supermarket</td>
<td>65,000</td>
<td>65,000</td>
</tr>
<tr>
<td>Other Neighborhood Retail</td>
<td>94,300</td>
<td>94,300</td>
</tr>
<tr>
<td>Restaurant (200 seats):</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Class A Office &amp; Office/Flex (total):</td>
<td>550,000</td>
<td>550,000</td>
</tr>
<tr>
<td>Office/Flex (30% office max., 70% wrhs. &amp; dist. min.)</td>
<td>250,000</td>
<td>250,000</td>
</tr>
<tr>
<td>Class A Office</td>
<td>300,000</td>
<td>300,000</td>
</tr>
<tr>
<td>TOTAL COMMERCIAL SPACE</td>
<td>1,032,500</td>
<td>1,032,500</td>
</tr>
</tbody>
</table>

(1) Flex space is combined office/warehouse space, where the office use would not comprise more than 30%.

Table 1-1b
COMPARISON OF PROJECT USES AND YIELDS, Residential Component
Prior Plan (Draft GEIS) & Revised Plan (Final GEIS)

<table>
<thead>
<tr>
<th>Use, Bedrooms &amp; SF/Unit</th>
<th>Prior Plan, per Draft GEIS (1)</th>
<th>Revised Plan, per Final GEIS (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Units (total):</td>
<td>144</td>
<td>224</td>
</tr>
<tr>
<td>Senior Rental, 1-bdrm/950 SF</td>
<td>38</td>
<td>32</td>
</tr>
<tr>
<td>Senior Rental, Workforce, 1-bdrm/750 SF</td>
<td>10</td>
<td>24</td>
</tr>
<tr>
<td>Rental, 1-bdrm/950 SF</td>
<td>38</td>
<td>46</td>
</tr>
<tr>
<td>Rental, Workforce, 1-bdrm/750 SF</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Rental, 2-bdrm/1,190 SF</td>
<td>38</td>
<td>102</td>
</tr>
<tr>
<td>Rental, Workforce, 2-bdrm/1,050 SF</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Condominium Units (total):</td>
<td>486</td>
<td>294</td>
</tr>
<tr>
<td>Senior Condominium, 2-bdrm/1,450 SF</td>
<td>174</td>
<td>130</td>
</tr>
<tr>
<td>Senior Condominium, Workforce, 2-bdrm/1,050 SF</td>
<td>30</td>
<td>10</td>
</tr>
<tr>
<td>Condominium, 1-bdrm/1,150 SF</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Condominium, 2-bdrm/1,450 SF</td>
<td>232</td>
<td>123</td>
</tr>
<tr>
<td>Condominium, Workforce, 2-bdrm/1,050 SF</td>
<td>25</td>
<td>31</td>
</tr>
<tr>
<td>Townhouse Units (total):</td>
<td>220</td>
<td>332</td>
</tr>
<tr>
<td>Senior Townhouse, Market-Rate, 2-bdrm/2,000 SF</td>
<td>51</td>
<td>107</td>
</tr>
<tr>
<td>Townhouse, Market-Rate, 2-bdrm/1,750 SF</td>
<td>101</td>
<td>157</td>
</tr>
<tr>
<td>Townhouse, Market-Rate, 3-bdrm/2,000 SF</td>
<td>68</td>
<td>68</td>
</tr>
<tr>
<td>TOTAL RESIDENTIAL UNITS</td>
<td>850</td>
<td>850</td>
</tr>
</tbody>
</table>

(1) 1,647 total bedrooms, 1,232,870 SF total.
(2) 1,656 total bedrooms, 1,266,130 SF total.
• The woodland walking trail has been eliminated, though the future connection to a future Town walking trail in the Town Greenbelt has been retained.
• The small decorative pond in the northern private recreation area has been eliminated.
• A private recreational building has been added to the private recreation area in the site’s northwestern corner.

### 1.3.2 Public Benefits of the Revised Plan

The following list of Special Public Benefits of the revised plan is the result of discussions between the Town and applicant, and also reflects community input received during the course of project design as outlined previously in the Draft GEIS as well as more recently after the public hearing on that document.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Carmans River Invasive Species Remediation Fund:</td>
<td>$2,182,500</td>
</tr>
<tr>
<td>Residential Contribution at Zoning Approval and Findings</td>
<td>$150,000</td>
</tr>
<tr>
<td>Commercial Contribution at Zoning Approval and Findings</td>
<td>$150,000</td>
</tr>
<tr>
<td>Subsequent Residential Contribution at $1,000/CO</td>
<td>$850,000</td>
</tr>
<tr>
<td>Subsequent Commercial Contribution at $1/SF/CO</td>
<td>$1,032,500</td>
</tr>
<tr>
<td>2. Dedication of land for Athletic Fields &amp; Civic Building</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>7 acres @ 250,000/acre (at Site Plan Approval)</td>
<td></td>
</tr>
<tr>
<td>3. Design &amp; Construct 2 Baseball fields and 1 Multi-Purpose field</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>1 Multi-Purpose field &amp; 1 baseball field by Completion of Phase 1</td>
<td></td>
</tr>
<tr>
<td>1 Baseball field by Completion of Phase 3</td>
<td></td>
</tr>
<tr>
<td>4. Construct 1,500 SF Pavilion &amp; rest room for Athletic fields (by completion of Phase 1)</td>
<td>$337,500</td>
</tr>
<tr>
<td>5. Construct 3,000 SF Community Building (LEED), by completion of Phase 2</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>6. Redemption of 5 PBCs ($76,500/credit), at Site Plan Approval</td>
<td>$382,500</td>
</tr>
<tr>
<td>7. Improvements to Dorade STP (existing flow only)</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>($30/gallon X 140,000 gpd), as determined by SCDHS</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$11,852,500</strong></td>
</tr>
</tbody>
</table>

### 1.3.3 Overall Site Layout

The Land Use and Development Plan-FGEIS Plan prepared by Simone Design Group, maintains the design concept of a sustainable community including Smart Growth elements such as a mix of residential, commercial (retail, office, office/flex), hospitality and public open spaces. Table 1-2 provides a list of the coverages and physical characteristics of the subject site for the existing conditions, the project as originally proposed (in the Draft GEIS) and conditions for the revised plan (as described in this Final GEIS). In general, the layout of the revised plan is very similar to that of the prior plan; the northern half of the site is to be occupied primarily by residential units, while the southern half is slated for the commercial uses. The proposed Town park will occupy a space roughly in the center of the site.
Table 1-2
SITE AND PROJECT CHARACTERISTICS*
Existing Conditions & Proposed Project (per Draft GEIS and Final GEIS)

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Existing Conditions</th>
<th>Proposed Project, per Draft GEIS</th>
<th>Proposed Project, per Final GEIS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Coverages (acres):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paved</td>
<td>40.05</td>
<td>71.62 (1)</td>
<td>69.44 (1)</td>
</tr>
<tr>
<td>Buildings</td>
<td>0.37</td>
<td>27.50</td>
<td>27.50</td>
</tr>
<tr>
<td>Lawn/Landscaped</td>
<td>0</td>
<td>98.13 (2)</td>
<td>98.13 (2)</td>
</tr>
<tr>
<td>Recharge Areas</td>
<td>1.09</td>
<td>12.84</td>
<td>12.84</td>
</tr>
<tr>
<td>Wetland</td>
<td>0.76</td>
<td>0.76</td>
<td>1.20</td>
</tr>
<tr>
<td>Unvegetated</td>
<td>25.61</td>
<td>2.58</td>
<td>2.58</td>
</tr>
<tr>
<td>Successional Vegetation</td>
<td>125.77</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Natural Vegetation</td>
<td>139.81</td>
<td>120.03</td>
<td>121.77</td>
</tr>
<tr>
<td><strong>Characteristics:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning</td>
<td>A-1, L-1 &amp; J-2</td>
<td>A-1 &amp; PDD</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Utility, Vacant</td>
<td>Utility, Residential &amp; Commercial</td>
<td></td>
</tr>
<tr>
<td>Yield</td>
<td>STP</td>
<td>STP, 850 units &amp; 1,032,500 SF</td>
<td></td>
</tr>
<tr>
<td><strong>Water Resources:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Water Use (gpd)</td>
<td>0</td>
<td>275,050</td>
<td>275,275</td>
</tr>
<tr>
<td>Sanitary Flow (gpd)</td>
<td>0</td>
<td>271,050</td>
<td>271,275</td>
</tr>
<tr>
<td>Irrigation Demand (gpd)</td>
<td>0</td>
<td>13,093</td>
<td>13,093</td>
</tr>
<tr>
<td>Total Water Use (gpd)</td>
<td>0</td>
<td>288,143</td>
<td>288,268</td>
</tr>
<tr>
<td>Recharge Volume (MGY)</td>
<td>218.78</td>
<td>351.29</td>
<td>350.18 (5)</td>
</tr>
<tr>
<td>Recharge Nitrogen Conc. (mg/l)</td>
<td>0.08</td>
<td>2.20</td>
<td>2.21 (3)</td>
</tr>
<tr>
<td>Recharge Nitrogen Load (lbs)</td>
<td>146.10</td>
<td>6,445.49</td>
<td>6,451.18 (3)</td>
</tr>
<tr>
<td><strong>Trip Generation (vph):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekday AM Peak Hr</td>
<td>0</td>
<td>1,496</td>
<td>1,513</td>
</tr>
<tr>
<td>Weekday PM Peak Hr</td>
<td>0</td>
<td>2,274</td>
<td>2,282</td>
</tr>
<tr>
<td>Saturday Midday Peak Hr</td>
<td>0</td>
<td>2,257</td>
<td>2,274</td>
</tr>
<tr>
<td><strong>Miscellaneous:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age-Restricted Units</td>
<td>0</td>
<td>303</td>
<td>303</td>
</tr>
<tr>
<td>Workforce Units</td>
<td>0</td>
<td>85</td>
<td>85</td>
</tr>
<tr>
<td>Residents (capita)</td>
<td>0</td>
<td>1,630</td>
<td>1,718</td>
</tr>
<tr>
<td>School-Age Children (capita)</td>
<td>0</td>
<td>110</td>
<td>108</td>
</tr>
<tr>
<td>Employees (capita)</td>
<td>0</td>
<td>2,648</td>
<td>2,681</td>
</tr>
<tr>
<td>Parking Required (spaces)</td>
<td>0</td>
<td>5,763</td>
<td>5,763</td>
</tr>
<tr>
<td>Parking Provided (spaces)</td>
<td>0</td>
<td>5,070</td>
<td>4,948</td>
</tr>
<tr>
<td>Total Taxes ($/year)</td>
<td>833,155 (4)</td>
<td>9,542,145 (4)</td>
<td>12,010,755 (5)</td>
</tr>
<tr>
<td>School Taxes ($/year)</td>
<td>559,403 (4)</td>
<td>6,402,779 (4)</td>
<td>8,107,343 (3)</td>
</tr>
<tr>
<td>School Costs ($/year)</td>
<td>0</td>
<td>1,406,790 (4)</td>
<td>2,235,168 (5)</td>
</tr>
<tr>
<td>Net School Tax Impact (±$/year)</td>
<td>+559,403 (4)</td>
<td>+4,995,989 (4)</td>
<td>+5,872,175 (5)</td>
</tr>
</tbody>
</table>

* MGY - million gallons per year; vph - vehicles per hour.

(1) Of which 3.50 acres remain as paved portion of Yaphank-Woods Boulevard.
(2) Assuming 32.00 acres irrigated @ 5.5 inches/year & fertilized @ 2.3 lbs/1,000 SF/year.
(3) See Appendix G.
(4) Assuming 2009/2010 tax rates and level of NYS aid to LCSD.
(5) Assuming 2010/2011 tax rates and level of NYS aid to LCSD.
Appendix F contains a draft copy of the applicant’s Form-Based Master Plan, which establishes the overall goals of the project, which are to be achieved through the use of architecture, building materials, amenities and site layout, as well as form-based guidelines intended to establish future development regulations of the PDD. This document and the Draft and Final GEIS are the primary references used in describing the revised Meadows at Yaphank PDD plan and project.

Like the plan previously submitted, the revised plan includes coordinated architectural styling for the residential structures and commercial areas, as well as for all street furniture and amenities (e.g., lighting fixtures, signage, benches, trash receptacles, kiosks, fountains, etc.). Quality design will remain a focus of the project, and this emphasis will be evident in building design, landscaping, residential recreational spaces and installation of effective site entrances. The use of an internal boulevard-style roadway linking the commercial and residential areas provides a unifying feature of this community.

Critical elements of design include retention of open space and energy efficient design to achieve conservation and energy reduction goals. Approximately 122.53 acres (36.75% of the overall site, or 116.98 acres/36.29% of the Racetrack/BW site) will be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Pine Barrens Plan. An additional 0.44 acres of freshwater wetlands will be created, to mitigate the impact of the loss of a 0.22-acre Town-regulated wetland. The project will comply with the Standards and Guidelines for a DRS under the Pine Barrens Plan, which includes a vegetation clearance limit of 65%, thus retaining at least 35% of the site as natural vegetation. In addition, maximum nitrogen concentration in site-generated recharge will be less than 2.5 mg/l in conformance with the Pine Barrens Plan.

Open space will be permanently preserved through site plan approval and conservation easements.

Stormwater management will feature handling methods to enhance surface treatment and quality recharge. The system will include rain gardens and surface detention areas, engineered stormwater ponds and wet meadow areas for bio-retention within the development and two recharge basins that will serve Yaphank-Woods Boulevard and Yaphank-Woods Boulevard Extension.

The project includes a community center and parking at the proposed Town park, with a multi-purpose field and two baseball fields.

All construction will involve energy efficient design and water conserving measures and if viable and pre-requisites are met, the applicant may pursue certification for the project, or for individual components thereof, under the LEED® (Leadership in Energy and Environmental Design) Certification Program.

The heights of the structures shown in the plan are greater than those allowed as-of-right in the J-2 and L-1 districts (35 feet/2-1/2 stories and 50 feet/3 stories, respectively) from which the site is to be rezoned. The PDD allows for flexibility of zoning requirements and the proposed height is in keeping with the type of development proposed and the overall concept of the mixed-use...
development. With respect to building heights, the **Land Use and Development Plan-FGEIS Plan** notes:

Under the PDD Plan, hotel/office buildings up to 5 stories/75 feet; apartments/condominiums up to 4 stories/65 feet; townhouses up to 3 stories/45 feet; retail space up to 2 stories/35 feet.

Town Code Section 85-340C (Planned Development District) allows the Town Board and Planning Board to vary the dimensional requirements of an underlying zoning district when approving a PDD.

The Town Board may require a covenant to ensure that the workforce units and the households that occupy them will be and remain affordable to seniors, and are only to be occupied by qualified households, as defined by the Town.

1.3.4 Parking, Vehicle Access and Mitigation

**Parking**

Enough parking to serve each use will be provided. Parking areas for the Town park will be provided, separate from the parking areas for residential and commercial uses.

Based on the Town Code and absent the use of the PDD concept, development of the proposed project would require a minimum of 1,473 spaces for the residential component and, based upon the specific uses and yields in the office/flex spaces, 5,095 spaces for the commercial area (**Table 1-3**). However, parking standards for a PDD are flexible and are based on the shared parking of particular uses, types and yields (and whose hours of peak parking need would not coincide, so that spaces in an area serving one use would be available for occupancy by drivers associated with a differing use), to be established based on a project-specific analysis (see below). Based upon the type of development proposed, it is expected that the parking spaces proposed under the PDD parking standards will be sufficient for the residents, commercial patrons, employees and visitors. During the start of each future Phase after Phase 1, prior to site plan approval of said future Phase(s), an updated parking study will be prepared, with analysis to verify existing parking demand patterns in order to confirm that mitigation measures as planned are sufficient.

Parking for the residential areas would be provided in on-street, parallel and head-in parking stalls, distributed along the abutting internal roadways, as well as off-street areas such as driveways, alleys and garages. It is expected that some of the units may be provided with an attached one- or two-car garage.
### Table 1-3

**PARKING**

Revised Plan

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Required Spaces (per Town Code &amp; Existing Zoning)</th>
<th>Recommended Parking per Revised Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, age-restricted (303 units)</td>
<td>1.25 spaces/unit</td>
<td>379 spaces</td>
</tr>
<tr>
<td>Residential, other (547 units)</td>
<td>2 spaces/unit</td>
<td>1,094 spaces</td>
</tr>
<tr>
<td>Commercial Center (324,000 SF)</td>
<td>1 space/175 SF</td>
<td>1,852 spaces</td>
</tr>
<tr>
<td>Office (375,000 SF)</td>
<td>1 space/150 SF</td>
<td>2,500 spaces</td>
</tr>
<tr>
<td>Hotel (220 rooms)</td>
<td>1 space/room</td>
<td>220 spaces</td>
</tr>
<tr>
<td>Office/Flex Space (175,000 SF)</td>
<td>1 space/400 SF</td>
<td>438 spaces</td>
</tr>
<tr>
<td>Bank space (3,500 SF)</td>
<td>1 space/100 SF</td>
<td>35 spaces</td>
</tr>
<tr>
<td>Restaurant space (5,000 SF)</td>
<td>1 space/100 SF</td>
<td>50 spaces</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>---</td>
<td><strong>6,568 spaces</strong></td>
</tr>
</tbody>
</table>

(1) Includes 300,000 SF of Office use plus maximum 30% allowed (up to 75,000 SF) of Office/Flex space.
(2) Represents remaining Warehouse use portion of Office/Flex space, as minimum 70% of Office/Flex space.

---

**Vehicle Access**

These remain unchanged from the prior plan. There will be two access points from CR 46; one directly into the eastern parcel (through Meadows Boulevard East for both northbound and southbound entering and southbound exiting traffic), and indirectly for both parcels from Yaphank-Woods Boulevard. There will be one access to the eastern parcel’s northern side from this roadway. Yaphank-Woods Boulevard will continue to terminate at the northeastern corner of the western parcel, from this point, an internal link (on the existing roadway along the eastern parcel’s western border) will intersect the LIE North Service Road, which will also provide two accesses to the eastern parcel (on its western border) and the western parcel (at three widely-spaces locations, to the western parcel’s eastern side). The intersection of this internal access road at the LIE North Service Road will be configured for westbound entering and exiting traffic only. One of the eastern parcel’s western accesses and one of the western parcel’s eastern accesses will be aligned opposite each other, so that a common traffic circle will be formed along the internal roadway linking the two parcels.

**Proposed Emergency Yaphank Fire Department Access**

Figure 3-7 of the Draft GEIS depicts the route of a potential emergency fire access to the project site, via Main Street and through the Town-owned Greenbelt. This potential alignment is intended to provide a means of access for the Yaphank Fire Department to access and reduce response times to the site. The access to the anticipated 18-foot wide stabilized access roadway would be controlled via a fire access gate.

The route of this access utilizes an existing cleared roadway. The route was reportedly utilized as a second means of access to the former Suffolk Meadows Racetrack through Main Street.

Inspection of the 1,600-foot route indicates that the existing cleared portion of the roadway varies from 20 feet to 37 feet in width from the paved section of the LIE North Service Road and north. The Town may engage in minor activities needed to re-establish this access route on municipal land for public safety purposes that would allow faster response time to the proposed
project as well as Colonial Woods/Whispering Pines. The applicant will assist with facilitating the re-establishment of this access upon request by the Town and the project design provides the opportunity for this connection to and through the project site.

Traffic Mitigation

Section 3.2.3 of the Draft GEIS presented a listing of the roadway improvements deemed necessary for the prior-proposed plan. Based on a review of the revised plan and an associated traffic engineering analysis, the project’s traffic engineer has stated the following:

A preliminary construction phasing plan was previously developed, as part of the prior proposal. Based on the applicant’s review of market conditions, that proposed phasing plan is being modified slightly for the revised plan. As a result of this change, the timing of the residential and office portions of the revised plan will be modified from that as described in the Draft GEIS. A comparative summary of the previous and current phasing schedule is shown below.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Prior Phasing Plan</th>
<th>Revised Phasing Plan</th>
<th>Mitigation</th>
</tr>
</thead>
</table>
| 1     | • 304 residential units  
       • 51,200 SF retail | • 425 residential units  
       • 51,200 SF retail | • Widen Yaphank-Woods Boulevard eastbound approach to provide an additional left turn lane. The existing 9-foot northbound left turn lane will be widened slightly to accommodate a full 12-foot wide left turn lane.  
       • Provide right-in/right out driveway onto CR 46. |
| 2     | • 416 residential units  
       • 150,000 SF office/flex space | • 225 residential units  
       • 150,000 SF office/flex space | • Widen the northeast loop ramp from CR 46 northbound to the LIE North Service Road westbound from one to two lanes.  
       • Construct a new public roadway between Yaphank-Woods Blvd. and the LIE North Service Road. |
| 3     | • 130 residential units  
       • 276,300 SF retail | • 200 residential units  
       • 276,300 SF retail | • Construct a new signalized intersection at the proposed main site driveway onto CR 46. Coordinate the traffic signal with the existing signal at the intersection of CR 46/Yaphank-Woods Blvd.  
       • Improvements to westbound LIE access from LIE North Service Road. |
| 4     | • 150,000 SF office/flex space  
       • hotel  
       • restaurant | • hotel  
       • restaurant | • Widen the eastbound LIE off-ramp onto the South Service Road from one lane to two lanes to accommodate the off-ramp volume. |
| 5     | • 250,000 SF office/flex space | • 400,000 SF office/flex space | N/A; mitigation fully implemented during Phase 4. |

The proposed mitigation remains the same as for the prior phasing plan, though actual development and mitigation may vary based on market conditions. If actual development varies from the proposed phasing schedule, the applicant will provide to the Town, during site plan review, updated traffic...
volumes. These traffic volumes will be utilized to determine the required mitigation (if any), based upon the projected Trip Generation of the actual development.

1.3.5 Clearing, Grading and Drainage

Clearing and Grading
Development on the combined eastern/western parcels has intentionally been designed to occur on those areas that were previously used and/or cleared (188.85 acres). This reduces the amount of earthwork and removal of natural vegetation. Based on the quantities given in Table 1-2, an estimated 201.89 acres of land (62.63% within the Racetrack/BW site), or 203.39 acres (60.99% of the overall site) will be cleared and subject to grading operations, as shown in Table 1-4. It should be noted that only 16.54 of these acres would occur on natural vegetation within the Racetrack/BW site, or 18.04 acres of the overall site.

<table>
<thead>
<tr>
<th>Coverage Type</th>
<th>Existing Conditions</th>
<th>Remaining After Construction</th>
<th>Cleared</th>
</tr>
</thead>
<tbody>
<tr>
<td>Racetrack/BW Parcels Only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paved</td>
<td>40.05 acres</td>
<td>3.50 acres</td>
<td>36.55 acres*</td>
</tr>
<tr>
<td>Unvegetated</td>
<td>23.03 acres</td>
<td>0</td>
<td>23.03 acres</td>
</tr>
<tr>
<td>Successional Vegetation</td>
<td>125.77 acres</td>
<td>0</td>
<td>125.77 acres</td>
</tr>
<tr>
<td>Natural Vegetation</td>
<td>132.76 acres</td>
<td>116.22 acres</td>
<td>16.54 acres</td>
</tr>
<tr>
<td>Subtotal</td>
<td>---</td>
<td>---</td>
<td>201.89 acres*</td>
</tr>
<tr>
<td>Dorade STP Parcel Only</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pitch Pine-Oak Forest</td>
<td>7.05 acres</td>
<td>5.55 acres</td>
<td>1.50 acres</td>
</tr>
<tr>
<td>Overall Project Site</td>
<td></td>
<td></td>
<td>203.39 acres</td>
</tr>
</tbody>
</table>

* Another 3.50 acres of pavement in Yaphank-Woods Blvd. will be retained, or 206.89 developed acres overall.

Earthwork is necessary to establish suitable slopes for the proposed roads, parking areas and building locations, in consideration of the need for low grades required by the Americans with Disabilities Act. Grade transitions will be made using slopes not to exceed 1:3; retaining walls may be needed. All disturbed soil areas will be stabilized and all areas other than areas to be occupied by buildings or paved surfaces will be landscaped. It is expected that, since the areas to be developed were previously subject to grading, the depths of cutting and filling would not be extensive. Substantial excavations will be necessary for the drainage system, but extensive filling would also be necessary for the artificial depression associated with the former racetrack infield. The applicant has no intention of removing any material from the site. It is planned that any excess soil will be retained on-site and reused as fill.

A detailed Grading and Drainage Plan will be prepared as part of the Site Plan application, which will provide additional details of overall site grading, and will require Town Planning Division and Engineering Division reviews and Planning Board approval prior to implementation.
Drainage System & Erosion Control

Drainage System - In conformance with Town of Brookhaven requirements, all stormwater runoff generated on developed project surfaces will be retained on-site and recharged to groundwater in a drainage system designed in conformance with Town requirements. While the drainage system has not been fully designed at the present stage of the project, it is expected that this system will utilize rain garden and catch basin collection and a number of wet meadows (to be located in the site’s western and southwestern areas where ground elevations are lower), ponds (to be located at the site entrance and within developed areas) and recharge basins (along the south side of Yaphank-Woods Boulevard). Use of leaching pools and rain gardens within the developed sections serving the internal roadways and parking areas will be incorporated into the design. It is anticipated that the stormwater ponds would be lined with an impervious barrier and provided with a separate water supply line, to maintain a minimum volume of water to support the growth of appropriate wetland vegetation along their borders. This is a design concept that has been accepted by the Town in numerous other projects, as a method to address runoff control requirements, increase habitat availability and provide an attractive amenity that enhances the appearance and tranquility of development. As with any potential site development, it will be necessary to analyze the feasibility for installation of sufficient drainage infrastructure for the management of stormwater generated on site. The Town Planning Board will be responsible for the review and approval of the drainage system design as part of the site plan review and approval process.

Erosion Control - The system will comply with SPDES requirements under the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP 0-10-001 or “General Permit”), as well as to Chapter 86 of the Town Code. The erosion-control measures presented in Chapter 86 shall be incorporated, as applicable, as Best Construction Management Practices to be implemented for the proposed project. Under the requirements of Chapter 86, a site-specific Stormwater Pollution Prevention Plan (SWPPP) must be prepared and submitted to the Town for review and approval as a condition to final subdivision approval. The SWPPP evaluates the proposed drainage system to ensure that it meets the NYSDEC and Town requirements for treatment and retention of stormwater runoff. 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.

The drainage system and associated SWPPP will be fully designed for the Site Plan application (prepared subsequent to issuance of the change of zone), and will require the review and approval of Town engineering and the Planning Board. Evaluation of the drainage system through preparation of the SWPPP analysis required pursuant to Chapter 86 of the Town Code and the NYSDEC General Permit ensures there will be no net increase in stormwater runoff.

---

1 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.
generated by the proposed project. 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 subsequent project review.

The Town amended its Wetlands ordinance, Chapter 81 of the Town Code, effective July 1, 2011, so that the three small “wet depressions” described in the Draft GEIS (prepared in April 2011 prior to the Town Code amendment) are now Town-regulated wetlands. New York State stormwater design manuals encourage surface detention and biological uptake as part of stormwater systems, and these measures are consistent with LEED® design guidelines and best management practice as identified in the Nationwide Urban Runoff Program (NURP) report and intended in the Town’s Chapter 86 dealing with stormwater design. As a result, innovative methods of stormwater collection, detention and recharge will be explored during site plan review, and would not be expected to result in Town-regulated wetland areas which would restrict site use or future redevelopment.

**Erosion Control During Construction** - Erosion and sedimentation control measures will be implemented during construction activities. Conformance to Chapter 86 of the Town Code and to the requirements of 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 General Permit). Under this program, the SWPPP includes details of erosion controls required during construction to contain stormwater runoff on site during construction and ensure that there is no transport of sediment off site. The Erosion Control Plan will be prepared in accordance with the recommendations of the NYSDEC Standards and Specifications for Erosion and Sedimentation Control and the NYSDEC Technical Guidance Manual. Use will be made of measures including:

- silt fencing and temporary diversion swales installed along the perimeter of the limits of clearing within the site to minimize/prevent sediment from washing into the natural buffer areas, adjacent streets and properties.
- inlet protection installed around all grated drainage inlets to trap sediments in stormwater runoff.
- dust control and watering plan and a stabilized construction entrance to minimize the tracking of dirt and debris from construction vehicles onto adjacent roadways.
- designation of material and topsoil stockpile areas as well as use of silt fencing and anchored tarps to prevent/reduce wind-blow dust and erosion from rainwater.
- establishment of a stabilized stone vehicle washing station that drains into an approved sediment-trapping device.

Additionally, the General Permit requires that inspections of the construction site be performed under the supervision of a qualified professional to ensure that erosion controls are properly maintained during the construction period.

The proposed locations, sizes, and lengths of each of the temporary erosion and sediment control practices planned during site construction activities, and the dimensions, material specifications, and installation details for all erosion and sediment control practices will also be provided on the Erosion Control Plan.
These precautions, in addition to the permit compliance measures described here, will ensure that sediment will not be transported off-site by stormwater runoff and, as a result, there would be no expected impact to local water quality.

1.3.6 Open Space, Wetlands and Recreation

The proposed project will result in significant preserved land, consisting of the wetland and Pine Barrens protection areas. Table 1-2 provides the acreage of the site’s land use types for the proposed PDD, including the Dorade STP parcel. The table indicates that approximately 122.53 acres or 36.75% of the overall site (116.98 acres, or 36.29% of the Racetrack/BW site) are proposed to remain in pine barrens and natural vegetation. As noted, the final plan will ensure that at least 35% remains in existing natural vegetation in conformance with the Pine Barrens Plan. It should be noted that the above values do not include the new 0.44-acre wetland, to be created to mitigate the loss of a 0.22-acre Town-regulated wetland.

The applicant proposes to retain this acreage in private ownership and will use appropriate mechanisms through the Town Board change of zone and Planning Board site plan review process to ensure that this amount of natural land remains in this condition in perpetuity.

There are two NYSDEC-mapped freshwater wetlands on or near the project site; a 0.76-acre wetland B-16 on the eastern parcel, located along its northern border on the southern side of Yaphank-Woods Boulevard, and an estimated 1.11-acre wetland B-15 approximately 112 feet southwest of the corner of the Dorade STP site. Similar to the prior Brookhaven Walk project, these features will be retained in an undisturbed condition (a Town Freshwater Wetland permit had been issued and renewed for that prior application for wetland B-16). As the Town jurisdiction over these features encompasses a radius of 150 feet from their boundaries, it is expected that a non-disturbance buffer of at least this distance will be maintained by the proposed project. The NYSDEC maintains a 100-foot jurisdictional buffer for these wetlands; thus, the proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC for either wetland. As such, no Article 24 wetland permits will be required from NYSDEC. The applicant will contact NYSDEC and obtain an Article 11 “no-take” determination with respect to the small amount of clearing proposed on the Dorade STP site. It is proposed that the existing 0.22-acre Town-regulated wetland that has arisen in the former racetrack’s racing oval will be removed during construction. The Town has indicated that this area is considered a regulated wetland under Town Code Chapter 81, so that a Chapter 81 Wetlands permit will be required for the removal of this 0.22-acre wetland. In compensation for this loss and as provided for in Chapter 81, the applicant will create 0.44 acres of new wetlands in the southwestern corner of the site, adjacent to the Town Greenbelt.

The same or similar recreational amenities are planned for the revised plan as were described in Section 1.4.3 of the Draft GEIS. The revised plan will consolidate the several areas for Town recreation use (as was assumed for the prior plan) into one, larger area, to be located nearer the center of the site, where a dedicated parking area can be provided.
1.3.7 Wastewater Treatment and Water Supply

Sanitary Wastewater Treatment
Section 1.4.6 of the Draft GEIS addresses the issue of sanitary wastewater treatment and disposal, along with a description of the planned upgrade and restoration program for the Dorade STP. These actions will not be changed under the revised plan, and so need not be repeated here. Table 1-5 presents a breakdown of the anticipated sanitary wastewater generations for the revised plan; the sanitary component is expected to be 271,275 gpd.

Table 1-5
DOMESTIC WATER USE & SANITARY AND DOMESTIC WASTEWATER FLOWS (1)
Revised Plan

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Size of Use</th>
<th>Units</th>
<th>Flow Rate (2)</th>
<th>Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial Component</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>150,000 SF</td>
<td>110 rooms</td>
<td>100 gpd/room</td>
<td>11,000 gpd</td>
</tr>
<tr>
<td></td>
<td>150,000 SF</td>
<td>110 rooms</td>
<td>150 gpd/room</td>
<td>16,500 gpd</td>
</tr>
<tr>
<td>Large Retail</td>
<td>150,000 SF</td>
<td>---</td>
<td>0.03 gpd/SF</td>
<td>4,500 gpd</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>14,700 SF</td>
<td>---</td>
<td>0.03 gpd/SF</td>
<td>441 gpd</td>
</tr>
<tr>
<td>Bank</td>
<td>3,500 SF</td>
<td>---</td>
<td>0.03 gpd/SF</td>
<td>105 gpd</td>
</tr>
<tr>
<td>Supermarket</td>
<td>65,000 SF</td>
<td>---</td>
<td>0.05 gpd/SF</td>
<td>3,250 gpd</td>
</tr>
<tr>
<td>Neighb. Retail</td>
<td>94,300 SF</td>
<td>---</td>
<td>0.03 gpd/SF</td>
<td>2,829 gpd</td>
</tr>
<tr>
<td>Restaurant</td>
<td>5,000 SF</td>
<td>200 seats (3)</td>
<td>30 gpd/seat (4)</td>
<td>6,000 gpd (3)</td>
</tr>
<tr>
<td>Office/Flex</td>
<td>250,000 SF</td>
<td>---</td>
<td>0.04 gpd/SF</td>
<td>10,000 gpd</td>
</tr>
<tr>
<td>Class A Office</td>
<td>300,000 SF</td>
<td>---</td>
<td>0.06 gpd/SF</td>
<td>18,000 gpd</td>
</tr>
<tr>
<td><strong>Total Commercial</strong></td>
<td>1,032,500 SF</td>
<td>---</td>
<td>---</td>
<td>72,625 gpd</td>
</tr>
<tr>
<td><strong>Residential Component</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Rental</td>
<td>950 SF (1-bdrm)</td>
<td>32 units</td>
<td>150 gpd/unit</td>
<td>4,800 gpd</td>
</tr>
<tr>
<td>Senior Rental, Workforce</td>
<td>750 SF (1-bdrm)</td>
<td>24 units</td>
<td>150 gpd/unit</td>
<td>3,600 gpd</td>
</tr>
<tr>
<td>Rental</td>
<td>950 SF (1-bdrm)</td>
<td>46 units</td>
<td>225 gpd/unit</td>
<td>10,350 gpd</td>
</tr>
<tr>
<td>Rental, Workforce</td>
<td>750 SF (1-bdrm)</td>
<td>10 units</td>
<td>225 gpd/unit</td>
<td>2,250 gpd</td>
</tr>
<tr>
<td>Rental</td>
<td>1,190 SF (2-bdrm)</td>
<td>102 units</td>
<td>225 gpd/unit</td>
<td>22,950 gpd</td>
</tr>
<tr>
<td>Rental, Workforce</td>
<td>1,050 SF (2-bdrm)</td>
<td>10 units</td>
<td>225 gpd/unit</td>
<td>2,250 gpd</td>
</tr>
<tr>
<td>Senior Condo</td>
<td>1,450 SF (2-bdrm)</td>
<td>130 units</td>
<td>150 gpd/unit</td>
<td>19,500 gpd</td>
</tr>
<tr>
<td>Senior Condo, Workforce</td>
<td>1,050 SF (2-bdrm)</td>
<td>10 units</td>
<td>150 gpd/unit</td>
<td>1,500 gpd</td>
</tr>
<tr>
<td>Condo</td>
<td>1,150 SF (1-bdrm)</td>
<td>0 units</td>
<td>225 gpd/unit</td>
<td>0 gpd</td>
</tr>
<tr>
<td>Condo, Workforce</td>
<td>1,450 SF (2-bdrm)</td>
<td>123 units</td>
<td>300 gpd/unit</td>
<td>36,900 gpd</td>
</tr>
<tr>
<td>Senior Townhouse</td>
<td>1,050 SF (2-bdrm)</td>
<td>31 units</td>
<td>225 gpd/unit</td>
<td>6,975 gpd</td>
</tr>
<tr>
<td>Townhouse</td>
<td>2,000 SF (2-bdrm)</td>
<td>107 units</td>
<td>225 gpd/unit</td>
<td>24,075 gpd</td>
</tr>
<tr>
<td>Townhouse</td>
<td>1,750 SF (2-bdrm)</td>
<td>157 units</td>
<td>300 gpd/unit</td>
<td>47,100 gpd</td>
</tr>
<tr>
<td><strong>Total Residential</strong></td>
<td>1,266,130 SF</td>
<td>850 units</td>
<td>---</td>
<td>202,650 gpd</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>275,275 gpd</td>
</tr>
</tbody>
</table>

(1) Max. sanitary flow for septic system in Zone III is 300 gpd/acre, or 96,483 gpd for this site.
(2) Per SCDHS design criteria for wastewater system sizing.
(3) Assuming 25 Gross SF/seat.
(4) Includes 10 gpd/seat for sanitary flow only.
(5) As: 2,000 gpd of sanitary flow; 6,000 gpd total flow.
Water Supply System
It is expected that the potable water consumed by the project would be supplied from SCWA Distribution Area #18 (the William Floyd Parkway wellfield), via the existing 16-inch service beneath CR 46 and the 16-inch main beneath Yaphank-Woods Boulevard. A new internal distribution system will be constructed to serve the various uses within the property; this system will be subject to the detailed review and approval of the Town Engineering Division as part of the site plan application process.

As detailed in Table 1-5, a total domestic consumption of 275,275 gpd of potable water is anticipated for the project, with another 13,093 gpd estimated for lawn irrigation (see Section 1.3.8). Thus, a total daily potable water consumption of 288,368 gpd is expected.

1.3.8 Lighting, Landscaping and Amenities

Lighting
The proposed project includes illumination of the internal roadways, and exteriors of the community and commercial buildings, along with smaller exterior lights for the residential structures and safety/security lights in common areas and along the walking trails. Pole-mounted lights for the Town athletic fields would also be provided. 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 as well as for the commercial area. Lighting for the project will conform to the applicable requirements of Town Zoning Code Article XXXIX (Exterior Lighting Standards) or, if considered appropriate and necessary, variances will be sought. 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 and the lower pole heights to be 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 and natural areas, will be minimized.

The Lighting Plan (to be prepared as part of the Site Plan application) will show that the light cast by the fixtures that line the roadways would be directed inward and not onto adjacent properties. In addition, as dark-sky compliant luminaires will be used, light would not be cast upward, to otherwise contribute to skylight.

Landscaping
As discussed in Section 1.4.7 of the Draft GEIS, a detailed Landscape Plan will be prepared for the site plan application, which will be submitted after approval of the PDD application. The 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. It is expected that the same or similar generalized description of the landscaping scheme for the site would apply to the revised plan.

A total of 98.13 acres of the site will be landscaped surfaces, though only an estimated 32.00 acres would be maintained (i.e., fertilized and irrigated). This amount of maintained landscaping would represent about 10% of the project site. This document is a Generic EIS and the project is
conceptual at this time, therefore, the landscape area numbers may differ slightly from these estimated values. Nevertheless, the applicant recognizes the Pine Barrens Plan limit of no more than 15% fertilizer dependent vegetation. Management techniques will ensure that fertilizers would be applied at a rate of 1.00 pound of nitrogen per 1,000 SF, which can be achieved through proper lawn maintenance practice. Irrigation would be applied at a rate of about 5.5 inches annually, which corresponds to an annualized average of 13,093 gpd.

Amenities
Amenities on the site will include tennis courts, recreational buildings and pocket parks for residents, as well as several public areas including a great lawn, village green, reflection pool, civic space and civic building, ball fields, multi-purpose field, and basketball court. The property owner or future property owners associations will own and maintain most internal roadways, as well as parking areas for the residences and the on-site drainage system. Yaphank-Woods Boulevard and the project’s internal LIE Access Road will be offered to the Town for dedication, as these roads will serve off-site residents and the greater community. Approximately seven acres of land will be dedicated to the Town for development of athletic fields, basketball courts, access to the Greenbelt trail and parking area.

Potential Use of Sustainable Features
In the same manner as was indicated in the Draft GEIS, the applicant intends to incorporate substantial energy- and water-saving features into the proposed project, though the final roster of these features has not been determined at this early stage in the project planning process. It is possible that the number and extent of these sustainable features would justify the applicant seeking certification under the US Green Building Council’s LEED® Program. However, as the range and extent of these features has not been determined as yet, the applicant is not able at this time to confirm to the lead agency or community that such certification will be sought. Appendix A-13 of the Draft GEIS provides a listing of those Credits of the LEED® for New Construction and Major Renovations, 2009 Program that may be considered for use in the proposed project. Also provided are the corresponding requirements for each credit that must be satisfied in order to receive that credit, as well as potential features of the project that would meet those requirements. It is expected that a final decision whether to seek certification will be made prior to the submission of the Site Plan application.

1.3.9 Construction Operations and Schedule

The following Table 1-6 is a general description of the overall phasing of the revised plan, and has been adapted from the Phasing Plan-FGEIS Plan (in a folder at the rear).

Construction of The Meadows at Yaphank PDD is anticipated to occur over a series of five phases and 10 years of construction, assuming that there is some overlap in phasing. Conversely, if it is assumed that each phase will be completed before the next phase begins, the construction period would extend over approximately 14 years. It is important to note that market conditions at the time of final approval may modify phasing to some degree, and the immediate need for additional commercial development in the early stages of the proposed project may lead to an accelerated schedule and/or phasing shifts.
Table 1-6
ANTICIPATED PROJECT PHASING
Revised Plan

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
<th>Phase 4</th>
<th>Phase 5</th>
<th>Total: All Phases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel</td>
<td>--</td>
<td>--</td>
<td></td>
<td>150,000 SF</td>
<td>--</td>
<td>150,000 SF</td>
</tr>
<tr>
<td>Retail Space:</td>
<td>--</td>
<td>--</td>
<td>276,300 SF</td>
<td>--</td>
<td>--</td>
<td>327,500 SF</td>
</tr>
<tr>
<td>Large Retailer</td>
<td>--</td>
<td>--</td>
<td>150,000 SF</td>
<td>--</td>
<td>--</td>
<td>150,000 SF</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>14,700 SF</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>14,700 SF</td>
</tr>
<tr>
<td>Bank</td>
<td>3,500 SF</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>3,500 SF</td>
</tr>
<tr>
<td>Supermarket</td>
<td>--</td>
<td>--</td>
<td>65,000 SF</td>
<td>--</td>
<td>--</td>
<td>65,000 SF</td>
</tr>
<tr>
<td>Other Neighborhood Retail</td>
<td>33,000 SF</td>
<td>--</td>
<td>61,300 SF</td>
<td>--</td>
<td>--</td>
<td>94,300 SF</td>
</tr>
<tr>
<td>Restaurant</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>5,000 SF</td>
<td>--</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>Office/Flex Space</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>250,000 SF</td>
<td>--</td>
<td>250,000 SF</td>
</tr>
<tr>
<td>Class A Office Space</td>
<td>--</td>
<td>150,000 SF</td>
<td>--</td>
<td>--</td>
<td>150,000 SF</td>
<td>300,000 SF</td>
</tr>
<tr>
<td>Residences:</td>
<td>425 units</td>
<td>225 units</td>
<td>200 units</td>
<td>--</td>
<td>--</td>
<td>850 units</td>
</tr>
<tr>
<td>Rental Units</td>
<td>224 units</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>224 units</td>
</tr>
<tr>
<td>Condominiums</td>
<td>130 units</td>
<td>85 units*</td>
<td>79 units*</td>
<td>--</td>
<td>--</td>
<td>294 units</td>
</tr>
<tr>
<td>Townhouses</td>
<td>71 units</td>
<td>140 units*</td>
<td>121 units*</td>
<td>--</td>
<td>--</td>
<td>332 units</td>
</tr>
</tbody>
</table>

| Time Frame | 4± years | 3± years | 3± years | 2± years | 2± years | 10± years² |

Source: Rose-Breslin Associates, LLC & Dorade, LLC; Analysis by Nelson Pope & Voorhis, LLC.

* It is important to note that specifics regarding the breakdown of residential units during Phase 2 and Phase 3 are unknown as of the date of publication of this analysis. The distribution of condominiums and townhouses are likely to be determined by market conditions at the time of construction of each phase. However, for the purpose of this analysis, it is assumed that the construction of townhouses will be split evenly between Phase 2 and Phase 3. As such, the number of condominiums reflects the difference between the total number of residential units and the townhouses assumed to be developed under each phase.

1.3.10 Permits and Approvals Required

As the revised plan includes the same uses as that of the prior proposal, it is expected that it would also require the same permits and approvals as the prior design and yield, with some clarifications, as listed in Table 1-7.

1.4 Comparative Impact Analysis

1.4.1 Topography

Section 2.1.2 of the Draft GEIS addressed potential topographic impacts of the prior-proposed project. As the revised plan represents a small reduction in the amount of clearing and grading, it is expected that the impacts on topography would likewise be similar. As was the case for that prior plan, grading operations for the residential, the recreational and the commercial portions of the revised plan are therefore not anticipated to result in significant adverse impacts. The

² It is important to note that this analysis assumes a construction period of five (5) phases over a period of ten (10) years. There may be some overlap in phasing with various phases constructed simultaneously, depending on market conditions at the time of final approval.
grading envisioned will be the minimum necessary to provide for the project, with soils reused for fill and landscaping to the greatest extent practicable. During the grading operation, truck traffic will be routed via the LIE North Service Road and CR 46 (via the new site entrance on that roadway); trucks waiting to load will be parked in proximity to the grading activity, to minimize the amount of truck movements and thereby minimize the potential for raising dust. The site is of sufficient size to maintain construction activity within it, and perimeter buffering, where it exists, will remain intact.

### Table 1-7
**PERMITS AND APPROVALS REQUIRED**
Revised Plan

<table>
<thead>
<tr>
<th>Board/Agency</th>
<th>Type of Permit/Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Board</td>
<td>PDD Rezoning approval</td>
</tr>
<tr>
<td></td>
<td>PDD Master Plan approval</td>
</tr>
<tr>
<td></td>
<td>Chapter 81, Town Wetland Permit</td>
</tr>
<tr>
<td></td>
<td>Subdivision approval</td>
</tr>
<tr>
<td>Town Planning Board</td>
<td>PDD Land Division approval</td>
</tr>
<tr>
<td></td>
<td>Site Plan approval</td>
</tr>
<tr>
<td>Town Building Dept.</td>
<td>Building Permit</td>
</tr>
<tr>
<td>Town Highway Dept.</td>
<td>Roadwork Permit</td>
</tr>
<tr>
<td>Town Assessor</td>
<td>Unit Designation Map</td>
</tr>
<tr>
<td>SCDHS</td>
<td>SCSC, Article 4 (Water Supply System)</td>
</tr>
<tr>
<td></td>
<td>SCSC, Article 6 (Sanitary System)</td>
</tr>
<tr>
<td>SCDPW</td>
<td>STP Review &amp; Approval (Dorade STP)*</td>
</tr>
<tr>
<td></td>
<td>Roadwork Access Authorization</td>
</tr>
<tr>
<td>SCPC</td>
<td>General Municipal Law Section 239m review</td>
</tr>
<tr>
<td>SCWA</td>
<td>Water Supply Connection</td>
</tr>
<tr>
<td>NYSDOT</td>
<td>Roadwork Access Authorization, for improvements on LIE NSR</td>
</tr>
<tr>
<td>NYSDEC</td>
<td>Coverage under SPDES GP 0-10-001 General Permit</td>
</tr>
<tr>
<td></td>
<td>Article 11 permit, or Letter of No Take</td>
</tr>
<tr>
<td>CPBJPPC</td>
<td>CGA-DRS Approval</td>
</tr>
</tbody>
</table>

* With Suffolk County Sewer Agency.

### 1.4.2 Soils

Section 2.2.2 of the Draft GEIS addressed potential soil-related impacts of the prior-proposed project. **Table 1-3** indicates that 201.89 acres within the Racetrack/BW site would be cleared (or, 203.39 acres of the overall site), it is anticipated that this is the acreage of soil surfaces to be graded. However, much of this area represents disturbed surfaces that were cleared of their natural soils years ago when theses parcels were developed, so that little natural soils will be impacted by either the prior or revised plans. In addition, site plan engineering practice will be used to ensure suitable grade transitions and protection of natural soils on-site.

Eight of the soils found on the subject site pose “moderate” to “severe” limitations due to slopes, and a sandy surface layer. These limitations relate to several project features, which include
sewage disposal fields, streets and parking areas as well as lawns and landscaping. The total area of the site underlain by these soils is approximately 80%. The developed portions of these areas will be initially graded or re-graded (to provide an acceptable surface on which development can occur), followed by the installation of landscaping or soil stabilization controls (retaining walls, etc.). Methods of site construction and development will be employed to ensure that slope constraints and/or a sandy surface layer to not present an impediment to the safe and environmentally appropriate use of the site.

Plantings in landscaped areas will require some soil amendment to ensure that species will survive, as well as use of drought resistant landscaping species to mitigate limitations related to sandy surface layers. Soil limitations related to sewage disposal systems will not be applicable since all sanitary effluent will be directed off-site to the Dorade STP for disposal. The sandy surface layer conditions are not expected to cause an impediment to drainage systems on the site.

Measures anticipated to be taken during the construction period to minimize the potential for erosion include, but are not limited to 1) use of groundcovers; 2) minimize the time span that denuded soil is exposed to erosive elements; 3) use of drainage diversions; 4) use of soil traps; and 5) use of retaining walls which reduce the area required for grading. As a result of these measures, it is not anticipated that soil erosion will constitute a significant impact.

1.4.3 Water

Section 2.3.2 of the Draft GEIS addressed water resources-related impacts anticipated from the prior-proposed plan.

Groundwater Hydrology
Based on the site quantities presented for the revised plan, it is anticipated that a total of 350.18 MGY of water will be recharged on the subject site. This represents a 60.06% increase in recharge generated on the property, as compared with the existing recharge volume. In comparison, the prior-proposed project would have recharged 351.29 MGY, a 60.57% increase versus existing conditions. Similar to the prior plan, all wastewater will be conveyed to the Dorade STP for treatment and recharge at that location, and recharge of stormwater through a combination of point of generation recharge locations, rain gardens, leaching pools, bio-retention areas and stormwater recharge reserve areas will ensure distribution of recharge systems across the site and as a result will prevent mounding of groundwater underlying the site. It is anticipated that groundwater flow underlying the subject site will continue to flow in a southwesterly direction based on regional hydrology. Furthermore, Long Island subsoils are highly permeable with a greater hydraulic conductivity in a horizontal direction, allowing recharge water to rapidly be assimilated into the upper aquifer. The depth to groundwater below the recharge areas is no less than approximately 68 feet; therefore any change in groundwater elevations as a result of recharge would not result in flooding consequences. As a result, there are no significant hydrogeologic impacts expected as a result of the proposed project.

As the contaminant plumes originating within BNL are oriented in a northwest-southeast direction well to the east of the proposed project site, these plumes will continue to have no
impact on groundwater beneath the project site. Conversely, the recharge originating on the project site will not impact the orientation of these plumes.

Groundwater Quality
As was the case for the prior plan, all sanitary wastewater effluent will be disposed of via the Dorade STP. The revised plan will result in the upgrade of the Dorade STP to receive wastewater from the Meadows project and produce effluent below discharge limitations, specifically treating to 8 mg/l. The revised plan is anticipated to require 275,275 gpd of potable water for domestic use, and a total water use (i.e., with irrigation) of 288,368 gpd.

The results of the SONIR Model for the revised plan are presented in Table 1-2 (see also Appendix G), which indicates an overall concentration of nitrogen in recharge of 2.20 mg/l. This concentration is substantially less than the drinking water standard of 10 mg/l and complies with the more stringent Pine Barrens guideline of 2.5 mg/l that applies to DRS’s that are in proximity to surface water or wetlands. Therefore the project is not expected to result in significant adverse effects to groundwater quality with regard to nitrogen loading.

Like the prior proposal, the revised plan conforms to the Planned Unit Development (PUD) mixed use recommended for the subject property in the SGPA Plan.

Water Balance
As noted above, the revised plan would recharge a total of 350.18 MGY of water, a 60.06% increase as compared with the existing recharge volume of the site. In comparison, the prior-proposed project would have recharged 351.29 MGY, a 60.57% increase versus existing conditions.

Surface Water and Drainage
Like the proposed project, the revised plan will utilize an on-site drainage system designed to collect all stormwater runoff originating on developed surfaces, recharge some stormwater at point of origin and retain some in bio-filtration swales (rain gardens) and convey excess recharge to stormwater detention/recharge areas in the western and southwestern portions of the property. This overall system will ensure that overland flow of runoff from newly developed areas to onsite wetlands will not occur. In addition, the extensive buffer areas around NYSDEC wetlands B-15 and B-16 will allow them to continue to receive runoff from natural lands within their contributing areas, maintaining the current hydrologic properties of these systems. As a result, impacts to the quantity or quality of water in these wetlands are not anticipated. The remaining natural areas of the overall site, comprising a total of 122.53 acres (or 36.75%) will continue to act as natural drainage areas recharging and evaporating precipitation. Not included in the above value are the 0.44 acres of new freshwater wetlands, to be created in the site’s southwestern corner adjacent to the Town Greenbelt. This mitigation represents an increase in this natural feature, which will have both surface water and ecological benefits. As a result the revised plan is not expected to adversely impact surface water or drainage resources associated with the project site.

Provision of and conformance to Town and NYSDEC erosion and sedimentation control measures will minimize the potential for impacts to water resources.
Carmans River
Potential impacts on the Carmans River were evaluated in the Draft GEIS in Section 2.3.2. Impact evaluation included the following considerations, which remain the same for the revised project plan:

- Conveyance of sanitary wastewater to the existing Dorade STP, which will be upgraded to achieve its prior-permitted flow.
- The Dorade STP is located in the 10-25 year contributing area (see Figure 4-1); as a result, conveyance of wastewater to this area has a significant benefit with respect to ensuring protection of the Carmans River. The distance of the Dorade STP from the Carmans River is approximately 8,000 feet and thus subsurface discharge at this location is subject to longer residence time and natural attenuation in the aquifer than discharges nearer to the river.
- There is an approximately 2,100-foot separation between the subject site and the Carmans River in the downgradient direction. This distance is sufficient to indicate that the Carmans River would not receive direct subsurface discharges from groundwater underlying the subject property due to the significant distance between potential source areas and this surface water receptor.
- In addition, it should also be noted that there are no direct surface water connections between the site and the Carmans River and that the significant distance would prohibit the direct infiltration of overland flow.
- The Dorade STP will be designed to meet a more stringent nitrogen limitation of 8 mg/l at its point of discharge.
- Overall site recharge is calculated to be less than 2.50 mg/l in conformance with the Pine Barrens Plan Guideline of 2.50 mg/l.
- The proposed project will be designed with innovative stormwater measures to promote surface retention and biological uptake. The project will have less than 15% of its acreage in fertilizer dependent vegetation.

In consideration of the above features, like the prior proposed plan, the revised plan would not be anticipated to impact the Carmans River or the downstream South Shore Estuary Reserve. In addition, in response to comments this Final GEIS includes an analysis of conformance of the project with the Town’s draft Carmans River Watershed Management and Protection Plan.

1.4.4 Ecology
Section 2.4.2 of the Draft GEIS addresses the potential ecological impacts of the prior-proposed plan.

Freshwater Wetlands
Analysis indicates that, like the prior-proposed project, the revised plan would not impact either of the two NYSDEC-designated wetlands (B-15, near the Dorade STP, and B-16, within the former BW parcel) in the vicinity. Buffers of at least 150 feet in depth will be provided around these features. For wetland B-16, Letters of Non-Jurisdiction had been secured for the Brookhaven Walk project in the past from NYSDEC and the Town of Brookhaven, as all proposed disturbance had previously been sited greater than 100 feet and 150 feet from this wetland, respectively. The area of disturbance associated with the former BW project remains the same on revised plan, retaining the 150-foot setback from the south side of the wetland area; it is also noted that all structures will be situated greater than 175 feet from the wetland and no
natural woodland will be cleared. As a result, the revised project will not require a Chapter 81 Wetlands and Waterways Permit from the Town of Brookhaven for disturbance within 150 feet of this wetland and similarly, the proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC.

NYSDEC Wetland B-15 is situated approximately 112 feet southwest of the Dorade STP parcel and approximately 390 feet southwest of existing disturbed cleared areas on that parcel. The upgrade to the STP which is currently underway will not cause further increase in cleared areas on the parcel and would only have a positive benefit by improving the effectiveness of the plant, enabling it to consistently meet required effluent nitrogen levels. Future process upgrades to restore the previously permitted flow of the STP in conjunction with the revised plan is anticipated to require only 1.50 acres of additional clearing, but this disturbance is anticipated to occur east of the existing recharge areas and would not result in any clearing closer to the wetland. The applicant will contact NYSDEC and obtain an Article 11 “no-take” determination with respect to the small amount of clearing proposed on the Dorade STP site. No Article 24 NYSDEC Permit or Chapter 81 Permit would be needed for this wetland (see also Section 7.20).

None of the three wet depressions are NYSDEC-regulated wetland features. The specimen in the wooded area in the southwestern portion of the site will remain undisturbed. The eastern-most depression, abutting CR 46, is very small in size (approximately 0.02 acres) and would be retained under the revised plan, to be incorporated into a larger area of contiguous natural land to the south. This would be subject to review by the Town and permitting by the local agency, as appropriate.

The larger and highly-disturbed 0.22±-acre Town-regulated wetland within the former racetrack oval was a recharge basin serving that facility. It would be removed as part of the revised project. The Town of Brookhaven staff has indicated this feature meets the definition of a freshwater wetland per Chapter 81 of the Town Code. The revised project would create a larger (0.44 acre) pond and wetland complex in the southwestern corner of the site, adjacent to the Town Greenbelt, which would allow it to be contiguous with preserved woodlands, and provide a 2 to 1 mitigation for the loss of this feature. A Chapter 81 Town Wetland Permit will be necessary for the removal and replacement of this wetland.

Vegetation and Habitats
The impacts to the ecological resources of a project site are generally a direct result of clearing of natural vegetation, increase in human activity and associated wildlife stressors, and the resulting loss and fragmentation of wildlife habitat. The majority of the site (192.89 acres; 57.85%) was previously cleared for development. The proposed development will primarily occur within these prior cleared areas, resulting in a total proposed developed area of 210.93 acres (63.25% of the site). This is less than the total allowable Pine Barren clearing area of 216.75 acres (65% of the overall site).

Ultimately, the site will continue to offer preserved woodland vegetation along its perimeter contiguous to the adjacent woodlands off-site. In the central portion of the property, there will be a significant increase in landscaped habitats. Additional acreages will be established in recharge areas with the potential for large areas to be seeded with native and non-invasive
The Meadows at Yaphank
PDD Application
Final GEIS

herbaceous vegetation. Finally, the revised project includes a new 0.44-acre wetland, in an area adjacent to the Town Greenbelt.

The overall ecological character of the subject site will change as a result of the development of the interior of the site, but the impact of this change will be minimized through the preservation of existing relatively contiguous woodland around its perimeter. The revised plan seeks to dedicate a large, contiguous block of open space on the subject site, which will remain as natural woodland and continue to provide ecological benefit to the site. Over 36% of the site will remain natural woodland vegetation, largely along the northern, southern and eastern boundaries. Furthermore, the proposed pond/wetland systems and recharge areas will provide diversity of habitat that may attract additional species of wildlife.

The proposed project is consistent with the recommendations of the Brookhaven Open Space Study (1985) and the Draft Town Comprehensive Land Use Plan Update (1996), as it would retain approximately 122.53 acres (36.75% of the site) as preserved open space in the form of woodland and forested wetland vegetation, and provide for a future pedestrian access to public trails in the adjacent Town Greenbelt.

Wildlife

The clearing of successional habitats and some wooded area will cause a direct impact on the abundance and diversity of wildlife using the site. The project will reduce habitat resources for those species that prefer vast expanses, open fields and shrublands, but will have significantly less impact on species that rely on woodlands. The species currently expected on-site are relatively tolerant of human activity, but there is potential for less tolerant species to utilize the site and they will be less likely to do so following development. It is expected that on-site wildlife (particularly birds) will move to the preserved and undisturbed areas on the property and adjacent lands during construction. As only a small (0.22 acre) reduction in the on-site wetlands would occur, and surrounding woodland will not be disturbed, no significant amount of impact is anticipated with regards to wetland fauna.

In the short term, undisturbed portions of the property and lands adjacent to the subject property will experience an increase in the abundance of some wildlife populations due to displacement of individuals by the construction phase of the proposed project. Mobile species and particularly large mammals such as deer would be expected to relocate to the preserved portions of the property where large contiguous areas of open space will remain. Ultimately, there is expected to be a net decrease in population size for most species. The effect on the density and diversity of regional populations should be minimal.

Rare and Endangered Species/Unique Habitat Potential

No rare or endangered species are expected on the site given the habitats present and extensive field surveys. The Cooper’s Hawk, Horned lark, osprey, Eastern spadefoot toad, Eastern hognose snake and Eastern box turtle are species potentially expected on site which are listed as special concern species. Although there is documented concern about their welfare in New York State, these species receive no additional legal protection under ECL Section 11-0535. This category is presented primarily to enhance public awareness of these species that bear additional attention. The pine-oak forest which may potentially be utilized by the Eastern tiger salamander
population previously documented in the kettle pond wetland near the Dorade parcel is approximately 2,800 feet from the breeding pond and will not be disturbed as part of the project. Therefore, no impacts to this species are anticipated.

1.4.5 Land Use, Zoning and Plans

Section 3.1.2 of the Draft GEIS present analyses of the potential impacts related to land use, zoning and plans resulting from the prior-proposed project. It should be noted that the prior plan, as well as the revised plan, are conceptual in nature and do not represent final engineered plans.

**Land Use**

As the revised plan is limited to a minor rearrangement of the site layout and minor shifts in the numbers of residential types from those of the prior-proposed project, no significant changes are expected relative to the land use impacts of the prior-proposed plan. Therefore, it is expected that the potential impacts discussed in the Draft GEIS remain relevant.

**Zoning**

The changes from the prior-proposed plan depicted in the revised plan are limited to minor changes in the project’s layout (limited to the same developed area) and a minor redistribution of the numbers of some of the residence types. No changes in the proposed PDD zoning of the site is assumed, so that the analysis of potential zoning impacts contained in the Draft GEIS remains valid.

**Plans**

Similar to the discussions for impacts to Land Use and Zoning (see above), the changes made to the prior-proposed project (representing the revised plan) are not of a nature that would be relevant to the recommendations of the various land use plans previously reviewed in the Draft GEIS. As such, updated reviews of the revised project’s conformance to these plans would not necessary; the previous reviews contained in the Draft GEIS remain valid.

**Appendix H** contains the revised Conformance Analysis for the Pine Barrens Plan, which is necessary as the acreages of clearing and preservation differ from those presented in the Draft GEIS. The Conformance Analysis shows that the revised plan conforms to the applicable standards and guidelines of the Pine Barrens Plan.

1.4.6 Transportation

**Trip Generation**

Table 1-8a presents a comparison of the anticipated peak hour vehicle trip generations for the site, for both the prior plan and revised plan. As can be seen, the differences are small.

As a result, the impacts associated with the revised plan are the same or similar to those of the prior-proposed plan, which were found (with implementation of certain mitigation measures) to not result in significant impacts.
Table 1-8a
COMPARISON OF TRIP GENERATIONS
Prior Plan (Draft GEIS) & Revised Plan (Final GEIS)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Distribution</th>
<th>Prior Plan (vph)</th>
<th>Revised Plan (vph)</th>
<th>Net Change (vph)</th>
<th>Net Change (%)</th>
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<td>1,312</td>
<td>1,314</td>
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<td>2,257</td>
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</table>


The project’s traffic engineer has prepared the following analysis relative to the differences in trip generation, potential traffic impacts, and appropriate mitigation of the revised plan in comparison to those of the prior-plan:

Although the commercial spaces will not change, and the number of units will not change, the traffic calculated to be generated by the site will be increased slightly due to the different rates associated with the mix of apartment and condominium/townhouse units.

Project-related trip generation projections were recalculated for the proposed mixed-use development based on data compiled by the Institute of Transportation Engineers (ITE) and published in Trip Generation. A comparison of the trip generation for the proposed mixed-use development yields the resulting trip generation shown in Table 1-8a.

As shown in the table, the change in the mixed of apartment and condominium/townhouse units results in a very minimal increase in traffic over the development analyzed in the TIS. This increase is minimal and amount to an increase in 0.4% more traffic per day than the original Meadows at Yaphank mixed use development. This minimal increase in our judgment will not require a modification of the proposed mitigation.

As shown in Table 1-8b, the total trip generation for the current site will be 14% lower during the weekday morning peak hour, 40% lower on a weekday evening peak hour and 41% lower on a Saturday midday peak hour than for development permitted under Existing Zoning.
### Table 1-8b
COMPARISON OF TRIP GENERATIONS
Previously-Permitted Proposals & Revised Plan (Final GEIS)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Previously-Permitted BW &amp; Racetrack Parcels</th>
<th>Revised Plan, Mixed-Use Development</th>
<th>Reduction in Total Development-Related Trips</th>
<th>Reduction in Primary Development-Related Trips</th>
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<tr>
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<td>Total Trips</td>
<td>Pass-by Trips</td>
<td>Primary Trips</td>
<td>Total Trips</td>
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<tr>
<td></td>
<td>Out 378 0</td>
<td>378 537 0</td>
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<tr>
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<td>Weekday PM Peak Hour</td>
<td>In 1,507 270</td>
<td>1,237 968 130</td>
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<td>Out 2,266 270</td>
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<td>Saturday Peak Hour</td>
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<td>Out 1,823 310</td>
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<td></td>
<td>Out 17,715</td>
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<tr>
<td></td>
<td>Out 18,965</td>
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<tr>
<td>Total</td>
<td>37,930</td>
<td>23,530</td>
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<td>-14,400</td>
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#### 1.4.7 Air

Section 3.3 of the Draft GEIS discussed the results of a screening analysis for air resources for the prior-proposed project. The results indicated that that project would not significantly impact air quality. As the revised plan would not change the yields or uses proposed, it is expected that the same conclusion would apply to the revised plan.

With respect to short-term construction-related air quality impacts, it is noted that the activities on-site will result in a temporary, although minor, increase in airborne pollutants from the various pieces of equipment used in the construction process for a multi-year, phased duration. The major source of these pollutants is related to site clearing, when denuded soil is susceptible to wind erosion prior to stabilization through planting. All construction-related air quality impacts will be of relatively short duration and generally not in proximity to public receptors. The phasing of the project will reduce the intensity of any impacts. In addition, best construction management practices will be employed to reduce soil erosion and possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking...
pads at construction entrances and adherence to a SWPPP. It is noted that clearing and grading activities will occur primarily within the interior of the site, and the site does not directly adjoin any receptors. As a result, no significant construction-related air quality impacts are expected during the construction period for the revised plan.

1.4.8 Community Facilities and Services

Fiscal Considerations and Tax Revenue
A Tax Impact/School District Analysis was originally prepared in January 2010 by PMKB Consulting Associates LLC, as part of the Draft GEIS (Appendix A-15 of the DGEIS). NP&V prepared an addendum to this analysis, as part of the Final GEIS. This addendum addressed the changes in the plan, and utilized more recent data to generate an up-to-date analysis of fiscal and economic impacts.

Both the prior-proposed project and the revised plan would significantly increase property tax revenue generated on the site, thereby significantly increasing the tax revenues to be distributed to the individual taxing districts (see Table 1-9 and Appendix P). This will have the effect of offsetting at least some of the additional expenses to these services due to either scenario.

Table 1-9
COMPARISON OF PROPERTY TAXES, 2009-10 Tax Year
Prior Plan (Draft GEIS) & Revised Plan (Final GEIS)

<table>
<thead>
<tr>
<th>Tax District</th>
<th>Tax Rates ($/100 assessed)</th>
<th>Prior-Proposed PDD ($/year)</th>
<th>Revised Plan ($/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>School District - LCSD</td>
<td>203.896</td>
<td>6,402,779</td>
<td>8,107,343</td>
</tr>
<tr>
<td>Library District - LCSD</td>
<td>10.319</td>
<td>324,433</td>
<td>413,194</td>
</tr>
<tr>
<td>County of Suffolk</td>
<td>2.861</td>
<td>85,879</td>
<td>108,358</td>
</tr>
<tr>
<td>County of Suffolk - Police</td>
<td>33.06</td>
<td>1,040,094</td>
<td>1,264,995</td>
</tr>
<tr>
<td>New York State MTA Tax</td>
<td>0.168</td>
<td>9,542</td>
<td>5,941</td>
</tr>
<tr>
<td>Town General - Town Wide Fund</td>
<td>4.464</td>
<td>143,132</td>
<td>171,027</td>
</tr>
<tr>
<td>Highway - Town Wide Fund</td>
<td>2.59</td>
<td>85,879</td>
<td>99,236</td>
</tr>
<tr>
<td>Town General - Part Town Fund</td>
<td>1.39</td>
<td>47,711</td>
<td>53,278</td>
</tr>
<tr>
<td>Highway - Part Town Fund</td>
<td>11.436</td>
<td>362,602</td>
<td>436,767</td>
</tr>
<tr>
<td>$100M Bond Act of 2004</td>
<td>1.588</td>
<td>47,711</td>
<td>50,293</td>
</tr>
<tr>
<td>Fire District - Yaphank + Ridge</td>
<td>23.1445</td>
<td>725,203</td>
<td>908,904</td>
</tr>
<tr>
<td>Lighting District</td>
<td>1.703</td>
<td>57,253</td>
<td>52,282</td>
</tr>
<tr>
<td>Real Property Tax Law - Article 7</td>
<td>0.935</td>
<td>28,626</td>
<td>34,343</td>
</tr>
<tr>
<td>Real Property Tax Law</td>
<td>6.121</td>
<td>181,301</td>
<td>275,667</td>
</tr>
<tr>
<td>Blizzard Note Repayment</td>
<td>0.499</td>
<td>---</td>
<td>19,127</td>
</tr>
<tr>
<td>Total</td>
<td>303.6755</td>
<td>$9,542,145</td>
<td>12,010,755</td>
</tr>
</tbody>
</table>
Educational Facilities

Table 1-10 presents a comparison of the anticipated numbers of school-age children to be generated by the prior proposal and the revised plan. As can be seen, this value is reduced from the prior plan.

Table 1-10
COMPARISON OF SCHOOL-AGE CHILDREN GENERATED
Prior Plan (Draft GEIS) & Revised Plan (Final GEIS)

<table>
<thead>
<tr>
<th>Use &amp; Bedrooms/Unit</th>
<th>Prior Plan, per Draft GEIS</th>
<th>Revised Plan, per Final GEIS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Units</td>
<td>School-Age Children</td>
</tr>
<tr>
<td>Rentals (total):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Rental, 1-bdrm</td>
<td>38</td>
<td>0</td>
</tr>
<tr>
<td>Senior Rental, Workforce, 1-bdrm</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Rental, 1-bdrm</td>
<td>38</td>
<td>3</td>
</tr>
<tr>
<td>Rental, Workforce, 1-bdrm</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Rental, 2-bdrm</td>
<td>38</td>
<td>9</td>
</tr>
<tr>
<td>Rental, Workforce, 2-bdrm</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Condominiums (total):</td>
<td>486</td>
<td>54</td>
</tr>
<tr>
<td>Senior Condominium, 2-bdrm</td>
<td>174</td>
<td>0</td>
</tr>
<tr>
<td>Senior Condominium, Workforce, 2-bdrm</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td>Condominium, 1-bdrm</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>Condominium, 2-bdrm</td>
<td>232</td>
<td>44</td>
</tr>
<tr>
<td>Condominium, Workforce, 2-bdrm</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>Townhouses (total):</td>
<td>220</td>
<td>41</td>
</tr>
<tr>
<td>Senior Townhouse, Market-Rate, 2-bdrm</td>
<td>51</td>
<td>0</td>
</tr>
<tr>
<td>Townhouse, Market-Rate, 2-bdrm</td>
<td>101</td>
<td>14</td>
</tr>
<tr>
<td>Townhouse, Market-Rate, 3-bdrm</td>
<td>68</td>
<td>27</td>
</tr>
<tr>
<td>TOTALS</td>
<td>850</td>
<td>110</td>
</tr>
</tbody>
</table>

A major goal of the revised plan is to continue to minimize the magnitude of a potential enrollment impact to the LCSD by providing residential types and numbers that would not exceed the number of school-age children described in the prior proposal. This is to be achieved while retaining commercial development so that a substantial amount of school taxes would be maintained that would substantially exceed the costs to the district for increased expenditures necessitated by the revised plan. As can be seen, the revised plan exceeds this goal, by reducing the number of school-age children generated, which consequently reduces the impact of increased enrollment on the LCSD.

It is expected that the school district will receive a substantially greater tax revenue from the revised plan as compared to the prior plan, which translates to a correspondingly greater net fiscal benefit to the district.
Police Protection
Like the prior proposal, the revised plan will incrementally increase the potential need for the services of the Suffolk County Police Department (SCPD), particularly of the 7th Precinct, which is located nearby to the south on CR 46. This increase in the potential need for services is not expected to create a significant impact on the ability of the SCPD to provide such services. It is expected that the project will result in a significant increase in annual tax revenue for the SCPD from this property, which is expected to offset the costs to provide the increase in police services.

Fire Protection
As was the case for the prior plan, the revised plan will incrementally increase the potential for need of the fire-protective services of the Yaphank and Ridge Fire Departments. However, based on the level of personnel experience and proximity of its facilities, these increases in the potential for need of these services are not anticipated to be to levels that would cause a significant impact on the ability of these two departments to provide services. The significant increases in tax revenues for each of these fire departments would offset any increase in costs of services (in the form of equipment and/or personnel) related to the development.

Solid Waste Removal and Disposal
Table 1-11 compares the anticipated solid waste generations for both the prior and revised plans. As can be seen, the revised plan would generate an estimated 1.90% more solid waste than the prior plan. This is not a significant increase in the amount of such wastes. Based on the uses and yields proposed, this volume is not anticipated to contain significant amounts of potentially toxic or hazardous materials, other than empty household cleaner containers.

Table 1-11
COMPARISON OF SOLID WASTE GENERATION
Prior Plan (Draft GEIS) & Revised Plan (Final GEIS)

<table>
<thead>
<tr>
<th>Generator</th>
<th>Rate (lbs/day)</th>
<th>Prior Plan</th>
<th>Revised Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Quantity</td>
<td>Solid Waste (lbs/day)</td>
</tr>
<tr>
<td>Residents</td>
<td>3.5/capita</td>
<td>1,630 capita</td>
<td>5,705</td>
</tr>
<tr>
<td>Hotel</td>
<td>1.5/room</td>
<td>220 rooms</td>
<td>330</td>
</tr>
<tr>
<td>Retail</td>
<td>13/1,000 SF</td>
<td>327,500 SF</td>
<td>4,257.5</td>
</tr>
<tr>
<td>Office</td>
<td>1/100 SF</td>
<td>550,000 SF</td>
<td>5,500</td>
</tr>
<tr>
<td>Restaurant</td>
<td>2/meal</td>
<td>200 meals</td>
<td>400</td>
</tr>
<tr>
<td>Total</td>
<td>---</td>
<td>---</td>
<td>16,192.5</td>
</tr>
</tbody>
</table>

Wastewater Treatment and Materials Storage
As the revised project will generate slightly more wastewater than the prior proposal, it is expected that the usage at the Dorade STP will be slightly increased. As described in Section 1.4.6 of the Draft GEIS, the Dorade STP will be upgraded and restored to its originally permitted flow in order to properly treat and dispose of all wastewater from the project site, the Colonial Woods/Whispering Pines condominiums, and SCSD #8. The upgrade and restored flow will be designed, built and operated in conformance with all applicable SCDHS requirements. Therefore no significant impacts as a result of sanitary wastewater disposal are anticipated.
Water Supply
The revised plan will slightly increase the overall consumption of water on the subject site in comparison to that of the prior-proposed project. In the same manner as for the prior plan, it is expected that the potable water consumed by the project would be supplied from SCWA Distribution Area #18 (the William Floyd Parkway wellfield), via the existing 16-inch service beneath CR 46 and the 16-inch main beneath Yaphank-Woods Boulevard. A new internal distribution system will be installed to convey water supply to the various uses within the property. Installation will conform to the requirements of SCWA and SCDHS as appropriate. A Letter of Availability has been requested from the SCWA indicating that it will be able to supply water to the project pursuant to its charter for water supply. When it is received, it will be forwarded to the Town and addressed in the FEIS.

Energy Supply
For the Draft GEIS, the Long Island Power Authority (LIPA) and National Grid were contacted to determine if they would be able to provide electrical and natural gas services to the project site. Correspondence indicated that such services would be provided in accordance with filed tariff and rate schedules in effect at the time service is required. As the revised plan is expected to represent similar overall energy consumptions, it is likewise expected that there would be no significant adverse impacts on these services for the revised plan.

1.4.9 Community Character

Aesthetics and Lighting
The building and site layout scheme, the lighting plan and the architectural treatments of the structures in the revised plan are similar to those of the original proposal. As the original proposal was determined in the Draft GEIS to not represent a significant potential adverse impact on the character of the community, it is expected that the same would apply to the revised plan. It is acknowledged that the visual character of the residential portions of the site will be somewhat different than that under the prior-proposed plan, but the use of the same mitigation measures and conformance to applicable Town regulations would reduce the potential for significant adverse impacts.

Noise
Appendix I of the Draft GEIS contained a computer modeling analysis of the potential noise impacts of the prior-proposed project. That study found:

(a) no measurable increase (or modeled increase) in sound levels along William Floyd Parkway; and
(b) an increase of less than 1.0 decibels (0.1 decibel, A-weighted) along the LI North Service Road.

Neither of these levels could be differentiated from the existing condition by any human ear. To do so, would require a differential of at least 3.0 dB(A). Therefore, it can be concluded that the project will have no significant impact upon the sound/noise environment of the project area.

Construction noise is inevitable in the short term and will be audible for surrounding residents; however, this impact is unavoidable and will be mitigated by limiting construction during hours regulated by the Brookhaven Town Code. In addition, the dominant noise associated with
existing transportation corridors will tend to minimize the detectable effect of noise generated on the project site. It is also noted that construction will occur on the interior of the site and there are no nearby receptors since existing residential development is well to the north with intervening woods and the Yaphank-Woods Boulevard corridor. Consequently, construction noise is not anticipated to cause significant adverse impacts within the existing noise environment.

As the revised plan does not represent a significant change in uses or yields, it is expected that the conclusions of the prior noise analysis would continue to apply to the revised plan, and that no impacts from noise would occur.

1.4.10 Cultural

The Draft GEIS presented analysis and documentation that, as the Meadows at Yaphank PDD has been designed to occupy primarily areas cleared for the previously-disturbed areas of the site, no impacts to possible cultural resources would be expected. As the revised plan merely redistributes developed areas within the same limits of development as was designed for the prior plan, no impact to such resources are expected from the revised plan.

1.4.11 Economics

The Draft GEIS included an analysis of the potential economic impacts of the prior-proposed project. The analysis was based on four (4) types of studies, as follows:

- Tax Impact Analysis
- Creation of construction jobs and mortgage recording tax impacts
- Creation of jobs from operation of the project
- Commercial market analysis to determine demand for the project and market absorption (including potential impact on other centers, downtown areas and smaller retailers)

These studies established the absence of adverse economic impacts of the prior-proposed project. The studies quantify the significant economic benefits (both direct and indirect) associated with construction jobs, mortgage recording taxes and permanent operational jobs. The Commercial Market Analysis found that there is sufficient retail demand to support the project and that the project can be absorbed within the local retail market. As the revised plan represents the same amount of and distribution (in terms of land use type) of commercial yield as the prior-proposed plan, it is expected that the revised plan would likewise not result in any adverse economic impacts.

1.4.12 Cumulative Development

The Draft GEIS for the proposed project provided a Cumulative Impact Analysis; twelve (12) pages of that document were devoted to descriptions of pending projects, analyses of controlling
regulations and resource-based assessments of potential cumulative impacts from a combination of eight (8) projects identified for analysis at that time. Appendix I contains a Supplemental Cumulative Impact Analysis, which has been prepared in response to comments on that analysis that were provided during the review of the Draft GEIS.

The supplemental analysis provides an update on the status of certain projects (i.e., one large project is no longer proposed) and expanded discussions of spatial positioning of projects, resource mapping, quantification of project data and potential quantifiable impacts, and discussion of potential cumulative impacts. The Supplemental Cumulative Impact Analysis concludes as follows:

Neither the analysis contained in Section 4.1 of the Draft GEIS, nor the analysis conducted herein, have identified any significant adverse cumulative impacts which may result from the combination of pending projects and the proposed project. This supplement is part of the Generic EIS record for The Meadows at Yaphank and data and information provided in these documents will be useful to the Town in evaluating the various site-specific pending projects and future land use in the region.

1.4.13 Adverse Impacts That Cannot Be Avoided

For the Draft GEIS, the site’s conditions were characterized and the potential impacts to those conditions were assessed. In the same manner as for the original proposal, some impacts may exist with respect to the revised plan for which no mitigation is available. Some adverse impacts may still exist for which no mitigation is available. These impacts will be minimized where possible, but this section acknowledges those adverse impacts that may still occur, as follows:

- Grading will permanently alter the site’s topography.
- Despite the planned mitigation measures (such as soil wetting, etc.), temporary increases in the potential for fugitive dust during the construction period may still occur.
- Temporary increases in construction traffic and noise during the construction period.
- Increase in the concentration of nitrate/nitrogen in water recharged on-site, from 0.08 mg/l at present, to 2.21 mg/l after construction.
- Removal of a total of 18.04 acres of natural vegetation on the overall site (16.54 acres on the combined Racetrack/BW parcel and 1.50 acres on the Dorade STP parcel).
- Increase in vehicle trips generated on the site and on area roadways over existing conditions (proposed mitigation to avoid decreased LOS). Decrease in trip generation compared to uses permitted under existing zoning.
- Increased total anticipated water consumption on the site, from zero at present to 275,275 gpd (of which sanitary wastewater generation is 271,275 gpd) associated with the project.
- Increased intensity of land use on the site (over current site conditions).
- Increase in total generation of solid wastes.
- Increased potential need for emergency services of SCPD and Ridge and Yaphank Fire Departments (offset by concomitant increase in tax revenues).
- Increased demand on energy services of LIPA and National Grid (to be paid for according to rate tariffs).
1.4.14 Growth-Inducing Aspects

The growth-inducing aspects of the original proposal were defined and discussed in Section 4.3 of the Draft GEIS. In that document, it was determined that the yield and configuration of the Meadows at Yaphank PDD as described in the prior plan would increase the potential for growth in the vicinity. However, the analysis also indicated that the proposed project also reflects an ongoing trend in the Town for residential growth, for growth in workforce housing, for growth in senior housing, and for growth in quality mixed-use development. In this sense, therefore, the proposed project (as depicted in both the prior and revised plans) does not in itself represent a trigger for such growth.

- The construction of the site will create both short-term and long-term job opportunities.
- Development of the site will result in an incrementally increased usage of utilities though, as electrical, natural gas and water supply services are generally available, significant expansions of these utilities are not expected and no significant change in potential growth is expected.
- As the Dorade STP would only serve the subject site and other previously-designated properties, it would not represent a growth-inducing aspect for potential off-site development, as it would not be available for off-site use.
- The project may lead to the improvement of community services in the area as stimulated by the increased need for services offset by the increased taxes generated by the project. In addition, the project proposes the dedication of land for Town recreation/open space amenities. This aspect of the project constitutes a major benefit 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.

In summary, like the original proposal, the revised plan is not expected to result in significant direct growth-induced impacts, though an incremental increase in indirect growth-induced impacts is expected.

1.4.15 Irreversible and Irretrievable Commitment of Resources

This subsection is intended to identify those natural and human resources that will be consumed, converted or made unavailable for future use as a result of the proposed project. Like the prior proposed project, the revised plan will result in irreversible and irreplaceable commitment of resources, as follows:

- Material used for construction on the site, including but not limited to: wood, asphalt, concrete, fiberglass, steel, aluminum, etc.
- 18.04 acres of natural vegetation on the overall site.
- Energy used in the construction, operation and maintenance of this project, including fossil fuels (i.e., oil and natural gas).
- Potable water to be consumed on a daily basis, for the operation of the project, totaling an estimated 288,368 gpd, of which 275,275 gpd represents domestic consumption.

However, the impact of this commitment of resources is not anticipated to be significant, as the magnitude of these losses is not substantial.
1.4.16 Effects on the Use and Conservation of Energy Resources

The Draft GEIS presented a discussion of energy-consumption related impacts, as well as energy conservation measures to be incorporated into the original proposal. It is anticipated that the revised plan would incorporate these same measures, so that there would continue to be no significant adverse impacts on energy resources.

1.4.17 General Construction Impacts

Construction activities are anticipated to result in short-term transportation, noise, dust, aesthetic and erosion impacts. As indicated in Section 1.5.1 of the Draft GEIS, the entire construction phase for the original proposal was anticipated to last approximately 10 years; as shown in Table 1-6, it is anticipated that the construction period for the revised plan would be similar. However, the differing types of construction impacts are not expected to extend throughout the entire construction period.
SECTION 2.0

TRAFFIC-RELATED COMMENTS AND RESPONSES
2.0 TRAFFIC-RELATED COMMENTS AND RESPONSES

2.1 Roadway Improvement Plans

Comment C-1:
“The submitted plans show an overview of the revised roadway improvements due to the change in the development of the site. Previously a shopping mall was to be built. Presently, a mixed-use development is planned. The submitted plans do not contain details of the proposed roadway improvements that are located in the State right-of-way. The plans shall provide all reconstruction details i.e. pavement, driveway, curb and sidewalk in conformance with current NYSDOT specifications and item numbers.

All proposed road improvements detailed in the Site Plans must be designed in accordance with the latest versions of AASHTO, National Manual of Uniform Traffic Control (MUTCD) with the NYS Supplement, NYSDOT Highway Design Manual, and the POLICY AND STANDARDS FOR THE DESIGN OF ENTRANCES TO STATE HIGHWAYS. Road improvement plans must provide all appropriate NYSDOT Standard Details and NYSDOT Standard Item Numbers. See our website for further guidance at www.nysdot.gov.”

Response:
The applicant is aware that additional detailed plans will be required by NYSDOT. Plans will be prepared at a later date, after the change of zone and during Site Plan review. Final design plans will be provided to the NYSDOT including fully detailed plans that are designed to the requirements of NYSDOT, AASHTO, and MUTCD where applicable.

2.2 “On Ramp” Plowing Responsibility

Comment C-2:
“With respect to the two westbound “on” ramps (one new, one existing), the NYSDOT requests to have an understanding with the Town of Brookhaven or Suffolk County that the extra portion of roadway (ramp, acceleration lane and taper) be plowed and maintained by an entity other than the State of New York. The NYSDOT will not plow the two ramps, as this would be detrimental to the efficiency of the plowing operations on the Interstate I-495. This agreement must be in place prior to the construction of the new portion of roadway.”

Response:
Comment acknowledged. The Town will coordinate with the New York State Department of Transportation (NYSDOT) and the Suffolk County Department of Public Works (SCDPW) during the site plan review to determine maintenance responsibilities.
2.3 NYSDOT Capital Improvements

Comment C-3:
“A review of the current capital program indicates that the following projects are planned for this area. Please include a note in the plans for the contractor to coordinate with the following NYSDOT construction projects. NYSDOT Construction contact number is (631) 952-6041.

- PIN 080860 “Steel Bridge Rehabilitation” with a letting this Spring, 2011
- PIN 080841 (D261372) “Overhead Signs Replace/Repair/Install” which is currently under construction
- PIN 080785 (D261400) “Median Barrier Installation” which is currently under construction”

Response:
The applicant concurs, and will provide notes on the design plans that reference these projects as indicated, and will also provide a note specifying that the contractor must coordinate with the NYSDOT on these projects and any future projects that could effect this project prior to the commencement of work.

2.4 NYSDOT Mobility Management Group Improvements

Comment C-4:
“NYSDOT Mobility Management group will provide additional comments as additional information on the plans is provided. At this time, the following is recommended:

- Incorporate bike lanes and sidewalks on internal roadways to facilitate pedestrian and bicycle travel and to encourage traffic calming.
- Provide bicycle parking at major retail, office and residential centers in the complex to minimize dependence on the automobile, to reduce congestion and improve air quality.
- Coordinate with Suffolk County Transit for the provision of bus service to this development including the installation of bus shelters.”

Response:
The applicant will:

- Incorporate bike lanes along Meadows Boulevard and Park Lane only, and sidewalks along all of the site’s internal roadways.
- Provide bicycle parking at major retail, office and residential centers.
- Coordinate with Suffolk County Transit for the provision of bus service to this development including the installation of bus shelters.
2.5 **NYSDOT Pavement Management Group Comments**

Comment C-5:

“NYSDOT Pavement Management group will provide additional comments as additional pavement related information is provided on forthcoming plans.”

Response:

It is expected that detailed comments from the NYSDOT Pavement Management Group will be provided during the Site Plan review process. At that time, the applicant will review and respond to such input. The project will conform to all applicable NYSDOT requirements.

2.6 **Show Driveway Elevations and Drainage Calculations on Plans**

Comment C-6:

“A driveway profile or on site elevations, including elevations at the State highway right-of-way line, shall be shown on the plans to ensure that all drainage is contained on site since we do not permit runoff from property onto our State highways. Please show drainage calculations. The elevation high points must be located at the property line.”

Response:

The applicant will adhere to all applicable NYSDOT requirements for items shown on site plans at the time of Site Plan application. The site will be designed to the Land-Use Requirements of the Town of Brookhaven, which requires applicants to maintain on-site run-off within site boundaries. The applicant will provide fully designed grading and drainage plans for review as the project moves forward towards final design.

2.7 **Merge Analysis**

Comment C-7:

“As shown on the Merge Analyses for North Service Road westbound at William Floyd Parkway southbound, 2015 Build AM, there are 1635 vehicles assigned to two (2) freeway lanes. However, as per Dwg. No. 3, these vehicles approach the merge in only one (1) lane, with the second lane beginning at the on-ramp to the westbound mainline. The analysis should show one (1) freeway lane and one (1) ramp lane for the AM, PM and Saturday analyses.”

Response:

Based on the available analysis in the Highway Capacity Manual, a freeway merge cannot be analyzed utilizing only 1 freeway lane. The minimum lane arrangement for this analysis is 2 freeway lanes and 1 ramp lane, as analyzed in the Traffic Impact Analysis.

It should be noted that this lane arrangement will be modified with the improvements that are proposed as part of The Meadows at Yaphank mixed use development. At this location, the existing merge to a single lane would be replaced with two receiving lanes. Therefore, there will no longer be a merge at this location. Since the existing on-ramp to the LIE will remain, this
section will change from a merge to a weave. This new weaving segment, as shown in Tables 3 and Table 18 of the Traffic Impact Study, is projected to operate at level of service (LOS) D during the morning peak hour and LOS B during both the weekday evening and Saturday midday peak hours. This will be further evaluated as the LIE access gets closer to final design per request of the Town of Brookhaven Division of Traffic Safety.

2.8 Weaving Analysis on Westbound LIE North Service Road Clarification

Comment C-8:
“The Weaving Analyses for the westbound North Service Road, west of the cloverleaf is not clear. We question what section west of the cloverleaf is being analyzed and how are the volume numbers determined.”

Response:
This weaving section currently is a merging section, which will be converted to a weaving section with the proposed improvements. This weaving section is west of the cloverleaf, beginning where the CR 46 southbound ramp intersects with the LIE North Service Road and ends where the existing on-ramp to the LIE westbound splits to the left while the new portion of the North Service Road continues westbound. Entering volumes were determined based on the existing ramp and north service road volumes along with the projected traffic from proposed developments.

2.9 AADT Revision

Comment C-9:
“The AADT from 6-day or a week count provided (page 13 table) shows around 25,000 one way. Our records show a much higher number in the area. Please revise accordingly.”

Response:
The applicant’s traffic consultant, FST, has reviewed the traffic counts collected in 2010. Further review shows that the table should read 26,500 vehicles per day (vpd) on the LIE in the eastbound direction. The two-way ADT on the LIE over CR 46 would be 51,600 vpd.

Based on the 2009 Traffic Data Report for New York State, traffic volumes on this section of the LIE were recorded to be 59,670 vpd in 2008 and 51,260 vpd in 2009. Based on these recent counts, the 2010 counts collected for FST appear reasonable.

2.10 Work Zone Traffic Control Plans

Comment C-10:
“Provide Work Zone Traffic Control Plans for appropriate travel lane and sidewalk closures schemes as necessary for all required mitigation items. All closures must be in accordance with the current National Manual of Uniform Traffic Control Devices and NYSDOT Supplement.”
Response:
As the project moves toward final design, the applicant will provide Maintenance and Protection of Traffic Plans for NYSDOT review and approval.

2.11 Construction Phasing

Comment C-11:
“Construction Phase — Phases 1 and 2 involves the residential and the retail improvements. The improvements proposed for these phases are only for the William Floyd Pkwy. We question if any impact will be on State Hwy system. The residential development can generate traffic during the peak AM and PM. Please provide the timeframe between phases 1, 2 and 3.”

Response:
This project will have minimal impact if any on the State Roadway system during the initial phases. As indicated in the Traffic Impact Statement, the applicant will provide future mitigation when warranted to the LIE and will be reviewing the specifics of the future mitigation with the NYSDOT as the project moves forward toward final design. During the start of each future Phase after Phase 1, prior to site plan approval of said future Phase(s), an updated traffic study will be prepared, with analysis to verify traffic volume patterns in order to confirm that mitigation measures as planned are sufficient. The timing is market driven, only Phase 1 is in the processes of being planned as of right now; construction of Phase 1 is anticipated to start sometime during 2012.

2.12 Peak Hour Traffic Counts

Comment C-12:
“Please provide a report comparing the peak [sic] traffic counts from the original Brookhaven Walk project vs. new proposed Meadows at Yaphank.”

Response:
As was previously documented in the Traffic Impact Study, the proposed Mixed Use Development is projected to generate less traffic than the uses originally permitted for the site. The total trip generation for the current site is expected to be 14% lower during the weekday morning peak hour, 40% lower on a weekday evening peak hour and 41% lower on a Saturday midday peak hour than the uses originally permitted (see Tables 1-8a and 1-8b).

2.13 Renewed Interchange Justification Report

Comment C-13:
“The FHWA approval of the Interchange Justification Report (IJR) was based on the original development proposal and improvements. A copy of the IJR and the plans along with a memo out-lining the proposed changes will need to be sent to the FHWA for review and concurrence of
renewed approval. FHWA concurrence will also include a NEPA determination that may require an updated additional environmental and engineering studies and analysis.”

Response:
The applicant’s traffic consultant, FST, is coordinating with NYSDOT for guidance on how to proceed to amend the previous FHWA approval of the Interchange Justification Report (IJR). FST is requesting to modify some of the improvements since the proposed project will have less impact than the previously-approved “Brookhaven Walk” proposal, so that some of these previous improvements are not warranted for the Meadows at Yaphank.

FST will provide, in the near future, a document outlining the two (2) projects for review so the Department can transmit this to the NYSDOT FHWA representative in Albany for acceptance of this request for an amended IJR approval.

2.14 Town SEQR Resolution Needed

Comment C-14:
“Please provide a copy of the Town’s State Environmental Quality Review (SEQR) resolution for our comparison to the original Record of Decision (ROD) to determine if the DOT SERQ [sic] findings need to be amended.”

Response:
As discussed in a recent meeting, the applicant is in the process of the Town of Brookhaven change of zone review and will provide a copy of the Town SEQRA determination (in this case a Statement of Findings), once it is received. Appendix J contains copies of the Findings Statements for the Brookhaven Walk project, as prepared and adopted by the Brookhaven Town Planning Board and by the NYSDOT.

2.15 Comment and Response to a Concern of Town Councilman Panico

Comments C-40, E-3, E-21, E-35 & E-38:
These comments express concern regarding the chronic congestion on the eastbound Long Island Expressway at Exit 68, for CR 46.

Response:
At this location the existing exit off-ramp provides only a single ramp exit with no deceleration lane that provides service level between LOS C and LOS F. The proposed mitigation for this exit is to provide a new deceleration lane and to widen the exiting ramp from one lane to two lanes, which will provide a LOS B. Figure 2-1 following compares current exit to proposed exit improvements.
2.16 Revised IJR Needed

Comment C-41:
“The TIS stresses how the current proposal will generate significantly less traffic than the prior proposal. With significantly less traffic, is the new on-ramp still justified? A revised IJR may be required.”

Response:
The suggestion for a potential reduction in mitigation is acknowledged. As requested, FST will review this access as well as the warranted improvements with the NYSDOT as a result of the Meadows project and the changes in traffic compared to the previously approved improvements for the Brookhaven Walk. FST is also currently coordinating the next step pertaining to the IJR with the NYSDOT and will provide a revised IJR if deemed necessary.
2.17 Parking Space Dimensions Unacceptable

Comment C-42:
"Plate 3 - Roadway Standards- Residential Areas - The parallel parking spaces are unacceptable. Parallel parking spaces must be 23’ long (min.)"

Response:
The applicant will stipulate that parallel parking spaces will be a minimum of 23 feet in length.

2.18 Parking Lot Aisle Width Unacceptable

Comment C-43:
"Plate 4 - Commercial Parking Lot Standards- Also unacceptable, two-way parking lot aisles must be a minimum of 24’ wide."

Response:
The applicant proposes a 22-foot parking area aisle width, which was approved for a similar use for the prior-approved Brookhaven Walk project. In addition, review of Town records of commercial center site plan approvals finds that the Town Planning Board has consistently approved 22-foot wide parking area aisle widths for this type of development.

2.19 Source of Dimensional Standards Requested

Comment C-44:
"In the preceding comments which refer to ‘Master Plan Guidelines’ and ‘Standards’, we would like to know the source of the information, that is, whose master plan and standards. As indicated in our comments, these are not Town of Brookhaven criteria."

Response:
It is acknowledged that some of the proposed standards are not Town of Brookhaven standards. The project utilizes Traditional Neighborhood Design (TND) criteria, which inform the conceptualization of the overall project design. The PDD Zoning District promotes flexibility in design and authorizes the Town to waive or modify standards. The Master Plan proposes new “form based” criteria that, upon adoption by the Town Board, shall become the standard for the Meadows at Yaphank PDD development.

2.20 Comments on CR 46

Comment C-45:
"Existing Conditions: On William Floyd Parkway, CR 46, FST incorrectly identifies Route 25 as the road’s northern terminus. The speed limit on CR 46 is 45 mph south of Moriches-Middle Island Road. The Long Island Expressway North Service Road is omitted from this section of the TIS."
Response:
The typo is duly noted. To clarify, the northern terminus of CR 46 should be labeled as Route 25A, not Route 25.

The information contained in the Draft GEIS TIS pertaining to the configuration of the LIE North Service Road is supplemented as follows: The LIE North Service Road which borders the subject sites southerly property line is a two (2) lane service road which starts at the off-ramp to William Floyd Parkway/CR46 (exit 68) from the westbound LIE mainline, continues west over CR 46 with full cloverleaf (off-ramp to CR 46 northbound, and on-ramp from CR 46 northbound as well as a off-ramp to CR 46 southbound and an on-ramp from CR 46 southbound) the road continues as two (2) lanes as it merges to one lane and terminates at the on-ramp to the LIE mainline westbound.

2.21 Comments on Figures in TIS

Comment C-46:
“Existing Traffic Volumes: Figures 3 through 8 incorrectly indicate the presented data as for the ‘City of Brookhaven’. The unnumbered exhibits in the appendix similarly labeled should be corrected.”

Response:
The typo is duly noted. Figures 3 through 8 should have been labeled as “Town of Brookhaven” similar to the other twelve figures in the report.

2.22 Correction Regarding Moriches-Middle Island Road

Comment C-47:
“Emergency Access/Evacuation: On Page 17 of the TIS, it states ‘an additional gated access only driveway is proposed to provide access to the site from ‘Moriches Middle Island Road’. Moriches-Middle Island Road does not abut the site.’”

Response:
The emergency access that is proposed is provided on East Main Street. The roadway changes name to Moriches-Middle Island Road south of the proposed emergency access.

2.23 Accident Analysis

Comment C-48:
“Safety Analysis: The incident experience on CR 46 at Longwood Road is significant; particularly the right angle accidents. Analysis and suggested mitigation are required.”
Response:
Even though this is an existing issue not necessarily being impacted by The Meadows at Yaphank, FST further reviewed the analysis data at the intersection of CR 46 at Longwood Road. Although there are no clear-cut indications showing reasons for the angle accidents, it appears that the majority of the rear-end accidents involve southbound vehicles traveling from the north going south toward Longwood Road. One particular cause for the southbound accidents is likely that many southbound drivers are not expecting to stop in this area. The previous signal is approximately three miles to the north. Further exacerbating this issue is the slight curve in CR 46 north of Longwood Road that hinders site visibility of this intersection as drivers approach from the north. Measures to mitigate this problem would be to suggest pruning and thinning of the existing median landscaped area to enhance site visibility and by adding signage that would provide better warning to motorists as they are approaching this intersection.

2.24 Time Horizon Unacceptable

Comment C-49:
“Traffic Growth: The Town requires a time horizon for future analysis of five years from the projected date of project completion. From the site development phasing presenting the DGEIS and TIS the proposed development is expected to be completed more than ten years after construction is initiated. Assuming Phase 1 is completed in 2015, and Phase 5 in 2026, five years thereafter would be 2031. FST used a horizon year of 2015, which is unacceptable.”

Response:
The Traffic Impact Study was completed for the full build development scenario. Due to the phasing construction schedule, this results in a conservative analysis for the 2015 conditions as not all of the project will be constructed at that stage.

Future traffic volumes and analysis was projected to the year 2015, which reflects a five-year traffic-planning horizon. The main analysis methodology consisted of applying an annual background growth rate to current volumes to account for general traffic growth in the region and then adding traffic anticipated to be generated by planned developments in the immediate vicinity. The developments that were included, in addition to the 2% per year growth rate, were obtained from the Town of Brookhaven Planning Division. This analysis included a significant amount of background development as requested by the Town of Brookhaven Planning Division. A number of these developments have not yet submitted a proposal or have not yet received their required permits. Therefore, potential future roadway improvements associated with these other projects could not be incorporated into the analysis. The analysis is very conservative in that it included traffic associated with the other developments, but did not include potential improvements associated with other projects.

It should be noted that in the immediate area, approximately 5,000 acres are utilized as the Brookhaven National Lab, which limits the potential developable land in the area, as well as a conveyance of over 1000 acres of open space near CR 46. In addition, based on recent traffic counts on the LIE, traffic volumes have decreased since 2008. Therefore, the assumption of a 2% annual background growth rate in addition to the site specific developments identified below
is very conservative. Therefore, projecting to a 21-year horizon year using these artificially high growth rates will be overly conservative and un-realistic. The applicant has indicated the Meadows will be a “phased” project. During the start of each future Phase after Phase 1, prior to site plan approval of said future Phase(s) an updated traffic study will be prepared with analysis to verify traffic volume patterns to confirm mitigation measures as planned are sufficient.

2.25 Trip Assignment Discrepancy

Comment C-50:

“Trip Distribution and Assignment: There is a discrepancy between Table 9 and Figure 9 which requires correction. The 5 percent residential assignment to Moriches Middle Island Road in Table 9 is not reflected in Figure 9, Residential Distribution.”

Response:

Table 9 of the TIS has been updated to match the results shown in Figure 9 of the TIS and all of the analyses. The updated table is included below:

<table>
<thead>
<tr>
<th>By Way Of</th>
<th>Direction (To/From)</th>
<th>Percent Trips Assigned to Route</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
<td>Office/Flex</td>
</tr>
<tr>
<td>I-495 (LIE)</td>
<td>East</td>
<td>28%</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>36%</td>
</tr>
<tr>
<td>William Floyd Parkway (CR 46)</td>
<td>North</td>
<td>18%</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>15%</td>
</tr>
<tr>
<td>Moriches-Middle Island Road</td>
<td>East</td>
<td>2%</td>
</tr>
<tr>
<td>Longwood Road</td>
<td>North/West</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>

2.26 Trip Assignment Explanation Requested

Comment C-51:

“We are also question the assignment of westbound Long Island Expressway North Service Road (NSR) traffic whereby during the peak periods (Figures 14-16) at least 82 percent of the generated traffic is assigned to enter the site from the east via ‘New Public Roadway’ and, at most, 18 percent of the traffic is assigned to the west to north CR 46 clover leaf ramp and enters the site from CR 46. Please provide an explanation for this split of percentages.”
Response:
The traffic assignment was based on the land use location and the convenience of each site driveway. The office space is expected to be located on the western side of the New Public Roadway. Therefore for the entering office traffic, the majority of the traffic would be expected to use the LIE North Service Road and the New Public Roadway instead of working their way through the retail space. Since the Hotel is located close to CR 46, all of the traffic is expected to enter from CR 46. Residential and Retail Traffic is expected to utilize both CR 46 and the New Public Roadway to enter the site. Overall, the entering traffic using the New Public Roadway is projected to be 66% of the entering traffic during the morning peak hour and 42% and 41% of the entering traffic during the weekday evening and Saturday midday peak hour. The morning entering traffic is higher since the highest amount of entering traffic during the morning peak hour is associated with the office development.

2.27 New Ramp Justification

Comment C-52:
“New Ramps: As indicated previously, this new ramp must be justified predicated on the current proposed development. If ultimately disapproved, the North Service Road may have to be constructed to Yaphank Avenue, CR 21.”

Response:
As discussed in Response, Section 2.1, FST will review this access with NYSDOT and review possible alternatives that maybe considered. It is FST’s understanding that the Yaphank Community would prefer not to have the LIE North Service Road extended to CR 21 or improved beyond its current use/limits.

2.28 Additional Capacity Analyses Requested

Comment C-53:
“Capacity Analysis Locations: The Town will have input on the capacity of the proposed on-site intersections. Analysis must be provided for these intersections, for example:

- Proposed Roundabouts
- Yaphank Woods Boulevard Extension at Phase 3 Access Road and Phase 4/5 Access Road

Analysis should be provided by phase of development, where appropriate.”

Response:
The applicant and project design team will work with the Town on the “on-site” infrastructure design elements as the project moves forward through Site Plan review.
2.29 V/C Ratio and Mitigation

Comment C-54:
"Table 14 - Signalized Capacity Analysis-Build Conditions-Without Mitigation: Mitigation should be proposed at any location with a v/c ratio of 1.00 or greater."

Response:
The four intersections of CR 46 with Longwood Road, Yaphank-Woods Boulevard, the Suffolk County Police Department Driveway and Moriches-Middle Island Road all have certain movements that operate with v/c ratios of 1.00 or greater. Mitigation is proposed at Yaphank-Woods Boulevard to address this deficiency. The other intersections are addressed in Responses, Sections 2.30, 2.31 and 2.32 below.

2.30 CR 46 at Longwood Road Mitigation

Comment C-55:
"CR 46 at Longwood Road: During the AM and PM peaks the westbound through movement Level of Service (LOS) is F and E, respectively. Mitigation is required. NOTE: Improving the LOS will positively impact the accident experience."

Response:
The Meadows at Yaphank mixed use development will contribute very little traffic volume to this movement, with 7 vehicles during the morning peak hour, 16 vehicles during the weekday evening peak hour and 15 vehicles during the Saturday midday peak hour. As such, the project’s level of impact does not warrant any additional mitigation measures.

2.31 CR 46 at SCPD Mitigation

Comment C-56:
"CR 46 at the Suffolk County Police Department Driveway: During the PM peak the eastbound left and northbound left operate at LOS F and E, respectively. Mitigation is required."

Response:
The volumes on the two movements mentioned are relatively low, allowing the mainline through movements to be given a significant amount of time. Therefore, vehicles arriving on the eastbound left or northbound left turning movements will be required to wait while the mainline through movements are provided with a long green time. Since the level of service is based on the average delay, the LOS of F and E on the eastbound left and northbound left turn simply indicate that these movements have to wait through a long red light while CR 46 has a green light. These two movements operate within capacity thresholds and without cycle failures as evidenced by the v/c ratio and the short queue lengths on these movements. As such, the project’s level of impact does not warrant any additional mitigation measures. It should be noted that as part of the Clare Rose approvals (which utilizes this signal w/SCPD) a deed covenant was
filed that requires an updated traffic study to be submitted to SCDPW prior to the approval of any future development on the site that may utilize this intersection.

2.32 CR 46 at Moriches-Middle Island Road Mitigation

Comment C-57:
“CR 46 at Moriches-Middle Island Road: During the AM peak the overall v/c is 0.98 indicating adverse operation conditions. The eastbound and westbound left turns will operate at LOS E. Mitigation is required.”

Response:
This is an existing condition on which the proposed project would have little or no impact. As such, the project’s level of impact does not warrant any additional mitigation measures.

2.33 CR 46 at Site Access Mitigation

Comment C-58:
“CR at Site Access: The northbound left will operate at LOS E; however, the proposed northbound dual left turn lanes will mitigate the problem.”

Response:
Comment acknowledged. This movement will operate with sufficient capacity to accommodate this movement.

2.34 Weaving Analysis on Northbound CR 46 Requested

Comment C-59:
“Weaving Analysis: An additional weaving analysis for traffic entering the site from CR 46 northbound, between the terminus of the westbound LIE NSR to northbound CR 46 ramp and Yaphank Woods Boulevard, is required.”

Response:
This section was analyzed as a merge in the TIS. As requested, FST reanalyzed this section of roadway as a weave. Table 2-1 presents a summary of the weave capacity analysis on CR 46 northbound from the LIE North Service Road westbound ramp to Yaphank-Woods Boulevard.

Under the 2015 build conditions, the weave on CR 46 northbound between the LIE North Service Road westbound ramp and Yaphank-Woods Boulevard is projected to operate at LOS C during the weekday morning and LOS B during the weekday evening and Saturday midday peak hours.
### Table 2-1
FREEWAY RAMP ANALYSIS, Build Conditions

<table>
<thead>
<tr>
<th>Weave Location</th>
<th>Weekday AM Peak Hour</th>
<th>Weekday PM Peak Hour</th>
<th>Saturday Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Speed</td>
<td>Density</td>
<td>LOS</td>
</tr>
<tr>
<td>CR 46 northbound between the LIE NSR ramp and Yaphank-Woods Blvd.</td>
<td>38.7</td>
<td>25.8</td>
<td>C</td>
</tr>
</tbody>
</table>

2.35 Parking Analysis Requested

Comment C-60:
“Parking: Parking is discussed on the DGEIS on Pages 1-22 and 1-23, and a reference to a parking analysis in the TIS is made; however, the analysis does not appear in the TIS. An analysis of parking required for each phase of this project is needed.”

Response:
The TIS for the prior proposal (dated November 2010) did not contain a separate parking analysis, as was noted on page 1-25 of the Draft GEIS. The reference in the Draft GEIS was included in anticipation of such an analysis; however, a parking analysis was not prepared at that time. A parking analysis can be provided for each future site plan submission (after Phase 1) of this project as it moves forward. The analysis will be based on a form-based code as established for this project.

2.36 Details of Phased Implementation of Roadway Mitigation Requested

Comment C-61:
“Phased Implementation of Mitigation: Section 8.0 (Page 68) of the TIS discusses phased implementation of mitigation measures, based on capacity analysis of certain ramps and intersections for various phases. A table of these analyses, as well as back-up data, is required.”

Response:
See Response, Section 2.37.
2.37 Need for Future TIS

Comment C-62:
“As was proposed for a prior proposal on this site (Brookhaven Walk), as a condition of the site plan approval, the applicant should be required to conduct a future Traffic Impact Assessment, e.g. mid-way through the implementation of the proposed phased development, to verify that mitigation measures are adequate to address the project’s safety and capacity impacts, and to determine if ultimately proposed measures (i.e. after Phase 5) are still appropriate. The applicant would be responsible for implementing any additional mitigation measures.”

Response:
FST has provided various mitigation measures as depicted on the preliminary design plans. As the project moves forward, FST will review the proposed mitigation with both the SCDPW and NYSDOT to provide final mitigation that is needed and warranted as it is developed. The Meadows at Yaphank will be a “phased” project. During the start of each future Phase after Phase 1, prior to site plan approval of said future Phase(s), an updated new traffic study will be prepared with analysis to verify traffic volume patterns and to confirm mitigation measures as planned are sufficient.

2.38 Comparison of Trip Generations Requested

Comment C-63:
“Other: Since the basics of the TIS is a Change of Zone application, a comparison of Trip Generation between the existing and proposed zoning should be included in the TIS.”

Response:
Table 1-8a compares the anticipated trip generations of the prior-proposed project and the revised plan.

2.39 Discussion of Development of Surplus County Properties Requested

Comment C-64:
“The 5/17/10 scoping meeting on this project indicates the TIS should discuss Suffolk County’s Surplus Properties and current proposals for this land. This was not done.”

Response:
Appendix K contains a copy of Suffolk County legislature Introductory Resolution (IR) 2236-2010 declaring 247 acres of County-owned land in Yaphank as surplus and terminating the Legacy Village proposal. This resolution was passed by the Legislature on April 26, 2011 and the County Executive had 30 days to sign it or veto it. If no action is taken by the County Executive, the resolution becomes law. If it is vetoed by the County Executive, the Legislature appears to have sufficient votes to override. It is believed that the resolution has become law. This indicates that this proposal is no longer viable, and therefore has not been considered in the project’s Traffic Impact Study or cumulative impact analysis.
2.40 Need for a Traffic Signal on Yaphank-Woods Boulevard

Comments D-8 & E-10:
“Our community of an estimated 1,500 residents currently uses Yaphank Woods Blvd. as our only route to and from our homes. According to the plan for the Meadows at Yaphank this road is to serve as one of the entrance and exit points for the development. It is imperative that the intersection of Yaphank Woods Blvd. and William Floyd Parkway has a full service traffic signal allowing both north and south turns onto William Floyd Parkway as is indicated in Appendix D, page 6 of the Traffic Study.”

Response:
The applicant confirms that based on the recent correspondence with the SCDPW this traffic signal will remain a full signal.

2.41 Need to Resurface Yaphank-Woods Boulevard

Comments D-9 & E-11:
“In addition we would like this road to be resurfaced during Phase 1 of construction of the project since it is in a state of disrepair at this time.”

Response:
The applicant will repave Yaphank-Woods Boulevard as part of the Phase 1 construction of the revised plan.

2.42 Emergency Access

Comments D-12, E-15 & E-22:
These comments urge the provision of an emergency access to the subject site (and, through it, to the Colonial Woods/Whispering Pines condominiums), as part of the project.

Response:
Figure 3-7 of the Draft GEIS depicts the route of a potential emergency fire access to the project site, via Main Street and through the Town-owned Greenbelt, which is within the Pine Barrens Core Preservation Area. This potential alignment is intended to provide a means of access for the Yaphank Fire Department to access and reduce response times to the site. The access to the anticipated 18-foot wide stabilized access roadway would be controlled via a fire access gate.

The route of this access utilizes an existing cleared roadway. The route was reportedly utilized as a second means of access to the former Suffolk Meadows Racetrack through Main Street.

Inspection of the 1,600-foot route indicates that the existing cleared portion of the roadway varies from 20 feet to 37 feet in width from the paved section of the LIE North Service Road and north. The Town may engage in minor activities needed to re-establish this access route on municipal land for public safety purposes that would allow faster response time to the proposed...
project as well as Colonial Woods/Whispering Pines. The applicant will assist with facilitating the re-establishment of this access upon request by the Town and the project design provides the opportunity for this connection to and through the project site.

2.43 Construction Truck Access

Comments D-14 & E-17:
“Although the construction plan states that trucks and other equipment used during the construction phase will use CR 46 and the LIE north service roads to access the site it does not exclude Yaphank Woods Blvd. from use for trucks and other equipment. We insist that Yaphank Woods Blvd. which is used daily by hundreds of cars and several school buses be off limits for all equipment being used during the construction phase.”

Response:
The applicant will instruct the construction contractor/manager to prohibit all construction vehicles from traversing the northern section of Yaphank-Woods Boulevard (i.e., that section of roadway also used by the residents of Colonial Woods/Whispering Pines condominiums to access CR 46). However, the applicant does reserve the ability to, during those construction times when work on this section of Yaphank-Woods Boulevard is to occur, that such vehicles and equipment can access this roadway directly. As a result of this prohibition, it is expected that construction vehicles will be able to access the site via two roadways: the LIE North Service Road and CR 46 (through the proposed new site access). All equipment loading/unloading, materials storage, and construction staging areas and construction worker parking will be located within the subject site; thereby minimizing construction impacts to the adjacent Colonial Woods/Whispering Pines development.

2.44 Phase 1 Improvements on CR 46

Comments E-12 & E-20:
These comments indicate concerns with respect to potential impacts at the intersection of Yaphank-Woods Boulevard and CR46 for Phase I of the revised project.

Response:
FST has reviewed this intersection for mitigation required for proposed improvements for Phase I and, as a result of this review, proposes mitigation that will include an additional left turn lane on Yaphank-Woods Boulevard and improving the left turn lane on CR 46. It should be noted that during the start of each future Phase after Phase 1, prior to site plan approval of said future Phase(s) an updated traffic study will be prepared with analysis to verify traffic volume patterns to confirm mitigation measures as planned for each Phase are sufficient.
SECTION 3.0

PINE BARRENS-RELATED COMMENTS AND RESPONSES
3.0 PINE BARRENS-RELATED COMMENTS AND RESPONSES

3.1 Pine Barrens Plan Conformance

Comments C-17 & E-27:
These comments note that, as the proposed project is considered a DRS under the Pine Barrens Plan, it is required to demonstrate its conformance to the Standards and Guidelines of the Pine Barrens Plan.

Response:
The proposed project conforms to the Standards and Guidelines of the CLUP; a full analysis of that conformance is presented in Table 3-3 of the Draft GEIS, as well as in the DRS application. Appendix C of this document contains the Commission staff reviews of both the Draft GEIS (dated May 21, 2011) and the DRS application (draft, dated June 10, 2011). All comments from each CPB staff review document have been delineated and responses are provided throughout this document. Appendix H contains the applicant’s analysis discussing the revised plan’s conformance to the Pine Barrens Plan Standards and Guidelines. Review of this table indicates fully conforms to all of the applicable standards and guidelines of the Pine Barrens Plan.

3.2 Development Credit Receiving Area Capacity Analysis

Comment C-18:
“The DGEIS must include an analysis of the potential impacts of the rezoning and the currently known elements of the project on the Central Pine Barrens Comprehensive Land Use Plan, compliance with the Standards and Guidelines for development as outlined in Chapter 5 of the CLUP and implemented by the Town Code, and an analysis of the potential impact of the rezoning on the required minimum one-to one (1:1) receiving capacity to sending credit ratio requirements, as per Section 6.5.2.1 of the CLUP...”

Response:
The Meadows project is proposed by an applicant and private landowner; an applicant is entitled to petition the Town Board for a change of zone. The Town Board may review the merits of the zone change request and issue a decision. In the case of the proposed project, the 322 acre portion of the site is zoned J-2 Business (eastern parcel) and L-1 Industrial (western parcel) and was already approved for an 850,000 SF retail development while the west parcel could be used for 1.18 million SF of industrial use. The project involves a change of this use to a mixed-use, residential, commercial, office hotel, and recreational use site that better suits the needs of the community, minimizes impact and provides benefit. In addition to numerous public benefits as outlined in Section 1.3.2, the project proposes to redeem five (5) Pine Barrens Credits. The use of credits is important to ensure that where possible, PBCs are used in connection with land use applications. The Town must monitor the ratio of sending land (Pine Barrens Credits in the Core Preservation Area of the Pine Barrens) as compared with receiving land (e.g., ROD, PDD and other land use applications), to ensure that adequate receiving areas will be provided to ensure redemption of PBCs originating in Brookhaven Town. The Town is providing additional
opportunities for use of PBCs in a revised MF code and will examine other opportunities through Town-wide land use planning efforts. The municipal role in monitoring the Town-wide dynamics of PBCs is beyond the scope of the Meadows at Yaphank project.

3.3 PBC Redemption Analysis

Comments C-19 & C-94:
These comments request information on whether the project will redeem PBCs to mitigate the excess in sanitary flow of the proposed project versus the flow of the as-of-right development.

Response:
The Draft GEIS includes a full evaluation of the base density of the project (i.e., the approved Brookhaven Walk of 850,000 SF of retail space, and 1.18 million SF of potential industrial use) in conformance with zoning, as related to the proposed project density. The proposed project provides an opportunity to provide an improved and more sustainable, mixed-use form of development that includes a balanced program of diverse housing opportunities, retail, public space and gathering areas, hotel, flexible office/industrial/retail space, recreational use and extensive natural open space. The project will not substantially increase overall square footage, and will have less impact on the environment (i.e., greater tax benefit, less traffic, improved groundwater recharge, etc.) than the existing zoning would provide. The Draft GEIS presents the “as-of-right” use in Alternative 2, Section 5.2.” It is noted that the proposed project will increase sanitary flow; however, the effluent will be treated as a result of the upgrade and restoration of the originally permitted flow from the Dorade STP. The use of sanitary flow of the project, without considering other environmental and economic factors, is not an appropriate measure of increased density/intensity of use, given the extensive environmental benefits of a mixed-use, sustainable project as outlined in the Draft GEIS. The project is classified by the Town as a PDD change of use, and not as an increase in density. The applicant is aware that the CPBJPPC is considering an amendment to the Pine Barrens Act that would require sanitary credits as a function of increased sewage flow; however, no such action is currently required and the pending amendment has not been adopted. Nevertheless, the proposed project will provide extensive benefits over the existing zoning by virtue of the proposed use, as well as dedication of area for public recreation, publicly accessible space at no cost for maintenance and other benefits that will be worked out with the Town under the PDD zone change. In addition, the applicant proposes to redeem five (5) Pine Barrens Credits in order to provide further public benefit and support of the Pine Barrens Credit redemption program as part of the project’s Special Public Benefits (see Table 3-2 of the Draft GEIS for list of benefits). As discussed in the Draft GEIS, Section 3.1.2, Zoning, the Town Zoning Code Chapter 85, Section 85-340A.(5) states: “In lieu of some PBC’s, applicant may request, and the Town Board may grant, zoning incentives in the form of increased density or change of use in return for the provision of special public benefits as defined in this article.” The proposed project seeks to utilize this provision to compensate for the change in use from the existing commercial/industrial zoning, to the proposed mixed-use development.
3.4 **Explanation of Nitrogen Concentration Computations**

Comments C-20, C-91, C-93, D-18, E-36 & E-39:
These comments indicate a concern that the concentration of nitrogen in STP effluent (stated in the Draft GEIS as 8 mg/l) would exceed the maximum allowed concentration of 2.50 mg/l, as specified in the CLUP.

Response:
There is no discrepancy in the Draft GEIS regarding the nitrogen concentration values for the Dorade STP effluent and the overall project recharge. The 8 mg/l referred to in the Draft GEIS is an effluent limitation associated with the Dorade STP. The 2.50 mg/l required in the Central Pine Barrens CLUP is the concentration of nitrogen in recharge determined by mass-balance calculations of all nitrogen sources balanced with recharge and hydrologic factors to determine the theoretical concentration of nitrogen at the property lines. The Draft GEIS document indicates that the total concentration of nitrogen in recharge for the proposed project is composed of a number of contributors, which include treated effluent discharged from the Dorade STP, fertilized areas and other lesser sources as identified in the SONIR model and described in Appendix C-3 and Section 2.3.2 of the Draft GEIS. The nitrogen concentration in effluent from the Dorade STP component (after it has been upgraded and replaced) will be 8 mg/l, and that the nitrogen concentration in overall site recharge (which includes contributions from STP effluent resulting from the project, fertilized areas, and other lesser sources) was computed to be 2.20 mg/l. This value was re-computed for the revised plan (see Appendix G), and is found to be 2.21 mg/l. As a result, the estimated nitrogen concentration using mass-balance methods to determine the concentration of recharge “at the property lines” includes all sources of nitrogen and conforms to the Pine Barrens Plan, nitrate-nitrogen goal of 2.5 mg/l (Guideline 5.3.3.1.3).

3.5 **Greenbelt Buffer**

Comments C-22 & C-99:
These comments indicate a concern regarding the depth of the proposed natural buffer along the site’s western border, abutting the Town Greenbelt property.

Response:
At the present time, this area within the site is cleared, as it was developed as part of the parking area for the former racetrack operation. The Pine Barrens Plan promotes the reuse of previously-disturbed areas for development, as a means to preserve areas of undisturbed natural lands. The proposed project meets this goal, by locating development in this disturbed area; the Draft GEIS indicates in Table 3-3 (G5.3.3.11.1) that a buffer of between 40 and 80 feet in depth will be maintained between development and the site’s western border abutting the Town Greenbelt property. The project would revegetate this buffer with native plants. However, the previous disturbance of this area, and the intent of the Pine Barrens Plan to use previously-disturbed areas to the maximum extent practicable do not leave the applicant the flexibility to provide a deeper re-vegetated buffer here. It is noted that wetland creation and stormwater recharge areas will be provided near the southwest corner of the existing disturbed area, adjacent to the Greenbelt property, thus reducing the residential occupancy areas along the western site boundary.
3.6 Emergency Access

Comment C-23:
“Describe, in detail, the emergency access through the abutting Town land to the west (e.g., width, surface, uses permitted). This access is not consistent with the Greenbelt that has been contemplated for several decades, and it should not be compromised. The Commission accepted the Protected Land Council’s recommendation to establish a regional north/south trail system between Rocky Point and the Great South Bay. This parcel is a critical connection. There are no alternatives, and it must remain in its natural state.”

Response:
See also Response, Section 2.42. Figure 3-7 of the Draft GEIS depicts the route of a potential emergency fire access to the project site, via Main Street and through the Town-owned Greenbelt, which is within the Pine Barrens Core Preservation Area. The access to the anticipated 18-foot wide stabilized access roadway would be controlled via a fire access gate.

Inspection of the 1,600-foot route indicates that the existing cleared portion of the roadway varies from 20 feet to 37 feet in width from the paved section of the LIE North Service Road and north. The Town may engage in minor activities needed to re-establish this access route on municipal land for public safety purposes that would allow faster response time to the proposed project as well as Colonial Woods/Whispering Pines. The applicant will assist with facilitating the re-establishment of this access upon request by the Town and the project design provides the opportunity for this connection to and through the project site. The portions of the Greenbelt that are in a natural state will remain so, provided the potential for emergency access is restored by the Town for public safety purposes; as noted, this area was historically used for this purpose and is predominantly cleared. The function of the Greenbelt trail as a regional north/south trail system is not expected to be compromised as a result of providing the potential for emergency use.

3.7 Greenbelt Connection

Comments C-24 & C-70:
These comments request additional details of the proposed “connection to Greenbelt” noted on page 1-13 of the DGEIS, including location, width, surface and uses permitted.

Response:
There is at present no defined trail within the Town Greenbelt property to which the project could provide a connection. Therefore, this connection has not been designed at the present time and so is shown in a conceptual manner in the Land Use and Development Plan-FGEIS Plan. The applicant expects to provide a connection, for the benefit of site residents and visitors. It is expected that a connection would be made to a trail within the Town Greenbelt, if and when developed. The details of the project’s connection to such a Town trail would be determined at that time.
3.8 Buffer Area Revegetation

Comment C-25:
“Indicate whether cleared areas in the buffer along the westerly boundary be restored to natural/native vegetation.”

Response:
See also Response, Section 3.5. At the present time, this area within the site is cleared, as it was developed as part of the parking area for the former racetrack operation. The Draft GEIS indicates in Table 3-3 (G5.3.3.11.1) that a buffer of between 40 and 80 feet in depth will be maintained between development and the site’s western border abutting the Town Greenbelt property.

It is expected that this buffer area will be planted in native species appropriate and complementary to those natural species within the Greenbelt. Landscape species in proximity to and between the buildings may utilize some ornamental, non-invasive species more typical of residential landscape design for aesthetic purposes. It is expected that the details of such plantings would be determined at the time of site plan review.

3.9 Signage Heights and Aesthetics

Comment C-26:
“Sign heights should be restricted so that they are not visible from public parks, preserves and the scenic highway corridors. The proposed signage on the William Floyd Parkway and LIE frontages should be in keeping with the character of the Central Pine Barrens. Consider signage color(s), materials, dimensions, and illumination that are consistent with the scenic qualities of the region, and avoid nighttime lighting illumination in accordance with dark skies initiatives, as per the Town Code.”

Response:
The specifics of all sign specifications (e.g., heights, illumination, design, color, size, etc.) will be determined during the site plan review, which will occur after Town Board approval of the PDD zone change application. Signage will be provided in keeping with the aesthetics of the region, while still providing for proper identification of the public commercial uses on the site. It is expected signage would be provided along CR 46 and the LIE North Service Road in a manner appropriate to identify the presence of the commercial component of the project. More specifically, four (4) monument signs would not to exceed a height of 42 feet would likely be proposed, so as not to tower over the natural vegetation that otherwise dominates the area. These four signs are anticipated to be placed as follows:

- at the southwestern corner of the intersection of Yaphank-Woods Boulevard and CR46;
- at the western corner of the T-intersection of Yaphank-Woods Boulevard and the eastern parcel’s northern border;
- at the southern side of the T-intersection of the site’s main entrance on CR 46; and
- on the triangular island on the site’s southern border, on the LIE North Service Road.
Only a limited number of illuminated signs are expected, but the exact method of illumination has not been determined at this time. A number of smaller (and hence, lower) signs would be located at strategic points within the developed portion of the property, to direct visitors to desired locations. As a general policy, signs would not be provided that would be visible from points within off-site parks and/or open spaces, and all signage would be designed to be in keeping with the overall character of the pine barrens. All signage will be subject to the review and approval of the Town Planning Board, during the site plan review process, and the site plan will be sent by the Town to the Central Pine Barrens Joint Planning & Policy Commission for their review and input.

3.10 County Nature Preserve Metes & Bounds

Comment C-27:
“Indicate property line metes and bounds of abutting Town parcel(s) to the west and the County Nature Preserve parcel to the west of the Town parcel.”

Response:
A survey of off-site land would be required to provide a metes and bounds map or description of the Town- and/or County-owned lands in the area west of the Town Greenbelt; however, this is not available. A map has been prepared to illustrate the locations of these properties based on tax map information (see Figure 3-1).

3.11 Ponds and Wetlands

Comment C-28:
“Ponds and wetland systems proposed along westerly property line should be natural and planted with native species. No fences should be installed to maintain a natural scenic quality consistent with the region.”

Response:
The new wetland area that is intended to provide a 2:1 replacement of any displaced wetlands on the site will be natural, planted with native wetland species, and will not be fenced. The ponds and/or recharge basins used for drainage may be fenced depending upon Town drainage requirements and safety concerns. Adequate screen plantings will be utilized around the ponds/basins to mitigate potential visual impacts.

3.12 Lighting

Comment C-29:
“Describe lighting in detail and potential impacts to abutting public lands, existing wetlands, and created wetlands/ponds.”
FIGURE 3-1
PUBLICLY OWNED LANDS MAP

Source: ESRI Web Mapping Service; Suffolk County Tax Maps
Scale: 1 inch = 2,000 feet
Response:
Lighting is discussed in Section 1.4.7 of the Draft GEIS which notes that the proposed project includes illumination of the internal roadways, and exteriors of the community and commercial buildings, 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 as well as for the commercial area. Lighting will be designed to illuminate only those areas requiring lighting for access and safety, and would involve a design that ensures compliance with “Dark Sky” lighting principles and Town Code, Article XXXIX, Exterior Lighting Standards, by using downcast lighting so as to not cause fugitive lighting beyond the intended security and access lit areas. This would ensure reduction of potential impacts to abutting public lands, existing wetlands and created wetlands/ponds to the maximum extent practicable.

It is also noted that a Lighting Plan has not been prepared for the proposed project at the present stage of the review process. It is expected that such a plan will be prepared for and contained in the site plan application, to be submitted to the Town Planning Board after approval of the current rezone application, and will be sent by the Town to the Central Pine Barrens Joint Planning & Policy Commission for their review and input.

3.13 Missing Map

Comment C-30:
“The DGEIS was missing Map 1 of 3 in the package of materials. Please provide a copy.”

Response:
Sheet 1 of 3, Map of Land Located at Yaphank, was purposefully omitted from the Draft GEIS, as it does not present information that would have been useful to that document.

3.14 Colonial Woods/Whispering Pines Cluster Approval & Open Space Set-Aside

Comment C-31:
“Colonial Woods/Whispering Pines is zoned A-1 and was the first Town cluster approval. Confirm whether or not the instant project site was set aside as the required open space for that development approval and identify the location of the open space that was dedicated for those developments to make this confirmation.”

Response:
Research of Town records indicates that the cluster approval noted above is identified as 281-1, Webb & Knapp (Zeckendorf), resolution adopted on 2/4/1964. While the Meadows at Yaphank PDD parcels were included in the 281 approval (along with other parcels), yield was not taken from the Meadows at Yaphank PDD parcels. Open space designated from the cluster approval was the dedication to the Town of the 100-acre parcel at the southwestern corner of Longwood Road/CR 46, (SCTM number 0200-50400-0100-008000).
Colonial Woods/Whispering Pines is zoned A-1 and therefore the land involved in that development was the subject of the cluster. The proposed project site is zoned J-2 and L-1 and was therefore not a part of any open space set-aside associated with the A-1 cluster. If the subject site had been set aside as the open space designated under the then-Section 281 cluster approval for the Colonial Woods/Whispering Pines subdivision, that fact would have been documented as a deed restriction for the subject site, and would have been filed with the Suffolk County Clerk. Review of the deed for the subject site does not reveal such a restriction. This indicates that the subject site was not set aside for open space preservation.

3.15 Dorade STP

Comment C-32:
“Describe, in detail, any and all connections to the Dorade STP including, but not limited to descriptions and locations of all physical structures (above and below ground), easements, and access roads (both temporary and permanent). Additional comments are reserved when information is provided.”

Response:
Figure 1-2b of the Draft GEIS depicts the existing configuration of the Dorade STP site, and provides labels indicating the existing components of that facility. As shown there, eight recharge beds are located near the northwestern corner of the triangular-shaped parcel, arranged in two north-south oriented rows of four beds each. Approximately 100 feet to the east of the center of these rows is the 500±-SF STP control building. Located adjacent to this structure are the two treatment tanks, which are cylindrical, 75-foot diameter aboveground structures.

Based on a review of the information on access and sanitary easements to the Dorade STP (see Appendix L), there are two such easements to the facility: a 20-foot wide combined access and utility easement along Parr Village Drive (now Colonial Woods Drive West) from Yaphank-Woods Drive to its intersection with the access roadway to the Dorade parcel (Hopkins Commons Drive and Franklin Commons Drive also access this roadway). At this point, the easement divides into separate access and utility easements. The western fork is an access easement that continues northward along this road alignment, across the Town Greenbelt property into the Dorade parcel. The eastern fork, a 20-foot wide utility easement, provides for an underground sanitary sewer connection beneath Franklin Commons, through the Town Greenbelt, and into the treatment tanks of the STP. As shown in Figures 1-2a and 1-2b of the Draft GEIS, the section of sewer line beneath Colonial Woods Drive West from Yaphank-Woods Boulevard to Penn Commons Drive is 10 inches in diameter. From this point north to Thornton Commons Drive, it transitions to 12 inches in diameter (in order to accommodate the increased flow from the increasing number of households); from Thornton Commons Drive north to the Dorade parcel, this line is 14 inches in diameter.

The CPBJPPC expressed concerns regarding the existence of access and utility easements to the Dorade STP, for the sanitary wastewater to be generated by the project. Research indicates that both access and utility easements to the Dorade STP property were established in 1973, when
that facility was planned. **Appendix L** contains the pertinent Agreements, Metes & Bounds Descriptions of the Easements, and maps.

### 3.16 Smith Woods Trail Protection

**Comment C-33:**

“The historic Smith woods trail to the west of the site should be preserved and restored to its bucolic state. This colonial trail was the route from what is now known as the Longwood Estate to the Manor of St. George. This should be addressed in the DGEIS.”

**Response:**

The historic Smith Woods trail occupies an estimated 50-foot wide right-of-way located along the western side of the Town Greenbelt property. This trail alignment does not abut the project site, is not owned or subject to use or change by the applicant and is not part of this application.

### 3.17 Use Updated Aerial Photo in Land Use Analysis

**Comment C-35:**

“Figure 3-1, Land Use Map, in the DGEIS is a 2007 aerial photograph of the land use in the vicinity of the project site. This outdated photograph/map does not represent the current land use in the area nor an examination of project sites in the study area that have recently been developed. A current representation of the land use in the study area should have been prepared and field verified for this project. For example, the site south of the LIE and north of Middle Island Moriches Road has recently been developed with a significant sized commercial industrial use. This current information is readily available and visible via free global imagery service providers such as Google Earth. Other parcels in the area in the Brookhaven Research and Development Industrial Subdivision have also been developed or have pending applications for development and should be examined in the land use section as well as the cumulative impacts section of the DGEIS.”

**Response:**

The figure included in the Draft GEIS was the most up-to-date photograph available from NYS Orthoimagery at the time of preparation of the document. Orthoimagery is preferred for its geo-referenced capability to access in Geographic Information System (GIS) software, and because flights are typically done in the spring before leaves emerge from the trees. 2010 NYS Orthoimagery is expected to be released in 2011, but is not yet available. A figure has been providing using aerial photography available from other sources; refer to **Figure 3-2** for an updated aerial photograph of the site and vicinity.

The “site south of the LIE and north of Middle Island Moriches Road [that] has recently been developed with a significant sized commercial industrial use” is known as “the Arrow Parcel”, and was among the eight specific projects required by the approved scope to be included in the cumulative impact analysis in the Draft GEIS. Similarly, the “Other parcels in the area in the Brookhaven Research and Development Industrial Subdivision have also been developed or have
pending applications for development” are known as “Pinnacle Hotel” and “Tritec”, and are also included in the cumulative impact analysis noted above. These three projects are also included in the Supplemental Cumulative Impact Analysis (see Appendix I); refer to Section 5.1 for a discussion of cumulative impacts.

3.18 Proposed Mitigation Measures not Valid

Comment C-36:
“The DGEIS incorrectly identifies compliance with existing provisions of the Brookhaven Town Code and conformance to Standards and Guidelines of the CLUP as mitigation. This is not mitigation, as it is required for the project to conform or it will need a Hardship Waiver from the Commission. For example, the DGEIS describes the required open space as mitigation for the project. This is not an accurate representation and differentiation of elements of the project that are requirements versus actual proposed mitigation required as a result of potential significant adverse impacts identified in the DGEIS. The DGEIS should distinguish such elements separately and distinctly.”

Response:
In the Draft GEIS, each subsection of Sections 2.0 and 3.0 discussed one environmental resource; each discussion was divided as follows:

- existing conditions
- potential impacts
- mitigation

It is acknowledged that the Draft GEIS identified measures that were already a part of the proposed project or required as part of agency approvals, where such measures were related to control of impacts. For example, though it was acknowledged in Section 1.4.6 that use of an STP was necessary to comply with Article 6 for wastewater management, Section 2.3.3 nonetheless indicated that use of an STP for wastewater treatment would “…ensure that groundwater quality would be protected from impact via sanitary effluent recharge…”. The comment notes an additional example where at least 35% of the site must be retained as natural vegetation to conform to the Standards and Guidelines of the Pine Barrens Plan. This design parameter is related to the control of impacts with respect to pine barrens protection on a regional scale as reflected in the Pine Barrens Plan and the GEIS review that occurred on that plan when it was adopted. Many aspects of the project that are required in order to comply with regulations, are also features that reduce environmental impacts and are so noted in the Draft GEIS. Furthermore, if such design features result in a finding that there is no significant adverse environmental impact, no “additional” mitigation is necessary. The Draft GEIS provides information as part of the SEQRA process that assesses impacts and explores additional mitigation if necessary. The lead agency (and involved agencies) will review these materials as part of their respective permit authority, and establish Findings with respect to each impact category and at that time will determine if there are any unmitigated impacts that warrant further measures.
3.19 Construction Phase Impacts

Comment C-37:
“Describe mitigation measures that will be used during construction and in the future when the development is complete.”

Response:
Sections 1.4.5 and 1.5 of the Draft GEIS provide a significant amount of information on the various mitigation measures to be undertaken during the construction phase, and Sections 2.0 and 3.0 present the mitigating aspects and features of the proposed project that will apply after construction is complete.

3.20 Conformance to Pine Barrens Plan Preservation Requirement

Comment E-33:
“I heard Mr. Sloane say, 126 acres would be preserved. Well, that’s 26 percent of the 322, not 36. And the Pine Barrens requires this.”

Response:
The number 126, when divided by 322 is, to four decimal places, 0.3913. Presumably, the 126 to which the commentator refers is the acreage of land in the combined BW/Racetrack site (which totals 322.37 acres) that would remain in a natural state. Under the Pine Barrens Plan, at least 35% of this site (or 112.83 acres) must remain in a natural state. The prior proposed plan meets this requirement, by retaining 115.24 acres of natural land, or 35.75% of this site. As for the revised plan, 116.98 acres will remain undisturbed on the BW/Racetrack site, which corresponds to 36.29% of this site, which also satisfies the Pine Barrens Plan.
SECTION 4.0

CARMANS RIVER PLAN-RELATED COMMENTS AND RESPONSES
4.0 CARMANS RIVER PLAN-RELATED COMMENTS AND RESPONSES

4.1 Groundwater Contributing Area of the Carmans River Watershed

Comments C-38, C-80, C-92, D-5, E-25 & E-30:
These comments request that Figure 2-7 of the Draft GEIS be revised to depict the portion of the project site that is within the 2-5, 5-10 and 10-25 year travel-time areas for groundwater contribution to the Carmans River. In addition, the figure should be revised to show those portions of the site that will remain natural and undisturbed, and indicate the acreages within each of the three travel-time zones.

Response:
Figure 4-1 has been prepared to illustrate the requested contributing area characteristics. It identifies the 100-year contributing area to the Carmans River and overlays the project plan so that the exact components of the site development are noted with respect to the time of travel zones. The figure indicates that the approximately 80.13 acres of the site’s southwestern portion are within the 2 to 5 year groundwater contributing area of the Carmans River, that about 217.66 acres in the central part of the site lie with the 5-10 year contributing area, leaving the northeastern-most 24.58 acres (and the entire 11.09 acre Dorade STP site) in the river’s 10-25 year contributing area.

4.2 Conformance to Carmans River Watershed Protection and Management Plan

Comments C-21, C-39, C-97, D-16 & E-29:
These comments request that the project be analyzed with respect to its potential impacts on the Carmans River watershed, including groundwater resources and water quality, and its conformance to the potential standards of the Carmans River Watershed Protection Plan.

Response:
The potential for impacts within the Carmans River Watershed were described and discussed in detail in the Draft GEIS, in Section 2.3.2, Carmans River. The Draft GEIS includes extensive analysis with respect to the potential impact on the Carmans River; key points are that the project will meet a limit of nitrogen in recharge of 2.5 mg/l, and all stormwater will be retained on-site, such that there will be no direct stormwater impact to surface waters or the Carmans River. The Town has completed a draft plan for protection of the Carmans River; however, it will be subject to SEQRA review and has not as of yet been adopted. Nevertheless, the applicant has prepared an analysis of conformance with this plan (see Appendix M). The analysis indicates that the proposed project will conform to those Recommendations that apply to either the project site or to the type of development represented by the proposed project.
FIGURE 4-1
GROUNDWATER CONTRIBUTING AREA

Source: CDM 1-14-11; Simone Design Group
Scale: 1” = 2,000’
4.3 Watershed Carrying Capacity

Comment D-17 & E-5:
These comments question whether the Carmans River Watershed can accommodate the level of development proposed by the project, and requests an analysis of the carrying capacity of the watershed area with respect to impacts on river water quality.

Response:
The Town is the appropriate agency to assess impacts upon the overall Carmans River watershed, and has done so. The Carmans River Watershed Protection and Management Plan was completed in draft form by the Town of Brookhaven working with both a study group and a technical advisory group that consisted of agency, environmental advocacy and building group interests. This plan resulted in a series of 25 recommendations; as noted above in Section 4.2, the proposed project has been evaluated for conformance with those recommendations (see Appendix M). The project conforms to the recommendations of the plan pertaining to land use and development, most notably the recommendation that nitrogen in recharge not exceed 2.5 mg/l. The project also conforms to the open space retention recommendation to be consistent with the Pine Barrens Plan open space requirement of maintaining 35% of the existing natural vegetation on the property. The Carmans River Plan includes extensive recommendations to ensure watershed protection of the Carmans River as embodied in the recommendations that are evaluated in Appendix M. Also included in Appendix M, is a summary of the plan, which summarizes the overall watershed management measures that will be undertaken to implement the plan and ensure protection of the Carmans River. Given this multi-level municipal effort that has already occurred with respect to the protection of the Carmans River watershed, it is beyond the scope of this single project to determine the carrying capacity of the watershed, and this has already been addressed at a municipal level. The cumulative impact analysis contained in Section 4.1 of the Draft GEIS and Appendix I of this Final GEIS provide extensive and useful information for consideration by the lead agency with respect to potential impacts of the proposed project in combination with other reasonably anticipated projects that have been identified as pending. SEQRA contemplates that a project-specific GEIS process will analyze impacts that are reasonably related to a proposed project. The GEIS record for the Meadows project provides an appropriate level of analysis with respect to the proposed project and cumulative impacts, and it is so noted that the overall watershed has been addressed through Town planning measures in the Carmans River Watershed Protection and Management Plan.

4.4 Ballfield Fertilization

Comment E-31:
"The next thing is, ballfields. You gotta be fertilizer dependent. That’s inconsistent with any plan to save the Carmans River."

Response:
The decision as to what type of playing surface would be provided on the Town park ballfields has not been made at this stage of the review process. Such a determination will be made by the Town at the time that this public resource is developed, and would be based upon a consideration
of recreational needs and potential groundwater impacts from ballfield fertilization. There is a movement toward artificial turf fields due to their function in meeting Town-wide recreational needs as such fields require less maintenance (e.g., irrigation, fertilization, striping, cutting, etc.) and do not experience saturation and resulting “rain-outs” that occur on natural fields even after a rain event has occurred. It is noted that this Final GEIS assumes that approximately 32.00 acres of the site would be fertilized; this is about 10% of the site, which is sufficient to include these playing surfaces. In such a case, the SONIR computer model results (see Appendix G) indicate that total nitrogen concentration on the project site would be 2.21 mg/l. This value is well within applicable standards and, as indicated in the Draft GEIS, would not be expected to significantly impact aquifer or surface water resources including the Carmans River.

4.5 Rezone Watershed to A-5

Comment E-34:
“Further, I would like to second John Pavasec’s [sic] – the Director of the Long Island Pine Barrens Commission, because he recommended the entire watershed be up zoned to A5. A5, folks. If we’re going to save the Carmans River, you need to really stop wasting time on studies and just let this go forward, or frankly, act tonight and say no because you don’t need to entertain change of zone applications for things that are going to destroy our natural resources.”

Response:
The Carmans River Watershed Protection and Management Plan considered many recommendations during the course of the study. The final recommendations are included in the 25 recommendations that are analyzed in Appendix I. The recommendation to rezone the watershed to A-5 zoning is not included in the Carmans River Plan.

4.6 Dorade STP Impacts on Carmans River

Comment E-37:
“As far as the Durad [sic] plant, to say its problems in the past, is an understatement. There is a reach of the Carmans River due south, the one that’s less 2,500 feet from this project, that is registering 9 on the nitrogen load. Where do you think that nitrogen might be coming from?”

Response:
Non-point source pollution from stormwater is a primary contributor to surface water quality impacts. The existing water quality of the Carmans River is primarily a function of stormwater events, resulting in road runoff entering the Carmans River. Water quality monitoring presented in the Carmans River Watershed Protection and Management Plan confirms that elevated nitrogen in many cases is linked to stormwater events. The Dorade STP is an existing facility that has been upgraded to comply with its SPDES permit in terms of the limitation of nitrogen in recharge. The Dorade STP is located in a 10-25 year groundwater contributing area, meaning that groundwater recharged at that site will take 10-25 years to travel downgradient through the aquifer where it would ultimately discharge via subsurface outflow to the Carmans River. The
Draft GEIS (Section 2.3.2) notes the following with respect to the location of the Dorade STP in relation to the Carmans River:

As noted earlier, there is a 3,500-foot separation between the subject site and the Carmans River, and an 8,000-foot separation between the Dorade STP and the Carmans River in the downgradient direction. This distance is sufficient to indicate that the Carmans River would not receive direct subsurface discharges from groundwater underlying the subject property due to the significant distance between potential source areas and this surface water receptor. In addition, it should also be noted that there are no direct surface water connections between the site and the Carmans River and that the significant distance would prohibit the direct infiltration of overland flow. The proposed project would not result in a change in these conditions, so that the proposed project would not be anticipated to impact the Carmans River or the downstream South Shore Estuary Reserve.

More specifically, several important points are included in the Draft GEIS Section 2.3.2 that further address the potential impact of the Dorade STP on the aquifer and the Carmans River. The following measures will ensure protection of water quality:

- Conveyance of sanitary wastewater to the existing Dorade STP, which will be upgraded to achieve its prior permitted flow.
- The Dorade STP is located in the 10-25 year contributing area; as a result, conveyance of wastewater to this area has a significant benefit with respect to ensuring protection of the Carmans River. The distance of the Dorade STP from the Carmans River is approximately 8,000 feet and thus subsurface discharge at this location is subject to longer residence time and natural attenuation in the aquifer than discharges nearer to the river.
- The Dorade STP will be designed to meet a more stringent nitrogen limitation of 8 mg/l.

The upgrade and restoration of the originally permitted flow of the Dorade STP will ensure a nitrogen limitation of 8 mg/l, which is less than the current discharge limitation. The comment seems to implicate the Dorade STP in causing impact to the Carmans River, 2,500 feet to the west. As noted above, this is not likely as the Dorade STP discharges into the ground (so that the above-noted 8,000-foot downgradient distance would attenuate this recharge), and there is no surface water connection between the Dorade STP and the Carmans River that would result in the conveyance of STP discharge to the Carmans River over land.
SECTION 5.0

CUMULATIVE IMPACT-RELATED COMMENTS AND RESPONSES
5.0 CUMULATIVE IMPACT-RELATED COMMENTS AND RESPONSES

5.1 Revise Cumulative Impacts Analysis

Comments C-34, C-73, C-81, D-4, D-19 & E-24:
These comments request that the cumulative impact analysis that was provided in the Draft GEIS be expanded to include more detailed discussions and analyses of the potential impacts of the projects contained in that prior analysis.

Response:
Appendix I contains the Supplemental Cumulative Impacts Analysis for the project, which concludes as follows:

The Draft GEIS for the Meadows project provided cumulative impact analysis; twelve (12) pages of that document were devoted to description of pending projects, analysis of controlling regulations and resource based assessment of potential cumulative impacts from a combination of eight (8) projects identified for analysis at that time. This supplemental analysis provides an update on certain projects (i.e., one large project is no longer proposed) and expanded discussions of spatial positioning of projects, resource mapping, quantification of project data and potential quantifiable impacts, and discussion of potential cumulative impacts.

Neither the analysis contained in Section 4.1 of the Draft GEIS, nor the analysis conducted herein, have identified any significant adverse cumulative impacts which may result from the combination of pending projects and the proposed Meadows project. This supplement is part of the Generic EIS record for The Meadows at Yaphank and data and information provided in these documents will be useful to the Town in evaluating the various site-specific pending projects and future land use in the region.
SECTION 6.0

DORADE STP-RELATED COMMENTS AND RESPONSES
6.0 DORADE STP-RELATED COMMENTS AND RESPONSES

6.1 Permitted Capacity of Dorade STP

Comment C-66 & C-82:
These comments request the following:

1. Documentation on the reduction of permitted flow in the Dorade STP, any past violations at the plant as well as detailed information on its current flow, and confirmation from the NYSDEC on the feasibility of the proposed upgrade program at that facility to its originally-permitted 450,000 gpd flow.
2. Clarification regarding the current upgrade program, its need, and permits issued and/or on-going applications.
3. Revise Figures 1-2a and 1-2b of the Draft GEIS, to indicate existing and proposed sewage connections to the Dorade STP.
4. Confirmation that the existing flow to the Dorade STP includes flow from SCSD #8 (Strathmore Ridge), along with a detailed accounting of the sources of all current flow to that facility.

Response:
Following are the responses to each of the above:

1. Appendix N presents a number of documents that discuss the original SPDES permitted flow of 450,000 gpd for the Dorade STP the Executed Order on Consent (which addresses the plant’s violations), and the reduction in permitted flow to 140,000 gpd. Appendix N specifically notes: “The Suffolk County Department of Health Services Division of Wastewater Management would support Respondent’s application for an increase in the Plant’s SPDES permit flow to at least 225,000 gpd provided that both tanks have been improved and are operational in accordance with provisions set forth in this Order on Consent.” Sections 1.3.2 (Dorade STP) and 1.4.6 (Sanitary Wastewater Treatment) of the Draft GEIS discuss those aspects of the Dorade STP relevant to SPDES permit requirements. Documents related to NYSDEC confirmation on the feasibility of the proposed upgrade program are not available; however, an Engineering report is currently in preparation and will be subject to the review and approval of the NYSDEC and SCDHS and both agencies are involved agencies in the SEQRA process. Consequently, they will have the benefit of the GEIS record and will issue their findings and decisions based on the GEIS and their own permit review.

2. Information on the current upgrade program at the Dorade facility is presented in Section 1.3.2, Dorade STP of the Draft GEIS.

3. Figure 1-2b of the Draft GEIS depicts the existing configuration of the Dorade STP site, and provides labels indicating the existing components of that facility. As shown there, eight recharge beds are located near the northwestern corner of the triangular-shaped parcel, arranged in two north-south oriented rows of four beds each. Approximately 100 feet to the east of the center of these rows is the 500±-SF STP control building. Located adjacent to this structure are the two treatment tanks, which are cylindrical, 75-foot diameter aboveground structures. Based on a review of the information on access and sanitary easements to the Dorade STP (see Appendix L), there are two such easements to the facility: a 20-foot wide combined access and utility easement along Parr Village Drive (now Colonial Woods Drive West) from Yaphank-
Woods Drive to its intersection with the access roadway to the Dorade parcel (Hopkins Commons Drive and Franklin Commons Drive also access this roadway). At this point, the easement divides into separate access and utility easements. The western fork is an access easement that continues northward along this road alignment, across the Town Greenbelt property into the Dorade parcel. The eastern fork, a 20-foot wide utility easement, provides for an underground sanitary sewer connection beneath Franklin Commons, through the Town Greenbelt, and into the treatment tanks of the STP. As shown in Figures 1-2a and 1-2b of the Draft GEIS, the section of sewer line beneath Colonial Woods Drive West from Yaphank-Woods Boulevard to Penn Commons Drive is 10 inches in diameter. From this point north to Thornton Commons Drive, it transitions to 12 inches in diameter (in order to accommodate the increased flow from the increasing number of households); from Thornton Commons Drive north to the Dorade parcel, this line is 14 inches in diameter.

4. The Dorade STP treats wastewater from SCSD #8 under an Agreement with Suffolk County recorded by the County Clerk (recorded on January 30, 2010, Liber D0012099 at Page 700) for the sanitary flow of Sewer District #8 to be treated at the Dorade STP. Section 1.4.6 of the Draft GEIS, Sanitary Wastewater Treatment, provides a detailed discussion of the component inflows to the Dorade STP.

6.2 Need for Renovations of Dorade STP

Comments D-13 & D-16:
“The planned development will utilize the Dorade Sewage Treatment Plant that currently services our community and Sewer District #8 located north of our community. This plant was built in the 1970’s and has required significant renovation in recent years to function adequately to process the sewage generated by our community. We urge the Town of Brookhaven Board to make certain that the plant meets all code requirements of the Suffolk County Health Department and appropriate New York State authorities to ensure that the plant has the required capabilities to service the additional capacity needed by this project.”

Response:
It is expected that the Town Board, as lead agency under SEQRA, will include appropriate measures in the Findings Statement that will ensure the Dorade STP upgrade and restoration program is completed under all applicable standards and requirements of the SCDHS, the SCDPW, and the NYSDEC.
SECTION 7.0

MISCELLANEOUS COMMENTS AND RESPONSES
7.0 MISCELLANEOUS COMMENTS AND RESPONSES

7.1 Hold Draft GEIS Comment Period Open

Comments C-15, D-6 & E-26:
These comments request that the Town Board hold the period for written comments on the Draft GEIS to be held open until after the CPBJPPC hearing on the DRS application is conducted, which is June 15, 2011.

Response:
The Town Board held the public comment period on the Draft GEIS open until June 25, 2011.

7.2 Tax Map Numbers

Comment C-16:
“Page 1-14. Check the tax map parcels and their former use and acreage, which may be incorrectly listed.”

Response:
The tax map numbers for Brookhaven Walk (former) and Suffolk Meadows Racetrack (former) sites that were listed on page 1-14 of the Draft GEIS were transposed. The correct listings for the entire project site are:

<table>
<thead>
<tr>
<th>Site</th>
<th>District</th>
<th>Section</th>
<th>Block</th>
<th>Lot</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brookhaven Walk (former)</td>
<td>District 0200,</td>
<td>Section</td>
<td>584,</td>
<td>Block 2, Lot 1.3</td>
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<td>District 0200,</td>
<td>Section</td>
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<td>Block 1, Lot 1.3</td>
<td>172.20 acres</td>
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<td>Dorade STP</td>
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<td>Section</td>
<td>552,</td>
<td>Block 1, Lot 3</td>
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</table>

7.3 Thresholds for Future Actions

Comments C-65 & C-75:
These comments request additional information in regard to establishing of thresholds that, if and when exceeded, would require further SEQRA reviews.

Response:
Section 1.1 of the Draft GEIS described a number of thresholds for the project. However, in response to discussions with the Town since that document was submitted, the applicant suggests that the following be considered in establishing future thresholds that would trigger preparation of a Supplemental GEIS:

- The total number of school-age children generated by the residential component of the development shall not exceed 110, based on Rutgers University, Center for Urban Policy Research coefficients.
The wastewater flow generated by the entire development shall not exceed 310,000 gpd of measured flow and shall be treated in an STP approved by the SCDHS. The concentration of nitrates in recharge shall not exceed 2.5 mg/l at the southern property line of the 322-acre development site, as determined by mass balancing modeling.

- An updated traffic impact study (TIS) shall be prepared and submitted with each site plan to confirm that off-site mitigation is appropriate. The traffic generated by the project shall be handled by the proposed mitigation. If an updated TIS determines that the trip generation exceeds the proposed mitigation, a supplemental EIS may be required.
- Building heights shall not exceed the maximum heights contained in the PDD Master Plan Guidelines.
- Clearing shall not exceed 65% of the overall site.

Any variation from these thresholds that results in a significant adverse environmental impact shall require a submittal of a Supplemental EIS.

### 7.4 “Public Benefits” Not Valid

Comments C-67, C-78, D-3, E-2, E-23, E-28 & E-32:
These comments note that a number of the special public benefits listed in the Draft GEIS are not valid for such consideration as defined by the Town Code. Additional information/quantification for these features are requested to justify their classification as valid Special Public Benefits. In addition, the number of these benefits needs to be substantially enhanced in order to justify the proposed yield.

Response:
Refer to Section 1.3.2 for the applicant’s revised list of the project’s Special Public Benefits, which was determined during discussions between the applicant and Town.

### 7.5 Potential Impacts on Retailers

Comment C-68:
“The assumption on page 1-11 of the DGEIS that the proposed project will not have a significant impact on existing retailers should be further explained and substantiated, as, in the event that existing retailers were to be significantly impacted, the character of the communities in which those retailers are situated could be affected.”

Response:
The sentence in question in Section 1.2.3 of the Draft GEIS states:

It is not likely that the proposed project will have a significant impact on existing retailers, given the differentiation in products and services offered, as well as the different type of market served by the various types of shopping centers and retail establishments. Smaller convenience and neighborhood shopping centers, and community-oriented “mom and pop” retailers tend to serve the needs of the local market, providing a mix of specialty items, convenience goods and personal services to those in the immediate vicinity. Many consumers will remain loyal to such retailers, and other consumers will
continue to shop at the establishments closest to their place of residence or other places frequented on a regular basis, with convenience being a determining factor of such consumers. As such, these existing commercial businesses will likely continue to serve the needs of the local population, and the proposed project is not anticipated to pose a threat to such existing retailers with regard to increased vacancies.

Competition between businesses is not a matter to be studied under SEQRA; however, socio-economic impacts such as a project that could cause widespread vacancies or community blight are appropriate for consideration. The Commercial Market Analysis contained in the Draft GEIS (Section 3.72 and Appendix A-13) is intended to examine the demand for the project as related to its potential to capture sales while not exhausting sales potential. It is noted that businesses may succeed or not succeed based on many factors including: convenience of parking, signage, age/condition of a facility, mix of retailers, accessibility and related considerations. As a result, the Commercial Market Analysis has documented other types of comparable retailers within the study area, vacancy rates, and conditions in order to assess some of these factors as related to the placement of the Meadows retail uses in the current business environment. Quantitative evaluation indicates that there is retail demand within the study area of the proposed project to support the existing businesses and the proposed project, with additional retail sales potential. As discussed in the Draft GEIS, and based on the Commercial Market Analysis it is not expected that existing businesses will be adversely affected by the proposed project to the extent that widespread vacancies or blight would be caused. As a result, no significant socio-economic impacts or community character changes are anticipated as a result of the project. It is noted that businesses will need to remain competitive in terms of the factors that attract consumers, in order to maintain and expand sales.

7.6 Open Space Preservation

Comments C-69, C-84, C-100 & C-103:
These comments request elucidation of the mechanisms whereby the site’s undisturbed natural areas are to be permanently preserved and protected. These areas should be depicted in a figure in the Final GEIS. In addition, transplanting of trees, shrubs and understory from those areas of the site that were previously-disturbed to areas to be revegetated should be considered; otherwise, use of native plant species to the greatest extent practicable should be considered in these areas.

Response:
Page 1-39 of the Draft GEIS indicates that the applicant is willing to consider implementing appropriate covenants for the project to, among others, permanently protect a minimum of 112.83 acres of existing natural vegetation (or 35%) of the project site.

The applicant will consider transplanting tree and shrub specimens from areas to be cleared to areas to be preserved. The site plan to be submitted to the Planning Board will include the final landscape design and will ensure that indigenous species are used to the maximum extent practicable in the landscape design of the project and transplant is considered where practical.
7.7 Wetland Protection During Construction

Comment C-71:
“The FGEIS should explain the measures that will be undertaken to protect wetland B-15 during construction.”

Response:
The same erosion control measures as were described for wetland B-16 in Sections 1.4.5 and 1.5.2 of the Draft GEIS would be applied to wetland B-15, when the upgrade and restoration program for the Dorade STP is undertaken.

7.8 Workforce Housing

Comment C-72:
“While the proposed project includes 85 workforce units, an analysis demonstrating compliance with the Long Island Workforce Housing Act is not included in the DGEIS. The FGEIS must, therefore, include an analysis demonstrating compliance therewith.”

Response:
The Long Island Workforce Housing Act contemplates a bonus density of 10 % above the as-of-right yield of a site, in order to provide affordable housing. The proposed project will change the existing J-2 and L-1 zoning of the site, to a Planned Development District including 850 residential units, of which, 10 % will be offered as “workforce” housing. The current zoning would not provide any affordable/workforce housing. The proposed zone change will result in 85 workforce housing units, and the 10 % is provided as part of the requested density. As a result of these factors, the proposed project is in keeping with the Long Island Workforce Housing Act and no further evaluation is needed.

7.9 Growth-Inducing Aspects

Comment C-74:
“Pursuant to 6 NYCRR §617.9(b)(5)(iii)(d), all growth inducing impacts of a proposed action must be evaluated. The discussion on page 4-15 of the DGEIS does not reflect an analysis of growth inducement. The FGEIS should evaluate the potential for specific growth inducement, as same is set forth in the SEQR Handbook (e.g., attracting significant increases in local population by creating or relocating employment or by providing support facilities or services; increasing the development potential of a local area, for example, by the extension of roads or sewers).”

Response:
The SEQR Handbook (NYSDEC, November 1992) states the following with respect to the content of a discussion of Growth-Inducing Aspects in a DEIS:
The growth inducement section of an EIS should describe where applicable and significant, the likelihood that the proposed action may “trigger” further development by:

- Attracting significant increases in local population by creating or relocating employment and the support facilities that may be necessary to serve the population (stores, public services, etc.), or
- Increasing the development potential of a local area (the extension of roads, sewers, water mains, utilities, for example).

The project will increase the on-site resident and employment population. From this standpoint, it is acknowledged that the proposed project would increase the potential for growth in the vicinity. This would be due to the project’s residential component, which would increase local population by 1,718 persons, which would in turn increase the customer base for various existing local businesses, and particularly for those businesses that serve the needs of family-oriented and/or senior customers. The commercial component would also induce growth, as it would create jobs that would attract people to the area as employees and as customers of those businesses. Finally, the project will necessitate extensions of public utilities, including water mains; while the Dorade STP will be upgraded and restored, access to it will continue to be limited to only the Colonial Woods/Whispering Pines condominiums, the proposed project, and SCSD #8. It is noted that for the most part, public utilities are available in the area of the site (i.e., an existing STP, existing natural gas mains, electricity and public water). The project site has been planned for commercial and industrial development in all plans since the Town of Brookhaven 1970 Master Plan. This is in large part due to the convenient transportation systems in the vicinity of the project site. Therefore, the on-site growth and regional integration of population that the project will cause, is not expected to spur significant additional growth in the area, except that which may occur as a result of existing zoning and land use plans. It is further noted that the site is located in the Carmans River corridor and future land use will be managed in consideration of the Carmans River Watershed Protection and Management Plan, which based on the pending recommendations will further limit growth in the area (e.g., land acquisition, TDR and other mechanisms).

An additional consideration is that the growth anticipated as a result of the proposed project, is the type of sustainable growth that is encouraged by “smart growth” planning. The project provides on-site employment (retail, office/flex), on-site housing and on-site recreation. This provides a balanced community that has on-site/internal synergy, and allows for integration into the community beyond the site as well as the region. It is anticipated that the project will provide synergy with Brookhaven National Laboratory (BNL) a facility that has indicated interest in housing, conference facilities and potential office/flex space. The retail opportunities will attract off-site interest, and recreational lands and future active recreational facilities will serve a need in the region. All potential impacts of the project are addressed in the Draft and Final GEIS, such that impacts related to the project and potential growth are assessed. Consequently, no significant adverse growth inducing impacts are expected as a result of the project.
7.10 Phasing

Comment C-76:
“The Phase 1 development should include some of the recreational amenities proposed for the 304 residential housing units. Phase 1 should also include improvements to the Dorade Plant subject to Suffolk County Department of Health Services (SCDHS) requirements. Phasing should be more prorated. The FGEIS should provide additional explanation of the phasing plan.”

Response:
The Phasing Plan-FGEIS Plan details the anticipated uses, yields and amenities and services that would be developed during each of the five (5) anticipated phases of the project. The plan states that the residential area of Phase 1 will include the great lawn and private recreational areas, while the commercial area will include the village green. Finally, Phase 1 will include the multi-purpose field, one of the two proposed baseball fields in the dedicated Town park, the 1,500 SF pavilion and restrooms for athletic fields. In addition, upgrades to the existing Dorade STP will be completed by the commencement of Phase 1.

7.11 Zoning Incentives and Special Public Benefits

Comment C-77:
“Town Code indicates that the Town Board may grant zoning incentives in the form of increased density or a change of use in return for the provision of special public benefits or redemption of Pine Barren Credits. However, Town Code does not specify the exact amount of Special Public Benefits required for achieving the proposed zoning incentives. Therefore, the FGEIS should examine options to quantify the amount of Special Public Benefits needed for the proposed project.”

Response:
The Draft GEIS and PDD Phase I application defined the nature of this project as a change of use for the site from J-2 and L-1 development to a more sustainable, mixed-use development. In direct response to this comment, the applicant has proposed a benefit package in connection with this Final GEIS that further supports the PDD and provision of public benefits. Refer to Section 1.3.2 for the applicant’s revised list of the project’s Special Public Benefits, which was determined during discussions between the applicant and Town.

7.12 Additional Public Benefits

Comments C-79, E-1 & E-8:
These comments suggest a number of possible additional public benefits that could be incorporated into the proposed project.
Response:
Section 1.3.2 contains a list of the project’s Special Public Benefits; the items comprising the list were determined between the applicant and Town.

7.13 Recycling

Comment C-83:
“The FGEIS should indicate that during site plan review, recycling of solid waste will be provided for in the commercial as well as the residential components of the Master Plan.”

Response:
It is expected that, as part of the Town’s review and processing of the site plan application (which would occur subsequent to Town and CPBJPPC approvals of the current rezone and DRS applications, respectively), provisions for recycling in the commercial component will be required. The applicant expects and will conform to such requirements.

7.14 Emergency and Pedestrian Access in Core Preservation Area

Comments C-85 & E-7:
“Please continue your efforts to provide emergency access for the Yaphank Fire Department from Main Street and then through adjacent Town of Brookhaven (green belt trail) lands.

The location of pedestrian access to the Greenbelt Trail and associated parking for accessing the Greenbelt Trail should be indicated in the FGEIS. The FGEIS should also state that permission/approval to access the Core Preservation Area of the Central Pine Barrens will need to be secured from the Central Pine Barrens Joint Policy and Planning Commission during the site plan review and approval phase.

The FGEIS should also include the distance to the existing LIRR Station at Shirley.

Since these roadways are proposed to be offered for dedication, the FGEIS should indicate that the improvements to Yaphank Woods Boulevard as well as the new proposed north/south extension will be developed to Town Specifications including drainage systems/recharge basins. Any public recharge basin(s)/drainage systems for these roadways should be separate from any private facilities on-site.”

Response:
See Responses, Sections 2.42 and 3.6 for discussions of the anticipated emergency access for the Yaphank Fire Department.

As discussed in Response, Section 3.7, there is at present no defined trail within the Town Greenbelt property to which the project’s hypothetical trail could connect. Therefore, the pedestrian connection within the subject site has not been designed and so is shown in a
conceptual manner in the **Land Use and Development Plan-FGEIS Plan**. It is expected that a connection would be made to a trail within the Town Greenbelt, if and when developed by the Town. The details of the project’s connection to such a Town trail, including any associated parking, would be determined at that time. It is acknowledged that approval for such a connection would require the approval of the CPBJPPC.

The LIRR Station at Mastic is located on Northern Boulevard, just east of CR 46 in Mastic, and is an estimated 4.0 road-miles from the anticipated CR 46 entrance to the project site.

The improvements to Yaphank-Woods Boulevard and the proposed extension to the LIE North Service Road will be made to Town standards; these improvements include the necessary drainage systems.

### 7.15 Loss of Wetlands

**Comments C-86 & C-95:**

These comments indicate concerns regarding the proposed replacement of any lost acreages of “wet depressions” on the site, where such replaced wetlands may be located, and the acreages of such areas.

**Response:**

The Draft GEIS fully assesses the conditions and function of these Town-regulated wetlands. Two of the three Town-regulated wetlands described on pages 2-27, 2-30, 2-31, 2-44, 2-45 and 2-46 of the Draft GEIS were to have been removed, these 0.24 acres are not significant in terms of area or of quality. In addition, the Draft GEIS indicates that 10.25 acres of recharge areas (including wet meadows and ponds) will be created, which will serve dual purposes of stormwater control and habitat for wildlife.

However, in the **Land Use and Development Plan-FGEIS Plan**, the proposed project has been refined to provide for a 2:1 wetland restoration whereby the estimated 0.22 acres in the third Town-regulated wetland (in the former racetrack oval) that will be removed will be mitigated by the creation of 0.44 acres of new wetlands located in a more suitable location (i.e., near areas to remain natural) so that improved wetland function and contiguity with adjoining open space will be achieved. This created wetland will not be used for drainage; it will be a natural system. The **Land Use and Development Plan-FGEIS Plan** further defines the wetland creation area, the 2:1 ratio of created to disturbed wetlands and the environmental benefits associated with these proposed features.

### 7.16 “Mixed-Use” Not Shown

**Comment C-87:**

‘Reference to 'Mixed-Use’ commercial is not shown or represented on the Master Plan or examined as part of the DGEIS. Mixed use in Town Code consists of second or third story
residential or office use over first floor use retail. If the Master Plan contemplates any ‘Mixed Use’ component, the Master Plan should be revised and the FGEIS should reflect this land use. If such ‘Mixed Use’ per Town Code is not proposed, this item should be replaced or clarified.”

Response:
The use of the term “mixed use” in the Draft GEIS was not intended to indicate or even suggest that the proposed project would provide land uses that would conform to the Town Code definition of “Mixed-Use”. The use of this term was intended merely to convey to the reader that a mix of land uses was proposed, which would utilize the flexibility inherent in the PDD concept.

7.17 “Flex Space”

Comment C-88:
“The definition provided for ‘Flex Space’ includes those uses permitted in J Business 2. However, some of those uses are not permitted in the L Industrial 1 zoning district. If proposed, the FGEIS should fully examine the potential for additional retail uses as part of this component.”

Response:
For purposes of the proposed project, “flex space” is defined as commercial spaces suitable for occupancy by either office or warehouse use, of which no more than 30% would be occupied by office use, and no less than 70% would be occupied by warehouse use.

In general, the PDD concept provides for flexibility in the mix and placement of land uses on a single, comprehensively-designed property. Within that flexibility, the Meadows at Yaphank PDD project contemplates some additional level of flexibility to allow the occupancy of the office flex space to be dictated to some degree by demand and future conditions. As a result, the exact types and amounts of office flex occupancies can not be given at the present time, and so the GEIS is constrained to describe this uncertainty. The Generic EIS can only analyze the project’s impacts based on the best available current knowledge of the future uses that may be present.

In order to balance this uncertainty with the SEQRA requirement to properly address potential impacts (on parking, wastewater generation and treatment, and traffic), the Final GEIS and the Statement of Findings will establish “thresholds” under which additional planning and environmental review may be required as future site-specific site plans are prepared. In this way assurance that impacts beyond those studied under this GEIS will be addressed should changes in the project be contemplated based on demand and future conditions. Thresholds are established in Section 7.3 above, and involve further traffic review during future phases of the project, the maximum capacity of the Dorade STP, and other measures to ensure that key environmental and human resources are protected (e.g., open space requirement, wastewater generation and groundwater nitrogen limitation, limitation on school-aged children). Impacts related to the adequacy of parking would be determined and analyzed as specific occupants of the office flex
spaces are delineated. An additional threshold related to parking needs would be triggered if office use of the office flex space were to surpass 30% of this floor area. In such a case, parking needs would be re-evaluated at the time of site plan review to ensure conformance with the parking standards established for the PDD Master Plan.

In consideration of the above discussion of thresholds, the analysis provided in the GEIS process is as complete as possible based on the currently-known project characteristics, and future review based on the thresholds will ensure that resources are protected and the review requirements of SEQRA are satisfied.

7.18 Redistribute Town Parklands

Comment C-89:
“It is recommended that the Master Plan should provide for the proposed Town of Brookhaven parks to be centrally located and consolidated into a contiguous unit within the site. In addition, Town of Brookhaven parks should be accessibly from Town roadways.”

Response:
The Land Use and Development Plan-FGEIS Plan shows that the two Town parklands (as shown in the prior-proposed plan) have been consolidated into a single area near the center of the site.

7.19 Permits & Approvals Required

Comment C-90:
The Staff Report indicates that the following Permits and Approvals would be necessary for the proposed project:

- Central Pine Barrens Joint Planning and Policy Commission CGA-DRS
- NYSDEC SPDES Permit for stormwater discharge
- NYSDEC Article 11 Part 182 Permit: Endangered and Threatened Species of Fish and Wildlife Species of Special Concern
- NYSDOT
- SCDHS Article 6 permit
- SCWA water supply connection
- Suffolk County Planning Commission referral
- Town of Brookhaven
  - Town Board: Change of Zone
  - Planning Board: Site Plan
  - ZBA (eight variances including parking and dimensional relief)
  - Chapter 81, Wetlands
  - Building Permit
Response:
Table 1-7 of the Draft GEIS has been revised as follows to include the above-noted CPBJPPC approval, Chapter 81 Town Wetland permit, and Article 11 permit from the NYSDEC (unless that agency provides a Letter of No Take/No Jurisdiction).

One permit or approval listed in the above Staff comment does not apply to the proposed project:

- The proposed project is for a PDD, wherein development may be designed such that bulk, setback and other requirements may be set aside (with the approval of the appropriate Town entities). As a result, no variances are necessary or proposed.

Table 1-7

<table>
<thead>
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<th>Board/Agency</th>
<th>Type of Permit/Approval</th>
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<tbody>
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<td>PDD Rezoning approval</td>
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<tr>
<td></td>
<td>PDD Master Plan approval</td>
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<td>Chapter 81, Town Wetland Permit</td>
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<td></td>
<td>Subdivision approval</td>
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<td>PDD Land Division approval</td>
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<tr>
<td>Town Assessor</td>
<td>Unit Designation Map</td>
</tr>
<tr>
<td>Suffolk County Dept. of Health Services</td>
<td>SCSC, Article 4 (Water Supply System)</td>
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<td>SCSC, Article 6 (Sanitary System)</td>
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<tr>
<td>Suffolk County Dept. of Public Works</td>
<td>STP Review &amp; Approval (Dorade STP)*</td>
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<td>Roadwork Access Authorization</td>
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<tr>
<td>Suffolk County Planning Commission</td>
<td>General Municipal Law Section 239m review</td>
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<tr>
<td>Suffolk County Water Authority</td>
<td>Water Supply Connection</td>
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<tr>
<td>NYS Dept. of Transportation</td>
<td>Roadwork Access Authorization, for improvements on LIE North Service Road</td>
</tr>
<tr>
<td>NYS Dept. of Environmental Conservation</td>
<td>Coverage under SPDES GP 0-10-001 General Permit</td>
</tr>
<tr>
<td>CPBJPPC</td>
<td>CGA-DRS Approval</td>
</tr>
</tbody>
</table>

* With Suffolk County Sewer Agency.

7.20 Distances Between Dorade STP & Wetland B-15 & B-16

Comment C-96:
"Clarify whether the Dorade STP parcel is 2,800 feet from the tiger salamander breeding pond, as per page 2-48 of the DGEIS, or 125 feet from the pond."

Response:
The boundary of the Dorade STP parcel is a minimum of 112 feet (see pages 2-28 and 2-44 of the Draft GEIS) from the NYSDEC-mapped freshwater wetland designated B-15, which is a
known tiger salamander breeding pond. The disturbed areas on the Dorade STP site are approximately 125 feet from wetland B-15. The sentence in question on page 2-48, like a similar passage on page 2-39, is intended to convey that the Pine-Oak Forest on the 322.37-acre development site is an estimated 2,800 feet from this breeding pond. The sentence on page 2-48 is meant to convey that the Pine-Oak Forest on the development parcel would not be disturbed by construction for the proposed project, and so would remain available to this species, though such usage would be unlikely considering the distances involved and the intervening developed areas. As noted in Section 1.4.6 of the Draft GEIS, an estimated 1.50 acres of upland habitat (some of which is suitable for the tiger salamander) would be disturbed as a result of the upgrade program at this facility. However, this impact would occur in a part of the Dorade STP parcel that is more than 535 feet from wetland B-15 and does not exceed 50% of the remaining upland habitat on the site. In addition, there is significant public land surrounding the pond that provides suitable upland habitat and will remain forever natural. As a result, the activity would conform to the NYSDEC guidance policy for protection of tiger salamander breeding habitat and would be expected to receive a no-take/no jurisdiction determination from NYSDEC (see Figure 7-1). Suitable habitat areas would not be significantly affected, and no impact to this tiger salamander habitat is anticipated.

7.21 Field Personnel Qualifications

Comment C-98:
"Indicate who performed the field inspections to identify the presence, absence of rare, endangered, or threatened species and were they performed when the species were expected to be present in a specific season or breeding period."

Response:
The technical and professional qualifications of the field personnel that performed the field inspections are contained in Appendix E-4 of the Draft GEIS.

7.22 Fencing During Construction

Comment C-101:
"Consider staking and delineating clearing limits with split rail fences prior to disturbance."

Response:
Sections 1.4.5 and 1.5.2 of the Draft GEIS provide generalized descriptions of the anticipated construction phase operations, which include notes that flagging and silt fencing will be installed along the boundaries of areas to be cleared, thereby indicating areas to be left undisturbed. The applicant will consider utilizing other and/or additional measures, such as split rail fencing, to be instituted at the onset of the clearing & grading phase of the construction process. The specific provisions will be determined at the time of site plan review by the Town of Brookhaven.
FIGURE 7-1
TIGER SALAMANDER HABITAT MAP

Source: NYSGIS Orthoimagery Program, 2010;
Michael P. Chiarelli Engineer P.C., 2/2011; NP&V Annotation
Scale: 1" = 400'
7.23 Clearing Limit Plan

Comment C-102:
“Provide a plan that illustrates the clearing limits with relevant data and including any clearing necessary to construct drainage facilities, lined ponds, and other man made structures on the project site as well as the emergency access on the west side of the project site.”

Response:
The Land Use and Development Plan provided in the Draft GEIS provides the requested information with respect to improvements proposed on the project site. The Final GEIS is based upon the Land Use and Development Plan-FGEIS Plan, which depicts the same information. More specifically, the plans show similar limit of clearing. The proposed disturbance areas include all improvements related to the development, including: drainage facilities, ponds, man-made structures and all buildings, parking, roads, landscaped areas, etc. The natural and undisturbed areas will comprise the remainder of the site and will total at least 112.83 acres (35%). It is noted that the Land Use and Development Plan-FGEIS Plan is a conceptual plan for the purpose of the requested PDD change of zone, and for analysis in the Generic EIS. More detailed grading and drainage plans, landscape plans and fully engineered plans will be prepared for the site plan approval by the Town of Brookhaven Planning Board, should the Town Board act favorably on the change of zone. As a result, the level of detail described in the accompanying Draft Generic EIS is itself generic. The full GEIS and Findings Statement will establish parameters for development that will include the requirement that no more than 65% of the overall site will be disturbed, thus leaving a minimum of 35% of the existing natural vegetation on the site. The exact limits of clearing will be defined as part of the Site Plan application; the plans prepared for that application will ensure conformance with the conditions of approval by the CPBJPPC and the Town of Brookhaven that will both require 35% natural area to be retained.

7.24 Other Permits, etc.

Comment C-104:
“Provide copies of letters of jurisdiction, letters or approval from the Suffolk County Department of Health Services, or permits from other agencies, where applicable.”

Response:
At the present stage of the application review process, the only such documents are related to the SEQRA-related history off the application, engineering reports prepared for the on-going upgrade work at the Dorade STP, which was described in Section 1.3.2 of the Draft GEIS, correspondence related to NYSDEC jurisdiction over the wetlands, and NYS OPRHP correspondence related to cultural resources. Attached hereto in Appendix O are copies of these documents.

- Brookhaven Town Board as lead agency under SEQRA - Positive Declaration and resolution adopting Positive Declaration;
• SCDHS - Order on Consent for Dorade STP;
• SCDHS - cover of the applicant’s Corrective Action Engineering Report for the on-going upgrade; of the Dorade STP (stamped “Approved as Submitted” by the Office of Wastewater Management. This Report was prepared to describe the on-going upgrade work at the Dorade STP to at least a 225,000-gpd capacity, as described in Section 1.3.2 of the Draft GEIS);
• NYSDEC - Letter of Non-Jurisdiction for Wetland B-16, for Brookhaven Walk project;
• Town of Brookhaven - Letter of Non-Jurisdiction for Wetland B-16 for Brookhaven Walk project (Meadows at Yaphank will maintain 150-foot non-disturbance buffer);
• NYS OPRHP - Letter confirming No Impact to cultural resources for Brookhaven Walk project;
• NYS OPRHP - Letter confirming No Impact on cultural resources on Racetrack site (for development restricted to previously-disturbed area);
• NYS OPRHP - Letter confirming No Impact on cultural resources on Meadows at Yaphank site (for a previous site layout);
• NYS OPRHP - Letter confirming No Impact on cultural resources of prior proposed plan for Meadows at Yaphank.

7.25 Respond to CPB Staff Review of Draft GEIS

Comment C-105:
“Address all comments on the DGEIS submitted by the Commission staff in its review letter of May 21, 2011 to the Lead Agency.”

Response:
Responses to the CPBJPPC’s staff written comments on the Draft GEIS, which are contained herein in Appendix C, are presented in this Final GEIS.

7.26 Subdivision

Comment C-106:
“The application states that a subdivision is proposed. Additional clarification is needed with regard to the purpose and objective of a subdivision of the project site. No additional clearing is permitted on any lots that are created as a result of a subdivision of the project site.”

Response:
As shown in Table 1-7, a subdivision and a land division of the site will be necessary. Such approvals are typical of large projects where components of the overall project would be developed by different sub-corporations or different entities depending on the business objectives of the applicant. However, as the project’s plan is presently conceptual in nature, the exact details of land division boundaries are not available at present. The applicant clearly understands that no additional clearing will be permitted on any lots that are created as a result of land divisions that may occur. The overall project as defined by the PDD Land Use and Development Plan is evaluated in this GEIS; the various decision documents that will be generated at the completion of the change of zone process will ensure that no further clearing is permitted at the time of site plan review. Decision documents include: the Statement of Findings.
on the GEIS, the zone change decision, required Covenants & Restrictions in connection with the zone change, and the Pine Barrens Commission decision on the DRS application.

7.27 Statements of Support

Comments D-1, D-2, D-7, E-4, E-6, E-9 & E-19:
These comments indicate support for the proposed project.

Response:
Comments acknowledged.

7.28 Greenbelt Buffer Along Yaphank-Woods Boulevard

Comments D-10 & E-13:
“A greenbelt buffer consisting of a minimum of 300 feet of trees must be maintained between the south side of Yaphank Woods Blvd and any structures to be built for the development.”

Response:
The revised plan shows that, except for the new recharge basins for the Yaphank-Woods Boulevard drainage system, a natural buffer of at least 300 feet in depth will be maintained between the nearest area of construction and the southern side of the roadway, to provide aesthetic and noise buffering to the residents of the Colonial Woods/Whispering Pines condominiums.

7.29 Location of Retail and Hotel Components

Comments D-11 & E-14:
“The plan as presented includes the development of housing units along the northern portion of the property adjacent to our residences. We would be opposed to the placement of any of the retail or hotel components on the north side of the development due to the potential noise issues that could be a result of such placement.”

Response:
The applicant is aware of this concern, and agrees that locating commercial or offices uses in proximity to Yaphank-Woods Boulevard or near the Colonial Woods/Whispering Pines condominiums should be avoided if possible. Therefore, the Land Use and Development Plan-FGEIS Plan does not locate hotel or retail structures within approximately 2,200 feet of this roadway.
7.30  Improvements on Yaphank-Woods Boulevard

Comments D-15 & E-18:

“Although not noted in the plan documents the applicant has committed to constructing a gate house on Colonial Woods Drive East and to provide fencing and additional shrubbery along the north side of Yaphank Woods Blvd. to provide additional separation between our community and the proposed development. These amenities to be installed at the cost of the developer were part of the proposed Brookhaven Walk project and we would expect these features to be installed during the initial phases of the project.”

Response:
The applicant will abide by this aspect of the previous approval for the Brookhaven Walk project. The applicant proposes to construct these improvements at the commencement of 50% of the retail space construction.
APPENDICES
APPENDIX A

RESOLUTIONS ACCEPTING THE DRAFT GEIS AND SCHEDULING PUBLIC HEARINGS ON THE DRAFT GEIS AND THE CHANGE OF ZONE APPLICATION

Brookhaven Town Board

April 12, 2011
WHEREAS, The Meadows at Yaphank LLC (a/k/a AVR Realty) has filed an application for a change of zone from J Business 2 and L Industrial 1 to Planned Development District (PDD) on property located on the northwestern corner of the interchange of William Floyd Parkway and the Long Island Expressway (LIE) in the hamlet of Yaphank, further identified as SCTM Nos. 0200-552.00-01.00-001.003 and 0200-584.00-02.00-001.003; and

WHEREAS, a scoping hearing was conducted on or about September 2, 2010; and

WHEREAS, in connection with said application, a Draft Generic Environmental Impact Statement (DGEIS) has been prepared;

WHEREAS, a public hearing is required pursuant to 6 NYCRR Part 617.9;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the DGEIS is hereby deemed to be satisfactory with respect to its scope and content; and be it further

RESOLVED that the DEIS is hereby accepted by the Town Board; and be it further

RESOLVED, that a public hearing shall be held in conformance with 6 NYCRR Part 617.9 for the DGEIS on May 10, 2011; and be it further

RESOLVED that the Town Clerk of the Town of Brookhaven is hereby authorized and directed to publish the notice of the time and place of such hearing at least fourteen (14) days in advance of such time in the LONG ISLAND ADVANCE newspaper, which has general circulation in said Town.
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Section 64 of Town Law and 6 NYCRR Part 617.9, a public hearing will be held by the Town Board of the Town of Brookhaven at the Town Board Auditorium at One Independence Hill, Second Floor, Farmingville, New York, on May 10, 2011, at 6:30 P.M. to solicit public and agency comments on the Draft Generic Environmental Impact Statement with regard to the change of zone application by The Meadows at Yaphank, LLC (a/k/a AVR Realty) on property located on the northwestern corner of the interchange of William Floyd Parkway and the Long Island Expressway (LIE) in the hamlet of Yaphank, further identified as SCTM Nos. 0200-552.00-01.00-001.003 and 0200-584.00-02.00-001.003.

At said public hearing, any persons interested shall be given the opportunity to be heard.

Dated: April 14, 2011
Farmingville, New York

Patricia A. Eddington
Brookhaven Town Clerk
STATE ENVIRONMENTAL QUALITY REVIEW
COMPLETION OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
AND
NOTICE OF PUBLIC HEARING

LEAD AGENCY: Town Board of the Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

APPLICANT: Rose-Breslin, LLC, and Dorade, LLC
One Executive Boulevard
Yonkers, NY 10701
Contact: Tom Perna, Senior Vice-President

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

TITLE OF ACTION: Acceptance of the SEQR Draft Generic Environmental Impact Statement (DGEIS) and to set a combined public hearing for the SEQR DGEIS and Town Board Change of Zone Public Hearing for The Meadows at Yaphank (aka AVR Realty) – Log #: 2010-11-CZ.

SEQR STATUS: Type I

DESCRIPTION OF PROPOSED ACTION: The applicant seeks a change of zone from L Industrial-1 and J Business-2 on 322.37 acres of an overall 333.46-acre combined project site located at the northwestern corner of the interchange of William Floyd Parkway and the Long Island Expressway (LIE), in Yaphank, to Planned Development District (PDD). The application includes an 11.6-acre site occupied by the existing Dorade Sewage Treatment Plant (STP), which is currently in operation and serving projects in the area including the Suffolk County Sewer District (SCSD #8) and the Whispering Pines/Colonial Woods condominiums. A change of zone is not needed or requested for the STP parcel.

LOCATION: The project site is located at the northwestern corner of the interchange of William Floyd Parkway and the Long Island Expressway (LIE), in the hamlet of Yaphank. The site can be more particularly described as SCTM No. 0200 55200 0100 001003 and 0200 58400 0200 001003 (322.37 acres, total).

A Draft Generic Environmental Impact Statement (DGEIS) (Revised April 2011) has been completed and accepted for the proposed action described above. A public hearing on the DGEIS will be held on May 10, 2011 at 6:30 PM in the Brookhaven Town Auditorium, 2nd Floor, located at One Independence Hill, Farmingville, NY 11738. Comments are requested and will be accepted by the contact person or the Town Clerks Office until the close of business on May 21, 2011.

POTENTIAL ENVIRONMENTAL IMPACTS: A Draft Generic Environmental Impact Statement (DGEIS) has been prepared to examine the potential environmental impacts of the proposed change of zone. The environmental parameters addressed in the DGEIS include: Land use, zoning, topography, open space, endangered species, geology and geohydrology, surface waters and wetlands, natural resources, economic conditions, community services and facilities,
roads and traffic, air quality and noise, community character, archeological and historical resources, energy resources, cumulative impacts and alternatives.

A limited number of copies of the DGEIS (Revised April 2011) may be obtained from:

CONTACT PERSON: Jeffrey Kassner, Director, Division of Environmental Protection
ADDRESS: One Independence Hill, Farmingville, NY 11738
PHONE NO.: 631-451-6455
EMAIL: jkassner@brookhaven.org

A copy of the DGEIS may be viewed at:

Office of the Brookhaven Town Clerk and the
Town of Brookhaven Division of Environmental Protection
One Independence Hill
Farmingville, NY 11738

The Longwood Public Library
800 Middle Country Road
Middle Island, NY 11953

A copy of the DGEIS will be posted on the Town of Brookhaven website at:
http://www.brookhaven.org

COPIES OF THIS NOTICE SENT TO:
Applicant
Environmental Notice Bulletin
Kimberly Kennedy, Assistant to General Counsel, Suffolk County Water Authority
Andrew P. Freleng, Chief Planner, Suffolk County Department of Planning
Kimberly Shaw, Senior Environmental Analyst, Suffolk County Dept. of Health Services
Mark Carrara, Deputy Permit Administrator, NYS Dept. of Environmental Conservation
Sherif Fathi, Regional Environmental Manager, NYS Dept. of Transportation
Julie Hargrave, Environmental Planner, Central Pine Barrens Joint Planning and Policy Commission
Daniel P. Mackey, Historic Preservation Program Analyst - Archaeology, NYS Historic Preservation Field Services Bureau (NYSOPRHP # 10PR03630)
Richard Amper, Long Island Pine Barrens Society
Charles J. Voorhis, CEP, AICP, Nelson, Pope & Voorhis
Brian Ferruggiari, AVR Realty
David Sloane, Certilman, Balin, Adler & Hyman
Jeffrey Vollmuth, P.E., Vollmuth & Brush
Kim A. Germaro, AICP, VHB Engineering, Surveying and Landscape Architecture, P.C.

Town of Brookhaven:
Patricia A. Eddington, LCSW, Town Clerk and Registrar
Councilperson Connie Kepert – Council District 4
Vincent E. Pascale, Chairperson, Planning Board
Tullio Bertoli, Commissioner, PELM
Lynn Weyant, Director, Division of Traffic Safety, PELM
Jeffrey Kassner, Director, Division of Environmental Protection, PELM
THIS DETERMINATION IS NOT COMPLETE UNTIL AUTHORIZED AS FOLLOWS:

ADOPTED BY RESOLUTION ON: APRIL 12, 2011

Patricia A. Eddington, LCSW, Town Clerk and Registrar:

[Signature]
RESOLUTION NO. 2011-367
MEETING: April 12, 2011

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

WHEREAS, an application was filed by The Meadows at Yaphank, LLC (a/k/a AVR Realty) for a change of zone from J Business 2 and L Industrial 1 to a Planned Development District (PDD) on property located on the northwestern corner of the interchange of William Floyd Parkway and the Long Island Expressway (LIE) in the hamlet of Yaphank, further identified as SCTM Nos. 0200-552.00-01.00-001.003 and 0200-584.00-02.00-001.003;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven as follows:

That in accordance with the provisions of Sections 264 and 265 of the Town Law, a public hearing will be held by the Town Board of the Town of Brookhaven at the Town Board Auditorium at One Independence Hill, Second Floor, Farmingville, New York, on May 10, 2011, at 6:30 p.m. to consider the application of the Meadows at Yaphank, LLC (a/k/a AVR Realty) for a change of zone from J Business 2 and L Industrial 1 to a Planned Development District (PDD) on property located on the northwestern corner of the interchange of William Floyd Parkway and the Long Island Expressway (LIE) in the hamlet of Yaphank, further identified as SCTM Nos. 0200-552.00-01.00-001.003 and 0200-584.00-02.00-001.003; and be it further

RESOLVED that the Town Clerk of the Town of Brookhaven is hereby authorized and directed to publish the notice of the time and place of such hearing at least ten (10) days in advance of such time in the Long Island Advance newspaper, which has general circulation in said Town.
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Sections 264 and 265 of Town Law, a public hearing will be held by the Town Board of the Town of Brookhaven at the Town Board Auditorium at One Independence Hill, Second Floor, Farmingville, New York, on May 10, 2011, at 6:30 p.m. to consider the application of The Meadows at Yaphank, LLC (AVR Realty) for a change of zone from J Business 2 and L Industrial 1 to a Planned Development District (PDD) on property located on the northwestern corner of the interchange of William Floyd Parkway and the Long Island Expressway (LIE) in the hamlet of Yaphank, further identified as SCTM Nos. 0200-552.00-01.00-001.003 and 0200-584.00-02.00-001.003.

A more detailed diagram of the subject property is on file at the office of the Town Clerk and may be examined during regular office hours by any interested person.

At said public hearing, any persons interested shall be given the opportunity to be heard.

Dated: April 14, 2011
Farmingville, New York

Patricia A. Eddington
Brookhaven Town Clerk
APPENDIX B

CONFORMANCE TO TOWN PDD REQUIREMENTS
CONFORMANCE TO PDD ZONING REQUIREMENTS

According to the Chapter 85, Article XXXIIA (Planned Development District) of the Town Zoning Code, the Town has defined the purpose and goals of a PDD. The legislative intent (Section 85-337) is as follows:

1) It is hereby found and determined by the Town Board of the Town of Brookhaven that there exist in the Town vast but diminishing natural resources and tracts of land which must be preserved and protected for the benefit of this and future generations. This need is balanced by a need to accommodate and provide for the future economic welfare and development of the Town.

2) The purpose of this Planned Development District legislation is to create the type of planning and zoning flexibility which is necessary to achieve environmentally sensitive, economically beneficial and socially desirable development which is more creative and imaginative in its land use and design than is possible under the more rigid, conventional regulations currently in place. This type of sound planning is designed to achieve a commonality of benefits for the otherwise sometimes competing interests of planners, environmentalists, residents, civic groups, business people and developers by recognizing the unique locational, servicing and physiographic characteristics of varying parcels of land, and then shifting and modifying the development permitted on each in order to achieve benefits to the public and to the owner of the property.

3) It is, therefore, the intent of the Town Board to enact zoning which can be used as a positive planning tool by offering incentives to encourage comprehensive, coordinated planning and design, and the creation of developments and communities which are visually attractive, fiscally responsible, economically feasible and environmentally sensitive. In order to aid in accomplishing the above, and the goals described below, various boards and officials of the Town of Brookhaven will incur significant expenses in connection with the review of applications for implementation of the PDD floating zone. It is desirable that reimbursement for these expenses be made to the Town by the applicant seeking such relief. It is, therefore, also the intention of this article to establish a schedule of deposits to be made by applicants to assure reimbursement of anticipated costs to be incurred by the Town in the review of their applications.

Goals. The various long-term goals that the Town Board wishes to achieve by this legislation are as follows, although it is recognized that most applications will not be able to meet all of them:

(1) To encourage more desirable and publicly beneficial arrangements and designs of land uses in accordance with the comprehensive plan of the Town of Brookhaven (including the draft 1987 Land Use Plan, the 1985 Open Space Study and this Zoning Code), the Long Island Pine Barrens Protection Act (Article 57 of the New York State Environmental Conservation Law), the Central Pine Barrens Comprehensive Land Use Plan (prepared by the Central Pine Barrens Joint Planning and Policy Commission), the Long Island Comprehensive Special Groundwater Protection Area Plan (prepared by the Long Island Regional Planning Board pursuant to Article 55 of the New York State Environmental Conservation Law) and other applicable plans of Town, county, regional, state and federal agencies.

The subject site is located within the Central Pine Barrens Zone and Special Groundwater Protection Area (SGPA), so the regulations of the Long Island Pine Barrens Protection Act (Article 57 of the New York State Environmental Conservation Law), the Central Pine Barrens Comprehensive Land
Use Plan (prepared by the Central Pine Barrens Joint Planning and Policy Commission), and the Long Island Comprehensive Special Groundwater Protection Area Plan (prepared by the Long Island Regional Planning Board pursuant to Article 55 of the New York State Environmental Conservation Law) apply. In addition, the proposed project conforms to the recommendations of the (draft) Carmans River Watershed Protection and Management Plan.

Town Code Section 85-340 promotes the use of PDDs as Receiving Sites for Pine Barrens Credits (PBCs) or other form of transferred density, as a means of preserving open space in the Pine Barrens Zone or in other locations in the Town. In general, use of this mechanism on the subject site would promote preservation of open space lands in the Town and would facilitate an expanded use of it on other sites in other proposals as well. In addition to the creation of significant special public benefits, the purchase of five PBCs is proposed.

The proposed project conforms to the applicable recommendations and requirements of the plans and studies listed above, as follows:

**Draft Town Comprehensive Land Use Plan Update (1996) -** The Meadows at Yaphank PDD conforms to the Plan Update recommendation of “Planned Development” for the subject site. The proposed PDD would provide lands for public open space and public utilities, with commercial and residential uses; it will generate significant public benefits to the school district and community. The PDD design specifically includes large amounts of preserved land for aesthetic buffering and environmental preservation, and retains much of the naturally-vegetated perimeter buffers.

The proposed project conforms to both the spirit and other recommendations of the Plan Update, as follows:

- The project will provide high-quality senior housing in a setting that respects the existing land use context of the site and area.
- The Plan Update identifies the need for attractive, affordable workforce housing with low maintenance and recreationally-oriented facilities for the Town’s seniors, which would be achieved by the proposed PDD.
- The Meadows at Yaphank proposes a mixed land use that is appropriate in the vicinity.
- The project will help develop a greater sense of place in the local community by use of the PDD technique, which provides for recreation and open space.
- The project’s residential units will be provided in the form of differing types of units, which diversity is in accordance with Plan Update recommendations and adds variety to housing patterns by adding diversification to the surrounding community.
- The project will provide for a significant number of affordable/workforce units, as recommended by the Plan Update.
- The proposed project will dedicate a substantial acreage of land to the Town for public recreational purposes, and would construct a civic building, pavilion/restroom building, two baseball fields and one multi-purpose field.
- The proposed project includes a substantial monetary contribution to the Carmans River Invasive Species Remediation Fund.

**The Longwood Mini-Master Plan (January 1993) -** The project conforms to the recommended PUD mixed-use land use for the subject parcel. In addition, the proposed project will conform to many of the identified goals of the plan, including the following:
1. To encourage the creation of unique, identifiable community centers.
2. To encourage diversity or intricacy of use within our downtowns.
3. Encourage the development of people friendly streets and downtowns.
4. To enhance our tax base with properly sited industrial and commercial development.
5. Create corridors of open space throughout our community.

A portion of the subject property was identified in the plan as a potential center of activity. The plan states: “The North Shore Properties at William Floyd Parkway and the Long Island Expressway have the potential to be a regional commercial services center.” The plan further states “A high priority goal is to encourage the creation of unique identifiable community centers. These community centers in which people are encouraged to interact should be in Coram, Middle Island, Ridge and Yaphank, with community enhancement occurring in East Yaphank and Gordon Heights. The development of people friendly streets and downtowns is an important goal. Designated community centers should allow for higher building densities, setback relief and an integrated pattern of land use. Interaction should be encouraged by planning for a diversity of uses within the downtown areas. Amenities, such as pocket parks, and public buildings such as libraries and post offices which encourage people to be on the streets, and thus enhance their safety, should be planned within the center of communities... The aesthetic appeal of the downtowns must also be addressed. Street trees are of particular importance and should be required in site plan review. Trees can serve to separate the pedestrian from the automobile and add to the attractiveness of the downtown area... Finally, an architectural review board with input from the community should be established. “

As previously stated, the Meadows at Yaphank development envisions a sustainable community including Smart Growth elements such as a mix of residential, commercial (retail, office, office/flex), hospitality and public open spaces. As a result, the community will provide for itself as well as the greater community. With efficient building design and proper planning, more open space is preserved and the community becomes a vibrant and successful place combating the elements of sprawl. At The Meadows at Yaphank, residents will be able to step out their door to find shopping, entertainment and employment opportunities, providing freedom on-foot for all necessities as well as vibrant public spaces and parks. As a result, the proposed project will conform to the goals, objectives and recommendations identified in the Longwood Mini-Master Plan.

Central Pine Barrens Comprehensive Land Use Plan - The Pine Barrens Commission recognizes the need for balanced growth and development within the CGA provided that it is consistent with the water resource protection and habitat preservation goals of the Pine Barrens Protection Act. Projects within the CGA are required to meet all the standards presented in the Pine Barrens Plan. Appendix H of this Final GEIS provides an evaluation of the project’s conformance with the Pine Barrens Plan. Development in the CGA is permitted under strict guidelines. These standards and guidelines were adopted in the Pine Barrens Plan and the SEQRA Findings Statement of June 1995. A hardship application may be filed for those projects that do not meet the standards and guidelines in which the applicant must prove that significant reasons exist as to why the project cannot meet the standards and/or guidelines set forth. All eligible development projects in the CGA must meet all of the standards in the Plan. Based on the size of the proposed project, and review of Section 4.5.5 of the Pine Barrens Plan, the project is considered a DRS, and so the stricter Standards and Guidelines of the Pine Barrens Plan must be met.

Central Pine Barrens Critical Environmental Area - Due to the subject site’s location within the CEA, the Town Board is designated as lead agency under Article 8 of the SEQRA and 6 NYCRR 617.6. The Draft GEIS is intended to provide the Brookhaven Town Board (as lead agency under SEQRA) and all involved agencies with the information necessary to render informed decisions on
the PDD application. Once accepted, the Draft GEIS was the subject of public review, a public hearing and written comments, followed by the preparation of this Final GEIS for any substantive comments. Upon completion of the Final GEIS, the Town Board will be responsible for the adoption of a Statement of Findings. Simultaneously, the Town Planning Division will review the PDD application and determine whether it is complete for public and agency review. A public hearing will be held on the PDD application and associated Master Plan (which includes the Land Use and Development Plan-FGEIS Plan), which occur concurrent with the hearing on the DGEIS. Following this, and in consideration of the Findings Statement, the Town Board shall approve, conditionally approve, or disapprove the proposed PDD rezone application and Master Plan. If the proposed project is approved or conditionally approved, the applicant may proceed to a Phase 2 Subdivision/Site Plan application to the Planning Board.

This document is part of the official record under the SEQRA process outlined in 6 NYCRR Part 617, with statutory authority and enabling legislation under Article 8 of the NYS ECL. It was determined that the proposal would be appropriate for the preparation of a GEIS. Thus, the entire GEIS will be subject to the full procedures of Part 617, providing a proper and complete forum for interagency review and public comment. Because of this extensive environmental review, any potential impacts associated with the site’s location within the Central Pine Barrens CEA will be addressed and mitigation provided, if necessary.

*(draft) Carmans River Watershed Protection and Management Plan* - Appendix M of this Final GEIS contains an evaluation of the project’s conformance to the recommendations of this plan. That analysis indicates that the proposed Meadows at Yaphank PDD would conform to those recommendations of the Carmans River Watershed Protection and Management Plan that apply to the project site, to the type of proposal represented by the project, or to specific design aspects or features of the project. It should be noted that the Meadows at Yaphank PDD is the outgrowth of a long-term effort by the applicant to satisfy local and Town goals, as expressed in numerous meetings with Town and private stakeholders over an extended period, public and private presentations, and review of numerous Town planning documents.

Therefore, the proposed project satisfies this goal.

(2) To help implement the Central Pine Barrens Comprehensive Land Use Plan by providing a zoning mechanism designed to facilitate the transfer of Pine Barrens Credits (PBCs) from the core area of the Central Pine Barrens to receiving sites which are located and designed in a manner capable of accommodating the transferred development rights.

As contained in Section 85-340B(1) of the Town Zoning Code, the use of PBCs transferred from sites in the Central Pine Barrens Zone is the vehicle encouraged by the Town Board to justify the excess density of a proposed PDD. However, this is not the only such methodology the Town Board accepts to justify this increased density; Section 85-340B(2) states “If an applicant proposes to provide other special public benefits in exchange for a zoning incentive, the actual zoning incentive decided upon by the Town Board will be based upon the comparable economic value of PBCs, the importance of the proposed public benefits, features or amenities to the accomplishment of the purposes and goals of this article, the estimated economic cost to the applicant of providing the benefit feature or amenity, the estimated economic gain to the applicant of obtaining the requested incentive and the environmental impact of the requested density increase and/or land use change, including considerations of sewage and traffic generation. The economic calculations will take into account
estimated changes in both land value and development cost. All special public benefits for which zoning incentives are requested must be determined by the Town Board to be beyond that which would customarily be provided by an applicant or required by regulations of the Town of Brookhaven or other involved regulatory agencies.”

The proposed project includes the purchase of five PBCs. In addition, the applicant proposes to provide a number of special public benefits in order to further the benefit of the project for the community, and support the PDD mixed-use project, which includes the amounts of residential density and commercial development desired by the public. Public benefits are proposed in several forms, and provide financially based justification for the proposed PDD.

(3) To encourage preservation and protection of the Town’s natural environmental resources, including groundwater quality and quantity, the diversity of plant and animal communities, and significant habitat areas for rare, endangered, threatened and special concern species.

The proposed project will not result in any significant adverse impacts to natural resources, including topography, soils, surface and/or groundwater, wetlands, vegetation or wildlife. A primary reason for this is the fact that the site has been impacted by the previous clearing and grading for the racetrack development and previously-approved Brookhaven Walk project, which disturbed significant amounts of soil and vegetation, and thereby changed the site’s natural topography and soils, and cleared a significant amount of natural vegetation. The minor (0.22 acres) reduction in Town-regulated wetland area will be mitigated by creation of 0.44 acres of new freshwater wetlands, to be located adjacent to the Town greenbelt area. This 2:1 replacement will more than offset the loss of this area. Finally, use of the required STP, in conjunction with the applicant’s decision to minimize the use of fertilizers, will minimize the potential for adverse impacts on groundwater quality and the wetlands.

(4) To encourage the preservation of large, undisturbed, contiguous areas of naturally vegetated open space, wherever possible adjacent to existing large public/quasi-public open space areas. Where adjacent location is not possible, to create natural open space linkages which are of appropriate size, location and character so as to maintain the connectivity of open space for environmental, visual and recreational functions so as to create, as far as is practicable, continuous and contiguous open space systems.

After completion of the anticipated grading program, the proposed project will result in significant preserved land, consisting of the wetland and Pine Barrens protection areas. Approximately 122.53 acres or 36.75% of the overall site are proposed to remain natural.

The applicant proposes to retain this acreage in private ownership and will use appropriate mechanisms through the Town Board change of zone and Planning Board site plan review process to ensure that this amount of natural land remains in this condition in perpetuity.

There is a 0.76-acre NYSDEC-designated freshwater wetland B-16 on the eastern parcel, located along its northern border on the southern side of Yaphank-Woods Boulevard. Similar to the prior Brookhaven Walk project, this feature will be retained in an undisturbed condition (a Town Freshwater Wetland permit had been issued and renewed for that prior application). As the Town jurisdiction over this feature encompasses a radius of 150 feet from its boundary, it is expected that a
non-disturbance buffer of at least this distance will be maintained by the proposed project. The NYSDEC maintains a 100-foot jurisdictional buffer for this wetland; thus, the proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC. As such, no wetland permits will be required from either the Town or NYSDEC for this feature.

There is a small (approximately 0.02 acres) Town-regulated wetland located within the south-central portion of the eastern wooded buffer, along CR 46. This area retains surface water periodically during extreme rain events and excessively wet periods. This area will be retained. An additional Town-regulated wetland (approximately 0.22 acres) is located within the former racetrack oval. This area will be removed, but this acreage will be replaced by the creation of 0.44 acres of new freshwater wetlands, adjacent to the Town Greenbelt. A Chapter 81 Wetland Permit will be required from the Town. The balance of the site consists of upland areas that shed water from high elevations to low elevations where it will be recharged to the water table and/or evapotranspirate to the atmosphere.

Additionally, there is a smaller surface water body (NYSDEC-mapped freshwater wetland, identified as B-15, about 1.11 acres) located approximately 112 feet southwest of the Dorade STP property. This pond has been documented by NYSDEC as a breeding pond for an endangered amphibian species (tiger salamander). No impact to this feature is anticipated, and no Town or NYSDEC wetland permits will be required.

The project’s private recreational areas will include amenities such as outdoor pools/patios, tennis courts and extensive landscaped open areas crossed by pathways enhanced by benches and gazebos, and will be for the use of the community’s residents and their guests, and a future connection to the adjacent Town Greenbelt to the west is provided for.

Public areas will include a civic space, village green, great lawn, ball fields, a Town park and civic space.

(5) To encourage protection of scenic vistas, historical buildings and sites, sensitive archaeological areas and other important cultural resources.

The central portions of the eastern and western parcels were previously cleared. As a result, any cultural resources that may have existed in those areas would have been removed, so that no impacts to such resources would be expected.

Based on the results of an Archaeological Investigation prepared for the Eastern parcel (for the previous Brookhaven Walk proposal), the New York State Historic Preservation Office (SHPO) determined in October 2006 that no impacts to cultural resources would occur on that site as a result of that project.

For the Western parcel, SHPO determined in June 2009 that clearing for the Suffolk Downs Racetrack would have removed any cultural resources that may have been present in those portions of the parcel, so that redevelopment that would not encroach into previously-uncleared areas would likewise not impact cultural resources.

The Meadows at Yaphank PDD was initially designed to occupy only the same areas cleared for the prior development proposals, thereby continuing to minimize the potential for impact to previously-undiscovered cultural resources that may be present. Accordingly, SHPO was contacted in August
2010 to determine if further study of the subject site would be warranted for that design of the proposed project. The response letter states:

Our staff has reviewed the documentation provided, including a recent submission from Nelson, Pope & Voorhis, LLC which refers to investigation of the project area. Based on our review of all the submitted information it is the opinion of the OPRHP [Office of Parks, Recreation and Historic Preservation] that the Meadows at Yaphank project as currently designed, will have No Impact on Historic Resources. This finding takes into account the plan to leave the northern and southern portions of the parcels in their current wooded state. Should the project be modified in a way which would impinge on those wooded areas, or should any future proposals call for work in those areas, OPRHP would recommend additional archaeological investigation as those areas were not included in the currently reviewed studies.

Subsequently, the proposed project design was revised to include minor clearing along the interior border of the previously cleared areas of the site. Therefore, in anticipation of a request for additional analysis, the applicant engaged a qualified archaeologist to prepare a supplemental Phase IB Archaeological Study for this additional acreage. The resulting report did not reveal the presence of any cultural resources on this area; the report recommended no further analysis. This report has been reviewed by SHPO, and a renewed letter confirming this conclusion has been obtained.

(6) To encourage the conservation and enhancement of the visual quality and rural character of undeveloped areas of the Town by protecting visible open space, farmland and wild and scenic and recreational rivers, encouraging the creation and/or preservation of vegetative buffers along highways and between potentially conflicting land uses, and by the careful siting, design and buffering of building development.

The land use classification of the site would be changed by the proposed project, and the intensity of the site’s land use will be increased. However, the site is an appropriate location for a mixed-use development, and will serve to enhance the use of the site. As significant natural vegetation will be retained along the perimeter of the site, it is expected that views of the interior of the site will be limited only to views from the proposed access driveways along William Floyd Parkway and Yaphank-Woods Boulevard. As such, the overall vacant/wooded character of the surrounding area will be maintained.

In general, the impact of the project on the visual resources of the site will result from the limited views of the interior of the site from William Floyd Parkway and Yaphank-Woods Boulevard. Viewers from the multifamily residential development to the north will be minimally visually impacted as a result of the proposed development due to the vegetative buffer proposed and the limited views of the proposed development from Yaphank-Woods Boulevard. The project will enhance the interior of the site by use of high quality landscaping, architectural designs and building materials and will minimize impacts to the surrounding community character by providing significant vegetative buffer along the site’s perimeter which will continue to provide the vacant/wooded character of the area.

(7) To minimize flooding and erosion by protecting the functions of wetlands, waterbodies, watercourses, floodplains, areas of high water table, steep slopes, erosion hazard areas and natural vegetative cover.
A majority of the property contains slopes ranging from 0% to 10%, however there are areas located primarily in the central portion of the site extending from north to south as well as the western and eastern corners of the site that exhibit slopes ranging from 11% to greater than 15%.

In accordance with the NYSDEC Phase II SPDES Program, coverage under the General Permit for Stormwater Discharges from Construction Activities (NYSDEC Permit No. GP-0-10-001) will be obtained prior to the initiation of construction activities. Prior to filing for coverage under the General Permit, the NYSDEC requires that a SWPPP be prepared for the parcel, including a detailed erosion and sediment control plan, to manage stormwater generated on-site during construction activities, and for post-construction stormwater management. A SWPPP will be prepared to ensure compliance with water quality and quantity requirements pursuant to Technical Guidance and GP-0-10-001 and Town of Brookhaven Chapter 86 requirements. The NOI requesting coverage under the General Permit will be reviewed by the Town prior to filing in accordance NYSDEC requirements and prior to the initiation of construction activities at the subject property. Additionally, the General Permit requires that inspections of the construction site be performed under the supervision of a qualified professional to ensure that erosion controls are properly maintained during the construction period. The development areas would be specified in the SWPPP and would be managed on-site to ensure that no erosion or sedimentation would occur.

No significant amount wetlands would be impacted by the proposed development. The existing 0.76-acre wooded swamp on the subject site and the woodlands surrounding this swamp will remain undisturbed by the proposed project.

None of the three Town-regulated wetlands on the site (i.e., 0.02 acres along CR 46, 0.18 acres in the former racetrack oval, and a small wetland in the forested area southwest of the former racetrack parcel) are NYSDEC-regulated wetland features. These features experience periodic wet conditions as a result of stormwater runoff and subsequently support varying degrees of wetland vegetation. The small wetland in the Pine-Oak woodland at the southwest corner of the site and the smaller wetland along CR 46 will remain undisturbed.

The larger and highly disturbed 0.22-acre wetland within the former racetrack oval was formerly a recharge basin serving that facility. This area will be re-graded for the proposed project for parking purposes here, and its former recharge function would be relocated as part of the project’s drainage system. The proposed drainage system would include recharge areas as well as pond and wetland systems along the perimeter of the site. Because of the presence of hardy wetland vegetation, the Town has determined that this feature meets the definition of a freshwater wetland as per Chapter 81 of the Town Code, and a Town wetland permit will be required. Its proposed removal and replacement in the form of a 0.44-acre wetland along the site’s western boundary adjacent to the Town Greenbelt would provide a 2 to 1 mitigation for the loss of this feature.

The Carmans River and its associated wetlands, including Weeks Pond, are in the general vicinity of the subject property, but there is no direct surface water connection between the site and this river system. Weeks Pond is located approximately 2,200 feet southwest of the subject site, and the river is located approximately 2,100 feet to the southwest. The river system flows towards the south and discharges to Bellport Bay and the larger Great South Bay. The river in this location is a gaining system where groundwater provides the large majority of the flow. However, based upon the site’s distance and the groundwater model prepared by CDM for SCDHS, any recharge from the site would take approximately 2.88 years to reach the river system. This 2009 update to the SCCWRMP further indicates that approximately 53% of the river’s recharge is from groundwater that is less than 10
years old. Therefore, it is not likely that recharge from the site would directly enter the freshwater portion of the Carmans River, but would more likely travel farther in the aquifer, making its way toward Bellport Bay. As a result, no significant impacts to the Carmans River system are anticipated as a result of the project.

(8) To minimize stormwater runoff and maximize the quality and quantity of groundwater recharge by reducing land disturbance, using natural drainage systems wherever possible, filtering runoff from impervious surfaces, and maximizing on-site recharge.

The site does not contain any major drainage features such as intermittent streambeds or gullies, which would, if present, indicate that significant volumes of movements of surface runoff were occurring, traversing long distances. Rather, stormwater generated on the undulating topography in the vegetated perimeter buffer areas of the site is prevented from forming large volumes of runoff due to the presence of the large area of relatively flat terrain in the center of the site (cleared for the prior Site Plan approval). As a result, the large volumes of runoff necessary to create erosion features do not occur.

All stormwater runoff generated on developed project surfaces will be retained on-site and recharged to groundwater in a drainage system designed in conformance with Town requirements. While the drainage system has not been designed at the present stage of the project, it is expected that this system will utilize a number of stormwater recharge reserve areas located along the southern fringes of the developed areas (where ground elevations are lower), leaching pools and rain gardens within the developed sections serving the internal roadways and parking areas. As with any potential site development, it will be necessary to analyze the feasibility for installation of sufficient drainage infrastructure for the management of stormwater generated on site. The Town Planning Board will be responsible for the review and approval of the drainage system design as part of the site plan review and approval process.

(9) To encourage protection of aquifers and minimize pollutants entering the soil and groundwater by maximizing the preservation of naturally vegetated areas, planting appropriate native species in areas which are to be landscaped, and utilizing proper fertilizer, pesticide, fungicide, and herbicide management techniques.

Approximately 122.53 acres (36.75% of the overall site) will be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Central Pine Barrens Comprehensive Land Use Plan. As required, the project will comply with the Standards and Guidelines for a Development of Regional Significance (DRS) under the Pine Barrens Plan. Open space will be permanently preserved through site plan approval and conservation easements.

A detailed Landscape Plan will be prepared for the site plan application, which will be submitted after approval of the PDD application. The 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.

A total of 98.13 acres of the site will be landscaped surfaces, though only an estimated 32.00 acres would be maintained (i.e., fertilized and irrigated). This amount of maintained landscaping would represent only 9.6% of the project site. This value is well below the maximum allowable acreage of
fertilized landscaping in the CGA of 15% (or, 48.36 acres for this site). Fertilizers would be applied at a reduced rate of 1.00 pounds of nitrogen per 1,000 SF, and irrigation would be 5.5 inches annually which, corresponds to an annualized average of 13,093 gpd.

(10) To locate, plan and design or redesign communities so that they will have a clear “sense of place” and will enable residents to reside, work, shop and enjoy recreational and cultural activities in the same area.

The proposed PDD envisions a sustainable community including Smart Growth elements such as a mix of residential, commercial (retail, office, office/flex), hospitality and public open spaces. As a result, the community will provide for itself as well as the greater community. With efficient building design and proper planning, more open space is preserved and the community becomes a vibrant and successful place combating the elements of sprawl. At The Meadows at Yaphank, residents will be able to step out their door to find shopping, entertainment and employment opportunities, providing freedom on-foot for all necessities as well as vibrant public spaces and parks.

The project will feature attractive, coordinated architectural styling for the residential structures and commercial areas, as well as for all street furniture and amenities (e.g., lighting fixtures, signage, benches, trash receptacles, kiosks, fountains, etc.). It is intended and expected that the project’s architecture would, in coordination with landscaping, create a visually interesting and desirable environment for residents and visitors, and will enhance the community in general. Quality-of-life will be a focus of the project, and this emphasis will be evident in its use of thoughtful building design, appropriate landscaping, well-equipped private residential recreational spaces and installation of attractive site entrances. The use of an internal boulevard-style roadway linking the commercial and residential areas provides the needed vibrancy and unifying feature of this community.

(11) To offer the opportunity for a balanced array of housing designed to meet the needs of the Town and the region.

The proposed Meadows at Yaphank PDD includes a mix of housing types including senior units, affordable/workforce units, senior affordable units and market rate units. This diverse residential component of the project meets the needs of the community, provides a beneficial and desirable land use on the property, and meets Town goals for diverse and affordable (workforce) housing opportunities.

The applicant intends to offer an appropriate Declaration of Covenants and Restrictions (C&Rs) for the PDD zoning district once these are formulated through the review process. Possible C&Rs and/or agreements could include: measures to ensure that the proposed workforce housing units remain affordable and are administered properly under the auspices of the Town and/or Long Island Housing Partnership; retention of open space, cross-access within the facility; and related matters.

(12) To encourage high-quality, environmentally sensitive industrial and commercial land uses on suitable and appropriately located parcels well served by transportation facilities and utility services.
The proposed PDD includes a mixed-use project featuring a high quality mix of residential, retail, office and office flex uses on the property. The two primary vehicle access points for the project are both from CR 46; the northerly access is via Yaphank-Woods Boulevard (at the northeastern corner of the site), and the southerly access is via Meadows Boulevard East, opposite the central portion of the eastern parcel. Secondary access will be provided to the site via the LIE North Service Road (rights-in and rights-out).

(13) To encourage the efficient use of existing and planned infrastructure, and to encourage the clustering of development so as to facilitate the economical and efficient construction and operation of wastewater treatment plants to service as much of the Town’s development as practical.

Critical elements of design include retention of open space and energy efficient design to achieve conservation and energy reduction goals. Approximately 122.53 acres (36.75% of the overall site) will be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Pine Barrens Plan. As required, the project will comply with the Standards and Guidelines for a DRS under the Pine Barrens Plan. Open space will be permanently preserved through site plan approval and conservation easements. Stormwater handling will feature innovative stormwater handling methods to enhance surface treatment and quality recharge.

The applicant intends to incorporate substantial energy- and water-saving features into the proposed project, though the final roster of these features has not been determined at this early stage in the project planning process. It is possible that the number and extent of these sustainable features would justify the applicant seeking certification under the US Green Building Council’s LEED® Program. However, as the range and extent of these features has not been determined as yet, the applicant is not able at this time to confirm to the lead agency or community that such certification will be sought. Appendix A-13 of the GEIS provides a listing of those Credits of the LEED® for New Construction and Major Renovations, 2009 Program that may be considered for use in the proposed project. Also provided are the corresponding requirements for each credit that must be satisfied in order to receive that credit, as well as potential features of the project that would meet those requirements. It is expected that a final decision whether to seek certification will be made prior to the submission of the Site Plan application.

Regardless of whether LEED® Certification is sought, the applicant intends to incorporate sustainable features in the project. The following presents a generalized discussion and description of the types of such features that will be utilized in project design and construction.

Use of new, energy-efficient building materials (e.g., insulations, windows, weather stripping, door seals, etc.) and mechanical systems, (e.g., air conditioners, heating systems, HVAC [heating, ventilation and air conditioning] systems, water heaters, heat pumps, etc.) is anticipated, which would minimize the amount of energy resources required. 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.

The applicant intends to install energy- and water-efficient/Energy Star rated appliances, low-flow plumbing fixtures and low-voltage lighting, windows with low-emissivity coated glass, spray foam insulation (R-21 installation rating) and use of tankless water heaters in residences, which significantly reduce energy requirements. The project’s Lighting Plan will be designed to
be “dark sky” compliant and utilize energy-efficient lighting fixtures. Shade trees will also be used in proximity to many of the units to provide shade and reduce cooling needs in summer months.

(14) **To encourage the efficient provision and delivery of governmental services, including educational, cultural, recreational and emergency services.**

The project’s roadways will be designed in conformance with the applicable Town, SCDPW and NYSDOT requirements for spacing, widths, turning radii, etc., and therefore are anticipated to provide safe and efficient access for emergency vehicles. The proposed PDD will provide for significantly increased tax revenues sufficient to offset much (if not all) of the increased costs to provide public services. The added cost of educating 108 school-age children would therefore be $2,235,168 annually. This compares with additional annual tax revenues from The Meadows At Yaphank PDD of $8,107,343, resulting in surplus tax revenues to the school district of $5,872,175/year.

(15) **To help assure that new development will be fiscally sound in terms of revenues produced versus expenditures required, including consideration of operating as well as capital costs for the services and facilities required for its residents.**

The proposed project will be a privately owned facility that will pay a substantially increased level of property taxes, which are anticipated to offset at least a substantial portion of the increased costs to public services to provide those services to this site. The added cost of educating 108 school-age children would therefore be $2,235,168 annually. This compares with additional annual tax revenues from The Meadows At Yaphank PDD of $8,107,343, resulting in surplus tax revenues to the school district of $5,872,175/year.

(16) **To encourage protection of air quality by the clustering of development so as to encourage the use of public transportation and car pooling, as well as the provision of trails to encourage biking and walking.**

A system of bicycle lanes and sidewalks will wind through both parcels, and enable a future pedestrian connect to a Town trail system (when developed) in the adjacent Town Greenbelt to the west. The project’s private recreational areas will include amenities such as outdoor pools/patios, tennis courts and extensive landscaped open areas crossed by pathways enhanced by benches and gazebos, and will be for the use of the community’s residents and their guests. Public areas will include a civic space, village green, great lawn, ball fields, a Town park and civic space.

(17) **To provide an efficient system of transportation infrastructure designed to maximize safety and minimize vehicular travel.**

There will be two access points from CR 46; one directly into the eastern parcel (through a boulevard-style roadway for both northbound and southbound entering and southbound exiting traffic), and indirectly for both parcels from Yaphank-Woods Boulevard. There will be one access to the eastern parcel’s northern side from this roadway. Yaphank-Woods Boulevard will continue to terminate at
the northeastern corner of the western parcel, from whence an internal link (on the existing roadway along the parcels’ western border) will intersect the LIE North Service Road, which will also provide three accesses to the eastern parcel (on its western border) and the western parcel (at three widely-spaces locations, to the western parcel’s eastern side). The intersection of this internal access road at the LIE North Service Road will be configured for westbound entering and existing traffic only. One of the eastern parcel’s western accesses and one of the western parcel’s eastern accesses will be aligned opposite each other, so that a common traffic circle will be formed along the internal roadway linking the two parcels.

(18) To provide for the efficient use of land and other finite resources.

The proposed project represents an efficient use of land resources, by redeveloping a property that has been previously impacted. The site contains Town-regulated wetlands, a resource that will be increased by the proposed project; however, as described above, this resource would not be impacted by stormwater or groundwater flow, and will be subject to Town design and regulatory reviews.

(19) To minimize the consumption of energy through the appropriate siting and design of communities, buildings and infrastructure.

The applicant intends to incorporate sustainable features in the project. The following presents a generalized discussion and description of the types of such features that will be utilized in project design and construction.

Use of new, energy-efficient building materials (e.g., insulations, windows, weather stripping, door seals, etc.) and mechanical systems, (e.g., air conditioners, heating systems, HVAC [heating, ventilation and air conditioning] systems, water heaters, heat pumps, etc.) is anticipated, which would minimize the amount of energy resources required. 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.

The applicant intends to install energy- and water-efficient/Energy Star rated appliances, low-flow plumbing fixtures and low-voltage lighting, windows with low-emissivity coated glass, spray foam insulation (R-21 installation rating) and use of tankless water heaters in residences, which significantly reduce energy requirements. The project’s Lighting Plan will be designed to be “dark sky” compliant and utilize energy-efficient lighting fixtures. Shade trees will also be used in proximity to many of the units to provide shade and reduce cooling needs in summer months.

(20) To encourage the properly planned revitalization, rehabilitation and/or redevelopment of existing downtowns, shopping centers, strip commercial and industrial areas.

The site is not within any downtown area and is not occupied by a shopping center or strip center, and is not home to any industrial uses. The project may have the effect of promoting the rehabilitation of nearby retail sites, due to the increased level of residents generated, making such off-site improvements more attractive to business owners.
(21) To reclaim and allow the proper redevelopment of environmentally impacted sites.

The project represents the redevelopment of a previously disturbed site.

(22) To prevent inappropriate development on stale, previously filed subdivision maps encompassing wetlands, high water table areas, steep slopes and other terrain generally considered to be unsuitable for development.

The proposed PDD has been designed in conformance with expressed local civic input favoring the implementation of the proposed PDD. The proposed project does not represent “inappropriate development” of the subject site, and no “stale, previously filed subdivision map” on a site characterized by sensitive environmental resources exists for this property.
APPENDIX C

WRITTEN AGENCY COMMENTS

NYS Department of Transportation, May 4, 2011
CPBJPPC Staff Comments on the Draft GEIS, May 21, 2011
Town Division of Environmental Protection, May 11, 2011
Town Division of Traffic Safety, May 9 & March 14, 2011
VHB Engineering, Surveying & Landscape Architecture, PC, June 20, 2011 (Draft)
Town Division of Planning, undated
CPBJPPC Staff Report on the DRS Application, June 15, 2011 (Draft)
May 4, 2011

Mr. Kevin Papasian, P.E., Branch Manager
Fay, Spofford & Thorndike
500 Bi-County Boulevard
Suite 118
Farmingdale, NY 11735

Dear Mr. Papasian:

This letter is in regard to the site plans for the referenced project which were submitted to us for review.

Prior to an approval of the site's access and issuance of a New York State Highway Work Permit, the following items must be addressed:

1. The submitted plans show an overview of the revised roadway improvements due to the change in the development of the site. Previously a shopping mall was to be built. Presently, a mixed-use development is planned. The submitted plans do not contain details of the proposed roadway improvements that are located in the State right-of-way. The plans shall provide all reconstruction details i.e. pavement, driveway, curb and sidewalk in conformance with current NYS DOT specifications and item numbers.

   All proposed road improvements detailed in the Site Plans must be designed in accordance with the latest versions of AASHTO, National Manual of Uniform Traffic Control (MUTCD) with the NYS Supplement, NYS DOT Highway Design Manual, and the POLICY AND STANDARDS FOR THE DESIGN OF ENTRANCES TO STATE HIGHWAYS. Road improvement plans must provide all appropriate NYS DOT Standard Details and NYS DOT Standard Item Numbers. See our website for further guidance at www.nysdot.gov.

2. With respect to the two westbound "on" ramps (one new, one existing), the NYS DOT requests to have an understanding with the Town of Brookhaven or Suffolk County that the extra portion of roadway (ramp, acceleration lane and taper) be plowed and maintained by an entity other than the State of New York. The NYS DOT will not plow the two ramps, as this would be detrimental
to the efficiency of the plowing operations on the Interstate I-495. This agreement must be in place prior to the construction of the new portion of roadway.

3. A review of the current capital program indicates that the following projects are planned for this area. Please include a note in the plans for the contractor to coordinate with the following NYSDOT construction projects. NYSDOT Construction contact number is (631) 952-6041.
   - PIN 080860 "Steel Bridge Rehabilitation" with a letting this Spring, 2011
   - PIN 080841 (D261372) "Overhead Signs Replace/Repair/Install" which is currently under construction
   - PIN 080785 (D261400) "Median Barrier Installation" which is currently under construction

4. NYSDOT Mobility Management group will provide additional comments as additional information on the plans is provided. At this time, the following is recommended:
   - Incorporate bike lanes and sidewalks on internal roadways to facilitate pedestrian and bicycle travel and to encourage traffic calming.
   - Provide bicycle parking at major retail, office and residential centers in the complex to minimize dependence on the automobile, to reduce congestion and improve air quality.
   - Coordinate with Suffolk County Transit for the provision of bus service to this development including the installation of bus shelters.

5. NYSDOT Pavement Management group will provide additional comments as additional pavement related information is provided on forthcoming plans.

6. A driveway profile or on site elevations, including elevations at the State highway right-of-way line, shall be shown on the plans to ensure that all drainage is contained on site since we do not permit runoff from property onto our State highways. Please show drainage calculations. The elevation high points must be located at the property line.

7. As shown on the Merge Analyses for North Service Road westbound at William Floyd Parkway southbound, 2015 Build AM, there are 1635 vehicles assigned to two (2) freeway lanes. However, as per Dwg. No. 3, these vehicles approach the merge in only one (1) lane, with the second lane beginning at the on-ramp to the westbound mainline. The analysis should show one (1) freeway lane and one (1) ramp lane for the AM, PM and Saturday analyses.

8. The Weaving Analyses for the westbound North Service Road, west of the cloverleaf is not clear. We question what section west of the cloverleaf is being analyzed and how the volume numbers determined.

9. The AADT from 6-day or a week count provided (page 13 table) shows around 25,000 one way. Our records show a much higher number in the area. Please revise accordingly.

10. Provide Work Zone Traffic Control Plans for appropriate travel lane and sidewalk closures schemes as necessary for all required mitigation items. All closures must be in accordance with the current National Manual of Uniform Traffic Control Devices and NYSDOT Supplement.
11. Construction Phase—Phases 1 and 2 involves the residential and the retail improvements. The improvements proposed for these phases are only for the William Floyd Pkwy. We question if any impact will be on State Hwy system. The residential development can generate traffic during the peak AM and PM. Please provide the timeframe between phases 1, 2 and 3.

12. Please provide a report comparing the peak traffic counts from the original Brookhaven Walk project vs. new proposed Meadows at Yaphank.

13. The FHWA approval of the Interchange Justification Report (IJR) was based on the original development proposal and improvements. A copy of the IJR and the plans along with a memo out-lining the proposed changes will need to be sent to the FHWA for review and concurrence of a renewed approval. FHWA concurrency will also include a NEPA determination that may require an updated additional environmental and engineering studies and analysis.

14. Please provide a copy of the Town's State Environmental Quality Review (SEQR) resolution for our comparison to the original Record of Decision (ROD) to determine if the DOT SEQR findings need to be amended.

Please submit sixteen (16) sets of detailed Plans. Helpful information to prepare site plans is available on our website at www.nyadot.gov.

Ms. Karen Taylor is coordinating review of the subject material. She can be contacted at (631) 952-6014 if you have any questions regarding this matter. Please send all correspondence to her attention at the above address. Kindly refer to the subject case number and County tax map number in all correspondence.

Thank you for your cooperation concerning this matter.

Very truly yours,

ORIGINAL SIGNED BY
SHAIAK A. SAAD

SHAIAK A. SAAD, P.E.
Civil Engineer III
Traffic Engineering and Safety

cc: Mr. Robert Hillman, Highway Planning & Permits, Suffolk County Department of Public Works
Mr. John A. Schmidt, Assistant Civil Engineer, Town of Brookhaven Highway Department
Ms. Brenda Prusinowski, Planning, Town of Brookhaven
Ms. Lynn Weyant, Director, Traffic, Town of Brookhaven
Mr. Brian Ferruggia, AVR Realty Company (One Executive Blvd., Yonkers, NY 10701)

SAS:KT:sjf
May 21, 2011

Town of Brookhaven
Division of Environmental Protection
Attn: Mr. Jeffrey Kassner, Director
One Independence Hill
Farmingville, New York 11738

RE: SEQRA referral of the
Draft Generic Environmental Impact Statement (DGEIS) for the
Meadows at Yaphank Planned Development District (PDD)
Change of Zone Application: J Business 2 and L Industrial 1 to PDD
Town File #2010-011-CZ; SCTM #: 200-584-2-1.3; 200-552-1-1.3
Compatible Growth Area of the Central Pine Barrens
Development of Regional Significance

Dear Mr. Kassner:

On April 19, 2011, the Commission office received the Town’s referral of the
accepted Draft Generic Environmental Impact Statement (DGEIS), Volumes I and II,
for the Meadows at Yaphank Planned Development District (PDD). According to the
referral letter dated April 14, 2011, the Town Board of the Town of Brookhaven, the
SEQRA Lead Agency, held a public hearing on May 10, 2011, and the comment
period remains open for written comments until the close of business on May 21,
2011.

Central Pine Barrens status
The project meets one or more of the definitions of a Development of Regional
Significance, as per the Central Pine Barrens Comprehensive Land Use Plan (CLUP),
Section 4.5.5.1, Developments of Regional Significance (DRS), including, but not
limited to, the proposed development of more than 300,000 square feet of commercial
land uses. As a result, on April 13, 2011, the applicant’s representative, Nelson, Pope
& Voohts, submitted a DRS application to the Commission. The DRS application
will be reviewed by the Commission in accordance with the New York State
Environmental Conservation Law (ECL) § 57-0123 (2) (a) and (b). On May 18, 2011,
the Commission scheduled a public hearing on this DRS application to occur on June
15, 2011 at Riverhead Town Hall.

The applicant must demonstrate the project’s compliance with the CLUP including
Chapter 5, Standards and Guidelines for Land Use, also contained in the Brookhaven
Town Code. The project must, in all phases, be consistent with the CLUP Standards
and Guidelines.

Project Description
The 333.46 acre project site is located on the north side of the Long Island
Expressway (LIE) at Exit 68, on the west side of William Floyd Parkway (CR 46),

The Meadows at Yaphank DGEIS
and south of Yaphank Woods Boulevard, in the hamlet of Yaphank. The 333.46 acre project site area includes a separate 11.09 acre parcel occupied by the existing Dorade Sewage Treatment Plant, which will be upgraded under the project and utilized to treat sanitary wastewater generated by the proposed land uses. The STP is located north of the project site in the Whispering Pines/Colonial Woods development.

The parcels that comprise the project site are identified as:

- SCTM # 200-584-2-1.3: J-2 Business, 150.17 acres (former Brookhaven Walk site)
- SCTM # 200-552-1-1.3: L-1 Industrial, 172.20 acres (former racetrack)
- SCTM # 200-552-1-3: A-1 Residence, 11.09 acres (Dorade STP)

The project site contains existing natural pine barrens vegetation, woodlands, and cleared areas where former development existed. Successional vegetation exists in areas where clearing occurred for a previous development proposal, Brookhaven Walk, which was granted Commission approval on June 20, 2007.

The proposed project consists of a mixed-use development including retail, office space, and housing. The project proposes to develop 1,032,500 square feet of commercial/industrial space including a hotel, retail, restaurant, and office uses. The project proposes to develop 850 residential units. Other project elements include active recreational amenities and a new boulevard through the project site with ingress/egress on CR 46. The project is expected to occur in five phases over a period of 10 years.

The projected sanitary wastewater flow for the proposed project is approximately 275,050 gallons per day (gpd). The project requires the STP to be upgraded to its design flow capacity of 450,000 gpd.

State Environmental Quality Review Act (SEQRA)
The Town Board, as Lead Agency, classified the project as a Type I Action and adopted a Positive Declaration for the project on July 20, 2010. A Final Scope was adopted on October 8, 2010. The Draft GEIS was accepted by the Town Board on April 12, 2011.

The project requires Town permits and approvals including a change of zone, Planning Board Site Plan and Subdivision, and Building Permits. Other permits and approvals required include, but are not limited to, New York State Department of Conservation (DEC) SPDES Permit, and Suffolk County Department of Health Services Article 6 of the Suffolk County Sanitary Code.

The DGEIS must identify specific thresholds to qualitatively and quantitatively measure potential impacts to determine if and when additional assessments are needed for future site-specific projects generated by the larger project. If one of these identified thresholds is exceeded, the applicant will be required to perform a site-specific analysis in the form of a Supplemental EIS pursuant to SEQRA.

Comments on the DGEIS

1. Comment period
   Please consider holding open the comment period on the DGEIS until after the Commission’s public hearing on the DRS is held, after June 15th, 2011. A thorough review of the project’s conformance to the CLUP will occur at that time.
2. Page 1-14. Check the tax map parcels and their former use and acreage, which may be incorrectly listed.

3. **Central Pine Barrens Comprehensive Land Use Plan**
The project must comply with the Standards and Guidelines of the Central Pine Barrens Comprehensive Land Use Plan. A complete and thorough review of the project's conformance to Standards and Guidelines will occur and be presented to the Commission at the Commission's public hearing on June 15, 2011. A copy will be provided to the Town for your use and review.

**Pine Barrens Credits**
The DGEIS must include an analysis of the potential impacts of the rezoning action and the currently known elements of the project on the Central Pine Barrens Comprehensive Land Use Plan, compliance with the Standards and Guidelines for development as outlined in Chapter 5 of the CLUP and implemented by the Town Code, and an analysis of the potential impact of the rezoning action on the required minimum one to one (1:1) receiving capacity to sending credit ratio requirement, as per Section 6.5.2.1 of the CLUP, excerpted below:

**6.5.2.1 One to one receiving capacity to sending credit ratio requirement**

*Each town shall include enough absorption capacity in receiving districts that meet the as of right definition set forth in Section 6.4 of this Plan so as to absorb all of the Pine Barrens Credits on a one to one (1:1) ratio that the Commission estimates it may allocate in that town pursuant to this Plan. The Commission recognizes that a change in zoning upon a town board's own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit program.*

4. Based on the information in the DGEIS, the proposed project will generate approximately 193,857 gallons per day in excess of the as-of-right sanitary wastewater flow under current zoning, as per the DGEIS Table 5-2b, which contains a comparison of development under existing zoning to the proposed project. Identify whether or not any Pine Barrens Credits will be redeemed as mitigation for the request to increase land use intensity and density, which exceeds the as-of-right amount of development entitled to the property owner. The CLUP discussed Planned Development Districts (PDDs) as opportunities to redeem Pine Barrens Credits, specifically, *Section 6.4.2.3, Innovative strategies for the redemption of Brookhaven Pine Barrens Credits.* The proposed project provides an opportunity to retire Pine Barrens Credits in accordance with this CLUP provision, excerpted below. Since the project site is in the Compatible Growth Area of the Central Pine Barrens and the proposal is a PDD, the redemption of PBCs should be strongly considered in the decision for the proposed project to support the goals and objectives of the CLUP and NYS ECL 57.

**6.4.2.3 Innovative strategies for the redemption of Brookhaven Pine Barrens Credits**

*In addition to the Planning Board approval process as described in Section 6.4.1.1 of this Plan, the Town of Brookhaven intends to use creative techniques to provide additional mechanisms for the use of Pine Barrens Credits during the life of the Pine Barrens Credit Program. The use of Planned Development Districts, subject to the approval of the Town Board, will allow for the conversion of residential development rights into commercial,*
industrial and/or other uses, which will serve to limit the final number of residential dwelling units to be built while avoiding a negative tax impact.

In addition, the Town of Brookhaven will seek to utilize the following initiatives, through approval of the Brookhaven Town Board, for redemption of Pine Barrens Credits where appropriate:

1. Use of "R" districts, consisting of currently residentially zoned parcels, which are too small for Planned Development District use, but which are more appropriately zoned for commercial and industrial use;
2. The use of Planned Retirement Communities as already set forth in the current Brookhaven Town Code;
3. Other innovative zoning incentives.

5. Nitrate-nitrogen concentration
   a. Pages 1-18 and 1-33 of the DGEIS indicate that a nitrate concentration of 8 mg/l will be achieved for the proposed project. As a DRS, the project must conform to the CLUP Guideline, 5.3.3.1.3, Nitrate-nitrogen goal, which is 2.5 mg/l, or the applicant must apply for a Hardship, subject to Commission review and action. Table 5-2b in the DGEIS lists a recharge nitrogen concentration of 2.2 mg/l for the proposed project. Clarify the discrepancy, and if the STP, combined with other projects, will recharge a nitrate concentration of 8 mg/l, whereas the DRS project will generate a concentration of 2.2 mg/l.
   b. Analyze the potential adverse impacts on groundwater resources as a result of the project on the Carmans River watershed, as per the Carmans River Watershed Protection Plan, which established thresholds for the nitrate-nitrogen concentration in groundwater recharged in the 2 to 5 year groundwater contributing area of the watershed.

6. Greenbelt
   a. The proposed 40 to 80 foot buffer on west side adjacent to Greenbelt is inadequate to protect the value of the Greenbelt resource. The viewshed from all public parks and preserves should be 100% natural in the winter. Consider modifications to buffer the proposed development from the Greenbelt.
   b. Describe, in detail, the emergency access through the abutting Town land to the west (e.g., width, surface, uses permitted). This access is not consistent with the Greenbelt that has been contemplated for several decades, and it should not be compromised. The Commission accepted the Protected Land Council’s recommendation to establish a regional north/south trail system between Rocky Point and the Great South Bay. This parcel is a critical connection. There are no alternatives, and it must remain in its natural state.
   c. Describe, in detail, the “connection to greenbelt” including, but not limited to, proposed width, surface, uses permitted.

7. Indicate whether cleared areas in the buffer along the westerly boundary be restored to natural/native vegetation.

8. Sign heights should be restricted so that they are not visible from public parks, preserves and the scenic highway corridors. The proposed signage on the William Floyd Parkway and LIE frontages should be in keeping with the character of the Central Pine Barrens. Consider signage color(s), materials, dimensions, and illumination that are consistent with the scenic...
qualities of the region, and avoid nighttime lighting illumination in accordance with dark skies initiatives, as per the Town Code.

9. Indicate property line metes and bounds of abutting Town parcel(s) to the west and the County Nature Preserve parcel to the west of the Town parcel.

10. Ponds and wetland systems proposed along westerly property line should be natural and planted with native species. No fences should be installed to maintain a natural scenic quality consistent with the region.

11. Describe lighting in detail and potential impacts to abutting public lands, existing wetlands, and created wetlands/ponds.

12. The DGEIS was missing Map 1 of 3 in the package of materials. Please provide a copy.

13. Colonial Woods/Whispering Pines is zoned A-1 and was the first Town cluster approval. Confirm whether or not the instant project site was set aside as the required open space for that development approval and identify the location of the open space that was dedicated for those developments to make this confirmation.

14. Describe, in detail, any and all connections to the Dorade STP including, but not limited to, descriptions and locations of all physical structures (above and below ground), easements, and access roads (both temporary and permanent). Additional comments are reserved when information is provided.

15. The historic Smith woods trail to the west of the site should be preserved and restored to its bucolic state. This colonial trail was the route from what is now known as the Longwood Estate to the Manor of St. George. This should be addressed in the DGEIS.

16. The DGEIS does not address cumulative impacts in accordance with SEQRA. Quantitative analysis (e.g., traffic generation, impacts) and qualitative analyses should be provided to assess cumulative impacts. Identify actual projects in the study area that are currently proposed and file in the Town, pending decisions, or recently approved projects that when examined collectively may have the potential to result in cumulative impacts in conjunction with the proposed project. The DGEIS simply refers to the Central Pine Barrens Comprehensive Land Use Plan and the Town’s 1996 Comprehensive Plan as having assessed the potential cumulative impacts of projects that could be developed in the vicinity of the project site and no further analysis is provided. This does not meet the intent of the 6 NYCRR § 617.10 (a) (1) to analyze potential adverse cumulative impacts as a result of the project. See also the comment below on Land Use and updating current data and information on current land use projects in the area.

17. Figure 3-1, Land Use Map, in the DGEIS is a 2007 aerial photograph of the land use in the vicinity of the project site. This outdated photograph/map does not represent the current land use in the area nor an examination of project sites in the study area that have recently been developed. A current representation of the land use in the study area should have been prepared and field verified for this project. For example, the site south of the LIE and north of Middle Island Moriches Road has recently been developed with a significant sized commercial industrial use. This current information is readily available and visible via free global imagery service providers such as Google Earth. Other parcels in the area in the Brookhaven Research and Development Industrial Subdivision have also been developed.
have pending applications for development and should be examined in the land use section as well as the cumulative impacts section of the DGEIS.

18. Mitigation
   a. The DGEIS incorrectly identifies compliance with existing provisions of the Brookhaven Town Code and conformance to Standards and Guidelines of the CLUP as mitigation. This is not mitigation, as it is required for the project to conform or it will need a Hardship Waiver from the Commission. For example, the DGEIS describes the required open space as mitigation for the project. This is not an accurate representation and differentiation of elements of the project that are requirements versus actual proposed mitigation required as a result of potential significant adverse impacts identified in the DGEIS. The DGEIS should distinguish such elements separately and distinctly.
   b. Describe mitigation measures that will be used during construction and in the future when the development is complete.

19. Carmans River Watershed Protection Plan
   Figure 2-7 of the DGEIS illustrates the project site within the 50 year groundwater contributing area of the Carmans River Watershed. The map should illustrate that the project site lies within the boundaries of the 2 to 5 and 5 to 10 year groundwater contributing areas in the Carmans River watershed.

   The Carmans River Plan received by the Town Board of the Town of Brookhaven is currently in draft form, however, the proposed project should seek to conform to the thresholds set forth in the Carmans River Plan to the greatest extent practicable. The DGEIS should identify where the project does not conform to thresholds in the Carmans River Plan. Conversely, the DGEIS should identify where the project offers benefits to the Carmans River watershed or indicate opportunities that could be implemented (e.g., watershed monitoring to establish baseline conditions and management), if applicable. For example, Section 18.B.a. of the Carmans River Plan discusses assessments that should be conducted to establish how drainage in the area relates to or could impact water quality in the wetlands of the Carmans River.

   The project must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for the opportunity to comment on the proposed project.

Sincerely,

[Signature]
Julie Hargrave
Environmental Planner

cc: John Pavacic, Executive Director, CPBJP&P Commission
    Judith Jakobson, Policy and Planning Manager, CPBJP&P Commission
    Ann Carter, Senior Environmental Analyst, CPBJP&P Commission
In response to your concerns regarding the chronic congestion on the eastbound L.I.E. at the exit for the William Floyd Parkway I offer the following from page 2 of the attached Traffic Impact Study.  

"South Service Road from Long Island Expressway (I-495) off-ramp  
Currently there is only a single off ramp from the Long Island Expressway eastbound to the South Service Road. Approximately 1,100 feet from the Long Island Expressway (I-495), the South Service Road widens to two lanes. In order to improve operations and handle the volume of traffic utilizing this off ramp, it is proposed that this ramp be widened to two lanes. This ramp improvement had been proposed for the previous development."
"As can be seen in Table 2, with the proposed improvements, the operations at all of the studied diverges will operate at Level of Service (LOS) C (near free-flow operations) or better during the peak hours. With the proposed improvement at the South Service Road off-ramp from I-495, this diverge will improve from LOS F (breakdown in vehicular flow) to LOS B (reasonable free-flow operations) with the additional lane. This improvement results in a marked improvement over the No Build conditions."

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1. Density (v/ln)
2. Level of Service
* Improvements Proposed at this location

By copy of this memo I am requesting the opinion of the Division of Traffic Safety as to if the proposed mitigation will solve the congestion issue. Please find attached hereto the Traffic Impact Study, Appendix D of the Draft Generic Environmental Impact Statement (DGEIS).

PEF
Enclosures

Cc:  Lynn Weyant, Director, Division of Traffic Safety, PELM
     Patricia A. Eddington, LCSW, Town Clerk and Registrar
     Tullio Bertoli, Commissioner, PELM
     Jeffrey Kassner, Director, Division of Environmental Protection, PELM
MEMO TO: Joseph Sanzano, Planning Division
FROM: Lynn Weyant, Director, Division of Traffic Safety Raymond DiBlase, PE, PTOE, L.K. McLean Associates
DATE: May 9, 2011
RE: YAPHANK MEADOWS – A Planned Development District (PDD) located in the northwest quadrant of the Long Island Expressway, I-495, at William Floyd Parkway, CR 46, in Yaphank
Log #: 2010-011 CZ
SCTM #: 0200-55200-0100-001003 and 0200-58400-0200-001003

We have reviewed the latest submission, received via e-mail on April 11, 2011. Since the submission consisted of just a revised radius map, our comments of March 14, 2011 on the Traffic Impact Study still need to be addressed.

RD: RCM: rd
cc: Patricia Eddington, Town Clerk
    John Rouse, Supt. of Hwys.
    John Schmidt, Highway Dept
    Ralph Wiebelt, Planning Dept.
    Frank Pearson, PE, NYSDOT
    Mark Wolfgang, NYSDOT Permits
    Robert Hillman, SCDPW Permits
    Cliff Hymowitz, Traffic Safety Division
    Brian Carrick, Traffic Safety Division
MEMO TO: Joseph Sanzano, Planning Division
FROM: Lynn Weyant, Director, Division of Traffic Safety
       Raymond DiBiase, PE, PTOE, L.K. McLean Associates
DATE: March 14, 2011
RE: YAPHANK MEADOWS – A Planned Development District (PDD) located in the northwest quadrant of the Long Island Expressway, I-495, at William Floyd Parkway, CR 46, in Yaphank
Log #: 2010-011 CZ
SCTM #: 0200-55200-0100-001003 and 0200-58400-0200-001003

In response to your request we have reviewed the Traffic Impact Study (TIS) for the above referenced project. The TIS is Appendix D to the Draft Generic Environmental Impact Statement (DGEIS) for the project.

The TIS dated November 2010 was prepared by Fay Spofford and Thorndike, Inc. (FST). The Meadows at Yaphank will develop 322 acres featuring 482,500 SF of commercial (hotel, restaurant, and retail); 550,100 SF of industrial/office and 850 residential units (rentals, condominiums, and townhouses).

The TIS relies on the agreed upon conditions afforded a prior development proposal (Brookhaven Walk). FST assumed the current proposal will be accorded the same accommodations as the former proposed development.

To illustrate our concerns, based on the trip generation of the prior development, a new westbound on ramp to the LIE was allowed after the applicant submitted an Interchange Justification Report (IJR) to secure this modification.

The TIS stresses how the current proposal will generate significantly less traffic than the prior proposal. With significantly less traffic, is the new on-ramp still justified? A revised IJR may be required.

Before commenting on the specifics contained in the TIS, there are several traffic related items in the DGEIS that require discussion.

Appendix A-10 Master Plan Guidelines
This portion of the DGEIS consists of a series of unexplained exhibits:

Plate 3 – Roadway Standards – Residential Areas – The parallel parking spaces are unacceptable. Parallel parking spaces must be 23’ long (min.)
Plate 4 – Commercial Parking Lot Standards – Also unacceptable, two-way parking lot aisles must be a minimum of 24" wide.

In the preceding comments which refer to “Master Plan Guidelines” and “Standards”, we would like to know the source of the information, that is, whose master plan and standards. As indicated in our comments, these are not Town of Brookhaven criteria.

The following comments on the TIS are offered for consideration:

**Existing Conditions:** On William Floyd Parkway, CR 46, FST incorrectly identifies Route 25 as the road’s northern terminus. The speed limit on CR 46 is 45 mph south of Moriches-Middle Island Road. The Long Island Expressway North Service Road is omitted from this section of the TIS.

**Existing Traffic Volumes:** Figures 3 through 8 incorrectly indicate the presented data as for the “City of Brookhaven”. The unnumbered exhibits in the appendix similarly abeled should be corrected.

**Emergency Access/Evacuation:** On Page 17 of the TIS, it states “an additional gated access only driveway is proposed to provide access to the site from “Moriches Middle Island Road”. Moriches-Middle Island Road does not abut the site.

**Safety Analysis:** The incident experience on CR 46 at Longwood Road is significant; particularly the right angle accidents. Analysis and suggested mitigation are required.

**Traffic Growth:** The Town requires a time horizon for future analysis of five years from the projected date of project completion. From the site development phasing presented in the DGEIS and TIS the proposed development is expected to be completed more than ten years after construction is initiated. Assuming Phase 1 is completed in 2015, and Phase 5 in 2026, five years thereafter would be 2031. FST used a horizon year of 2015, which is unacceptable.

**Trip Distribution and Assignment:** There is a discrepancy between Table 9 and Figure 9 which requires correction. The 5 percent residential assignment to Moriches Middle Island Road in Table 9 is not reflected in Figure 9, Residential Distribution.

We are also question the assignment of westbound Long Island Expressway North Service Road (NSR) traffic whereby during the peak periods (Figures 14-16) at least 82 percent of the generated traffic is assigned to enter the site from the east via "New Public Roadway" and, at most, 18 percent of the traffic is assigned to the west to north CR 46 clover leaf ramp and enters the site from CR 46. Please provide an explanation for this split of percentages.

**New Ramps:** As indicated previously, this new ramp must be justified precipitated on the current proposed development. If ultimately disapproved, the North Service Road may have to be constructed to Yaphank Avenue, CR 21.
Capacity Analysis Locations: The Town will have input on the capacity of proposed on-site intersections. Analysis must be provided for these intersections, for example:
- Proposed Roundabouts
- Yaphank Woods Boulevard Extension at Phase 3 Access Road and Phase 4/5 Access Road

Analysis should be provided by phase of development, where appropriate.

Traffic Operations Analysis: Notwithstanding the fact that the capacity analysis for all locations will have to be recomputed for the required time horizon, we offer additional comments on the analysis presented in the TIS so that when recomputed these points may be addressed:

Table 14 – Signalized Capacity Analysis – Build Conditions – Without Mitigation: Mitigation should be proposed at any location with a v/c ratio of 1.00 or greater.

CR 46 at Longwood Road: During the AM and PM peaks the westbound through movement Level of Service (LOS) is F and E, respectively. Mitigation is required. NOTE: Improving the LOS will positively impact the accident experience.

CR 46 at the Suffolk County Police Department Driveway: During the PM peak the eastbound left and northbound left operate at LOS F and E, respectively. Mitigation is required.

CR 46 at Moriches-Middle Island Road: During the AM peak the overall v/c is 0.98 indicating adverse operation conditions. The eastbound and westbound left turns will operate at LOS E. Mitigation is required.

CR 46 at Site Access: The northbound left will operate at LOS E; however, the proposed northbound dual left turn lanes will mitigate the problem.

Weaving Analysis: An additional weaving analysis for traffic entering the site from CR 46 northbound, between the terminus of the westbound LIE NSR to northbound CR 46 ramp and Yaphank Woods Boulevard, is required.

Parking: Parking is discussed on the DGEIS on Pages 1-22 and 1-23, and a reference to a parking analysis in the TIS is made; however, the analysis does not appear in the TIS. An analysis of parking required for each phase of this project is needed.

Phased Implementation of Mitigation: Section 8.0 (Page 68) of the TIS discusses phased implementation of mitigation measures, based on capacity analysis of certain ramps and intersections for various phases. A table of these analyses, as well as a back-up data, is required.
As was proposed for a prior proposal on this site (Brookhaven Walk), as a condition of site plan approval, the applicant should be required to conduct a future Traffic Impact Assessment, e.g. mid-way through the implementation of the proposed phased development, to verify that mitigation measures are adequate to address the project’s safety and capacity impacts, and to determine if ultimately proposed measures (i.e. after Phase 5) are still appropriate. The applicant would be responsible for implementing any additional mitigation measures.

**Other**: Since the basics of the TIS is a Change of Zone application, a comparison of Trip Generation between the existing and proposed zoning should be included in the TIS.

The 5/17/10 scoping meeting on this project indicates the TIS should discuss Suffolk County’s Surplus Properties and current proposals for this land. This was not done.

All the comments contained herein should be resolved to the satisfaction of the Town.

If you have any questions, please contact Brian Carrick in the Division of Traffic Safety at 451-6480.

---

RD:RCM:efr
cc: Patricia Eddington, Town Clerk
    John Rouse, Supt. of Hwys.
    John Schmidt, Highway Dept
    Ralph Wiebelt, Planning Dept.
    Frank Pearson, PE, NYSDOT
    Mark Wolfgang, NYSDOT Permits
    Robert Hillman, SCDPW Permits
    Cliff Hymowitz, Traffic Safety Division
    Brian Carrick, Traffic Safety Division

Department of Planning, Environment & Land Management
Tulio Bertoli, Commissioner
Division of Traffic Safety and Streetlighting
Lynn Weyant, Director
One Independence Hill • Farmingville • NY 11738
Phone 631-451-6480 • Fax 631-451-6756 • www.brookhaven.org
June 27, 2011

Ref: 28221.00

VIA ELECTRONIC MAIL AND U.S. MAIL

Mr. Chip F. Wiebelt
Senior Site Plan Reviewer
Town of Brookhaven
Department of Planning, Environment & Land Management
One Independence Hill
Farmingville, New York 11738

Re: Draft Generic Environmental Impact Statement
   The Meadows at Yaphank – Planned Development District
   Application for Rose-Breslin, LLC and Dorade, LLC, dated April 2011

Dear Mr. Wiebelt:

In accordance with your request, VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) has reviewed the above-referenced Draft Generic Environmental Impact Statement (DGEIS), and recommends that the following issues be addressed in the Final Generic Environmental Impact Statement (FGEIS):

1. Section 6 NYCRR §617.10(c) states, in pertinent part, that “Generic EISs...should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.” The DGEIS provides very limited suggested thresholds that would not ensure that future development levels fall within the parameters of the impact analysis (e.g., number of bedrooms affect school district impacts, however, there are no thresholds included for number of bedrooms). All substantial quantifiable thresholds should be specified.

2. The Dorade STP was previously designed and permitted for a wastewater flow of 450,000 gpd, while it currently holds a permit for 140,000 gpd. This significant reduction in wastewater flow should be explained. Additionally, the current flow from the Colonial Woods/Whispering Pines condominiums should be explained in the FGEIS, and the FGEIS should also include, as available, documentation from the New York State Department of Environmental Conservation (NYSDEC) regarding the feasibility of the proposed upgrade to the Dorade STP to the original design capacity of 450,000 gpd.
On a related matter, it should be noted that we have reviewed the nitrogen loading calculations (SONIR model) presented in the DGEIS, and found them to be reasonable.

3. The public benefits need to be fully described. It appears that some of the "public benefits" being offered are mitigation measures for the proposed action. The FGEIS must clearly explain and quantify the public benefits. In the event that certain mitigation measures provide "excess" benefits, beyond what is required for impact mitigation, they should be identified and quantified.

4. The assumption on page 1-11 of the DGEIS that the proposed project will not have a significant impact on existing retailers should be further explained and substantiated, as in the event that existing retailers were to be significantly impacted, the character of the communities in which those retailers are situated could be affected.

5. The DGEIS on page 1-12, states that "the PDD design specifically includes large amounts of preserved land for aesthetic buffering and environmental preservation, and retains much of the naturally vegetated perimeter buffers." These large amounts of preserved land should be specified in the FGEIS and depicted on a figure, to the extent possible. Also, the DGEIS on page 1-24, indicates that appropriate mechanisms will be employed through the Town Board change of zone, and the Planning Board site plan review, to ensure that the natural land on the project site remains in this condition in perpetuity. These mechanisms need to be specified in the FGEIS.

6. As indicated on page 1-13 of the DGEIS, the proposed location of the connection to the Town's greenbelt trail on the proposed project should be specified.

7. The FGEIS should explain the measures that will be undertaken to protect wetland B-15 during construction.

8. While the proposed project includes 85 workforce units, an analysis demonstrating compliance with the Long Island Workforce Housing Act is not included in the DGEIS. The FGEIS must, therefore, include an analysis demonstrating compliance therewith.

9. The cumulative impacts section of the DGEIS does not actually evaluate cumulative impacts, and is devoid of quantitative analysis. The FGEIS should include a more detailed cumulative impact analysis, quantifying the cumulative impact on habitat that will be impacted, school-aged children that will be generated, traffic generation, etc.
Town of Brookhaven
Mr. Chip F. Wiebelt
Ref: 28221.00
June 27, 2011
Page 3

10. Pursuant to 6 NYCRR §617.9(b)(5)(iii)(d), all growth inducing impacts of a proposed action must be evaluated. The discussion on page 4-15 of the DGEIS does not reflect an analysis of growth inducement. The FGEIS should evaluate the potential for specific growth inducement, as same is set forth in The SEQR Handbook (e.g., attracting significant increases in local population by creating or relocating employment or by providing support facilities or services; increasing the development potential of a local area, for example, by the extension of roads or sewers).

We hope that these comments are helpful. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

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

Theresa Elkowitz, M.S.  
Principal

Kim A. Cennaro, M.S., AICP  
Director, L.I. Environmental Division

cc: J. Kassner
Town of Brookhaven
Long Island

Mark Lesko, Supervisor

The Meadows at Yaphank (AVR Realty)
Change of Zone Application from J Business 2 and L Industrial 1 to
Planned Development District (PDD)
SCTM # 0200 55200 0100 001003 and 0200 58400 0200 001003 (322.37 acres, total)

Town of Brookhaven
Division of Planning
DGEIS Comments

Supplemental GEIS Thresholds/Phasing
Please meet with Town Staff to discuss further development and enhancement of the thresholds listed on page 1-4 of the DGEIS, that when exceeded would require further SEQR review and/or preparation of a Supplement to the Generic Environmental Impact Statement (SGEIS). These thresholds need to take into consideration balanced phased development as well as incorporating flexibility for the overall development.

The Phase 1 development should include some of the recreational amenities proposed for the 304 residential housing units. Phase 1 should also include improvements to the Dorade Plant subject to Suffolk County Department of Health Services (SCDHS) requirements. Phasing should be more prorated. The FGEIS should provide additional explanation and examination of the phasing plan.

Public Benefits and Pine Barrens Credits
Town Code indicates that the Town Board may grant zoning incentives in the form of increased density or a change of use in return for the provision of special public benefits or redemption of Pine Barren Credits. However, Town Code does not specify the exact amount of Special Public Benefits required for achieving the proposed zoning incentives. Therefore, the FGEIS should examine options to quantify the amount of Special Public Benefits needed for the proposed project.

Special Public Benefits are defined by Town Code as a feature or amenity offered by a PDD applicant that exceeds the minimum requirements. The DGEIS proposes several Special Public Benefits that additional information should be provided to demonstrate that these Special Public Benefits exceed minimum requirements. The FGEIS should therefore provide additional information regarding Town Squares, multi-use paths, roadway maintenance, Dorade STP upgrades, affordable/workforce housing and further detail of the proposed shuttle linkage.

The FGEIS also should explore the possibility of additional public benefits including the following:
- Aquatic invasive species remediation.
- Off-site transportation improvements that are not specifically required as mitigation for the proposed project.
- Construction of public recreational facility and dedication of said facility to the Town of Brookhaven.
- Any monetary contribution to the Town of Brookhaven for community enhancement.
- Redemption of additional Pine Barrens Credits.

Department of Planning, Environment and Land Management
One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6455 • Fax (631) 451-6459
www.brookhaven.org
Carmans River and Compliance with the DRAFT Carmans River Plan

Figure 2-7 of the DGEIS depicts the Carmans River Surface Watershed Boundary, the SSER determined Carmans River Watershed, and the 50 Year Groundwater Contributing Area. Please also include the boundaries of the 2 to 5, 5 to 10, and 10 to 25 year contributing areas to the Carmans River Watershed Area as determined in the Draft Carmans River Plan. The sizes of the areas within the boundaries and the areas that will remain natural and undisturbed should be shown on the figure and acknowledged in the FGEIS.

Cumulative Impacts

Comments received by the Lead Agency have indicated that the Cumulative Impacts section is insufficient. Although these are mostly generalized objections and concerns regarding a speculative study of what may or may not be developed, the comment should be considered and addressed to the best of the applicant’s ability.

Dorado Sewage Treatment Plant (STP)

Page 3-6 contains the statement, “The Dorado STP is an existing facility that is in the process of being upgraded and later replaced and restored to its original permitted flow.” The statement needs clarification and explanation of the upgrades in process, the history, the need for the upgrade, copies of any upgrade permits or upgrade applications and whether there is a current planned replacement of the facility. Documentation should be supplied explaining the reduction in flow from that originally permitted as well as any notices of violations regarding the STP. Correspondence between the applicant, New York State, and Suffolk County regarding the past flow reductions, any violations of permit conditions, and feasibility of the upgrade of the Dorado STP should be provided.

On Figure 1-2b Existing Site Conditions - Dorado STP Parcel, and on Figure 1-2a Existing Site Conditions, please show the existing and proposed sewage connections from the sites to the STP on the figures.

Does the existing sanitary flow as indicated in the DGEIS also reflect the flow from Suffolk County Sewer District # 8, namely Strathmore Ridge development? A break down of all the existing sanitary flow into the Dorado STP should be provided in the FGEIS.

Waste Management

The FGEIS should indicate that during site plan review, recycling of solid waste will be provided for in the commercial as well as the residential components of the Master Plan.

Natural Vegetation Areas

Town Code indicates that a PDD application should have provisions assuring the permanent ownership, preservation, and maintenance responsibility for required open spaces. Page 1-24 of the DGEIS states that approximately 120.79 acres of natural area will be preserved and that “the applicant proposes to retain this acreage in private ownership and will use appropriate mechanisms through the Town Board change of zone and Planning Board site plan review process to ensure that this amount of natural land remains in this condition in perpetuity.” Please reiterate the statement and elaborate on the “appropriate mechanisms” that will be employed to ensure preservation/maintenance of the natural area in the FGEIS.

The FGEIS should consider transplanting to the greatest extent possible of existing trees, shrubs, and under story, that would be destroyed in the clearing and grading of the previously disturbed areas of the
property for any proposed future re-vegetation areas. Otherwise, native plant species should be utilized to the greatest extent practicable.

**Connections and Access**

Please continue your efforts to provide emergency access for the Yaphank Fire Department from Main Street and then through adjacent Town of Brookhaven (green belt trail) lands.

The location of pedestrian access to the Greenbelt Trail and associated parking for accessing the Greenbelt Trail should be indicated in the FGEIS. The FGEIS should also state that permission/approval to access the Core Preservation Area of the Central Pine Barrens will need to be secured from the Central Pine Barrens Joint Policy and Planning Commission during the site plan review and approval phase.

The FGEIS should also include the distance to the existing LIRR Station at Shirley.

Since these roadways are proposed to be offered for dedication, the FGEIS should indicate that the improvements to Yaphank Woods Boulevard as well as the new proposed north/south extension will be developed to Town Specifications including drainage systems/recharge basins. Any public recharge basin(s)/drainage systems for these roadways should be separate from any private facilities on-site.

**Wetlands**

The DGEIS states in a number of places that there is one wetland onsite and two unregulated wet depressions. The “wet depression” in the southwest interior of the former racetrack, an un-maintained drainage basin associated with the previous racetrack use meets the definition of a freshwater wetland as per Chapter 81 of the Town Code. Multiple site visits by staff have concluded that this area supports wetlands vegetation as described in Chapter 81-3 of Town Code.

The DGEIS states that, “Loss of the existing wet depression in the center of the racetrack parcel will be mitigated through the creation of a pond/wetland storm water recharge area at least double in size, to be located along the western perimeter of the site near the site’s wooded edge.” However, this area, because of anthropogenic activities, provides drainage for the existing higher elevations in an established drainage area and correlates with the natural drainage swale running to the southwest. Therefore, efforts should be made to incorporate this area, with minimal disturbance, into the design plan for use in storm water containment and natural recharge. If this area cannot be incorporated into the design, then please show on a map, with preliminary calculations, where the proposed wetlands mitigation would occur within the proposed restored wetlands areas, as shown on the Master Plan, in the event that the above mentioned area is utilized for the parking lot (as currently proposed).

**Additional items to be addressed**

- Reference to “Mixed-Use” commercial is not shown or represented on the Master Plan or examined as part of the DGEIS. Mixed use in Town Code consists of second or third story residential or office use over first floor use retail. If the Master Plan contemplates any “Mixed Use” component, the Master Plan should be revised and the FGEIS should reflect this land use. If such “Mixed Use” per Town Code is not proposed, this item should be replaced or clarified.

- The definition provided for “Flex Space” includes those uses permitted in J Business 2. However, some of those uses are not permitted in the L Industrial 1 zoning district. If proposed, the FGEIS should fully examine the potential for additional retail uses as part of this component.
- It is recommended that the Master Plan should provide for the proposed Town of Brookhaven parks to be centrally located and consolidated into a contiguous unit within the site. In addition, Town of Brookhaven parks should be accessible from Town roadways.
Central Pine Barrens Commission Public Hearing

June 15, 2011

Riverhead Town Hall

The Meadows at Yaphank Planned Development District

Compatible Growth Area Development of Regional Significance

SCTM No. 200-552-1-1.3, 200-552-1-3, 200-584-2-1.3

List of Staff Exhibits

A. Draft Staff Report
B. Aerial of the Project Site and Surrounding Area
C. Project Description
D. Standards and Guidelines for Land Use by the Applicant
E. Land Use Development Plan prepared by Simone Design Group last dated 04/04/11
F. Master Plan prepared by NP&V
G. Land Use and Zoning Map of the site and vicinity prepared by NP&V
H. Map of Natural Areas to be Preserved and Cleared prepared by NP&V
I. Pine Barrens Conformance Plan prepared by NP&V
J. NYSDEC Freshwater Wetlands Map prepared by NP&V
K. Slope Analysis Map prepared by NP&V
L. Commission staff comment letter dated May 21, 2011 on the Lead Agency referral of the Draft GEIS for The Meadows at Yaphank
Draft - June 10, 2011

DRAFT Staff Report
For the Commission meeting of June 15, 2011

APPLICATION The Meadows at Yaphank Planned Development District (PDD)
NAME Compatible Growth Area Development of Regional Significance (CGA-DRS)
APPLICANT Tom Perna c/o Rose Breslin Assoc, LLC, and Dorade LLC c/o Nelson and Pope

CGA-DRS APPLICATION TIMELINE

<table>
<thead>
<tr>
<th>Date</th>
<th>Application Stage</th>
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<tbody>
<tr>
<td>April 13, 2011</td>
<td>Receipt of incomplete application</td>
</tr>
<tr>
<td>April 19, 2011</td>
<td>Receipt of Draft EIS</td>
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<tr>
<td>May 18, 2011</td>
<td>Scheduled Commission public hearing</td>
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<tr>
<td>June 15, 2011</td>
<td>Commission public hearing</td>
</tr>
<tr>
<td>August 18, 2011</td>
<td>Decision Deadline</td>
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REQUEST CGA-DRS (PDD; development of commercial uses in excess of 300,000 sf)

SEQRA ACTION Type I Action

PROJECT SITE DATA 333.46 acres (including 11.09 acre Dorade STP site);
322.37 acres without STP site

<table>
<thead>
<tr>
<th>Tax Map Parcel</th>
<th>Zoning</th>
<th>Area</th>
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<tr>
<td>200-584-2-1.3</td>
<td>J-2 Business</td>
<td>150.17 acres (former Brookhaven Town Center &amp; Brookhaven Walk site)</td>
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<tr>
<td>200-552-1-1.3</td>
<td>L-1 Industrial</td>
<td>172.20 acres (former Suffolk Downs racetrack aka Parr Meadows)</td>
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<tr>
<td>200-552-1-3</td>
<td>A-1 Residence</td>
<td>11.09 acres (Dorade STP)</td>
</tr>
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LOCATION Hamlet of Yaphank, Town of Brookhaven

PROPOSED PROJECT

The 322.37 acre project site is located on the north side of the Long Island Expressway (LIE) at Exit 68, on the west side of William Floyd Parkway (CR 46), and south of Yaphank Woods Boulevard, in the hamlet of Yaphank. The 322.37 acres are comprised of two contiguous parcels. The application also includes a separate, non-contiguous 11.09-acre parcel which is occupied by the existing Dorade Sewage Treatment Plant (STP) and on which the sanitary wastewater generated by the project will be treated. The STP will be upgraded under the project and utilized to treat sanitary wastewater generated by the proposed land uses. The STP is located north of the project site adjacent to the west side of the Whispering Pines/Colonial Woods development.

The project site contains existing natural pine barrens vegetation, woodlands, cleared areas where former development existed (e.g., a former horse racetrack) and areas of regrowth as a result of clearing that occurred for a previous development associated with the former Brookhaven Walk project site, which was granted Commission approval on June 20, 2007.
The proposed project consists of a mixed-use development including retail, office space, and housing. The project proposes to develop 1,032,500 square feet of commercial/industrial space including a hotel, retail, restaurant, and office uses. The project proposes to develop 850 residential units. Other project elements include active recreational amenities and a new boulevard through the project site with ingress/egress on CR 46. The project is expected to occur in five phases over a period of 10 years.

The projected sanitary wastewater flow for the proposed project is approximately 275,050 gallons per day (gpd). The project requires the STP to be upgraded to its design flow capacity of 450,000 gpd, which will also accommodate existing flow from Whispering Pines/Colonial Woods and other sites in the Suffolk County Sewer District #8.

APPROVALS/PERMITS REQUIRED

- Central Pine Barrens Joint Planning and Policy Commission CGA-DRS
- NYSDEC SPDES Permit for stormwater discharge
- NYSDEC Article 11 Part 182 Permit: Endangered and Threatened Species Of Fish and Wildlife; Species Of Special Concern
- NYSDOT
- SCDHS Article 6 permit
- SCWA water supply connection
- Suffolk County Planning Commission referral
- Town of Brookhaven
  - Town Board: Change of Zone
  - Planning Board: Site Plan
  - ZBA (eight variances including parking and dimensional relief)
  - Chapter 81, Wetlands
  - Building Permit

SEQRA

The Lead Agency is the Town Board of the Town of Brookhaven. The project is classified as a Type 1 Action by the Lead Agency. The Commission is an involved agency.

A Positive Declaration was adopted on July 20, 2010. The Commission received the Draft Scope on August 34, 2010 and sent comments on August 19, 2010. A Final Scope was adopted on October 8, 2010. The Draft GEIS was accepted on April 12, 2011. The Lead Agency held a public hearing on May 17, 2011. On May 21, 2011, the Commission staff submitted comments on the DGEIS.

EXISTING CONDITIONS

Site Description

This section contains a general description of the features on the project site including natural, scenic, and cultural resources. The following data were excerpted from the application.

Existing Development: The project site contains existing developed areas in generally the central portion of the site, where a former use of a horse race track was developed.

Vegetation: An estimated 133.52 acres contain existing natural pine barrens vegetation.
Rare, Endangered, & Threatened Species and Species of Concern: According to the application, no rare or endangered species are expected on site given the habitats present and extensive field surveys. Cooper's Hawk, Horned lark, osprey, Eastern spadefoot toad, Eastern hog-nose snake, and Eastern box turtle, which are special concern species, may be expected to occur on site. A DEC mapped and regulated freshwater wetland, located approximately 2,800 feet from the Dorade STP parcel, has been documented as utilized by a population of the Eastern tiger salamander, a New York State Endangered Species.

Wetlands: The project site contains a DEC mapped and regulated freshwater wetland. At least three unmapped vernal wetlands are also present on site.

Hydrology: Groundwater flow is generally southwest toward the Carmans River.

Sanitary Flow: Based on a 322.37 acre project site, the underlying as of right flow (300 gpd/acre) is 96,711 gpd. The Project exceeds the as of right flow by 178,339 gpd.

Topography/Elevation: The site exhibits a maximum elevation of 156 feet above sea level (asl) within the northwestern end of the property and a minimum elevation of 54 asl in the southern portion of the property. The site generally slopes from northeast to southwest and exhibits natural irregular, undulating topography as well as slopes created on the western parcel when it was used as a racetrack and the start of construction on the mall site in 1995. A slope analysis map was prepared and is attached. The application notes that 93% of the site contains slopes of less than 15%.

Soils: A total of 11 soils have been identified on site including:

- Carver and Plymouth sands, 0-3% slopes (CopA),
- Carver and Plymouth sands, 3-15% slopes (CpC),
- Carver and Plymouth sands, 15-35% slopes (CpE),
- Haven loam, 0-2% slopes (HaA),
- Haven loam 2-6% slopes (HaB),
- Muck (Mu), Plymouth loamy sand, 0-3% slopes (PlA),
- Plymouth loamy sand, 3-8% slopes (PlB),
- Plymouth loamy sand, 8-15% slopes (PlC),
- Riverhead sandy loam, 0-3% slopes (RdA), and
- Riverhead sandy loam 3-8% slopes (RdB).

Cultural/Archeological Resources: No cultural resources were identified in the areas to be developed. Commission staff are waiting for a response from the New York State Historic Preservation Office.

Scenic Resources: The project site is not within a Scenic Resource as defined in Volume 2 of the CLUP.

Surrounding Land Use

North of the project site is the Whispering Pines/Colonial Woods development, a complex of residential townhouses and condominiums. East of the site, on the opposite side of William Floyd Parkway, is the Federally-owned Brookhaven National Laboratory complex. South of the site is the Long Island Expressway and commercial and industrial development to the south and east. West of the site is the Greenbelt trail corridor, which is in the Core Preservation Area of the Central Pine Barrens. The project
site is outside of the zero-to-two year groundwater contributing area but a portion of the southwestern quadrant of the project site is located within the two to five year groundwater contributing area of the Carmans River watershed while remaining portions of the project site within the five-to-ten year and ten-to-twenty-five year groundwater contributing areas.

REVIEW OF STANDARDS AND GUIDELINES

A project classified as a DRS must comply with Standards and Guidelines for Development contained in Chapter 5 of the CLUP dated 1995. This section provides a review of project compliance based on the application. An affirmative statement regarding the project’s conformity with Standards and Guidelines will be deferred until such time as additional information is provided by the applicant, and the Commission has received the adopted FEIS for the project.

Currently, the DGEIS is under review by the Lead Agency, the Town of Brookhaven. Staff requests the public hearing record be held open until the FEIS has been accepted and received and Staff has the opportunity to review and submit final comments on the project into the public hearing record.

The following discussion represents a preliminary review of the proposed project in regard to the applicable Standards and Guidelines:

I. Water Resources

The Central Pine Barrens Development Standards and Guidelines related to water resources are set forth below. Also included is a discussion of the project’s potential impacts to water resources, mitigating measures and conformance to applicable standards and guidelines.

A. Nitrate-nitrogen

1. Standards and Guidelines

a. Standard 5.3.3.1.1 - Suffolk County Sanitary Code Article 6 compliance

The standard states “All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service’s Board of Review in order to be deemed to have met the requirements of this standard.”

b. Standard 5.3.3.1.2 - Sewage treatment plant discharge

The standard states “Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. Denitrification systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.”

c. Guideline 5.3.3.1.3 - Nitrate-nitrogen goal

The guideline states “A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or
its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.”

d. Standard 5.3.3.2.1 - Suffolk County Sanitary Code Articles 7 and 12 compliance

The standard states “All development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.”

2. Compliance with the Standards and Guidelines

The Project requires Suffolk County Department of Health Services approval under Article 6 of the Sanitary Code. The allowable flow under Article 6, for which no connection to a sewage treatment plant is required, is 300 gallons per day per acre (gpd/acre), which translates to 96,711 gpd on a 322.37 acre project site. The project flow is 275,050 gpd, which is 178,339 gpd in excess of the allowable flow.

As discussed in the CLUP, a sewage flow of 300 gpd is equivalent to one Pine Barrens Credit (PBC). If this formula is applied to the proposed project, the excess flow of 178,339 gpd generated by the project divided by 300 gpd translates to 594 PBCs, if 1 PBC were required to be redeemed for every 300 gpd of excess flow (100% redemption). The Commission is currently reviewing a proposed Mandatory Pine Barrens Credit Redemption requirement as an amendment to the CLUP. At the rate of 15% redemption, as proposed in the amendment, the number of PBCs, if they were required, would be reduced to 89 PBCs.

Nevertheless, Section 6.4.2.3 of the CLUP discusses another, existing policy in which the creation of Planned Development Districts (PDDs), as proposed in the Project, can be used as opportunities to redeem PBCs.

“6.4.2.3 Innovative strategies for the redemption of Brookhaven Pine Barrens Credits

In addition to the Planning Board approval process as described in Section 6.4.1.1 of this Plan, the Town of Brookhaven intends to use creative techniques to provide additional mechanisms for the use of Pine Barrens Credits during the life of the Pine Barrens Credit Program. The use of Planned Development Districts, subject to the approval of the Town Board, will allow for the conversion of residential development rights into commercial, industrial and/or other uses, which will serve to limit the final number of residential dwelling units to be built while avoiding a negative tax impact.

In addition, the Town of Brookhaven will seek to utilize the following initiatives, through approval of the Brookhaven Town Board, for redemption of Pine Barrens Credits where appropriate:

1. Use of “R” districts, consisting of currently residentially zoned parcels, which are too small for Planned Development District use, but which are more appropriately zoned for commercial and industrial use;
2. The use of Planned Retirement Communities as already set forth in the current Brookhaven Town Code;
3. Other innovative zoning incentives.”
Accordingly, the Commission may wish to review the utilization of PBCs by the proposed project.

To comply with Article 6, the applicant proposes to connect to the existing Dorade Sewage Treatment Plant (STP). The STP will also be upgraded to its original permitted design flow of 450,000 gpd to treat the projected capacity from the project site, the Whispering Pines/Colonial Woods development, and other sources in SCSD #8.

The applicant has utilized a model called Simulated Nitrogen in Recharge (SONIR) to determine the amount of nitrate-nitrogen concentration expected from the proposed land uses on the project site. The results reveal a level of 2.20 mg/l, which is below the Guideline of 2.5 mg/l. The overall nitrate-nitrogen concentration to be recharged to groundwater from the Dorade STP is 8 mg/l, which is derived from the combination of the proposed project and other and uses in the vicinity of the site whose wastewater is treated at the Dorade STP, and which is below the maximum SPDES effluent limit of 10 mg/l and below the Federal (EPA) and New York State drinking water standard of 10 mg/l.

Pages 1-18 and 1-33 of the DGEIS indicate that a nitrate concentration of 8 mg/l will be achieved for the proposed project. As a DRS, the project must conform to the CLUP Guideline, 5.3.3.1.3, Nitrate-nitrogen goal, which is 2.5 mg/l, or the applicant must apply for a Hardship, subject to Commission review and action. Table 5-2b in the DGEIS lists a recharge nitrogen concentration of 2.20 mg/l for the proposed project. The applicant should clarify the discrepancy, and whether or not the STP, combined with other projects, will recharge a nitrate concentration of 8 mg/l, whereas the DRS project will generate a concentration of 2.20 mg/l.

The Carmans River Watershed Protection Plan received by the Town Board of the Town of Brookhaven is currently in draft form. Nevertheless, the Commission may wish to seek to require the proposed project to conform to the thresholds set forth in the Carmans River Watershed Protection Plan to the greatest extent practicable. The DGEIS discusses the site's location in the watershed. The application should identify where the project does not conform to thresholds in the Carmans River Plan. Conversely, the DGEIS should identify where the project offers benefits to the Carmans River watershed or indicate opportunities that could be implemented (e.g., watershed monitoring to establish baseline conditions and management), if applicable. For example, Section 18.B.a. of the Carmans River Plan discusses assessments that should be conducted to establish how drainage in the area relates to or could impact water quality in the wetlands of the Carmans River.

Figure 2-7 of the DGEIS illustrates the project site is located within the 50 year groundwater contributing area of the Carmans River Watershed. The map should illustrate that the project site lies within the boundaries of the 2 to 5, 5 to 10 and 10 to 25 year groundwater contributing areas of the Carmans River watershed. The Dorade STP site is approximately 8,000 feet from the Carmans River and the project site is approximately 2,100 feet from the Carmans River.

The DGEIS concludes that the groundwater discharge from the site could discharge to Weeks Pond, a tributary of the Carmans River, after 3 years and to the Carmans River after 2.88 years. The DGEIS indicates that natural attenuation will occur to reduce the impact to the River's water quality.

The applicant should analyze the potential adverse impacts on groundwater resources and water quality as a result of the project on the Carmans River watershed, as per the Carmans River Watershed Protection Plan, which established thresholds for the nitrate-nitrogen concentration of 8 mg/l.
concentration in groundwater recharged in the 2 to 5 year groundwater contributing area of the watershed.

The Standard 5.3.3.2.1 relates to water pollution control and storage of hazardous or toxic materials. According to the application, no industrial processes or storage of toxic materials are proposed in quantities that exceed the SCSC Standards. The STP will be designed to conform to Article 7 requirements for control of potential water pollution. If any uses that propose storage or handling of hazardous chemicals is proposed on the project site, the Project would be expected to conform to Articles 7 and 12, and thus conform to the CLUP Standard 5.3.3.2.1.

B. Wellhead Protection

1. Standards and Guidelines

a. Standard 5.3.3.3.1 - Significant discharges and public supply well locations

The standard states “The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17.”

b. Guideline 5.3.3.3.2 - Private well protection

The guideline states “The Suffolk County Department of Health Services’ guidelines for private wells should be used for wellhead protection.”

2. Compliance with the Standards and Guidelines

The nearest public supply well is the William Floyd Parkway wellfield, which is north of the project site. Its groundwater contributing area is north of the well; therefore, its groundwater contributing area is outside of the project site area.

C. Wetlands, Surface Waters and Stormwater Runoff

1. Standards and Guidelines

a. Standard 5.3.3.4.1 - Nondisturbance buffers

The standard states “Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a nondisturbance buffer area which shall be no less than that required by the New York State Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard.”
b. Standard 5.3.3.4.2 - Buffer delineations, covenants and conservation easements

The standard states "Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary."

c. Standard 5.3.3.4.3 - Wild, Scenic and Recreational Rivers Act compliance

The standard states "Development shall conform to the provisions of the New York State Wild, Scenic and Recreational Rivers Act, where applicable. Projects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard."

d. Guideline 5.3.3.4.4 - Additional nondisturbance buffers

The guideline states "Stricter nondisturbance buffer areas may be established for wetlands as appropriate."

2. Compliance with the Standards and Guidelines

A New York State Department of Environmental Conservation (DEC) mapped wetland identified as B-16 exists on the northern boundary on the east side of the project site. A 150 foot buffer is proposed around this wetland to protect the wetland habitat.

A DEC mapped wetland identified as B-15 is located 125 feet from the Dorade STP. The STP recharge beds are 500 feet from the wetland boundary. A 150 foot nondisturbance buffer is proposed when the STP is upgraded to protect the wetland habitat. Clarify whether the Dorade STP parcel is 2,800 feet from the tiger salamander breeding pond, as per page 2-48 of the DGEIS, or 125 feet from the pond.

At least three wet depressions have been identified on the property; however, they are not DEC mapped wetlands. The Project may disturb the wetlands. The application states, "Any features that may be disturbed will be mitigated through the creation of a greater area of restored wetlands, subject to review by the Town and permitted by the local agency as appropriate." Accordingly, the Commission may wish to consider a minimum 1:1 wetland mitigation ratio on or off site in the case of disturbance to existing wetlands and/or temporary vernal pond habitat. According to the application, no DEC or Town wetland permits are required for the Project. Nevertheless, written confirmation from these agencies should be provided.

The Project is not within a designated WSRR corridor, therefore, Standard 5.3.3.4.3 is not applicable to the Project.

D. Stormwater Runoff

1. Standards and Guidelines

a. Standard 5.3.3.5.1 - Stormwater recharge

The standard states "Development projects must provide that all stormwater runoff originating from development on the property is recharged on site unless surplus capacity exists in an off-site drainage system."
b. Guideline 5.3.3.5.2 - Natural recharge and drainage

The guideline states “Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.”

c. Guideline 5.3.3.5.3 - Ponds

The guideline states “Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.”

d. Guideline 5.3.3.5.4 - Natural topography in lieu of recharge basins

The guideline states “The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.”

e. Guideline 5.3.3.5.5 - Soil erosion and stormwater runoff control during construction

The guideline states “During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.”

2. Compliance with the Standards and Guidelines

The applicant proposes to construct rain garden and catch basin collection facilities, wet meadows, ponds, and recharge basins.

The applicant will prepare and submit a Stormwater Pollution Prevention Plan for the Project.

The application states, in relation to Standard 5.3.3.5.1, that the drainage systems are not fully designed. A plan should be provided that confirms the drainage systems and related infrastructure are accounted for in the clearing calculations to meet the maximum clearing limit on the project site. All drainage facilities, basins, and ponds must be factored into the overall clearing limit.

II. Land Use and Ecology

The Central Pine Barrens Development Standards and Guidelines concerning natural vegetation and plant habitat are set forth below along with a discussion on potential impacts to natural vegetation and wildlife habitat, mitigating measures and conformance to applicable standards and guidelines.

A. Natural Vegetation and Plant Habitat

1. Standards and Guidelines

a. Standard 5.3.3.6.1 - Vegetation Clearance Limits

The standard states “The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.”
Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites and drainage structures. The clearance standard that would be applied to a project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.

To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the CLUP.”

b. Standard 5.3.3.6.2 - Unfragmented open space

The standard states “Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.

For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as little bluestem, Pennsylvania sedge and Indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the CLUP.

It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the CLUP when such action would result in the creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.”

c. Standard 5.3.3.6.3 - Fertilizer-dependent vegetation limit

The standard states “No more than 15% of an entire development project site shall be established in fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. The use of the nonnative plants in Figure 5-2 is specifically not recommended.”

d. Standard 5.3.3.6.4 - Native Plantings

The standard states “Development designs shall consider the native planting suggestions contained in Figure 5-2 of the Central Pine Barrens Comprehensive Land Use Plan.”

2. Compliance with the Standards and Guidelines

Based on Standard 5.3.3.6.1, and a 322.37 acre project site (i.e., the 11 acre Dorade STP area was separated from the project site to calculate clearing), the application lists 209.54 acres could be cleared and 112.83 acres would be retained. The project site contains 188.85 acres of previously cleared area, and 133.52 acres of existing natural area. The Project will occupy previously cleared
areas and 18.28 acres of existing natural vegetation will be removed for the Project. The applicant
expects to retain 115.24 acres of existing natural vegetation, and 209.54 acres will be cleared to
meet the Standard. Figure 2-8B in the DGEIS illustrates the proposed clearing limits. The
clearing limits must include any areas to be cleared to construct recharge basins, ponds,
emergency access roads and any other clearing related to facilities proposed by the Project.

The STP parcel will maintain a maximum clearing limit of 53%, in accordance with Figure 5-1 of
the CLUP, and existing natural vegetation will be retained in 47% of the parcel.

The Project was designed to retain areas of existing natural vegetation and habitat on the project
site. Although the majority of the existing wooded habitat is presently configured in a large ring
around the central portion of the site where previously cleared areas exist, rather than in one large
block of unfragmented open space, the intent to retain existing habitat is a higher priority in the
case of the instant project site.

The following table presents the maximum clearance limits under the Standard as per Figure 5-1
of the CLUP.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Area (acres)</th>
<th>Zoning District</th>
<th>CLUP Clearing Standard</th>
<th>Allowed Clearing Area (acres)</th>
<th>Area to remain natural (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200-584-2-1.3</td>
<td>150.17</td>
<td>J-2</td>
<td>65%</td>
<td>97.61</td>
<td>52.56</td>
</tr>
<tr>
<td>200-552-1.3</td>
<td>172.2</td>
<td>L1</td>
<td>65%</td>
<td>111.93</td>
<td>60.27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>322.37</strong></td>
<td></td>
<td></td>
<td><strong>209.54</strong></td>
<td><strong>112.83</strong></td>
</tr>
</tbody>
</table>

The applicant proposes to install landscaped areas subject to fertilizer usage on private park
spaces, parking lot islands in the retail/office areas, and residential landscape areas, totaling
approximately 32 acres or 10% of the project site. An estimated 50 acres or 15% is the maximum
amount permitted.

Prior to site clearing and disturbance, the Commission may wish to require the installation of split
rail fences along the clearing limit lines to avoid encroachment into areas to remain natural.

According to the application, native plants will be installed in the streetscapes, and natural
vegetation will be retained where possible. The applicant may consider transplanting existing
trees and shrub specimens from areas to be developed, where possible.

**B. Species and Communities of Special Concern**

1. Standard

a. **Standard 5.3.3.7.1 - Special species and ecological communities**

The standard states “Where a significant negative impact upon a habitat essential to those
species identified on the New York State maintained lists as rare, threatened, endangered or
of special concern, or upon natural communities classified by the New York State Natural
Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or
threatened species is proposed, appropriate mitigation measures as determined by the
appropriate state, county or local government agency shall be taken to protect these species.”
2. Compliance with the Standard

According to the application, by letter dated December 28, 2007, the DEC Natural Heritage Program reported the possible presence of a number of rare or state listed plant and wildlife species, as well as significant habitats. However, prior field inspections and investigations conducted subsequent to the receipt of this letter did not reveal the presence of any of these resources. The application states field inspections occurred on December 28, 2007, May 11, 2009, and September 8, 2009 and July 13, 2010. Have the applicant indicate who performed the field inspections and were they conducted when the species listed by NHP would be expected to be present (e.g. typical breeding season or stopover foraging habitat).

C. Coordinated Design for Open Space Management

1. Standards and Guidelines

   a. Standard 5.3.3.9.1 - Receiving entity for open space dedications

      The standard states "Applications must specify the entity to which dedicated open space will be transferred."

   b. Guideline 5.3.3.9.2 - Clustering

      The guideline states "Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels."

   c. Guideline 5.3.3.9.3 - Protection of dedicated open space

      The guideline states "Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management."

2. Compliance with the Standards and Guidelines

Although the application states, "No open space dedications are proposed," the proposed open space must be protected in a legal instrument such as a conservation easement to ensure it is not developed in the future.

The application states that a subdivision is proposed. Additional clarification is needed with regard to the purpose and objective of a subdivision of the project site. No additional clearing is permitted on any lots that are created as a result of a subdivision of the project site.

As discussed the proposed open space should be protected with covenants, conservation easements, or dedications that specify the restrictions on its use and future management.

D. Agriculture and Horticulture

1. Guideline

   a. Guideline 5.3.3.10.1 - Best management practices
The guideline states “Any existing, expanded, or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined herein, and relevant requirements including local law. Best management practices are, for purposes of this CLUP, the same practices stated in the most recent version of Controlling Agricultural Nonpoint Source Water Pollution in New York State (Bureau of Technical Services and Research, Division of Water, New York State Department of Environmental Conservation, 1991 and as later amended).”

2. Compliance with the Guideline

No agricultural activity is proposed, therefore, this Guideline is not applicable to the Project.

E. Commercial and Industrial Development

1. Standard

a. Standard 5.3.3.12.1 - Commercial and industrial compliance with Suffolk County Sanitary Code

The standard states “All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service’s Board of Review in order to be deemed to have met the requirements of this standard.”

2. Compliance with the Standard

No industrial uses or other uses are proposed that would be subject to the Suffolk County Sanitary Code (SCSC) for such uses. The project proposes commercial land uses including retail, office, hotel and restaurant uses. The application states, “No businesses that use hazardous and/or toxic chemicals are expected.” Therefore, the project is expected to comply with the applicable Articles of the SCSC to conform to Standard 5.3.3.12.1.

III. Slopes and Soils

A. Slopes

1. Guidelines

a. Guidelines 5.3.3.8.1 Clearing envelopes

The guideline states, “Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).”

b. Guideline 5.3.3.8.2 Stabilization and erosion control

The guideline states, “Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.”
c. Guideline 5.3.3.8.3 Slope analyses

The guideline states, "Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas."

B. Soil

1. Guidelines

a. Guideline 5.3.3.8.4 - Erosion and sediment control plans

The guideline states "Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes."

b. Guideline 5.3.3.8.5 - Placement of roadways

The guideline states "Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills."

c. Guideline 5.3.3.8.6 - Retaining walls and control structures

The guideline states "Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%)."

2. Compliance with the Guidelines

The Project will avoid grading of natural slopes in excess of 10%. Existing natural slopes are expected to be preserved.

As discussed, a Stormwater Pollution Prevention Plan must be prepared and submitted to the Town for review and approval in accordance with the SPDES permit regulations and local regulatory authority under the Municipal Separate Storm Sewer Systems (MS4s) regulations.

An estimated 93% of the site contains slopes of less than 15%. Natural steep slopes exist in the southern portion of the western part of the project site, which will not be disturbed. Slopes in the central portion are not natural and were excavated in the development of the Suffolk Downs racetrack facility. The DGEIS states, it is anticipated that up to 203 acres of the project site will be subject to grading operations. However, the application indicates that the Project is expected to utilize existing graded areas and minimize disturbance to existing natural topography on the project site.

According to the application, eight of the soils identified on site pose moderate to severe limitations for development, specifically due to steep slopes and sandy surface layer. Soil modifications will occur to ensure landscaping will survive and suitable soil recharge locations will be sited. Measures anticipated to be taken during construction that will minimize erosion include the use of groundcovers, minimize time of exposure of denuded soil, drainage diversion, soil traps, and construction of retaining walls.
IV. Scenic, Historic and Cultural Resources

A. Cultural Resources

1. Guidelines

a. Guideline 5.3.3.11.1 - Cultural resource consideration

The guideline states "Development proposals should account for, review, and provide protection measures for:

1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this CLUP.
2. Active recreation sites, including existing sites and those proposed as part of a development.
3. Scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway.
4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute.
5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum."

b. Guideline 5.3.3.11.2 - Inclusion of cultural resources in applications

The guideline states "Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.

A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources."

B. Scenic and Recreational Resources

1. Guidelines

a. Guideline 5.3.3.11.3 - Protection of scenic and recreational resources

The guideline states "Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures."
b. Guideline 5.3.3.11.4 - Roadside design and management

The guideline states "Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area."

2. Compliance with the Guidelines

The following staff comments relate to the Guidelines listed above. Commission staff prepared and submitted these comments to the Town by letter dated May 21, 2011 in the review of the Draft GEIS. The Commission may seek to have these addressed in the DRS application to the extent that they relate to Standards and Guidelines.

1. "Greenbelt"

a. The proposed 40 to 80 foot buffer on west side adjacent to Greenbelt is inadequate to protect the value of the Greenbelt resource. The viewshed from all public parks and preserves should be 100% natural in the winter. Consider modifications to buffer the proposed development from the Greenbelt.

b. Describe in detail, the emergency access through the abutting Town land to the west (e.g., width, surface, uses permitted). This access is not consistent with the Greenbelt that has been contemplated for several decades, and it should not be compromised. The Commission accepted the Protected Land Council’s recommendation to establish a regional north/south trail system between Rocky Point and the Great South Bay. This parcel is a critical connection. There are no alternatives, and it must remain in its natural state.

c. Describe in detail, the “connection to greenbelt” including, but not limited to, proposed width, surface, uses permitted.

2. Indicate whether cleared areas in the buffer along the westerly boundary will be restored to natural/native vegetation.

3. Sign heights should be restricted so that they are not visible from public parks, preserves and the scenic highway corridors. The proposed signage on the William Floyd Parkway and LIE frontages should be in keeping with the character of the Central Pine Barrens. Consider signage color(s), materials, dimensions, and illumination that are consistent with the scenic qualities of the region, and avoid nighttime lighting illumination in accordance with dark skies initiatives, as per the Town Code.

4. Indicate property line metes and bounds of abutting Town parcel(s) to the west and the County Nature Preserve parcel to the west of the Town parcel.

5. Ponds and wetland systems proposed along the westerly property line should be natural and planted with native species. No fences should be installed to maintain a natural scenic quality consistent with the region.

6. Describe lighting in detail and potential impacts to abutting public lands, existing wetlands, and created wetlands/ponds.”
Pursuant to 6 NYCRR 617.2(l), "Environment means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health." As a result, the terms "archeological" and "historic" are specifically included in the definition of the "environment" in Part 617.2(l) as physical conditions potentially affected by a project. The phrase "objects of historic significance" is included in the definition of "environment" at Environmental Conservation Law (ECL) § 8-0105(6). Therefore, the Commission staff requests input on development projects from the New York State Historic Preservation Office (SHPO), and a response is currently pending.

SHPO had previously indicated to the applicant that if clearing and site disturbance on the western portion of the site was contained within previously cleared areas, no impacts to cultural resources would occur. The applicant performed a Phase IB Archaeological survey to ensure that the clearing limits beyond previously cleared areas would not result in impacts. The application concluded that no adverse impacts on historic or cultural resources would occur as a result of the Project. Letters from SHPO were provided in the application.

**DISCUSSION ITEMS**

Items for discussion are summarized below. The applicant may be asked to clarify or provide additional information as needed. Recommend keeping hearing open until all relevant information is received.

1. The applicant should clarify the discrepancy in the DGEIS as to whether or not the overall project, including nitrate discharged in the effluent of the Dorade STP, will produce an overall DRS nitrate concentration of 8 mg/l or 2.20 mg/l. C-93
2. Will Pine Barrens Credits be redeemed to mitigate the proposed sanitary flow generated by the Project in excess of the site's as-of-right base flow? C-94
3. The Commission may wish to consider whether or not a minimum of 1:1 wetland mitigation should be provided for direct adverse impacts to freshwater wetlands on the project site. C-95
4. Clarify whether the Dorade STP parcel is 2,800 feet from the tiger salamander breeding pond, as per page 2-48 of the DGEIS, or 125 feet from the pond. C-96
5. Discuss potential impacts in the Carmans River watershed, including those on groundwater resources and water quality, and potential standards in the Carmans River Watershed Protection Plan that will not be met under the Project. C-97
6. Indicate who performed the field inspections to identify the presence, absence of rare, endangered, or threatened species and were they performed when the species were expected to be present in a specific season or breeding period. C-98
7. Discuss the potential to create a wider natural buffer on the west side of the project site adjacent to the existing Greenbelt Trail. C-99
8. Preserve a minimum of 112.83 acres of existing natural area, proposed to be retained by the applicant, as open space in a conservation easement which also specifies the restrictions on its use and future management. C-100
9. Consider staking and delineating clearing limits with split rail fences prior to disturbance.

10. Provide a plan that illustrates the clearing limits with relevant data and including any clearing necessary to construct drainage facilities, lined ponds, and other man-made structures on the project site as well as the emergency access on the west side of the project site.

11. The applicant may wish to consider transplanting existing trees and shrub specimens from areas to be developed, where possible.

12. Provide copies of letters of jurisdiction, letters or approval from the Suffolk County Department of Health Services, or permits from other agencies, where applicable.

13. Address all comments on the DGEIS submitted by the Commission staff in its review letter of May 21, 2011 to the Lead Agency.

14. The application states that a subdivision is proposed. Additional clarification is needed with regard to the purpose and objective of a subdivision of the project site. No additional clearing is permitted on any lots that are created as a result of a subdivision of the project site.

Exhibits will be prepared and distributed at the public hearing.
The Meadows at Yaphank
Compatible Growth Area Development of Regional Significance

General location map and aerial photograph
For discussion purposes only at the
Commission public hearing of June 15, 2011
ATTACHMENT C

Tax Map Numbers, Site Acreage & Existing Uses and Zonings
The Meadows at Yaphank property is 333.46 acres in size, and is comprised of three tax parcels. The Western parcel was previously developed as the Suffolk Downs horseracing track; the Eastern parcel is undeveloped but was previously cleared and had received site plan approval for an 850,000 square foot (SF) retail development. The third parcel, occupied by the Dorade sewage treatment plant (STP), is included because sanitary flow from the proposed project will be conveyed to it for treatment and disposal, however a change of zone is not being requested for this parcel.

The property is located on the northwest corner of William Floyd Parkway and the Long Island Expressway. It is comprised of the following Suffolk County tax parcels:

- Eastern parcel (prior Brookhaven Walk [BW] site); 150.17 acres; J-2 zone; tax lot 0200-584-2-1.3
- Western parcel (prior Suffolk Downs racetrack site); 172.20 acres; L-1 zone; tax lot 0200-552-1-1.3
- Dorade STP; 11.09 acres; A-1 zone; tax lot 0200-552-01-03

In addition, a small portion of land within the Town Greenbelt, which is located along the western side of the western parcel, may be subject to improvements necessary to provide emergency vehicle access.

The site is also located within/served by the following planning and service districts:

- Ridge Fire District
- Yaphank Fire District
- Suffolk County Water Authority
- Suffolk County Police Department, 7th Precinct
- Longwood Central School District
- Groundwater Management Zone III
- Central Pine Barrens Zone, Compatible Growth Area (adjacent to Core Preservation Area)
- Central Suffolk Special Groundwater Protection Area
- Town Hydrogeologic Sensitive Zone
- Town Central Pine Barrens Critical Environmental Area
- Carmans River Watershed Area
- Flood Hazard Zone X (outside 500-year floodplain)
- Long Island Power Authority (electricity)
- National Grid (natural gas)

Project Description
The proposed project will require a change of zone of the subject site (to be reviewed and approved at the discretion of the Brookhaven Town Board) to Planned Development District. The proposed project will consist of retail, mixed-use commercial space, office/flex space and housing. The commercial component will consist of 1,032,500 SF of commercial area made up of a hotel (150,000 SF), retail space (327,500 SF), restaurant space (5,000 SF) and office/flex space (550,000 SF). In addition, 850 multi family residence units are proposed including 144 rental units, 486 condominium units and 220 townhouse units. Of the residential units, a total of 85 units will be for work force housing and 303 units will be age...
restricted for persons aged 55 and older. The residences will include a mix of 1-bedroom (121 units), 2-bedroom (661 units) and 3-bedroom units (68 units). Amenities on the site will include tennis courts, recreational buildings and pocket parks for residents, as well as several public areas including a great lawn, village green, reflection pool, civic space and civic building, ball fields, multi-purpose field, basketball court and walking trail. The project includes construction of public buildings (a 3,000 SF community center at the proposed multi-purpose field and a 1,500 SF Pavilion and Restrooms at the Civic Space). Approximately seven acres of land will be dedicated to the Town for future development of athletic fields, basketball courts, access to the Greenbelt trail and parking area.

Critical elements of design include retention of open space and energy efficient design to achieve conservation and energy reduction goals. The applicant may pursue certification for the project, or for individual components thereof, under the LEED® (Leadership in Energy and Environmental Design) Certification Program. However, regardless of whether such certification is sought or achieved, all construction will involve energy efficient design and water conserving measures.

Approximately 120.79 acres (36.22% of the overall site, or 115.24 acres/35.75% of the Racetrack/BW site) will be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Central Pine Barrens Comprehensive Land Use Plan. The project is conceptual at this time; therefore, the final clearing numbers may differ slightly from these estimated values. Nevertheless, as required, the project will comply with the Standards and Guidelines for a Development of Regional Significance (DRS) under the Pine Barrens Plan. Open space will be permanently preserved through site plan approval and conservation easements, and will be publicly accessible for passive enjoyment (nature trails, hiking, etc.).

In addition, the site design will ensure a maximum nitrogen concentration in site-generated recharge of 2.5 milligrams per liter (mg/l) in conformance with the Pine Barrens Plan.

All stormwater runoff generated on developed surfaces will be retained on-site and recharged to groundwater in a drainage system designed in conformance with Town requirements. Stormwater management will feature innovative handling methods to enhance surface treatment and quality recharge. The system will include rain gardens and surface detention areas, engineered stormwater ponds and wet meadow areas for bio-retention within the development and two recharge basins that will serve Yaphank-Woods Boulevard and Yaphank-Woods Boulevard Extension.

The property owner or future property owners associations will own and maintain most internal roadways, as well as parking areas for the residences as well as the on-site drainage system. Yaphank-Woods Boulevard and the project's internal LIE Access Road will be offered to the Town for dedication, as these roads will serve off-site residents and the greater community.

The Dorade STP will serve the site and the property owner will make all necessary upgrades to the STP. This is an existing permitted use already serving the community, including Colonial Woods/Whispering Pines and Suffolk County Sanitary District #8.
STANDARDS AND GUIDELINES FOR LAND USE

S 53.3.1.1 Suffolk County Sanitary Code (SCSC) Article 5 compliance
All wastewater generated will be treated and released to groundwater through the existing Dorade STP. This facility was originally designed and intended to treat the wastewater generated by development on the subject site; it will be upgraded and restored as necessary to accommodate the project’s sanitary flow, and appropriate County and State approvals and permits will be obtained. The Dorade STP was originally permitted for 450,000 gpd. The applicant proposes to replace the existing STP and restore the originally-permitted flow. The proposed project will exceed SCSC Article 5 allowances; therefore, an STP is necessary.

S 53.3.1.2 STP discharge
The proposed project will utilize the existing Dorade STP to treat and dispose of all wastewater generated. In 1973, this facility was designed to treat all wastewater generated by the subject site as well as the nearby Colonial Woods/Westinghouse Pools consolidations, and has been used to treat wastewater generated by SCSD. Treated effluent is released within the GOA, as the STP was approved and constructed prior to the adoption of the Pine Barrens Plan. The facility will be upgraded and restored to its original design capacity as part of the proposed project, and will continue to operate under the jurisdiction of the SCDPW, SCSD, and NYSDC, thereby ensuring minimal impact to underlying groundwater quality will occur.

G 5.3.1.3 Nitrate-nitrogen goal
As the proposed project is a DRR, it must meet the more stringent standard of 2.5 mg/L of nitrogen in total recharge. Based on the SWIR computer model, the project is expected to generate an overall nitrate-nitrogen concentration in recharge of less than 2.5 mg/L (see Attachment 8).

S 53.3.2.1 SCSC Articles 7 & 12 compliance
These regulations concern water pollution control and storage of hazardous or toxic materials. The proposed project is consistent with SCSC Article 7 in that it will not involve an unequipped process, or stores or uses hazardous or toxic materials in excess of quantities allowed under Article 7 of the SCSC. SCSC Article 12 (which regulates toxic and/or hazardous materials storage and handling facilities) is not expected to be applicable. Should any storage occur, it will comply with SCSC Articles 7 & 12.

S 53.3.3.1 Significant discharge and public supply well locations
None; this standard considers wellfield protection and restricts activities which could degrade public supply water within a 200-foot radius of a public supply well. However, the SCWA's William Floyd Park (the nearest such facility to the subject site) is a minimum of 1,906 feet from any part of any of the three parcels comprising the subject site.

G 5.3.3.2 Private well protection
The development of the proposed project is in accordance with SCSC Article 7 and 12, all sanitary waste disposal (all of which are associated with the Dorade STP), will be at an estimated 1,906 feet from the William Floyd Parkway Weir Field. In addition, the site will be supplied with public water through a public water supply system and will not use a private well for water supply.

S 53.3.4.1 Non disturbance buffers
There is a 0.76-acre freshwater wetland mapped by the NYSDC along the northern boundary of the Easement Parcel, designated B-16. This feature is also a regulated freshwater wetland under the jurisdiction of the Town. Another freshwater wetland, designated B-15, is located a minimum of about 153 feet from the northwestern corner of the Dorade STP parcel, and the STP recharge beds are a minimum of about 500 feet from this wetland. Thus, there is sufficient area available within the STP parcel to enable the STP upgrade program to avoid encroaching into this 150-foot non disturbance buffer, where this program is initiated.

Several additional wet depressions have been identified on the property. There is a wet depression on the Racetrack property (0.32 acres), and site analysis has identified a small wet depression near CR 46 (0.02 acres) and within the proposed southern wetland buffer on the south part of the racetrack site. None of the three wet depressions are NYSDC-regulated wetland features. These features experience periodic wet conditions as a result of microwave runoff and subsequently support varying degrees of wetland vegetation. The small wet depression with sparse Phragmites vegetation and the associated surrounding Pine-Oak woodland at the southeast corner of the site will remain undisturbed. The racetrack parcel’s wet depression is heavily impacted with invasive plants and is subject to treat by AYA’s as evidenced by the tree that bleeds the structure. The wet depression near CR 46 is in a narrow buffer area between the proposed clearing and development areas approved for Brookhaven Woods, and proximity to CR 46. Any features that may be disturbed may be mitigated through creation of a greater area of restored wetlands, subject to review by the Town and permitting by the local agency as appropriate.

Overall, no significant wetlands would be impacted by the proposed development. The existing NYSDC-designated wooded swamp on the north side of the Brookhaven Woods parcel and the woodland surrounding this wetland will remain undisturbed by the proposed project. A minimum 100-foot buffer will be provided surrounding this feature. Letters of non-jurisdiction had been secured for the Brookhaven Woods project in the past by NYSDC and the Town of Brookhaven, as all proposed disturbance had previously been site greater than 100 feet and 150 feet from the wetland, respectively.

S 53.3.4.2 Buffer delineation, covenants and easements
The proposed project will retain 150-foot undisturbed buffer from wetland B-16 and therefore will not require a Chapter 41 Wetlands and Watersheds Permit from the Town of Brookhaven. The proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDC for wetland B-16; and no wetland permits are expected to be necessary for wetland B-15. Substantial non-disturbance buffers will be maintained around both of the freshwater wetlands, to be protected by a covenant or conservation easement, to be determined by the Town and/or NYSDC and depicted on the Site Plan, if prepared. The applicant will provide the appropriate conservation easements and the approved Site Plan will be binding.
### 5.3.3.3 WSSR Act compliance

N/A; the subject site is not within any designated WSSR Corridor; therefore the WSSR regulations do not apply.

### 5.3.3.4.4 Additional non-disturbance buffers

Substantial non-disturbance buffers will be maintained around both of the freshwater wetlands to be protected by a covenant or conservation easement, to be determined by the Town and/or NYSDEC and depicted on the Site Plan, when prepared. The proposed project will retain 150 feet undisturbed setbacks from wetland B-16 and therefore will not require a Chapter 81 Wetlands and Waterways permit from the Town of Brookhaven. The non-jurisdictional Order and Town review and approval of the site plan will ensure that sufficient setbacks are provided for the protection of this wetland. The project will result in a minimum of at least 5% of existing natural vegetation to remain, as required by the Pine Barrens Plan. The proposed project conforms to the intent of this standard.

### 5.3.3.5.1 Stormwater runoff

This standard requires that adequate drainage capacity be provided for retention and recharge of stormwater runoff generated on-site. All stormwater runoff generated on developed project surfaces will be retained on-site and recharged to groundwater in a drainage system designed in conformance with Town requirements. While the drainage system has not been fully designed at the present stage of the project, it is expected that this system will utilize rain garden and catch basin collection, and a number of wet meadows, ponds, and recharge basins. No runoff from developed surfaces will be allowed to exit the site, based on the stringent retention and design requirements of the Town. The project's drainage system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with the NYSDEC SPDES GP (1-8-001) for stormwater project modification and preparation of a Stormwater Pollution Prevention Plan. The proposed stormwater design conforms to the intent of this standard.

### 5.3.3.5.2 Natural recharge and drainage

The proposed project has been designed to minimize clearing of previously-undisturbed natural vegetation, including clearing for the wet meadows, ponds and recharge basins that will comprise the project's drainage system. As a result, only approximately 18.28 acres of natural vegetation will be cleared, of which only a portion would be occupied by components of the project's drainage system. As described in 5.3.3.5.2 above, wet meadows, ponds and recharge basins are anticipated as components of the project's drainage system, to provide stormwater retention and aesthetic enhancement. The ponds are located in hardscape areas, and will be lined, to serve drainage, aesthetic and habitat functions. The proposed project conforms to the intent of this standard.

### 5.3.3.5.3 Ponds

As described in 5.3.3.5.1 above, wet meadows, ponds and recharge basins are anticipated as components of the project's drainage system, to provide stormwater retention and aesthetic enhancement. The ponds are located in hardscape areas, and will be lined, to serve drainage, aesthetic and habitat functions. The proposed project conforms to the intent of this standard.

### 5.3.3.5.4 Natural topography in lieu of reclamation basins

The areas proposed for the majority of development on the site are already disturbed. No natural topographic low points or swales are available to be utilized for stormwater runoff detention or recharge. As a result, the proposed stormwater design conforms to the intent of this standard.

### 5.3.3.5.5 Soil erosion and stormwater runoff control during construction

An Erosion & Sediment Control Plan will be prepared as part of the Site Plan for the project. Erosion prevention measures to be taken during construction may include: groundcovers (vegetative or artificial), drainage diversion, soil ramps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during construction will be stockpiled for reuse (if it displays acceptable bearing capacity and backfill characteristics) in cut slopes for construction. The proposed stormwater design conforms to the intent of this standard.

### 5.3.3.6.1 Vegetation Clearance Limits

The subject parcel was zoned in a mix of L-1, I-3 (proposed Meadows development area) and A-1 (Dunlee SFZ site) districts in 1995, when the Pine Barrens Plan was adopted. Figure 5-2 of the Pine Barrens Plan indicates that the overall maximum allowed site clearance established by the L-1 and I-3 districts is 65% (negatively, a minimum of 35% of the site would have to be preserved as natural). For the 222.77 acres of the combined Racertrack/11W site, this would require that, at most, 209.94 acres could be cleared and that at least 112.83 acres would have to be retained in a natural state. However, on this site, 188.93 acres were previously cleared and, 153.52 acres are presently in a natural state. The proposed project will occupy the previously cleared acres and, as a result, the majority of the development would occur on previously cleared and developed surfaces, so that only 18.28 acres of natural vegetation would be removed during construction. As a result, 115.94 acres of natural vegetation would remain on this site, and the project will conform to this standard (Attachment A). The analysis is based on a conceptual plan; final site plans will ensure that >55% natural vegetation will be retained on the 222.77 acres of development area, and 47% natural vegetation area will remain on the Dunlee SFZ parcel.

### 5.3.3.6.2 Unfragmented open space

This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. As the existing natural vegetation that remains on the subject site is primarily along the perimeters of the Eastern and Western parcels, it will be those areas that comprise the natural vegetation of the proposed project. As a result, substantial areas of natural contiguous habitat will be retained, these areas will be contiguous to naturally-vegetated spaces adjacent to the north and west, thus forming an open space continuous as intended by this standard.

### 5.3.3.6.3 Fertilizer dependent vegetation limit

No more than 1% of a project site shall be established in fertilizer-dependent vegetation. For the subject site, this would be a maximum of about 50 acres. However, based on the Master Plan, a total of only about 32 acres of landscaped areas will be subject to fertilizer usage, as private park space, parking lots, roadsides in the retail/commercial area, and residential landscape areas. This represents about 1% of the site, which exceeds compliance with this standard. For modeling purposes, it is assumed that these areas will be fertilized at a rate of 1.00 pounds of nitrogen-containing fertilizer per 1,000 SF annually. Final site plans will ensure that <1% of the site is established in fertilizer-dependent vegetation.

### 5.3.3.6.4 Native Plantings

Landscapes species consistent with the species list in Figure 5-2 (Planting Recommendations) of the Pine Barrens Plan will be used as part of the final site plan landscape design plans. Typical landscape tiss that we native to the area will be used for greenrooves and natural vegetation will be retained wherever possible as per the Master Plan.

### 5.3.3.7.1 Special Species and Biological Communities

Based on correspondence with the NYS Natural Heritage Program (NHP; see Attachment B), there are no rare plant or animal species or the Eastern pines (the former Brookhaven Walk site). In regard to the Western parcel, correspondence received from the NHP indicates the possible presence of a number of rare or state-listed plant and animal species, as well as significant habitats. However, prior field inspections and investigations conducted subsequent to receipt of this letter (dated December 28, 2007, July 11, 2009, September 8, 2009 and July 13, 2010) did not reveal the presence of any of these resources. Therefore, no endangered or threatened species are expected to be removed or disturbed on the subject site. As a result, no impacts are expected with respect to special species and/or ecological communities and the project conforms to this standard.
### G.5.3.8.1 Clearing envelopes
This Guidance refers to establishment of clearing envelopes for individual lots within a subdivision; as the proposed project does not include a subdivision, this guideline does not strictly apply. However, the proposed project involves a Land Division. As such, the project will avoid grading of natural slopes that are in excess of 10%. As discussed in G.S.3.1.6.1 above, the majority of the development site was previously cleared and developed, so that the project will involve developing on these surfaces, allowing the remaining natural steep slopes to be preserved.

### G.5.3.8.2 Stabilization and erosion control
Erosion control measures such as native hard barks, silt fences, groundcovers (vegetative or artificial), drainage diversions, minimizing the area of soil exposed to erode elements at one time, and maximizing the time upon that area is exposed to erode elements, will be utilized to minimize loss of soil during construction, particularly in locations where erosion and sedimentation could adversely impact adjoining properties and streets. Applicable Town of Brookfield standards and construction practices specified by the appropriate Town agencies will be followed. Confirmation to Chapter 86 of the Town Code and the requirements of NYSDEC SPDES review of streamwater control measures is necessary to be consistent with Phase II streamwater permitting requirements for construction sites in excess of 1-acre (the SFDES CP-0-10-061 permit, hereafter, the General Permit). Under this program, a site-specific SWPPP must be prepared and submitted to the Town for review and approval prior to final site plan approval. Once the SWPPP has been prepared and approved by the Town, the applicant will need to file a Notice of Lateness with the NYDEC to obtain coverage under the General Permit. Additionally, the General Permit requires that inspections of the construction site be performed under the supervision of a qualified professional to ensure that erosion controls are properly maintained during the construction period. As long as erosion is controlled during grading and construction, the potential for sediment transport will be minimized, and no significant loss of soils is expected and the project conforms to this standard.

### G.5.3.8.3 Slope analysis
A map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15%. As shown in the Slope Analysis (see Attachment A), there are limited areas of steep slopes (defined as >15%) on the subject site. It should be noted that 93% of the site has slopes of less than 15%. Natural steep slopes are found in the southern portion of the Western parcel (which will not be disturbed), the steep slopes in the central portion of this parcel are not natural, but were excavated as part of the Suffolk Downs Racetrack operation. For the proposed project, grading of this area is not expected to produce slopes in excess of 15.

### G.5.3.8.4 Erosion and sediment control plans
The potential for erosion to occur during construction or after construction is completed will be controlled by implementing a SWPPP, which will include engineered Erosion Control Plans within the Site Plan review (see also G.5.3.8.1 and G.5.3.8.2 above).

### G.5.3.8.5 Placement of roadways
The central portion of the Western parcel was previously developed for the Suffolk Downs Racetrack, and the central part of the Eastern parcel was preliminary cleared for the Brookwood Walk retail project. As such, slopes on the central portions of the site, where the majority of the proposed project will be built, are generally well below 10%. The proposed project has been designed such that the majority of new and relocated development will occupy previously graded areas, so that no naturally-steep slopes will be impacted and little if any need for cut or fill for roadways is expected.

### G.5.3.8.6 Retaining walls and control structures
In consideration of the preliminary nature of the Master Plan, the need for retaining walls can not be determined at this time. Short sections of retaining walls may be needed along the internal access roadways leading to the LIB North Service Road.

### S.5.3.9.1 Receiving entity for open space dedication
NA; no open space dedications are proposed.

### G.5.3.9.2 Clustering
The proposed project employs the use of clustering in order to create worthwhile development on previously cleared areas in the central portions of both the Eastern and Western parcels.

### G.5.3.9.3 Preservation of dedicated open space
NA; no open space dedications are proposed.

### G.5.3.10.1 BMPs
NA; the project is commercial/residential, and no agricultural or horticultural uses are included.

### G.5.3.11.1 Cultural resource considerations
There are no recreational trails or corridors on the subject site; the Town Greenbelt Trail exists on the Western parcel. The project includes public park space that will be dedicated to the Town for public use. Scenic corridors are associated with the LIB and William Floyd Parkway along the site's southern and eastern boundaries, respectively. There are no sites of cultural significance on the subject site. The Main Street Corridor in Yaphank (less about 2700 feet to the west of the subject site) is an established Town Historic District. Substantial natural or landscaped buffers separate the historic district from proposed use areas on the subject site such that these resources are not impacted. Specifically, a vegetated buffer (landscaped and/or natural) of between 40 and 80 feet will be provided along the western border of the Western parcel, to ensure that the Town Greenbelt will not be impacted. 390 to 1,000-foot and 90 to 150-foot deep natural buffers along the site's southern and eastern boundaries will supplement and protect the scenic corridors along the LIB and William Floyd Parkway, respectively. There are no cultural resources on the subject site that could be impacted by the proposed project, based on on-site archaeological studies. There would be no impacts to cultural resources, as confirmed by the NYS Historic Preservation Office (SHPO).
The central portions of the eastern and western parcels were previously cleared. As a result, any cultural resources that may have existed in those areas would have been removed, so that no impacts to such resources would be expected. Based on the results of an Archaeological Investigation prepared for the Eastern parcel (for the previous Brookhaven Walk proposal), SHPO determined in October 2006 that no impact to cultural resources would occur on that site as a result of that project (see Attachment 1-3). For the Western parcel, SHPO determined in June 2009 that clearing for the Suffolk would likewise not impact cultural resources (see Attachment 1-3).

The Meadow at Yaphank PDD was initially designed to occupy only the same areas cleared for the prior development proposals, thereby continuing to minimize the potential for impact to previously undiscovered cultural resources that may be present. Accordingly, SHPO was contacted in August 2010 to determine if further study of the subject site would be warranted for that design of the proposed project. The resulting letter (see Attachment 1-3) confirmed that No Impact on Historic Resources would occur. However, SHPO noted: “This finding takes into account the plan to leave the northern and southern portions of the parcels in their current wooded state. Should the project be modified in a way which would impinge on these wooded areas, or should any future proposals call for work in those areas, OPRLP (Office of Parks, Recreation and Historic Preservation) would recommend additional archaeological investigation at those areas were not included in the currently reviewed proposal.”

Subsequently, the proposed project design was revised to include minor clearing along the interior border of the previously cleared areas of the site. Therefore, in anticipation of a request for additional analysis, the applicant engaged a qualified archaeologist to prepare a supplemental Phase IB Archaeological Study for this additional acreage. The resulting report (see Attachment 1-4) did not reveal the presence of any cultural resources on this area, the report recommended no further analysis. This report has been reviewed by SHPO, and a renewed letter confirming this conclusion has been obtained (see Attachment 1-5).

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<th>G 5.3.112.2</th>
<th>Inclusion of cultural resources in application</th>
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<td>G 5.3.113.3</td>
<td>Protection of scenic and recreational resources</td>
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<td>G 5.3.113.4</td>
<td>Roadside design and management</td>
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<tr>
<td>S 5.3.12.1</td>
<td>Commercial and industrial compliance with SCSC</td>
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As described above, project design will retain substantial natural vegetation buffers along the site’s eastern, southern, and western boundaries, and the Mastic Roadside buffer areas and the Yaphank Historic District. The project’s buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.

As described above, a buffer (between 50 and 130 feet in depth) of natural vegetation will be retained along the west side of William Floyd Parkway. This buffer may be supplemented or replaced with plantings of appropriate landscape species to protect and enhance the natural aesthetics of this corridor.

The commercial property will comply with applicable Articles of the SCSC. No businesses that use hazardous and/or toxic chemicals are expected.
May 21, 2011

Town of Brookhaven
Division of Environmental Protection
Attn: Mr. Jeffrey Kassner, Director
One Independence Hill
Farmingville, New York 11738

RE: SEQRA referral of
Draft Generic Environmental Impact Statement (DGEIS) for the
Meadows at Yaphank Planned Development District (PDD)
Change of Zone Application: J Business 2 and L Industrial 1 to PDD
Town File #2010-011-CZ; SCTM #s: 200-584-2-1.3; 200-552-1-1.3
Compatible Growth Area of the Central Pine Barrens
Development of Regional Significance

Dear Mr. Kassner:

On April 19, 2011, the Commission office received the Town’s referral of the accepted Draft Generic Environmental Impact Statement (DGEIS), Volumes I and II, for the Meadows at Yaphank Planned Development District (PDD). According to the referral letter dated April 14, 2011, the Town Board of the Town of Brookhaven, the SEQRA Lead Agency, held a public hearing on May 10, 2011, and the comment period remains open for written comments until the close of business on May 21, 2011.

Central Pine Barrens status
The project meets one or more of the definitions of a Development of Regional Significance, as per the Central Pine Barrens Comprehensive Land Use Plan (CLUP), Section 4.5.5.1, Developments of Regional Significance (DRS), including, but not limited to, the proposed development of more than 300,000 square feet of commercial land use. As a result, on April 13, 2011, the applicant’s representative, Nelson, Pope & Voorhis, submitted a DRS application to the Commission. The DRS application will be reviewed by the Commission in accordance with the New York State Environmental Conservation Law (ECL) § 57-0123 (2) (a) and (b). On May 18, 2011, the Commission scheduled a public hearing on this DRS application to occur on June 15, 2011 at Riverhead Town Hall.

The applicant must demonstrate the project’s compliance with the CLUP including Chapter 5, Standards and Guidelines for Land Use, also contained in the Brookhaven Town Code. The project must, in all phases, be consistent with the CLUP Standards and Guidelines.

Project Description
The 333.46 acre project site is located on the north side of the Long Island Expressway (LIE) at Exit 68, on the west side of William Floyd Parkway (CR 46),
and south of Yaphank Woods Boulevard, in the hamlet of Yaphank. The 333.46 acre project site area includes a separate 11.09 acre parcel occupied by the existing Dorade Sewage Treatment Plant, which will be upgraded under the project and utilized to treat sanitary wastewater generated by the proposed land uses. The STP is located north of the project site in the Whispering Pines/Colonial Woods development.

The parcels that comprise the project site are identified as:

- SCTM # 200-584-2-1.3: J-2 Business, 150.17 acres (former Brookhaven Walk site)
- SCTM # 200-552-1-1.3: L-1 Industrial, 172.20 acres (former racetrack)
- SCTM # 200-552-1-3: A-1 Residence, 11.09 acres (Dorade STP)

The project site contains existing natural pine barrens vegetation, woodlands, and cleared areas where former development existed. Successional vegetation exists in areas where clearing occurred for a previous development proposal, Brookhaven Walk, which was granted Commission approval on June 20, 2007.

The proposed project consists of a mixed-use development including retail, office space, and housing. The project proposes to develop 1,032,500 square feet of commercial/industrial space including a hotel, retail, restaurant, and office uses. The project proposes to develop 850 residential units. Other project elements include active recreational amenities and a new boulevard through the project site with ingress/egress on CR 46. The project is expected to occur in five phases over a period of 10 years.

The projected sanitary wastewater flow for the proposed project is approximately 275,050 gallons per day (gpd). The project requires the STP to be upgraded to its design flow capacity of 450,000 gpd.

State Environmental Quality Review Act (SEQRA)
The Town Board, as Lead Agency, classified the project as a Type I Action and adopted a Positive Declaration for the project on July 20, 2010. A Final Scope was adopted on October 8, 2010. The Draft G/EIS was accepted by the Town Board on April 12, 2011.

The project requires Town permits and approvals including a change of zone, Planning Board Site Plan and Subdivision, and Building Permits. Other permits and approvals required include, but are not limited to, New York State Department of Conservation (DEC) SPDES Permit, and Suffolk County Department of Health Services Article 6 of the Suffolk County Sanitary Code.

The DGEIS must identify specific thresholds to qualitatively and quantitatively measure potential impacts to determine if and when additional assessments are needed for future site-specific projects generated by the larger project. If one of these identified thresholds is exceeded, the applicant will be required to perform a site-specific analysis in the form of a Supplemental EIS pursuant to SEQRA.

Comments on the DGEIS

1. **Comment period**
   Please consider holding open the comment period on the DGEIS until after the Commission's public hearing on the DRS is held, after June 15th, 2011. A thorough review of the project's conformance to the CLUP will occur at that time.
2. Page 1-14. Check the tax map parcels and their former use and acreage, which may be incorrectly listed.

3. Central Pine Barrens Comprehensive Land Use Plan
The project must comply with the Standards and Guidelines of the Central Pine Barrens Comprehensive Land Use Plan. A complete and thorough review of the project’s conformance to Standards and Guidelines will occur and be presented to the Commission at the Commission’s public hearing on June 15, 2011. A copy will be provided to the Town for your use and review.

Pine Barrens Credits
The DGEIS must include an analysis of the potential impacts of the rezoning action and the currently known elements of the project on the Central Pine Barrens Comprehensive Land Use Plan, compliance with the Standards and Guidelines for development as outlined in Chapter 5 of the CLUP and implemented by the Town Code, and an analysis of the potential impact of the rezoning action on the required minimum one to one (1:1) receiving capacity to sending credit ratio requirement, as per Section 6.5.2.1 of the CLUP, excerpted below:

6.5.2.1 One to one receiving capacity to sending credit ratio requirement

Each town shall include enough absorption capacity in receiving districts that meet the as of right definition set forth in Section 6.4 of this Plan so as to absorb all of the Pine Barrens Credits on a one to one (1:1) ratio that the Commission estimates it may allocate in that town pursuant to this Plan. The Commission recognizes that a change in zoning upon a town board’s own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit program.

4. Based on the information in the DGEIS, the proposed project will generate approximately 193,857 gallons per day in excess of the as-of-right sanitary wastewater flow under current zoning, as per the DGEIS Table 5-2b, which contains a comparison of development under existing zoning to the proposed project. Identify whether or not any Pine Barrens Credits will be redeemed as mitigation for the request to increase land use intensity and density, which exceeds the as-of-right amount of development entitled to the property owner. The CLUP discussed Planned Development Districts (PDDs) as opportunities to redeem Pine Barrens Credits, specifically, Section 6.4.2.3, Innovative strategies for the redemption of Brookhaven Pine Barrens Credits." The proposed project provides an opportunity to retire Pine Barrens Credits in accordance with this CLUP provision, excerpted below. Since the project site is in the Compatible Growth Area of the Central Pine Barrens and the proposal is a PDD, the redemption of PBCs should be strongly considered in the decision for the proposed project to support the goals and objectives of the CLUP and NYS ECL 57.

6.4.2.3 Innovative strategies for the redemption of Brookhaven Pine Barrens Credits

In addition to the Planning Board approval process as described in Section 6.4.1.1 of this Plan, the Town of Brookhaven intends to use creative techniques to provide additional mechanisms for the use of Pine Barrens Credits during the life of the Pine Barrens Credit Program. The use of Planned Development Districts, subject to the approval of the Town Board, will allow for the conversion of residential development rights into commercial,
industrial and/or other uses, which will serve to limit the final number of residential
dwelling units to be built while avoiding a negative tax impact.

In addition, the Town of Brookhaven will seek to utilize the following initiatives, through
approval of the Brookhaven Town Board, for redemption of Pine Barrens Credits where
appropriate:

1. Use of "R" districts, consisting of currently residentially zoned parcels, which are too
small for Planned Development District use, but which are more appropriately zoned for
commercial and industrial use;
2. The use of Planned Retirement Communities as already set forth in the current
Brookhaven Town Code;
3. Other innovative zoning incentives.

5. Nitrate-nitrogen concentration
   a. Pages 1-18 and 1-33 of the DGEIS indicate that a nitrate concentration of 8 mg/l will
      be achieved for the proposed project. As a DRS, the project must conform to the
      CLUP Guideline, 5.3.3.1.3, Nitrate-nitrogen goal, which is 2.5 mg/l, or the applicant
      must apply for a Hardship, subject to Commission review and action. Table 5-2b in
      the DGEIS lists a recharge nitrogen concentration of 2.20 mg/l for the proposed
      project. Clarify the discrepancy, and if the STP, combined with other projects, will
      recharge a nitrate concentration of 8 mg/l, whereas the DRS project will generate a
      concentration of 2.20 mg/l.
   b. Analyze the potential adverse impacts on groundwater resources as a result of the
      project on the Carmans River watershed, as per the Carmans River Watershed
      Protection Plan, which established thresholds for the nitrate-nitrogen concentration
      in groundwater recharged in the 2 to 5 year groundwater contributing area of the
      watershed.

6. Greenbelt
   a. The proposed 40 to 80 foot buffer on west side adjacent to Greenbelt is inadequate to
      protect the value of the Greenbelt resource. The viewshed from all public parks and
      preserves should be 100% natural in the winter. Consider modifications to buffer the
      proposed development from the Greenbelt.
   b. Describe, in detail, the emergency access through the abutting Town land to the west
      (e.g., width, surface, uses permitted). This access is not consistent with the Greenbelt
      that has been contemplated for several decades, and it should not be compromised.
      The Commission accepted the Protected Land Council’s recommendation to establish
      a regional north/south trail system between Rocky Point and the Great South Bay.
      This parcel is a critical connection. There are no alternatives, and it must remain in its
      natural state.
   c. Describe, in detail, the "connection to greenbelt" including, but not limited to,
      proposed width, surface, uses permitted.

7. Indicate whether cleared areas in the buffer along the westerly boundary be restored to
natural/native vegetation.

8. Sign heights should be restricted so that they are not visible from public parks, preserves and
the scenic highway corridors. The proposed signage on the William Floyd Parkway and LIE
frontages should be in keeping with the character of the Central Pine Barrens. Consider
signage color(s), materials, dimensions, and illumination that are consistent with the scenic
qualities of the region, and avoid nighttime lighting illumination in accordance with darks skies initiatives, as per the Town Code.

9. Indicate property line meters and bounds of abutting Town parcel(s) to the west and the County Nature Preserve parcel to the west of the Town parcel.

10. Ponds and wetland systems proposed along westerly property line should be natural and planted with native species. No fences should be installed to maintain a natural scenic quality consistent with the region.

11. Describe lighting in detail and potential impacts to abutting public lands, existing wetlands, and created wetlands/ponds.

12. The DGEIS was missing Map 1 of 3 in the package of materials. Please provide a copy.

13. Colonial Woods/Whispering Pines is zoned A-1 and was the first Town cluster approval. Confirm whether or not the instant project site was set aside as the required open space for that development approval and identify the location of the open space that was dedicated for those developments to make this confirmation.

14. Describe, in detail, any and all connections to the Dorade STP including, but not limited to, descriptions and locations of all physical structures (above and below ground), easements, and access roads (both temporary and permanent). Additional comments are reserved when information is provided.

15. The historic Smith woods trail to the west of the site should be preserved and restored to its bucolic state. This colonial trail was the route from what is now known as the Longwood Estate to the Manor of St. George. This should be addressed in the DGEIS.

16. The DGEIS does not address cumulative impacts in accordance with SEQRA. Quantitative analysis (e.g., traffic generation, impacts) and qualitative analyses should be provided to assess cumulative impacts. Identify actual projects in the study area that are currently proposed and filed in the Town, pending decisions, or recently approved projects that when examined collectively may have the potential to result in cumulative impacts in conjunction with the proposed project. The DGEIS simply defers to the Central Pine Barrens Comprehensive Land Use Plan and the Town's 1996 Comprehensive Plan as having assessed the potential cumulative impacts of projects that could be developed in the vicinity of the project site and no further analysis is provided. This does not meet the intent of the 6 NYCRR § 617.10 (a) (1) to analyze potential adverse cumulative impacts as a result of the project. See also the comment below on Land Use and updating current data and information on current land use projects in the area.

17. Figure 3-1, Land Use Map, in the DGEIS is a 2007 aerial photograph of the land use in the vicinity of the project site. This outdated photograph/map does not represent the current land use in the area nor an examination of project sites in the study area that have recently been developed. A current representation of the land use in the study area should have been prepared and field verified for this project. For example, the site south of the LIE and north of Middle Island Moriches Road has recently been developed with a significant sized commercial industrial use. This current information is readily available and visible via free global imagery service providers such as Google Earth. Other parcels in the area in the Brookhaven Research and Development Industrial Subdivision have also been developed or
have pending applications for development and should be examined in the land use section as well as the cumulative impacts section of the DGEIS.

18. Mitigation
   a. The DGEIS incorrectly identifies compliance with existing provisions of the Brookhaven Town Code and conformance to Standards and Guidelines of the CLUP as mitigation. This is not mitigation, as it is required for the project to conform or it will need a Hardship Waiver from the Commission. For example, the DGEIS describes the required open space as mitigation for the project. This is not an accurate representation and differentiation of elements of the project that are requirements versus actual proposed mitigation required as a result of potential significant adverse impacts identified in the DGEIS. The DGEIS should distinguish such elements separately and distinctly.
   b. Describe mitigation measures that will be used during construction and in the future when the development is complete.

19. Carmans River Watershed Protection Plan
   Figure 2-7 of the DGEIS illustrates the project site within the 50 year groundwater contributing area of the Carmans River Watershed. The map should illustrate that the project site lies within the boundaries of the 2 to 5 and 5 to 10 year groundwater contributing areas in the Carmans River watershed.

   The Carmans River Plan received by the Town Board of the Town of Brookhaven is currently in draft form, however, the proposed project should seek to conform to the thresholds set forth in the Carmans River Plan to the greatest extent practicable. The DGEIS should identify where the project does not conform to thresholds in the Carmans River Plan. Conversely, the DGEIS should identify where the project offers benefits to the Carmans River watershed or indicate opportunities that could be implemented (e.g., watershed monitoring to establish baseline conditions and management), if applicable. For example, Section 18.B.a. of the Carmans River Plan discusses assessments that should be conducted to establish how drainage in the area relates to or could impact water quality in the wetlands of the Carmans River.

   The project must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for the opportunity to comment on the proposed project.

Sincerely,

Julie Hargrave
Environmental Planner

cc: John Pavacic, Executive Director, PBIP&P Commission
    Judith Jakobsen, Policy and Planning Manager, PBIP&P Commission
    Ann Carter, Senior Environmental Analyst, PBIP&P Commission

The Meadows at Yaphank DGEIS
APPENDIX D

WRITTEN PUBLIC, ORGANIZATION & CIVIC ASSOCIATION COMMENTS

Deputy Director for Operations, BNL, May 10, 2011
Syracuse Center for Excellence, May 9, 2011
Long Island Pine Barrens Society, May 10, 2011
South Yaphank Civic Association, May 10, 2011
Community Concerns Committee, Colonial Woods/Whispering Pines Condominiums, May 10, 2011
The Open Space Council, June 25, 2011
Statement to the Brookhaven Town Board

6:30PM May 10, 2011

Proposed Development: The Meadows at Yaphank by AVR Realty

Good Evening. My name is Michael Bebon. I am the Deputy Director for Operations at Brookhaven National Laboratory and I am pleased to be here to comment on the development “The Meadows at Yaphank”, being proposed for a site just west of the Laboratory.

Brookhaven National Laboratory is a U. S. Department of Energy multi-program, national laboratory engaged in scientific research in the physical, energy and life sciences. We are located on a 5300 acre site that borders on the William Floyd Parkway on the west and the Long Island Expressway on the south. The laboratory has 3,000 employees and an annual budget of $73 million dollars. In addition to our own employees, we host another 3,000 visiting scientists each year who come to the lab to conduct research using our scientific facilities. The Laboratory’s operations have a significant positive impact on the economy of Long Island and New York State, creating another 5,400 jobs and generating over 700 million dollars in additional economic activity annually.

My purpose this evening is to let you know that we have been providing technical advice and support to representatives of AVR Realty in their objective of incorporating forefront energy and environmental sustainable design features in the Meadows project. AVR first contacted BNL over a year ago to explore what leading edge information and expertise might be available at BNL and elsewhere in New York State on “green” design principles including renewable energy sources, building and utility systems, and construction materials. We have had several technical meetings and have also arranged for AVR to access expertise in these areas that is available at Syracuse University. AVR has taken the initiative to engage with the team at Syracuse and have been interacting with them as well. These discussions have already influenced the evolving site planning process and the design considerations for building heating and cooling sources and systems, storm water treatment, and wastewater treatment for the project. AVR has expressed interest in continuing to interact with BNL and Syracuse as the design proceeds.

As a result of AVR's commitment and aggressive actions to learn more about sustainable design options, several “green” techniques are currently being evaluated for the development. We applaud AVR’s foresight in looking beyond the minimum code requirements to make this development a model for sustainable design, and one that has the potential to guide future development on Long Island and throughout New York State.

BNL has an ongoing need for access to permanent housing for our workforce and temporary housing and hotel space for our visitors and guest scientists. As we pursue an initiative to expand our programs in areas of science and technology that are vital to the nation – energy independence and climate change – we expect to create many additional science and technology jobs at BNL. This growth will further increase our need for these facilities. As part of our master planning process, we have been exploring the feasibility of moving some of our administrative and support functions to new facilities offsite to accommodate our projected growth. The availability of high quality space in the surrounding
community within close proximity to the Laboratory site has been, and continues to be a limiting factor. We anticipate that the Meadows project may provide us additional options in our planning for the future growth of the Lab's programs; growth that will address key national needs and produce commensurate growth in our beneficial impacts to the local and New York State economy.

Thank you for the opportunity to speak you this evening.
May 9, 2011

Hon. Mark Lesko, Supervisor
and Members of the Town Board
Town of Brookhaven
1 Independence Hill
Farmingville, NY 11738

Re: Meadows at Yaphank

Dear Supervisor Lesko and Members of the Town of Brookhaven Board:

I am very pleased to write to offer comments concerning the Meadows at Yaphank, a mixed-use development proposed by AVR Realty that was brought to the attention the Syracuse Center of Excellence in Environmental and Energy Systems (SyracuseCoE) by Brookhaven National Laboratory (BNL).

SyracuseCoE is a collaborative organization that creates innovations to address national and global challenges in clean and renewable energy, indoor environmental quality, and water resources. Established as a New York Center of Excellence in 2002, SyracuseCoE currently engages more than 200 firms and institutions from across the state. Our members conduct targeted research, demonstrate new technologies, commercialize innovations, and educate the workforce. In recent years, SyracuseCoE and BNL have collaborated on a variety of projects relating to energy-efficient building systems and sustainable communities.

At the invitation of BNL, I first met key members of the Meadows at Yaphank in early January 2011. I was very impressed with the plans for the development, including applications of best practices for smart growth, storm water management, and green building design. In late January, three members of the Meadows at Yaphank team visited Syracuse for a day-long series of meetings with leading researchers from SyracuseCoE collaborating institutions and firms, including Syracuse University, SUNY College of Environmental Science and Forestry, Rochester Institute of Technology, and Pall Corporation. We had detailed discussions of plans for the project, including application of innovative approaches, such as constructed wetlands and district heating and cooling using more efficient heating and cooling systems. Since January, members of my staff and I have had numerous additional interactions with the development team as they advanced their plans for the project. Throughout all of our interactions, the development team has demonstrated keen interest in incorporating emerging technologies and the latest best practices in their plans. As currently envisioned, the project has great potential for being a shining example of sustainable development, advancing the state of the art and attracting positive attention for Town of Brookhaven. We very much look forward to continuing interactions with the Meadows at Yaphank team.

I hope that these comments are useful in your deliberations. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

Edward A. Bogusz, Ph.D.
Executive Director

727 East Washington Street, Syracuse, NY 13244
P: 315-443-4445 / F: 315-443-3329 / syracusecoe.org
PRELIMINARY COMMENTS ON THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE MEADOWS AT YAPHANK by the Long Island Pine Barrens Society May 10, 2011

Members of the Brookhaven Town Board:

These are preliminary comments on the Draft Generic Environmental Impact Statement for the proposed "Meadows at Yaphank," prepared by the Long Island Pine Barrens Society. We will supply additional observations and recommendations during the comment period and will participate in the review of the proposed project by the New York State Pine Barrens Commission, which has not yet commenced.

The proposed project will have the potential for profound adverse environmental impacts, given its size and location.

First, we note that the project, as advanced, includes some 850 residential units - 796 of which would be market rate (in the range of $360,000 to $385,000 each). This development is not part of the as-of-right, permitted on the site, absent the granting of a change-of-zone. Add to this, there are insufficient public benefits being offered by the applicant in exchange for this extra density. Many of the alleged benefits offered are actually impact fees, mitigation measures or benefits to the proposed new community. It is the Society's position that building density is a valuable asset to the town and to the developer and providing such public value to a private entity without commensurate public benefits constitutes gifting of the public wealth for private purposes and violates New York State law. Public benefits should be substantially enhanced.

Second, there is no significant consideration of this project in combination with others currently known and reasonably anticipated, as required under the State Environmental Quality Review Act. We have previously advised the Town Board, Town Planning Board and Zoning Board of Appeals that such cumulative impacts must be considered during the review process and before these government agencies may make an informed determination about the overall impacts of anticipated development. The cumulative impact review for this project consists of a list of other major projects with the assurance that current regulations will prevent adverse cumulative environmental impacts. This assertion is merely conclusory and is unsupported by any evidence in the DGEIS.

Third, and most important of all, is that the entire site lies in the watershed of the Carmans River; the protection of which is the objective of the proposed Carmans River Watershed Protection & Management Plan, currently moving toward adoption. In fact, much of the proposal lies in the two-to-five year time of travel zone within the watershed, an area that is proposed for stringent protection under the Carmans River Plan.
The Society's Board of Directors has scheduled a meeting to evaluate the proposed "Meadows at Yaphank" for May 16 and will consider the determination of the New York State Pine Barrens Commission, which is expected to set a Public Hearing on the proposal for June 15. For this reason, the Pine Barrens Society asks the Town Board to provide a 60-day comment period, so that the results of the Pine Barrens Commission's review of this project as a Development of Regional Significance may be considered before the Town's comment period ends.

In any case, the Society regards the proposed "Meadows at Yaphank" as having the potential for profound adverse environmental impacts on the Pine Barrens in general and the Cannans River in particular. For this reason, the project will receive the necessary scrutiny prior to the Society's Board of Directors' final recommendation for approval, modification or disapproval.

Once again, we ask the Town Board to consider a briefly-extended period for written comments so that all aspects of the proposed "Meadows at Yaphank" may be fully considered.

Richard Amper
Executive Director
May 10, 2011

Patricia Eddington
Town Clerk
Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

RE: Public Hearing #9 – To Consider the Acceptance of the Draft Generic Environmental Impact Statement (DGEIS) for the Meadows at Yaphank, LLC (AK/A AV Realty)

RE: Public Hearing #10 – To Consider an Application of the Meadows at Yaphank, LLC, (AK/A AV Realty) for a Change of Zone from J Business 2 and L Industrial 1 to Planned Development District (PDD) ion property located in Yaphank

Dear Ms. Eddington,

The South Yaphank Civic Association supports both the DGEIS and the Change of Zone for the Meadows at Yaphank. Even though it is not located directly in our community, it is a project of regional significance which will have a direct effect on the many communities surrounding it. I have spoken with Brian Ferruggiari, the representative for the project, and he has explained many of the features of the project, plus I was given the opportunity to attend a planning session where many of the principals involved in the project shared their vision for the property. The civic is especially excited about the method proposed for limiting nitrogen from entering the groundwater by the use of wetlands and special plants, plus the sewage treatment plant. This one aspect of the project is very important to the South Yaphank Community because we are located in the Carmans River Watershed and the Carmans River is within half mile of many of our homes.

We, the civic, believe that this project will be of benefit to our communities, the Longwood School District, the Yaphank and Ridge Fire District, and to Brookhaven National Lab.

Sincerely,

Johan McConnell
President

D-7
7.27
Brookhaven Town Board
1 Independence Hill
Farmingville, NY 11738

Comments Prepared for Public Hearing
Application for Change of Zone and
Acceptance of Draft Generic Environmental Impact Statement
Meadows at Yaphank
May 10th 2011

The Colonial Woods / Whispering Pines Condominium is a
community of 544 homes located along the northern border of AVR Realty’s
property which is the subject of this hearing. The southern border of our
community lies less than 1,000 feet from the proposed project so our
proximity to it will undoubtedly have an effect on our residents both during
the construction phase and after completion of the development. Therefore
we wish to have the members of the Town Board take into consideration the
following requests presented by our homeowners as you consider approval
of both the DGEIS and the request for rezoning of the subject parcel to a
Planned Development District (PDD) classification.

Traffic Issues

Our community of an estimated 1,500 residents currently uses
Yaphank Woods Blvd. as our only route to and from our homes. According
to the plan for the Meadows at Yaphank this road is to serve as one of the
entrance and exit points for the development. It is imperative that the
intersection of Yaphank Woods Blvd. and William Floyd Parkway has a full
service traffic signal allowing both north and south turns onto William Floyd
Parkway as is indicated in Appendix D, page 6 of the Traffic Study. In
addition we would like this road to be resurfaced during Phase 1 of
construction of the project since it is in a state of disrepair at this time.
Greenbelt Buffer

A greenbelt buffer consisting of a minimum of 300 feet of trees must be maintained between the south side of Yaphank Woods Blvd and any structures to be built for the development. The plan as presented includes the development of housing units along the northern portion of the property adjacent to our residences. We would be opposed to the placement of any of the retail or hotel components on the north side of the development due to the potential noise issues that could be a result of such placement.

Emergency Access Route / Yaphank Fire Dept.

The Meadows at Yaphank is expected to increase traffic volume on the roads surrounding the development property. To ensure the safety of our residents in will be essential to have the proposed emergency access road installed from Main Street Yaphank that is noted in the Draft DGEIS on page 1-26. This road is needed to ensure the fastest response times from the Yaphank fire station to our homes in case of fire or medical emergency. It is our understanding that use of a portion of the access road property requires approval of the Pine Barrens Commission. We urge the Town Board to require the applicant to secure this approval prior to granting building permits for this project since it is critical for reducing response times for fire and ambulance services.

Dorade Sewage Treatment Plant Upgrades

The planned development will utilize the Dorade Sewage Treatment Plant that currently services our community and Sewer District #8 located north of our community. This plant was built in the 1970’s and has required significant renovation in recent years to function adequately to process the sewage generated by our community. We urge the Town of Brookhaven Board to make certain that the plant meets all code requirements of the Suffolk County Health Department and appropriate New York State authorities to ensure that the plant has the required capabilities to service the additional capacity needed by this project.
Although the construction plan states that trucks and other equipment used during the construction phase will use CR 46 and the LIE north service roads to access the site it does not exclude Yaphank Woods Blvd. from use for trucks and other equipment. We insist that Yaphank Woods Blvd. which is used daily by hundreds of cars and several school buses be off limits for all equipment being used during the construction phase.

Buffering Features to be Constructed on Yaphank Woods Blvd.

Although not noted in the plan documents the applicant has committed to constructing a gate house on Colonial Woods Drive East and to provide fencing and additional shrubbery along the north side of Yaphank Woods Blvd. to provide additional separation between our community and the proposed development. These amenities to be installed at the cost of the developer were part of the proposed Brookhaven Walk project and we would expect these features to be installed during the initial phases of the project.

A development project of this size and scope will undoubtedly have a significant impact on the residents of our community. We ask that the Brookhaven Town Board take into consideration the concerns of our community as you review the plan. It is your responsibility to make certain that this development if approved becomes an asset to the Yaphank community. We urge you to carefully consider the issues we have presented to you today to ensure that the quality of life of our fifteen hundred residents is preserved.

Michael Cain
Chairman
Community Concerns Committee
Colonial Woods / Whispering Pines Condominiums
Yaphank, New York
To: Town Board, Town of Brookhaven c/o Peter Fountaine, Planning  
Re: Meadows at Yaphank, DGEIS, Comments for the Record  
Da: June 25, 2011

Dear Mr. Fountaine:

Please accept on behalf of the Town Board and Town Clerk, Open Space Council comment for the record regarding the DGEIS for The Meadows at Yaphank.

Respectfully submitted,

Karen Blumer

Karen Blumer  
Vice President  
Open Space Council  
PO Box 275  
Brookhaven, NY 11719  
631-821-3337  
growingwild@optonline.net
To: Town Board, Town of Brookhaven c/o Peter Fountaine, Planning
Re: Meadows at Yaphank, DGEIS, Comments for the Record
D: June 25, 2011

Thank you for the opportunity to comment on the DGEIS for the Meadows at Yaphank. We urge the Town Board to reject this project in its entirety at this time for the following reasons and redirect formulation of a DGEIS within this context:

- The project, located within the Town’s designated 0-to-5 year travel zone, proposes intense development in the heart of the Carmans River watershed and directly within the line of the River’s groundwater flow, a short distance from the River itself, while the Town is simultaneously conducting a Preservation and Management Plan for the watershed. The current Town plan possesses flaws which need correcting. No project of this magnitude should be entertained until the current Plan is improved and accepted.

- The carrying capacity of the watershed, even before the anticipated negative impacts from this massive proposed project, has already been surpassed, according to our analysis with the Town in 2008. This work is further supported by the March 2011 Woods Hole, Department of State-funded report by Ivan Valiela on the watersheds of the Great South Bay. With only 11% build-out remaining in the Carmans and 70% of all nitrogen being generated by septic systems, the impact on the estuary is so severe that additional land preservation, while always positive, or implementation of the highest WWT technology in future proposed projects, such as the Meadows, can not stem the already surpassed critical thresholds in the River and our drinking water aquifer. None of this analysis appears in the hundreds of pages of the document. It is therefore incomplete.

- The anticipated effluent of the Dorade STP is 8 ppm Nitrogen, yet the goal of the current Town Carmans River study is for 2.5 ppm N discharge goal at the property line. For this reason alone, the project should be denied. Mitigation requirements must be re-visited in a supplement. This effluent is unacceptable, especially in the light of AVR’s project consultation with Brookhaven National Lab (BNL) facilities, which claim a 1.2 ppm N routinely.

- The cumulative study in this GEIS is inadequate in light of the Town’s current ongoing watershed Plan whose technology easily allows for rapid assessment of cumulative impact within the watershed and which was already done in both the 2008 study and the Valiela report. This DGEIS has failed to give a true picture of the cumulative impact.

While there are many other reasons, we feel these are some of the highlights that justify non-acceptance and redirection of the DGEIS under review.

Respectfully,
Karen Blumer, Vice President, For the Board of Open Space Council
APPENDIX E

TRANSCRIPT OF PUBLIC HEARING

Brookhaven Town Board

May 10, 2011
TOWN OF BROOKHAVEN
TOWN BOARD

-------------------------------------------x

PUBLIC HEARINGS

RE:  #9. To consider the acceptance of the Draft Generic Environmental Impact Statement (DGEIS) for The Meadows at Yaphank, LLC (A/K/A AVR Realty)

#10. To consider an application for The Meadows at Yaphank, LLC (A/K/A AVR Realty) for a change of zone from J Business 2 and L Industrial 1 to a Planned Development District (PDD) on property located in Yaphank.

-------------------------------------------x

Brookhaven Town Hall
Auditorium, 2nd Floor
One Independence Hill
Farmingville, NY

May 10, 2011
8:11 p.m.

BEFORE:

MARK LESKO,
Supervisor

ROY ALLEN & ASSOCIATES, INC., 516-542-2020
626 RXR Plaza, West Tower, 6th Floor, Uniondale, New York 11556
SUPERVISOR LESKO: We’re going to open up cases 9 and 10 together, so why don’t we introduce hearings 9 and 10.

CLERK EDDINGTON: Public hearing No. 9 is to solicit public and agency comments on the Draft Generic Environmental Impact Statement with regard to the changes on the application known as The Meadows at Yaphank for property located in Yaphank, New York.

Present zoning is J-2 Business and L-1 Industrial. Proposed zoning is planned development, district mixed use.

The property is located on the north side of the Long Island Expressway, North Service Road, west of William Floyd Parkway.

Council District No. 4, Council Member Constance Kepert.

The public notice for this DGEIS hearing was published in official Town newspaper no less than 14 days and no more than 20, prior to this public hearing. We’ve received the signed affidavit of publication.
SUPERVISOR LESKO: Okay. Do we have to do 10.

CLERK EDDINGTON: Public hearing No. 10, is for an application known as The Meadows at Yaphank for property located in Yaphank, New York.

Present zoning is J-2 Business and L-1 Industrial. Proposed zoning is for a planned development, district mixed use.

Property is located on the north side of the Long Island Expressway, North Service Road, west of William Floyd Parkway. Council District No. 4.

The applicant was required to post the property as well as notify all property owners within a 500-foot radius of subject property by certified mail.

And if the applicant’s attorney can please submit the affidavit of posting and the affidavit of mailing.

And this change of zone was published in an official Town newspaper no less than 10 days and no more than 20 days prior to this public hearing. And we’ve received the signed
affidavit of publication.


SUPERVISOR LESKO: Okay.

Anything else other than for introducing? Okay.

Why don’t we jump right into it.

Tullio, why don’t you take the lead.

COMMISSIONER BERTOLI: Sure.

SUPERVISOR LESKO: -- and refer to any other members of your staff and then we’ll hear from the applicant and then we’ll have members of the public speak.

COMMISSIONER BERTOLI: I have a few opening comments and Jeff Kassner will discuss the SEQRA actions and Pete Fountaine is our Senior Environmental Analyst on the project.

Tonight before you -- for your thoughtful consideration is The Meadows at Yaphank.

I want to talk a little bit briefly about the process.

First of all, the project is a
322-acre mixed-use sustainable project that emphasizes traditional neighborhood design, LEED criteria, complete streets, form-based architectural code and much more.

The AVR applicant has been working with Planning over the last 18 months. And they’ve been very cooperative in any aspect of the project when we asked for certain modifications or expressed concerns or ideas, the matter was generally resolved to everyone’s satisfaction.

At the beginning of the process though, Connie Kepert and I had several elements that we were insistent upon.

First, we wanted it to really be a true mixed-use community. We did not want it to be just another residential project. And to that extent, you will see, as the applicant presents the project that there’s a balance between the residential, commercial and the more important office flex space component, that is seen as a connection to Brookhaven National Labs.

Secondly, we wanted to concentrate development in undisturbed -- in the disturbed area, I’m sorry, onsite and preserve the balance
which would meet the 35 percent requirement of the Pine Barrens Commission.

The property is in our "Blight to Light Initiative," although the application is under our PDD Code.

And, additionally, the relationship to the Carmans River Plan, will be addressed during this process as well.

Third, and, I think, that this is something that Connie and I were insistent upon, we do not want another mega project like Heartland Lighthouse for Legacy Village. As a matter of fact, Heartland is four times the amount of retail/office and ten times the amount of residential units.

We felt, Connie and I both felt, that the project needed to grow in a much more modest manner and grow from the context of the sites and the constraints, especially the connection to the Brookhaven National Labs.

And, lastly, we wanted an extensive community outreach process, AVR has been terrific with that. They’ve been out many, many times to all the local civics, garnering their
input and shaping it as part of this process. So tonight is the end of one process, the beginning of another. And at this time, I’d like to have Jeff explain, once again, the SEQRA actions before you and then Pete Fountaine will address any questions that you may have.

MR. KASNER: Thank you, Commissioner.

As was noted previously, this is a joint hearing on the change of zone and also to receive comments on the Draft Generic Environmental Impact Statement.

The Draft Environmental Impact Statement was accepted by the Town Board in April of this year and has been posted on the Town website, for which it can be inspected by anyone of interest.

Following the closing of -- or the end of any public comments tonight, we would ask that the -- the comment period on the DGEIS, in terms of all comments, be closed and that there be a written comment period be extended for a number of days following tonight’s hearing.
What we will then do is to look at all the comments that we’ve received and those that are deemed substantive, we will put together and respond to in a Final General Environmental Impact Statement.

After we’ve completed that, then the -- we will prepare a Findings Statement, which will be the basis for the Town’s decision as to whether or not to approve or deny this particular request.

Thank you.

SUPERVISOR LESKO: Okay. Pete, do you have anything to add?

(No response.)

SUPERVISOR LESKO: Do you have anything to add?

MR. FOUNTAINE: No, sir.

COUNCILWOMAN KEPERT: I was going to ask Pete a couple of questions. All right?

SUPERVISOR LESKO: Okay, sure.

COUNCILWOMAN KEPERT: Pete, this particular area had been the subject of -- of several other developments. It was a racetrack at one time, Parr Meadows and then it was cleared as
part of the Brookhaven Town Center, application from Wilbur Breslin.

So my first question is, how much of the area has already been cleared and how much, what percentage of the parcel will be cleared to accommodate this proposal?

MR. FOUNTAINE: As a result of the previous development, the parcel was cleared significantly on the western side, as you said, for the Suffolk Downs Racetrack and on the eastern side for the Brookhaven Walk Mall Project that had not been completed.

The property has gone into natural revegetation but the clearing that is proposed for the project would be approximately 36 percent natural vegetation retained. So they’d be approximately 64 percent cleared.

COUNCILWOMAN KEPERT: Okay, so 64 percent cleared and that 64 percent that is cleared is currently cleared?

MR. FOUNTAINE: That is -- has been cleared for prior projects.

COUNCILWOMAN KEPERT: Has been
And my next question involves the Durad’s Sewage Treatment Plant. Right now the developed housing just to the north of the site is Whispering Pines. They currently -- their sewage is treated by the Durad Sewage Treatment Plant and what this proposal is doing is -- they will enhance that plant. So can you talk a little bit about that?

MR. FOUNTAINE: The Durad Sewage Treatment Plant was originally constructed for use with the Whispering Pines —

COUNCILWOMAN KEPERT: Right.

MR. FOUNTAINE: — Colonial Hills development and, also, the racetrack and the Brookhaven Walk proposal.

It currently only treats 140,000 gallons per day which is the Colonial Hills Whispering Pines and the Sewer District No. 8. The project proposes to upgrade the plant in two stages. First to allow for the first stages of the proposed project, as well as Sewer District 8 and the other condo complex is to be treated.

Once it reaches over 225,000
11
gallons per day, then they’re going to a second
stage of -- of refurbishing the plant and expanding
it. An engineering report is being prepared right
now.

COUNCILWOMAN KEPERT: And what
is the gallons per day that is estimated for the
build out of this project?

MR. FOUNTAINE: For the build out
of the two parcels it’s estimated about 275,000
gallons per day.

COUNCILWOMAN KEPERT: 275,000.
And is the Durad Sewage Treatment
Plant out of the Carmans River contributing area or
does it lie within the contributing area?

MR. FOUNTAINE: It is within the
25 to 50 year --

COUNCILWOMAN KEPERT: Twenty-five
to 50 year?

MR. FOUNTAINE: Yes.

COUNCILWOMAN KEPERT: And what
will the -- the nitrogen loading be of that plant
once it is upgraded?

MR. FOUNTAINE: The upgraded
plant is proposed to have a nitrogen loading of 8

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626 RXR Plaza, West Tower, 6th Floor, Uniondale, New York 11556
milligrams per liter.

COUNCILWOMAN KEPERT: Eight milligrams per liter. Okay.

I read it’s going to comply with the Pine Barrens requirement of 2.5 parts per million?

MR. FOUNTAINE: The recharge onsite is modeled to comply with the Pine Barrens.

COUNCILWOMAN KEPERT: Okay. Very good.

And some of the -- I don’t know if anybody can speak to some of the amenities that are being proposed here. The -- I have read that it’s going to be energy efficient. It’s going to achieve LEED standards. Is that in all the commercial and office proposed?

A VOICE: Well, it may be that the applicant will speak to those components.

COUNCILWOMAN KEPERT: Okay. Okay. Thanks.

SUPERVISOR LESKO: Okay. Why don’t we do this, why don’t we give the applicant a chance to come forward and comment on the project and then we have quite a few cards, so I’d like to
get fairly quickly to public comment on this project.

I think you’re going to swear in -- well, I’ll let Mr. Sloane tell us who gets sworn in and who doesn’t. I think you’re swearing in at least two, possibly three.

Mr. Sloane, do you want to ask the non-lawyers to raise their right hand.

(DAN SIMONE, was duly sworn.)

CLERK EDDINGTON: Okay, before you speak, please state your name and where you’re from into the microphone. And if you want to leave any paraphernalia here with us, please leave it.

(DAVID SLOANE and JEFF KRASNER, testified as follows.)

MR. SLOANE: Thank you.

Mr. Supervisor and members of the board, David Sloane, Certilman Balin, attorney for the applicant.

The -- I just want to respond to one of the questions Connie had.

CLERK EDDINGTON: Excuse me, Mr.
Sloane, could you lift the microphone up closer to your mouth.

MR. SLOANE: I’m sorry.

CLERK EDDINGTON: Thank you.

MR. SLOANE: I just wanted to respond to one of the questions Connie had as far as the natural -- it’s 126 acres will remain natural.

COUNCILWOMAN KEPERT: 102.6?

MR. SLOANE: 126 acres, 126 acres.

COUNCILWOMAN KEPERT: 126 acres.

Okay.

Thanks.

MR. SLOANE: The -- as staff as indicated, this is a 322-acre parcel located at the northwest corner of the Expressway and William Floyd. 150 is zoned J-2. That’s the Brookhaven Walk parcel.

At the present time, we have an approved signed off site plan to build an 850,000 square foot retail project. 172 acres of this property is zoned L-1 Industrial.

A yield map has been done which
indicates we could build industrial/office for 1,180,000 square feet. This is a total combination of retail and industrial, of 2,030,000 square feet. And, I think, in making the consideration you have to start there as your base. What we’re proposing, which is a mixed use, you have a hotel of 150,000 square feet, a restaurant of 5,000 square feet, retail of 327,500 square feet, Class A office 250,000 square feet and industrial flex space of 300,000 square feet. This totals 1,032,000 square feet, which is 1,000,000 square feet less than is allowed as of right at the present time.

In addition, there’s a residential component of 850 units, including 303 age-restricted units, 85 workforce units, 144 are rentals and, as I indicated, I think, you have to do an analysis, which we have done, as a comparison of what is allowed now and what is being proposed. I will leave the sanitary comparison to our experts. The -- I would point out, however, that the traffic -- as far as the trips, as far as the traffic is concerned, it’s 40 percent less, approximately, with what’s being
proposed here than what -- with what the traffic would be if it’s developed as of right.

Now economics today, obviously, is an extremely important aspect of any application which comes before this board.

The real property taxes in connection with this proposed project, when it’s completed, would be $9.6 million a year. The real property of which $6.4 million would go to the Longwood School District.

This would result in a positive cash flow to the school district of over $4 million a year.

The tax in connection with the development, as of right, under the existing zoning now, would be $3 million less.

The cost of construction for this proposed, is estimated at $233 million, of which $136 million is labor costs.

Once completed, it will generate over 2,600 full-time jobs at a -- which would generate $111 million a year.

The mortgage tax, as you know, is down substantially, would be in excess of $800,000,
once it’s completed, of which $384,000 would go to the Town.

At this time, I’d like to call on Dan Simone, the engineer on the project, to go over these.

MR. SIMONE: Good evening, Supervisor Lesko and members of the Town Board. My name is Dan Simone. I’m Director of Planning and Engineering with AVR Realty Company.

I came down to Brookhaven about 18 months ago to meet with your Planning staff to discuss this project and elements which would revitalize this site and one thing that we both agreed on was, anything to replace what was originally approved on this site -- or what’s currently permitted on this site, would have to be something that would be sustainable from the standpoint of economics, from the standpoint of jobs, from the standpoint of schools, taxes and environmental conditions.

The site itself is 322 acres, which you’ve heard. 172 acres of that is the L-1 parcel, which is located to the west here. And 150
acres of that is the J-2 parcel located on William Floyd Parkway. That is -- the parcel along William Floyd is currently approved for 850,000 square feet retail, the Brookhaven Walk Project. And the L-1 would permit approximately 1.2 million square feet of industrial space.

As was discussed, Congresswoman Kepert -- Councilwoman Kepert, I’m sorry -- I didn’t mean to give you a promotion there.

The existing cleared area is approximately 190 acres on the subject property. We are permitted up to about 209 acres of total clearing to keep it within the 35 percent preserve area. A majority of this property has already been disturbed and we are keeping our footprint within that area of disturbance for the proposed project.

Now our vision for the project is one which was very consistent with the vision of your Planning staff. One of the issues that we kind of followed from the perspective of this project was to follow the Smart Growth principles in laying out and proposing the project.

Those being, mixing land uses, compact buildings and neighborhood design, creating
a range of housing opportunities, create walkable neighborhoods, foster distinctive and attractive communities with a strong sense of place, preserving open space, natural beauty and critical environmental areas, strengthen and direct development towards existing communities and provide a variety of transportation choices.

The project itself here, as Tullio had mentioned, will be based on a master plan designed under the guidelines of the PDD. This master plan here will generate a set of implementing guidelines that will guide development to the project site so that the project is developed as a cohesive community, doesn’t look like it’s been put together piecemeal, but will have a common vision through development of the project area.

One of the main elements that we tried to achieve in the design of the project is to create a Main Street feel for the entrance along the boulevard from William Floyd Parkway all the way through the project to its terminus in the back of the L-1 parcel here.

This main boulevard here will
create -- will have areas of neighborhood retail and higher density residential areas, which will transition into lower density residential areas and office/flex space at the rear.

Some of the common elements which are part of the master plan include, as you see here, areas of neighborhood retail which will congregate along the boulevard area.

Some more national retailers associated with the rear of the project here.

Hotels, office, industrial on the rear portion.

Walking trails which traverse the open -- natural open spaces and connect to the Town’s greenway trail along the western portion of the project.

Public parks located at this location here and ballfields located at this location here.

And interior common courtyards and open space and pocket parks that will create little niche parks within the community so that residents don’t have to go to far just to get out on a piece of grass and enjoy, you know, a picnic or throwing
the ball with the kids.

The diversity of housing proposed for The Meadows is -- a range of housing from condominiums to apartments to townhouses. Generally, most of the units are reserved for one and two bedroom, which was a way for us to keep the tax positive aspect of the residential proposal and also provide a diversity of housing options for young as well as old within the project in total.

As part of the master plan, guidelines will be created ultimately, which will outline development of the project. You see here, this is an excerpt plan from the draft guidelines that have been prepared. This lays out in block format the permitted use areas, which will also have associated permitted height and other restrictions that will allow this to develop under kind of a Town -- Town comprehensive type planning aspect.

The retail shown here, the neighborhood retail shown along the boulevard, the office -- office/industrial, and the residential portions with the different -- the varying degrees of color there associate different
building heights and different density restrictions
in order to make it emanate into a very loose
density in the yellow, which will kind of
transition into the existing townhouse communities
to the north.

In general, The Meadows at Yaphank
is -- is a sustainable community. It’s a place
where they’ll be a lot of housing options, a place
to live, a place to work with different
education-based options for corporate, industrial,
and, also, a place to play with open spaces and
community parks and neighborhood retail,
restaurants, areas where people can congregate and
walk out their door.

As in a total the, you know, the
community will provide a place for most of daily
life’s activities without venturing out onto the
highways and beyond.

And the computer wants to do what
the computer wants to do -- so.

Thank you.

MR. SLOANE: Chip.

MR. VOORHIS: Yes, good evening.

I’m not going to repeat what has been said thus
far, but there are a couple of important points
that I would like to make.

For the record, my name is Charles
Voorhis of Nelson, Pope and Voorhis. We are the
environmental planning consultants on the project.

I have been involved with this
site over a very long period of time that predates
this project and, as a matter of fact, I prepared
the Draft Environmental Impact Statement for the
previously approved Brookhaven Walk Project, that
David mentioned, that did receive Pine Barrens
approval for a development of regional
significance.

So I’m very familiar with the site
and the area. I’m very familiar with the
regulations that pertain to the site.

And I’ll just address briefly, the
existing allowable use and the change of zone to
PDD. A little bit about SEQRA and the analyses
that have been completed, touch on the Pine Barrens
Conformance Analysis, the Carman’s River, which is
in everyone’s mind with the completion of the
Carmans River Protection Plan recently and then
just overview some of the benefits, again, not --
not duplication what’s already been said.

A PDD, basically, anticipates the needs for zoning flexibility in order to achieve a better land use form and the proposed project does exactly that.

What Dan described is not something that currently fits in Town Code, so we need the flexibility to allow this to be done.

And all PDDs start with a baseline analysis. Now, Dave covered that. There’s been an 850,000 square foot project approved on the J-2 portion, the eastern parcel and the western parcel could yield 1.18 million square feet of industrial.

If you develop the parcels in this manner, and we do have a comparative analysis in the Draft Environmental Impact Statement, the existing zoning would have a greater impact on traffic. Dave averaged traffic at about 40 percent less impact. In fact, when you look at AM, PM and Saturday trips, the existing zoning would have between 21 and 73 percent more traffic.

The paved area under the existing zoning would be 48 percent greater. There would be less than half the open space that we’re providing
within the development portions, not even including the 35 percent that would be retained as natural and there would be 48 percent less tax benefit, with 15 percent less surplus tax revenue for the school district. That’s what the existing zoning would allow.

In terms of groundwater and Pine Barrens conformance, either project still has to conform to the development of regional significance parameters so either project would meet the 2.5 milligram per liter and would retain at least 35 percent natural open space.

When you break down the uses and, I think, Dan’s identification of the block diagram, really shows this very well. Half of what we’re proposing, and this is on the southern half, already conforms to existing zoning. You could do that under L-1 and J-2.

If you look at the northern portion, we’re basically switching that for multiple and diverse residential options that are low impact uses as well as recreational use. So, basically, the PDD is not an increase in the intensity of land use since the site can already be
used for 850,000 square feet of retail and 1.18 million square feet of industrial.

In very simple form I can link this right into Town Code to demonstrate why this is not an increase in land use density. Under Chapter 85-87.b, vacant commercial land is identified as having an equal unit factor of three units per acres. And that’s what we have on the northern part of the site.

Under Chapter 85-451.e, for redemption of credits, it’s recognized that one single-family unit has more impact than a multi-family unit, which has less school children, more taxes, less traffic and even less impact than a retirement unit.

So when you do the comparisons, there’s an equivalent density of 480 single-family units on the northern parcel. And when you compare that to what we’re proposing in terms of the mix of units, our density is less, it’s about 374 units.

And I think that’s important and I think that’s why the Planning staff, as we’ve gone through the PDD process, has recognized that this is a land use -- more of a conversion of what can
be done under current zoning and what we would look
to achieve as a better form of development.

Commissioner Bertoli mentioned
that and Dan Simone has gone through the exact
reasons. So the question is, do we want more
traffic? Do we want more pavement? Do we want
less green space, less tax revenue under existing
zoning or does it make sense to pursue a PDD that
will achieve the benefits that this project plan
provides?

So overall, the PDD proposes a
mixed use development to reduce impacts and improve
the land use.

Now the -- we have filed a Phase 1
PDD application. That is succeeded by a
pre-application so we’re well within the process.
The Town performed a SEQRA review, issued a
positive declaration and we now have a Draft
Generic Environmental Impact Statement, as Mr.
Kasner mentioned before.

This document is two very large
volumes. It’s available on the Town’s website. The
applicant has their own website so this is readily
available to the public. It’s in local libraries.
It’s been circulated to involve agencies and parties of interest and really anybody that would like to understand the project can get the information.

The EIS, and I’m not going to go into the detailed analyses, but just to point out, we have a detailed description of the proposed project. We have a detailed Traffic Impact Study and Kevin Papasian from FST is here if there are questions on traffic. There’s a detailed fiscal and economic impact analysis -- that’s the information that Dave Sloane was using to give you the economic numbers.

There’s a retail market study included, which is a little bit beyond the realm of SEQRA but we wanted to make sure we address socioeconomic impacts of the projects.

There’s a detailed study of conformance of the project to the Pine Barrens Plan. There’s a study of the potential impact on the Carmans River. There’s an archeological study. We actually went and did test units to ensure that there are no archeological impacts.

There’s a study of the potential
cumulative impacts of the project combined with other projects that were identified in the area.

And, overall, an assessment of the existing conditions, the expected conditions of natural and human resources, mitigation measures and alternatives to the proposed project.

So it’s a very detailed report.

As I said, two full volumes, and we’re here tonight to hear comments from the public, assist with the preparation of the response to comments as directed and ensure that the SEQRA process is completed properly.

Very briefly, as far as Pine Barrens, as I said, this is a development of regional significance. We have made application to the Pine Barrens Commission. We expect it will be scheduled for an upcoming hearing shortly and we will seek to demonstrate that the project conforms to the standards and guidelines. That analysis is in Section 3.1.2 of the Generic EIS.

And, I’d like to note that, and, I think, we see it from the aerial photographs, the project site is not pristine. The old clearing that took place for the Parr Meadows Racetrack,
includes the racetrack area, pavement for parking. There were grandstands and the area is not pristine.

The eastern part of the property had been cleared and the overall property now is subject to unauthorized activity. It’s subject to four-wheel drive all-terrain vehicle, dirt bike use, that’s evident. So the 35 percent of the property that’ll be retained is the natural area of the property that has not been previously impacted.

As I said, we’ll conform to the limit of nitrogen recharge. We will conform to the 15 percent fertilizer dependent limitation and we found that the project conforms in all other respects to the Pine Barrens plan.

You may know, many of you -- that I have a great interest in the Carmans River and its protection and the preparation of scientifically-based watershed management plans. I personally attended nearly every technical meeting as well as study group meetings of the Carmans River Group.

And based on the groundwater and surface water impact analysis that we’ve prepared,
I can assure the board that the project will not have an adverse impact on the Carmans River. The project proposes to use the Durad Sewage Treatment Plant. The plant is owned by this applicant. It currently receives 140,000 gallons per day from Colonial Pines -- Colonial Woods Whispering Pines and Sewer District 8, with none of the flow made up of anything that emanates from the applicant’s projects.

So we’re looking to restore the flow to the previously permitted flow of 450,000 gallons and will improve the treatment process to 8 milligrams per liter.

Ms. Kepert, you asked before about the nitrogen loading. There’s a point source nitrogen loading and then there’s an overall site nitrogen loading that has to do with fertilizer and the pounds of nitrogen that come from the sewage treatment that’s treated. And when you perform the mass balance analysis that’s required by Pine Barrens to determine the nitrogen and recharge at the property line, that balance is to make this project less than 2.5 milligrams per liter.

That analysis is in the document.
We’ll be presenting that as we move the project forward.

And I’d like to also point out that the project will improve and reduce the nitrogen loading from the existing flow because we’re going to improve the treatment process from 10 milligrams, which is currently allowed, to 8 milligrams at the point source discharge.

We’re also taking all the sanitary effluent and moving it farther from the Carmans River. And actually putting it in a longer time of travel zone based on all the work that was done for the Carmans River plan. That’s a significant benefit. We’re not discharging untreated sanitary waste onsite, closer to the Carmans River. We’re conveying it to the sewage treatment plant farther from the river and treating it.

I will also ensure that all storm water is retained onsite. Chapter 86 of the Town Code covers this as we go through site plan review.

The project is located 2,500 feet up gradient to the Carmans River, which is a significant distance and from the standpoint of managing storm water onsite, it will not impact the
river.

I’ve reviewed the recommendations of the Carmans River Protection Plan and find that the project is in conformance with the recommendations of the plan and I just point out that Section 2.3.2 of the DEIS includes our groundwater and surface water analysis.

I don’t want to repeat the economic benefits that Mr. Sloane indicated. I believe Mr. Simone covered all of the onsite benefits in terms of recreation areas, public gathering space, roads that don’t have to be maintained by the Town but that are open to the public, a community center that would be constructed to LEED certification, the 2.5 mile nature trail and really just an integrated project that provides tremendous onsite and off-site benefit, as well as the economic benefit that Dave mentioned.

That concludes my remarks and I’d be happy to answer any questions and we’ll certainly record any comments from the public to help with the preparation of the Final Generic Environmental Impact Statement.
Thank you.

MR. FERRAGERI: Good evening, Supervisor and members of the Town Board.

My name is Brian Ferrageri. I’m the Director of Public Affairs for AVR Realty and I’m here this evening on behalf of the applicant, Rose Breslin, LLC.

The Meadows at Yaphank has gone through an extensive community outreach program which began two years ago in May of 2009. Since that time, we have made presentations to numerous civic groups, government, business, environmental organizations, including New York State and Suffolk County elected officials, related departments within New York State and Suffolk County governments, school and youth organizations, both the Yaphank and Ridge Fire Districts, environmental organizations, including the research staff at Brookhaven National Labs, Syracuse Center of Excellence and the Syracuse University College of Environmental Science and Forestry.

We also met with public utilities such as LIPA, the Suffolk County Water Authority and National Grid.
We’ve met ten civic associations and numerous meetings were held with the residential community closest to the project, that being Colonial Woods Whispering Pines.

We met with the Long Island Housing Partnership, the Long Island Association and a complete list of all of the presentations is detailed in our DGEIS.

Each presentation included an overview of existing conditions on the site. Permitted development under existing zoning, the goals of the proposed PDD development plan, a detailed description of the proposed usage, a trip generation assessment that compared existing zoning with the proposed plan.

A real property tax comparison between existing zoning and the proposed plan and a specific tax impact analysis on the Longwood Central School District. And this analysis was done in two ways. We all know the uncertain economic times we’re in and we all know the uncertainty of State budgets. So what we did was, we did an analysis based on the current levels of State aid to school districts and then we did a worst case
scenario, assuming that the State of New York eliminates all taxes -- all benefits to the Longwood School District.

And in that comparison, with State aid, the surplus revenues to Longwood were almost $5 million. $4.9 million.

In the total absence of State aid, the surplus to the Longwood School District was $3.9 million and that was explained at our -- at our meetings.

We had a discussion on the economic impacts, including the job creation of 2,600 jobs that -- that David spoke of earlier, as well as the construction jobs that would be generated during the build out of this project which would be, approximately, almost 100 jobs each year during the build out period.

There was an explanation of the planning in the review process and an introduction to the project’s website so all residents had an understanding of the website and were able to view the details of the project from their own homes.

Following each presentation, we entertain a question and answer session that lasted
as long as necessary.

In addition to the public presentations, a website has been established for the project that provides detailed information on the proposal, allows residents an opportunity to offer comments and to seek additional information and allows an opportunity for all interested parties to join our e-mail list for future updates. It was this e-mail list that was used to inform those who signed up for the public hearing this evening.

The community outreach effort has been extensive and it’s going to be ongoing. We intend on continuing it through the zoning, the site plan and the construction phases of this project.

David.

MR. SLOANE: Thanks.

This concludes the presentation. I’d just like to point out one thing that which I neglected to say previously, with the as of right build that meets Article 6 standards, and as a matter of fact, Brookhaven Walk, consisting of the 850,000 square feet, was approved by the County with septic.
The industrial site with 1,180,000
also meets Article 6 standards and can also be
built with septic's. I think that’s an important
environmental factor.

Thank you very much.

I will be happy to answer any
inquiries you may have.

SUPERVISOR LESKO: Well, I just
had a few questions and then we’ll let it go --
unless, Connie, you have other ones.

The Suffolk County DPW, as I
understand it, opposes the proposed additional
traffic signal on William Floyd Parkway. If I’m
correct, does that materially affect the project in
terms of the proposal?

MR. FERRAGERI: No. Suffolk
County DPW have had extensive meetings with them
and what has -- been worked out and what they’ve
agreed to is to have this project in the initial
phases served by the existing traffic light at
Yaphank Woods Boulevard and a right-in, right-out
entrance at our main access driveway on William
Floyd Parkway.

Upon us signing a tenant and
having a major national retail anchor tenant open and operate at the center, that’s when Suffolk County DPW will give us approval for a second traffic light out at our main entrance and then give us the approval for a curb cut or an opening of the median through William Floyd Parkway.

Those two traffic lights will serve as one traffic light. They will be times so that they operate as one. So that you won’t get stopped twice on William Floyd twice. That will improve the flow on William Floyd.

A VOICE: Just on that question, when she was saying until you sign the major retailer, if people were coming from the west, they come off the Expressway at 68.

MR. FERRAGERI: Right.

A VOICE: They go to the second one -- they take William Floyd Parkway north. They loop around and they head north to William Floyd Parkway. They’ll have to enter with the townhouse complex; am I correct?

MR. FERRAGERI: They enter via Yaphank Woods Boulevard in the initial phases of the project. When -- when the major anchor tenant
is signed and operational that’s when a second traffic light at the main access will be installed and then the people will have an opportunity to turn into there.

There’s also another access to the site via the Long Island Expressway Service Road. So people could come off the Expressway, let’s say you’re heading east -- or westbound, you can get onto the Service Road and go in via that -- the Long Island Expressway Service Road.

That’s one point that wasn’t made during our presentation is that after you see the dividing line between the two parcels, the industrial parcel and the retail parcel, right now there’s a dirt road that is not open. People from Colonial Woods Whispering Pines, when they want to exit their community, they have to go out onto Yaphank Woods Boulevard and go out to William Floyd Parkway.

When this project is completed, that -- that road will be extended down to the Long Island Expressway Service Road so they’ll be access out of the site. The service road itself will be extended so they’ll be ingress into the site via
the Long Island Expressway as well.

A VOICE: Okay. And if people were coming from the east to the west and they come off at the William Floyd North exit, is DPW going to restrict what might be motorist -- if I have the area right, and I think I do, the attempt to jump three lanes to get over when you do have the intermittent light?

MR. FERRAGERI: When the traffic light is there, the mitigation that’s proposed through Suffolk County DPW is to have some sort of median to prohibit that weave right across for only those cars traveling westbound on the Long Island Expressway exiting to go north on -- on William Floyd Parkway.

Now those motorists now do not have --

A VOICE: Could take the service road and head in.

MR. FERRAGERI: Most motorists traveling westbound do not have to go north on William Floyd Parkway to access the project. They can stay on the Service Road and come in through the southern portion of the project off of the Long.
Island Expressway Service Road.

A VOICE: But if they get off from William Floyd, they’ll have to go up to the second.

MR. FERRAGERI: Then they would have to go up to Yaphank Woods Boulevard to safely make that weave.

A VOICE: Okay. Thank you.

SUPERVISOR LESKO: Next question.

What is the percentage of affordable workforce housing that you’re proposing?

A VOICE: At this point, we’re committing to ten percent for workforce housing and 303 PRC, age-restricted.

SUPERVISOR LESKO: Okay. Next question is, I know that you’re proposing a package of public benefits onsite. As I understand it, part of that package contemplates a dedication of parkland to the township for the construction of ballfields. And the question is, would those -- I have to ask this, I’m sorry. Would those ballfields be built or would they be incumbent upon the Town to construct the ballfields?

A VOICE: Well, as far as
the public benefit package, we’re going to listen to all the comments that occur tonight and then we’ll be putting a public benefit package together between now and the FGEIS.

SUPERVISOR LESKO: Okay.

A VOICE: But that would be solidified but prior to the FGEIS.

SUPERVISOR LESKO: But since you’re taking a list --

A VOICE: Okay.

SUPERVISOR LESKO: I would strongly request that the ballfields be constructed before they’re dedicated to the township because, frankly, we just don’t have the capital budget to construct those ballfields and it would likely be a long period of time before we would be able to actually construct the ballfields which, frankly, would affect the quality of life for the residents in the complex. So I would ask you to consider that as well as the other kind of parkland type public benefits.

The other -- the other on that same topic, I guess, again, it sounds like you’re going to be listening tonight to public benefit
issue, but I know that our staff, our Planning staff, takes the position that some of the offered special public benefits actually should not be counted as public benefits and, you know, I’m sure you know which ones they’re talking about.

And, you know, I think, that we should have a robust discussion about public benefits, especially with a project of this magnitude, and I’d like to hear from the public first before we get into it.

The last question I have for you is, does the last two phases call for 400,000 square foot of office space -- how would that affect the ratable calculation, particularly as it relates to the tax positive effect on the school district. Have you done that calculation?

A VOICE: Well, the project remains tax positive even without the office component.

SUPERVISOR LESKO: That’s really what I’m getting at. Okay.

A VOICE: I mean, even if you took -- in the unlikely -- even if you took a worst case scenario where it was completely residential
as proposed, this would still be tax positive to the Longwood School District. That’s not what we’re proposing and that’s not what we intend to build.

As far as phasing, we should note that the phasing of this project is put in for planning purposes only. The phasing will be market driven. So as you talk about the office space being built in phase 4, if we had an office user at the onset of this project, that phase would be implemented a lot sooner. The same thing for the retail tenants. If there was a retail tenant that came and signed a lease with us, that retail tenant would be constructed, you know, as they sign.

So I could see multiple phases being constructed at the same time.

SUPERVISOR LESKO: Okay. But the bottomline is, even if the last two phases are abandoned, it still would be a tax positive project for the school?

A VOICE: Yes.

SUPERVISOR LESKO: Okay. That’s really what I was getting at.
COUNCILWOMAN KEPERT: I just want to piggyback on your traffic issue as well as public benefits.

The Brookhaven Walk Project had enormous input from DPW as far as traffic mitigations along William Floyd Parkway. Are any of those traffic mitigations, are they the same, any of them that they we’re proposing for Brookhaven Walk, on this particular project?

A VOICE: We’ve been in conversations with Suffolk DPW as late as this particular week and we’re -- we’re in the process of coming up with that mitigation. If you want, I can call Kevin Papasian up and he could tell you what’s currently proposed in Phase 1 for the traffic.

COUNCILWOMAN KEPERT: Okay.

Great.

(KEVIN PAPASIAN, was duly sworn.)

CLERK EDDINGTON: All right, please state your name into the microphone.

MR. PAPASIAN: Kevin Papasian
Councilwoman Kepert, how are you doing there?

In regard to your question, as Brian Ferrageria mentioned, we did meet with Suffolk County DPW this week and have been in contact with them over the last several months.

The mitigations measures in Phase 1, as Brian indicated, was dependent upon market driven analysis. But based on analysis we did, assuming roughly 304 residential units and, I think, 50,000 square foot of retail --

COUNCILWOMAN KEPERT: Right.

Fifth-two.

MR. PAPASIAN: The only thing that’s necessary at this point for Phase 1, if it stays like that, is just to widen the left turn lane on CR 46 going into Yaphank Woods Boulevard going northbound.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: Then the traffic signal itself is fine the way it is. On CR 46 southbound, we basically put a right in, right out on the actual main entrance coming in, with the --
will be --

COUNCILWOMAN KEPERT: Off Yaphank Boulevard?

MR. PAPASIAN: Yes.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: Well, no. On the right in, right out will be the main entrance for the actual project -- if Dan can show you up there.

COUNCILWOMAN KEPERT: Oh, okay.

MR. PAPASIAN: That will just be a right in, right out initially.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: Eventually there will be a signal there as if they just move along. Then the other thing we’ll be doing is making the acceleration lane merge into the deceleration lane as one continuous lane per Suffolk County DPW.

COUNCILWOMAN KEPERT: So you’re going to have a -- a right in turn lane -- will that right turn lane be from Yaphank Boulevard to the new road?

MR. PAPASIAN: No. That’ll be -- that’ll be its own right lane in. But from the
acceleration lane we do leave the main entrance
going southbound --

COUNCILWOMAN KEPERT: South-bound.

MR. PAPASIAN: -- that will be a
continuous lane.

COUNCILWOMAN KEPERT: I see.

MR. PAPASIAN: You understand what
I’m saying, because the County wanted that just so
it’s a better way to have someone come out and then
come back in. They could just stay in there.
It’s a better weave situation.

COUNCILWOMAN KEPERT: Uh-huh.

MR. PAPASIAN: And that’s the
only mitigation measures in Phase 1.

Any additional phases, depending
upon the traffic volumes and what’s proposed, we’ll
be implementing in different phases. Once we get
beyond that or another example is, if we did all
residential, we wouldn’t need to do any other
mitigation measures except as indicated.

Once we get like retail over
50,000 square feet, is when you have to start
putting in a signal and as things progress further,
we’ll have to put in the connector road down as it
merges onto the south -- on the North Service Road and then eventually in Phase 4, we’re proposing to put the actual -- second on ramp onto the LIE as well some mitigation measures with the Long Island Expressway main line.

COUNCILWOMAN KEPERT: Okay. So there will be then a signal at Yaphank Boulevard and then a signal at the new entrance?

MR. PAPASIAN: Yes.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: Yes, when the project’s finally complete, yes.

COUNCILWOMAN KEPERT: Okay.

MR. PAPASIAN: That’s four or five years.

COUNCILWOMAN KEPERT: Okay.

Thank you.

And just, I do want to mention and particularly to some of the residents from Yaphank, we had extensive discussions about public benefits. Certainly, I wholeheartedly agree with the Supervisor, that the ballfields must be constructed.

But we also talked about one of
the biggest issues in Yaphank, which is the invasive species in the lake and that this project would be contributing substantially to the remediation of that problem.

A VOICE: Supervisor, I have one question.

SUPERVISOR LESKO: Yes.

A VOICE: Was any analysis given, again, the Exit 68 on the Expressway, the rush-hour commute with everybody coming home to this and the fact that Exit 68 on the Expressway is already backed up quite significantly?

MR. PAPASIAN: Well, I’ll give the layman’s version and I can have the traffic engineer respond.

You have to understand this project has gone through extensive traffic analysis. It’s not only been reviewed by the Town traffic personnel, Suffolk County DPW Traffic, New York State DOT, it’s even been reviewed by the Federal Highway Administration. And has received previous approval for much more intense uses, namely the mall and the industrial development on the -- on the racetrack property.
In fact, the Traffic Impact Analysis was a cumulative analysis of these two parcels, the 322 acres and the 100 acres of L-1, just to the south where Clare Rose presently is.

So all the traffic mitigation that was in our -- what’s called an Interchange Justification Report that was submitted to Federal Highway, took into account the traffic from the 100 acres of industrial, the 172 acres of industrial on the racetrack property and the 150 acres of retail, assuming, you know, an 850,000 square foot mall was -- was constructed.

This particular project -- the traffic, the trip generation assessment shows that there’s a 17 percent reduction in peak morning traffic based on this project. There’s a 40 percent reduction in afternoon peak based on this project and a 42 percent reduction on Saturday peak.

And the big difference there is the previous application had intensive retail uses. You had four to five major anchors and that’s the driver of your traffic. So you eliminate that and there’s a lot less traffic that’s -- that’s being
generated for over the as of right uses.

A VOICE: It may be less than the as of right --

MR. PAPASIAN: Exactly.

A VOICE: -- but you do have some peak trip generation for weekday evening, people who theoretically live there, head west to work and come home on the Expressway. I’m just saying, is anything being done for a second exit ramp or exit lane off of 68 because it already is -- is backed up and although it may not be as bad as your as of right, it’s certainly not going to help.

So has anything -- did the Federal Highway or the State make any remarks?

MR. PAPASIAN: A second exit ramp heading eastbound getting off the Expressway?

A VOICE: Off of 68.

MR. PAPASIAN: Off of 68. No, none of that was ever mentioned.

A VOICE: Okay.

MR. PAPASIAN: We are proposing a second entrance ramp onto 68 so that people exiting the site will have an ability to get out. And
there’s improvements -- and there’s improvements to the ramps. The ramps are being changed on the east side from single lane to dual lanes to accommodate the traffic off.

All of the traffic modeling shows that that mitigation is sufficient, more than sufficient.

Well, like I said, not only this project but for the industrial property to the south.

SUPERVISOR LESKO: Okay. Why don’t we get to -- we have a number of cards from members of the public who would like to speak. So why don’t we hear from them and we’ll call you back up to have you address their -- their comments.

First four up, Mary Ann Johnston --

MS. JOHNSTON: Hello, Mr. Lesko. I would like to speak last if that would be okay (inaudible.)

SUPERVISOR LESKO: That’s fine.

That’s fine.

MS. JOHNSTON: Thank you so much.

SUPERVISOR LESKO: Larry
Pasquale, Mitch Pally, Chad Trusnovec, Dan Tomaszewski.
Larry Pasquale. Is Larry Pasquale here?
(No response.)
SUPERVISOR LESKO: No. Then okay, Michael Loguercio is coming forward. Come on forward.
So I think we -- yeah, we have to swear all four of you in.
MR. PALLY: Not me.
SUPERVISOR LESKO: Oh, not Mitch.
(CHAD TRUSNOVEC, DAN TOMASZEWSKI and MICHAEL LOGUERCIO, were duly sworn.)
CLERK EDDINGTON: If you can please state your name and where you’re from in the microphone before you speak.
SUPERVISOR LESKO: Okay. Why don’t we start with Pally.
MR. PALLY: Thank you, sir.
Mr. Supervisor, members of the Town Board, my name is Mitch Pally and I’m the Chief Executive Officer of the Long Island Builders Institute, the largest home building trade
association in New York State.

I am here on behalf of LIBI to speak in favor of the rezoning of the property involved to allow for the creation of The Meadows of Yaphank at the intersection of William Floyd Parkway and the Long Island Expressway.

As Long Island continues to grapple with a significant economic downturn, one which has created thousands of new unemployed and underemployed in our community, it is clear that the rezoning of this parcel to allow for the mixed-use development of The Meadows will provide significant economic benefits while at the same time allowing for the mitigation of environmental impacts in the area involved.

The creation of Long Island’s first major mixed-use development, which this project would represent, provided the change of zone is permitted, would hopefully change the nature of zoning requirements on Long Island and allow for such zoning, which will allow for the integration of housing, retail, office and commercial development on the same site by using this model.
The subsequent tax revenues and jobs created by the project, both construction and permanent, will far exceed the amount of revenues and jobs created by the usual segregated manner of our zoning.

The combinations allowed under the new zoning requested will allow for many people to live, work and play in the same area, thus reducing automobile travel, allowing for mitigation measures at a scale which will provide meaningful protections and allow for mixed use of jobs to be created both in the retail and industrial and commercial establishments.

All of this is very beneficial to the various municipalities involved as well as the region as a whole.

In addition, the establishment of the needed mixed-use development code will also send a signal to all concerned that new and innovative ways to look at development in the Town of Brookhaven, and hopefully on Long Island, will actually succeed and lead to more mixed-use developments.

Only through the change in the
nature of our zoning codes we will be able to remove ourselves from the cookie-cutter subdivision and segregated uses approach, which Long Island has followed for too long.

All in all, the Long Island Builders Institute strongly believes that the zoning requested and the DEIS submitted on behalf of The Meadows at Yaphank is the right type of project at the right time, at the right location in the right Town of Brookhaven.

We urge your approval of requests involved and the development of this project as soon as possible. All of Brookhaven will benefit from its adoption.

Thank you very much for giving me the opportunity.

SUPERVISOR LESKO: Thank you, Mr. Pally.

MR. TRUSNOVEC: Good evening, Mr. Supervisor and members of the Town Board.

Thank you for allowing me to speak.

My name is Chad Trusnovec. I’m
the president of the Yaphank Civic Association. The civic association and the community that it represents have many concerns regarding the proposed development of the AVR property at William Floyd Parkway and the Long Island Expressway in Yaphank.

Recently the Town has proposed a Comprehensive Watershed Management Plan to protect the Carmans River and its underground watershed. Clearly this property lies within the boundaries of this plan. This development proposes to bring many hundreds of new houses -- many hundreds of new housing units, stores, restaurants, office space and other commercial infrastructure.

We believe that this would be a mistake in light of the current economic situation. All over the Town of Brookhaven there are thousands of vacant, boarded up, unsold and foreclosed homes. Commercial buildings lie dormant and unused at every turn. Strip malls sit at 30 percent occupancy in some areas. Is this a time when we should be building more? We believe that rebuilding and redevelopment is the answer and not new development.
Long Island is a finite place. There are only so many acres to be had. Once it’s gone, it’s gone forever. Will we look back at our planners and our leaders and say, what have they done to us?

The Town has spent millions of dollars, I believe rightly so, trying to protect open space and underground drinking water and our quality of life.

We, the executive board of the Yaphank Civic Association, urge you to take into account all of these issues and request a decision be postponed at least until the completion of the watershed plan and the impact it’ll have on the area is fully known and understood.

Thank you.

SUPERVISOR LESKO: Thank you, sir.

Mr. Tomaszewski.

MR. TOMASZEWSKI: Thank you, Mr. Supervisor.

I may go over a little bit so we’re asking that Mr. Loguercio cede some of his time to me; is that okay?
SUPERVISOR LESKO: Sure.

MR. TOMASZEWSKI: That’s fine.

Okay. First, I am the vice president of the Longwood Board of Education and we’re here today to represent the full board unanimously and we agree -- we are in support of this project.

As you all know, taxing districts are in severe economic times and we’re all going through some terrible, terrible strain and that is just one piece of -- of why we support this project.

However, our Board of Education is not an ivory tower Board of Education, we do not operate in a vacuum. We are probably one of the most connected Board of Educations with their community that there is on Long Island -- and I think three council members that represent us, sitting here, can attest to that. It’s rare that they will go to any type of community meeting that one of us will not be in the room.

And we’ve taken the opportunity to listen to our community, listen to the taxpayers of our community, residents and watch them get
involved in this project.

The developer has done an outstanding, thorough job of soliciting community input. Now only have they listened to us, they’ve heard us.

Let’s start with the property tax issue. If you ask people across Long Island what are the three most important, critical issues on Long Island, they’re going to tell you, property taxes, property taxes, property taxes. It cannot be ignored. We have to work in a direction to solve this problem.

Will this project solve, by itself, the property tax issue in the Longwood School District? Absolutely, not. But it will go a long way and take us in the correct direction to right the problem.

Just to give you an example. For every $1 million of revenue that comes into our school district, that’s 12 teaching positions. It also represents one percent on the tax levy. That’s incredible. So if we’re talking about 4 million -- 48 teachers. Four percent. That’s big.

We’re in a situation this year
where we have to lay off teachers because we don’t have enough money to continue our programs. It’s critical.

I thought about it today and I said, you know, the last time I was up on that property was maybe, gee, I don’t know, 10, 15 years ago when we had the multiple fires that we used to have up there when the horse barns were there and the grandstands.

As a matter of fact, Chad and I, he was my captain. He wanted me to go into a burning building. I said, Chad, I got to go teach a class tomorrow so I really can’t go in there. I got to live. So we didn’t go in and they got it from the top but we were up there all the time.

The place was a mess. Hadn’t been there since and that was maybe 12 years ago. So I decided to take a ride there today and I took Mike with me. And we went up and we walked the property.

Mr. Supervisor, when you talk about blight, you’re absolutely correct. That property is disgusting. There is nothing but a sea of barren asphalt up there with cracks in it, grass
growing through and then just over the top in that western area, you have dirt trails and whatnot. And I can’t tell you how many times our rescue squad has to go in there and pull kids out of there that have accidents on mini bikes and whatnot. So, you know, certainly that is no way pristine at all.

In reference to the Fire Department, well, I am a member of the Yaphank Fire Department, I cannot speak for the Yaphank Fire District, nor could I speak for the Ridge Fire District. Their Commissioners are not here tonight because they’re attending a very close funeral of the neighboring chief. But I can tell you my experience as an active fire fighter.

If the existing property, Colonial Woods, if you’re going to take a fire truck or emergency vehicle from the front of the Yaphank firehouse, I clocked it today, you have to go up Main Street, down to the Expressway, go up around the cloverleaf, come down William Floyd and into the Colonial Woods entrance. It’s 4.5 miles. That’s a long time. That’s a long response time.

The conversations that I know have
taken place between the Yaphank Fire Department and the developers are restoring a prior access road or at least a similar type of access road from the rear that would take emergency vehicles off of East Main Street.

And I measured that today, also, that’s two-and-a-quarter miles. Do the math. Fire trucks don’t go 60 miles an hour, not carrying 500 gallons of water getting there, that’s a long response time. And particularly ambulances.

You know -- I know you know a little bit about emergency response because, you know, you get involved in some of these things. Response time is critical, absolutely critical. And right now it’s too long. So the existing community will benefit by that -- by limiting that response time. No question about it.

Community benefits, that’s another big thing. At the request of, I believe it was a couple of our board members who, at a meeting at Yaphank one night, talked about that community center. And we said, how nice would it be if you could build a community center that could be used
by seniors during the day and available to kids at night, kind of a dual purpose. And they said okay and they moved ahead on it and responded to that request.

The ballfields up there, those ballfields are critical and hopefully Mike will have a few minutes to talk about LYSA, but if you look at that area of our school district, that southeast area, not only does it include Colonial Woods in this new project, but that whole area of Shirley, North Shirley, that area has absolutely nothing for kids. If those kids want to go and get involved in healthy activities, they have to go way across the other side of our district and our district is 53 square miles. Now that is critical for us -- not only the school district but the entire community.

We developed a community council which has had two very, very successful meetings with community leaders. The latest one just took place in the end of March. We put 82 community leaders in a room and we -- we addressed the problem of what are we going to do for kids and referenced the gang activity, drugs and violent
crime and all the horrible influences. You’ve all read the stories about what’s going on in Huntington Station. We don’t want that in Longwood and we are willing to step up and try to do something about it. Okay.

So we need these kinds of facilities. The school district is out of money. We’ve had to cut back athletic programs. We are -- thank God that we have groups like LYSA and the Gordon Heights Sports Community that are stepping up and working with us in trying to get these kids involved in healthy activities. So this is very, very critical.

COUNCILWOMAN KEPERT: Dan, I just gave you another five minutes. Okay. You’re down to three.

MR. TOMASZEWSKI: Thank you.

And, finally, you guys are always in the tough spot, you’ve got to make the critical decisions. I know where you are. We have to do the same thing with school decisions and whatnot. But the best you can do is take all the information and weigh it. And please don’t -- don’t discount the science, the science is very important here,
particularly with the environmental issue and make the best decision you can.

I won’t tell you my Japan story. I’ll save that for another time.

Mike, I think you talked to LYSA today.

MR. LOGUERCIO: I was hoping you’d go out of bounds and stop the clock.

(Laughter.)

MR. LOGUERCIO: Good evening, Supervisor Lesko, members of the Town Board. My name is Michael Loguercio and I am the president of the Longwood School Board.

Thank you for allowing us to speak this evening.

When I first was elected to the school board, approximately seven years ago, our tax -- our budget was funded by about 51 percent by New York State. Today it’s about 39 percent.

Okay.

Our current tax levy is $110 million, four percent would be a tremendous, tremendous help to us.
different organizations, the sports organizations throughout our community, throughout the Longwood School District, LYSA in particular. The commissioners have told me that they are in support of this project, as you said, Supervisor Lesko, you know, these ballfields are very, very important to the children that they service in the community which is approximately 2,500 kids use the LYSA sports programs.

So speaking on behalf of the Longwood School Board, I’m authorized to say that we are in total support of this project.

Thank you.

Good evening.

SUPERVISOR LESKO: Thank you all very much. Appreciate your presentations.

SUPERVISOR LESKO: The next four speakers Michael Cain, Michael Bebon, Michael Giacomaro and Bruce Buff.

All right. Assuming no one’s a lawyer, I think we’re going to have to swear everybody in.

(MICHAEL CAIN, MICHEL BEBON, MICHAEL GIACOMARO and BRUCE BUFF, were duly sworn.)
CLERK EDDINGTON: Okay. And you can speak into the microphone and please let us know where you’re from.

SUPERVISOR LESKO: I remind you that you have five minutes. Let’s start with Mr. Cain.

MR. CAIN: Good evening, Supervisor Lesko and members of the Town Board.

My name is Michael Cain and I’m the Chairman of the Community Concerns Committee of the Colonial Woods Whispering Pines Condominium in Yaphank.

We’d like to make a few comments before going into my formal remarks.

We want to thank AVR and Brian Ferrageri, in particular, for spending time with our community, our boards and managers, our committee, the residents of our community in communicating so well with us with regard to this project. It’s refreshing to see a developer spend as much time in taking input from the community, informing us about the proposed project and we commend them for that.

The community is not
anit-development. We have actually a split opinion with regard to development on this parcel among the residents of our community. Informal polls indicate that some people would rather have convenient shopping and others would like to have open space.

But, again, we recognize that this parcel has been zoned for commercial retail use for over 25 years. And a number of our homes were built subsequent to that period of time.

The site is currently plagued by frequent, illegal off-road vehicle traffic and ATV traffic. And, as some others mentions, it’s pretty much blighted property.

With that, I’ll move to some prepared comments.

The Colonial Woods Whispering Pines Condominium is a community of 544 homes located along the northern border of AVR Realty’s property, which is the subject of this hearing.

The southern border of our community lies within less than 1,000 feet from the proposed project so our proximity to it will undoubtedly have an affect on our residents both
during the construction phase and after completion
of the development.

Therefore, we wish to have the
members of the Town Board take into consideration
the following requests presented by our homeowners
as you consider approval of both the DGEIS and the
request for rezoning the subject parcel to a
Planned Development District, PDD classification.

With regard to what traffic -- our
community of an estimated 1,500 residents, uses
Yaphank Woods Boulevard as our only route to and
from our homes. According to the plan for The
Meadows at Yaphank, this road is to serve as one of
the entrance and exit points for the development.

It’s imperative that the
intersection of Yaphank Woods Boulevard and William
Floyd Parkway has a full service traffic signal
allowing both north and south turns onto William
Floyd Parkway as indicated in Appendix D, page 6 of
the Traffic Study.

In addition, we’d like this road
to be resurfaced during Phase 1 of the construction
of the project since it’s in a state of disrepair
at this time.
I want to thank you, Supervisor Lesko, for pointing out your concerns with regard to traffic. We do not agree with Suffolk County Public Works with regard to getting two full functioning traffic signals on William Floyd Parkway in Phase 1 of this project. And if you can bring to bear any influence on them, we'd certainly appreciate it.

We know that developers negotiated with them. I think it’s been put from us with regard to our needs. We do anticipate some gridlock within Phase 1 on William Floyd Parkway and the Yaphank Woods Boulevard intersection for people returning to our community from work, exiting. And in Phase 1 when you’ve got retail and housing combined, adding to that traffic flow at that intersection, we think there could be some potential problems.

In addition, the greenbelt buffer consisting of a minimum of 300 feet of trees must be maintained between the south side of Yaphank Woods Boulevard and any structures to be built for the development. The plan, as presented, includes the development of housing units along the northern
portion of the property adjacent to our residences. We would be opposed to the placement of any retail or hotel components on the north side of the development due to the potential noise issues that would result from such placement.

Now we know that their plan includes housing on the north side of the project but we wouldn’t want to be surprised by any changes down stream with regard to bringing retail or hotel or other features to the northern part of the parcel.

As mentioned earlier, emergency access for the Yaphank Fire Department is critical for us. We brought this up during the Yaphank Walk proposal.

The Meadows at Yaphank is expected to increase traffic volume on the roads surrounding the development property. To ensure the safety of our residents, it will be essential to have the proposed emergency access road installed from Main Street, Yaphank, that is noted in the Draft DGEIS on page 126, 1-26.

This road is needed to ensure the fastest response times from the Yaphank Fire Department.
Station to our homes in case of fire or medical emergency. It is our understanding that use of a portion of the access road property requires approval of the Pine Barrens Commission.

We urge the Town Board to require the applicant to secure this approval prior to granting building permits for this project since it’s critical for reducing response times for fire and ambulance services. So please make a note of that.

Regarding the Durad Sewage Treatment Plant upgrades, the plan development will utilize the Durad Sewage Treatment Plant that currently services our community --

I’m sorry, sir, your time has expired.

Are you to cede?

Okay. That’s fine.

Okay, Mr. Cain.

Okay. Thank you.

Again, the planned development
will utilize the Durad Sewage Treatment Plant that currently services our community and Sewer District No. 8, located north of our community. This plant was built in 1970's -- I believe 1973, and has required significant renovation in recent years to function adequately to process the sewage generated by our community.

We urge the Town of Brookhaven -- the Town Brookhaven Board to make certain that the plant meets all Code requirements of the Suffolk County Health Department and appropriate New York State authorities to ensure that the plant has the required capabilities to service the additional capacity needed by the project.

We have had some problems with the plant in the past. And we recognize that the developer, the applicant, has invested a great deal of money in upgrading the plant. Those upgrades are to conclude later this year.

However, the sewage treatment is a very important thing. I compare it to -- if you have a sewage backup, it’s like getting a category 4 hurricane or an invasion of killer bees, it creates hysteria within the community.
So it’s critical that that plant service us well and has the ability to handle the additional capacity.

Regarding construction equipment along Yaphank Woods Boulevard. All of the construction plans states the trucks and other equipment during the construction phase, will use County Road 46, the William Floyd Parkway and the LIE North Service Roads, to access the site.

It does not exclude Yaphank Woods Boulevard from use for trucks and other equipment. We insist that Yaphank Woods Boulevard, which is used daily by hundreds of cars, and several school buses, be off limits for all equipment being used during the construction phase.

Although not noted in the plan documents, the applicant has committed to constructing a gatehouse on Colonial Woods Drive East to provide fencing and additional shrubbery along the north side of Yaphank Woods Boulevard to provide an additional separation between our community and the proposed development.

These amenities are to be installed at the cost of the developer and were
part of the proposed Brookhaven Walk Project and we would expect that these features be installed during the initial phases of the project.

A development project of this size and scope will undoubtedly have a significant impact on the residents of our community and we ask that the Brookhaven Town Board take into consideration the concerns of our community as you review the plan.

It’s your responsibility to make certain that this development is approved — if approved, becomes an asset to the Yaphank community. We urge you to carefully consider the issues we’ve presented to you today to ensure that the quality of life of our 1,500 residents is preserved.

Thank you very much.

SUPERVISOR LESKO: Thank you, sir.

Mr. Buff, do you want to add anything or --

MR. BUFF: No.

SUPERVISOR LESKO: Okay. Thank you both.
Mr. -- I’m know I’m mispronouncing
-- Bebon.

MR. BEBON: Yes.

SUPERVISOR LESKO: Okay.

MR. BEBON: Good evening, Supervisor Lesko, members of the Town Board.

My name is Michael Bebon. I am the Deputy Director of Operations at Brookhaven National Laboratory and I am pleased to be here to comment on the development, The Meadows at Yaphank, being proposed for a site just west of the Laboratory.

Brookhaven National Laboratory is a U.S. Department of Energy Multi-Program National Laboratory, engaged in scientific research in the physical, energy and life sciences.

We are located on a 5,300 acre site that borders on the William Floyd Parkway on the west and the Long Island Expressway on the south.

The Laboratory has 3,000 employees and an annual budget of $573 million. In addition to our employees, we host another 3,000 visiting scientists each year who come to the lab to conduct
research using our scientific facilities.

The Laboratory's operations have a significant positive impact on the economy of Long Island, New York State, creating another 5,400 jobs and generating over $700 million in additional economic activity annually.

My purpose this evening is to let you know that we have been providing technical advice and support to representatives of AVR Realty and their objective of incorporating forefront energy and environmental sustainable design features in The Meadows project.

AVR first contacted BNL over a year ago to explore what leading edge information and expertise might be available at BNL, and elsewhere in New York State, on green design principles, including renewable energy sources, building and utility systems and construction materials.

We have had several technical meetings and have also arranged for AVR to access expertise in these areas that is available at Syracuse University in New York.

AVR has taken the initiative to
engage with the team at Syracuse and have been interacting with them as well. These discussions have already influenced the evolving site planning process and the design considerations for building, heating and cooling sources and system, storm water treatment and waste water treatment for the project.

AVR has expressed interest in continuing to interact with BNL and Syracuse as the design proceeds.

As a result of AVR’s commitment and aggressive action, is to learn more about sustainable design options, several green techniques are currently being evaluated for development. We applaud AVR’s foresight in looking beyond the minimum Code requirements to make this development a model for sustainable design and one that has the potential to guide development on Long Island throughout New York State.

BNL has an ongoing need for access to permanent housing for our workforce and temporary housing and hotel space for our visitors and guest scientists. As we pursue an initiative to expand our programs in the area of science and
technology that are vital to the nation, energy
independence and climate change, we expect to
create many additional science and technology jobs
at BNL. This growth will further increase our need
for these facilities.

As part of our master planning
process, we have been exploring the feasibility of
moving some of our administrative and support
functions to new facilities offsite to accommodate
our projected growth. The availability of high
quality space in the surrounding community within
close proximity to the Laboratory has been, and
continues to be, a limiting factor in our planning.

We anticipate that The Meadows
Project may provide us additional options in our
planning for future growth of the Laboratory’s
programs, growth that will address key national
needs and produce commensurate growth in our
beneficial impacts to the local and New York State
economy.

Thank you for the opportunity to
speak to you this evening.

SUPERVISOR LESKO: So, Mr. Bebon,
as -- I’m interested in the last comment you made.
You -- the Lab -- how would I put this -- has thousands -- over 2,000 so-called users that use the facilities in the -- the various infrastructure that you have at the Lab for research purposes from all across the globe.

And these users, as I understand it, stay in the vicinity of the lab for many months, if a year or two?

MR. BEBON: Right.

SUPERVISOR LESKO: And would -- would this type of project be the type of project that would help you continue to attract these scientific users from across the globe to -- to the Brookhaven National Lab?

MR. BEBON: We -- as I mentioned, we have need for housing these people. We have very aging housing facilities that are actually operated by us on the Laboratory site. We need to phase out of them. They’re World War II vintage and, basically, we’re phasing them out slowly as the condition does not support continued occupancy.

SUPERVISOR LESKO: And the -- obviously, well I shouldn’t be -- it’s not that obvious, but two plus years ago, as I understand
it, there was a policy change at the Department of Energy which directed National Labs to make a priority of commercializing the research that was conducted at the Labs.

And consistent with that policy decision, I know that a new department has been created at the Lab, focusing on commercializing research the Lab has joined the Accelerate Long Island Initiative and there’s really a tremendous amount of effort taking place at the Lab to commercialize research and create start-up companies based upon that research.

And, I think, it goes without saying, that a location within a few miles which could provide, not only housing opportunities but office space, would be consistent with that ongoing effort to commercial research; is that fair to say?

MR. BEBON:    That’s fair to say.

SUPERVISOR LESKO:    Okay.

And how far is the Lab from -- from the proposed project? I mean, it’s just -- it’s probably what, a mile or two? Is that --

MR. BEBON:    That’s about right.

I haven’t actually measured the distance but that’s
approximately right.

SUPERVISOR LESKO: Okay. I mean, I think one of the -- since now the Lab has stated publicly that there is support for the project, I think one of the potential benefits that the project should contemplate, is creating a direct connection to the Lab, either by way of bike access or some type of bus service or that type of thing. Because with the security concerns at the Lab, obviously, but it would be wonderful to have a community within -- within walking distance or at least biking distance of the Lab for your scientific users, in particular, that come here, frankly that may not even have, you know, driver’s licenses or that type of thing. So that would be fantastic. So I would just -- I’m telling the group behind you and they’re all taking notes, so they have it on the list.

Mr. Bebon, thank you very much for your comments.

MR. BEBON: Thank you.

SUPERVISOR LESKO: Mr. Giacomaro.

MR. GIACOMARO: Mr. Supervisor

and distinguished board members. My name is Mike
Giacomaro. I’m president of the East Yaphank Civic Association and also the East Yaphank Chamber of Commerce.

We’ve had at least three meetings with AVR Realty between our civic association and chamber regarding the property, first as Brookhaven Walk and now as The Meadows at Yaphank.

Further, we’ve had additional dealings with AVR about a project that took place within East Yaphank called Clare Rose. So as a community we know from experience what they’ve told us and what they did. As my mother says, actions speak louder than words. I’m here to tell you what they said AVR did.

It’s been a very good experience, a dialogue we’ve had with them over two years of construction for Clare Rose and they’ve opened — since they’ve opened the doors from November of 2010.

I can speak -- I can’t speak for the Yaphank Civic Association, the direct effect that this project -- this has is an indirect affect on East Yaphank. From what my community has determined, we’d like the approach of multiple
uses, especially having a supermarket, recreation, parks, senior residence, commercial and financial office space close by.

We specifically like the idea of greater taxes being collected for the Longwood School District.

And as far as traffic, I can tell you we’re very pleased with how they devised a solution for a spur road in and out of Clare Rose to minimize the effect on East Yaphank from 39 tractor trailers and 139 employee daily trips.

I do believe a detailed analysis, as Councilman Panico has mentioned about the traffic exit in 68 would further satisfy our community.

Also, just to -- Supervisor Lesko, you were asking BNL -- I don’t mean to speak for BNL, but I do sit on their advisory committee for -- for them. They utilize, if I’m not mistaken, Dowling College, for their residents to go back and forth to stay at Dowling College for their visiting scientists.

And we also do have, which was approved not too long ago, a seven-story hotel in
East Yaphank at the -- with a convention center.
So some of those can also take up some of the slack
for Brookhaven National Laboratories -- just to
give you some additional insight.

Thank you very much.

SUPERVISOR LESKO: Thank you all very much. Appreciate your comments.

Next four speakers are Richard Amper, Marilyn Goodman, Joan Milner and Christine Bourbon.

MS. GOODMAN: Mr. Supervisor, I’m Marilyn Goodman and I’m willing to give my time to
--

MR. CAIN: May I take that time?

SUPERVISOR LESKO: You know what, we have a rule that you can only yield time once to
another speaker. That’s the rules of the procedure for the Town Board. But I think you didn’t use two
minutes of Mr. Buff’s time, if I recall correctly.
So we can give you two additional minutes. Does
that give you enough time?

MR. CAIN: Yes, sir.

SUPERVISOR LESKO: Okay. So
we’ll -- and then, Ms. Goodman is -- you sure you
don’t want to speak, Ms. Goodman?

MS. GOODMAN: No.

SUPERVISOR LESKO: Okay. So --

MR. CAIN: Thank you.

I just have a couple of more
points to make with regard to traffic.

We -- Brookhaven Walk was going to
bring a tremendous amount of traffic to our
community and we were not satisfied with a few
elements of that traffic plan, even as it went to
permitting and was approved.

The current situation with Yaphank Woods Boulevard and William Floyd Parkway is one
where in Phase 1 of the project you’re adding, as I
said before, some retail and some housing and
because this road, William -- Yaphank Woods
Boulevard is our only access in and out, we’ve got
school buses using that road every day. We have
1,500 residents that hundreds of cars use that
road.

They’ve done their traffic studies
and we understand they’re using professionals to do
so, but we’re just not certain being experienced at
using that road every day that we’re not going to have a traffic problem there.

I’d also like to say that in the summertime at Exit 68, as you head eastbound on the LIE, there is, perhaps, a need to widen the ramp to handle the traffic because a lot of the Hamptons traffic is beginning to use Sunrise Highway as they transverse down to William Floyd Parkway down to Sunrise Highway.

So Councilman Panico’s point was well taken. There’s a concern there as well.

So traffic is something we are very much aware of that’ll have a tremendous impact on our residents. The emergency road that we talked about before -- in the approval of Brookhaven Walk, the previous project, that emergency road was never approved. It was discussed. There were discussions with the Fire Department, with us, at the needed agencies, but it was never approved. And that’s a very dangerous condition to allow it to exist for our community because response times from the Fire Department would be so much longer. We’d hate to have anyone injured in our community because the Fire
Department and emergency services could not get to us in time.

So I just wanted to make those points and one quick question, there will be public hearings for the site plan approvals for this project; am I correct about that?

SUPERVISOR LESKO: Yes. Yeah.

There -- if the change -- if the Town Board approves the change of zone, at a minimum, there will be a full hearing for the site plan review.

MR. CAIN: Okay.

SUPERVISOR LESKO: And I expect, I mean, we’re -- we’re leaving this -- I think we’re leaving -- we’re proposing to leave this hearing open to an open date for written comment.

So we’ll talk to the Town Attorney. There may be another opportunity to be heard at a subsequent hearing before this body. But at a minimum, you’ll have an opportunity to be heard before the Planning Board and that specifically they address those concerns, as you probably know.

MR. CAIN: Very good. Okay.

Well, thank you very much.

SUPERVISOR LESKO: Okay.
Thank you.

All right, why don’t we bring forward, Ms. Milner -- Joan Milner, do you want to be heard?

SUPERVISOR LESKO: Okay. That’s fine.

Christine Bourbon. How about Christine Bourbon?

No. Withdrawing.

Richard Murdocho.

MR. MURDOCHO: I’d like to yield my time to Mr. Amper.

SUPERVISOR LESKO: So Mr. Amper has ten minutes and Mary Ann Johnston.

How many do we have? Two more cards. Okay. Why don’t we -- if you just put your card in, why don’t you come on up because we have two more seats next to Mr. Amper.

If you just put your card in, why don’t you come on up.

A VOICE: I’m yielding my time to Mary Ann Johnston.

SUPERVISOR LESKO: Okay. So Mary Ann’s going to have ten minutes. Mr. Amper’s going
to have ten minutes.

MS. JOHNSTON: I don’t need ten minutes, I’ll be brief.

SUPERVISOR LESKO: And the -- let me just see her -- Don Seubert.

A VOICE: Inaudible.

SUPERVISOR LESKO: Okay. So you’re each going to have ten minutes closing out the night. Let’s have -- you’ve been sworn in, Mr. Amper needs to be sworn.

(RICHARD AMPER, was duly sworn.)

SUPERVISOR LESKO: Okay, Mr. Amper, you have ten minutes.

MR. AMPER: My name is Richard Amper. I’m the Executive Director of the Long Island Pine Barrens Society, members of the Brookhaven Town Board, these are preliminary comments on the Draft Generic Environmental Impact Statement for the proposed Meadows at Yaphank, prepared by the Long Island Pine Barrens Society.

We will supply additional observations and recommendations during the comment period and will participate in the review of the proposed project by the New York State Pine
Barrens Commission which has not yet commenced.

The proposed project will have the potential for profound, adverse environmental impacts given its size and location.

First, we note that the project and as it includes some 850 residential units, 795 of which would be market rate, and the range somewhere between 360 and $385,000 each.

This development is not part of the as of right permitted on this site, absent the granting of a change of zone. Add to this, there are insufficient public benefits being offered by the applicant in exchange for this extra density, many of the alleged benefits offered are actually impact fees, mitigation measures or benefits to the proposed new community.

It has been consistently the Society’s position that building density is a valuable asset to the Town and to the developer and to the people in providing such public value to a private entity without commensurate public benefits, constitutes the gifting of public wealth for private purposes and violates New York State Law.
Public benefits should be substantially enhanced. We’ve heard that the applicant is prepared to entertain that.

Second, there is no significant consideration of this project in combination with others currently known and reasonably anticipated, as required under the State Environmental Quality Review Act.

We have previously advised the Town Board, the Town Planning Board and the Zoning Board of Appeals, that such cumulative impacts must be considered during the review process and before these government agencies may make an informed determination about the overall impacts of the anticipated development.

The cumulative impact review for this project consists of a list of other major projects with the assurance that current regulations will prevent adverse cumulative environmental impacts. This assertion is merely conclusory and is unsupported by any evidence in the DGEIS so far. That is something the Town Board should insist be required that we look at all of what could impact this area and especially the
Carmans River watershed before trying to make a
determination on this plan as though it were
functioning alone.

Third, and most important of all, is that the entire site lies in the watershed of
the Carmans River, the protection of which is the objective of the proposed Carmans River Watershed
Protection and Management Plan, currently moving
toward adoption.

In fact, much of the proposal lies
in the two to five-year time of travel zone within
the watershed, an area that is proposed for
stringent protection under the Carman River Plan.

The Society’s Board of Directors
has scheduled a policy meeting to evaluate the
proposed Meadows at Yaphank for May 15th and will
consider the determination of the New York State
Pine Barrens Commission, which is expected to set a
public hearing on the proposal for June 15th.

For this reason, the Pine Barrens
Society asked the Town Board to provide for a
60-day comment period so that the results of the
Pine Barrens Commission’s review of this project,
as a development of regional significance, may be
considered before the Town’s comment period ends. In any case, the Society regards the proposed Meadows at Yaphank as having the potential for profound adverse environmental impacts on the Pine Barrens in general and the Carman’s River in particular. For this reason, the project will receive the necessary scrutiny prior to the Society’s Board of Director’s final recommendation for approval, modification or disapproval.

Once again, we ask the Town Board to consider a briefly extended period of written comments so that all aspects of the proposed Meadows at Yaphank may be considered.

Because -- Rose Breslin and AVR have, indeed, been so good in their community outreach and have talked to us consistently through this process and inquired after our input, we do want to react to some of the things that we’ve heard tonight so that as this view goes forward, they may be considered as they have been welcomed throughout this process.

In answer to a question raised by Councilwoman Kepert earlier, the Durad Sewage
Treatment Plan, in fact, as located at the 11-year
time of travel on the site. The description about
the -- the school children and the bedrooms, there
are to be 68 three-bedroom units, but with the
two-bedroom units, that makes the calculation of
110 additional children in the school district
subject to further review.

You might want to take a look at
that given several of the studies about school
children -- and while I’m on that subject, I do
need to raise an issue that we have raised before
and that is troubling, we don’t do records,
specifically, at the Longwood School District, but
the notion that school districts as a general rule
are in large measure focused, yes, on their mandate
to provide education with the funds for doing so,
it seems incongruous and not wholly responsible to
focus over and over again, we’ve seen this pattern
occur in other districts, and in Longwood, where
the drive to resolve problems of State funding, of
expensive administrators in schools et cetera, is
offsetting the lessons that we need to be teaching
our children in terms of how we make socially
responsible decisions across the board.
We should not be advocating for our children that whatever puts the most money in the school district’s coffers, regardless of how much they’re spending, is the right decision for the community. It’s a bad lesson for our kids and something educators need to resist.

We want to avoid this — this market-based development makes economic sense. We have to avoid that not result in a segmentation under SEQRA. You will have some risks allowing this to be developed as events progress. We don’t know whether it’s sustainable or not. So that what you want to do during this planning phase, during this study phase, is to take a good hard look at what happens if this happens and what happens if this doesn’t happen.

Mr. Supervisor, you raised that question earlier. It deserves more study by the Planning Department.

The development of regional significance standards for the Pine Barrens Commission have not yet been established by the Pine Barrens Commission, nor has the Commission reached any determination as to whether the project
meets the standards and guidelines for development of regional significance.

The applicant is making the claim that this is so. It is something that we’ll need to take a good hard look at.

The as of right formula suggested tonight, that provides that there is no excess beyond as of right because the developer is not developing as much as he could, again, deserves -- that’s an interesting theory and it also seems to resonate on the basis of what constitutes public benefits.

If a private entrepreneur benefits from something of value to the public, as zoning is, he or she needs to be responsible to understand what they are. If they contribute money to the school district, that is not a public benefit, it’s an impact fee.

If they are doing something to mitigate an environmental problem the project is causing, that’s not a public benefit, it’s the cost of doing business. So as we advance efforts to protect, for example, to resolve the problem of the invasives, we would view that as a bona fide public
benefit. It is doing something not created by the development and of benefit to the larger community, not just who just might live in the houses and recreate on the existing ballfields.

The question here is, we are objecting to only one statement as untrue here that we have heard tonight. And that is, we believe that the project as proposed, does not conform to the proposed Carmans River Protection Plan as envisioned and as it’s being advanced and we ought to go back and find out if it can do that and if it can’t, what we need to do about that.

The -- the southwestern most portion of the property is a half-a-mile from the river itself. Most of the construction in the two to five time of travel for the groundwater.

The planning for this project, as you have seen, is extremely impressive. It’s well thought out. It is an impressive new direction. It is unfortunate that this forward thinking plan was proposed for this extremely sensitive site, particularly as it impacts the Pine Barrens and the Carmans River.

What you are looking at and will
evaluate and will make a determination about, is the largest project contemplated for the Carmans River watershed and we need to do some very, very serious thinking about that.

Thank you very much.

SUPERVISOR LESKO: Thank you, Mr. Amper.

Ms. Johnston.

MS. JOHNSTON: Good evening.

Mary Ann Johnston, speaking for ABCO. I won’t need ten minutes.

This is not about school taxes. It’s not about school revenue because otherwise, why bother with the study for the Carmans River at all? Just build what you want. Bring in those taxes. Raise -- reduce the residents’ rates.

I’ve heard Mr. Amper say many, many times, building has never reduced the taxes on Long Island and it never will. That’s the reality.

So this brings no benefit to the residents of the Longwood School District. None at all. It never lowers taxes. And the AVR did not say it would.

The next thing is, ballfields.
You gotta be fertilizer dependent. That’s inconsistent with any plan to save the Carmans River.

Public benefits -- public benefits need to exist outside the boundaries of the development, otherwise, you know, Mr. Amper is correct. They’re impact fees or they’re amenities. They’re not public benefits. And I didn’t hear any public benefits here.

I would assume the people will be using the ballfields that live in the 850 units, not the people who live in my community in Manor Park or even in Mr. Giacomaro’s community in East Yaphank or the people of Yaphank proper.

This is not a tax positive without the office space. And, as usual, they want to build the residential first and forget about those jobs they keep talking about, jobs become a four letter word in this context because they’re an afterthought. What it’s about is residential.

And he’ll be back here, because I was here just a few years ago on the Brookhaven Walk Project and told them it was financially impossible. It would not be a good project. They
didn’t factor into their financial analysis internet buying. Of course, they thought it would be a great mall, they didn’t know nobody leaving their computer at home. They’re buying on the internet and that’s why there will be no mall.

But they haven’t abandoned that project. They’re talking to you about the what ifs of the things they’re never going to do and why this would be better.

If that isn’t the definition of insanity, I don’t know what is.

Beyond that, we have -- how many acres are going to be designated to the residential? I heard Mr. Sloane say, 126 acres would be preserved. Well, that’s 26 percent of the 322, not 36. And the Pine Barrens requires that.

Further, I would like to second John Pavisec’s -- the Director of the Long Island Pine Barrens Commission, because he recommended the entire watershed be up zoned to A5. A5, folks. If we’re going to save the Carmans River, you need to really stop wasting time on studies and just let this go forward, or frankly, act tonight and say no because you don’t need to entertain change of zone.
applications for things that are going to destroy our natural resources.

Clearly, this is a what if scenario. Look, Mr. Bebon was here. I’m a little bit surprised. Federal law prohibits the Brookhaven National Lab for lobbying for legislation. And, I guess, he doesn’t know a change of zone is legislation. And they are going to consider expanding into this site. Well, let’s take some of that office off the tax rolls because the federal government doesn’t pay tax on property it occupies.

This is market driven. Market driven -- that means nothing to me. That means 850 units of residential are very likely to be built and maybe nothing else and that isn’t it.

You know, I’m a little bit concerned that we try to sell Smart Growth by building a village where there is no village but all they can assure you will be built, is houses, compact, stacked and packed. That’s not what we’re looking for.

And the traffic on William Floyd Parkway -- at 5:30 last Friday night I sat a mile
away at Exit 67 to get off and go south on the William Floyd Parkway. The idea that this will not impact traffic in the surrounding communities of Yaphank, Shirley, Mastic Beach and Manorville, is frankly absurd -- probably as good as the financial analysis of Brookhaven Walk and the internet buying.

So, you know, and here we have Mitch Pally. I’m stunned. He also voted for the multi-family, linking preservation of the Carmans River. I’m stunned that he’s in favor of this but, you know, what could I possibly say -- maybe a segmentation. It’s clearly segmentation.

We need to have you, as the Town Board, elected officials talking about how desperately we need to accelerate Long Island and bring jobs in, to insist the developers do that first. Most people move where there are jobs, not out in the middle of nowhere, where there aren’t.

So if there are going to be jobs generated from Brookhaven Lab, why did they clear 165 acres of Pine Barrens if they needed to expand their operations outside the boundaries of the Lab? That’s a really big question. Maybe they need to
look at their master plan before they start coming here and telling you what they need to do.

Beyond that, I can’t say anything more than 2.5 at the property line is unenforceable. I haven’t heard a thing or read a thing in the DGEIS that indicates how they would enforce the 2.5 nitrogen standard at the property line.

As far as the Durad plant, to say its had problems in the past, is an understatement. There is a reach of the Carmans River due south, the one that’s less 2,500 feet from this project, that is registering 9 on the nitrogen load. Where do you think that nitrogen might be coming from?

So I’m going to ask you, respectfully, that this plan should not be moving forward in the vacuum of ignoring the fact that you have issued a pos dec for the entire Carmans River watershed, not a corridor along the river, not Yaphank and not Levy World, but the entire watershed.

So how the hell are you planning to do this at the same time that you do a pos dec there. Get your act together. The answer is no.
This is premature.

Thank you.

(Applause.)

SUPERVISOR LESKO: Okay. Any other members of the public wish to be heard?

(No response.)

SUPERVISOR LESKO: I don’t see anybody so why don’t we do this -- Connie, I guess we’re going to do a motion on public hearing No. 9.

COUNCILWOMAN KEPERT: Do we want the --

SUPERVISOR LESKO: Do we want the --

SUPERVISOR LESKO: Oh, I’m sorry. You’re right. It’s getting late. I was looking at the clock.

COUNCILWOMAN KEPERT: It’s been a long night. I know, Mr. Supervisor.

SUPERVISOR LESKO: Why don’t we have the applicant come forward, obviously, entertain -- it’s 10:00, we got to do a motion. I know. Okay.

Let’s have the applicant come forward, give him an opportunity to respond to the
comments that he heard.

MR. SLOANE: I have nothing to respond.

SUPERVISOR LESKO: Nothing?

Okay.

MR. SLOANE: I’ll respond the FEIS.

SUPERVISOR LESKO: Okay. So the applicant will respond in the FEIS.

Do we have any questions for either the applicant or staff?

A VOICE: I just had a couple.

COUNCILWOMAN KEPERT: I had a couple also.

SUPERVISOR LESKO: Do you want to get -- Dan, do you want staff or the applicant up here?

COUNCILMAN PANICO: Staff’s fine.

SUPERVISOR LESKO: Staff. Okay.

Let’s have staff up here.

And I ask for a motion to extend.

We have a decent number of resolutions left. Let’s extend for at least 20 minutes.
COUNCILWOMAN KEPERT: So moved.
COUNCILMAN WALSH: Second.
SUPERVISOR LESKO: So moved by Councilwoman Kepert.
Seconded by Councilman Walsh.
All in favor?
(Chorus of “ayes.”)
SUPERVISOR LESKO: Any opposed?
Opposed.
SUPERVISOR LESKO: All right.
Mr. Panico.
A VOICE: Well, I would like to say, Dan, first, in response to Mary Ann Johnston, there’s a trigger mechanism that we’re building into the process that permits only a certain amount of residential components to be built, to come on line before the retail and the office components, so it’s not intended for this to be built out all residentially and nothing else.
SUPERVISOR LESKO: Okay.
Councilman Panico.
COUNCILMAN PANICO: I just -- I have two questions.

One, Tullio, did you take a look
or anybody in the staff, take a look at that Exit 68. That is of everything, a very big concern of mine. It’s quickly becoming what North Ocean Avenue, same way eastbound was -- North Ocean Avenue, even with two lanes now, is still not great.

But Mary Ann Johnston is right, Mike Giacomaro is right. Traffic is backing up. There are plenty of rear-end accidents now. And it is a problem and while this may not have the -- as bad an impact as the as of right plan, this certainly is a significant plan and it’s not going to help.

A VOICE: Pete. We’re doing a little on-the-job training tonight for Pete, so I’m going to let him address it.

MR. FOUNTAINE: Oh, Councilman, I am also aware of that problem. As far as what Traffic Safety has looked at, I’d like to get back to you as far as having the document in front of me to address that Exit 68 to the -- to the William Floyd Expressway. I just don’t want to shoot from the hip on that one. But I can get back to you first thing in the morning.
COUNCILMAN PANICO: Let me just say that the purpose of this hearing is to identify potential issues and deficiencies so having that issue brought forth tonight is one of the items that will have to be addressed satisfactorily in the Final Generic Environmental Impact Statement. So the project will not proceed or the process will not proceed until that comment has been adequately addressed.

A VOICE: As to this project being built with any tax abatements?

COUNCILMAN PANICO: Not that I’m aware of.

A VOICE: Or any sort of discounts being given to it from the Town?

COUNCILMAN PANICO: I’m not aware of any, no.

A VOICE: Is this being considered as scaled on a Blight to Light scale or anything like that?

COUNCILMAN PANICO: No. The -- we had discussed going under the Blight to Light Ordinance but they had wanted to go under the PDD Code, which does give more flexibility in the uses
and how it -- but to my knowledge, there’s no abatement that’s being considered.

A VOICE: Okay, good.

A VOICE: Questions for Supervisor.

There was some questions on the -- on the tax impact and I don’t know who’s best to deal with that -- if that’s -- do you want to come up, Brian.

You know, when -- when we’re talking about residential and certainly, I think, you know, the phasing -- I did have some concerns with the phasing process also. The first phase is entirely residential and the makeup of those residences as far as bedroom counts, Brian, what would that be?

MR. FERRAGERI: Well, the first phase, the first phase is a combination of residential and -- and retail and would be tax positive. And just to go back, I know a previous speaker had questioned the accuracy of our estimate of 110 school children. That study was prepared by Dr. Kamer, who’s a well-respected economist and she used the Rutgers University
coefficients in determining this. That’s a, you know, a standard formula that’s used to determine it.

But we also have a real life example to back us up and to show that our estimates are -- are conservative.

We’re proposing 850 residential units. Out of that 850 --

COUNCILWOMAN KEPERT: That’s total?

MR. FERRAGERI: That’s total.

COUNCILWOMAN KEPERT: Okay.

MR. FERRAGERI: Out of that 850, there’s 303 PRC units.

COUNCILWOMAN KEPERT: Okay.

MR. FERRAGERI: So if you subtract out the PRC, they don’t generate any school children, you have 547.

COUNCILWOMAN KEPERT: How many PRCs?

MR. FERRAGERI: There’s 303 PRC units. If you subtract them out, you end up with 547 units. That’s one and two-bedroom and some three-bedroom units.
COUNCILWOMAN KEPERT: Right.

MR. FERRAGERI: A mixture of townhouses, apartments and condominiums.

Directly across the street in the community of Colonial Woods Whispering Pine, they have 544, all townhouses, not age restricted. So if you compare our 547, non-age restricted to their 544, they have exactly -- I checked with the Longwood School District, 110 children. But they’re all townhouses.

COUNCILWOMAN KEPERT: Right.

MR. FERRAGERI: So townhouses will generate more than a one-bedroom apartment.

COUNCILWOMAN KEPERT: Okay. On the 304 residential units that you’re proposing in Phase I, they’re all one and two-bedroom units. Any PRC within that Phase 1 proposal?

MR. FERRAGERI: The mixture is in the process of being put together but yeah, there will be one and two-bedroom units.

COUNCILWOMAN KEPERT: Okay. No PRC in that.

MR FERRAGERI: We probably will, you know --
COUNCILWOMAN KEPERT: Okay.

MR. FERRAGERI: That’s something that’s yet to be seen. That’ll be -- that’ll be established in the first site plan application.

COUNCILWOMAN KEPERT: And then as far as the -- Tullio, were you addressing the open space, because, I think, Ms. Johnston, was talking about there was some errors in math --

COMMISSIONER BERTOLI: Yeah.

COUNCILWOMAN KEPERT: -- but we had 128 -- 126 acres being preserved -- 322 --

COMMISSIONER BERTOLI: As per my calculator here --

COUNCILWOMAN KEPERT: -- total, that’s 29 percent; is that correct?

COMMISSIONER BERTOLI: As per my calculator here, dividing the --

COUNCILWOMAN KEPERT: Thirty-nine percent. I’m sorry.

COMMISSIONER BERTOLI: Yes, 39 percent.

COUNCILWOMAN KEPERT: Thirty-nine percent. Okay.
COMMISSIONER BERTOLI: Yes, yes.

COUNCILWOMAN KEPERT: Okay. So it’s 39 percent in open space being preserved. The Pine Barrens requires --

COMMISSIONER BERTOLI: Thirty-five percent.

COUNCILWOMAN KEPERT: Thirty-five percent. So we got four percent above what the Pine Barrens requires.

The Pine Barrens also requires as far as the nitrogen loading, 2.5 milligrams liters of nitrogen at the property line; is that correct?

COMMISSIONER BERTOLI: Yes.

COUNCILWOMAN KEPERT: And so the question also was how do we enforce that? How is that standard normally enforced?

A VOICE: Our typical way of doing that is through groundwater modeling, usually that’s based on the applicant to prove what Nelson Pope and Voorhis has done, is they have a sonar model that they use to model the groundwater nitrogen levels and through their modeling, their actual numbers are 2.18 milligrams per liter.

COUNCILWOMAN KEPERT: 2.18.
A VOICE: 2.18.

COUNCILWOMAN KEPERT: Okay, so it’s below the Pine Barrens standard.

A VOICE: Yes.

COUNCILWOMAN KEPERT: I have a question for Jeff. Jeff, Mr. Amper had suggested we increase the time line here. I was prepared to close the hearing for -- motion to close for ten days comment period. What would it do to the timing if we increase that?

MR. KRASNER: The SEQRA regulations require that there be a minimum of a ten-day written comment period after the close of the public hearing.

SEQRA also requires that the Final Generic Environmental Impact Statement be prepared within 45 days of the close of the public hearing but does add the caveat unless additional time is required to prepare the FGIS statement adequately. So it’s really at the discretion of the board to determine whether or not additional time is needed to adequately prepare an FGIS.

SUPERVISOR LESKO: Can I -- Brian, then can I -- I’m sorry.
COUNCILWOMAN KEPERT: No, go ahead.

SUPERVISOR LESKO: Can I then ask you, as a member of the Pine Barrens Commission, do you think that the June 15th date is a realistic date? Because, I think, what the Pine Barrens Society is saying is, they want an opportunity, I guess, to participate or at least view the hearing on the development of regional significance before the Commission, which I agree is tentatively scheduled for June 15th.

If that’s a firm date, then I think they’re asking for the opportunity to, you know, --

SUPERVISOR LESKO: I’m just asking the applicant because sometimes those dates -- those dates get adjourned in front of the Commission. Is that a firm date or do you expect that that’ll get adjourned?

MR. VOORHIS: I’m back. Yes, Mr. Amper is correct.

It’s my understanding that at next week’s meeting, they will schedule it for June 15th. We will present the application at that
time. Typically, in the past, the staff will have prepared some type of staff report for the Commissioner’s consideration and it is rare that they would make a decision at that meeting.

However, the SEQRA process is intended to provide involved agencies with the opportunity to comment on the Draft DEIS. No matter what, they have to prepare findings on this document. So typically they will provide comments on the EIS and my understanding is that staff is doing that so that they’re input will be part of the SEQRA process. Just so --

SUPERVISOR LESKO: Is there a - let me just cut to the chase. Is there a reason why we shouldn’t hold the written comment period open at least so that it extends past the June 15th hearing date before the Pine Barrens Commission? I mean if --

COUNCILWOMAN KEPERT: Is that just something -- what -- Chic, what you were saying is that they are currently preparing comments. I mean, they will prepare comments when we close the hearing on the DGEIS, they will begin preparing comments whether or not it’s the June
15th date or not or --

MR. VOORHIS: Yes. My understanding is that they are aware of the Town’s hearing tonight. They’ve received a copy of the Environmental Impact Statement and they take their responsibility as an involved agency seriously. SEQRA requires that they participate so they will submit comments to the Town that will be addressed in the final EIS.

COUNCILWOMAN KEPERT: On a proposal as significant as this one, how much time would we think they would need? Should I -- should we extend it 15 days, 30 days -- I mean, what would be a reasonable time frame for them to come up with comments?

MR. VOORHIS: I would expect that they would provide comments within whatever time period the Town allots. If it’s been posted for a ten-day comment period after the close of the hearing, they will provide comments within that time.

SUPERVISOR LESKO: Wouldn’t it be -- I mean --

MR. VOORHIS: They know about
this application. They have an application pending as well.

SUPERVISOR LESKO: Just -- just, the question though is in terms of the time line, all of the various time lines. Would it prejudice the timing of all of this to extend the comment period -- our comment period for some time period after June 15th so that you can allow the commission staff the opportunity to not only prepare for that hearing, but also prepare their comments that they would submit to the Town.

A VOICE: Well, the Pine Barrens Commission staff, again, as an involved agency, is required to provide written comments for whatever time period we set, which is traditionally ten days.

At the public hearing there’s going to be other people that are going to speak about the projects and so forth that may not necessarily be reflected in the Pine Barrens staff report and other information may be presented as part of their hearing process but it would seem that the comments should be based on the GEIS says and not necessarily wait for an additional body to
get comments. I mean the document is the document and that is what the basis for everybody’s review unless the debate stimulates further comments that were not considered either tonight or at some future time.

SUPERVISOR LESKO: What day -- what day of the week is June 25th?

A VOICE: Wednesday -- June 15th is a Wednesday.

SUPERVISOR LESKO: Would it -- I mean, I’m asking the applicant. Would it -- how it would affect -- would it affect your time line negatively to hold open our written comment period until June 25th?

A VOICE: It sounds as though -- I mean, it’s acceptable. You would hope that the hearing could be closed but that written comments could be provided up until a date certain that you decide.

SUPERVISOR LESKO: So that’s basically 46 days -- or something. It gives ten days after the Pine Barrens Commission hearing. I think that’s a reasonable amount. I’m just suggesting that, Connie, as a reasonable way to
accommodate everybody’s who’s interested. It is a very large project?

COUNCILWOMAN KEPERT: Okay. What day did you say?

SUPERVISOR LESKO: It would be -- today’s the 10th, so it would be a 46 day comment period, leaving the written comment period open until June 25th. Okay.

MR. VOORHIS: We’d rather encourage more input. We’ve done that all along through the process.

SUPERVISOR LESKO: I think that gives the Society ten days after the Commission’s hearing to get their comments in to us.

A VOICE: Inaudible.

SUPERVISOR LESKO: Okay. So that works. Okay. Does that work for you, Connie?

COUNCILWOMAN KEPERT: It works.

SUPERVISOR LESKO: Anybody else have any other questions?

(No response.)

COUNCILWOMAN KEPERT: No.

SUPERVISOR LESKO: Okay. Any other member of the public wish to be heard on
this?

(No response.)

SUPERVISOR LESKO: Okay, seeing none, Connie, why don’t we do a motion to close.

COUNCILWOMAN KEPERT: Okay.

Motion to close the hearing with a 46-day comment period to end the close of business on June 25th.

So moved.

A VOICE: Second.

SUPERVISOR LESKO: And that’s on public hearing No. 9.

COUNCILWOMAN KEPERT: That’s on the DGEIS.

Maryann, we’re over.

MS. JOHNSTON: Inaudible.

COUNCILWOMAN KEPERT: So we’re going to close it for written comment for 46 days to June 25th.

COUNCILMAN MAZZEI: Second.

SUPERVISOR LESKO: That’s on public hearing No. 9, all in favor?

(Chorus of “ayes.”)

SUPERVISOR LESKO: Opposed?

(No response.)
SUPERVISOR LESKO: Motion carries.

And then for public hearing No. 10, I think, we’re just --

COUNCILWOMAN KEPERT: Motion to adjourn to an open date.

SUPERVISOR LESKO: Making a motion to adjourn to an open date.

And that’s the change of zone hearing. So that hearing remains open.

COUNCILMAN MAZZEI: Second.

SUPERVISOR LESKO: It’s been seconded by Councilman Mazzei.

All in favor?

(Chorus of “ayes.”)

SUPERVISOR LESKO: Motion carries.

Thank you all very much.

* * * * *
CERTIFICATION

I, MARIE E. SWEATT, do hereby certify that the within transcript is a true, accurate and complete transcript of the proceedings that took place in the above matter, which I transcribed from DVDs.

__________________________
MARIE E. SWEATT
APPENDIX F

FORM-BASED MASTER PLAN (DRAFT)

Simone Design Group
DRAFT

THE MEADOWS AT YAPHANK PDD
FORM BASED - MASTER PLAN - PDD DEVELOPMENT ZONES

Includes:
Vision Statement
Illustrative Master Plan
Design Character
Pedestrian Environment
The PDD Master Plan
Building Form Standards
Roadway Standards
Parking Standards
Vision Statement. The Vision for the Meadows At Yaphank is to create a community with a true sense of place. Through thoughtful planning and provisions for a wide range of uses, the Meadows will develop organically under sustainable market conditions to provide a complete and balanced community to serve the immediate residents as well as the surrounding communities.

Commercial uses envisioned range from neighborhood retail and service, major retail, restaurant, office, industrial/flex as well as hotel. Residential uses will consist of a wide array of housing types such as apartments, condominiums and townhouses which will cater to all age groups and income levels. And lastly, the entire community will be brought together through a cohesive network of streets, sidewalks, parks and open space.

In short, the Meadows At Yaphank will be a place where you can step out your door to Live…Work…and Play…
**Design Character.** The design character for the Meadows At Yaphank will be a cohesive blend of traditional residential styles and neighborhood shopping, complimented by today’s commercial and corporate anchors. The synergy of character will be further emphasized with a focus on detail such as the width of a residential street, the careful massing of buildings, street furnishings and native plantings. The main boulevard and residential streets will focus on the pedestrian realm and create a safe and pleasing environment to get out on foot. The carefully planned open spaces from the Town Park, village green, great lawn and neighborhood greens will tie the community together.
**Pedestrian Environment.** The most important aspect in defining the pedestrian realm is the careful design of the street network. Streets in the meadows have been designed for natural traffic calming and to resist cut throughs. Most importantly, streets design has focused on making the streetscape a safe and visually appealing experience to encourage walking, strolling and socializing.
The PDD Master Plan. The Meadows at Yaphank PDD Master Plan establishes the eleven zone forms which shall comprise the PDD district, as well as the permitted uses, building form standards, street types and parking requirements.

A. PDD Zones: The Meadows at Yaphank Master Plan building form and design standards are hereby established for each PDD development zone as set forth herein and such standards shall guide the mix of uses, building height, parking, and location of the buildings desired in any future development or re-development project. The following zones are hereby established as shown on the “Master Plan Map” below:

Zone 1: Town Center Business District
Zone 1a: Major Retail Commercial District
Zone 2: Office and Commercial/Flex District
Zone 3: Main Street Residence District
Zone 3a: Village Residence District
Zone 3b: Transitional Residence District
Zone 4: Highway Residence District
Zone 5: Community Recreation Areas (Private)
Zone 6: Parks, Greens & Open Space (Public)
Zone 7: Conservation Open Space District
Zone 8: Stormwater Management Areas
ZONE 1
BUILDING FORM STANDARDS
TOWN CENTER BUSINESS DISTRICT

2. Front Setback
   a. Front setback from the street property line to the Build
      to Line shall be used for civic uses as well as accessory
      uses such as outdoor seating and display.
   b. Awnings are excluded from the setback requirements.

3. Siting Specifications
   a. The building orientation and the main entrance position
      should always address Meadows Boulevard or the Village
      Green
   b. When rear parking is provided, the provision of
      secondary rear entrances and pleasing rear facades is
      required.

B. Permitted Uses
   All uses principally permitted in Chapter 85 under the J
   Business 2 District and J Business 6 District shall be
   permitted.

---

**TOWN CENTER BUSINESS DISTRICT**

**BUILDING FORM STANDARDS**

**A. Building Placement**

1. **Build to Line (BTL)**
   
   - Front (A) 5-10 feet
   - Side (B) 0
   - Rear (C) 30 feet

**B. Permitted Uses (cont)**

2. Major restaurants shall be permitted.
3. The ground floor shall be devoted to commercial (retail)
   and/or office uses.
4. The second and third floors (if provided) shall be devoted
   to office and/or residential uses.
   a. Commercial (retail) uses shall be excluded from the
      second floor, except those that are second story
      extensions of the ground floor use.

**C. Accessory Uses**

All customary and accessory uses permitted in Chapter 85
including outdoor seating and outdoor retail commercial
display and sales.

**D. Building Height**

1. The maximum height of the principal building with a
   pitched roof is three (3) stories or 45 feet to the mean roof
   height.
2. The maximum height of the principal building with a
   parapet or low roof is three (3) stories 35 feet maximum.
### MAJOR RETAIL COMMERCIAL DISTRICT

#### BUILDING FORM STANDARDS

**A. Building Placement**

1. **Setback Line (SL)**
   - Front (A – William Floyd Parkway & LIE): 100 feet
   - Front (B – Minor Streets): 30 feet
   - Side (C): 0 feet
   - Rear (D): 50 feet

**B. Permitted Uses**

All uses principally permitted in Chapter 85 under the J Business 2 District.

**B. Permitted Uses (cont)**

1. Major restaurants shall be permitted.
2. Office Buildings
3. Hotels

**C. Accessory Uses**

All customary and accessory uses permitted in Chapter 85 including outdoor seating and outdoor retail commercial display and sales.

**D. Building Height**

1. The maximum height of Commercial (Retail) Buildings are Two and One half (2 ½) stories or 40 feet.
2. The maximum height of Office Buildings are Four (4) stories or 50 feet.
3. The maximum height of Hotel Buildings are Five (5) stories or 65 feet.
ZONE 2
BUILDING FORM STANDARDS
OFFICE AND COMMERCIAL/FLEX DISTRICT

OFFICE AND COMMERCIAL/FLEX DISTRICT

BUILDING FORM STANDARDS

A. Building Placement

1. Setback Line (SL)
   - Front (A – LIE): 100 feet
   - Front (B – Meadows Blvd): 15 feet
   - Side (C): 0
   - Rear (D): 50 feet

B. Permitted Uses

   1. Office Buildings
   2. Hotels

C. Accessory Uses

   All customary and accessory uses permitted in Chapter 85

D. Building Height

   1. The maximum height of Industrial or Commercial (Retail) Building is Two and One half (2 ½) stories or 40 feet.
   2. The maximum height of Office Building is Four (4) stories or 50 feet.
   3. The maximum height of Hotel Building is Five (5) stories or 65 feet.

   Note: The maximum height of any principal building within 50’ of Meadows Boulevard with a pitched roof is three (3) stories or 45 feet to the mean roof height or with a parapet or low roof is three (3) stories 35 feet maximum.
ZONE 3
BUILDING FORM STANDARDS
MAIN STREET RESIDENCE DISTRICT

A. Building Placement
1. Build to Line (BTL)
   - Front (A): 10-20 feet
   - Side (B): 0
   - Rear (C): 30 feet

2. Front Setback
   a. Front setback from the street property line to the Build to Line shall permit a 50% encroachment area for colonnades, porches, balconies, decks, stoops, bay windows, etc.
   b. Exterior stairs/ramps & walkways may encroach up to the street property line.

3. Siting Specifications
   a. The building orientation and the main entrance position should always address Meadows Boulevard, Park Lane or other secondary street frontage. Units which front the Great Lawn shall have their orientation towards the lawn.
   b. When multiple attached units are proposed, additional main entrances may be oriented to side yard courts or rear courtyards.

B. Permitted Uses
   Apartments (rental), Condominiums or Townhouses

C. Accessory Uses
   1. Attached or Detached Parking Garages or Carports in Side or Rear Lot locations.
   2. All customary and accessory uses permitted in Chapter 85 for Multifamily communities.

D. Building Height
   1. Up to Four (4) Stories or 50 feet for apartments/condominiums with a pitched roof to the mean roof height.
   2. Up to Three (3) Stories or 45 feet for Townhouses with a pitched roof to the mean roof height.
   Note: BTL Setback shall be consistent with 5 feet for every story (ie: 2 story- 10 foot BTL, 3 story-15 foot BTL, etc)
# VILLAGE RESIDENCE DISTRICT

## BUILDING FORM STANDARDS

### A. Building Placement

<table>
<thead>
<tr>
<th>Placement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (A)</td>
<td>10-15 feet</td>
</tr>
<tr>
<td>Side (B)</td>
<td>0</td>
</tr>
<tr>
<td>Rear (C)</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

### 2. Front Setback

- a. Front setback from the street property line to the Build to Line shall permit a 50% encroachment area for colonnades, porches, balconies, decks, stoops, bay windows, etc.
- b. Exterior stairs/ramps & walkways may encroach up to the street property line.

### 3. Siting Specifications

- a. The building orientation and the main entrance position should always address Park Lane or other secondary street frontage. Units which front Green Spaces and Recreation Areas shall have their orientation towards same.
- b. When multiple attached units are proposed, additional main entrances may be oriented to side yard courts or rear courtyards.

### B. Permitted Uses

- Condominiums or Townhouses

### C. Accessory Uses

1. Attached or Detached Parking Garages or Carports in Side or Rear Lot locations.
2. All customary and accessory uses permitted in Chapter 85 for Multifamily communities.

### D. Building Height

1. Up to Three (3) Stories or 45 feet for all building types to the mean roof height.

   Note: BTL Setback shall be consistent with 5 feet for every story (ie: 2 story- 10 foot BTL, 3 story-15 foot BTL)
**ZONE 3b**

**BUILDING FORM STANDARDS**

**TRANSITIONAL RESIDENCE DISTRICT**

### A. Building Placement

#### 1. Build to Line (BTL)

<table>
<thead>
<tr>
<th>Location</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (A)</td>
<td>10-25 feet*</td>
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<tr>
<td>Side (B)</td>
<td>0</td>
</tr>
<tr>
<td>Rear (C)</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

* Front loaded garage units shall be set back a minimum of 20-25’ to allow for one vehicle parking in front of unit.

#### 2. Front Setback

- a. Front setback from the street property line to the Build to Line shall permit a 50% encroachment area for colonnades, porches, balconies, decks, stoops, bay windows, etc.
- b. Exterior stairs/ramps & walkways may encroach up to the street property line.
- b. For Front loaded garage units, driveways and walkways may encroach up to the street line.

#### 3. Siting Specifications

- a. The building orientation and the main entrance position should always address the street frontage. Units which front Green Spaces and Recreation Areas shall have their orientation towards same.
- b. When multiple attached units are proposed, additional main entrances may be oriented to side yard courts or rear courtyards.

### B. Permitted Uses

Condominiums or Townhouses

### C. Accessory Uses

1. Attached or Detached Parking Garages or Carports in Side, Rear or Front Lot locations.
2. All customary and accessory uses permitted in Chapter 85 for Multifamily communities.

### D. Building Height

1. Up to Three (2) Stories or 35 feet for all building types to the mean roof height.
ZONE 4
BUILDING FORM STANDARDS
HIGHWAY RESIDENCE DISTRICT

A. Building Placement

1. Setback Line (SL)
   - Front (A – William Floyd Parkway & Yaphank Woods Boulevard): 100 feet
   - Front (B – Minor Streets): Up to 20 feet*
   - Side (C): NA
   - Rear (D): NA

* Where buildings front internal roadways they shall be oriented to said road and setback a maximum of 20'

B. Permitted Uses

- Apartments (rental), Condominiums & Townhouses.

C. Accessory Uses

1. Attached or Detached Parking Garages or Carports in Side or Rear Lot locations.
2. All customary and accessory uses permitted in Chapter 85 for Multifamily communities.

D. Building Height

1. Up to Four (4) Stories or 50 feet for apartments/condominiums with a pitched roof to the mean roof height.
2. Up to Three (3) Stories or 45 feet for Townhouses with a pitched roof to the mean roof height.
### ALL AREAS

#### A. INTENT

Well configured recreation areas, including community buildings, swimming pools, tennis courts and other active and passive recreation features shall be provided specifically for the residents of the meadows.

- Each recreation area provided as shown on the Illustrative Master Plan shall consist of a minimum of a 2500 sf clubhouse with bathroom and bathing facilities and a swimming pool.
- Recreation areas may also contain tennis courts or other active recreational features to supplement the community.

#### B. BUILDING PLACEMENT

- Clubhouse buildings shall be placed at prominent locations such as an anchor to a plaza, green or Roadway terminus and shall address the street.
- Recreation areas shall include adequate Landscaping and Plantings which may include:
  - Street planters, hanging flowers/plants, building foundation planting, planted window boxes.
- Plaza and Courtyard spaces may include:
  - Fountains, public art, statues, monuments & clocks.
  - Outdoor Seating.
## ALL AREAS

### A. INTENT

Well configured civic spaces, including a Community Building, Ball Fields, Multipurpose Field and adequate parking shall be provided in a park setting for the benefit of all residents of the Town of Brookhaven. Additional areas such as squares, plazas, and greens, shall be intermixed throughout the community for social activity, recreation, and visual enjoyment.

- **a.** Community Building shall be a minimum of 3000 sf and with meeting room/recreation rooms, bathrooms, etc and shall meet the needs of residents young & old.
- **b.** Multipurpose field shall measure 240’ wide by 380’ long.
- **c.** Ball fields shall provide for little league regulation play and be provided with back stop & bleacher seating
- **d.** Other squares, plazas, and greens, as provided shall be designed for passive recreation with pavilions, gazebos and limited seating.

### B. BUILDING PLACEMENT

- **a.** The Community Building shall be placed at the Corner of Park Lane and Meadows Boulevard as shown to anchor this prominent location.
- **b.** Adequate Landscaping and Plantings shall be provided in all public spaces which may include:
  - **i.** Street planters, hanging flowers/plants, building foundation planting, planted window boxes.
- **d.** Plaza and Courtyard spaces may include:
  - **i.** Pavilions, gazebo’s, fountains, public art, statues, monuments & clocks.
  - **ii.** Outdoor Seating.
A. Street Elements in Public Right-of-Way

1. General Criteria.
   a. Street trees of a min 2 ½” caliper shall be provided every 40 feet on center within a suitable landscape strip in all residential areas or 4 x 4 foot cut out in commercial frontages, and for every 90 feet of frontage a 4 x 12 foot landscape cut out shall be provided to supplement the street trees.
   b. Street furniture shall be provided between the curb line and the BTL in all Commercial Districts and may include the following:
      c. Benches, bike racks and trash receptacles shall be provided on all streets at intervals no greater than 200 feet.
      d. Street furniture shall be located so as to maintain a clear pedestrian path and shall be placed within 6 feet of the curb.
      e. An unencumbered clear zone free of all obstacles not less than 36” shall be provided behind any street furniture in accordance with ADA standards.
   Streetlights shall be provided every 60 feet on center.

B. Utilities

1. All new utilities shall be placed underground in all public streets or in rear service alleys.
2. All service areas, utility lines, mechanical equipment and meter boxes shall not be permitted within the streetscape and shall be located to the rear of the buildings and appropriately screened from all customer entrances, unless mandated otherwise by a public utility.

C. Pedestrian Crosswalks

1. A decorative paving material (i.e. pavers, stamped/textured concrete/asphalt, or color concrete) should be used to delineate the walkway crossings On Meadows Boulevard and Park Lane.
2. Pedestrian light poles and decorative rails, bollards or similar treatment should be used to accent pedestrian spaces at building entrances, courts, and plazas and along pedestrian walks and alleyways.
3. Mid street cross walks can be designed as a raised speed table fashion.

D. Service Alleys

1. Service Alleys shall be provided as required and shall meet the following min. standards:
   a. One way traffic lanes with on alley parallel parking shall be min. 12’ wide.
   b. Two way traffic lanes with on alley perpendicular parking shall be min. 16’ wide.
   c. Alleys may be constructed of asphalt, gravel or other suitable surface.
ROADWAY STANDARDS

Typical Section

Meadows Boulevard East (Typical)

Meadows Boulevard West (Typical)
ROADWAY STANDARDS

Typical Sections

Park Drive North (Typical)

Park Drive South (Typical)
ROADWAY STANDARDS

Typical Sections

TYPE - 1

TYPE - 2
ROADWAY STANDARDS

Typical Sections

COMMERCIAL PARKING LOT STANDARD
PARKING STANDARDS

ALL DISTRICTS

PARKING SPECIFICATIONS

A. Location
The intent of these parking regulations is to encourage a balance between compact pedestrian-oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed.

1. In the Town Center Zone, parking along Meadows Boulevard shall be diagonal to provide adequate front loaded parking. Additional rear lot parking will be provided as necessary.
2. In the Major Retail Commercial District, all parking shall be provided on site, except on street may count to this overall requirement.
3. In the Office and Commercial Flex District, diagonal parking can be provided along Meadows Boulevard and Park Lane which will count toward this requirement. All other parking to be provided on site.
4. In the Main Street and Village residence districts, (*) required parking shall be provided in rear lot, side yard or alley location. However, available on street parking does count toward required parking.
5. In the Transitional Residence District, (*) Front loading driveways are permitted and required parking shall be provided in both on street, driveway and off street locations.
6. In the Highway Residence District, (*) parking shall be provided on site, however, available on street parking shall count toward this requirement.

*Garages shall count toward required parking

B. Required Spaces

<table>
<thead>
<tr>
<th>Type</th>
<th>Requirement</th>
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<tr>
<td>Commercial Center</td>
<td>1 stall per 200 sq.ft.</td>
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<tr>
<td>Industrial Component</td>
<td>1 stall per 1000 sq.ft.</td>
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<tr>
<td>Office</td>
<td>1 stall per 250 sq.ft.</td>
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<td>Residential</td>
<td>0.75/unit+0.5/Bed</td>
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<tr>
<td>Senior Unit</td>
<td>0.75/unit+0.5/Bed</td>
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<tr>
<td>All Other Units</td>
<td>1.0/unit+0.5/Bed</td>
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<tr>
<td>Bank</td>
<td>1 stall per 200 sq.ft.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>(Free standing) 1 stall per 100 sq.ft.</td>
</tr>
</tbody>
</table>

5. Other uses shall be subject to the parking provisions in the parking regulations of this chapter as may be determined by the Planning Board.

C. Siting Specifications

1. Parking lots shall be screened from the street and the use of landscaping, trellises, low street walls and other elements to help define the sidewalk edge is encouraged.
2. Parking lot landscaping shall be in accordance with town code standards as amended by this code.
3. Rear parking lots shall provide easy access to the main thoroughfare by alleyways and pedestrian connections.

D. On-Street Parking

1. On-street parking along the site frontage shall be counted as part of the overall on-site parking requirement.
2. On-street parallel parking stalls shall be 7 X 22 feet and diagonal stalls shall be 9 x 20.
3. On-Street Parking shall not be permitted within 20 feet of intersection or 10 feet of driveway entrances or pedestrian crossing.
4. Bulb outs shall be used at intersections, driveway entrances and pedestrian crossings.

E. Shared Parking

1. Shared parking solutions are encouraged. Required parking minimums can be reduced with a shared parking solution approved by the Planning Board. The applicant shall provide a parking analysis justifying the proposed parking solution.
2. The use of shared parking entrances and rear alleys is encouraged.

F. Loading Specifications

1. Loading stalls shall be provided in accordance with other Town Code standards.
2. Loading spaces shall not face the primary street.

G. Parking Structure Specifications

1. Parking structures shall be set back a minimum of 50 feet from all adjacent streets to reserve room for Liner Buildings or civic space between parking structures and the lot frontage.
2. The Liner Building shall be no less than two stories in height. Liner Buildings may be detached from or attached to parking structures.
3. Parking structures shall be designed as an integral component of the coordinated site plan and architectural theme.
APPENDIX G

SONIR COMPUTER MODEL RESULTS, REVISED PLAN
## SIMULATION OF NITROGEN IN RECHARGE (SONIR)

**NELSON, POPE & VOORHIS, LLC MICROCOMPUTER MODEL**

### NAME OF PROJECT

**DATA INPUT FIELD**

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<th>Units</th>
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<tr>
<td>3</td>
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<td>acres</td>
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<td>fraction</td>
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<tr>
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<td>6</td>
<td>Runoff from Lawn</td>
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<td>18</td>
<td>Makeup Water (if applicable)</td>
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### B | Nitrogen Budget Parameters | Value | Units |
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<td>lbs/1000 sq ft</td>
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<td>percent</td>
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<td>Pet Waste Application Rate</td>
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<td>acres</td>
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<tr>
<td>14</td>
<td>Irrigation Rate</td>
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<td>inches</td>
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<td>19</td>
<td>Nitrogen in Commercial/STP Flow</td>
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<td>mg/l</td>
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</tbody>
</table>

### Comments

1. Please refer to user manual for data input instructions.
2. Sanitary Nitrogen Leaching Rate 3.a.) is for residential wastewater at 50% removal, and 3.b.) is for commercial or STP which would be expected to remove 10% additional nitrogen as a result of leaching of STP effluent discharge (see User Guide for references).
3. Acreage of Lawn is 15% of the Meadows site.
4. Acreage of Other Area is natural landscaping, non-fertilized.
5. Fertilizer management will be used to achieve 1 lb/1000 SF per Non-Point Source Management Handbook.
6. Half of the pet owners are expected to observe "Pick up after your Pet" practices.
7. Nitrogen in STP Flow will be treated to 8 mg/l.
### Simulation of Nitrogen in Recharge (SONIR)

**Nelson, Pope & Voorhees, LLC Microcomputer Model**

#### Site Recharge Computations

<table>
<thead>
<tr>
<th>A</th>
<th>Lawn Area Recharge</th>
<th>Value</th>
<th>Units</th>
<th>B</th>
<th>Impervious Area Recharge</th>
<th>Value</th>
<th>Units</th>
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<tbody>
<tr>
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<td>inches</td>
<td>2</td>
<td>( P = \text{Precipitation Rate} )</td>
<td>45.20</td>
<td>inches</td>
</tr>
<tr>
<td>3</td>
<td>( E = \text{Evapotranspiration Rate} )</td>
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<td>inches</td>
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<td>( E = \text{Evapotranspiration Rate} )</td>
<td>4.52</td>
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<td>4</td>
<td>( Q = \text{Runoff Rate} )</td>
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<td>inches</td>
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<td>( Q = \text{Runoff Rate} )</td>
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<tr>
<td>5</td>
<td>( R(I) = P - (E + Q) )</td>
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#### Unvegetated Area Recharge

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<td>inches</td>
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<tr>
<td>3</td>
<td>( E = \text{Evapotranspiration Rate} )</td>
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</tr>
<tr>
<td>4</td>
<td>( Q = \text{Runoff Rate} )</td>
<td>2.10</td>
<td>inches</td>
</tr>
<tr>
<td>5</td>
<td>( R(U) = P - (E + Q) )</td>
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#### Water Area Loss

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<td>4</td>
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<td>5</td>
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#### Natural Area Recharge

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#### Irrigation Recharge

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#### Other Recharge

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#### Wastewater Recharge

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<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>( WDF = \text{Wastewater Design Flow} )</td>
<td>275.275</td>
<td>gal/day</td>
</tr>
<tr>
<td>2</td>
<td>( WDF = \text{Wastewater Design Flow} )</td>
<td>13,433,958</td>
<td>cu ft/yr</td>
</tr>
<tr>
<td>3</td>
<td>( A = \text{Area of Site} )</td>
<td>14,525,518</td>
<td>sq ft</td>
</tr>
<tr>
<td>4</td>
<td>( R(WW) = WDF/A )</td>
<td>0.92</td>
<td>feet</td>
</tr>
<tr>
<td>5</td>
<td>( R(WW) = \text{Wastewater Recharge} )</td>
<td>11.10</td>
<td>inches</td>
</tr>
</tbody>
</table>

#### Total Site Recharge

\[
\]

\[
R(T) = 38.67 \text{ inches}
\]
SIMULATION OF NITROGEN IN RECHARGE (SONIR)

NELSON, POPE & VOORHIS, LLC MICROCOMPUTER MODEL

**SITE NITROGEN BUDGET**

<table>
<thead>
<tr>
<th>A</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Dwellings</td>
<td>850</td>
<td>units</td>
</tr>
<tr>
<td>Persons per Dwelling</td>
<td>2.06</td>
<td>caps</td>
</tr>
<tr>
<td>P = Population</td>
<td>1751.00</td>
<td>caps</td>
</tr>
<tr>
<td>N = Nitrogen per person</td>
<td>0</td>
<td>lbs</td>
</tr>
<tr>
<td>LR = Leaching Rate</td>
<td>50%</td>
<td>percent</td>
</tr>
<tr>
<td>N(S) = P x N x LR</td>
<td>0.00</td>
<td>lbs</td>
</tr>
<tr>
<td>N(S) = Sanitary Nitrogen</td>
<td>0.00</td>
<td>lbs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR = Application Rate</td>
<td>3.19</td>
<td>lbs/pet</td>
</tr>
<tr>
<td>Human Population</td>
<td>1751</td>
<td>caps</td>
</tr>
<tr>
<td>P = 10 percent of capita x 50% (half)</td>
<td>88</td>
<td>pets</td>
</tr>
<tr>
<td>N(p) = AR x pets</td>
<td>279.28</td>
<td>lbs</td>
</tr>
<tr>
<td>LR = Leaching Rate</td>
<td>16%</td>
<td>percent</td>
</tr>
<tr>
<td>N(p) = N(p) x LR</td>
<td>44.69</td>
<td>lbs</td>
</tr>
<tr>
<td>N(p) = Pot Waste Nitrogen</td>
<td>22.34</td>
<td>lbs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>CF = Commercial/STP Flow</td>
<td>275,275</td>
<td>gal/day</td>
</tr>
<tr>
<td>CF = Commercial/STP Flow</td>
<td>380,299,294</td>
<td>liters/yr</td>
</tr>
<tr>
<td>N = Nitrogen in Commercial</td>
<td>8.00</td>
<td>mg/l</td>
</tr>
<tr>
<td>LR = Leaching Rate</td>
<td>90%</td>
<td>percent</td>
</tr>
<tr>
<td>N(S) = CF x N x LR</td>
<td>2,738,154,920</td>
<td>milligrams</td>
</tr>
<tr>
<td>N(S) = Sanitary Nitrogen</td>
<td>6037.63</td>
<td>lbs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>WDF = Water Design Flow</td>
<td>0</td>
<td>gal/day</td>
</tr>
<tr>
<td>WDF = Water Design Flow</td>
<td>0</td>
<td>liters/yr</td>
</tr>
<tr>
<td>N = Nitrogen in Water Supply</td>
<td>1.16</td>
<td>mg/l</td>
</tr>
<tr>
<td>N(WW) = WDF x N</td>
<td>0</td>
<td>milligrams</td>
</tr>
<tr>
<td>N(WW) = Water Nitrogen</td>
<td>0.00</td>
<td>lbs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>A = Area of Land Fertilized 1</td>
<td>1,393,920</td>
<td>sq ft</td>
</tr>
<tr>
<td>AR = Application Rate</td>
<td>1.00</td>
<td>lbs/1000 sf</td>
</tr>
<tr>
<td>LR = Leaching Rate</td>
<td>10%</td>
<td>percent</td>
</tr>
<tr>
<td>N(F1) = A x AR x LR</td>
<td>223.03</td>
<td>lbs</td>
</tr>
<tr>
<td>N(F1) = Fertilizer Nitrogen</td>
<td>223.03</td>
<td>lbs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>F</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>A = Area of Land Fertilized 2</td>
<td>0</td>
<td>sq ft</td>
</tr>
<tr>
<td>AR = Application Rate</td>
<td>0.00</td>
<td>lbs/1000 sf</td>
</tr>
<tr>
<td>LR = Leaching Rate</td>
<td>0%</td>
<td>percent</td>
</tr>
<tr>
<td>N(F2) = A x AR x LR</td>
<td>0.00</td>
<td>lbs</td>
</tr>
<tr>
<td>N(F2) = Fertilizer Nitrogen</td>
<td>0.00</td>
<td>lbs</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>G</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>R(n) = Natural Recharge (feet)</td>
<td>2.28</td>
<td>feet</td>
</tr>
<tr>
<td>A = Area of Site (sq ft)</td>
<td>14,525,518</td>
<td>sq ft</td>
</tr>
<tr>
<td>R(N) = R(n) x A</td>
<td>33,160,436</td>
<td>cu ft</td>
</tr>
<tr>
<td>R(N) = Natural Recharge (liters)</td>
<td>939,103,534</td>
<td>liters</td>
</tr>
<tr>
<td>N = Nitrogen in Precipitation</td>
<td>0.50</td>
<td>mg/l</td>
</tr>
<tr>
<td>LR = Leaching Rate</td>
<td>16%</td>
<td>percent</td>
</tr>
<tr>
<td>N(p) = R(N) x N x LR</td>
<td>75,128,283</td>
<td>milligrams</td>
</tr>
<tr>
<td>N(p) = Precipitation Nitrogen</td>
<td>165.66</td>
<td>lbs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>R = Irrigation Recharge (inches)</td>
<td>1.87</td>
<td>inches</td>
</tr>
<tr>
<td>R = Irrigation Rate (feet)</td>
<td>0.16</td>
<td>feet</td>
</tr>
<tr>
<td>A = Area of Land Irrigated</td>
<td>1,393,920</td>
<td>sq ft</td>
</tr>
<tr>
<td>R(I) = R(I) x A</td>
<td>217,723</td>
<td>cu ft</td>
</tr>
<tr>
<td>R(I) = Site Precipitation (liters)</td>
<td>6,165,913</td>
<td>liters</td>
</tr>
<tr>
<td>N = Nitrogen in Water Supply</td>
<td>1.16</td>
<td>mg/l</td>
</tr>
<tr>
<td>LR = Leaching Rate</td>
<td>16%</td>
<td>percent</td>
</tr>
<tr>
<td>N(I) = R(I) x N x LR</td>
<td>1,144,393</td>
<td>milligrams</td>
</tr>
<tr>
<td>N(I) = Irrigation Nitrogen</td>
<td>2.52</td>
<td>lbs</td>
</tr>
</tbody>
</table>

Total Site Nitrogen

\[
N = N(S) + N(P) + N(WW) + N(F1) + N(F2) + N(p) + N(I) + N(r)
\]

\[
N = 6481.18 \text{ lbs}
\]
SIMULATION OF NITROGEN IN RECHARGE (SONIR)
NELSON, POPE & VOORHIS, LLC MICROCOMPUTER MODEL

NAME OF PROJECT

FINAL COMPUTATIONS

<table>
<thead>
<tr>
<th></th>
<th>Nitrogen in Recharge</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N = Total Nitrogen (lbs)</td>
<td>6451.18</td>
<td>lbs</td>
</tr>
<tr>
<td>2</td>
<td>N = Total Nitrogen (milligrams)</td>
<td>2,928,836,995</td>
<td>milligrams</td>
</tr>
<tr>
<td>3</td>
<td>R(T) = Total Recharge (inches)</td>
<td>38.67</td>
<td>inches</td>
</tr>
<tr>
<td>4</td>
<td>R(T) = Total Recharge (feet)</td>
<td>3.22</td>
<td>feet</td>
</tr>
<tr>
<td>5</td>
<td>A = Area of Site</td>
<td>14,525,518</td>
<td>sq ft</td>
</tr>
<tr>
<td>6</td>
<td>R = R(T) x A</td>
<td>46,811,716</td>
<td>cu ft</td>
</tr>
<tr>
<td>7</td>
<td>R = Site Recharge Volume</td>
<td>1,325,707,798</td>
<td>liters</td>
</tr>
<tr>
<td>9</td>
<td>NR = N/R</td>
<td>2.21</td>
<td>mg/l</td>
</tr>
</tbody>
</table>

FINAL CONCENTRATION OF NITROGEN IN RECHARGE

<table>
<thead>
<tr>
<th></th>
<th>Site Recharge Summary</th>
<th>Value</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>R(T) = Total Site Recharge</td>
<td>38.67</td>
<td>inches/yr</td>
</tr>
<tr>
<td>2</td>
<td>R = Site Recharge Volume</td>
<td>46,811,716</td>
<td>cu ft/yr</td>
</tr>
<tr>
<td>3</td>
<td>R = Site Recharge Volume</td>
<td>350,175,978</td>
<td>gal/yr</td>
</tr>
<tr>
<td>4</td>
<td>R = Site Recharge Volume</td>
<td>350.18</td>
<td>MG/yr</td>
</tr>
</tbody>
</table>

Conversions used in SONIR

- Acres x 43,560 = Square Feet
- Cubic Feet x 7.48052 = Gallons
- Cubic Feet x 28.32 = Liters
- Days x 365 = Years
- Feet x 12 = Inches
- Gallons x 0.1337 = Cubic Feet
- Gallons x 3.785 = Liters
- Grams / 1,000 = Milligrams
- Grams x 0.002205 = Pounds
- Milligrams / 1,000 = Grams
APPENDIX H

CONFORMANCE TO STANDARDS & GUIDELINES OF THE PINE BARRENS PLAN, REVISED PLAN
### CONFORMANCE WITH PINE BARRENS PLAN STANDARDS AND GUIDE LINES FOR LAND USE

<table>
<thead>
<tr>
<th>Standard (S)/Guideline (G)</th>
<th>Explanation and Document Page Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>S 5.3.3.1.1 SCSC Article 6 compliance</strong></td>
<td>All development proposals subject to Article 6 of the SCSC shall meet all applicable requirements of the SCDHS. Projects which require variances from the provisions of Article 6 shall meet all requirements of the SCDHS’s Board of Review in order to be deemed to have met the requirements of this standard. All wastewater generated will be treated and recharged to groundwater through the existing Dorade STP. This facility was originally designed and intended to treat the wastewater generated by development of the subject site; it will be upgraded and restored as necessary to accommodate the project’s sanitary flow, and appropriate County and State approvals and permits will be obtained. The Dorade STP was originally permitted for 450,000 gpd. The applicant proposes to replace the existing STP and restore the originally-permitted flow. The proposed project will exceed SCSC Article 6 allowable flow; therefore, an STP is necessary.</td>
</tr>
<tr>
<td><strong>S 5.3.3.1.2 STP discharge</strong></td>
<td>Where deemed practical by the County or State, STP discharge shall be outside and downgradient of the Central Pine Barrens. Denitrification systems that are approved by the NYSDEC or the SCDHS may be used in lieu of an STP. The proposed project will utilize the existing Dorade STP to treat and dispose of all wastewater generated. In 1973, this facility was designed to treat all such wastes generated by the subject site as well as the nearby Colonial Woods/Whispering Pines condominiums, and has also been used to treat wastewater generated by SCSD #8. Treated effluent is recharged within the CGA, as the STP was approved and constructed prior to the adoption of the Pine Barrens Plan. The facility will be upgraded and restored to its original design capacity as part of the proposed project, and will continue to operate under the jurisdiction of the SCDPW, SCDHS and NYSDEC, thereby assuring that no impact to underlying groundwater quality will occur.</td>
</tr>
<tr>
<td><strong>G 5.3.3.1.3 Nitrate-nitrogen goal</strong></td>
<td>A more protective goal of 2.5 ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands. As the proposed project is a DRS, it must meet the more stringent standard of 2.5 mg/l of nitrogen in overall recharge. Based on the SONIR computer model, the project is expected to generate an overall nitrogen concentration in recharge of less than 2.5 mg/l.</td>
</tr>
<tr>
<td><strong>S 5.3.3.2.1 SCSC Articles 7 &amp; 12 compliance</strong></td>
<td>All development projects must comply with the provisions of Articles 7 and 12 of the SCSC, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction. These regulations concern water pollution control and storage of hazardous or toxic materials. The proposed project is consistent with SCSC Article 7 in that it will not involve an industrial process, or store or use hazardous or toxic materials in excess of the quantities allowed under Article 7 of the SCSC. SCSC Article 12 (which regulates toxic and/or hazardous materials storage and handling facilities) is not expected to be applicable. Should any storage occur, it will conform to Articles 7 &amp; 12.</td>
</tr>
<tr>
<td><strong>S 5.3.3.3.1 Significant discharges and public supply well locations</strong></td>
<td>The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the NYS ECL Article 17. N/A; this standard concerns wellhead protection and restricts activities which could degrade public water supply within a 200-foot radius of a public supply well. However, the SCWA’s William Floyd Parkway Well Field (the nearest such facility to the subject site) is a minimum of 1,900 feet from any part of the three parcels comprising the subject site.</td>
</tr>
<tr>
<td><strong>G 5.3.3.3.2 Private well protection</strong></td>
<td>The SCDHS’s guidelines for private wells should be used for wellhead protection. The development of the proposed project is in accordance with SCSC Articles 6 and 7, and all sanitary waste disposal (all of which are associated with the Dorade STP), will be an estimated 1,900 feet from the William Floyd Parkway Well Field. In addition, the site will be supplied with potable water through a public water supply system and will not use a private well for water supply.</td>
</tr>
</tbody>
</table>
### Nondisturbance Buffers

**S 5.3.3.4.1 Developmental proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a nondisturbance buffer area which shall be no less than that required by the New York State Tidal Wetland, or Wild, Scenic and Recreational Rivers [WSRR] Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the NYSDEC, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the NYSDEC or a municipality in order to be deemed to have met the requirements of this standard.**

There is a 0.76-acre freshwater wetland mapped by the NYSDEC along the northern boundary of the Eastern Parcel, designated B-16. This feature is also a regulated freshwater wetland under the jurisdiction of the Town. Another freshwater wetland, designated B-15, is located a minimum of about 125 feet from the southwestern corner of the Dorade STP parcel, and the STP recharge beds are a minimum of about 500 feet from this wetland. Thus, there is sufficient area available within the STP parcel to enable the STP upgrade program to avoid encroaching into this 150-foot nondisturbance buffer, when this program is initiated.

Several Town-regulated wetlands have been identified on the property. There is a Town-regulated wetland on the Racetrack property (0.22 acres), and site analysis has identified a small Town-regulated wetland near CR 46 (0.02 acres), and within the proposed southwest wooded buffer on the south part of the racetrack site. None of these three wetlands are NYSDEC-regulated wetland features. These features experience periodic wet conditions as a result of stormwater runoff and subsequently support varying degrees of wetland vegetation. The small Town-regulated wetland with sparse *Phragmites* vegetation and the associated surrounding Pine-Oak woodland at the southwest corner of the site will remain undisturbed. The Racetrack Town-regulated wetland is heavily impacted with invasive plants and is subject to traversing by ATV’s as evidenced by the trail that bisects the feature. The Town-regulated wetland near CR 46 is in a narrow buffer area between the proposed clearing and development areas approved for Brookhaven Walk, and proximate to CR 46. Based on the *Land Use and Development Plan-FGEIS Plan*, it is expected that only the 0.22-acre Town-regulated wetland in the former racetrack oval will be removed; its acreage will be replaced with a 0.44-acre wetland created adjacent to the Town Greenbelt, and will be subject to review and Chapter 81 permitting by the Town as appropriate.

Overall, no significant wetlands would be impacted by the proposed development. The existing NYSDEC-designated wooded swamp on the north side of the Brookhaven Walk parcel and the woodlands surrounding this wetland will remain undisturbed by the proposed project. A minimum 150-foot buffer will be provided surrounding this feature. Letters of non-jurisdiction had been secured for the Brookhaven Walk project in the past from NYSDEC and the Town of Brookhaven, as all proposed disturbance had previously been sited greater than 100 feet and 150 feet from the wetland, respectively. The area of disturbance associated with the Brookhaven Walk project remains the same on The Meadows plan, retaining the 150-foot setback from the south side of the wetland area; it is also noted that all structures will be situated greater than 175 feet from the wetland and no natural woodland will need to be cleared. Similarly, the proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC for this feature.

The proposed project will retain 150 foot undisturbed setbacks from wetland B-16 and therefore will not require a Chapter 81 Wetlands and Waterways Permit from the Town for this feature. The proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC for wetland B-15. A Town Chapter 81 Wetland Permit will be required for the removal and replacement of the small Racetrack wetland. Substantial nondisturbance buffers will be maintained around both of the freshwater wetlands, to be protected by a covenant or conservation easements, to be determined by the Town and/or NYSDEC and depicted on the Site Plan, when prepared. The applicant will provide the appropriate conservation easements and the approved Site Plan will be binding.

### WSRR Act Compliance

**S 5.3.3.4.3 Development shall conform to the provisions of the NYS WSRR Act, where applicable. Projects which require variances or exceptions under the NYS WSRR Act shall meet all requirements imposed by the NYSDEC in order to be deemed to have met the requirements of this standard.**

N/A; the subject site is not within any designated WSRR Corridor; therefore the WSRR regulations do not apply.

### Additional Nondisturbance Buffers

**G 5.3.3.4. Additional non-disturbance buffers**

Stricter nondisturbance buffer areas may be established for wetlands as appropriate

Substantial non-disturbance buffers will be maintained around both of the freshwater wetlands, to be protected by a covenant or conservation easements, to be determined by the Town and/or NYSDEC and depicted on the Site Plan, when prepared. The proposed project will retain 150 foot undisturbed setbacks from wetland B-16 and therefore will not require a Chapter 81 Wetlands Permit from the Town of Brookhaven. The non-jurisdiction letter and Town review and approval of the site plan will ensure that sufficient setbacks are provided for the protection of this wetland. The proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC for wetland B-16; and no wetland permits are expected to be necessary for wetland B-15. A Town Chapter 81 Wetland Permit will be required for the removal and replacement of the small Racetrack wetland. The proposed project will result in a minimum of at least 35% of existing natural vegetation to remain, as required by the Pine Barrens Plan. The significant resources on site have been identified and protected and as a result the proposed project conforms to the intent of this standard.
This standard requires that adequate drainage capacity be provided for retention and recharge of stormwater runoff generated on-site. All stormwater runoff generated on developed project surfaces will be retained on-site and recharged to groundwater in a drainage system designed in conformance with Town requirements. While the drainage system has not been fully designed at the present stage of the project, it is expected that this system will utilize rain garden and catch basin collection, and a number of wet meadows, ponds, and recharge basins. No runoff from developed surfaces will be allowed to exit the site, based on the stringent retention and design requirements of the Town. The project’s drainage system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-10-001 for stormwater project notification and preparation of a Stormwater Pollution Prevention Plan. The proposed stormwater design conforms to the intent of this standard.

The proposed project has been designed to minimize clearing of previously-undisturbed natural vegetation, including clearing for the wet meadows, ponds and recharge basins that will comprise the project’s drainage system. As a result, only approximately 18.04 acres of natural vegetation on the overall site will be cleared, of which only a portion would be occupied by components of the project’s drainage system.

The proposed project conforms to the intent of this standard. As described in S 5.3.3.5.1 above, wet meadows, ponds and recharge basins are anticipated as components of the project’s drainage system, to provide stormwater retention and aesthetic enhancement. The ponds are located in hardscape areas, and will be lined, to serve drainage, aesthetic and habitat functions. The proposed project conforms to the intent of this standard.

An Erosion & Sediment Control Plan will be prepared as part of the Site Plan for the project. Erosion prevention measures to be taken during construction may include: groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this standard.

To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA.
portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan.

### Section 5.3.3.6.2 Unfragmented open space

Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.

For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken ferns, grasses and sedges such as little bluestem, Pennsylvanian sedge and indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan.

It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the plan when such action would result in the creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.

This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. As the existing natural vegetation that remains on the subject site is primarily found along the perimeters of the Eastern and Western parcels, it will be these areas that comprise the natural vegetation of the proposed project. As a result, substantial areas of natural contiguous habitat will be retained; these areas will be contiguous to naturally-vegetated spaces adjacent to the north and west, thus forming an open space continuum as intended by this standard.

### Section 5.3.3.6.3 Fertilizer dependent vegetation limit

No more than 15% of an entire development project site shall be established in fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. The use of the nonnative plants in Figure 5-2 is specifically not recommended.

No more than 15% of a project site shall be established in fertilizer-dependent vegetation. For the subject site, this would be a maximum of about 50 acres. However, based on the Land Use and Development Plan-FGEIS Plan, a total of only about 32 acres of landscaped areas will be subject to fertilizer usage, as private park space, parking lot islands in the retail/office areas, and residential landscape areas. This represents about 10% of the site, which ensures compliance with this standard. For modeling purposes, it is assumed that these areas will be fertilized at a rate of 1.00 pounds of nitrogen-containing fertilizer per 1,000 SF annually. Final site plans will ensure that <15% of the site is established in fertilizer-dependant vegetation.

### Section 5.3.3.6.4 Native Plantings

Development designs shall consider the native planting suggestions contained in Figure 5-2.

Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the Pine Barrens Plan will be used as part of the final site plan landscape design plans. Typical landscape trees that are native to the area will be used for streetscapes and natural vegetation will be retained wherever possible as per the Land Use and Development Plan-FGEIS Plan.

### Section 5.3.3.7 Special Species and Ecological Communities

Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.

Based on correspondence with the NYS NHP, there are no rare plant or animal species on the Eastern parcel (the former Brookhaven Walk site). In regard to the Western parcel, correspondence received from the NHP indicates the possible presence of a number of rare or state-listed plant and animal species, as well as significant habitats. However, prior field inspections and investigations conducted subsequent to receipt of this letter (dated December 28, 2007, May 11, 2009, September 8, 2009 and July 13, 2010) did not reveal the presence of any of these resources. Therefore, no endangered or threatened species are expected to be present in areas that would be disturbed on the subject site. As a result, no impacts are expected with respect to special species and/or ecological communities and the project conforms to this standard.
This Guideline refers to establishment of clearing envelopes for individual lots within a subdivision; as the proposed project would include a subdivision, this guideline applies. In addition, the proposed project involves a Land Division. As such, the project will avoid grading of natural slopes that are in excess of 10%. As discussed in 5.3.3.6.1 above, the majority of the development site was previously cleared and developed, so that the project will be developed on these surfaces, allowing the remaining natural steep slopes to be preserved.

<table>
<thead>
<tr>
<th>G 5.3.3.1 Clearing envelopes</th>
<th>Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).</th>
</tr>
</thead>
<tbody>
<tr>
<td>G 5.3.3.2 Stabilization and erosion control</td>
<td>Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts. Erosion control measures such as staked hay bales, silt fences, groundcovers (vegetative or artificial), drainage diversions, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements, will be utilized to minimize loss of soil during construction, particularly in locations where erosion and sedimentation could adversely impact adjoining properties and streets. Applicable Town of Brookhaven standards and construction practices specified by the appropriate Town agencies will be followed. 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-0-0.10-001 permit; hereafter, the General Permit). Under this program, a site-specific SWPPP must be prepared and submitted to the Town for review and approval prior to final site plan approval. Once the SWPPP has been prepared and approved by the Town, the applicant will need to file a Notice of Intent with the NYSDEC to obtain coverage under the General Permit. Additionally, the General Permit requires that inspections of the construction site be performed under the supervision of a qualified professional to ensure that erosion controls are properly maintained during the construction period. As long as erosion is controlled during grading and construction, the potential for sediment transport will be minimal, and no significant loss of soils is expected and the project conforms to this standard.</td>
</tr>
<tr>
<td>G 5.3.3.3 Slope analysis</td>
<td>The Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and greater than 15%. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas. A Slope Analysis map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15%. As shown in the map, there are limited areas of steep slopes (defined as &gt;15%) on the subject site. It should be noted that 93% of the site has slopes of less than 15%. Natural steep slopes are found in the southern portion of the Western parcel (which will not be disturbed); the steep slopes in the central portion of this parcel are not natural, but were excavated as part of the Suffolk Downs Racetrack operation. For the proposed project, regrading of this area is not expected to produce slopes in excess of 1:3.</td>
</tr>
<tr>
<td>G 5.3.3.4 Erosion and sediment control plans</td>
<td>Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes. The potential for erosion to occur during construction or after construction is completed will be controlled by implementing a SWPPP, which will include engineered Erosion Control Plans within the Site Plan review (see also 5.3.3.8.2 and 5.3.3.8.3 above).</td>
</tr>
<tr>
<td>G 5.3.3.5 Placement of roadways</td>
<td>Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills. The central portion of the Western parcel was previously developed for the Suffolk Downs Racetrack, and the central part of the Eastern parcel was preliminarily cleared for the Brookhaven Walk retail project. As such, slopes on the central portions of the site, where the majority of the proposed project will be built, are generally well below 10%. The proposed project has been designed such that the majority of new and replaced development will occupy previously graded areas, so that no naturally-steep slopes will be impacted and little if any need for cut or fill for roadways is expected.</td>
</tr>
<tr>
<td>G 5.3.3.6 Retaining walls and control structures</td>
<td>Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%). In consideration of the preliminary nature of the Land Use and Development Plan-FGEIS Plan, the need for retaining walls can not be determined at this time. Short sections of retaining walls may be needed along the internal access roadways leading to the LIE North Service Road.</td>
</tr>
<tr>
<td>Section</td>
<td>Receiving entity for open space dedications</td>
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<tr>
<td>G 5.3.3.9.2</td>
<td>Clustering</td>
</tr>
<tr>
<td>G 5.3.3.9.3</td>
<td>Protection of dedicated open space</td>
</tr>
<tr>
<td>G 5.3.3.10.1</td>
<td>BMPs</td>
</tr>
<tr>
<td>G 5.3.3.11.1</td>
<td>Cultural resource consideration</td>
</tr>
</tbody>
</table>
The central portions of the eastern and western parcels were previously cleared. As a result, any cultural resources that may have existed in those areas would have been removed, so that no impacts to such resources would be expected. Based on the results of an Archaeological Investigation prepared for the Eastern parcel (for the previous Brookhaven Walk proposal), SHPO determined in October 2006 that no impacts to cultural resources would occur on that site as a result of that project. For the Western parcel, SHPO determined in June 2009 that clearing for the Suffolk Downs Racetrack would have removed any cultural resources that may have been present in those portions of the parcel, so that redevelopment that would not encroach into previously-uncleared areas would likewise not impact cultural resources.

The Meadows at Yaphank PDD was initially designed to occupy only the same areas cleared for the prior development proposals, thereby continuing to minimize the potential for impact to previously undiscovered cultural resources that may be present. Accordingly, SHPO was contacted in August 2010 to determine if further study of the subject site would be warranted for that design of the proposed project. The resulting letter confirmed that No Impact on Historic Resources would occur. However, SHPO noted “This finding takes into account the plan to leave the northern and southern portions of the parcels in their current wooded state. Should the project be modified in a way which would impinge on those wooded areas, or should any future proposals call for work in those areas, OPRHP [Office of Parks, Recreation and Historic Preservation] would recommend additional archaeological investigation as those areas were not included in the currently reviewed studies.”

Subsequently, the proposed project design was revised to include minor clearing along the interior border of the previously cleared areas of the site. Therefore, in anticipation of a request for additional analysis, the applicant engaged a qualified archaeologist to prepare a supplemental Phase IB Archaeological Study for this additional acreage. The resulting report did not reveal the presence of any cultural resources on this area; the report recommended no further analysis. This report has been reviewed by SHPO, and a renewed letter confirming this conclusion has been obtained.

As described above, project design will retain substantial natural vegetation buffers along the site’s eastern, southern and western boundaries, abutting established scenic corridors, public open spaces and the Yaphank Historic District. The project’s buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.

As described above, a buffer (between 90 and 130 feet in depth) of natural vegetation will be retained along the west side of William Floyd Parkway. This buffer may be supplemented with plantings of appropriate landscape species to protect and enhance the natural aesthetics of this corridor.

The commercial property will comply with applicable Articles of the SCSC. No businesses that use hazardous and/or toxic chemicals are expected.
APPENDIX I

SUPPLEMENTAL CUMULATIVE IMPACT ANALYSIS
SUPPLEMENTAL CUMULATIVE IMPACT ANALYSIS
THE MEADOWS AT YAPHANK

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (EIS)

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Date: July 30, 2011

NP&V No.: 09176

1.0 INTRODUCTION

The Meadows at Yaphank is a mixed-use PDD zone change application pending before the Town Board of the Town of Brookhaven. The site is currently zoned L-1 Industrial and J-2 Business, and could be utilized for 1.18 million Square Feet (SF) of industrial and 850,000 SF of commercial use, based on the respective zoning districts of the site. The change of zone is requested on 322.37 acres of the site located at the northwest corner of the Long Island Expressway (LIE) and William Floyd Parkway (CR 46). There is an additional parcel that is included in the overall site development; this site is 11.09 acres in size and is currently occupied by the Dorade Sewage Treatment Plant (STP), which is proposed to be upgraded and restored to its original flow of 450,000 gallons per day (gpd) to accommodate the proposed project wastewater along with the existing 140,000 gpd currently received from the Colonial Woods/Whispering Pines site and Sewer District No. 8. The proposed project involves 850 mixed residential units, a 150,000 SF (220 room) hotel, 327,500 SF of retail, a 5,000 SF (200 seat) restaurant and 550,000 SF of Class A and Office/Flex space, along with private amenities, public open space, public dedication of land for recreational facilities and related improvements.

The proposed project received a Positive Declaration from the Town Board of the Town of Brookhaven, as lead agency for review of the project, and was subject to public scoping and issuance of a Final Scope. A Draft GEIS was prepared, accepted, circulated and was the subject of a public hearing and comment period. The Draft GEIS included a detailed cumulative impact analysis contained in Section 4.1 of that document. The analysis included a description of eight (8) projects identified by the lead agency for inclusion in a cumulative impact analysis. The cumulative impacts
were analyzed by several methods including a complete analysis of the existing land use plans, planning and zoning regulations and guidance and decision-influencing documents that pertain to the array of projects at the Town, County, State and other levels of government. The combination of decision-influencing documents was assessed in terms of resource protection and factors that would ensure limitation of potential cumulative impacts as projects are evaluated individually and in combination. Further detailed analysis was conducted with respect to various natural and human resources, with assessment of potential cumulative impacts of all projects combined with respect to the following categories:

- Soils,
- Topography,
- Groundwater,
- Surface Water (including expanded assessment of potential impacts on the Carmans River),
- Ecology (including expanded assessment of potential impacts with respect to the Central Pine Barrens),
- Land Use, Zoning & Plans,
- Transportation (including a full traffic assessment of all identified projects on area roads),
- Air Resources,
- Community Facilities & Services,
- Community Character,
- Cultural Resources,
- Construction Impacts and
- Economic Impacts.

The analysis provided significant information with respect to potential cumulative impacts of the eight (8) projects in combination. Comments received during the comment period indicated a need for additional cumulative analysis with no specific reference to what additional information was sought. This Supplemental Cumulative Impact Analysis is prepared in response to this comment. Additional analysis includes refinement of the existing pending projects (a major project relating to Suffolk County land has been withdrawn from consideration), mapping of the relationship of the various pending projects, mapping of resources related to the pending projects, quantification of the details of the various pending projects, and further assessment of cumulative impacts associated with the proposed project in combination with other pending projects. These analyses are contained in the following sections of this supplemental analysis.

### 2.0 Pending Project Identification and Mapping

The list of pending projects has been refined based on any updates since the preparation of the Draft GEIS. Projects that are currently pending and appropriate for analysis in this document include the following:

- Pinnacle Hotel
- Silver Corporate Park
- TRC (Tritec) parcel
- Arrow parcel
- Artist Lake Plaza
- The Condominiums at Sandy Hills
- Competition Toyota
The descriptions of these projects remain the same as that which is provided in the Draft Generic EIS with the following updates:

- Artist Lake Plaza was approved for a change of zone from A-1 to J-2 by the Town Board of the Town of Brookhaven on June 14, 2011, and was approved as a Development of Regional Significance by the Pine Barrens Commission on July 20, 2011. This project was the subject of a Draft and Final Supplemental EIS (supplemental to the Middle Country Road Land Use Plan), and was found to balance environmental, social and economic considerations ultimately achieving approval by the Town Board and Pine Barrens Commission.

- The Condominiums at Sandy Hills was approved for a change of zone from A-1 and J-2 to MF and J-6 at the Town Board meeting of July 19, 2011. This project had been previously approved but was the subject of litigation. Based on the litigation, the prior approval was found to require a referral to the Suffolk County Planning Commission (SCPC). A recommendation of approval was received from SCPC and the change of zone was approved.

Both Artist Lake Plaza and Sandy Hills will be subject to site plan review by the Town Planning Board prior to the commencement of any construction.

It is also noted that one project is dropped from the list of pending projects, this being the Legacy Village project. On April 26, 2011, the Suffolk County Legislature adopted a resolution to terminate consideration of the Legacy Village proposal, and, consequently, this project is no longer pending or contemplated and, as a result, does not require consideration in this GEIS or the Supplemental Cumulative Impact Analysis.

The seven (7) projects considered under this supplemental analysis are mapped in Figure 1. The location of each of these projects is shown, as well as the project site that comprises the proposed project (identified as the “Racetrack and “Brookhaven Walk”, collectively, the Meadows at Yaphank project).

3.0 Existing Environmental Conditions

3.1 Existing Character

Existing environmental conditions of each of the parcels is noted as follows:

- Pinnacle Hotel - vacant site located immediately south of the Long Island Expressway at Natcon Drive and Roned Road as part of an existing subdivision.
- Silver Corporate Park - vacant wooded site located north of the LIE, west of Sills Road; it is bisected by LIPA power lines.
- TRC (Tritec) parcel - vacant site located immediately south of the Long Island Expressway at Natcon Drive and Roned Road as part of an existing subdivision.
- Arrow parcel - site located at the southwest corner of the LIE and William Floyd Parkway; approved industrial subdivision that involved dedication of land to the Town of Brookhaven; two (2) parcels remain available for development and one (1) parcel is occupied by Clare Rose, a beverage distribution company.
• Artist Lake Plaza - site north of Middle Country Road and east of Currans Road; partially developed with former Kohls store and parking area, with the north part of the site vacant wooded land.
• The Condominiums at Sandy Hills - vacant wooded site located north of Middle Country Road and east of CR 21.
• Competition Toyota - small vacant site located north of Middle Country Road, east of the access road to Tudor Estates; site is partially wooded and partially contains meadow area.

These seven sites all contain projects that are described in Section 4.1 of the Draft GEIS for the Meadows at Yaphank.

3.2 Existing Environmental Resources

Certain environmental resources (including planning district resources) can be mapped in a manner that will assist with evaluation of potential impacts on various resources. The environmental resources of these sites have been mapped with respect to those resources where regional mapping is useful, for cumulative impact analysis purposes. The various resources and maps are described herein.

Soils - Figure 2 provides a map of the General Soil Associations of each of the pending project sites. The Sandy Hills, Artist Lake and Competition Toyota sites are located in the more central part of Long Island in the area noted as Haven-Riverhead Association soils, which are deep, nearly level to gently sloping, well-drained, medium-textured and moderately coarse textured soils associated with outwash plains. The Meadows site and the Pinnacle Hotel site are located in Plymouth-Carver Association soils, which are generally rolling, and hilly, deep excessively drained, coarse-textured soils on moraines. The remaining projects (Silver Corporate Park, Tritec and the Arrow parcel) are located in Riverhead-Plymouth-Carver Association soils, which are deep, nearly level to gently sloping, well-drained and excessively drained, moderately coarse textured and coarse textured soils on the southern outwash plains. Figure 3 includes more specific soil types and the figure clearly indicates a variety of soil types that occur within the general classifications noted above.

Groundwater - Figure 4 identifies the groundwater management zones in the area of the pending projects. It is noted that all of the projects are within Groundwater Management Zone III; this is a deep flow recharge area that determines long term water quality of water supply aquifers. Article 6 of the Suffolk County Sanitary Code (SCSC) permits sanitary discharge of up to 300 gallons per day per acre (gpd/ac) using conventional sanitary systems; increased densities are permitted if sewage treatment is provided.

Figure 5 identifies groundwater contributing areas on a regional basis. It is noted that Sandy Hills, Competition Toyota and Artist Lake Plaza are all in a deep recharge area that would not contribute groundwater to any surface water features. The deep flow characteristics of the central part of Long Island indicates that groundwater will migrate vertically to deep aquifers and eventually discharge as a result of subsurface outflow to the near shore waters of the Atlantic Ocean. The Pinnacle Hotel and the Tritec parcel are both located in an area that is or will be served by sewers. The Arrow parcel is an approved subdivision that must conform to Article 6 of the SCSC; groundwater impact analysis conducted for that project as part of the SEQRA review of the approved subdivision found no significant adverse groundwater impacts (see Expanded EAF for Arrow parcel). The Silver Corporate Park is a pending project that would require a sewage
treatment plant to conform to Article 6; sewage treatment would ensure that no significant adverse groundwater impacts would result from that project. In addition, the project would be a Development of Regional Significance (DRS) and would therefore have to conform to a nitrogen in recharge limitation of less than 2.5 milligrams per liter (mg/l).

**Figure 6** provides a more detailed view of the groundwater contributing areas to the Carmans River in the area that includes the seven (7) pending projects. The same conclusions are drawn from this figure as outlined above. The time of travel is more readable on this graphic and the following is noted with respect to the time of travel from each project site to the Carmans River:

- Pinnacle Hotel 10-25 year
- Silver Corporate Park predominantly 10-25 year west of River; some 25-50 and 5-10 year
- TRC (Tritec) parcel 5-10 year
- Arrow parcel 2-5 year
- Artist Lake Plaza deep recharge; no contribution to Carmans River
- Sandy Hills deep recharge; no contribution to Carmans River
- Competition Toyota deep recharge; no contribution to Carmans River

Surface Water - none of the pending project parcels are proximate to regional surface water features. It is noted that Sandy Hills contains a small, local on-site wetland, and Artist Lake Plaza is located across Middle Country Road from Artist Lake. No other surface water features are on or directly adjacent to the pending project parcels. **Figure 7** identifies surface watersheds associated with the pending parcel sites. It is noted that Pinnacle Hotel and the Tritec parcel are located north of the surface water contributing area of the Carmans River or any south shore tributaries, and therefore, will not impact such resources. The remaining parcels are all located within the Carmans River surface watershed area. This indicates that no direct discharge of stormwater from any of these sites to the Carmans River should be permitted; stormwater should be contained on each of these project sites in order to ensure that there is no impact to the surface waters of the Carmans River.

Pine Barrens - **Figure 8** illustrates the location of each of the pending project parcels with respect to the Central Pine Barrens. Only the Arrow parcel is located outside of the Central Pine Barrens. All other pending project sites are located within the Compatible Growth Area of the Pine Barrens indicating that development can occur provided that it conforms to the Central Pine Barrens Comprehensive Land Use Plan.

Educational Resources - The Longwood Central School District is a large school district in central Brookhaven Town. **Figure 9** illustrates that all pending project sites are located within the Longwood Central School District.

Fire Districts - **Figure 10** identifies the location of the pending projects with respect to Fire Districts. The following indicates each project’s location with respect to Fire Districts:

- Pinnacle Hotel Ridge Fire District
- Silver Corporate Park Yaphank Fire District

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1 It is noted that Brookhaven Walk and half of the Racetrack parcel are located outside of the Carmans River surface watershed area as discussed in the surface water impact analysis section of the Meadows Draft GEIS.
Projects fall within three (3) separate fire districts noted as follows: Ridge Fire District (Pinnacle Hotel, Tritec and Arrow); Yaphank Fire District (Silver Corporate Park); and, Middle Island Fire District (Artist Lake Plaza, Sandy Hills and Competition Toyota).

The mapping of these resources with respect to each of the pending project sites assists with the assessment of potential environmental impacts associated with these seven (7) projects.

4.0 Potential Cumulative Impacts

4.1 Quantification of Project Related Data

This section includes quantification of potential impacts and discussion of each quantified and mapped resource with respect to potential adverse cumulative impacts. Each pending project has been further evaluated with respect to the quantifiable characteristics of each project. Table 1 includes a detailed matrix of project characteristics of each of the seven (7) pending projects, including: area; site coverages; zoning; proposed use; yield of each project; water resource parameters (water use, sanitary flow, irrigation, total water use, recharge volume and nitrogen concentration); trip generation; and miscellaneous parameters including: age-restricted units; workforce housing units; form of sanitary discharge; residents; school-age children; employees; required/provided parking; total taxes; school taxes; school costs and school district benefit/deficit.

The data included in Table 1 assist in evaluating potential cumulative adverse environmental impacts associated with the pending projects in combination with the proposed project.

4.2 Resource-based Cumulative Impact Analysis

The following summarizes cumulative impact analysis data as related to natural and human resources data and information as contained in Figures 1 through 10 and Table 1:

Soils - as noted in the Draft GEIS cumulative impact analysis, soil impacts are localized with respect to individual project sites. The various pending project sites are located in a variety of soil associations and multiple soil classifications. No regional soil resources will be depleted or impacted as a result of the development of pending project sites. Soils will be managed through best management practices (BMP’s) for erosion control and stormwater pollution prevention measures.

Groundwater - cumulative groundwater impacts are not expected as a result of the implementation of the various pending projects. Table 1 indicates that all proposed projects will have nitrogen in recharge concentrations well under the drinking water limitation of 10 mg/l and, in fact, all are less than 3.97 mg/l.
Of the pending projects, only two (2) are large enough to be considered DRS’s under the Pine Barrens Plan; these include Silver Corporate Park and Artist Lake Plaza. These projects will have nitrogen in recharge concentrations of 1.78 mg/l and 1.95 mg/l, respectively, and therefore, each conforms to DRS guidelines and Carmans River Plan recommendations to achieve protection of ground and surface waters including the Carmans River. Water use can be accommodated by the local water purveyor, the Suffolk County Water Authority (SCWA), and each project will require letters of water availability and service from this purveyor. SCWA will provide water in conformance with the tariffs and rates associated with their charter. On-site groundwater recharge volumes generally increase as a result of increased impervious surfaces and on-site stormwater containment, and Table 1 indicates the expected recharge volumes, which represent an increase over existing recharge characteristics of the pending project sites. Significant groundwater impacts are not anticipated as a result of the BMP’s, Pine Barrens conformance, available public water and related groundwater considerations as contained in this Supplement as well as Section 4.1 of the Draft GEIS.

Surface Water - since none of the pending project parcels are proximate to regional surface water features, and localized wetlands on the Sandy Hills parcel will be protected through wetland setbacks and retention of at least 47 percent open space, no direct surface water impacts are expected. Each pending project will be required to contain all stormwater runoff on the project site in conformance with Chapter 86 of Town Code. As a result, no direct surface water discharge is possible and no stormwater will leave the pending project sites. The potential impact of the pending projects on the Carmans River relates to quality of nitrogen in recharge (discussed above under groundwater), containment of stormwater on site (all sites will require this control measure), quality of recharge leaving each site (low nitrogen concentrations per analysis as contained in Table 1) and travel time to the River. The time of travel from each site is noted in Section 3.2 above, specifically noting a variety of travel time between point of recharge and subsurface outflow to the Carmans River. Given the lack of groundwater recharge impacts, containment of stormwater and travel time/distance, no significant adverse impacts to the Carmans River or any surface water bodies are expected as a result of implementation of the pending projects.

Pine Barrens - most of the projects (all but the Arrow parcel) are located in the Central Pine Barrens. The Pine Barrens Plan specifies area of disturbance restrictions based on zoning. All of the pending projects will conform to these requirements. More specifically, commercial, industrial and mixed-use development must retain at least 35 percent natural open space unless the Pine Barrens Commission grants a hardship waiver. The minimum natural open space that will be provided is 35 percent. Each project has been evaluated for open space protection based on the data included in Table 1; the following percentages of open space will be achieved:

- Pinnacle Hotel 35%
- Silver Corporate Park 35%
- TRC (Tritec) parcel 30% 2
- Arrow parcel 54%
- Artist Lake Plaza 38%
- Sandy Hills 49%
- Competition Toyota 35%

2 Natural area as indicated in pending site plan; if not consistent with Pine Barrens Plan, a hardship would be required. Site is small and is part of an approved industrial subdivision that was divided prior to the Pine Barrens Act/Plan.
The average natural open space for all pending projects is 38 percent, or 325.24 acres out of a total of 857.64 acres. Additional natural open space exists on publicly owned parcels, parcels in the Core Preservation Area (CPA) and other open space in the area. Given the required open space set-aside pursuant to the Pine Barrens Plan (which is intended to protect Pine Barrens ecology and was subject to a Generic EIS at the time of adoption of the plan) and the specific factors associated with each site, no regional, cumulative, or significant adverse impacts to Pine Barrens are anticipated as a result of the combination of pending projects.

Transportation - Trip generation is identified in Table 1. In addition, a full cumulative traffic impact study (TIS) was prepared as part of the cumulative impact analysis contained in the Draft GEIS and referenced in Section 4.1. In addition, each pending project will undergo the level of project-specific traffic impact analysis that is appropriate for each project. Finally, pending projects are geographically spread out from each other and the proposed project. More specifically, the Sandy Hills, Competition Toyota and Artist Lake Plaza are all located well north of the proposed project and all lie along Middle Country Road. These projects were studied in a variety of traffic impact studies relating to Sandy Hills and Artist Lake Plaza, and mitigation will be implemented in coordination with the County and State. Silver Corporate Park is located along the LIE, a major State/interstate highway, and at an interchange on the LIE separate and apart from the proposed project. This project is relatively isolated (see Figure 1) and will require mitigation as determined to be appropriate by site and use-specific Traffic Impact Studies. Finally, the proposed project is located at the LIE interchange with William Floyd Parkway. Other projects are located in this area, but the road system consists of the intersection of State/County Highways, and the cumulative TIS for the Meadows in combination with other pending projects fully considers trip generation from other sites in the vicinity, as well as a New York State Department of Transportation (NYSDOT) assigned growth factor. Given the geographic dispersal of these projects, coupled with the significant traffic impact analyses included in the various SEQRA documents, no significant adverse cumulative traffic impacts have been identified, provided that the mitigation identified for the proposed project and other pending projects is implemented.

Land Use, Zoning & Plans - the Sandy Hills, Competition Toyota and Artist Lake Plaza projects are all in the area covered by the Middle County Road Land Use Plan (MCRLUP). Each of these projects was subject to a Supplemental EIS, and each pending zone change has been approved and noted as complying with the spirit and intent of the MCRLUP. The Pinnacle Hotel and Tritec parcels are part of an existing subdivision that was created in conformance with zoning. Likewise, the Arrow parcel conformed to the historic L-1 zoning of the site, and resulted in significant dedication of open space and limitations on growth of the subdivision. The Silver Corporate Park is zoned L-1 and plans to retain much of this zoning, combined with other mixed uses. The north part of that site abuts residential use, and this part of the proposed development will be residential and/or open space. The project is believed to be compatible with the surrounding land use and superior to existing L-1 zoning for the entire site. Given the various land use plans and individual project compatibility, no significant adverse land use or zoning impacts have been identified.

Educational Resources - The Longwood Central School District will benefit from the combination of pending projects. Table 1 indicates that each of the pending projects are tax positive, and all but the proposed Meadows project and the Sandy Hills project involve total tax benefit with no school age children. The Sandy Hills project reduces generation of school age children since the prior zoning was A-1 which allowed single-family homes that would generate more school age children.
The proposed project is analyzed throughout the site-specific GEIS and tax revenue is an emphasis of the analysis, ensuring that the project is tax positive and beneficial to the school district. Consequently, there are no adverse cumulative impacts expected with respect to educational resources.

Fire Districts - The various pending projects are located in multiple fire districts as illustrated in Figure 10 and described above with three (3) projects each in the Ridge and Middle Island Fire Districts, and one (1) project in the Yaphank Fire District. The Pinnacle Hotel is proposed as a seven (7)-story project, and should individually ensure that the Ridge Fire District has sufficient aerial capabilities to provide fire protection to this facility. The Meadows project involves building heights of up to five (5) stories in connection with the hotel, and both the Ridge and Yaphank Fire Districts have been advised of these projects through the Generic EIS process. Other projects noted include standard industrial building heights of up to 50 feet, and residential building heights of up to 35 feet. The proximity to multiple fire districts would assist with emergency response by providing the ability for assistance between fire districts. As illustrated in Figure 10, the Ridge, Yaphank and Middle Island Fire Districts are all juxtaposed such that mutual response from this combination of districts is possible for any emergencies. In addition, immediately outside of these three (3) districts are numerous other districts that can aid in mutual response if necessary; these include: Coram Fire District, Gordon Heights Fire District, Medford Fire District, Brookhaven Lab Fire District, Manorville Fire District, Brookhaven Fire District, Mastic Fire District and Center Moriches Fire District. The division of the seven (7) projects among multiple districts, mutual call/response potential, and project-specific consideration of response capabilities all ensure that no significant cumulative impacts are expected with respect to fire response.

Other Resources/Potential Impacts - Table 1 includes other parameters that have been quantified with respect to pending projects. Consideration of the number of age-restricted units finds that only the proposed project and Sandy Hills offer such housing and, as a result, no over-saturation is expected and community needs will be served. Also, only the proposed project and Sandy Hills include residential housing that provides workforce housing opportunities. These projects again serve a need and ensure that excess residential units will not result. All projects are proposed to connect to sewage treatment except the Arrow parcel, Artist Lake Plaza and Competition Toyota. Sanitary waste impacts for each of these projects have already been addressed in site-specific documents (an Expanded EAF for the Arrow parcel, and EIS documents for Artist Lake, Sandy Hills, and Competition Toyota). Groundwater resource impacts are also addressed above and in Table 10 and no significant impacts are expected from either the sewered or unsewered projects. Similar to age-restricted and workforce housing units, total population tabulated in Table 10, only applies to the Meadows and Sandy Hills. All other projects are commercial and will provide land uses that add tax revenues with no population increase. Significant employment is expected in connection with the Meadows mixed-use project, as well as Silver Corporate Park and Tritec. Other projects will also generate jobs, but to a lesser degree. The total number of jobs from the seven (7) projects is in the range of 8,770, not including the 2,648 employees predicted for the Meadows project. The combination of projects is expected to be very beneficial with respect to employment. Required and provided parking are site-specific considerations dependent upon use and the parking required for each use.

Tax revenue will be substantial as a result of the pending projects combined with the Meadows project. The Longwood School District will receive approximately two-thirds of this revenue, only
the Meadows and Sandy Hills involve any cost to the school district, and both of these projects remain tax positive.

Therefore, there is an overwhelming tax benefit in terms of total taxes and school taxes as a result of the pending projects. No significant adverse impacts have been identified with respect to other resources included in the quantified analysis of Table 10.

5.0 Findings

The Draft GEIS for the Meadows project provided cumulative impact analysis; twelve (12) pages of that document were devoted to description of pending projects, analysis of controlling regulations and resource-based assessment of potential cumulative impacts from a combination of eight (8) projects identified for analysis at that time. This supplemental analysis provides an update on certain projects (i.e., one large project is no longer proposed) and expanded discussions of spatial positioning of projects, resource mapping, quantification of project data and potential quantifiable impacts, and discussion of potential cumulative impacts.

Neither the analysis contained in Section 4.1 of the Draft GEIS, nor the analysis conducted herein, have identified any significant adverse cumulative impacts that may result from the combination of pending projects and the proposed Meadows project. This supplement is part of the Generic EIS record for The Meadows at Yaphank and data and information provided in these documents will be useful to the Town in evaluating the various site-specific pending projects and future land use in the region.
Figures
Figure 1
Pending Projects Location Map

Legend
Pending Projects

Source: ESRI World Street Map, NP&V GIS Library
Scale: 1 inch = 5,000 feet

Final GEIS
Figure 3
Soil Class

Legend

Source: ESRI World Street Map, NP&V GIS Library
Scale: 1 inch = 5,000 feet
Legend

| Pending Projects | Groundwater Management Zones |

Figure 4
Groundwater Management Zones

Source: ESRI World Street Map, NP&V GIS Library
Scale: 1 inch = 5,000 feet

The Meadows at Yaphank
Final GEIS
Figure 5
Groundwater Contributing Areas

Legend
Groundwater Contributing Area Time of Travel (Years)

- >25 - 50
- >10 - 25
- >5 - 10
- >2 - 5
- 0 - 2
- Water Body

Source: CDM
Scale: 1" = 10,000'

Final GEIS
Figure 7
Surface Watershed Boundaries

The Meadows at Yaphank

Source: ESRI World Street Map, NP&V GIS Library
Scale: 1 inch = 10,000 feet

Legend
- Pending Projects
- Surface Watershed Boundaries
Figure 8
Pine Barrens

Source: ESRI World Street Map, NP&V GIS Library
Scale: 1 inch = 5,000 feet

The Meadows at Yaphank
Figure 9

Educational Resources

Source: ESRI World Street Map, NP&V GIS Library
Scale: 1 inch = 5,000 feet
Figure 10
Fire Districts & Ambulance Services

Source: ESRI World Street Map, NP&V GIS Library
Scale: 1 inch = 5,000 feet

Legend
Pending Projects
Fire districts
Ambulance/EMS
Firehouses
Table 1
Cumulative Impacts
## CUMULATIVE IMPACTS*

### Site and Project Characteristics of Other Pending Projects in Area

<table>
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<tr>
<th>Parameter</th>
<th>Proposed Project</th>
<th>Pinnacle Hotel</th>
<th>Silver Corporate Park</th>
<th>TRC (Tritec) Parcel</th>
<th>Arrow Parcel</th>
<th>Artist Lake Plaza</th>
<th>The Condominiums at Sandy Hills</th>
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<td>104±</td>
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<td>32±</td>
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<td>9,974,888</td>
<td>4,878,598</td>
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<td>703,825</td>
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<td>233,812</td>
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<td>+6,762,682</td>
<td>+3,281,253</td>
<td>+508,400</td>
<td>+1,013,595</td>
<td>+231,053</td>
<td>+47,071</td>
</tr>
</tbody>
</table>

* Per lead agency, Legacy Village is no longer an active pending application and so has been removed from consideration here.

n/a Indicates that the value in question is either Not Available or Not Applicable.
APPENDIX J

FINDINGS STATEMENTS FOR BROOKHAVEN WALK

Town Planning Board and NYSDOT
TOWN OF BROOKHAVEN
PLANNING BOARD

State Environmental Quality Review
FINDINGS STATEMENT FOR THE SITE PLAN APPLICATION OF
BROOKHAVEN WALK
(FORMALLY KNOWN AS BROOKHAVEN TOWN CENTER)

Pursuant to Article 8 of the New York State Environmental Conservation Law (NYS ECL) and Title 6, New York Code of Rules and Regulations (6 NYCRR) Part 617, the Planning Board of the Town of Brookhaven, hereby adopts the following findings.

Name of Action: Site Plan Application for Brookhaven Walk
Formally known as Brookhaven Town Center

Log Number 2000-061-SP

Location: Northwestern corner of the Long Island Expressway (LIE) North Service Road/William Floyd Parkway (County Route, CR, 46) interchange, in the hamlet of Yaphank.

Applicant: Rose-Breslin, LLC
One Executive Boulevard
Yonkers, New York 10701
Contact: Thomas F. Perna, Vice President

Lead Agency: Town of Brookhaven Planning Board
One Independence Hill
Farmingville, NY 11738

Contact Person: Ralph F. Wiebelt, Site Plan Review Group
Division of Planning, Department of Planning, Environment and Land Management
(631) 451-6455

Telephone:

SEQR Status: Type I

Date Final EIS Filed: September 25, 2006

Suffolk County Tax Lot Numbers: 0200-553-1-1.3
0200-584-2-1.2
CERTIFICATE OF FINDINGS TO APPROVE:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. This Board, having considered the Draft and Final EIS, and having considered the following written facts and conclusions, this Finding Statement certifies that:

(1) The Board has considered the relevant environmental impacts, facts and conclusions disclosed in the final EIS.

(2) The Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations.

(3) The Board has provided a rationale for its decision by the written facts and conclusions contained herein and in the Final EIS.

(4) The Board certifies that the requirements of this Part have been met.

(5) The Board certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Project History:
The subject site has been zoned and intended for retail development dating back to at least 1973, when the Parr Company owned it. In the 1980's, the site was owned by the Grant Cliffs Corporation who made a retail mall application known as the "Grant Park Mall". This application received a SEQR Positive Declaration, had a DEIS prepared (December 1985) and was the subject of a SEQR public hearing DEIS. However, the Grant Park Mall application was ultimately not pursued by the project sponsor, and the site came under the control of Breslin Realty Development Corporation in the late 80's.

In October 1989, the Breslin Realty Development Corporation submitted a site plan application for Brookhaven Town Center, a 1.97 million SF, two-phase regional shopping mall. That application was subject to full review under SEQRA, for which this Board was designated as lead agency. A DEIS was prepared and accepted as complete in June, 1990, and site plan/SEQRA DEIS hearings were held by this Board in August and September of 1990. The FEIS was accepted in August 1990 and this Board adopted a Findings Statement and subsequently the site plan application. However, both these documents were rescinded by court order in late 1999. The court order stated that, as the Brookhaven Town Center project was included in the on-going North Shore Properties Generic EIS, no final decision could be made on the Brookhaven Town Center application until completion of the North Shore Properties GEIS.

The North Shore Properties Conceptual Master Plan application was submitted to the Town Board by Breslin Realty Development Corporation in April 1989. North Shore Properties was a mixed retail, residential and office/industrial project involving a total of approximately 2,150 acres (in parcels numbered 1-21 and a Greenbelt). The Town Board assumed SEQRR lead agency status for North Shore Properties because the project sponsor proposed various zone change
and density transfers. Consequently, on February 20, 1992 the Town Board issued a Positive Declaration, causing a Generic EIS to be prepared and on December of 1994, adopted the North Shore Properties Findings Statement.

The Brookhaven Town Center site was identified as Parcel 20 of North Shore Properties and the information from the prior Brookhaven Town Center EIS was incorporated into the North Shore Properties GEIS. Consequently, site-specific findings for the Brookhaven Town Center project were included in the Town Board’s North Shore Properties Findings Statement.

Following issuance of the North Shore Properties Findings Statement, a site plan application for Phase I of the Brookhaven Town Center project was re-submitted to the Town Planning Board and was conditionally approved in early 1995.

The phased approval envisioned a total of six (6) major department stores; two such tenants were anticipated in Phase I (a total of 650,000 square feet, SF, of retail space), and an additional four in Phase II (for 1.60 million SF of retail space). A building permit was obtained and clearing for construction of the Phase I building foundation commenced on the site in August 1997. However, during early 1997, the Applicant submitted an amended phase I site plan application (with accompanying Draft Supplemental EIS) for a larger phase I project (3 major tenants in a total of 958,322 SF of retail space). It was proposed that the eventual phase II application would provide the remaining 3 major tenants, for the same total of 1.60 million SF of retail space. A public hearing was held on the amended application and Draft Supplemental EIS on December 21, 1998.

The construction process, which had been ongoing during this period and still only involved site clearing operations, was halted at this point due to the filing of a lawsuit on the Phase I Site Plan approval. In late 1999, the NYS Supreme Court decision on this lawsuit resulted in the rescission of the Phase I Site Plan Approval and the Findings Statement for the Brookhaven Town Center portion of North Shore Properties. This decision stated that the respondents (the Town Board and the Town Planning Board) had “…acted in violation of the State Environmental Quality Review Act and the regulations promulgated thereunder by, inter alia, failing to consider alternative sites for the Regional Shopping Mall and, further, by failing to address the severe secondary impacts which the project will have upon the surrounding communities.” Additional factors in the decision included: the Town Planning Board did not prepare its own Findings; the Findings Statement was too vague and left too much to the discretion of the applicant; it did not satisfactorily consider the increase in traffic as well as the increase in the number of people who would be attracted to the area; it did not note the conflict with the community’s goals for the site; it did not note the increased intensity of use of the site; it did not note the absence of other nearby large retail centers; and the Findings did not address the existing contaminant plume beneath Brookhaven National Laboratory (BNL).

The court decision also implied that the portion of the North Shore Properties Findings Statement addressing the Brookhaven Town Center project was to be considered null and void. However, as the parcels comprising the North Shore Properties project had been dismantled by this time, there was no SEQRA Findings framework within which a new Brookhaven Town Center application could be examined. Therefore, in conformance with the court decision the current applicant, determined to proceed with the Brookhaven Town Center project as a new application with full SEQRA review.

Therefore, a new site plan application for Brookhaven Town Center was submitted to the Town in
May 2000. The new owner/applicant Rose-Breslin LLC, maintained that the parcels comprising the North Shore Properties project had been dismantled and requested to proceed with the Brookhaven Town Center project as a new application with a full SEQRA review.

The new site plan application for Brookhaven Town Center proposed a regional shopping mall having:

- 1.043± million SF of retail floor space in an overall 1.385± million SF building;
- three department stores and a fourth major tenant, an auto center, a 2,930-seat cinema and numerous smaller shops;
- on-site parking for 5,272 cars was provided and a variance for 2,179 parking stalls was requested (Town Code required 7,451 spaces).

In addition to site plan approval, variances were proposed for building height and amount of parking spaces, as well as a subdivision for two of the anchor stores and a special permit to allow a theater use.

A Positive Declaration requiring the preparation of a DEIS was adopted by this Board on August 21, 2000, and it was determined that public scoping would be conducted. As required by the SEQRA regulations, the project sponsor prepared and submitted for adoption a draft scope for the DEIS. A public scoping meeting was held on March 12, 2001, and written comments were accepted until April 2, 2001. Based upon some of the comments received, this Board determined to continue to accept written comments until June 1, 2001. To ensure that the public had sufficient opportunity to provide comments during this extended review period, the project sponsor advertised in 13 local and regional newspapers on May 10, 2001. An amended draft scope was submitted on July 13, 2001 which addressed the issues raised during the entire public scoping comment period as well as the NYS Supreme Court decision on the prior Phase I Site Plan Approval for Brookhaven Town Center. Comments on the amended scope were accepted until on or about September 12, 2001 and a Final Scope was adopted on October 1, 2001.

The DEIS for Brookhaven Town Center was adopted in March 2002, and a public hearing was held on the DEIS and site plan on April 22, 2002. The Brookhaven Town Center DEIS contained six (6) alternatives, as follows:

1. **No Action** - the site remains in its present use and condition.
2. **Alternative Site Design and Yield 1** - the site is developed in accordance with the Prior Approved Phase I Site Plan, providing 650,000 SF of retail space.
3. **Alternative Site Design and Yield 2** - the site is developed with 850,000 SF of retail space, in a plan incorporating "main street" design features.
4. **Alternative Site Design and Yield 3** - the site is developed with 865,000 SF of retail space and a 10,000 SF Community Center.
5. **Alternative Locations for the Proposed Project** - the potential for use of the Racetrack Parcel and the Arrow Parcel for the proposed project are analyzed.
6. **Smart Growth Alternative** - the potential for alternative development of the site using "Smart Growth" principles is analyzed.

Subsequent to the hearing and in response to comments on the Brookhaven Town Center DEIS, the applicant prepared and submitted a draft FEIS in September 2002. This FEIS outlined a reduced-scale "Preferred Alternative" that was similar to Alternative 3, which served as the basis for the responses to comments. In amending their site plan application, the applicant indicated
that "this reduced-scale alternative would achieve both the applicant's goals and better address comments and concerns from the Town, County, State and public, in a way that significantly reduces those characteristics of the project which gave rise to these concerns". The amended proposal also indicated that the "potential for adverse impacts to the various human and environmental factors of the vicinity would be further reduced (providing an increased level of environmental protection, which would be attractive to the community), without a corresponding decrease in the legitimate economic interests of the applicant (by retaining his ability to build an appropriate, attractive and successful commercial facility)." The "Preferred Alternative" included the following:

- a total floor area of 850,000 SF, of which 256,044 SF was in two department stores, 521,956 SF was in small shops and 72,000 SF was a 2,930-seat cinema.
- seven separate structures, distributed along the proposed north-south and east-west axes, of which only the north-south axis features a paved roadway.
- the structures would vary between one and two stories in height, and were not anticipated to exceed the 35-foot height limit of the J-3 zone.
- if non-occupied portions of the structures (e.g., clock or bell tower, dome, etc.) or anchor store tenant-required second floors exceed this limit, a height variance would be required.
- no auto center or restaurants were proposed.
- on-site parking for 4,288 cars would be provided; as the Town Code requires 6,163 spaces, a parking variance was required.

However, the Town Planning Board determined that the "Preferred Alternative" described in that document, now known as Brookhaven Walk (also referred to in the Brookhaven Town Center FEIS as the "Preferred Alternative"), was sufficiently different from the prior proposal and the alternative 3 scheme analyzed in the Brookhaven Town Center DEIS to warrant the preparation of a Draft Supplemental EIS (Draft Supplemental EIS). Since a DEIS public comment period and hearing had been held on the Brookhaven Town Center Site Plan, the applicant was directed to both analyze the new proposal as well as address the comments generated during the comment period of the Brookhaven Town Center DEIS. Therefore, the Brookhaven Walk Draft Supplemental EIS was composed of the following three (3) volumes:

**Volume 1** contains the Brookhaven Walk Draft Supplemental EIS, a detailed description of the revised Brookhaven Walk project and comparative discussions of its potential impacts and mitigation measures. This volume references appropriate baseline information in the Brookhaven Town Center DEIS.

**Volume 2** contains public and agency comments on the Brookhaven Town Center application and appropriate responses. This volume also contains Attachments A through E in support of the responses to comments.

**Volume 3** contains Attachment F in support of the responses to comments.

It should be noted that Volume 1 of the Brookhaven Walk Draft Supplemental EIS outlines the logic and design considerations that resulted in the revised Brookhaven Walk Site Plan, and provided a more complete record regarding the impacts, mitigations, alternatives and plan evolution that resulted in Brookhaven Walk.

A public hearing was held by the Planning Board on the Brookhaven Walk Draft Supplemental EIS and site plan on October 6, 2003, and written public and agency comments were received through October 17, 2003. The Brookhaven Walk FEIS was adopted on September 25, 2006.
During this period, the Town Board adopted broad changes to the Town zoning code. The code modifications included the adoption of Land Development Standards, which established minimum landscape areas, buffer areas and setbacks. The site was also rezoned from J-Business-3 to J-Business-2 and the J-Business-2 dimensional standards were significantly enhanced. The zone change, in combination with the Land Development Standards and new dimensional standards adopted by the Town, necessitated changes to the site plan to meet these requirements. Some of the key changes involved, large front yard setbacks, landscaping within parking areas, which necessitated the removal of the recharge basin in order to meet the interior landscape requirements, while maintaining the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) standard minimum of 35% natural vegetation to remain on-site.

Also during this time, the Applicant revised the Brookhaven Walk site plan. Improvements to the plan involve additional landscaping, pedestrian linkage improvements and internal traffic calming measures added to the plan in response to Town Planning staff comments. As a result, the Brookhaven Walk FEIS was based on an updated design resulting in a proposal that:

- Fully conforms to the revised Town Zoning Code;
- Will utilize on-site conventional sanitary septic systems to treat wastewater;
- Requires no zoning variances;
- Results in less building area than the prior Brookhaven Walk design;
- Requires less water and generates less sanitary wastewater than the prior Brookhaven Walk proposal described in the Draft Supplemental EIS; and
- Conforms to Pine Barrens Development Standards.

The FEIS was subsequently adopted on September 25, 2006 and the Planning Board afforded agencies and the public an extended time period, until April 2, 2007, in which to consider the final EIS before issuing its written findings statement. During that period, the Planning Board received some written comments on the FEIS related to traffic and sewage disposal methods. Those comments will be addressed individually in a separate section below. The Planning Board also scheduled and noticed a hearing on the final site plan for March 5, 2007. The public notice of the hearing described the proposal, including “roadway improvements, parking, septic systems, landscaping, etc.” and invited “adjacent property owners and/or others interested in any way in the proposed site plan” to “appear before the Board to be heard.” Various persons and groups appeared at the March 5, 2007 hearing and commented on the application, including environmental issues such as traffic impacts and alternative sewage disposal methods. Also at the March 5, 2007 hearing, the Planning Board provided an extended period during which written comments could be submitted through April 2, 2007, so as to provide ample and additional opportunity for comments to be submitted.

**Current Project Description:**

The FEIS contains an exhaustive project description and therefore this Findings Statement will only provide a summarization. Brookhaven Walk has a total building footprint of 775,000 SF and a total gross floor area (GFA) of 850,000 SF. The project has been designed as an open-air mall, integrating vehicle and pedestrian traffic throughout and centered on a public plaza and fountain area. Walking paths adjoin the surrounding retail structures and will be attractively landscaped. Traditional architecture will be incorporated through the use of gabled and hipped roofs, cupolas, weathervanes, arbors, entrance canopies, storefront awnings, pediments, decorative medallions, ornamental gates, lattice work, dormers, circular/semi-circular windows and arched openings. Roofing materials will include shakes, shingles and other traditional finishes with wall materials
consisting of brick, wood, stone and/or stucco. Brick pavers, fountains, tree-lined walkways and parking areas, specialized lighting, graphics and signage will also be utilized to complement the overall theme.

A total of ten (10) structures are proposed forming an arch to centrally located single structure retail uses in the center of the site. Nine (9) of the structures are one story in height, with the remaining structure proposed at two stories in height (which will not exceed the 35-foot height limit of the J-2 zone). The anticipated uses include two (2) restaurants, five (5) anchor stores, three (3) mini-anchor stores, and seven (7) general retail uses. As proposed, no single restaurant will have more than 200 seats and no restaurant will have a floor area of more than 5,000 SF. On-site parking spaces for 3,825 cars will be provided and an additional 1,513 spaces will be landbanked, for a total of 5,338 parking spaces provided (4,999 required by Town Code) and the plan provides an excess of constructed Americans with Disabilities Act-conforming parking spaces. All spaces will be convenient to the stores and will be provided at a rate of 4.5 spaces/1,000 SF, a sufficient number the EIS predicts to adequately serve the proposed development.

The site totals 150.14 acres in size and the proposed Brookhaven Walk development will result in a total clearing of 89.46 acres (59.58% of the site), of which 72.80 acres are formerly cleared areas. Conversely, 60.69 acres (or 40.42% of the site) will remain natural and undisturbed. 3.27 acres of formerly cleared areas will be naturally re-vegetated, bringing the total area of natural vegetation following development to 63.96 acres, or 42.60% of the site. An additional 3.72 acres off-site will be disturbed as a result of the improvements associated with the reconstruction of the existing private roadway (Yaphank Woods Boulevard) along the western property boundary. Including this, the total project impact area totals 153.86 acres, resulting in clearing a total of 93.18 acres, or 60.56% thereby exceeding Pine Barrens clearing standards.

In addition, the proposed development has been located and purposely situated on the area previously cleared in 1997 pursuant to prior approvals, thereby minimizing removal of natural vegetation. The proposed project will provide 17.15 acres (11.42% of the site) of turf and landscaped areas, 8.71 acres of which will consist of non-fertilizer dependent vegetation, 8.44 acres (5.62%) will be established in fertilizer dependent vegetation. Brookhaven Walk will therefore conform to the Pine Barrens maximum fertilized standard of 15% of the site.

Landscaped areas will be located within islands in the parking areas, along the buildings, and adjacent to the preserved naturally vegetated areas along the outside of the internal ring road. In general, the species chosen will be native to Long Island or are compatible to regional climatic conditions and will not consist of invasive species; species recommended in Figure 5-2 of the Pine Barrens Plan will be used to the greatest extent practicable.

Lighting details and a luminaire list are shown on the Conceptual Site Plan (Sheet C-1) and Site Details (Sheet C-12). All fixtures will be "dark sky compliant" with an average lighting level of 2.1 foot-candles (fc) and a maximum level of 6.8 fc. A maximum mounted fixture height of 35 feet is proposed within the central mall area and all lighting along the northern and southern perimeter of the site will be a maximum of 20 feet in fixture height. Fixtures along the perimeter shall have property line cut off shielding at the curb line.

The subject parcel to is located at the northwest quadrant of the highway interchange created at the intersection of the Long Island Expressway (LIE) (Interstate 495) and the William Floyd Parkway (CR 46) in Yaphank. Both of these roadways are multilane, divided highways under the
jurisdiction of New York State Department of Transportation (NYSDOT) and Suffolk County Department of Public Works (SCDPW), respectively. Contiguous to the north of the subject parcel is a privately maintained multilane, divided roadway known as Yaphank Woods Blvd. This private roadway provides access to two residential condominium developments known as Whispering Pines and Colonial Woods adjacent to the north and west. Yaphank Woods Blvd. (under the control of the developer of the proposed project) intersects with CR 46 at the northeast corner of the subject parcel and is controlled by a traffic signal. In addition, it is proposed that a new north-south roadway along the westside of the subject parcel will connect the extension of the LIE North Service Road with Yaphank Woods Blvd. and ultimately to William Floyd Parkway at its intersection. Yaphank Woods Blvd. and the new North-South Roadway may be offered for dedication from the owners/developers to the Town of Brookhaven in the future.

Four site access points are proposed: two off William Floyd Parkway, one off Yaphank Woods Boulevard, and one off the new north-south roadway connecting Yaphank Woods Blvd. to the extension of the LIE North Service Road. All access points will feed directly into the proposed internal ring road. Yaphank Woods Boulevard will be improved along the northerly portion of the site, and the existing paved roadway along the western property boundary connecting the LIE North Service Road to Yaphank Woods Boulevard will be constructed/improved to Town standards. The new 2-lane north-south roadway will consist of one 12-foot wide travel lane in each direction with 5' shoulders throughout and auxiliary turning lanes at the proposed site access, all within a proposed 50-foot right-of-way. Additional right-of-way at intersections will be required where auxiliary lanes are provided. Additional overall roadway right-of-way, if deemed necessary, will be provided (dedicated) from the developer at time of development of other vacant lands of owner along the west side of the new north-south roadway. The residents of the Whispering Pines/Colonial Woods condominium development will continue to have direct access to Yaphank Woods Boulevard at two existing locations. The developer shall design and construct enhanced security and control measures at each location if desired by Whispering Pines/Colonial Woods condominiums.

All stormwater runoff generated on-site will be recharged in drywell fields distributed beneath the parking areas in lieu of a recharge basin. An erosion control plan incorporating the NYSDEC Technical Guidance manual measures such as silt fencing, storm drain inlet protection, hay bales, and good housekeeping measures will be utilized.

Water will be supplied to the project site via 12-inch water mains, which will tap the existing 16-inch water mains beneath the west side of CR 46 and beneath the south side of Yaphank Woods Boulevard. The applicant has received a Letter of Water Availability from the SCWA. The project's anticipated water requirements are 40,153 gpd, of which 29,993 gpd consists of nitrogen bearing sanitary wastewater and 10,160 gpd represents water use associated with restaurant kitchens. All sanitary wastewater generated by the proposed project will be handled via an on-site conventional sanitary waste disposal system in accordance with Article 6 of the Suffolk County Sanitary Code (SCSC).

**Jurisdiction:**
The Planning Board of the Town of Brookhaven has jurisdiction over site plan review. New York State Consolidated Laws, Article 16, Zoning And Planning, Section S 274-a. governs the creation and powers of planning boards and authorizes planning boards “to review and approve, approve with modifications or disapprove site plans prepared to specifications set forth in the ordinance or local law and/or in regulations of such authorized board.” In addition, the planning board “shall have the authority to impose such reasonable conditions and restrictions as are directly related to
and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions
must be met in connection with the issuance of permits by applicable enforcement agents or
officers of the town." Section 274-a. also provides a definition of site plan "the term "site plan"
shall mean a rendering, drawing, or sketch prepared to specifications and containing necessary
elements, as set forth in the applicable zoning ordinance or local law, which shows the
arrangement, layout and design of the proposed use of a single parcel of land as shown on said
plan.

This SEQR findings statement is mandated by Article 8 of the New York State Environmental
Conservation Law (NYS ECL) and Title 6, New York Code of Rules and Regulations (6 NYCRR)
Part 617 (State Environmental Quality Review). The basic purpose of SEQR is to incorporate the
consideration of environmental factors into the existing planning, review and decision-making
processes of state, regional and local government agencies at the earliest possible time. SEQR
does not change the existing jurisdiction of agencies nor the jurisdiction between or among state
and local agencies. SEQR provides all involved agencies with the authority, following the filing of
a final EIS and written findings statement to impose substantive conditions upon an action to
ensure that the requirements of the SEQR regulations have been satisfied. The conditions
imposed must be practicable and reasonably related to impacts identified in the EIS.

In addition, each agency involved in a proposed action has the responsibility to provide the lead
agency with information it may have that may assist the lead agency in making its determination
of significance, to identify potentially significant adverse impacts in the scoping process, to
comment in a timely manner on the EIS if it has concerns which need to be addressed and to
participate, as may be needed, in any public hearing. SEQR also strongly encourages interested
agencies to make known their views on the action, particularly with respect to their areas of
expertise and jurisdiction. SEQR regulations also indicate that no agency may make a final
decision to undertake, fund, approve or disapprove an action that has been the subject of a final
EIS, until the agency has made a written findings statement that considers the relevant
environmental impacts, the facts and conclusions disclosed in the final EIS, weigh and balance
the relevant environmental impacts with social, economic and other considerations and provides
a written rationale for the agency's decision.

The following is a list of involved agencies and the current status of the reviews for the permits
and/or approvals required for the proposed project:

- Town Planning Board - Site Plan approval.
- Town Division of Environmental Protection - Freshwater Wetland Permit Exemption - issued
- Town Department of Buildings - Building Permit (includes sign permit) - Requires site plan
  approval.
- CPBJPC - Development of Regional Significance - Received Consistency letter December
  21, 2006; final approval pending completion of SEQRA process.
- SCDPW - CR 46 Use Permit (construction trucks) - Pending completion of SEQRA process.
- SCDPW - Highway work permit for roadway improvements - Pending; conceptual approval
- SCDPW - 239f Review - Pending submission of building permit.
- SCDHS - Article 6 (Sanitary System design review) Pending completion of SEQRA process.
- SCDHS - Article 4 (Water Supply System design review) - Pending completion of SEQRA
  process.
- NYSDEC - Freshwater Wetland Permit (renewal of Non-Jurisdiction Letter) Non-Jurisdiction
Confirmed.
- NYSDEC - Phase II SPDES Stormwater Permit - Pending completion of SEQRA process.
- FHWA - Approval for Access Modification at LIE/CR 46 Interchange - Approved April 4, 2006 (note that work cannot begin until NYSDOT Highway Work permit is issued).

**Community And Government Outreach Efforts:**
In order to ensure dissemination of the most current and accurate information on the project and encourage public participation and input, the applicant has voluntarily undertaken a number of outreach efforts with various civic associations and governmental agencies. The following lists those bodies that have received information and/or presentations on the details and characteristics of the project:

**Community Organizations:** (* Denotes a meeting was held)

- Affiliated Brookhaven Civic Organization*
- Birchwood at Spring Lake*
- Colonial Woods/Whispering Pines*
- East Yaphank Chamber of Commerce*
- East Yaphank Civic Association*
- Leisure Village*
- Long Island Association*
- Long Island Pine Barrens Society*
- Manor Park Civic Association*
- Mastic Park Civic Association*
- Mastic/Shirley Chamber of Commerce*
- Middle Island Civic Association
- Open Space Council*
- Ridge Civic Association*
- Ridge Fire District*
- South Yaphank Civic Association*
- Yaphank Fire District*
- Yaphank Historical Society*
- Yaphank Taxpayers and Civic Association*

**Government:** The following government officials were contacted concerning Brookhaven Walk and provided with information on the proposal.

**New York State**
- Honorable Kenneth P. LaValle - NYS Senator
- Honorable Marc S. Alessi - NYS Assemblyman
- Honorable Patricia Eddington - NYS Assemblywoman
- Peter Scully - Regional Director NYSDEC

**Suffolk County**
- Honorable Steve Levy - Suffolk County Executive
- Honorable Kate M. Browning - Suffolk County Legislator
- Thomas A. Isles, AICP - Director, Planning
- Michael J. Deering - Director, Environmental Affairs (No longer in this position)
Andrew P. Freileng, AICP - Chief Planner
Jim Morgo - Commissioner, Economic Development & Workforce Housing

Town of Brookhaven
Honorable Brian X. Foley - Supervisor
Honorable Connie Keplar - Councilwoman
Honorable Carol A. Bissonette - Councilwoman
David W. Woods, AICP - Commissioner, Planning
Ralph F. Wiebelt - Site Plan Reviewer
Paul G. Rogalle - Traffic Safety
John Turner - Director, Environmental Protection & Land Management
Ray Donnelly - Commissioner, Economic Development
Anthony M. Figliola - Empire Zone Coordinator

School District
Longwood Central School District

Other Public Authorities
Stephen M. Jones - Executive Director, Suffolk County Water Authority

In addition to the above, the applicant has also established a website that provides appropriate information on the proposed project. Effective June 14, 2006, information on Brookhaven Walk is available on the Internet at www.brookhavenwalk.com. A copy of the adopted FEIS and the Pine Barrens CGA application have been, and will continue to be, available to all interested parties on this website. In addition, visitors to this website have detailed access to the site plan, traffic plans, and architectural renderings. Visitors also have an opportunity to contact the applicant directly with questions or concerns.

Public Participation Opportunities:
The long regulatory history of this project has had an additional benefit of providing numerous opportunities for public participation as follows:

1985 DEIS public hearing and comment period for Grant Park Mall.
1990 DEIS public hearing and comment period for Brookhaven Town Center.
1990 Site plan hearings for Brookhaven Town Center.
1993 GEIS public hearing and comment period for North Shore Properties.
1995 Site plan hearings for Brookhaven Town Center.
1998 Draft Supplemental EIS public hearing and comment period for amended Brookhaven Town Center.
2001 Scoping public hearing and comment period for the new Brookhaven Town Center
2001 Amended Scoping public hearing and comment period - new Brookhaven Town Center
2002 DEIS public hearing and comment period for the new Brookhaven Town Center.
2003 Draft Supplemental EIS public hearing and comment period for the Brookhaven Walk.
2006 FEIS public consideration period
2007 Site plan hearings for Brookhaven Walk.

Grading, Erosion & Storm Water Control:
The Brookhaven Walk project will be built predominantly in the former cleared central portion of the site (not including improvements to the new roadway along the western perimeter), with disturbance limited to 89.46 acres, or 59.58% of the site. The Grading Plan depicts the extent
and details of grading to be performed during construction. To allow for the construction of the buildings, paved areas and drainage structures, it is estimated that a total of 63,000 cubic yards (CY) of material will be exported from the site. A maximum cut of 18 feet is required, located in the retail building between Anchor "A" and Anchor "B", and a maximum depth of fill is 17 feet located west of Anchor "E" at the point where the parking drive curves. Given the size of the project, 63,000 cubic yards (CY) of material will be exported from the site is considered to be minimal and not significant.

All stormwater runoff generated on-site will be recharged in drywell fields distributed beneath the parking areas, in lieu of a recharge basin. The drainage system will be sized to accommodate a minimum of 2 inches of rainfall and is proposed to have a total of 488 drywells. The drainage system has been subject to the review and approval of the Town Engineering Department and conforms to all applicable drainage and grading requirements of the Town. Prior to the onset of construction and in accordance with the NYSDEC Phase II SPDES Program, the applicant will be required to obtain coverage under the General Permit for Stormwater Discharges from Construction Activities. NYSDEC requires that an SWPPP be prepared for the site, including a detailed erosion and sediment control plan, to manage stormwater generated on-site during construction activities. The erosion control plan will incorporate NYSDEC Technical Guidance Manual measures such as silt fencing, storm drain inlet protection, hay bales, and good housekeeping measures will be utilized.

Erosion control measures will be utilized to minimize loss of soil during construction, particularly in areas of steep slopes, adjacent to the wetlands and other natural areas, as well as in locations where potential erosion and sedimentation could adversely impact adjoining properties and streets. Soils will be wetted if necessary to limit fugitive dust and planting of exposed soils will occur as rapidly as possible following construction. As long as erosion is controlled during grading and construction, the potential for sediment transport will be minimal, and no significant loss of soils is expected. It has also been shown in the EIS that the project site does not experience soil constraints with regards to stormwater recharge or building stability provided appropriate soil compaction and building construction techniques are used. Consequently, this Board finds that no significant impacts on geological resources from the grading operation are anticipated and all reasonable and practical mitigation measures will be undertaken.

**Sanitary Treatment:**
SCDHS, SCSA and NYSDEC maintains jurisdiction over approval, type and location of sewage treatment facilities. As noted previously, SEQR does not change the existing jurisdiction of agencies nor the jurisdiction between or among state and local agencies. Therefore, as SEQR involved agencies, SCDHS, SCSA and NYSDEC should issue their own findings statements and associated regulatory/permitting decisions based upon their areas of jurisdiction and the fact contained in the EIS. Though this Board has limited jurisdiction over sanitary facilities, the project is proposed within the Town of Brookhaven. Therefore this Board finds that pursuant to this Board's site plan review authority it is reasonable and appropriate, to reach a reasonable level of assurance that the proposed method of sanitary treatment will not adversely impact the environment.

The Brookhaven Walk project originally proposed to route sanitary wastewater to the Dorade Sewage Treatment Plant, which would have been upgraded to handle the new flow. This proposal was questioned in several comments on the Draft Supplemental EIS due to the location of the Dorade Sewage Treatment Plant in the Compatible Growth Area of the Pine Barrens. Pine Barrens standards seek to encourage discharge of sewage treatment plant wastewater outside of
the pine barrens zone where practical. Several options to treat sanitary waste have been explored and considered by the applicant and various regulatory agencies including the Town, SCDHS, SCSA and NYSDEC including:

- Establish a "replacement" plant for the Dorade Sewage Treatment Plant on a parcel of land owned by Rose-Breslin, located outside of the Pine Barrens on the "Arrow" parcel (this application has been withdrawn by the applicant),
- Brookhaven Town efforts to establish an Sewage Treatment Plant to handle wastewater from parcels in the vicinity of Yaphank (these efforts have not come to fruition and no district has been established).
- Utilize the existing Suffolk County Sewage Treatment Plant on Yaphank Avenue, Yaphank.
- Use of a conventional sanitary system for handling of sanitary wastewater.

Since these other sewage treatment options were in the preliminary planning stages, and could in fact take one of several forms (i.e. Arrow parcel, Suffolk County Yaphank Sewage Treatment Plant or Town Sewage Treatment Plant), the applicant proposed to and applied for the utilization of an on-site wastewater disposal system for Brookhaven Walk. Article 6 of the SC Sanitary Code allows for 300 gpd/acre of sanitary flow, or a discharge of approximately 44,812 gpd. As a result, the applicant proposes the use of four (4) conventional systems with the total cumulative sanitary flow from the four systems of 29,993 gpd. The proposed 29,993 gpd of conventional on-site sanitary facilities are therefore compliant with Suffolk County Article 6 requirements of 44,812 gpd of maximum total sanitary discharge for the project site and the design is also compliant with NYSDEC requirements in that the design wastewater discharge from each system is less than 30,000 gpd.

The FEIS indicates that the use of conventional sanitary system would have the following benefits:

- would not require off-site sewage treatment,
- would not exceed treated effluent discharge standards in the Pine Barrens,
- would conform with and be substantially less than the allowable flow for the site under Article 6 of the SCSC,
- would conform with NYSDEC outfall wastewater discharge flow restrictions, and
- would allow the applicant to participate in the establishment of a new Sewage Treatment Plant outside of the Pine Barrens, should such a facility become available and economically and technically feasible.

As a result, no significant wastewater impacts are expected, and based on the discussion above regarding environmental policy considerations, the proposed sewage handling option is considered the best option for the project.

In addition, the applicant has agreed that, should an alternative Sewage Treatment Plant location become available outside of the Pine Barrens zone, the applicant would connect the Brookhaven Walk project to this off-site Sewage Treatment Plant. This would involve participation in a fair share of financing the conveyance and treatment system. To facilitate the potential future connection to an off-site plant, "dry sewer" lines have been included in the proposed project, to be utilized if and when connection to an off-site sanitary system becomes available.
**Surface Waters:**
The project site contains a small vernal wetland that is not directly connected to the aquifer. The 0.8-acre wetland is located within the northern buffer area of the project site, upgradient of any sanitary discharge points and will be protected with a minimum 175-foot buffer of natural upland and/or naturally landscaped vegetation (100 foot NYSDEC adjacent area and 75 foot additional Town setback). The project will be required to apply and conform to the NYSDEC SPDES program for coverage under the General Permit for Stormwater Discharges from Construction Activities. This permit will not allow for overland flow of runoff from newly developed areas to the on-site wetland located. In addition, the extensive buffer areas around this wetland will allow it to continue to receive runoff from natural lands within its contributing area maintaining the current hydrologic properties of this system.

At the time the site plan application was submitted, the plan indicated that disturbance would occur within the Town’s 150-foot regulated area. However, since that time the applicant has revised the Site Plan to eliminate all construction, grading, clearing or ground disturbance within 175 feet of the wetland limit. As the Town’s jurisdiction is limited to within 150 feet of the wetland limit, a Town wetland permit is no longer needed.

While no construction, grading, clearing or ground disturbance is proposed within 175 feet of the wetlands limit, the applicant proposes to re-vegetate currently disturbed areas within that limit, that were cleared in 1997 pursuant to prior approvals. The intent of this re-vegetation proposal is simply to provide an attractive and uninterrupted viewscape for project patrons that also would provide some natural habitat value. The applicant has already obtained a letter of non-jurisdiction from NYSDEC and the Town’s Division of Environmental Protection for these activities. In conclusion, the EIS clearly illustrates that this wetland will not impacted by hydrologic modifications, sanitary wastewater, fertilizer usage or any aspect of Brookhaven Walk proposal in terms of nitrogen influx, groundwater nitrogen recharge or stormwater flow. As a result, impacts to the quantity or quality of water in this wetland are not anticipated.

**Water Supply:**
The development will be served by the Suffolk County Water Authority via existing mains adjacent to the site. The Water Authority is responsible for maintaining proper quality and quantity of potable water in water supply service areas. No issues regarding quantity of the water supply were identified in the EIS and water supply is typically not an issue in this area of the Town of Brookhaven. In addition, the applicant has received a Letter of Water Availability from the SCWA.

**Pine Barrens Plan Standards and Guidelines:**
The Brookhaven Walk proposal is located within the Compatible Growth Area of the Central Pine Barrens and is considered a Development of Regional Significance. A full analysis of the Brookhaven Walk project in relation to the Pine Barrens Plan Standards and Guidelines is included with the EIS. The EIS predicts 60.69 acres (or 40.42% of the site) will remain natural and undisturbed and an additional 3.27 acres of previously cleared area will be re-vegetated with native species for a total area of natural vegetation following development of 63.96 acres, or 42.60% of the site. It is realized that an additional 3.72 acres off-site will be disturbed as a result of the improvements associated with the reconstruction of the existing private roadway (Yaphank Woods Boulevard) along the western property boundary. Including this, the total project impact area totals 153.86 acres, resulting in clearing a total of 93.18 acres, or 60.56%. Therefore the site plan is fully compliant with and exceeds the Pine Barrens Plan clearance standard of 65%. In
addition, to the maximum extent possible, the proposed development has been located and
purposely situated on the area previously cleared in 1997 pursuant to prior approvals, thereby
minimizing removal of natural vegetation. The project therefore only requires a total of 16.86
acres of new clearing.

The amount of fertilizer dependent vegetation on site is proposed to cover 8.44 acres (5.62%),
significantly below the Pine Barrens standard of a maximum of 15% of the site to be planted in
fertilizer dependent vegetation.

The specific wastewater handling proposal has been evaluated in consideration of the Pine
Barrens Plan’s Standards and Guidelines for water resource protection for a DRS. Standard
5.5.5.1.1 (SCSC Article 6 compliance) requires conformance with the SCSC, and as noted above,
the project will discharge nearly 15,000 gpd less than allowed by Article 6. Standard 5.3.3.1.2
(Sewage treatment plant discharge) indicates that “Where deemed practical by the County or
State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine
Barrens”, and as noted, no Sewage Treatment Plant outfall or increase in flow of an existing
outfall is proposed. Guideline 5.3.3.1.3 (Nitrate-nitrogen goal) indicates that, “A more protective
goal of two and one half (2.5) ppm [parts per million] may be achieved for new projects through
an average residential density of one (1) unit per two (2) acres (or its commercial or industrial
equivalent), through clustering, or through other mechanisms to protect surface water quality for
projects in the vicinity of ponds and wetlands. The results of the Simulation of Nitrogen in
Recharge (SONIR) and the BURBS computer models in the EIS indicate that the project would
have a predicted concentration of nitrogen in recharge of 1.6 mg/l (SONIR) and 1.8 (BURBS).
The expected concentration of nitrogen in recharge of 1.6/1.8 mg/l is significantly lower than the
Pine Barrens Plan Guideline of 2.5 mg/l (for projects in the vicinity of surface waters) and the
NYS Drinking Water Standard of 10 mg/l; as a result, no groundwater impacts are expected.

To summarize, it is anticipated that the Brookhaven Walk proposal will meet or exceed all pine
Barren standards and in a letter issue on December 21, 2006, the Pine Barrens Commission
indicated that the proposed project appears to be consistent with the standards and guidelines of
the Pine Barrens Plan.

Brookhaven National Laboratory Contaminant Plumes:
The EIS addressed concerns regarding the potential for impact to the site and the SCWA’s
William Floyd Parkway wellfield from any of the contaminant plumes originating on the BNL site.
That analysis indicated that the southerly direction of groundwater flow from the subject site is not
in the direction of the contaminant plumes (the plumes are presently located to the east of the
site, south of the LIE and BNL, between North Street and Weeks Avenue). The direction of flow
of these plumes is toward the south, generally parallel to and approximately 1.5 miles from the
recharge generated on the subject site. Therefore, it is not anticipated that recharge generated
from the project site will impact the contaminant plumes originating on the BNL property nor will
the plumes have any impact to the project site.

Wildlife and Vegetation Resources:
The EIS contains a detailed impact analysis on these resources and further indicates that no
threatened or endangered plant or animal species are present, so that potential impacts to such
species would not occur. The EIS also predicts that out of 153.86 acres, a total of 89.46 acres of
vegetation will be disturbed and that 60.69 acres (or 40.42% of the site) will remain natural and
undisturbed and an additional 3.27 acres of previously cleared area will be re-vegetated with
native species for a total area of natural vegetation following development of 63.96 acres, or
42.60% of the site. In addition, to the maximum extent possible, the proposed development has been located and purposely situated on the area previously cleared in 1997 pursuant to prior approvals, thereby greatly minimizing removal of natural vegetation. The project therefore only requires a total of 16.86 acres (9.1%) of new clearing and is fully compliant with Pine Barrens Plan standards. The Pine Barrens Plan standards were created after the adoption of a comprehensive plan and associated GEIS and are specially intended to minimize adverse impacts to the Pine Barrens ecology.

Transportation/Traffic Safety:
As indicated above, we note that the major roadways and intersections within the project study area are under NYSDOT or SCDPW jurisdiction. These agencies maintain jurisdiction over final approval of proposed roadway improvements. As noted previously, SEQRA does not change the existing jurisdiction of agencies nor the jurisdiction between or among state and local agencies. Therefore, as SEQRA involved agencies, NYSDOT and SCDPW should issue their own findings statements and associated regulatory/permitting decisions based upon their areas of jurisdiction and the facts contained in the EIS. Though this Board has limited jurisdiction over improvements on State or County roadways, the project is proposed within the Town of Brookhaven. Therefore this Board finds that pursuant to this Board’s site plan review authority it is reasonable and appropriate, to reach a reasonable level of assurance that the proposed project traffic impacts will be adequately mitigated.

The EIS contains a detailed Traffic Impact Study that analyzes the traffic aspects of the proposed retail facility, with particular emphasis on identifying appropriate roadway improvements. In addition, an Interchange Justification Report of Access Modification as required by the Federal Highway Administration (FHWA) for the LIE (1495) has been approved by the FHWA, NYSDOT and SCDPW. These agencies, as well as the Town of Brookhaven Division of Traffic Safety and its consultants, have reviewed this traffic impact study. Based upon this review and analysis and the mitigation measures listed in the FEIS, this Board finds that the following transportation/traffic safety mitigation measures will be implemented and completed by the applicant. These improvements have also been designed to address the potential traffic needs for future development of the adjacent Racetrack and nearby Arrow parcels based on and assuming their present zonings.

Based on the recommendations of the Traffic Impact Study, the following roadway improvements are proposed for the Brookhaven Walk project:

- Yaphank Woods Boulevard will be improved along the northerly portion of the site between CR 46 and its westerly terminus incorporating physical features that promote traffic calming and will incorporate elements for a "boulevard design". The developer will incorporate travelway reductions and modify landscaped raised median treatments to improve access safety.
- The existing paved roadway along the western property boundary connecting the LIE North Service Road to Yaphank Woods Boulevard will be constructed/reconstructed to Town standards. This new 2-lane north-south roadway will consist of one 12-foot wide travel lane in each direction with 5’ shoulders throughout and auxiliary turning lanes at the proposed site access, all within a proposed 50-foot right-of-way. Additional right-of-way at intersections will be required where auxiliary lanes are provided. Additional overall roadway right-of-way, if deemed necessary, will be provided at time of development of other vacant lands along the west side of the new north-south roadway. At its intersection with the LIE North Service Road, dedicated auxiliary lanes for deceleration/acceleration from/to the North Service Road
will be provided.
- The North Service Road will be extended and a new entrance ramp to the LIE will be constructed approximately 1,850 feet west of the existing service road. The existing entrance ramp will remain in place.
- Widening and re-stripping will be provided along the North Service Road. The improvements will incorporate an additional lane between the ramp from the southbound William Floyd Parkway past the access to Entrance No. 4/ new roadway.
- Traffic signs will be provided on the exit ramp from southbound William Floyd Parkway onto the North Service Road directing vehicles to utilize the second Westbound LIE Entrance Ramp to reduce the volume of vehicles weaving on the North Service Road from the southbound William Floyd Parkway Ramp to the first Westbound LIE Entrance Ramp.
- The exit ramp from the eastbound LIE to the South Service Road will be reconstructed to provide two exiting lanes. An eastbound auxiliary lane on the LIE, for approximately 1,500 feet in advance of the exit ramp, will be provided.
- Access to the site from William Floyd Parkway will be at two locations. The first one is located midway between the westbound LIE on/off-ramps and Yaphank Woods Boulevard. This signalized site access will provide for two (2) separated northbound left turn only lanes, while providing continuous right-of-way for three (3) northbound through lanes, two southbound through lanes (controlled by signal) and an exiting eastbound channelized right-turn only lane. A physical barrier will be provided/constructed along the right side of the northbound William Floyd Parkway left-turn only lanes preventing vehicles exiting from the westbound LIE to weave across William Floyd Parkway to this site access drive. The second access to the site is located farther to the north and also south of Yaphank Woods Blvd. and will be limited to right turn movements in and out of the site. Restricted movements will be channelized and all left turns will be prohibited. The construction of these two site access driveways along William Floyd Parkway will provide additional access to Brookhaven Walk. The driveways will disperse the traffic destined to the site to a total of four access points. The provision of these driveways will minimize congestion and delays at the remaining access locations by dispersing the site generated traffic. Specifically, the traffic volumes and delays at the intersection of William Floyd Parkway and Yaphank Woods Boulevard will be minimized and the intersection will operate at acceptable levels of service while ensuring acceptable levels of safety at this location.
- The exiting loop ramp from the LIE South Service Road to northbound William Floyd Parkway will be widened to provide a two-lane exit ramp. The right exiting lane will be dedicated solely to the entrance ramp onto the westbound North Service Road. Traffic signs will be provided on the exiting loop ramp directing motorists destined for Brookhaven Walk to the entrance ramp onto the North Service Road. This will reduce the number of vehicles weaving on northbound William Floyd Parkway between the loop ramps.
- An additional lane northbound on William Floyd Parkway will be constructed extending from the LIE South Service Road northerly through the intersection of Yaphank Woods Blvd.
- The intersection of William Floyd Parkway and Yaphank Woods Boulevard will be reconstructed/widened to provide the southbound William Floyd Parkway approach with two through lanes and a separate right-turn only lane. The northbound approach of the William Floyd Parkway will be widened to provide two left-turn only lanes and three (3) through lanes. The eastbound approach of Yaphank Woods Boulevard will be reconstructed/widened to provide two left-turn only lanes and a separate right-turn only lane. The existing traffic signal will require rebuilding, to include (but limited to); equipment, added signal heads and timing design modifications as a result of intersection reconstruction.
- Traffic signal modifications, including but not limited to full actuation and timing design, at the intersection of William Floyd Parkway and Moriches Road-Middle Island Road, will be
provided in accordance with all required Suffolk County highway work permits.

- Traffic signal modifications, including but not limited to timing design, at the intersection of William Floyd Parkway and the existing Police Station Driveway, will be provided in accordance with all required Suffolk County highway work permits.

- Traffic signal modifications, including but not limited to full actuation and timing design, at the two-signal system at the intersection of Longwood Road/Brookhaven National Laboratory at the William Floyd Parkway will be provided in accordance with all required Suffolk County highway work permits.

As indicated above, the Interchange Justification Report of Access Modification for access to the Long Island Expressway has been reviewed and approved by the FHWA, NYSDOT and SCDPW, as applicable. These proposed improvements are summarized as follows:

- The proposed two-lane exit ramp for eastbound LIE at the Exit 68 Interchange to the South Service Road will significantly increase the capacity of the exit, thereby accommodating future traffic volumes. The provision of a two-lane exit ramp will not adversely impact the LIE mainline.

- The proposed two lane loop ramp from eastbound LIE South Service Road to northbound William Floyd Parkway will provide added capacity and separation for motorists destined for westbound LIE North Service Road.

- Construction of an additional northbound lane on William Floyd Parkway; especially within the interchange area will provide added capacity and safety to address the weaving maneuvers and improve level of service.

- Relocation of the northbound William Floyd Parkway to westbound LIE loop ramp further to the north will accommodate the added northbound lane and need for increased weaving section improving operations and safety.

- The proposed added two lane weaving section on the North Service Road will enhance access to the new north-south roadway for access to the project site. The construction of approximately 1,850 feet of new LIE North Service Road to the west and a second entrance ramp to westbound LIE Main Line, improved capacity, weaving length and safety should be realized. These improvements will not adversely impact the LIE mainline.

- The proposed lane addition along northbound William Floyd Parkway through the intersection of Yaphank Woods Boulevard will eliminate the two previously proposed lane drops on each side of the northbound William Floyd Parkway between the Brookhaven Walk Driveway and Yaphank Woods Boulevard, thereby enhancing the safety of the northbound William Floyd Parkway roadway section.

The proposed modifications to the roadways at or near the Eastbound Interchange 68 LIE Exit Ramp and the Westbound Interchange 68 LIE Entrance Ramp should not have an adverse impact on the operational characteristics of the traffic flow on the LIE or the modified ramps, but should provide a benefit. The future traffic volumes will be accommodated on the adjacent roadway network after construction of the improvements. Safe and efficient traffic operating conditions will be maintained along the adjacent roadways.

All traffic mitigation identified and required in accordance with all applicable Highway Work Permits and all related approvals from agencies having jurisdiction, shall be completed prior to the completion of the project.

Inherently, there exists the potential for unforeseen traffic related impacts associated with a new development project. These unanticipated impacts usually relate to traffic safety as it relates to
driver behavior, changes in traffic patterns and the influx of a wide range of new and diverse trips generated by the type of development in this area. In addition, the magnitude of the development may exacerbate this condition and justifies the need for follow-up traffic studies. Therefore, the following mitigating measures are required and are in addition to those already identified above and previously discussed herein:

The applicant shall conduct a follow-up traffic study consisting of a traffic signal warrant analysis at three locations. These locations include: 1.) Brookhaven Walk driveway at Yaphank Woods Blvd., 2.) Yaphank Woods Blvd @ New North-South Roadway, 3.) New North-South Roadway @ Brookhaven Walk driveway (rear driveway). This traffic study/analysis will be conducted after at least one holiday season with stores open and occupied with approximately 85% of the facility open and in operation. The study will recommend appropriate corrective measures and the applicant shall bear all costs in implementing and completing required improvements including, but not limited to traffic signals or other safety measures.

The applicant shall conduct a follow-up traffic study consisting of traffic volume flows and traffic operations at two residential driveway locations. These locations include: 1.) Yaphank Woods Blvd. @ Colonial Woods access drive and 2.) Yaphank Woods Blvd. @ Whispering Pines access drive. This traffic study/analysis will include AM, PM and Mid-day Peak Hour counts, evaluation of levels of service, traffic signal warrant analysis, and other related traffic control and/or lane control corrective measures. This traffic study/analysis will be conducted after at least one holiday season with stores open and occupied with approximately 85% of the facility open and in operation. The study will recommend appropriate corrective measures and the applicant shall bear all costs in implementing and completing required improvements including, but not limited to traffic signals or other safety measures.

Upon substantial completion and occupancy of the project (95 to 100%), the applicant shall be responsible to address any local area traffic safety related improvements necessitated by the traffic impacts associated with this project. The Town’s Director of Traffic Safety or designee may direct the applicant’s engineers to address local area intersection or roadway safety concerns commensurate with a full evaluation of the latest available accident history data that bear a rational nexus to the traffic generated by Brookhaven Walk. The applicant shall be responsible for all costs for study, evaluation, design and implementation of corrective measures deemed appropriate or as applied to a “fair share” basis for that portion of the traffic improvements deemed necessary.

**Air Resources:**
The Air Quality Analysis contained in the EIS indicated that the Brookhaven Walk project would not result in significant air quality impacts and that the level of potential air quality impact is directly related to vehicle emissions. Carbon monoxide dispersion modeling in the EIS demonstrates that the proposed traffic mitigation is effective in reducing congestion and thereby provides mitigation of air resource impacts. The number of vehicle trips generated by the Brookhaven Walk proposal will be significantly less than that generated by the prior Brookhaven Town Center proposal.

**Zoning and Land Use Plans:**
This Board understands that the Brookhaven Walk proposal will change the type of use and the intensity of use of the site, from a vacant, undeveloped property to a regional shopping destination. However, it is anticipated that the Brookhaven Walk project will not result in any adverse land use, zoning or land use plan impacts for the following reasons:
• The parcel is recommended for regional shopping destination/commercial center use in the Town's master and land use plans.

• The parcel is zoned for regional shopping destination/commercial center use, has been zoned for that use for a considerable period of time and has been the subject of various municipal applications for a regional shopping destination for several decades.

• The project conforms to the requirements of Town Zoning Code for the J-2 district, including building height and parking count, and requires no variances.

• The project is in conformance with all applicable standards of the Land Development Standards of Chapter 85-50, of Town Code.

• The project is in conformance with all applicable standards of the Central Pine Barrens District contained in Article XXXVII of Town Code.

• The proposed project conforms to the applicable recommendations of the Longwood Mini-Master Plan, as it will significantly increase tax generation of the site and within the Longwood Central School District, without a corresponding increase in students generated.

• Finally, the proposed project will provide the commercial use specified in the Mini-Master Plan for the Yaphank Center of Activity identified as the project site.

**Community Character:**

Impacts on the character of the community were discussed and analyzed in the Draft Supplemental EIS for the prior project and are anticipated to be non-significant. The Retail Market and Economic Impact Analysis prepared for the EIS (updated April 2006) indicate that no impacts to the character of the downtowns and/or community centers in the region are anticipated due to the Brookhaven Walk proposal. In addition, the EIS specifically analyzed potential impacts to the adjacent Whispering Pines/Colonial Woods condominiums. No significant impact to the character of the Whispering Pines/Colonial Woods development, located north of the project site across Yaphank Woods Boulevard, is anticipated, because of the mitigation measures incorporated into the project design. These measures include, but are not limited to: a significant reduction in building size and mass from prior proposals, use of shrouds or "cut offs" on the pole-mounted, dark sky-compliant lighting fixtures, deep building setbacks, retention of thick buffers of natural vegetation along the northern, eastern and southern property lines (which also serve to minimize construction and site generated noise audible at this receptor), use of extensive landscaping, and construction of specific roadway improvements directing traffic to major arteries and away from local roads in addition to providing direct access to the LIE North Service Road for this community.

While some change in community character is expected, the change is consistent with the intended use of the site, and impacts are substantially mitigated or not significant.

**Fiscal, Socio-Economic and Community Services:**

Brookhaven Walk will result in a significant increase in taxes generated (sales taxes and property taxes) and jobs will be created on the site, with associated positive impacts on all such jurisdictions and the regional economy.

The potential for economic impact to the thirteen other major shopping centers or districts in the region was addressed in the EIS. That analysis ("Retail Market and Economic Impact Analysis", Thomas Consolcenti Associates, March 2003 and updated in April 2006 as Appendix A-8 of the FEIS) concluded as follows:
In summary, given the distance to nearby regional centers, the different merchandise mix and target markets, Brookhaven Walk will have a minimal competitive impact on nearby regional shopping destinations. No significant direct or indirect economic impacts on the existing businesses in the trading area are anticipated.

The above report also states: “There is more than sufficient demand in the trading area to support the proposed Brookhaven Walk.” It is noteworthy that the 850,000 SF of Brookhaven Walk is significantly less than the square footage that could be built on the subject site “as-of-right” and significantly less that the 1.9 million square feet proposed in the prior Brookhaven Town Center proposal.

The potential impacts on community services are anticipated to be primarily beneficial due to the substantial tax revenue and private maintenance of the facility, particularly with respect to the school district. Community service providers currently exist and will provide services to development within their service areas. The project is anticipated to generate a total of $3.63 million in tax revenues annually, based on the 2005-06 tax year rates. This tax revenue is expected to offset all or provide a fair share of the increased cost to the various taxing jurisdictions to provide their services to the project, so that there will be minimal potential impact to the use, availability of and cost of these services to other sites and areas within the various service areas.

Tax revenues generated by the project are a substantial net benefit to the school district with no educational costs. Based on the most recent calculations, the proposed project will generate approximately $2.52 million in annual school tax revenue which is a substantial, reliable increase in the amount of taxes allocated to the Longwood Central School District, without generating any residents or school-age children (and the costs associated with their educational services). This represents a significant positive benefit of the proposed project, in that it will provide a large increase in school district assets with no offsetting increase in district expenses.

Security for the mall will be managed by a privately-owned and funded Department of Public Safety established for the mall, performed on a 24-hour basis and equipped with the latest security technology available, thereby reducing and/or minimizing the potential workload of the Suffolk County Police Department. The applicant and Town have worked with Ridge and Yaphank Fire Districts to ensure an equitable sharing of these revenues and jurisdictions with respect to fire and ambulance response to the site. The site provides numerous access points as well as the reconstruction of an existing road along the western perimeter, increasing the Ridge and Yaphank Fire Districts’ abilities to access the site and surrounding areas.

The Long Island Power Authority (LIPA), KeySpan and SCWA have indicated their ability to provide electric, natural gas and water services to the site.

The Dorade Sewage Treatment Plant is no longer proposed to accept sewage from Brookhaven Walk and therefore will not need to be upgraded (to meet the Brookhaven Walk additional flow). The applicant will maintain ownership of the Dorade Sewage Treatment Plant, and will still be responsible for the continued maintenance and operation of this plant. Since the plant is aging, the applicant will also be responsible for any upgrades to the facility in order for this plant to continue to meet discharge standards or as mandated by NYSDEC.

As a result, community service impacts are either not significant or have been mitigated to the maximum extent practicable.
**Cumulative and Secondary Impacts & Growth-Inducing Aspects:**
The Brookhaven Town Center DEIS contained a description and discussion of the potential cumulative impacts associated with development of the Applicant’s other land holdings in the vicinity, as well as an analysis of the secondary (i.e., growth-inducing) impacts of development of the adjacent Racetrack and Arrow parcels. The full cumulative impact analysis contained in that DEIS is supplemented by the additional cumulative impact analysis included in Appendix G of the Brookhaven Walk FEIS. This supplemental analysis provides further information including: an updated outline of the prior cumulative analysis and disclosure of the extent of applicant related land holdings; a discussion of whether a GEIS is needed in connection with the proposed action; an analysis of potential cumulative impacts; an update on the status of land holdings; and an assessment of the potential impacts of utilization of the applicant’s holdings.

The supplemental analysis recognizes the prior comments on the Brookhaven Town Center DEIS that suggest there may be a need for a Generic EIS in connection with the site-specific Brookhaven Town Center project. This issue stems from a prior land use proposal envisioned by Breslin Realty and referred to as North Shore Properties. North Shore Properties involved the accumulation of approximately 2,100 acres of land that were proposed for development in the 1980’s. Development plans and application submissions were prepared and the Town Board of the Town of Brookhaven as lead agency determined that a Generic EIS was necessary to determine the potential impact of the pending projects. The full background with regard to North Shore Properties is provided in the Brookhaven Town Center DEIS. Since that time, Breslin Realty has sold all properties to AVR Realty and/or Rose-Breslin. Further sale of land has occurred such that original parcels designated as 4, 5, 6, 7, 8 and 9 have been acquired/sold and are in public ownership. More recently, Parcels 10 and 16 and the Greenbelt were also purchased for open space. This placed 729± acres of the original holdings in public ownership, leaving 1,377± acres of land.

In addition, as of January 26, 2007, the applicant has closed on Parcel 3 and the majority of Parcel 2, selling these lands for public open space. The applicant has agreed to sell Parcel 1 and the remainder of Parcel 2 to New York State and is awaiting contracts. Upon closing of this sale, 53.7% of the original North Shore Properties holdings will have been conveyed as public open space lands. While the applicant still owns some vacant lands that are available for development, these lands are no different than the other vacant lands in area. Furthermore, to conduct comprehensive analysis of only a selection of vacant parcels controlled by the applicant while ignoring the other vacant parcels in the community area undermines the principles of accepted land use planning standards. At its most basic level, land use planning will at a minimum involve zoning and transport infrastructure planning and will be an important part of social policy, ensuring that land is used efficiently for the benefit of the wider economy and population as well as to protect the environment. These land use planning goals can not be accomplished by analyzing only a partial selection of vacant parcels in the community.

It is also recognized that the Town Board of the Town of Brookhaven has the jurisdiction to weigh development pressures in the area and to authorize comprehensive community planning if needed. The Town Board has been extremely proactive and sensitive to land use/planning concerns by enacting sweeping changes and enhancements to the Town zoning code and rezoned many commercial parcels based upon the conclusions of a comprehensive Generic EIS. Furthermore, the Town Board has enacted seven separate development moratoriums (Town code chapter 17A-G) and has recently authorized the undertaking of more than eight compressive land use planning community visioning/hamlet plans. However, the Brookhaven
Walk site has not been included in the boundaries of any of these long-range planning initiatives. Given these facts and in consideration of the significant open space acquisitions as well as the fact that no other applications are pending on any of the remaining North Shore Properties parcels, the FEIS for Brookhaven Walk concludes that North Shore Properties proposal is no longer being pursued by the applicant, that the applicant has in fact dismantled these holdings by actual sale of more than half of these holdings to public entities and that the applicant has no overall development program.

Notwithstanding the above, the Brookhaven Town Center DEIS provided a detailed cumulative impact analysis of the full utilization of two adjacent parcels, specifically the Racetrack parcel to the west and the Arrow parcel to the south. That analysis included: a brief description of the existing conditions of the Racetrack and Arrow parcels; the assumed uses and yields of each; a table quantifying the anticipated site and development characteristics; and generalized discussions of the expected geological, water, ecological, transportation, air, zoning, land use, plan, community service, community character and fiscal/socio-economic impacts.

It was clearly indicated and disclosed that there were no applications pending for these two parcels or any other applicant holdings; nevertheless, these parcels were recognized as being in proximity and as having the potential to share cumulative impacts. The impact analysis included a complete traffic impact study that determined the adequacy and need for upgrades to the road system if the combined projects were developed under current zoning. In addition, the cumulative impact analysis in the Draft Supplemental EIS identified the controlling layers of government approvals, land use plans, overlay districts, SEQRA analyses and zoning regulations that would ultimately shape the development of those parcels if and when they are proposed for development in the future. Finally, the Draft Supplemental EIS performed an assessment of the potential impact of full development of the combined parcels on the array of environmental (natural and human resources) conditions for the categories analyzed in the site-specific Brookhaven Town Center analyses. This Board therefore finds that cumulative impacts have been addressed and that adequate mitigation has been incorporated into the site design.

**Construction Phase:**
Construction period impacts from development of the Brookhaven Walk proposal were described and discussed in the EIS and indicates that the following mitigation will be implemented:

- At the initiation of construction activities, limits of clearing will be flagged to indicate to equipment operators the boundaries beyond which no clearing is permitted. The clearing limit will also be provided with staked hay bales and silt fences, which will act as soil traps, and drainage diversions to limit the potential for eroded soils to impact areas, which are to remain undisturbed. The construction manager will be responsible for the proper siting, installation and maintenance of these hay bales.

- Construction vehicles will not utilize the northern portion of Yaphank Woods Boulevard during the construction-period; all such vehicles will access the site via the LIE North Service Road. All equipment loading/unloading, materials storage, and construction staging areas and construction worker parking will be located within the subject site; thereby minimizing construction impacts to the adjacent Whispering Pines/Colonial Woods development.

- It is anticipated that the distance between construction activities, which generate significant amounts of noise, and potential receptors (in the Whispering Pines/Colonial Woods site) will be sufficient to adequately reduce construction-related noise. In addition, retention of thick, naturally vegetated buffers along all perimeters of the site will provide
additional noise buffering.

- Dust suppression methods will be utilized, which may include use of water sprays and a truck wash-down station. In addition, the retention of thick, naturally vegetated buffers along all site boundaries will add to the level of dust suppression, by acting as windbreaks.
- Construction activities will be limited to between the hours of 8 AM and 5 PM.

**Comments Received After The FEIS Was Adopted:**

**Fire District/Emergency Response:**
After the FEIS was adopted by the lead agency, this Board received several comments regarding fire districts and their ability to respond during an emergency. These comments asked what fire district the project is within, requested clarity to existing fire district boundaries, questioned the ability of Yaphank Fire District to respond in a timely fashion and finally, suggested mitigation of a dedicated fire access road if the response of Yaphank Fire District did not meet standards.

NYS Town Law Article 11 governs the establishment, extension and alteration of fire district boundaries and requires that the town board, acting by a majority vote may establish or extend fire districts. Article 11 of NYS Town Law further specifies that irrespective of the manner of their original establishment, whenever two or more fire districts adjoin and the boards of fire commissioners of each fire district affected have agreed by a written memorandum of proposed change to alter the boundaries of such fire districts and after a public hearing thereon, held jointly by such fire districts, the boundaries of such fire districts may be altered in accordance with such memorandum of proposed change, but not until such proposed change has been approved by the town board of the town in which such fire districts are located.

The Town Clerk of the Town of Brookhaven has on file and available for public inspection records regarding the establishment and any alteration of fire districts boundaries. Review of these records finds that as accurately reported in the FEIS, the Brookhaven Walk project site is within the Ridge Fire District. This Board finds that that the provisions of NYS law in combination of the records at the Town Clerks office resolves any ambiguity of fire district boundaries.

With regards to emergency response times and the recommendation for the construction of a new dedicated fire access roadway, there is significant practical difficulty in implementing any new dedicated fire access roadway as the potential lands necessary for the roadway are; in private ownership not under the control of the applicant, are in public ownership under a nature preserve category and part of the Core Preservation Area of the Pine Barrens or are part of the I495 Interstate right of way. However, response times for both the Ridge and Yaphank Fire Districts were documented in the FEIS and shown to be significantly below the 9 minute response time standard. These existing response times documented in the FIES have not been disputed by the commentators, but instead were predicted to become substantially longer as a result of project generated traffic.

However, the EIS contains a detailed Traffic Impact Study that analyzes the traffic aspects of the proposed retail facility, with particular emphasis on identifying appropriate roadway improvements. In addition, an Interchange Justification Report of Access Modification as required by the Federal Highway Administration (FHWA) for the LIE (I495) has been approved by the FHWA, NYS DOT and SCDPW. These agencies, as well as the Town of Brookhaven Division of Traffic Safety and its consultants, have reviewed the traffic impact study. The roadway improvement plans that have been proposed to mitigate the projects impact, have been
specifically designed to either maintain or improve level of service on all studied roadways including those roadways used by Yaphank Fire District for emergency response. In addition, these roadway improvements have also been designed to address the potential traffic needs for future development of the adjacent Racetrack and nearby Arrow parcels based on and assuming their present zonings. Consequently, since level of service is predicted to remain the same or improve, emergency response times are correspondingly anticipated to either remain the same or actually improve after the roadway improvements plans are implemented. These conclusions are supported in the NYS DOT Findings which state, "NYS DOT conducted lengthy reviews and requested numerous analyses from the applicant to ensure that the traffic concerns were adequately addressed ..." and "NYS DOT identified public benefits which would accrue from the implementation of the traffic work outlined in the Interchange Justification Report of Access Modification report. The benefits to the public include the preservation on the level of service at the ramps of the Long Island Expressway exit 68." Therefore, this Board finds that no additional roadway improvements or dedicated fire access roadway are needed to mitigate project related emergency response times.

Open Space Council:
After the FEIS was adopted, this Board also received comments from the Open Space Council. These comments consisted of the following concerns:

- That the Town Board should assume lead agency so as to have a wider range of potential alternatives to consider and to address cumulative impacts.
- That the method of sanitary waste disposal has been changed from the use of a STP to the use of an onsite conventional sewage system and that this alternative was never explored and there was no opportunity for adequate public review.
- That the Suffolk County Sewer Agency and SCDHS may have overstepped their authority, a concern that use of an conventional sewage system will set averse precedent and that no new STP or refurbished Dorade will be constructed by AVR/Rose-Breslin.
- That sanitary waste disposal might impact the Carmans River and cause Nitrate toxicity to aquatic animals.
- That the Dorade STP is barely able to handle it's current volume and concern of a "catastrophic" Dorade STP failure. Segmentation issues and/or cumulative impacts regarding the future of the Dorade or an alternative STP were also expressed.
- Concerns that the proposed roadway improvements will not be conducive to safe, free flowing traffic on the north bound William Floyd Parkway.
- Requested the disclosure of the ownership of the portion of the north service road west of the existing LIE on-ramp and a recommendation for a covenant that prohibits forever, the extension of that road into Main St.
- Concerns that the market study does not account for the failure to thrive of the Bellport Outlets due to the presence of Tanger Mall in Riverhead.

With regards to the request that the Town Board should be lead agency, the Town Planning Board has jurisdiction over the Brookhaven Walk application, whereas the Town Board does not. The application before the Town is and has long been for Site Plan approval and the proposed project does not require a change of zone, special permits or any other approvals from the Town Board that would allow the Town Board
to be considered even an SEQR involved agency. Please also see the cumulative impact section of this findings statement for further information.

With regards to the claim that the Suffolk County Sewer Agency and SCDHS may have or may not have overstepped their authority is beyond this Board jurisdiction and beyond the confines and purpose of this findings statement. SEQR regulations clearly state that SEQR does not change the existing jurisdiction of agencies nor the jurisdiction between or among state, county and local agencies. Consequently, Suffolk County Sewer Agency and SCDHS have continuing jurisdiction over sanitary issues. With regards to the various conventional sanitary system issues raised, the FEIS indicates that the applicant proposed the use of an onsite sewage system in response to comments on the DEIS made by the New York State Department of Environmental Conservation (NYSDEC) and other agencies which indicated that it would be undesirable to connect the project to the Dorade sewage treatment plant (STP), thus increasing STP discharge in the Central Pine Barrens.

All current health and environmental regulations at both the County and State level support use of an on-site, conventional sanitary system provided such a system meets density discharge limitations by ensuring that not more than 300 gallons per day (gpd) per acre are discharged in Groundwater Management Zone 3. Such systems are not under the jurisdiction of this Board but are under the jurisdiction of Suffolk County Department of Health Services (SCDHS) and are routinely approved administratively without public review since the Long Island Regional 208 Study and other studies support the existing regulations, which have established this density discharge limitation. It is also important to note that project will comply with the Central Pine Barrens Comprehensive Land Use Plan by conforming to the Standards and Guidelines for a Development of Regional Significance, which include consideration of groundwater impacts, sanitary discharge, aquifer protection and compliance with SCDHS discharge requirements, and discourage additional STP's in the Central Pine Barrens. The proposed project density has been reduced from what was originally a 1.6 million square foot (SF) mall, to an 850,000 SF center. The change in project intensity reduces the sanitary flow to just less than 30,000 gpd, or just less than 200 gpd/acre, which is substantially less than the allowable flow 300 gpd flow. Both SCDHS and the Pine Barrens Commission have provided letters to this Board indicating that the project will comply with the necessary regulations to permit this discharge.

The use of an on-site conventional sanitary system is fully described in pending plans with the Town of Brookhaven and SCDHS as well as the September 2006 FEIS, which was subject to public and agency review and comment and available for public review through the FEIS circulation process and the website www.brookhavenwalk.com. The use of an on-site sanitary system was also discussed in detail at a public hearing conducted by the Central Pine Barrens Commission on June 21, 2006, at which all interested parties had an opportunity to comment. Subsequently, the project was further evaluated at the Central Pine Barrens Commission meeting of November 15, 2006, and the Commission, on December 21, 2006, provided a letter indicating "it appears that the project will conform" to the Central Pine Barrens Comprehensive Land Use Plan.

In summary, the cumulative impacts of on-site treatment of sanitary waste in Suffolk
County were fully studied and analyzed under the Long Island Regional 208 Study. The 208 Study was utilized as a basis for the creation and adoption of Suffolk County Article 6 regulations, which regulate and control on-site sanitary system design. The subject project is completely compliant with Article 6 requirements as documented in the SCDHS letter of March 6, 2006 that was included in the FIES. It is also compliant with the strict nitrogen discharge limitations contained in the Pine Barrens Plan Standard. Consequently, this Board finds that the proposed on-site discharge of sanitary waste results in no significant adverse impacts to groundwater or surface water, since it conforms to all applicable Standards and Guidelines of the Pine Barrens Plan and Article 6 of the Suffolk County Sanitary Code.

With regards to the issue of if a STP will ever be built, the FEIS indicates that if and when an off-site STP becomes available and feasible, Brookhaven Walk will connect to it. This requirement is specified in the SCSA Resolution 15-2006, as follows: "RESOLVED, that Brookhaven Town Center (Brookhaven Walk) be permitted to suspend the provision regarding the connection to a regional treatment plant until a regional treatment plant is available, as determined by the Suffolk County Sewer Agency." It is anticipated that this requirement will be imposed also by the SCDHS and the applicant has committed to comply with it.

With regards to adverse precedent for use of a conventional sewage system, the cumulative impacts of conventional sewage system discharges were fully studied under the previously-referenced Long Island Regional 208 Study. This cumulative impact analysis was utilized to establish the Article 6 regulations regarding density of development, which exists to protect groundwater and surface water resource quality. In addition, the Pine Barrens requirement regarding nitrogen loading to groundwater was established based on a desire to mitigate the potential cumulative impacts associated with conventional sewage system discharges. As previously discussed the Brookhaven Walk Project is specifically designed to comply with Article 6 and Pine Barrens standards. The FEIS provides a full discussion regarding compliance with these agency requirements. Therefore there is no adverse precedent associated with the proposed conventional treatment of sewage, in fact, conventional systems are the standardized and typical system that almost all residential and commercial development utilizes in Suffolk County.

With regards to the concerns that sanitary waste disposal might impact the Carmans River and cause potential Nitrate toxicity to aquatic animals, this Board observes that the Nitrate toxicity research article referenced by the commentator addresses the case of surface water in an aquatic environment, and not to a groundwater regime feeding a river, and particularly not to a river located a substantial distance (6,000± feet) from the project site. This issue was fully addressed in the EIS and included the use of a flow diagram that indicated the route that sanitary recharge would take relative to the Carmans River with a distance of approximately 1.1 miles in the groundwater regime prior to any potential outflow to the Carmans River. Two separate computer models were utilized in the FEIS to determine the expected concentration of nitrogen in site-generated recharge water. The results of both models for the proposed project show independently that the nitrogen concentration would be less than 2.0 milligrams/liter (mg/l) limit suggested by the research article. In fact, the on-site conventional sanitary discharge evaluation included in the FEIS results in a concentration of 1.6 mg/l. Therefore, recharge at the Brookhaven Walk site is found to
be of suitable quality and already is compliant with the 2 mg/l value cited in the research paper referenced by the Open Space Council.

With regards to the Dorade STP, the Dorade STP is not a part of the Brookhaven Walk project; a connection to this facility is not necessary or proposed. The proposed Brookhaven Walk stands on its own and is not dependent on any connection to an offsite sanitary system being implemented. The project has been designed to utilize an on-site sanitary system that fully conforms to the applicable SCDHS and Pine Barrens Plan requirements. It is noted throughout the FEIS that, if connection to an off-site STP becomes available and feasible in the future, then Brookhaven Walk will connect to such a facility.

The Dorade STP, though operated and maintained by the applicant, is a separate, existing, permitted facility subject to a State Pollutant Discharge Elimination System (SPDES) permit, with inspection, operation and maintenance requirements. The Dorade STP is not part of the Brookhaven Walk application, and is being maintained in an operable condition. Since taking over responsibility for the Dorade STP, the applicant has implemented an on-going maintenance program, and this facility is now operating in full compliance with all standards.

With regards to traffic safety issues, the commentator admits that they are not a traffic expert and offers their opinion for this Board to consider. The project has been thoroughly reviewed by the various applicable agencies with respect to vehicle access design, roadway improvements and traffic generation and impacts, and has received conceptual approvals from all such agencies. The proposed modifications to the interchange of the LIE and William Floyd Parkway will improve traffic operating conditions and were designed to provide safe travel movements. The separation of the off-ramp traffic from through traffic will improve safety conditions for both traffic flows by preventing certain weaving movements along William Floyd Parkway. There is sufficient space under the LIE bridges to accommodate the barriers and the third lane. Furthermore, these improvements will have a positive impact on all traffic and will not exclusively serve traffic destined to Brookhaven Walk. These improvements were determined based on the detailed collaborative efforts of various parties and have been reviewed and approved by these parties, which include the Federal Highway Administration, the NYS Department of Transportation and Suffolk County Department of Public Works. NYS Department of Transportation has also acknowledged the public benefit of these improvements in their SEQR Findings Statement.

With regards to ownership, NYS Department of Transportation owns the westerly portion of the lands between the westbound LIE on-ramp and Main Street, and therefore this Board nor the applicant can provide or impose any covenants on these lands.

With regards to economic failure due to the presence of Tanger Mall, this comment has been addressed in both the Draft and Final EIS’s, by use of a professionally prepared fiscal impact and market study, which determined that the project would not have an adverse impact on either of this retail facility or existing downtown areas. In addition, the commentator has not established any factual data to undermine the conclusions of the report, nor has the commentator offered any alternative methodology for such an analysis.

The Town Planning Board, pursuant to 6 NYCRR Part 617.11 has prepared the Findings stated
herein and shall cause it to be filed in accordance with 6 NYCRR Part 617.12(b).

COPIES OF THIS FINDINGS STATEMENT WILL BE SENT TO:

Environmental Notices Bulletin (ENB)
NYSDEC, Division of Regulatory Services, Albany
NYSDEC, Division of Regulatory Services, Region 1
New York State Department of Transportation
Suffolk County Planning Commission
Suffolk County Department of Health Services
Suffolk County Water Authority
Suffolk County Department of Public Works
Suffolk County Sewer Agency
Central Pine Barrens Joint Planning and Policy Commission
Supervisor, Town of Brookhaven
Brookhaven Town Clerk
Town of Brookhaven, Division of Environmental Protection
Longwood Central School District
Yaphank Taxpayers & Civic Association
Open Space Council
ABCO
Colonial Woods/Whispering Pines Committee for Community Concerns
Wading River Civic Association
LI Pine Barrens Society
Applicant/Agent/Attorney

THIS STATEMENT IS NOT COMPLETE UNTIL AUTHORIZED AS FOLLOWS:

ADOPTED BY RESOLUTION: 5/21/07

SECRETARY TO THE PLANNING BOARD:
March 6, 2007

Mr. Ralph F. Wiebelt, Division of Planning
The Planning Board of the Town of Brookhaven
1 Independence Hill
Farmingville, NY 11738

Final Environmental Impact Statement for
BROOKHAVEN WALK
I-495 Exit 68 AT CR 46 (William Floyd Pkwy)
Town of Brookhaven
SCTM 0200 5530 0100 001003 &
   0200 58400 0200 001002
Our Case No. 05-396 P

Dear Mr. Wiebelt:

This is to response to the receipt of your submission of the FEIS for the Brookhaven Walk project.

We have completed our review of the FEIS. Enclosed is a signed Finding Statement from the NYSDOT which should be incorporated into the Town’s Record of Decision.

Review of the subject material is being coordinated by Ms. Karen Taylor. She can be contacted at (631) 952-6014 if you have any questions regarding this matter. Please send all correspondence to her attention.

Thank you for your cooperation concerning this matter.

Very truly yours,

Frank Pearson, P.E.
Regional Traffic Engineer
cc: Mr. John A. Schmidt, Assistant Civil Engineer Town of Brookhaven Highway Dept.
Ms. Brenda Prusinowski, Planning Town of Brookhaven
Ms. Lynn Weyant, Director, Traffic Town of Brookhaven
Mr. Willet Schraft, PE, Area Engineer Federal Highway Administration
   (Leo O'Brien Building, Room 719, Albany, NY 12207)
Mr. Thomas Perna, Rose – Breslin, LLC
   (One Executive Boulevard, Yonkers, NY 10701)

SAS:KT:SME
MEMORANDUM
Department of Transportation

SUBJECT: Findings concerning FEIS for Brookhaven Walk; Town of Brookhaven
DATE: March 5, 2007

As an interested and affected party, NYSDOT Region 10 is issuing these findings on the Final Environmental Impact Statement for Brookhaven Walk related to environmental concerns and traffic and safety.

Environmental Findings:

The following are proposed findings concerning water resources, ecological resources, land use, secondary and cumulative impacts, air quality and noise, based on information presented in the FEIS for Brookhaven Walk, dated September 2006.

Water Resources

The FEIS Appendix F: On-site sanitary system impact assessment describes the proposed “temporary” on-site sanitary system in a manner that assumes a long-term use. The on-site system ensures that area STPs will not be overburdened by absorbing Brookhaven Walk sewage but that if and when a new STP is built in the area, the Brookhaven Walk site will be able to connect to it. As correspondence with Town of Brookhaven and Suffolk County (found in an Appendix to the FEIS) indicate that no proposed STP facility is imminent, the “temporary” on-site sanitary system must be designed to meet the long-term standards of the Suffolk County Department of Health Services.
Ecological Resources

No state or federal threatened or endangered species are believed to be in the project vicinity. One NYSDEC regulated wetland occurs in the north of the project area. Project plans indicate a setback of at least 175 feet to disturbed areas (edge of clearing and grubbing). An entrance/exit to Yaphank Woods Boulevard will be built/expanded approximately 175 feet to the east.

Land Use, Zoning and Plans

The project is within the Central Pine Barrens Compatible Use Zone. The FEIS indicates the project meets Central Pine Barrens Joint Planning and Policy Commission’s (CPBJPPC) standard minimum for natural vegetation on-site as well as adhering to the standards of the Central Pine Barrens Comprehensive Land Use Plan. The project conforms to the requirements of the Town of Brookhaven Zoning Code J-2. While the proposed land use will be a change from the existing land use on-site, the resulting development is less than full build-out scenarios discussed in Town studies.

Cumulative and Secondary Impacts and Growth-Inducing Aspects

The subject property and project as part of a larger collection of parcels, once owned by North Shore Properties, were discussed in relation to growth inducement. The FEIS indicates that 54% of the original collection of parcels will be conveyed as public open space. Full build out to the maximum capacities under current zoning are detailed in an Appendix to the FEIS.

The FEIS indicates that no significant cumulative impacts are expected in relation to this project.

Air Quality

The proposed Brookhaven Walk project includes retail site and parking area construction, and associated changes to roadway and ramp configurations on the Long Island Expressway and other roads. Air quality effects of these actions were evaluated using procedures recommended by the NYSDOT Environmental Procedures Manual. The microscale analysis indicates that there would be no violations of National Ambient Air Quality Standards. Also, project-level air quality conformity requirements were met by showing that the project has been included in the latest New York Metropolitan Transportation Council (NYMTC) Regional Emissions Analysis. The project comes from a conforming Transportation Improvement Program (TIP) and Long-Range Plan.
As a result, air quality will not be adversely affected by the proposed project and associated transportation improvements.

**Noise**

The proposed access modification will result in the physical alteration of an existing highway, which will change the horizontal and vertical alignment, as well as add roadway on new location (North Service Road and new on-ramp). However, there are no residences or other receptors near the site that would be affected by changes to the existing noise environment that may be caused by these modifications.

**Traffic**

NYSDOT reviewed the FEIS for the proposed Brookhaven Walk project in Yaphank in the Town of Brookhaven, Suffolk County, New York. NYSDOT conducted lengthy reviews and requested numerous analyses from the applicant to ensure that the traffic concerns were adequately addressed and that the applicant’s proposed mitigation plan is consistent with the longer term plans which this Department has under consideration.

The NYSDOT review indicated that the Traffic Mitigation plans designated in Volume 2 of 2 “Interchange Justification Report of Access Modification” will adequately mitigate the impact of construction of the Brookhaven Walk project with respect to traffic operations in the I-495 mainline and Collective Distributor Roads in the exit 68 area. This, in conjunction with other substantial off-site roadway improvements at William Floyd Parkway (County Route 46) identified in the FEIS is necessary. Note, that the mitigations as explained in the FEIS, Volume 1 of 2 is in error. The narrative in Volume 1 is incorrect on page 1-29, the first bullet, states the loop ramp from eastbound 495 to northbound William Floyd Parkway will have a concrete barrier separating the lanes. This was changed after review from FHWA and NYSDOT, there is to be no concrete barrier. The plans included in Volume 2 of 2, “Interchange Justification Report of Access Modification” show the agreed upon mitigation.

The applicant’s contributions, among others in this effort, will be the construction of a new “on Ramp” and related traffic work included in the “Interchange Justification Report of Access Modification” report; the detailed designation of which will be specified in the Highway Work Permit issued by NYSDOT.

NYSDOT identified public benefits which would accrue from the implementation of the traffic work outlined in the “Interchange Justification Report of Access
Modification” report. The benefits to the public include a preservation of the level of service at the ramps of the Long Island Expressway exit 68.

The proposed improvements outlined in the “Interchange Justification Report of Access Modification” report include the following:

**Long Island Expressway**
- LIE eastbound single lane exit ramp to South Service Road will be reconstructed to a double lane exit ramp along with the construction of an approximately 1,300 foot auxiliary lane on the LIE for exiting traffic.
- LIE North Service Road will be extended beyond the existing LIE westbound entrance ramp.
- A new westbound entrance ramp from the extended LIE North Service Road, approximately 1850 feet west of the existing westbound on ramp will be constructed.

**William Floyd Pkwy**
- The existing single lane loop ramp from the South Service Road to Northbound William Floyd Parkway will be widened to double lane.
- The ramp from northbound William Floyd Parkway to the North Service road will be relocated and widened to provide two lane exit.
- The westbound LIE North Service Road exit ramp to northbound William Floyd ramp will be relocated and extended on William Floyd.
- An additional lane will be constructed on the northbound William Floyd Parkway from the south service road to Yaphank Woods Blvd.

**Brookhaven Walk mall**
- Two access driveways from William Floyd Parkway (east side of mall).
- Access from Yaphank Woods Blvd (north side of mall).
- Access from North Service Road (south side of mall).
- Dedication for a new public or Town Road (west side of the mall) running north - south that will connect Yaphank Woods Blvd and the North Service Road access. Construction to commence with the race track parcel.

Consequently, all approvals of the Department will be contained in a Highway Work Permit issued to the applicant by this Department which will require the completion of the identified mitigation work in accordance with the Department's current Highway Standards and Specifications. In addition, the proposed modifications to Long Island Expressway, main line, service roads and ramps shall follow the Design Criteria specified in the Interchange Access Modification Report, Volume 2 of 2.
In regards to the need to modify access control, the change/adjustment of control of access line will need to be documented as part of the Highway Work Permit process.

3/5/07
Date

Frank Pearson, P.E.
NYSDOT Regional Traffic Engineer, Region 10
APPENDIX K

LEGACY VILLAGE RESOLUTION
RESOLUTION NO. 298 -2011, DECLARING AS SURPLUS AND AUTHORIZING SALE AND/OR LEASE OF REAL PROPERTY IN YAPHANK PURSUANT TO COUNTY LAW SECTION 215

WHEREAS, the County of Suffolk owns nearly 900 acres of real property in Yaphank; and

WHEREAS, numerous County departments and agencies operate at the Yaphank County Center and Cornell Cooperative Extension operates the County’s farm in Yaphank; and

WHEREAS, the Suffolk County Department of Planning conducted a study of the County’s holdings in Yaphank and determined that approximately 293 acres could potentially be declared surplus and made available for private development; and

WHEREAS, the Suffolk County Executive first proposed his “Legacy Village” development in 2005; and

WHEREAS, the County Executive’s Legacy Village proposal now set forth in Introductory Resolution No.1883-2010, envisions over 1,000 units of housing, a hotel, multiple restaurants, retail outlets, thousands of square feet of office space, a 550 seat arena and more at the Yaphank site; and

WHEREAS, one of the critical rationales for Legacy Village cited by the County Executive has been the need to create affordable housing; and

WHEREAS, under the County Executive’s proposal, the County of Suffolk would receive a net cash amount of approximately $15 million and amenities benefitting the public with a value of $42 million; and

WHEREAS, circumstances in our County, state and nation have changed dramatically since the County Executive first brought forth his Legacy Village proposal; and

WHEREAS, the world and national economy crashed in 2008 and the effects of the worst recession in nearly 80 years are still being felt today; and

WHEREAS, local governments have been devastated by the weak economy and Suffolk County has not been spared of its effects; and

WHEREAS, decreasing revenues and rising pension and health costs create the potential for large budget deficits in the next few years; and

WHEREAS, the housing market has been altered dramatically as demand and prices have dropped sharply; and

WHEREAS, Suffolk County’s policies should not and cannot remain stagnant in the face of changing circumstances; and
WHEREAS, in the face of current and future budget deficits, realizing $15 million from the sale of 255 acres of prime real estate is no longer in the public interest; and

WHEREAS, Suffolk County needs a different approach that recognizes fiscal reality and maximizes benefits for Suffolk County Taxpayers; and

WHEREAS, pursuant to New York County Law § 215, the Suffolk County Legislature is the steward of all County real property; now, therefore be it

1st RESOLVED, that the proposed sale of 255 acres of County real property in Yaphank to the Legacy Village Real Estate Group, LLC, as set forth in the proposed Agreement of Sale between the County and Legacy Village Real Estate Group, LLC, (attached as Exhibit 2 to Introductory Resolution No. 1883-2010) is hereby rejected; and be it further

2nd RESOLVED, that no County department, office, agency or official shall take any action to advance the Legacy Village project or any variation thereof; however, the preparation of the Generic Environmental Impact Statement (GEIS) initiated by Res. 45-2010 may proceed; and be it further

3rd RESOLVED, that approximately 247 acres of County-owned real property in Yaphank, more fully described in the attached Exhibit "A", are hereby declared surplus to the County’s needs; and be it further

4th RESOLVED, that it shall be the policy of the County of Suffolk to sell and/or lease the County’s surplus property in Yaphank so as to maximize the County’s monetary return; and be it further

5th RESOLVED, that the Department of Energy and Environment, Division of Real Property Acquisition and Management, is hereby authorized, empowered and directed to determine how the property described in the attached Exhibit “A” should be offered for sale or lease in order to maximize the monetary return to the County and is authorized to offer the real property for sale and/or lease at the earliest time practicable; and be it further

6th RESOLVED, that the Division of Real Property Acquisition and Management is authorized to take the actions necessary to create lots from the property described in Exhibit “A”; and be it further

7th RESOLVED, all contracts of sale and lease agreements entered into by the County of Suffolk in accordance with this resolution shall be subject to legislative approval, and appropriate SEQRA and CEQ review; and be it further

8th RESOLVED, that this Legislature hereby determines that the enactment of this resolution herein constitutes a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617.4(b)(4) and Chapter 279 of the Suffolk County Code, which action will not have significant adverse impacts on the environment for the following reasons:

1) The proposed action, as demonstrated in the Environmental Assessment Form, will not exceed any of the criteria in Title 6 NYCRR, Part 617.7 setting forth thresholds for determining significant effect on the environment;
2) The proposed action involves the surplus and sale and/or lease of the property with no proposed development associated with it;

3) The proposed action rejects Suffolk County Introductory Resolution 1883-2010, terminating the Legacy Village proposal; and

4) Any further development of the subject property will be subject to further SEQRA review.

DATED: April 26, 2011

APPROVED BY:

________________________________________
County Executive of Suffolk County

Date:
APPENDIX L

DORADE STP EASEMENTS-RELATED DOCUMENTS
AMENDMENT TO AGREEMENT

BY THIS AGREEMENT, made this /\day of May, 1974, between THE PARK COMPANY OF SUFFOLK, INC., having its principal office and place of business located at 382 Rosevale Avenue, Ronkonkoma, New York, party of the first part and intended to be meant hereinafter wherever the term "OWNER" or "CORPORATION" may, for convenience, be used, and the

SUFFOLK COUNTY SEWER AGENCY, a division of the county government of Suffolk County, having its principal place of business located at 1324 Motor Parkway, Hauppauge, New York, party of the second part and sometimes hereinafter referred to as the "AGENCY", and the

COUNTY OF SUFFOLK, through the Chairman of the Suffolk County Sewer Agency, acting on behalf of the County, whose address is the County Center, Riverhead, New York, party of the third part, and the

TOWN OF BROOKHAVEN, a municipal corporation, having its office located at South Ocean Avenue, Patchogue, New York, party of the fourth part, and sometimes hereinafter referred to as the "TOWN", and the

PLANNING BOARD, Town of Brookhaven, located at South Ocean Avenue, Patchogue, New York, party of the fifth part, and sometimes hereinafter referred to as the "BOARD".
WITNESSETH:

WHEREAS, the parties hereto have entered into an Agreement dated May 9, 1973, thereafter recorded in the Office of the Clerk of the County of Suffolk on June 29th, 1973, in Liber 7430, at Page 413, which Agreement did in Schedule "A", annexed thereto, and made a part thereof, contain among others a description of an intended sewage treatment plant site entitled "DESCRIPTION OF PARCEL FOR SEWER TREATMENT PLANT FOR PARR MODULAR SYSTEMS, INC. SITUATED NEAR YAPHANK (sic), TOWN OF BROOKHAVEN, SUFFOLK COUNTY" and

WHEREAS, the Town of Brookhaven has in the meantime expressed a desire to establish and create a greenbelt area which in part would incorporate a portion of the aforementioned sewer treatment plant site, and

WHEREAS, all the parties are desirous and amenable to relocating the plant site in such fashion that it shall not intrude into the aforesaid greenbelt area, although certain easements will be necessary over and through said greenbelt area to the newly proposed plant site,

NOW, THEREFORE, the parties hereto in mutual consideration of the covenants, promises and changes herein, do understand and agree that the aforesaid Agreement dated May 9th, 1973, shall be amended, modified and changed in the following respects:

1. So much of Schedule "A" annexed to Agreement dated May 9th, 1973, entitled "DESCRIPTION OF PARCEL FOR SEWER TREATMENT PLANT FOR PARR MODULAR SYSTEMS, INC. SITUATED NEAR YAPHANK (sic), TOWN OF BROOKHAVEN, SUFFOLK COUNTY", is hereby changed, amended and modified to read as follows:

   Description of parcel for sewer treatment plant, together with two (2) easements and rights-of-way in perpetuity over, through and under other lands now of the owner for the purposes of ingress and egress to said plant site and for the purpose of constructing, installing, maintaining, repairing and operating sanitary sewer facilities including, but not limited to pipes, lines, laterals, manholes, devices, instruments and appurtenances serving the premises described and referred to in this contract, situate near Yaphank, Town of Brookhaven, County of Suffolk, and State of New York, which said plant site and easements are more particularly bounded and described as follows:

   PLANT SITE:
DESCRIPTION OF D.E.C. PARCEL

All that piece or parcel of land situated near Yaphank, Town of Brookhaven, Suffolk County, New York and described as follows:

Beginning at a point on the easterly side of a private (Longwood) Road, said point being the following nineteen (19) courses and distances from the intersection of the westerly line of William Floyd Parkway and the northerly line of Long Island Expressway. The first three courses and distances being along the westerly side of said William Floyd Parkway.

1. North 33° 47’ 50” West 448.00 feet
2. North 56° 12’ 10” East 1,00 feet
3. North 33° 47’ 50” West 2303.48 feet
4. South 56° 12’ 10” West 1800.00 feet
5. South 64° 27’ 06” West 1944.58 feet to a point on the easterly side of said private (Longwood) Road.

Thence northerly along said road -

6. North 04° 14’ 10” East 142.18 feet
7. North 20° 46’ 30” East 244.97 feet
8. North 07° 14’ 00” West 175.39 feet
9. North 19° 00’ 40” West 132.19 feet
10. North 05° 13’ 20” West 187.77 feet
11. North 06° 06’ 30” East 93.94 feet
12. North 03° 13’ 40” West 340.53 feet
13. North 30° 31’ 00” East 328.60 feet
14. North 06° 12’ 00” West 172.16 feet
15. North 11° 29’ 20” West 614.47 feet
16. North 15° 05’ 10” East 141.90 feet
17. North 40° 03’ 00” East 189.50 feet
18. North 20° 35’ 50” East 298.11 feet
19. North 05° 55’ 30” East 130.66 feet to the point of beginning.

Thence from said point of Beginning continuing northerly along the easterly side of said road, the following three (3) courses and distances:

1. North 05° 55’ 30” East 33.20 feet
2. North 27° 53’ 20” West 256.77 feet
3. North 03° 33’ 20” East 606.19 feet to the northerly line of lands of The Parr Company of Suffolk, Inc.

Thence South 85° 51’ 26” East 1071.33 feet, along said line to a point.

Thence southerly through said lands the following two (2) courses and distances:

1. South 53° 11’ 00” West 770.26 feet
2. South 40° 10’ 00” West 496.66 feet to the point or place of Beginning.

Containing within said bounds 11.06 acres; also the following two (2) censuses,
DESCRIPTION OF AN EASEMENT AT FARMERS\nVILLAGE NEAR AYSHURKH, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NY

Description of an Ingress and Egress easement to the Suffolk County Department of Environmental Control Plant Site.

BEGINNING at a point on the westerly side of William Floyd Parkway; said point of beginning being the following three (3) courses and distances from the intersection of the northerly line of the Long Island Expressway with the westerly side of William Floyd Parkway. The first three (3) courses and distances being along the westerly side of William Floyd Parkway:

1. North 33 degrees 47 minutes 50 seconds West, 448.00 feet;
2. North 56 degrees 12 minutes 10 seconds East, 1.00 feet;
3. North 33 degrees 47 minutes 50 seconds West, 2183.48 feet to Southerly side of a proposed access road and running thence westerly along the southerly side of said access road;
4. South 56 degrees 12 minutes 10 seconds West, 1808.65 feet; to a point;

RUNNING THENCE South 64 degrees 27 minutes 06 seconds West, 292.06 feet to a point;
RUNNING THENCE North 25 degrees 32 minutes 54 seconds West, 942.83 feet; to a point;
RUNNING THENCE North 27 degrees 04 minutes 00 seconds West, 302.95 feet; to a point;
RUNNING THENCE North 35 degrees 12 minutes 00 seconds West, 403.52 feet; to a point;
RUNNING THENCE North 11 degrees 24 minutes 00 seconds East, 394.57 feet; to a point;
RUNNING THENCE North 13 degrees 34 minutes 00 seconds East, 362.70 feet; to a point;
RUNNING THENCE North 62 degrees 10 minutes 00 seconds West, 13.02 feet; to a point;
Continuation, Easement No. One (1)

RUNNING THENCE westerly along a curve bearing to the right and having a radius of 182.50 feet a distance of 89.19 feet; to a point;

RUNNING THENCE North 34 degrees 10 minutes 00 seconds West, 79.34 feet;

RUNNING THENCE North 25 degrees 30 minutes 00 seconds West, 179.21 feet;

RUNNING THENCE westerly along a curve bearing to the left, having a radius of 85.00 feet a distance of 90.99 feet;

RUNNING THENCE North 86 degrees 50 minutes 00 seconds West, 68.52 feet;

RUNNING THENCE westerly along a curve bearing to the right having a radius of 182.00 feet, a distance of 120.71 feet to a point;

RUNNING THENCE North 48 degrees 50 minutes 00 seconds West, 172.93 feet to a point;

RUNNING THENCE westerly and northerly along the arc of a curve bearing to the right and having a radius of 85.00 feet a distance of 82.40 feet to a point;

RUNNING THENCE North 06 degrees 42 minutes 23 seconds East 11.04 feet to the westerly side of land to be dedicated to the Suffolk County Sewer Authority;

RUNNING THENCE North 48 degrees 40 minutes 00 seconds East along the last mentioned line a distance of 29.91 feet;

RUNNING THENCE South 06 degrees 42 minutes 23 seconds West a distance of 33.28 feet;

RUNNING THENCE southerly and easterly along the arc of a curve bearing to the left having a radius of 65.00 feet a distance of 63.01 feet;

RUNNING THENCE South 48 degrees 50 minutes 00 seconds East 172.93 feet to a point;

RUNNING THENCE southerly and easterly along the arc of a curve bearing to the left and having a radius of 162.00 feet a distance
Continuation, Easement No. One (1)
of 111.16 feet to a point;
RUNNING THENCE South 56 degrees 50 minutes 00 seconds East a
distance of 68.52 feet to a point;
RUNNING THENCE along a curve bearing to the right having a radius
of 105.00 feet a distance of 112.40 feet to a point;
RUNNING THENCE South 25 degrees 30 minutes 00 seconds East 144.51
feet to a point;
RUNNING THENCE South 34 degrees 10 minutes 00 seconds East 109.63
feet to a point;
RUNNING THENCE along a curve bearing to the left, having a radius
of 157.50 feet a distance of 76.97 feet to a point;
RUNNING THENCE South 62 degrees 10 minutes 00 seconds East 15.25
feet to the North side of a sanitary sewer main easement;
RUNNING THENCE South 44 degrees 16 minutes 00 seconds East a dis-
tance of 20.00 feet to the South side of the last mentioned
easement;
RUNNING THENCE South 45 degrees 44 minutes 00 seconds West a
distance of 2.46 feet to a point;
RUNNING THENCE South 13 degrees 04 minutes 00 seconds West a dis-
tance of 352.87 feet to a point;
RUNNING THENCE South 11 degrees 34 minutes 00 seconds West a
distance of 383.43 feet to a point;
RUNNING THENCE South 35 degrees 12 minutes 00 seconds East a dis-
tance of 394.48 feet to a point;
RUNNING THENCE South 27 degrees 04 minutes 00 seconds East a
distance of 305.05 feet to a point;
RUNNING THENCE South 25 degrees 32 minutes 54 seconds East a
distance of 823.16 feet to the North side of a proposed access
road;
RUNNING THENCE along the last mentioned line North 44 degrees
27 minutes 06 seconds East a distance of 258.13 feet to a point;
Continuation, Pageent No. One (1)

RUNNING THENCE North 56 degrees 12 minutes 10 seconds East a distance of 1800.00 feet to the westerly side of William Floyd Parkway;

RUNNING THENCE along the last mentioned line South 33 degrees 47 minutes 50 seconds East 120.00 feet to the point and place of BEGINNING.
Easement No. Two (2)

DESCRIPTION OF AN EASEMENT AT
PARR VILLAGE NEAR YAPHANK, TOWN OF HOOKEHAVEN, SUFFOLK COUNTY
NEW YORK

Description of 25 ft. sanitary sewer main easement.

Beginning at a point on the northerly side of a proposed access road, said point of beginning being distant the following five (5) courses and distances from the intersection of the northerly side of the Long Island Expressway with the westerly side of William Floyd Parkway; the first three courses and distances being along the westerly line of William Floyd Parkway:

1. North 33 degrees 47 minutes 50 seconds West, 448.00 feet;

2. North 56 degrees 12 minutes 10 seconds East 1.00 feet;

3. North 33 degrees 47 minutes 50 seconds West, 2303.48 foot to the northerly side of a proposed access road and running thence westerly along the northerly side of said access road;

4. South 56 degrees 12 minutes 10 seconds West, 1800.00 feet;

5. South 64 degrees 27 minutes 06 seconds West, 258.43 feet to the point and place at beginning. Running thence along the northerly side of said proposed access road South 64 degrees 27 minutes 06 seconds W 25.00 feet to the westerly side of a proposed ingress and egress easement;

Running thence North 25 degrees 32 minutes 54 seconds West, 322.83 feet to a point;

Running thence North 27 degrees 04 minutes 00 seconds West, 302.95 feet to a point;

Running thence North 35 degrees 12 minutes 00 seconds West 403.52 feet to a point;

Running thence North 11 degrees 34 minutes 00 seconds East, 334.57 feet to a point;

Running thence North 13 degrees 14 minutes 00 seconds East 347.70 feet to a point;
Continuation, Easement No. Two (2)

Running thence North 45 degrees 44 minutes 00 seconds East, to a proposed 20 foot wide sanitary sewer main easement;

Running thence along the westerly line of said easement

12. North 45 degrees 44 minutes 00 seconds East, 156.93 feet;

13. North 38 degrees 16 minutes 00 seconds West, 310.71 feet;

14. North 12 degrees 14 minutes 00 seconds East, 251.10 feet;

15. North 27 degrees 30 minutes 00 seconds West, 303.85 feet to a point

Running thence North 75 degrees 10 minutes 12 seconds West 61.13 feet to the East side of land to be dedicated to Suffolk County Sewer Agency.

Running thence North 53 degrees 11 minutes 00 seconds East along the last mentioned distance of 25.50 feet;

Running thence South 75 degrees 10 minutes 12 seconds East a distance of 54.13 feet to a point;

Running thence South 27 degrees 30 minutes 00 seconds East a distance of 310.91 feet to a point;

Running thence South 12 degrees 14 minutes 00 seconds West a distance of 246.99 feet to a point;

Running thence South 26 degrees 16 minutes 00 seconds East a distance of 319.26 feet to a point;

Running thence South 45 degrees 44 minutes 00 seconds West a distance of 174.99 to the easterly side of a proposed 35 foot sanitary sewer main easement.

Running thence South 45 degrees 44 minutes 00 seconds West, a distance of 2.46 feet to a point;

Running thence South 15 degrees 24 minutes 00 seconds West, a distance of 352.57 feet to a point;
Continuation, Easement No. Two (2)

Running thence South 11 degrees 34 minutes 00 seconds West, a distance of 383.43 feet to a point;

Running thence South 35 degrees 12 minutes 00 seconds East, a distance of 394.48 feet to a point;

Running thence South 27 degrees 04 minutes 00 seconds East, a distance of 305.05 feet to a point;

Running thence South 25 degrees 32 minutes 54 seconds East, a distance of 323.16 feet to the north side of a proposed access road; and the point and place of beginning.
2. The OWNER does covenant and agree that any temporary cesspools servicing individual units heretofore or hereafter approved by D.I.C., will at the OWNER'S own cost and expense, be disconnected, collapsed and filled in when the residential or commercial unit using same are connected to the operating sewer plant and system, and that the OWNER will connect such premises to the system as soon as it becomes possible.

3. The parties do further agree that all other provisions, terms, conditions and promises contained in the aforesaid Agreement dated May 9, 1973, are hereby ratified and confirmed, and remain unchanged and in full force and effect, including that SUFFOLK MEADOWS CHALET HOUSE RACING ASSOCIATION, INC., shall have access to and use of the connecting sewers and laterals between the track parcel and the treatment plant and any necessary interest in the easements to be dedicated to the Agency or its nominees and the right to be served by all the sewage treatment facilities of THE PARR COMPANY OF SUFFOLK, INC., for the time period before and after dedication of said facility to the Agency or its nominees, all as more particularly set forth in Agreement dated May 9, 1973.

4. That the OWNER desiring that the intent of this Agreement be carried out and considering it advisable that this Agreement be deemed to be a covenant and restriction placed upon the said real property to run with the land, now therefor, in consideration of this Agreement and these premises, the OWNER, as Declarant, declares as follows:
   (a) That this Agreement and all the terms hereof are, and are intended to be, real covenants and restrictions running with the land, and shall be binding upon the Declarant and any and all subsequent owners of the said real property, or any part thereof, and upon their tenants, heirs, distributees, executors, administrators, successors, and assigns.
   (b) That these covenants and restrictions and the terms hereof may only be charged, modified or repealed by the OWNER with the prior written consent of the SUFFOLK COUNTY SEWER AGENCY, or its successors and assigns, however, the consent of the "not owner" shall not be necessary.

5. That this Agreement, and all of its provisions, shall be binding upon the parties hereto, their respective heirs, distributees, executors, administrators, tenants, successors, and assigns.
MAP OF DEC. PARCEL
OF PROPERTY
NEAR
YAPHANK

JOHN A. JACOBSEN ASSOCIATES
ARCHITECTS, ENGINEERS, SURVEYORS
BAY SHORE, COOAM, SEAFORD

SCALE 1"=200'
Town

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement, on the date hereinabove set forth, in counterparts, any one of which may be considered an original.

THE PARR COMPANY OF SUFFOLK, INC.
By

TOWN OF BROOKHAVEN
By
Supervisor

PLANNING BOARD, TOWN OF BROOKHAVEN
By
Chairman

COUNTY OF SUFFOLK AND SUFFOLK COUNTY SEWER AGENCY
By
Chairman, Suffolk County Sewer Agency

Per Resolution No. 69-1972
Date 8/28/72

CHECKED AS TO FORM AND CONTENT:

APPROVED ON: 9/6/72
George W. Percy, Jr.
Suffolk County Attorney
By
As Assistant County Attorney
STATE OF NEW YORK
COUNTY OF SUFFOLK

On the 1st day of May, 1974, before me personally came
RONALD J. PARR

did depose and say that he resides at 6 GLENRICH DRIVE, ST. JAMES, N.Y.,

that he is the PRESIDENT of THE PARR COMPANY OF SUFFOLK, INC.

that he knows the seal of said corporation; that the seal affixed to said

instrument is such corporate seal; that it was so affixed by order of

the Board of Directors of said corporation, and that he signed his name

thereeto by like order.

Notary Public
State of New York

STATE OF NEW YORK
COUNTY OF SUFFOLK

On the 11 day of May, 1974, before me personally came
Charles W. Lawrence

did depose and say that he resides at

that he is the SUPERVISOR of the TOWN OF BROOKHAVEN, which executed the

foregoing instrument, and that he executed and signed his name to the

foregoing instrument pursuant to the authority vested in him.

Notary Public
State of New York

STATE OF NEW YORK
COUNTY OF SUFFOLK

On the 11 day of May, 1974, before me personally came

did depose and say that he resides at

that he is the CHAIRMAN of the PLANNING BOARD of the TOWN OF BROOKHAVEN

which executed the foregoing instrument, and that he executed and

signed his name to the foregoing instrument pursuant to the authority

vested in him.

Notary Public
State of New York

STATE OF NEW YORK
COUNTY OF SUFFOLK

On the 11 day of May, 1974, before me personally came

JOHN M. FLYNN

and that he is the CHAIRMAN of the SUFFOLK COUNTY SEWER AGENCY and the

Commissioner of the Department of Environmental Control, the Agency

and Department described in and which executed the foregoing instrument

and that he executed and signed his name to the foregoing instrument

on their behalf and also on behalf of the County of Suffolk described

in and which also executed the foregoing instrument.

Notary Public
State of New York
STATE OF NEW YORK, COUNTY OF SUFFOLK

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within found to be a true and complete copy.

Dated:

STATE OF NEW YORK, COUNTY OF SUFFOLK

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that deponent is the attorney(s) of record for

the within action; that deponent has read the foregoing

and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF SUFFOLK

deponent is the

read the foregoing

the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this ____ day of __________ 19

STATE OF NEW YORK, COUNTY OF SUFFOLK

of

named in the within action; that deponent has

and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

This verification is made by deponent because

is a corporation. Deponent is an officer thereof, to-wit, its

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this ____ day of __________ 19

STATE OF NEW YORK, COUNTY OF SUFFOLK

being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides at

That on the ____ day of __________ 19 deponent served the within

in this action, at

the address designated by said attorney(s) for that purpose

depository under the exclusive care and custody of the United States post office department within the State of New York.

Sworn to before me, this ____ day of __________ 19

STATE OF NEW YORK, COUNTY OF SUFFOLK

being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides at

That on the ____ day of __________ 19 at No.

deponent served the within

the person so served to be the person

mentioned and described in said papers as the

Sworn to before me, this ____ day of __________ 19
APPENDIX M

CONFORMANCE TO THE RECOMMENDATIONS OF THE CARMANS RIVER WATERSHED PROTECTION AND MANAGEMENT PLAN

February 2011 (Draft)
CONFORMANCE TO THE RECOMMENDATIONS OF THE CARMANS RIVER WATERSHED PROTECTION AND MANAGEMENT PLAN
(February 2011, Draft)

Prepared by: Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, NY  11747
Contact: Charles J. Voorhis, CEP, AICP
        Phil Malicki, CEP, AICP, LEED® AP
(631) 427-5665

Prepared for: Town Board, Town of Brookhaven
One Independence Hill
Farmingville, NY  11738
Contact: Tullio Bertoli, AICP, LEED®, Commissioner, PELM
(631) 451-6400

Date: August 3, 2011

Introduction
It should be noted that the Meadows at Yaphank PDD is the outgrowth of a long-term effort by
the applicant to satisfy local and Town goals, as expressed in numerous meetings with Town and
private stakeholders over an extended period, public and private presentations, and review of
numerous Town planning documents.

Conformance Analysis
Following are the Recommendations presented in the draft plan titled, “The Carmans River
Immediately after each Recommendation is a discussion of the proposed project’s conformance
to that Recommendation.

1. Management Plan Area (Carmans River Watershed)
The Carmans River Watershed Protection Plan Area is that area that affects the environmental
health and quality (water quality, habitats, biodiversity, and species abundance and distribution) of
the Carmans River as well as the aquatic, riparian and terrestrial communities that comprise the
River’s ecosystem.

This is a statement that defines the Carmans River Watershed Protection Plan Area in terms of the
environmental and quality of its water and ecological resources, but does not include a Recommendation.

2. Amendment to the Pine Barrens Protection Act of 1993 (and as subsequently amended) to
expand the Core Preservation Area
A. The expansion of the Core Preservation Area boundary, as a proposed amendment to NYS legislation, to encompass additional portions of the Carmans River Watershed, beyond that enumerated and described in the original Long Island Pine Barrens Protection Act of 1993 (and as subsequently amended) and the amendment of the Town of Brookhaven Multi-Family Zoning Code shall take effect after the later of the effective dates.

B. A Carmans River Management Plan Performance Committee shall be established within ECL Article 57, which will perform a quarterly assessment and produce an annual report on the effectiveness of the Carmans River Watershed Management Plan. The report, at a minimum, shall examine the following parameters:

1. Preservation
   a. Acquisition priorities process as anticipated.
   b. TDR and contributions to the Macchia Fund are deemed satisfactory.
   c. Mitigation measures called for in the plan are proceeding at pace.
   d. Satisfactory progress toward maintaining river quality and achieving the targeted water quality of the river.

2. Development
   a. The number of projects and units granted preliminary approval by the Town of Brookhaven is satisfactory.
   b. The percent of projects granted preliminary approval by the Town of Brookhaven is satisfactory.
   c. The percent of requested density granted preliminary approval by the Town of Brookhaven is satisfactory.

3. The Performance Committee shall be comprised of the Suffolk County Planning Director, and appointed by the Town Board.

4. All actions must be ratified by 75% of the Performance Committee to be adopted. A failure to certify success shall mean that the Core Expansion is rescinded and the Multi-Family Zoning Code is rescinded.

5. All progress reports shall be provided to the Town Board and the Central Pine Barrens Joint Planning and Policy Commission.

C. Any actions taken by the Town of Brookhaven during 2011, prior to the mutual effective date of the expansion of the Core Preservation Area and the amendment to the Town of Brookhaven Multi-Family Zoning Code as described in 2B, to review and approve any changes in zone or other projects that would increase density above current zoning in Carmans River Watershed Management Area, shall be consistent with the goals and policies of the this management plan’s Core Expansion and Multi-Family Zoning Code proposals. Approvals granted during the interim period shall stay in effect. Additionally, in the event of termination of the Core Expansion, any actions granted prior to its termination shall be deemed valid.

D. In the event of the expiration of the Core Preservation Area as described in A, the Core Preservation Area boundary shall revert to its original location as enumerated and described in the Long Island Pine Barrens Protection Act of 1993 (and as subsequently amended).

The above presents a synopsis of the Plan’s proposal to expand the Central Pine Barrens Core Preservation Area, an amendment of the Town’s Multi-Family Residential Zoning Code, and the establishment of a Committee to administer reviews of projects within the Protection Area. With respect to the administration of development proposals submitted to the Town in 2011 that would increase density above current zoning, the Plan requires that such proposals be in conformance with the Plan’s
goals and policies. As presented in this Conformance Analysis, the proposed project conforms to the goals and policies of the Plan that apply.

3. **Expansion of Pine Barrens Core Preservation Area**

   The following areas are proposed to be added to the Pine Barrens Core and are referred to hereafter as the “Core Expansion Area”:
   
   1. All properties within the 0 to 2 year groundwater contributing area, except for the developed areas in the hamlet of Yaphank and east of River Road in Shirley. (Appendix: Map 15).
   2. Residentially-zoned properties within the 2 to 5 year groundwater contributing area except for the developed areas in the hamlet of Yaphank and east of River Road in Shirley (Appendix: Map 15).
   3. Properties that have been specifically suggested for preservation, including those that may lie outside of the 0 to 5 year groundwater contributing areas (Appendix: Map 12)
   4. Other publicly owned properties that have been acquired since the Core boundaries were originally established. These properties include:
      
      a. Camp Olympia
      b. Fox Lair
      c. Glacier bay
      d. Novak property
      e. Robinson Duck Farm
      f. Southaven County Park western properties

   The Meadows at Yaphank PDD site is not within the 0 to 2-year groundwater contributing area of the Carmans River (as shown in Map 15 of the Plan), and is not zoned residentially, and so is not proposed to be added to the Central Pine Barrens Core Preservation Area.

4. **Strengthen the New York State Wild and Scenic Recreational River Act Regulations applicable to the Carmans River**

   A. Take concrete, assertive steps to ensure compliance with existing protections already in place, including zoning code and land use restrictions, and Wild, Scenic and Recreational Rivers Act (WSR) regulations (NYCRR Part 666). The Town of Brookhaven should not petition New York State to re-classify the Carmans River under the ‘Community River’ designation or support any less stringent regulatory protections.

   B. As necessary, identify additional measures to further strengthen implementation and application of the Wild, Scenic and Recreational Rivers Act (WSR) regulations, including exploration of the need to further expand the WSR boundaries.

   This Recommendation refers to actions to be taken by the NYS legislature and NYSDEC to amend the compliance with and the existing protections of the Wild, Scenic and Recreational Rivers Act, and so do not apply to the proposed project.

5. **Watershed Protection Areas**

   The properties shown on Map 12 are specifically recommended for acquisition and for re-zoning to 5 acre residential (A-5). In the event that a property is to be acquired, its value will be based on its zoning immediately prior to its re-zoning.
Map 12 of the Plan does not indicate that the subject site is to be acquired and/or rezoned to A-Residence-5. Therefore, this Recommendation does not apply to the proposed project.

6. **Proposed open space acquisitions**

   The acquisition ranking system (Appendix E) that takes into account location, groundwater time of travel zone, environmental resources and connectivity should be used in determining which properties should be acquired (Appendix: Map 11). All purchases shall be based on willing sellers.

   Review of Map 11 of the Plan does not indicate that the subject site is to be acquired. Therefore, this Recommendation does not apply to the proposed project.

7. **Redemption of Transfer of Development Rights (TDR)**

   A. The Compatible Growth Area shall be receiving area for the redemption of Pine Barrens Credits (PBCs) and the remainder of the Town shall be a receiving area for the redemption of Pine Barrens Credits and Macchia Credits.

   B. Pine Barrens Credits shall be allocated to qualifying, privately owned properties in the Core Expansion Area based on existing zoning with commercially and industrially zoned properties eligible for PBCs based on one acre residential zoning (A-1) and single and separate buildable lots along existing improved roads eligible for one credit.

   C. The Town of Brookhaven may retain and sell PBCs from privately owned properties in the Core Expansion Area that it acquires upon a demonstration that the Town of Brookhaven will be in compliance with Chapter 6 of the Pine Barrens Plan, including the 1:1 sending area to receiving area requirement. In addition, all revenues from the sale of such PBCs derived from the Core Expansion Area properties will be placed in the Macchia Fund and used to purchase other privately held properties in the Core Expansion Area.

   The proposed project is located in the Compatible Growth Area, which is intended to be a receiving area for redemption of Pine Barrens Credits (PBCs) and Macchia Credits. Based on the recommendation as worded in the Carmans River Plan and outlined above, this recommendation does not apply to the proposed project. However, the Meadows project involves the proposed redemption of five (5) PBCs in connection with other public benefits to be provided. The project involves a change in use from the existing commercial/industrial, to a more sustainable, mixed-use project with significant public benefit and reduced impacts as compared to the “as-of-right” zoning. Nevertheless, PBCs will be redeemed as one of the public benefits offered by the project.

8. **Zoning actions**

   A. The Town should re-zone all residentially zoned publicly owned lands to 5 acre residential (A-5) unless the land is already zoned 10 acre residential (A-10), in which case the 10 acre residential zoning shall remain.

   B. Privately owned residually, commercially and industrialized zoned properties in the 0 to 2 year groundwater contributing area and privately owned residentially zoned properties in the 2 to 5 year groundwater contributing area shall be rezoned to 5 acre residential (A-5).

   C. Upon the adoption of this Plan, the Town should not re-zone any properties within the 0-5 year groundwater contributing area that would intensify the property’s use over the present zoning.
D. The Town of Brookhaven Board of Zoning Appeals, to the extent permitted by Town Law Section 267-b, should evaluate all requests for variances with respect to the goals and recommendations of this Management Plan and should consider them in the granting and denying of variances.

E. All requests for variances on properties located in the Core Preservation Area, the Core Expansion Area, and the Compatible Growth Area in the Carmans River Watershed shall comply with current Central Pine Barrens Hardship Requirements.

The project site is not residentially zoned, and is not within the 0-2 year contributing area, therefore sub-recommendations A. and B. do not apply. The southwest part of the project site is within the 2-5 year contributing area. The existing zoning in that area is L-1 (light industrial). The proposed project will retain the same use in this southwest part of the development area, as is current allowed by zoning, corresponding to industrial/flex/office/retail in conformance with the PDD Land Use and Development Plan. The 2-5 year contributing area extends into a portion of the recharge, proposed wetland creation areas, and residential use areas. However, uses proposed in this area involve use types that would have been permissible under existing zoning (i.e., recharge and wetland creation), and an area of residential use that is less intense and more restrictive than the existing industrial zoning. The proposed project does not represent an intensification of the proposed use over the present zoning, and therefore conforms to sub-recommendation C. The proposed project does not require a variance; therefore, sub-recommendation D. does not apply.

9. Nitrate-nitrogen standard for projects
   A. The nitrate-nitrogen standard should be 2.5 mg/l of nitrate at the property lines for projects that meet the criteria for Development of Regional Significance (DRS) designations as defined in the Central Pine Barrens Comprehensive Land Use Plan.
   B. The nitrate-nitrogen standard should be 4.5 mg/l of nitrate at the property lines for projects that require a treatment system, as per Article 6 of the Suffolk County Department of Health Services code for best practical technology as accepted.

Based on extensive analyses included in the Draft GEIS, the results of a SONIR computer model indicate that the proposed project plan would result in an overall nitrogen concentration in recharge that meets the 2.5 mg/l guideline for a DRS (the proposed project is a DRS under the Pine Barrens Plan). As a result, the proposed project conforms to this recommendation of the draft Carmans River Plan.

10. Water quality goal for the Carmans River
   A. The water quality goal for the river shall be non-degradation.
   B. The interim water quality goal for the purposes of restoring water quality for baseflow in the Carmans River shall be .7 mg/l of nitrate-nitrogen.
   C. The interim restoration goal shall be in effect while the monitoring of the water quality is undertaken at the following locations (segments) in the River (the stations are SC Health Department and NYS DEC stations):
   1. 240-220 north side of Bartlett Road at culvert
   2. 240-170 Mill Road at Upper Lake spillway
   3. 240-135 Main Street and Long Island Avenue at Lower Lake spillway
   4. 240-30 North side Victory Avenue at Hard’s Lake spillway
   5. NYS DEC CARM-02
6. NYS DEC CARM-03

D. The interim restoration goal shall be in effect while water quality is monitored every two months with the warm season months sampled twice, for a total of nine (9) sampling events. After this data has been collected, it will be analyzed using appropriate statistical methodologies and taking into account seasonal variability and stormwater events to determine a final restoration water quality goal for each of the river segments.

E. During the water quality monitoring period, if the water quality in any segment exceeds the mean concentration of available water quality data for that segment, taking into account seasonal variation by more than 20%, a study shall immediately be commenced to identify the possible causes of the exceedance and to develop remedial actions whose implementation shall be a priority.

The Carmans River Plan is not intended to prevent or preclude development. The recommendation for development of the size proposed, (i.e., a DRS), is to conform to the nitrate-nitrogen guideline limit of 2.5 mg/l at the property boundary. As noted in #9 above, the proposed project will have an overall nitrogen level in recharge of less than 2.50 mg/l, which meets the interim water quality goal. The other goals of this Recommendation refer to overall Plan policy, and do not apply to the project as they involve monitoring of water quality in the Carmans River on an ongoing basis. The inventory conducted for the Carmans River Plan finds that existing water quality may exceed 0.7 mg/l nitrate-nitrogen. Stormwater is the primary source of nitrogen in the river as evidenced by the increase in total nitrogen following storm events. Stormwater best management practices are recommended to reduce nitrogen influx to the Carmans River in order to attain the goal of 0.7 mg/l nitrate-nitrogen in baseflow; as noted, this goal is intended to restore water quality. Conformance would be determined through monitoring, and if the interim goal is not achieved, the source of excess nitrogen would be identified and controlled through further study. The proposed project conforms with the relevant recommendation pertaining to new development, and will control all stormwater runoff on the project site.

11. Carmans River Preservation Overlay District

A. The Town of Brookhaven should adopt a Carmans River Overlay District to reduce the impacts of land use on the Carmans River. These recommendations should be implemented immediately upon the adoption of this Plan. The Carmans River Preservation Overlay District shall include all properties within the Carmans River Watershed Management Area.

B. General land use requirements in the Overlay District.

1. The clearing standards shall be those set forth in Clearance Standards of the Central Pine Barrens Comprehensive Land Use Plan (Appendix F).

2. Fertilizer dependent vegetation shall not exceed 10 percent of a project site.

3. Stormwater Best Management Practices and MS4 requirements shall be applied to all properties regardless of parcel size.

C. Specific land use requirements in the Overlay District

1. Each application for development whose site area is greater than one acre shall submit an environmental conditions survey to identify significant onsite environmental elements.

2. A Site Context Map showing the location of the proposed land development within its neighborhood context shall be submitted.

3. Based on the environmental conditions surveys each potential development site shall develop a conservation development theme that accomplishes the protection of the
unique natural resources and ecosystems by guiding the location of the proposed lots, buildings or uses.

4. Yield shall exclude areas of open water and wetlands regulated by NYS DEC and the Town of Brookhaven and slopes in excess of 15%.

5. Lots and buildings shall be sited to minimize disruption to existing ecosystems and be designed to minimize the development footprint to the maximum extent practicable.

6. No site disturbances shall occur within 40 feet beyond the building perimeter; 10 feet of walkways, patios and parking and 15 feet of roadway curbs and main utility branch trenches.

7. The use of invasive species is prohibited.

8. Fertilizer dependent vegetation shall not exceed 10% of a project site.

9. Minimize the use of irrigation.

10. Wetlands, open water or slopes in excess of 15% shall count towards as naturally vegetated open space.

11. Public standard roadway width specifications shall be reduced from 34 feet wide to 28 feet wide.

D. Stormwater requirements

1. All stormwater runoff shall be contained on site during construction.

2. Any sediment deposited on roadways from construction vehicles leaving a construction site shall be removed within 24 hours; Best Management Practices shall be used to reduce the amount of sediment leaving a construction site by construction vehicles.

3. For all existing developed properties, all stormwater runoff shall be contained on site; to the extent practicable all runoff from impermeable surfaces shall be directed to rain gardens, bioswales and other structures that provide biological treatment of the stormwater.

4. No more than 10 percent of the project site shall have fertilizer dependent vegetation at any time.

5. Fertilizers shall not be applied between November 1 and April 1.

This Recommendation is addressed to the Town of Brookhaven; it refers to the establishment of a Town Carmans River Overlay District and to potential regulations to apply within it. As such, this Recommendation does not apply to the proposed project. However, evaluation of the project to the recommended elements of the Overlay District is provided as follows:

- Clearing will conform to the requirements of the Pine Barrens Plan; 35% of the existing natural vegetation on the site will remain.
- The Land Use and Development Plan and the Draft GEIS indicate that the proposed project will not exceed 10% fertilizer dependent vegetation.
- The proposed project will incorporate stormwater BMP’s in final design; innovative stormwater management methods are outlined in the Draft GEIS.
- The Draft GEIS includes mapping, data and information that essentially provide an environmental conditions survey for use in the EIS decision-making process.
- The project is a PDD; as such, yield is based on the change of use of the existing J-2/L-1 zoned parcel, to the proposed more sustainable, mixed-use project in consideration of additional public benefits.
- Buildings are situated to minimize disturbance of natural systems and retain the requisite natural vegetation to conform to the Pine Barrens Plan.
• Exact limits of site disturbance beyond buildings, walks, roads, patios, etc. are as shown on the PDD Land Use and Development Plan; disturbance is confined in order to retain 35% of the existing natural vegetation on the site.
• Road specifications will be established in conformance with the PDD design guidelines specific to this project, and to provide adequate and safe ingress-egress and site circulation.
• Stormwater management will conform to Chapter 86 and will employ all appropriate protection measures to ensure that stormwater is retained on site during and after construction, and surface detention and biological uptake are maximized.
• Fertilizer will not be applied during the period November 1 to April 1.

The proposed project will conform to the various elements of the proposed Overlay District as described above.

12. **Multi-family zoning district**

   A. The Town should amend its Multi-Family Zoning District. Multi-Family should be permitted by Special Permit from Planning Board in the following zoning districts:
      1. J Business 2 District (Neighborhood Business)*
      2. J Business 4 District (Professional Offices)*
      3. J Business 5 District (High Intensity Business)*
      4. J Business 8 District (Hotel-Motel District)*
      5. L Industrial 1 District (Light Industry)* (on only a major arterial roadway).
      6. J or L-1 with residential zoning split zoned parcels having road frontage.

   B. Density Increase Requirements
      1. Within Central Pine Barrens Area, minimum 15% of all density above base density excluding affordable housing units shall utilize redemption of Pine Barrens Credits (PBCs).
      2. In order to further expedite, enhance and facilitate the purchase of Pine Barrens Credits, including those PBCs generated by the expansion of the Core Preservation Area in the Carmans River Management Plan Area, the Central Pine Barrens Clearinghouse will aggressively pursue additional means of rendering PBCs more readily available to the development community. In doing so, the Credit Clearinghouse shall:
         a. Employ the use of reverse auctions, on a frequent basis of no less than 2 times per calendar year;
         b. Solicit and purchase credits from credit holders in the Town of Brookhaven;
         c. Enter into contracts with individual developers/applicants for the purchase of a specified number of credits (with the developer/applicant agreeing to provide funding to the Clearinghouse for said PBCs purchases) as needed for redemption within a specific development project;
         d. Enter into contracts with individual credit holders to purchase their credits at a specified price established by the Clearinghouse;
         e. Will act as a broker for individual credit holders to market and sell the credit holders PBCs (for which the clearinghouse may charge a reasonable fee which shall be utilized to purchase additional PBCs).
      3. The Clearinghouse will explore the potential for additional sources of funding, beyond that already in its possession, which may be used for purchase of additional credits.
4. Following the mutual effective date of the expansion of the Core Preservation Area boundary and the Town of Brookhaven’s amendment to the MultiFamily Zoning Code, the Credit Clearinghouse shall report to the Commission on the effectiveness of all measures it utilizes to facilitate credit purchase and redemption, and with the Commission, shall explore refinements and additional measures that may be considered for further enhancement of the purchase of PBCs.

5. Outside Central Pine Barrens Area, a payment in lieu of Pine Barrens Credits or Town of Brookhaven Credits (if applicable) may be made into the Joseph Macchia Environmental Preservation Capital Reserve Fund. Payment should utilize a formula adopted by Town Board that is based on a moving average of cost to Town of Brookhaven of acquiring development rights over the past 12 months.

6. The purchase of Pine Barrens Credits shall not preclude the Brookhaven Town Board from requiring additional public benefits.

C. Base Yield

1. For purposes of calculating the number of PBCs or, outside of the Central Pine Barrens Area, the number of Macchia credits, the base zoning will be deemed to be the equivalent of A-1.
   a. For purposes of calculating as of right density increases that only the Town Planning Board need approve, vacant commercial or industrial zoned properties will be granted the following as of right density: 3.0 units/acre.
   b. Developed commercial or industrial will be granted the following as of right density: 4.5 units/acre.
   c. Splitzoned sites, J or L with residential, with road frontage and partial residential will be granted the following as of right density: 3.5 units/acre.
   d. Residentially zoned parcels: as of right density shall be based on yield map or 0.825.
   e. Base yield shall exclude areas of open water and regulated wetlands.

D. Maximum Permitted Density

1. Increased density shall be based upon MF Density Achievement Score (Appendix G).

2. MF Density Achievement Score shall be equal to the sum of Location Characteristics Score, Proximity to Basic Community Services Score and MF Development Benefit Potential Scores.

3. MF Density Achievement Score shall be calculated by the Planning Board or Town Board as appropriate.
   a. 35 units/acre for a MF Density Achievement Score (50 - 74 points)
   b. 68 units/acre for a MF Density Achievement Score (75 - 99 points)
   c. 9 units/acre for a MF Density Achievement Score (> 99 points)

4. MF Special Permit Density shall be capped by both score and 50% of commercial or industrial based yield.
   a. 50% of 4.5 units/acre for developed commercial or industrial = 6.75 units/acre
   b. 50% of 3.0 units/acre for vacant commercial or industrial = 4.5 units/acre

5. Calculation for credit redemption for MF Special Permit Density use starts at 1 unit/acre.

6. A bond is required if credits are paid for after one-third (1/3) of Certificates of Occupancy are issued.

E. Location of Multi-Family Projects
1. To be determined by the sum of the positive location characteristics score and the proximity to community services score less the negative location characteristics score. Bonus points will be awarded for public benefits.

F. Affordable Housing Bonus
   1. Affordable Housing = 80% Nassau Suffolk AMI (based upon 2011 CPI of $225,000 - $250,000 per unit)
   2. Minimum 10% Affordable Housing.
   3. Additional Development Benefit Potential points are awarded at a rate of 1 point for percent above 10% affordable units, to a maximum of 10 points. (see ME Scorecard)

This Recommendation does not apply to the proposed project. The proposed project is a PDD, Planned Development District change of zone. PDDs have specific requirements for consideration of land use change and/or base density versus proposed density. A PDD is intended to provide special public benefits. The proposed project will be reviewed in conformance with the Town’s PDD requirements as contained in Article XXXIIA, §85-339 of the Town Code. A rezone to MF is not necessary or proposed, and the proposed project does not request a variance or purchase of PBCs to justify its requested yield; such is inherent in the PDD concept that underlies the application. The Meadows at Yaphank is a PDD, which is a zoning district designed and intended by the Town to provide for a mix of uses on a single site, to provide community (for its residents) and a destination for others who wish to shop, work or recreate in a place that is attractive and operates efficiently and effectively. The Meadows at Yaphank PDD requests a total of 850 residences, of which 10% (85 units) will be designated “affordable”, which satisfies the single aspect of this Recommendation that applies here.

13. Sanitary systems
   A. New sanitary systems - or replacement systems for failed sanitary systems should take advantage of improved technologies that will significantly reduce nitrogen produced compared to current systems as permitted by the Suffolk County Department of Health Services.
   B. The costs and water quality benefits of inspecting/managing/upgrading existing residential sanitary systems shall be determined before instituting requirement of inspecting/managing/upgrading.
   C. The treatment at existing sewage treatment plants (STPs) should be updated and new STPs should be designed to provide for enhanced nitrogen removal.
   D. The Town of Brookhaven shall encourage and support the Suffolk County Department of Health Services in the development and implementation of improved and alternative residential and community sewer systems.
   E. Upgrades include, but should not be limited to:
      a. Septic system upgrades that denitrify better than conventional systems.
      b. Landscape management alterations that have the effect of improving water quality including reducing managed turf, replacement with native plantings, and eliminate, modify or reduce irrigation systems.
      c. Retain onsite runoff with rain gardens and similar features.
   F. New York State Town Law Article 12 (District and Special Improvements) should be amended to allow for the creation of “groundwater quality protection districts” (south of the Long Island Expressway in Yaphank and east of River Road in Shirley) for the purpose of incentivizing, and financing upgrades to existing residential sanitary systems that will reduce their impact on groundwater quality and other onsite improvements to reduce nitrogen
loading. The Town of Brookhaven should establish groundwater quality protection districts once given the ability to do so.

The proposed project conforms to this Recommendation, in that it will utilize the existing Dorade STP, and will complete the on-going upgrade program, as well as provide additional upgrades and restoration of the originally permitted flow to serve the project and the existing other facilities served by the plant.

14. Invasive species
   A. Develop species-specific strategies to control, manage, and when feasible eliminate invasive species.
   B. The recommendations for addressing the aquatic invasive as set forth in the Suffolk County study should not be implemented until further evaluation by the Town of Brookhaven indicates that dredging and/or chemical solutions will not create unanticipated negative consequences on the Carmans River ecosystem and water quality. This evaluation should consider management options that are more ecologically protective and less costly and final recommendations should take into account the environmental health of the entire river.
   C. Any method of invasive species management shall be consistent with all Federal and State guidelines and recommendations.

The proposed project’s Landscaping Plan, when prepared, will not include any invasive species, and will in any case be subject to review by the Town as part of the Site Plan application review. Any invasive species which may exist on the site in existing disturbed areas will be removed as part of the proposed development, and these disturbed areas will be established in buildings, pavement, amenities and landscaping to ensure that invasive species are controlled.

15. Protection of natural resources
   A. Prohibit new construction of primary and accessory structures, clearing, and fertilization within 20 feet of the landward edge of wetlands and surface water.
   B. Construct infrastructure to reduce mortality of wildlife from road kill.
   C. On public lands, trails and other enhancements should be routed to avoid situations that cause runoff and siltations.
   D. Prohibit the use of pesticides on any Town of Brookhaven owned property.

The proposed project will conform to this Recommendation, in that it would not encourage wildlife mortality by road kill, would provide for proper runoff/siltation control for all construction including development on the proposed Town park area, and does not propose any chemical pest control on Town property. It is noted that there is a 0.22-acre Town-regulated wetland that was a drainage area within the former race track on the west parcel of the subject site; this feature contains phragmites and several wetland indicator species and is bisected by an All Terrain Vehicle (ATV) trail. This feature is proposed to be removed; however, this and any other small wetlands that may be disturbed are proposed to be mitigated through the creation of new wetlands at a ratio of 2:1 (created vs. existing). However, conformance to this Recommendation would be maintained, as this removal and replacement will occur after obtaining a required Chapter 81 Town Wetland Permit. Wetland feature B-16 will be retained with extensive buffers on the subject site, and wetland B-15 is located off-site and will not be altered as a result of this project.
16. **Restoration of degraded properties**
   A. Identify degraded natural sites on public lands and develop and implement site-specific restoration plans.
   B. Investigate alleged violations of the Brookhaven Town Code and other local and state laws that may be negatively impacting the natural resources of the river.
   C. On public lands, areas that have been degraded by ATV use and dumping should be restored and measures taken to prevent these and other illegal uses.
   D. A river crossing should be established in the Carmans River Headwaters County Nature Preserve and at other suitable locations to provide environmentally acceptable connectivity.

This Recommendation refers to public lands, sites on which violations of the Town Code have or are suspected to have occurred, and establishment of a river crossing on a site in the vicinity. As such, this Recommendation does not apply to the proposed project. It is noted that the subject site is blighted in terms of the existence of the former Parr Meadows/Suffolk Downs racetrack and clearing and installation of foundations on the former Brookhaven Walk site. The proposed project will result in the restoration of these degraded properties.

17. **Surface and groundwater remediation**
   A. Contaminated groundwater from known point source shall be remediated consistent with USEPA, NYSDEC and SCDHS requirements.
   B. Sources and causes of the degradation of surface water and groundwater quality shall be remediated.

This Recommendation addresses remediation on properties on which groundwater has been contaminated, and so does not apply to the subject site.

18. **Stormwater and flooding**
   A. **Middle Island Road**
      1. Undertake an engineering study for the amelioration of flooding north of Middle Country Road.
      2. Survey and map the entire surface area generating run-off to the north of Middle Country Road and identify opportunities for redirecting run-off to other areas remote from this location; no stormwater should be directed to the Carmans River.
      3. Map and monitor the water table elevations in the immediate area.
   B. **Watershed-wide**
      a. An environmental study and assessment should be conducted to establish how drainage in the area relates to or could impact water quality in the wetlands or the Carmans River.
      b. Encourage the reduction of stormwater from existing development with the application of Better Management Practices and full implementation of the 6 Minimum Control Measures for MS4.
      c. Reduce stormwater at the following locations (see attached map for locations).

This Recommendation does not apply to the proposed project, which will be designed to conform to the applicable design standards and requirements of the Town and County. In addition, the project’s design
will be subject to the review and approval of the Town during the Site Plan review process. The project will retain all stormwater on-site, and will conform to Town Chapter 86 and SWPPP requirements.

19. **Fish barriers**
   
   *Implement the recommendation for addressing the barriers to fish migration at...sites.*

   This Recommendation applies to properties that are connected to flowing waters of the Carmans River. As there is no surface water connection to this resource on the subject site, this Recommendation does not apply to the proposed project.

20. **Water quality monitoring program**
   
   **A.** The monitoring program shall be designed to determine if the protective measures adopted by this Plan are protecting water quality. Evaluation of effectiveness should be conducted within five (5) years of implementation and every three (3) years thereafter.
   
   **B.** Monitoring in the River should follow the protocols of the USGS National Water Quality Assessment Program and the NYS DEC.
   
   **C.** Continuous monitoring stations should be established to measure water level, temperature conductivity, pH, turbidity and dissolved oxygen with telemetric capability.
   
   **D.** Semi-annual monitoring of an array of well-distributed shallow groundwater wells should be established where none now exist.
   
   **E.** A transect of stations along the River’s axis should be sampled quarterly for water quality parameters (surface water, bottom water and pore water near the sediment-water interface) consistent with past monitoring done by the Suffolk County Department of Health Services and comply with Recommendation 1 O-D.
   
   **F.** Maintain the USGS 3-D GIS framework for groundwater hydrogeological and publicly available nutrient data should be established.

   This Recommendation addresses establishment of a water quality monitoring program as part of the Plan, and so does not apply to the proposed project.

21. **Biological monitoring**
   
   **A.** Periodically update the inventories of aquatic, riparian and terrestrial biological resources of the River and its watershed.
   
   **B.** A monitoring program for invasive species should be developed and implemented.
   
   **C.** Monitoring in the ponds and wetlands associated with the Carmans River should follow the protocols of the Foundation for Ecological Research in the Northeast.

   This Recommendation concerns establishment of a biological monitoring program as part of the Plan, and so does not apply to the proposed project.

22. **Biological investigation**
   
   **A.** A comprehensive ecological inventory of the aquatic, riparian and terrestrial biological resources of the River and its associated watershed should be undertaken.
This Recommendation refers to performance of a biological inventory of the Carmans River and associated Plan Area, and so does not apply to the proposed project.

23. **Management Plan implementation**
   
   **A.** The Town of Brookhaven should provide a critical path/implementation process and schedule of this Plan’s recommendations for submission to the Town Board within 90 days after adoption of this Plan by the Town Board.
   
   **B.** Carmans River Watershed Management Plan should be evaluated by the Town of Brookhaven annually to determine its effectiveness in meeting its goals.
   
   **C.** The Town of Brookhaven, Suffolk County and State of New York should, wherever appropriate, identify initially a 3 to 5 year plan for capital investment to achieve the goals and implementation of this Plan. In addition, the entity responsible for implementing this Plan’s recommendations should be tasked with implementation of such recommendations.
   
   **D.** The Town of Brookhaven shall take the lead in coordinating implementation of this Plan’s recommendations and implementation with other outside agencies.

This Recommendation concerns actions to be undertaken by the Town, County and State in implementing the Plan, and so does not apply to the proposed project.

24. **Public education and outreach**

   **A.** The Town of Brookhaven should publicize the importance and significance of the Carmans River and its watershed.
   
   **B.** The Town should undertake an educational program aimed at residents who live in the watershed informing them about the threats to water quality and what actions they can take to enhance and protect the Carmans River.
   
   **C.** Signs should be placed on key roadways indicating that a vehicle is entering (or leaving) the Carmans River watershed.

This Recommendation concerns actions to be undertaken by the Town in implementing the Plan, and so does not apply to the proposed project.

25. **Agricultural and golf course management**

   **A.** The Town will work cooperatively with farmers, Cornell Cooperative Extension, the Farm Bureau and other governmental agencies to reduce the application of fertilizers, pesticides, and herbicides on agricultural lands within the Carmans River watershed and to develop and implement Groundwater and Surface Water Protection Measures (GSPMs) that will reduce the impact of agricultural activities on the Carmans River.

   1. In order to verify that GSPMs are being used, a farm management plan shall be prepared for each farm and an annual report evaluating compliance with the farm management plan shall be prepared and submitted to the Town.
   
   2. A sufficient number of groundwater wells shall be installed and monitored at sufficient frequency to assess the water quality of the groundwater leaving the farm and flowing towards the Carmans River.

   **B.** The Town will work cooperatively with golf course owners and operators to reduce the application of fertilizers, pesticides, and herbicides on golf courses within the Carmans River.
watershed and to develop and implement Groundwater and Surface Water Protection Measures (GSPMs) that will reduce the impact of recreational activities in the Carmans River.

1. In order to verify that GSPMs are being used, a golf course management plan shall be prepared for each and an annual report evaluating compliance with the golf course management plan shall be prepared and submitted to the Town.

2. A sufficient number of wells shall be installed and monitored at sufficient frequency to assess the water quality of the groundwater leaving the golf course and flowing towards the Carmans River.

C. Management plans should be implemented that result in a 50% reduction in nitrogen use (using a 2010 baseline) over a three-year period.

This Recommendation does not apply to the proposed project, as no agricultural or golf-related facilities or activities are proposed in the Meadows at Yaphank PDD.

Conclusions
The above analysis indicates that the proposed Meadows at Yaphank PDD would conform to those recommendations of the Carmans River Watershed Protection and Management Plan that apply to the project site, to the type of proposal represented by the project, or to specific design aspects or features of the project. It should be noted that the Meadows at Yaphank PDD is the outgrowth of a long-term effort by the applicant to satisfy local and Town goals, as expressed in numerous meetings with Town and private stakeholders over an extended period, public and private presentations, and review of numerous Town planning documents.

In order to properly administer the Plan, the Town is currently preparing draft Town Zoning Code Chapter 85-525. Section A of this draft legislation clearly states that Land Development applications submitted 60 days prior to the effective date of this article are exempt from the requirements of the Plan. As a result, the overlay district requirements would not apply to the proposed project. Nevertheless, an analysis of conformance to the elements of the overlay district is included under Item 11 above.

The applicant is also concerned that, since the Meadows at Yaphank project will be built out over a 10+-year period, the administration of its future site plan applications may be subject to misinterpretation with respect to this exemption. Subsection 1 of that Chapter presents definitions of terms specific to the Plan. The applicant suggests that the following be added to that draft legislation to clarify this matter:

Land Development Applications – Applications for change of zones, site plans, and variances. For the purpose of this article, site plan applications filed in accordance with a previously approved change of zone shall be considered an extension of the zoning application provided it complies with the adopted SEQRA Findings Statement.

Nevertheless, this document reviews the various recommendations of the Carmans River Plan, indicating how the project will comply with the draft recommendations.
APPENDIX N

DORADE STP HISTORY-RELATED DOCUMENTS
November 1, 2002

Ms. Laura Scovazzo  
Environmental Analyst 1  
New York State Department of Environmental Conservation  
Region 1 Office, Division of Environmental Permits  
Building 40  
SUNY Stony Brook  
Stony Brook, New York 11790-2356

Re: Dorade STP  
SPDES Permit # NY0066559  
Application number 1-4722-00647/00001

Dear Ms. Scovazzo:

I am in receipt of your letter of September 17th and have spoken with my client, Mr. Tom Perna, and also with Mr. Dillip Banerjee of your Division of Water office. The Dorade Corporation is the permit holder for this facility and will remain the owner of the treatment facility.

Based on the Consent Order that was negotiated for the plant, it was this office’s understanding that the permitted flow to the facility would not be reduced, but the operating flow would be reduced until the conditions of the Consent Order were met. After the conditions were met, each application to increase flow would be judged on its own merits, assuming that the facility continued to meet standards. It has always been the understanding during the Consent Order process that the ultimate flow of the facility would be 450,000 gpd. Process changes may be required to meet this flow if the capacity of the existing tankage and process were not sufficient.

However, on January 18, 2000, the New York State Department of Environmental Conservation issued a draft permit reducing the permitted flow to 140,000 gpd. In a letter dated January 21, 2000, Mr. Perna, whose firm has a fee interest in the Dorade Corporation, objected to the proposed reduction in the permitted flow.

Not withstanding this objection, the New York State Department of Environmental Conservation issued the new SPDES discharge permit with the lower flow rate and an expiration date of March 1, 2005.

Special Condition No. 11 of this permit indicated that “No new sewer connections inside or outside the current service area without prior DEC approval…”
Re: Dorade STP  
SPDES Permit # NY0066559  
Application number 1-4722-00647/00001  

Page: 2

The application form we submitted was for a new sewer connection, i.e. "Brookhaven Town Center", to the treatment facility in accordance with the existing permit requirement.

We have submitted an Engineering Report to the New York State Department of Environmental Conservation, as well as the Suffolk County Department of Health Services and the Suffolk County Department of Public Works, for an expansion of this facility in accordance with the recommendations of the SEQRA Findings Statement issued by the Town of Brookhaven. Please note that the Findings Statement indicates that the Dorade Treatment Plant is the appropriate point for the treatment of the wastewater generated by a proposed development known as Brookhaven Town Center.

The SEQRA decision set as a goal a total Nitrogen discharge of 6mg per litre, which has been incorporated into our Engineering Report.

In your letter, you indicated that the Form 2D is not the appropriate form whereas form 2A is the correct form to use. We note that this Form 2A is for "municipally owned" facilities, which Dorade is certainly not. It is owned and operated by a private corporation, Dorade, Inc., and AVR Realty Company owns the majority interest in Dorade Corporation.

Mr. Banerjee has been working with Mr. Thomas Perna, VP of AVR Realty, on the recent improvements to the facility. At the last inspection by Mr. Banerjee, on October 10, 2002, he spoke with Mr. Perna at length, on the fact that the facility was in compliance for May, June and July of 2002. An issue with the flow meter needs to be resolved.

In addition, I pointed out that the Operating and Capital Improvement Funds were established by Dorade, Inc. in 1998, with notice to the New York State Department of Environmental Conservation in May 1998 and January 2002. I enclose copies of these notices for your convenience. These funds are required of private wastewater treatment facilities.

Thus, this facility always has been and remains a privately owned treatment facility, which in the recent years since AVR Realty Co. has had a majority interest, has been in substantial compliance with its permit. It now wishes to increase the flow due to a project, Brookhaven Town Center, which has always been slated to be served by Dorade, Inc.
In summary, for the above reasons, we do not believe that Form 2A is required for a privately owned facility. Further, we have previously submitted copies of the Engineering Report for the facility. For your convenience, we are enclosing the two additional copies you requested.

The contents of the Engineering Report include a Site Plan, Location Map, Hydraulic Profile, and a Proposed Flow Diagram. The process design is in accordance with the “Recommended Standards for Wastewater Facilities.”

It is my understanding that Mr. Banerjee will issue technical comments in the Engineering Report in the near future.

As you requested, I have addressed this procedural question to you and would be happy to respond to any comments you may have.

Very truly yours,

NELSON & POPE,
ENGINEERS & SURVEYORS

[Signature]

Arthur J. Koerber, P.E.

AJK/sr
cc: Tom Perna, AVR Realty
    Dilip Banerjee, NYS Department of Environmental Conservation, Region I Division of Water
    Walter Hilbert, Suffolk County Department of Health Services
Interoffice Memorandum

To: Tom Perna  
From: Thomas Lembo, P.E.  
CC: Lee Snead, Esq. Chic Voorhis Phil Malicki  
Date: 24 January, 2002  
Subject: Dorade STP  
Project No 78008

After careful review of our files, the Dorade STP has not been asked to complete SEQRA as part of the ongoing application to perform process upgrades. Specifically, neither Suffolk County Department of Public Works nor Suffolk County Department of Health Services has requested this information as part of their review.

In conversations with Walter Hilbert, he indicated that the plant was not required to perform a SEQRA review because the design flow of the new treatment plant, 300,000 gpd, is below the originally permitted flow, 450,000 gpd, under SPDES.

The following are the highlight of the plant SPDES permit:

- Constructed in mid 1970’s and permitted for 0.450 MGD. SPDES permit renewal signed by James Maloney, PE on 5/1/92 (copy attached). No SEQRA review was required at that time.
- In 1998, the owners signed an order on consent for the plant improvements. At that time the plant was issued an interim flow limit of 140,000 gpd (copy attached) with any flow increases requiring applications.
- Flows from Whispering Pines were listed as 106,000 gpd and SCSD # 8 at 52,000 gpd.
- January 18, 2000, NYSDEC sent Breslin Realty correspondence to permanently reduce the permit to 140,000 gpd (copy attached).
☐ Objection to by Thomas Perna, PE on January 21, 2000 (copy attached).

☐ No further records in file as to the disposition of the attempted reduction in the permit capacity.

☐ Engineering report submitted for a flow of 300,000 gpd (copy of flow data sheet attached).

At this time the existing plant can accept the flow that will be generated by Brookhaven Town Center and can meet the SPDES permit requirements for flow and nitrogen discharge. Thus, the proposed plant modifications are not required but desired to improve the process technology. It is our opinion that the existing plant is permitted for 450,000 gpd because this office received no permit modification to 140,000 gpd. Additionally, this office received no response to Tom Perna’s letter from NYSDEC.

Because the plant was originally permitted for 450,000 gpd and no increase in flow rate is requested, the agency that initially reviews the application and Engineering Report (SCDHS) has indicated they will not require a new SEQRA review. Additionally, the work proposed involves the reconstruction of the existing plant in the same location for a lower flow volume than what currently exists and was previously permitted.
To: Tom Lembo  
From: Bob Carballeira  
Date: January 18, 2002  
Re: Dorade STP – 78008 - SPDES Permits

Some highlights of the plant that I can find are:

- Constructed in mid 1970ies and permitted then for 0.450MGD. Renewal permit signed by James Maloney, PE on 5/1/92 (copy attached).
- In 1998, the owners signed an order on consent for the plant improvements. At that time the flow was capped at 140,000 gpd (copy attached).
- Flows from Whispering Pines were listed as 100,000gpd and SCSD # 8 at 50,000gpd.
- January 18, 2000, NYSDEC, sent Breslin Realty to permanently reduce the permit to 140,000 gpd (copy attached).
- Objected to by Thomas Perna, PE on January 21, 2000 (copy attached).
- No further records in file as to the disposition of the attempted reduction in the permit capacity.
- Engineering report submitted for a flow of 300,000 gpd (copy attached).
This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. sec. 1251 et seq.) (hereinafter referred to as "the Act"). Compliance with this permit does not acknowledge or imply that permittee is in compliance with requirements of this permit.

Attention: Wilbur R. Breslin

Name: Dorade c/o Breslin Realty
Street: 500 Old Country Road
City: Garden City
State: NY
Zip: 11530

authorized to discharge from the facility described below:

UTILITY NAME AND ADDRESS:

Name: Whispering Pines
Location(C,T,Y): Brookhaven
Facility Address: William Floyd Parkway
City: Yaphank
State: NY
Zip: 11791
NYTM-N: 4
From Outfall No.: 001 at Latitude: 40° 51’ 30” & Longitude: 72° 17’ 30”
te into receiving waters known as: Groundwater
(list other Outfalls, Receiving Waters & Water Classifications)

Co. Tax Map #: Dist: 0200 - Sect: 552
Block: 01 Lot: 03

In accordance with the effluent limitations, monitoring requirements and other conditions forth in Special Conditions (Part I) and General Conditions (Part II) of this permit.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less that 180 days prior to the expiration date shown above.

Yerman, P.E.
Harnaford, P.E.
Greene

Permit Administrator:
James Meloney, P.E.
Address:
15 Horseblock Place
Farmingville, NY 11738
Signature: James Meloney
Date: 5/1/92
INHALABLE PARTICLES

LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning 1/1/91 and lasting until 1/1/96, the discharge from the permitted facility shall be limited and monitored by the permittee as specified below:

LIMITATIONS APPLY

[X] All Year  [ ] Seasonal from __________ to __________

USS Number 001

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<tr>
<td><strong>Effluent disinfection required:</strong></td>
</tr>
<tr>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>MONITORING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parameter</strong></td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td><strong>Flow</strong></td>
</tr>
<tr>
<td><strong>BOD, 5 - Day</strong></td>
</tr>
<tr>
<td><strong>Solids, Suspended</strong></td>
</tr>
<tr>
<td><strong>Coliform, Fecal, No./100 ml</strong></td>
</tr>
<tr>
<td><strong>Nitrogen, TN (as N)</strong></td>
</tr>
<tr>
<td><strong>Nitrogen, Ammonia (as N)</strong></td>
</tr>
<tr>
<td><strong>pH, SU (standard units)</strong></td>
</tr>
<tr>
<td><strong>Solids, Settleable, ml/l</strong></td>
</tr>
<tr>
<td><strong>Chlorine, Total Residual, mg/l</strong></td>
</tr>
<tr>
<td><strong>Phosphorus, Total (as P)</strong></td>
</tr>
<tr>
<td><strong>Temperature, Deg. F</strong></td>
</tr>
<tr>
<td><strong>Total Nitrogen (as N)</strong></td>
</tr>
</tbody>
</table>

---

**Es:** (1) and effluent value shall not exceed % of influent values.
(2) Ultimate Oxygen Demand shall be computed as follows:

\[
UOD = 1 1/2 \times CEDS \div 4 1/2 \times TN (Total Kjedahl Nitrogen)
\]

(3) Monitoring of these parameters is only required during the period when disinfection is required.
### TABLE 3

**Process Control Monitoring to be recorded on Wastewater Facility Operation Report (ann 92-15-7) and retained for a period of three years.**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Frequency</th>
<th>Sample Type</th>
<th>Sample Location (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total flow, MGD</td>
<td>continuous</td>
<td>grab</td>
<td>effluent</td>
</tr>
<tr>
<td>CODS, mg/l</td>
<td>1/month</td>
<td></td>
<td>aeration tank</td>
</tr>
<tr>
<td>Suspended Solids, mg/l - MLSS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fecal Coliform, No./100 ml</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Coliform, No./100 ml</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Kjeldahl Nitrogen, mg/l as N - Hach</td>
<td>2/week</td>
<td>grab</td>
<td>influent, effluent</td>
</tr>
<tr>
<td>Ammonia, mg/l as NH3 - Hach</td>
<td>daily</td>
<td>grab</td>
<td>aeration tank</td>
</tr>
<tr>
<td>Dissolved Oxygen, mg/l - probe</td>
<td>daily</td>
<td>grab</td>
<td>aeration tank</td>
</tr>
<tr>
<td>pH - probe</td>
<td>daily</td>
<td>grab</td>
<td>aeration tank</td>
</tr>
<tr>
<td>Settling capacity test - 30 min</td>
<td>daily</td>
<td>grab</td>
<td>influent, effluent</td>
</tr>
<tr>
<td>Residual Chlorine, mg/l</td>
<td>daily</td>
<td>grab</td>
<td>influent, effluent</td>
</tr>
<tr>
<td>Phosphorus, mg/l as P</td>
<td>daily</td>
<td>grab</td>
<td>influent, effluent</td>
</tr>
<tr>
<td>Temperature, °C - probe</td>
<td>daily</td>
<td>grab</td>
<td>influent, effluent</td>
</tr>
<tr>
<td>Total Nitrogen, mg/l as N</td>
<td>daily</td>
<td>grab</td>
<td>influent, effluent</td>
</tr>
<tr>
<td>Visual Observation</td>
<td>2/week</td>
<td>grab</td>
<td>influent, effluent</td>
</tr>
<tr>
<td>Nitrate &amp; Nitrate as N - Hach</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Groundwater Monitoring to be reported on Discharge Monitoring Report starting March 1993 and every third month thereafter.**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Frequency</th>
<th>Sample Type</th>
<th>Sample Location (7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Level (ft above MSL)</td>
<td>quarterly</td>
<td>Measure</td>
<td>1.50 - 1.55</td>
</tr>
<tr>
<td>Total Kjeldahl Nitrogen (mg/l)</td>
<td>quarterly</td>
<td>bailed (6)</td>
<td>1.50 - 1.55</td>
</tr>
<tr>
<td>Ammonia (mg/l)</td>
<td>quarterly</td>
<td>bailed (6)</td>
<td>1.50 - 1.55</td>
</tr>
<tr>
<td>Nitrate (mg/l)</td>
<td>quarterly</td>
<td>bailed (6)</td>
<td>1.50 - 1.55</td>
</tr>
<tr>
<td>Nitrate (mg/l)</td>
<td>quarterly</td>
<td>bailed (6)</td>
<td>1.50 - 1.55</td>
</tr>
<tr>
<td>Total Nitrogen (mg/l)</td>
<td>quarterly</td>
<td>bailed (6)</td>
<td>1.50 - 1.55</td>
</tr>
<tr>
<td>Total Dissolved Solids (mg/l)</td>
<td>quarterly</td>
<td>bailed (6)</td>
<td>1.50 - 1.55</td>
</tr>
</tbody>
</table>

**Notes:**
1. Process control monitoring locations shown on page(s) | 4 |
2. Influent, effluent, after aeration tank | |
3. Three well casing volumes must be evacuated prior to sampling all parameters except water level. | |
4. Groundwater sampling location shown on page(s) | 4 |
5. In addition to the above requirements, wastewater disinfection will also be required if facility utilizes open recharge beds and it is determined, by the Suffolk County Department of Health Services (SCDS), acting as the Agent of the NYSDEC, to be necessary for control of odors or other health-related purposes. Accordingly, supplies and equipment necessary to assure proper disinfection shall be kept available and operable at all times by the permittee, and tested in manner and frequency as directed by SCDS.
The committee shall take samples and measurements to meet the monitoring requirements at the location(s) indicated below: (Show locations of outfalls with sketch or flow diagram as appropriate).

**PROCESS CONTROL AND GROUNDWATER MONITORING LOCATION DESCRIPTION**

Sample (INF): sample taken prior to aeration tank.
Aeration tank (AT): sample taken at the head end of the aeration tank.
Clarifier (AC): sample taken after clarifier and prior to denitrification filter.
Effluent (EFF): sample taken after aeration tank.

-1: upgradient well
-2: downgradient well
-3: downgradient well
(a) Permittee shall achieve compliance with the effluent limitations specified in this permit for the permitted discharge(s) in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Action Code</th>
<th>Outfall Numbers(s)</th>
<th>Compliance Action</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>001</td>
<td>- Submit plans and specifications for the installation of groundwater monitoring wells which conforms to the &quot;Standards and Procedures for the Design and Installation of Groundwater Monitoring Wells at Sewage Treatment Plants and Modified Subsurface Sewage Disposal Systems&quot;, revised February 1989 (standard).</td>
<td>6/1/92</td>
</tr>
<tr>
<td>2</td>
<td>001</td>
<td>- Install groundwater monitoring wells as per approved plans and specifications.</td>
<td>11/1/92</td>
</tr>
<tr>
<td>3</td>
<td>001</td>
<td>- Submit a modified facility layout diagram that details the locations of all sampling points.</td>
<td>11/1/92</td>
</tr>
<tr>
<td>4</td>
<td>001</td>
<td>- Submit final documentation of groundwater monitoring well installations as required by above standard.</td>
<td>2/1/93</td>
</tr>
<tr>
<td>5</td>
<td>001</td>
<td>- Commence sampling of groundwater monitoring wells as required by the schedule contained on page 3.</td>
<td>3/1/93</td>
</tr>
</tbody>
</table>

(b) The permittee shall submit to the Department of Environmental Conservation the required document(s) where specific action is required in (a) above to be taken by a certain date, and written notice of compliance or noncompliance with each of the above schedule dates, postmarked no later than 14 days following each elapsed date. Each notice of noncompliance shall include the following information:

1. A short description of the noncompliance;
2. A description of any actions taken or proposed by the permittee to comply with the apsed schedule requirement without further delay;
3. A description of any factors which tend to explain or mitigate the noncompliance;
4. An estimate of the date permittee will comply with the elapsed schedule requirement and an assessment of the probability that permittee will meet the next elapsed requirement on time.
The permittee shall also refer to the General Conditions (Pa. II) of this permit for additional information concerning monitoring and reporting requirements and conditions.

The monitoring information required by this permit shall be summarized, signed and retained for a period of three years from the date of the sampling for subsequent inspection by the Department or its designated agent. Also:

[X] (if box is checked) monitoring information required by this permit shall be summarized and reported by submitting completed and signed Discharge Monitoring Report (DMR) forms for each month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 20th day of the month following the end of each reporting period.

Send second copy (third page) of DMR to:

Suffolk County Dept. of Health Services
15 Horseblock Place
Farmingville, NY 11738
Attn: James Maloney, P.E.
Please send a copy of the lab analysis with SCCHS DMR

Send first copy (second sheet) of DMR to:

Dept. of Environmental Conservation
Regional Water Engineer
Building 40, SUNY Stony Brook
Stony Brook, NY 11794

A monthly "Wastewater Facility Operation Report..." (form 32-15-7) shall be submitted (if box is checked) to the [ ] Regional Water Engineer and/or [ ] County Health Department or Environmental Control Agency listed above.

Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in the attached General Conditions (Part II).

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.

Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.

Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two to the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.
1. In accordance with the State Environmental Conservation Law (ECL 17-0511), the use of existing or new outlets of point sources, which discharge sewage, industrial wastes or other wastes into waters of this state is prohibited unless such use is in compliance with all standards, criteria, limitations, rules and regulations promulgated or applied by the New York State Department of Environmental Conservation (NYSDEC).

2. In the event that the Sewage Treatment Plant (STP) serves or is intended to serve more than one separately owned property, there shall be in effect a valid contract between the Permittee and Suffolk County Sewer Agency, or its successor agency, pertaining to the construction, operation, and maintenance of Permittee’s existing, new, improved or expanded sewage disposal system.

3. Should there be any conflict between the terms of the aforesaid contract and the terms of this Permit, the terms of this permit shall govern. Should any such conflicts require resolution, any resolution requiring the modification of this permit in lieu of modification of the contract shall be approved by NYSDEC and the Suffolk County Health Services (SCDHS).

4. At least thirty (30) days prior to the operation of a new and/or modified facility, or sixty (60) days from the issuance of this permit for an existing facility, Permittee shall submit for approval to the SCDHS, an Operation and Maintenance Manual which meets the NYSDEC and SCDHS requirements for such documents, which shall be the primary basis for budgeting STP operation, maintenance, and replacement costs. A copy of the approved Manual shall be provided to all persons involved in the operation and maintenance of this STP. The manual shall be revised and updated whenever modifications are made to the costs, equipment or operation of the STP, or when directed by NYSDEC or SCDHS.

5. At least thirty (30) days prior to the operation of a new or modified facility, Permittee shall provide to NYSDEC and SCDHS a sealed certification from a licensed Professional Engineer stating that the construction was in accordance with the approved plans and specifications, and that the facility is completed and operational, as required by 6NYCRR 652.8.

The STP shall be under the responsible supervision of an appropriately certified New York State operator at all times. The correct operator certification of this STP is as specified in 6NYCRR 652.50. The minimum coverage for this STP is that it must be visited by the certified operator, or someone who is directly supervised by the certified operator, for a minimum of 3 hours every day. The minimum coverage may be modified, upward or downward, in accordance with approved Operation and Maintenance Manual. Sufficient time shall be spent each day to:

a) inspect all treatment plant components and equipment for proper operation;
b) collect samples/run tests/record data;
c) perform maintenance/cleaning;
d) make process adjustments.

Permittee shall provide the SCDHS with proof, in the form of contracts or other agreements, that it has retained the services of an operator certified pursuant to 6NYCRR 650 including staffing required to operate the system in accordance with the SCDHS-approved Operations and Maintenance Manual. Said proof shall be
Permittee shall provide the NYSDEC and SCDS with a letter from a NYS licensed professional engineer indicating that the engineer is familiar with the system and prepared to provide timely engineering services that may be required to assure compliance with this permit. Said proof shall be provided as in 7(a-c), above.

Financial Assurances.

a. For new or substantially modified facilities, at least thirty (30) days prior to the operation on such facilities, Permittee shall provide to NYSDEC and SCDS:

i. documentation to show that the Permittee has established an Operation Fund as security for the routine operation and maintenance expense of the system. Such fund shall be kept at a monetary level equal to the estimated operation and maintenance costs of the sewage facilities for one year, based on the estimate of the professional engineer retained pursuant to paragraph (3) above, and as set forth in the approved Operations and Maintenance Manual referred to in paragraph (4) above. The monetary level of this fund will be adjusted to conform with approved changes in the Manual. The NYSDEC and SCDS shall have authority to review the amount of funds so contributed, and modify said amount. At no time shall the balance of the Operating Fund be less than the sum required to cover the estimated operation and maintenance costs of the sewage facilities for one (1) calendar year;

ii. documentation to show that the Permittee has established a Capital Fund to finance additions, repairs, and replacements to the system. Such fund shall be funded with an initial deposit, and shall be funded with additional deposits, sufficient in amount to finance the estimated cost of replacing all components of the sewage facilities with a useful life greater than one (1) year, upon the expiration of each component's useful life. The initial deposit and the additional deposits shall be in such amounts necessary to ensure that, upon the expiration of the useful life of each component of the sewage facilities, sufficient funds are available in the Capital Fund to replace it. The NYSDEC and SCDS shall have authority to review the amount of the funds so contributed, and to modify said amount.

b. For existing facilities, within two (2) years from the date of issuance of the permit, Permittee shall provide to NYSDEC and SCDS:

i. documentation as specified in paragraph 9(a)(i) above.

ii. documentation as specified in paragraph 9(a)(ii) above, unless an alternate financing plan is submitted and accepted by SCDS. Such plan shall provide for the establishment of the Capital Fund within a time and a manner acceptable to the SCDS, taking into account the conditions and age of the facilities and other relevant factors.

c. By February 28th of each year following the issuance of this permit, Permittee shall provide NYSDEC and SCDS with an Annual Report of Finances, prepared by an accountant, describing the status of the Operating Fund to finance the routine operation and maintenance and the status of the Capital Fund to finance additions, repairs, and replacements to the sewage disposal system. Said report shall (i) show all activity for the previous calendar year in both the Operating Fund and Capital Fund, and (ii) show all expenditures made for the operation and maintenance of the sewage facilities. The amount of money to be maintained in both the Operating Fund and Capital Fund by the permittee may be modified by the SCDS and/or the NYSDEC.
11. In the event of transfer of ownership, or responsibility for construction, or operation and maintenance, the NYSDEC and SCDAH must be notified at least sixty (60) days prior to such transfer, and the conditions governing transfer of a SPDES permit shall be fully complied with. In such case, NYSDEC and/or SCDAH may require a new SPDES permit. Any SPDES permit issued to a transferee may contain terms in addition to, and/or different from, those in this permit. In the event of transfer, all funds specified in paragraph nine (9), above, shall be transferred to the new owner.

12. Permittee shall not obtain the return or release of any financial instrument securing integrity of construction and/or satisfactory operation and maintenance without prior written approval of the NYSDEC or the SCDAH, and if applicable, the Suffolk County Sewer Agency.
TO: Mr. Ken Walter
c/o Turnberry Assoc.
1500 William Floyd Parkway
Suite 206
Shirley, NY 11967

Date: 17-Feb-99

Re: Dorade
(78008)

Attention: Shirley, NY 11967

Your Ref:

Gentlemen:

We are sending you
Pick Up

For Your

Under separate cover
Herewith Fed Ex
By Messenger

Review & Comment
Approval
As requested
For your use
Bid Submission
Signature

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Drawing Title</th>
<th>Sheet No.</th>
<th>Rev. N</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Consent Order</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Sewer Agency Contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Letter</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks:

Very truly yours,

NELSON & POPE

By: Kenneth J. Munz
Mr. John Hunt  
Four H Maintenance  
534 Birch Hollow Drive  
Shirley, New York 11969

Re: Dorade STP  
Nelson & Pope Job No. 78008

Dear Mr. Hunt:

This office has recently been advised by Mr. Breslin that a consent order signed with the Attorney General’s office has a start date of April 1, 1998.

I enclosed a copy of the section of that consent order which addresses the work items to be done and I have annotated thereon the start dates for this work. Please note that the first item is the existing backwash pump to be made operational within fourteen days of the start date, by April 14, 1998.

Also enclosed is a copy of the SPDES permit, which was attached to the Consent Order. Please note that it has expired but post it at the STP in any event along with the sections of the Consent Order noted.

Please advise if this work has been completed as of this time.

Very truly yours,

NELSON & POPE, LLP

[Signature]

Arthur J. Koebber, P.E.

AJK/mg  
encl.  
cc: W. Breslin  
A. D’Amato  
V. Donnelly
2. Repair Of Equipment: Dorade shall repair or replace the following equipment within the time periods specified below:

   (i) a) the second definite backwash pump shall be operational within 14 days after the date of execution of this Judgment; 

   b) two new backwash pumps of a larger capacity and a higher discharge head shall be installed within 120 days after the date of execution of this Judgment; 

   (ii) the backwash system shall be upgraded to operate on auto cycle within 120 days after the date of execution of this Judgment and, in the interim, effective immediately, the electrical control panel running the backwash system shall be time sequenced so that it conducts multiple filter backwash; 

   (iii) a new comminutor or shredding device will be purchased and installed within 90 days after the date of execution of this Judgment; 

   (iv) a DO meter, pH meter, nitrogen testing kit (similar to Hatch DR 2010), and a centrifuge shall be purchased within 45 days after the date of execution of this Judgment and thereafter be maintained, at all times, at the Facility; 

   (v) a backup generator to operate the Facility in case of power failure shall be installed prior to any increase in flow beyond 140,000 gallons per day (to be based on 50 day arithmetic mean) but in no event later than February 28, 1998.

3. Progress Reports: Dorade shall submit bi-monthly reports to DEC which document the action taken by Dorade to comply with the requirements set forth in paragraph above. The first report shall be submitted by Dorade 30 days after the date of execution of this Judgment. The reports shall be submitted to:
Compliance With The SPDES Permit: The Facility's SPDES Permit, a copy of which is attached hereto as Exhibit A, is hereby incorporated as part of this Judgment.

Except as modified in paragraphs 5 and 6, below, Dorade shall comply with the effluent limitations and other requirements set forth in Exhibit A by not later than the date of execution into this Judgment.

5. **Interim Effluent Limitations:** The Facility shall be allowed to treat, on an interim basis, no greater than 140,000 gallons per day of flow (to be based on 30 day arithmetic mean) from the date of execution of this Judgment until Dorade's SPDES Permit is modified in accordance with paragraph 9 below. Additionally, an interim effluent limitation for total nitrogen of 5.0 mg/liter is hereby imposed for a period of 150 days following the date of execution of this Judgment, after which Dorade shall comply with the effluent limitation for total nitrogen specified in the SPDES Permit.

6. **Interim Monitoring Requirements:** Dorade shall monitor for total nitrogen and total dissolved solids once per week, such monitoring to take place at the point of effluent discharge at the Facility.

7. **Stipulated Penalties:** In the event Dorade fails to meet any terms or conditions of this Judgment or of the SPDES Permit, as modified by this Judgment, DEC shall be entitled to payment by Dorade of a stipulated penalty or penalties to be calculated in accordance with the following schedule:
(a) Failure to meet or follow deadlines set forth in paragraph 2:

1 - 30 days late . . . . . . . . $500 per day
each day after 30 days late . . . $1,000 per day.

(b) Failure to comply with effluent limitations in the SPDES Permit or any modification to the Permit's effluent limitations specified in Paragraph 5, above:

For each pollutant . . . . . $500 per day.

(c) Late performance\(^1\) and/or incomplete performance\(^2\) of monitoring or reporting in the manner required by the Permit, the modifications to the SPDES Permit specified in paragraph 6, above, or the requirements in paragraph 3, above:

Late performance . . . . . . . $50 per day for the first 30 days; an additional $3,000 in the event no report is submitted within 30 days.

Incomplete performance . . . . $1,000 for each required report.

8. Inspections: Dorade shall allow authorized representatives of DEC access to the Facility and subject property without prior notice at such times as may be necessary in order for DEC to inspect and determine the status of Dorade’s compliance with this Judgment and the SPDES Permit.

9. Permits Required: Dorade shall not allow additional and/or new connections to the Facility's collection system nor increased flow above 140,000 gallons per day (to be based

\(^1\) Effluent limits which are reported as 7 day or 30 day averages will be considered a violation of each day included in that average.

\(^2\) Any reports not made to DEC within 30 days after the required submission date will be considered non-performance.

\(^3\) Any reports which are missing information required to be reported will be considered incomplete performance.
shall relieve Dorade from obtaining all necessary permits, approvals or authorizations in order to perform the obligations pursuant to this Judgment.

10. **Force Majeure:** Dorade shall not suffer any penalty under any of the provisions, terms and conditions hereof, or be subject to any of the proceedings or actions for any remedy or relief, if it cannot comply with any requirements of the provisions hereof, because of an Act of God, war, riot, or other catastrophe as to which negligence or willful misconduct on the part of Dorade was not a proximate cause, provided, however, that Dorade shall immediately notify the DEC in writing upon obtaining knowledge of any such condition and request an extension or modification of the provisions hereof.

11. **Indemnity:** Dorade shall indemnify and hold harmless New York State, DEC and any of their employees or contractors for all claims, actions, damages and costs resulting from the DEC's or Dorade's acts in fulfillment or attempted fulfillment of the provisions of this Judgment, unless said acts were caused by the intentional or reckless acts of New York State, DEC, or any of their employees or contractors.

12. **Reservation of Rights:** Nothing in this Judgment preclude DEC from enforcing, at its election, in law or equity, the terms, provisions, and conditions of this Judgment against Dorade in the event that Dorade shall fail to fulfill any of the obligations contained herein. The existence of this Judgment shall not be a ground for requiring initiation, continuance, or transfer of any enforcement proceeding or action to any forum not of the
13. **Entire Settlement:** This Judgment shall constitute the entire agreement of the parties with respect to settlement of those violations specifically referenced in the Complaint and is in full satisfaction of all civil or administrative claims that were or could have been raised in the Complaint with respect to the facts alleged therein.

14. **Binding Effect:** This Judgment shall be binding on Dorade, and its officers, directors, partners, affiliates, employees, successors and assigns.

15. **Continuing Jurisdiction:** The Court shall have continuing jurisdiction over this matter to enforce the terms and conditions of this Judgment.

SO ORDERED:

J.S.C.

DATED:

CONSENTED AND AGREED TO BY:

DENNIS C. VACCO
Attorney General of the State of New York
Attorney for Plaintiffs
New York State Department of Law
120 Broadway
New York, New York 10271
(212) 416-8459

By: [Signature]
Robert Rosenthal
Assistant Attorney General

Dated: 2/26/98

ARMAND P. D'AMATO
Attorney for Defendant
532 Broadhollow Road, Suite 142
Melville, New York 11747
(516) 454-1656

By: [Signature]
Armand P. D'Amato

Dated: 2-27-98
New York State Department of Environmental Conservation
Division of Environmental Permits, Region One
Building 40 - SUNY, Stony Brook, New York 11790-2356
Phone: (631) 444-0365  FAX: (631) 444-0360

NOTICE OF INTENT TO MODIFY PERMIT

Certified Mail
Return Receipt Requested

January 18, 2000

Dorado c/o Breslin Realty
Attn: Wilbur R. Breslin
500 Old Country Road
Garden City, NY 11530

Re: Permit #1-4722-00647/00001
SPDES#NY0065559

Facility: Whispering Pines aka Dorade STP
Location: William Floyd Parkway Yaphank

Dear Mr. Breslin:

This is to inform you that pursuant to Article 70, the Environmental Conservation Law (ECL) and 6NYCRR Part 621.14(a) (Uniform Procedures Regulations), this Department intends to modify the referenced permit as indicated in the enclosed revised permit page(s).

The permit modification includes reduction of the permitted plant capacity (flow) from 450,000 gallons per day to 140,000 gallons per day.

Pursuant to Section 621.14(d), you may object to this modification by submitting reasons why the permit should not be modified or requesting a hearing, or both. A submission or request must be received by the Regional Permit Administrator within 15 calendar days of the date of this letter, or the modification shall become effective on March 1, 2000.

Please contact Mr. Dilip Banerjee at 631-444-0405 if you have any questions concerning this matter.

Sincerely,

Laura J. Scovazzo
Senior Environmental Analyst

cc: D. Banerjee/Region 1 DOW
    R. Hannaford/Albany DOW
    L. Aja/Legal Affairs
    S. Costa/SCDHS Wastewater Management File
New York State Department of Environmental Conservation  
Division of Environmental Permits, Region One  
Building 40- SUNY,  
Stony Brook, New York 11790-2356  

Attention: Ms. Laura J. Scovazzo  

Re: Permit #1-4722-00647/00001  
SPDES#NY0066559  
Facility: Whispering Pines aka Dorade STP  
Location: William Floyd Parkway, Yaphank  

Dear Ms. Scovazzo:  

Reference is made to your letter of January 18, 2000 to Mr. Breslin relative to a reduction in permit capacity from 450,000/gallons per day to 140,000/gallons per day.  

Kindly be advised that we, AVR Realty Company, recently obtained interest in the fee of the subject facility.  

Based upon recently monthly operating reports, it appears that the plant is complying to standards.  

We have authorized our consulting engineers, Nelson & Pope, to analyze, plan and design the upgrading of the subject plant, so as to serve our proposed adjacent developments.  

Accordingly, we object to your proposed modification of reducing the permitted capacity 450,000/gallons per day to 140,000/gallons per day.  

Please call me at your earliest convenience so that we may meet to discuss the subject matter.  

Very truly yours,  

DORADE, INC.  

Thomas F. Perna, P. E.  
Vice President  
cc: Mr. Wilbur Breslin

[Signature]

[Handwritten notes: Thomas F. Perna, P. E.]
Section 3
Design Criterion

3.1 Design Flow and Population

3.1.1 Design Flow Rate

Existing flow rate from Colonial woods = 100,000 gpd
Suffolk County Sewer District 8 = 50,000 gpd
Phase I: Brookhaven Towne Center
Phase II: Brookhaven Towne Center = 87,150 gpd
= 20,000 gpd
Total Sanitary Flow = 257,150 gpd
Filter Return Flow (5% of Total Sanitary Flow) = 12,858 gpd
Total Flow to Plant = 270,008 gpd
Design Sanitary Flow = 300,000 gpd
= 208 gpm
= 0.300 mgd

(1) See Addendum 2

3.1.2 Design Population

300,000gpd + 75gpd/capita = 4,000 capita

3.1.3 Peak Sanitary Flow Rate

Peak Flow Rate Factor (3) = 3.33
3.33 x 300,000 GPD = 999,000 gpd
= 694 gpm
= 0.999 mgd

(3) See Addendum 2
COUNTY OF SUFFOLK
DEPARTMENT OF HEALTH SERVICES

In the Matter of the Alleged Violation of Article 7 and Article 5 of the Suffolk County Sanitary Code, by

Whispering Pines STP
Dorade, Inc.
One Executive Blvd.
Yonkers, NY 11701

Order on Consent
No. UPG-2009-005

October 9, 2009.

Respondent

GENERAL PROVISIONS

This Department alleges that the above-named Respondent has failed to comply with the provisions of the Suffolk County Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

Respondent understands that by entering into this Order on Consent with the Department, it is affirmatively and voluntarily waiving its right to a formal adjudicatory proceeding with respect to the matters herein addressed. Although the Department will not pursue further enforcement action with respect to the specific alleged violations of law set forth below if the above-named Respondent enters into this Order on Consent and abides by its terms, Respondent understands that the Department is not agreeing to forbearance from pursuing enforcement action regarding alleged violations not addressed by this Order on Consent. Moreover, Respondent understands that notwithstanding its execution of this Order on Consent, its failure to strictly comply with all of the terms, provisions and conditions herein contained will revive the Department's rights regarding the violations alleged as set forth below subject to a set-off for any penalties already paid pursuant to this Order on Consent. Furthermore, Respondent is hereby advised that this Order on Consent, duly executed by Respondent's agent and the Commissioner or his duly authorized representative, has the force and effect of a Commissioner's Order, the violation of which is subject to penalties as provided in Section 218 of Article 2 of the Suffolk County Sanitary Code. Further, the Department recognizes that there is no admission of fault or guilt by Respondent concerning violations alleged in this Order on Consent.

A modification or extension of any of the provisions of this Order on Consent shall be granted by the Department upon written request demonstrating good and sufficient cause for the change or extension requested. No modification of this Order on Consent shall be effective unless and until it is specifically set forth in writing by the Department.
Whispering Pines  
Order on Consent No. UPG-2009-005  

SPECIFICATION OF ALLEGED VIOLATIONS  

It is alleged that Respondent, above-named failed to comply with the following Provisions of the Suffolk County Sanitary Code as indicated below:

1. As of February 8, 2007, the sewage treatment facility known as Whispering Pines, has failed to consistently meet the discharge monitoring requirements of its State Pollution Discharge Elimination System (SPDES) permit # 0066559 which is a violation of Section 705 of Article 7 of the Suffolk County Sanitary Code and Section 713 of Article 7 of the Suffolk County Sanitary Code.

2. As of January 1, 2000 the facility has failed to maintain the northern side of the facility in a functional manner acceptable to the department which is a violation of Section 705 of Article 7 of the Suffolk County Sanitary Code and Section 713 of Article 7 of the Suffolk County Sanitary Code.

SPECIFIC TERMS AND CONDITIONS  

In satisfaction of the above-named Respondent's alleged violations of the Suffolk County Sanitary Code, Respondent agrees to the entering and issuance of this Order of the Commissioner of the Department of Health Services, and Respondent agrees to be bound by the Terms and Conditions following, as well as by the above General Provisions. The schedule of compliance for the specific terms and conditions listed below has been developed with the expectation that the Respondent will proceed with all due diligence. All submittals shall be of professional quality and made in a timely fashion to the Department. Failure to do so will be deemed a violation of the schedule contained within this Order on Consent and will subject the respondent to appropriate penalties. If permits from other agencies (e.g., New York State DEC, Town Zoning and/or Engineering Departments, etc.) are required to obtain this office's approval, the applicant shall submit proof of application and/or hearing dates, etc. to the Department.

1. By October 30, 2009, Respondent shall submit, in approvable form, a report, prepared by an engineer licensed by the Education Department of the State of New York, detailing the requirements necessary to bring the northern side of the Respondent's above referenced sewage treatment facility into compliance with its current SPDES Permit limits and SCDHS standards.

2. By November 15, 2009 Respondent shall submit, in approvable form, plans and specifications prepared by an Engineer Licensed by the Educational Department of the State of New York, detailing the requirements necessary to bring the northern side of the Respondent's above referenced sewage treatment plant into compliance with the requirements referenced in (1) above.

3. By six (6) months after the approval of the plans and specifications, Respondent shall
complete all required plant modifications that were developed for item 1 and 2 above for the northern side of the Respondents sewage treatment plant.

4. By 3 months after the completion of construction of the northern side of the Respondent’s sewage treatment plant, Respondent shall complete all on line debugging and shall operate the upgraded facility in accordance with Respondent's SPDES permit effluent limitations and approved engineering report, plans and specifications, and operations and maintenance manual.

5. Upon completion of improvements to the northern tank, Respondent shall submit costs for all Capital Improvements related to the rehabilitation of the northern tank to the Suffolk County Department of Public Works in accordance with the rate increase structure for the Respondent’s sewage treatment plant.

6. Upon operation of the northern tank of the Respondent’s sewage treatment plant, Respondent shall immediately commence removal of all sewage from the southern tank. As soon as the southern tank is completely empty, Respondent shall have the tank inspected by an Engineer licensed by the Educational Department of the State of New York. Within one month of said inspection the Engineer of Record shall prepare and submit, in approvable form, a report detailing the requirements necessary to bring the southern tank into full compliance with SPDES Permit limits and SCDHS standards.

7. Within two (2) months of approval of the report in (6) above or by June 1, 2010 whichever occurs earlier, Respondent shall submit, in approvable form, plans and specifications prepared by an Engineer Licensed by the Educational Department of the State of New York, detailing the requirements necessary to bring the southern, functional side of the Respondent’s above referenced sewage treatment plant into compliance with the requirements referenced in (6) above.

8. By one (1) month after approval of the plans and specifications in (7) above, Respondent shall start construction on the southern side of the Respondent’s sewage treatment plant.

9. By six (6) months after the start of construction mentioned in item (8) above, Respondent shall complete all required plant modifications that were developed for items 6 and 7 above for the southern side of the Respondent's sewage treatment plant.

10. Upon completion of improvements to the southern tank, Respondent shall submit costs for all Capital Improvements related to the rehabilitation of the southern tank to the Suffolk County Department of Public Works in accordance with the rate increase structure for the Respondent’s sewage treatment plant.

11. By 3 months after the completion of reconstruction and improvement of the north and south side, Respondent shall submit, in approvable form, an updated Operations and Maintenance (O&M) Manual, prepared by an Engineer licensed by the Education Department of the State of New York, for the upgraded facility.
12. Upon completion of improvements to the north and south sides of the Respondent's sewage treatment plant and the operation of the facility in compliance with its SPDES Permit the Respondent may apply for an increase in its SPDES Permit flow to at least 225,000 gpd. The Suffolk County Department of Health Services, Office of Wastewater Management would support Respondent's application for an increase in the plant's SPDES Permit flow to at least 225,000 gpd provided that both tanks have been improved and are operational in accordance with the provisions set forth in this Order on Consent.

13. Respondent shall continue to work with the Department to investigate alternatives to provide a permanent resolution to this matter.

14. Any questions or submissions pertaining to Term and Condition 1 through 13 above should be directed to Charles Olsen at telephone number (631) 852-5883.

15. Respondent agrees that in the event that Respondent fails to meet any terms of conditions of this Order on Consent, the Department shall be entitled to payment by Respondent of a stipulated penalty to be calculated in accordance with the following penalty schedule:

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<th>% of ($1,000) Full Daily Penalty</th>
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To exercise this right for collection of additional penalty payments the Department will provide Respondent with a written notice of penalties due. Each such notice shall contain the specific information as to the nature of the violation(s) of this Order on Consent, the date(s) of the violation(s), and the amount of penalties due. Respondent shall pay all penalties assessed by the Department in this manner within thirty (30) days after the Department mails the notice of penalties due. Failure to make payment within such period of time shall be deemed a violation of this Order on Consent, and in addition shall subject Respondent to additional payment to the Department of one thousand ($1,000) dollars for each day that the payment is late.
CONSENT BY RESPONDENT

The Respondent herein named acknowledges the authority and jurisdiction of the Commissioner of the Suffolk County Department of Health Services to issue the foregoing Order on Consent, and Respondent voluntarily waives public hearing in this matter and agrees to be bound by the terms, conditions and provisions of this Order on Consent.

Dated: _______9/1/09________

By: (Signature)  
(printed)  
Title:  
Telephone: 914-968-3990

State of New York )

County of Suffolk )

On the ___9____ of __October__, 2009, before me personally came Thomas Perna to me known, who being duly sworn, deposed and said that she/he resides at 90 AISLA WAY, Cutchogue, NY, that she/he is __Vice President______ of Respondent corporation, and that she/he signed her/his name as authorized by said corporation with full authority to do so.

________________________
Notary Public

DENISE M. PERAGINE
Notary Public, State of New York
No. 01PE6052918
Qualified in Orange County
Commission Expires Dec. 26, 2010

RECEIVED

OCT 13 2009

SUFF. CO. HEALTH SERVICES
OFFICE OF WASTEWATER MGT.
Order on Consent No. UPG-2009-005

CONSENT BY COMMISSIONER

The Commissioner of the Suffolk County Department of Health Services agrees to waive further administrative enforcement action against Respondent named herein, and the Commissioner agrees to accept the Respondent's consent to the entry and issuance of this Order in full satisfaction of the department's allegations herein listed, PROVIDED THAT Respondent duly executes this Order and strictly adheres to all of its terms, conditions and provisions.

Dated: 10/20/09

[Signature]

Linda Mermelstein, M.D., M.P.H.
Acting Commissioner
Suffolk County Department of Health Services
APPENDIX O

JURISDICTION-RELATED DOCUMENTS
Resolution Submission Form

Resolution No.: 2010-815

Councilmember: D-4

Originated By: Eva Greguski, Planning

Title: ADOPTING POSITIVE DECLARATION FOR THE CHANGE OF ZONE FOR THE MEADOWS AT YAPHANK PLANNED DEVELOPMENT DISTRICT CZ NO. 2010-011-CZ

Subject:

Purpose:

Issue positive declaration and schedule a scoping meeting as per SEQRA requirements (Type I Action). S.C.T.M. #0200 55200 0100 001003 and 0200 58400 0200 001003.

History/Misc. Information:

The proposed project would change the zoning of 322.37 acres from L Industrial 1 and J Business Planned Development District (PDD) for development of a mixed-use project that includes retail office space, office/flex industrial space and housing. Flex space is defined for purposes of the proposed project as non-residential commercial space that may be office or industrial in nature or other uses permitted in the J Business 2 or L Industrial 1 districts. The commercial components of the proposed project include approximately 1,032,500 square feet (SF) of space made up of hotel, restaurant and office/flex or other permitted uses within the J Business 2 and L Industrial 1 districts. The proposed residential component is comprised of 850 units of various types and sizes, including 303 age-restricted units and 85 workforce housing units.

Fiscal Impact:

N/A

Account Number:

Property Info:
RESOLUTION SUBMISSION

MEETING OF: July 20, 2010 RESOLUTION NO. 2010-815

MOVED BY COUNCILMEMBER: Constance Kepert

REVISION

SHORT TITLE: ADOPTING POSITIVE DECLARATION FOR THE CHANGE OF ZONE FOR THE MEADOWS AT YAPHANK PLANNED DEVELOPMENT DISTRICT CZ# 2010-011-CZ

DEPARTMENT: LAW

REASON: Compliance with SEQRA

PUBLIC HEARING REQUIRED:

DEPARTMENT OF FINANCE APPROVAL: YES NO
DOLLARS INVOLVED:

SEQRA REQUIRED: Yes
DETERMINATION MADE: POSITIVE NEGATIVE
FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED: No

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RESOLUTION NO. 2010-815
MEETING: July 20, 2010

ADOPTING POSITIVE DECLARATION
FOR THE CHANGE OF ZONE FOR
THE MEADOWS AT YAPHKAN
PLANNED DEVELOPMENT DISTRICT
CZ# 2010-011-CZ

WHEREAS, the Town Board is presently considering the change of zone for The Meadows at Yaphank Planned Development District for property located at the northwest corner of the Long Island Expressway North Service Road and William Floyd Parkway (CR 46) in Yaphank, New York, (SCTM # 0200 55200 0100 001003 and 0200 58400 0200 001003), comprising approximately 322.37 acres, from J Business 2 and L Industrial 1 to Planned Development District (PDD); and

WHEREAS, the Department of Planning, Environment and Land Management (PELM) has conducted a review of the Phase I PDD Application submitted by the applicant with respect to said proposed action; and

WHEREAS, as set forth in 6 NYCRR Part 617.4(b)(6)(i), a project or action that involves the physical alteration of 10 acres is a Type I Action and as a result is more likely to have a potentially significant adverse impact on the environment, and, therefore, more likely to require the preparation of an Environmental Impact Statement (EIS), and

WHEREAS, the preparation of a Draft Generic Environmental Impact Statement (DGEIS) for the proposed change of zone will provide the best means to systematically consider significant adverse environmental impacts, alternatives, and mitigation, and to facilitate the weighing of social, economic environmental factors,
NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Brookhaven as Lead Agency hereby adopts the Positive Declaration for the Change of Zone for The Meadows at Yaphank Planned Development District, attached hereto, which requires the preparation of a Draft Generic Environmental Impact Statement (DGEIS) to address all relevant environmental issues, and

BE IT FURTHER RESOLVED, that the Department of Planning, Environment and Land Management (PELM) shall post the draft scoping document, which identifies potentially significant adverse impacts to be addressed in the DGEIS on the Town’s website and the Commissioner of PELM, or his designee, is authorized to serve as the hearing officer for the scoping meeting on Thursday, September 2, 2010 from 7:00 to 9:00 PM at Brookhaven Town Hall to provide public participation to identify the potentially adverse impacts related to the adoption of the change of zone, to receive comments in general, and

BE IT FURTHER RESOLVED, that the Commissioner of PELM is authorized to accept and approve the final scoping document provided that it is in conformance with all SEQRA regulations, satisfactorily addresses the issues raised in the Positive Declaration and to distribute it as required including posting the Final Scoping document on the Town’s website.
STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft Generic Environmental Impact Statement (DGEIS)

LEAD AGENCY:  Town of Brookhaven Town Board
                One Independence Hill
                Farmingville, NY 11738

TITLE OF ACTION:
Change of Zone from J Business 2 and L Industrial 1 to Planned Development District for
The Meadows at Yaphank Planned Development District

APPLICANT:  Rose Breslin Associates, LLC and Dorade Inc.
c/o AVR Realty
One Executive Blvd.
Yonkers, NY 10701
Tel#: 914-965-3990
Email: Tomp@avrrrealty.com

SEQR STATUS:  Type I

FILE #: 2010-011-CZ

DESCRIPTION OF ACTION:
The proposed project would change the zoning of 322.37 acres from L Industrial 1 and J Business 2 to
Planned Development District (PDD) for development of a mixed-use project that includes retail, office
space, office/flex industrial space and housing. "Flex space" is defined for purposes of the proposed
project as non-residential commercial space that may be office or industrial in nature or other uses
permitted in the J Business 2 or L Industrial 1 districts. The commercial components of the proposed
project include approximately 1,032,500 square feet (SF) of space made up of hotel, retail, restaurant and
office/flex or other permitted uses within the J Business 2 and L Industrial 1 districts. The proposed
residential component is comprised of 850 units of various types and sizes, including 303 age-restricted
units and 85 work force housing units.

LOCATION:  N/W/c of the Long Island Expressway North Service Road and William Floyd Parkway
            (CR 46) in Yaphank

S.C.T.M. #:  0200 55200 0100 001003 and 0200 58400 0200 001003 (322.37 acres, total)

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State
Environmental Quality Review) of the Environmental Conservation Law.

The Town Board of the Town of Brookhaven, as the SEQR Lead Agency, has determined that the
proposed action described above may have a significant impact on the environment and that a Draft
Generic Environmental Impact Statement (DGEIS) should be prepared.
REASONS SUPPORTING THIS DETERMINATION:

The Town Board in reviewing the Change of Zone Petition in accordance with SEQR Parts 617.3 and 617.6, using the information available and comparing it with the thresholds set forth in Part 617.4, has determined that the proposed action is a Type I action. A coordinated review for Type I actions involving more than one agency was completed on July 4, 2010, as set forth in SEQR Part 617.6 (b), in order to inform and allow other regulatory agencies to participate in the decision making process.

The Town Board as Lead Agency and after review and analysis of the Phase I PDD Application, various land use studies, the issues and relevant areas of environmental concern identified and as enumerated below, the criteria contained in Part 617.7, and other supporting information finds that the proposed action may have a significant effect upon the environment and that a Draft Generic Environmental Impact Statement (DGEIS) should be prepared.

The Board has considered that the purpose of the DGEIS is to inform the public and other public agencies as early as possible that the project may significantly affect the quality of the environment, and to solicit comments which will assist the agency in determining the environmental consequences of the proposed action.

Significant impacts to the environment are anticipated, including but not limited to:

Land Use and Zoning:
The conformance of the proposed action with applicable land use plans, studies, zoning and land use patterns should be determined. The proposed action will cause a significant increase in residential density and also change the use of the property which, compared to existing and surrounding land uses, will be significant. The subject properties are located within Critical Environmental Areas above a sole source aquifer in the Suffolk County Department of Health Services (SCDHS) Groundwater Management Zone III, the Central Suffolk Special Groundwater Protection Area (SGPA), the Central Suffolk Pine Barrens Area, and the Town of Brookhaven Hydrogeologic Sensitive Zone. The potential acquisition of Pine Barrens Credits and compliance with the Central Pine Barrens Comprehensive Land Use Plan will need to be fully evaluated.

Socioeconomic Conditions:
The residential development resulting from the proposed change of zone may generate additional school aged children that could increase the tax burden to the school district and could exceed the capacity of the school district's infrastructure.

Community Character:
The consistency of the proposed development will need to be evaluated with respect to local land use plans. The project is anticipated to have a significant effect upon the general character of the community, and various effects upon the local community services, schools, and emergencies service.

Transportation:
If granted, the proposed change of zone could result in 850 residential units and 1,032,500 SF of commercial space that will increase the amount of traffic on the William Floyd Parkway (CR 46), the Long Island Expressway (NYS Rt. 495), and Yaphank Woods Boulevard as well as alter travel patterns. The impact of the additional traffic at the key intersection of the William Floyd Parkway (CR 46) and the
Long Island Expressway (NYS Rt. 495) could be significant. The traffic system in the CR 46 & NYS Rt. 495 area requires a comprehensive evaluation for the proposed project.

**Water Resources:**
Impacts upon groundwater from water use and sanitary disposal systems must be evaluated. Although connection to an offsite wastewater treatment facility is proposed, there is a potential impact to groundwater from fertilizers and stormwater. Much of the project site is vegetated and provides natural groundwater recharge in a sensitive sole source aquifer area. Rain gardens, surface swales, and bio-retention areas are proposed to handle runoff. Reductions in ground water quality by sanitary discharge, lawn fertilization and roadway salting should be evaluated.

The potential for the groundwater contamination within and emanating from the nearby Brookhaven National Laboratory site to impact the proposed project, and the volume of recharge water anticipated to be generated from the project site, should be addressed.

Potential impacts to the Carmans River, a tributary to the Great South Bay, located approximately 1,850 feet to the south of the site will also need to be evaluated.

The project will cause substantial alteration of existing drainage patterns and on-site topography.

**Dorade Sewage Treatment Plant:**
Since the original approval of the Dorade Sewage Treatment Plant (STP) in 1973 for 450,000 gallons per day (gpd) and the subsequent reduction of the permitted flow to 140,000 gpd, the environment in the area as well as sewage treatment technology has significantly changed. The applicant has proposed the upgrade of the Dorade STP and connection of the project to the upgraded facility. Despite the originally permitted flow of 450,000 gpd, the proposed increase of 280,000 gpd of treated sanitary wastewater generated from the project and recharged within a sole source aquifer will need to be evaluated. The proposed connection pathway of the project to the upgraded facility will need to be determined and examined.

**Ecological Resources:**
The construction and change in land use may adversely impact local flora and fauna. Much of the project site is vegetated and provides natural groundwater recharge in a sensitive sole source aquifer area. Locally important wildlife and vegetation resources exist on the site in question. Impacts to these resources need to be identified and addressed. Significant loss of open space and wildlife areas is anticipated.

**Wetlands and Waterways:**
The project site contains New York State Department of Environmental Conservation Freshwater Wetland B-16 that is considered environmentally sensitive. The potential impacts to the wetland area will need to be addressed and mitigated.

Potential impacts to the Carmans River, a tributary to the Great South Bay, located approximately 1,850 feet to the south of the site will also need to be evaluated and mitigated.
Visual Resources:
The development may adversely impact the scenic resources currently provided by the property. The choice of architecture and site layout could have adverse impacts on visual quality in addition to community character. The existing on-site vegetation and its proximity to major thoroughfares provide certain visual aesthetics which may be impacted through development. These potential impacts need to be adequately addressed.

Energy:
The proposed action is anticipated to require substantial amounts of electricity and fossil fuels that may require utility upgrades or expansion. The total anticipated water usage for the proposed project is estimated to be 280,000 gpd. Energy efficient design and water conservation measures should be explored including certification through the US Green Building Council’s LEED (Leadership in Energy & Environmental Design) Green Building Rating System.

Cultural Resources:
Based on reported sources, there is an archeological site in or adjacent to the project area. The potential for the presence of prehistoric and/or historic era cultural resources should be determined, and if present, the potential impacts of the project on these resources must be determined. A Phase I archeological survey is warranted for all portions of the project to involve ground disturbance, unless substantial prior ground disturbance can be documented.

Solid Waste:
The project is anticipated to generate approximately 241 tons of solid waste per month that may impact solid waste facilities, the Town's Resource Recovery Facility (Landfill) in Yaphank.

Air Quality:
Particulate matter generated during construction, residential and commercial heating combustion sources, as well as the additional traffic that would be generated as a result of the proposed change of zone may adversely impact air quality. The potential for impact to air quality in the area from operation of the project, and from the increase in area vehicle traffic generated by the project, should be evaluated.

Economic Impacts:
The need for the proposed project, in consideration of other major shopping centers within a distance appropriate to the scale of the proposed project, should be addressed. The potential for secondary impacts on the communities within this study area should also be addressed.

Cumulative Impacts:
The increased residential development and the commercial development may be growth inducing and could have an adverse cumulative impact on the key intersection of the William Floyd Parkway (CR 46) and the Long Island Expressway (NYS Rt. 495) that could be significant, particularly with respect to traffic. The proposed action will also set an important precedent for future project development under the Planned Development District concept. Cumulative impacts of this and other projects in the area need to be addressed. Alternatives and project mitigation must be considered.

Public Scoping of the Draft Generic Environmental Impact Statement (DGEIS) will occur:
The Town of Brookhaven will undertake public scoping of the Draft Generic Environmental Impact Statement (DGEIS) on September 2, 2010. A Draft Generic Scoping Document will be prepared and

REVIEW AGENCY: The Town of Brookhaven Town Board
CONTACT PERSON: Peter E. Fountaine, Division of Environmental Protection
ADDRESS: One Independence Hill, Farmingville, NY 11738
PHONE NO.: 631-451-6455
EMAIL: pfountaine@brookhaven.org

COPIES OF THIS NOTICE SENT TO:
Applicant
Environmental Notice Bulletin
Kimberly Kennedy, Assistant to General Counsel, Suffolk County Water Authority
Andrew P. Freling, Chief Planner, Suffolk County Department of Planning
Kimberly Shaw, Senior Environmental Analyst, Suffolk County Dept. of Health Services
Craig A. Platt, Secretary, Suffolk County Sewer Agency
Mark Carrara, Deputy Permit Administrator, NYS Dept. of Environmental Conservation
Sherif Fathi, Regional Environmental Manager, NYS Dept. of Transportation
Julie Hargrave, Environmental Planner, Central Pine Barrens Joint Planning and Policy Commission
Virginia L. Bartos, Historic Preservation Program Analyst, NYS Historic Preservation Field Services Bureau
Walter J. Hilbert, Suffolk County Department of Health Services
Kim A. Gennaro, M.S., AICP, VHB Engineering, Surveying and Landscape Architecture, P.C.

Town of Brookhaven:
Patricia A. Eddington, LCSW, Town Clerk and Registrar
Councilperson Connie Kepert – Council District 4
Tullio Bertoli, Commissioner, PELM
Paul Rogalle, PTP, Director, Planning Division, PELM
John L. Turner, Director, Division of Environmental Protection, PELM
Jeff Kassner, Assistant Director, Division of Environmental Protection, PELM
Chip F. Wiebelt, Senior Site Plan Reviewer, Planning Division, PELM

THIS DETERMINATION IS NOT COMPLETE UNTIL AUTHORIZED AS FOLLOWS:

ADOPTED BY RESOLUTION ON: ________________________________

Patricia A. Eddington, LCSW, Town Clerk and Registrar: ________________________________
COUNTY OF SUFFOLK
DEPARTMENT OF HEALTH SERVICES

In the Matter of the Alleged Violation of Article 7 and Article 5 of the Suffolk County Sanitary Code, by

Whispering Pines STP
Dorade, Inc.
One Executive Blvd.
Yonkers, NY 11701

Respondent

GENERAL PROVISIONS

This Department alleges that the above-named Respondent has failed to comply with the provisions of the Suffolk County Sanitary Code as specified below. Because of such alleged non-compliance, the above-named Respondent consents and agrees to the issuance of this Order on Consent and agrees to be bound by the terms, provisions and conditions stated herein.

Respondent understands that by entering into this Order on Consent with the Department, it is affirmatively and voluntarily waiving its right to a formal adjudicatory proceeding with respect to the matters herein addressed. Although the Department will not pursue further enforcement action with respect to the specific alleged violations of law set forth below if the above-named Respondent enters into this Order on Consent and abides by its terms, Respondent understands that the Department is not agreeing to forbearance from pursuing enforcement action regarding alleged violations not addressed by this Order on Consent. Moreover, Respondent understands that notwithstanding its execution of this Order on Consent, its failure to strictly comply with all of the terms, provisions and conditions herein contained will revive the Department's rights regarding the violations alleged as set forth below subject to a set-off for any penalties already paid pursuant to this Order on Consent. Furthermore, Respondent is hereby advised that this Order on Consent, duly executed by Respondent's agent and the Commissioner or his duly authorized representative, has the force and effect of a Commissioner's Order, the violation of which is subject to penalties as provided in Section 218 of Article 2 of the Suffolk County Sanitary Code. Further, the Department recognizes that there is no admission of fault or guilt by Respondent concerning violations alleged in this Order on Consent.

A modification or extension of any of the provisions of this Order on Consent shall be granted by the Department upon written request demonstrating good and sufficient cause for the change or extension requested. No modification of this Order on Consent shall be effective unless and until it is specifically set forth in writing by the Department.
Whispering Pines
Order on Consent No. UPG-2009-005

SPECIFICATION OF ALLEGED VIOLATIONS

It is alleged that Respondent, above-named failed to comply with the following Provisions of the Suffolk County Sanitary Code as indicated below:

1. As of February 8, 2007, the sewage treatment facility known as Whispering Pines, has failed to consistently meet the discharge monitoring requirements of its State Pollution Discharge Elimination System (SPDES) permit # 0066559 which is a violation of Section 705 of Article 7 of the Suffolk County Sanitary Code and Section 713 of Article 7 of the Suffolk County Sanitary Code.

2. As of January 1, 2000 the facility has failed to maintain the northern side of the facility in a functional manner acceptable to the department which is a violation of Section 705 of Article 7 of the Suffolk County Sanitary Code and Section 713 of Article 7 of the Suffolk County Sanitary Code.

SPECIFIC TERMS AND CONDITIONS

In satisfaction of the above-named Respondent's alleged violations of the Suffolk County Sanitary Code, Respondent agrees to the entering and issuance of this Order of the Commissioner of the Department of Health Services, and Respondent agrees to be bound by the Terms and Conditions following, as well as by the above General Provisions. The schedule of compliance for the specific terms and conditions listed below has been developed with the expectation that the Respondent will proceed with all due diligence. All submittals shall be of professional quality and made in a timely fashion to the Department. Failure to do so will be deemed a violation of the schedule contained within this Order on Consent and will subject the respondent to appropriate penalties. If permits from other agencies (e.g., New York State DEC, Town Zoning and/or Engineering Departments, etc.) are required to obtain this office's approval, the applicant shall submit proof of application and/or hearing dates, etc. to the Department.

1. By October 30, 2009, Respondent shall submit, in approvable form, a report, prepared by an engineer licensed by the Education Department of the State of New York, detailing the requirements necessary to bring the northern side of the Respondent's above referenced sewage treatment facility into compliance with its current SPDES Permit limits and SCDHS standards.

2. By November 15, 2009 Respondent shall submit, in approvable form, plans and specifications prepared by an Engineer Licensed by the Educational Department of the State of New York, detailing the requirements necessary to bring the northern side of the Respondent's above referenced sewage treatment plant into compliance with the requirements referenced in (1) above.

3. By six (6) months after the approval of the plans and specifications, Respondent shall
complete all required plant modifications that were developed for item 1 and 2 above for the northern side of the Respondent’s sewage treatment plant.

4. By 3 months after the completion of construction of the northern side of the Respondent’s sewage treatment plant, Respondent shall complete all on line debugging and shall operate the upgraded facility in accordance with Respondent's SPDES permit effluent limitations and approved engineering report, plans and specifications, and operations and maintenance manual.

5. Upon completion of improvements to the northern tank, Respondent shall submit costs for all Capital Improvements related to the rehabilitation of the northern tank to the Suffolk County Department of Public Works in accordance with the rate increase structure for the Respondent’s sewage treatment plant.

6. Upon operation of the northern tank of the Respondent’s sewage treatment plant, Respondent shall immediately commence removal of all sewage from the southern tank. As soon as the southern tank is completely empty, Respondent shall have the tank inspected by an Engineer licensed by the Educational Department of the State of New York. Within one month of said inspection the Engineer of Record shall prepare and submit, in approvable form, a report detailing the requirements necessary to bring the southern tank into full compliance with SPDES Permit limits and SCDHS standards.

7. Within two (2) months of approval of the report in (6) above or by June 1, 2010 whichever occurs earlier, Respondent shall submit, in approvable form, plans and specifications prepared by an Engineer Licensed by the Educational Department of the State of New York, detailing the requirements necessary to bring the southern, functional side of the Respondent’s above referenced sewage treatment plant into compliance with the requirements referenced in (6) above.

8. By one (1) month after approval of the plans and specifications in (7) above, Respondent shall start construction on the southern side of the Respondent’s sewage treatment plant.

9. By six (6) months after the start of construction mentioned in item (8) above, Respondent shall complete all required plant modifications that were developed for items 6 and 7 above for the southern side of the Respondent’s sewage treatment plant.

10. Upon completion of improvements to the southern tank, Respondent shall submit costs for all Capital Improvements related to the rehabilitation of the southern tank to the Suffolk County Department of Public Works in accordance with the rate increase structure for the Respondent’s sewage treatment plant.

11. By 3 months after the completion of reconstruction and improvement of the north and south side, Respondent shall submit, in approvable form, an updated Operations and Maintenance (O&M) Manual, prepared by an Engineer licensed by the Education Department of the State of New York, for the upgraded facility.
12. Upon completion of improvements to the north and south sides of the Respondent’s sewage treatment plant and the operation of the facility in compliance with its SPDES Permit the Respondent may apply for an increase in its SPDES Permit flow to at least 225,000 gpd. The Suffolk County Department of Health Services, Office of Wastewater Management would support Respondent’s application for an increase in the plant’s SPDES Permit flow to at least 225,000 gpd provided that both tanks have been improved and are operational in accordance with the provisions set forth in this Order on Consent.

13. Respondent shall continue to work with the Department to investigate alternatives to provide a permanent resolution to this matter.

14. Any questions or submissions pertaining to Term and Condition 1 through 13 above should be directed to Charles Olsen at telephone number (631) 852-5883.

15. Respondent agrees that in the event that Respondent fails to meet any terms of conditions of this Order on Consent, the Department shall be entitled to payment by Respondent of a stipulated penalty to be calculated in accordance with the following penalty schedule:

<table>
<thead>
<tr>
<th>Days of Noncompliance/Item to be Paid</th>
<th>% of ($1,000) Full Daily Penalty</th>
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<tr>
<td>Day 01 to 30</td>
<td>12.5 % of $1,000/Item/Day</td>
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<tr>
<td>Day 31 to 40</td>
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<td>Day 41 to 50</td>
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<tr>
<td>Day 61 and Beyond</td>
<td>100.0 % of $1,000/Item/Day</td>
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To exercise this right for collection of additional penalty payments the Department will provide Respondent with a written notice of penalties due. Each such notice shall contain the specific information as to the nature of the violation(s) of this Order on Consent, the date(s) of the violation(s), and the amount of penalties due. Respondent shall pay all penalties assessed by the Department in this manner within thirty (30) days after the Department mails the notice of penalties due. Failure to make payment within such period of time shall be deemed a violation of this Order on Consent, and in addition shall subject Respondent to additional payment to the Department of one thousand ($1,000) dollars for each day that the payment is late.
C O N S E N T  B Y  R E S P O N D E N T

The Respondent herein named acknowledges the authority and jurisdiction of the Commissioner of
the Suffolk County Department of Health Services to issue the foregoing Order on Consent, and
Respondent voluntarily waives public hearing in this matter and agrees to be bound by the terms,
conditions and provisions of this Order on Consent.

Dated: 10/6/2009

Respondent:

By: (Signature)

(printed)

Title:

Telephone: 914-965-3990

State of New York )

County of Suffolk )

On the 9 of October, 2009, before me personally came Thomas Perna to me known, who being duly sworn, deposed and said that she/he resides at
9/10, she/he is Vice President of Respondent corporation, and that she/he signed her/his name as authorized by said corporation with full authority to do so.

Notary Public

DENISE M. PERAGINE
Notary Public, State of New York
No: 01PE6052916
Qualified in Orange County
Commission Expires Dec. 26, 2010

RECEIVED

OCT 13 2009
SUFF. CO. HEALTH SERVICES
OFFICE OF WASTEWATER MGT.
Order on Consent No. UPG-2009-005

CONSENT BY COMMISSIONER

The Commissioner of the Suffolk County Department of Health Services agrees to waive further administrative enforcement action against Respondent named herein, and the Commissioner agrees to accept the Respondent's consent to the entry and issuance of this Order in full satisfaction of the department's allegations herein listed, PROVIDED THAT Respondent duly executes this Order and strictly adheres to all of its terms, conditions and provisions.

Dated: 1/20/09

Linda Mermelstein, MD., M.P.H.
Acting Commissioner
Suffolk County Department of Health Services
COUNTY OF SUFFOLK
DEPARTMENT OF HEALTH SERVICES
OFFICE OF WASTEWATER MANAGEMENT
360 YAPHANK AVENUE - SUITE 2C
YAPHANK, NEW YORK 11980
(631) 852-5700

TO: Vollmuth & Brush
200 Blue Point Avenue
Blue Point, NY 11715

GENTLEMEN:

We are sending you attached:

☐ Shop Drawings ☐ Prints ☐ Plans ☒ Specifications
☐ Copy of Letter ☐ Change Order ☐ Engineering Report ☐ Other

<table>
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<td>Corrective Action Engineering Report</td>
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</tbody>
</table>

These are transmitted:
☐ For approval ☒ Approved as submitted
☐ As requested ☐ Approved as noted
☐ For your use ☐ Returned for corrections
☐ Review and comment ☐ Bid submission
☐ No action

☒ Comments: Work must be completed by 8/18/10 in accordance with the order on consent. Failure to comply with the above reference time line and will be considered a violation of the Order on Consent.

COPY TO: Walter Hilbert, P.E. SIGNED: Bryan Grogan

If enclosures are not as noted, kindly notify us at once.
CORRECTIVE ACTION ENGINEERING REPORT

FOR THE:

WHISPERING PINES, DORADE
SEWAGE TREATMENT FACILITY
SPDES PERMIT # NY 0066559
YAPHANK, TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

PREPARED FOR:

DORADE LLC
ONE EXECUTIVE BOULEVARD
YONKERS, NEW YORK 10701

SUBMISSION TO:

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
360 YAPHANK AVENUE, SUITE 2C
YAPHANK, NEW YORK 11980

PREPARED BY:

VOLLMUTH & BRUSH
200 Blue Point Avenue
Blue Point, New York, 11715
Jeffery P. Vollmuth, P.E., AICP

October 26, 2009
Revised February 2, 2010

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
OFFICE OF WASTEWATER MANAGEMENT

These documents have been reviewed and are found to be in compliance with Suffolk County Sanitary Code requirements based on information submitted by the applicant.

☐ Approved as Noted
☒ Approved as Submitted

Prepared by Vollmuth & Brush 10/26/09, Rev. 2/2/10

2/18/10
APPROVAL DATE

REV: 
February 9, 2010

Walter Hilbert, P.E.
SCDHS
Division of Wastewater Management
360 Yaphank Ave, Suite 2C
Yaphank, NY 11980

Re: Dorade Whispering Pines STP SPDES # NY-0055448
SCDHS File# S-0075
Order on Consent No. UPG – 2009-005 dated 10/9/09
Submission of Engineering Report and Submittals

Dear Mr. Hilbert:

In response to comments from Bryan Grogan regarding the control panel shop drawing design which included in the 2/3/10 submission please find enclosed the following information:

Revised Control Panel Shop Drawings

The drawings have been revised to correct the pump HP and Amp draw. In addition the Digester Decant Pump selected has been revised to a Barnes Model 3SE544L 0.5 HP 460V. This pump has the same curve performance as the pump previously selected (460V vs. 120 V) change.

Revised Sludge Digester Decant Pump Shop Drawing Barnes Model 3SE544L

Please accept this letter and its attachments as an addendum to the revised report submitted on 3/3/10. If you have additional questions or comments regarding the report or shop drawing submissions please contact me at your convenience.

If you have any questions or comments regarding the report or submittals please contact me at your convenience.

VOLLMUTH & BRUSH

cc. Dorade LLC
New York State Department of Environmental Conservation
Division of Environmental Permits, Region One
Building 40 - SUNY, Stony Brook, New York 11790-2355
Phone: (631) 444-0365  FAX: (631) 444-0360

Letter of Non-Jurisdiction - Freshwater Wetlands Act

Rose-Breslin, LLC
1 Executive Blvd.
Yonkers, NY 10701
C/O Tom Perna

August 12, 2002

Re: NYSDEC ID # 1-4722-00617/00001
 S/O Yaphank Woods Blvd.
 W/O William Floyd Parkway
 Yaphank, NY
 SCTM # 0200-553-01-1.3

Dear Mr. Perna:

Based on the information you have submitted, the New York State Department of Environmental Conservation has determined that:

Your proposed project to construct the Brookhaven Town Center as shown on the Site Grading & Disturbance Plan by TRC Raymond Keyes Associates, last revised 06/27/02 is more than 100 feet from any NYSDEC Regulated Freshwater Wetland B-16.

Therefore, no permit is required under the Freshwater Wetlands Act (Article 24 of the Environmental Conservation Law).

Be advised, that all construction, clearing, excavation, filling or other ground disturbance must remain more than 100 feet from the freshwater wetland boundary. In addition, any additional work, or modification to the project as described, may require authorization by this Department. Please contact this office if such are contemplated.

Please be further advised that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies.

Sincerely,

John A. Wieland
Deputy Permit Administrator
cc: Nelson, Pope & Voorhis, LLC
    NYSDEC, BOH
    file
New York State Department of Environmental Conservation
Division of Environmental Permits, Region One
Building 40 - SUNY, Stony Brook, New York 11790-2356
Phone: (631) 444-0365 • FAX: (631) 444-0360
Website: www.dec.state.ny.us

NJ/NPN GENERAL NOTICE

Date: 9/4/02

Name & mailing address:
NP IV
522 W. 111th St., Apt. 17A
New York, NY 10026
Attention: A. Wieceli

Facility location:

Dear Ms. Da Breo:

Recently you requested a Letter of Non-Jurisdiction or determination of No Permit Necessary from this Department. In many instances our lack of jurisdiction or permitting authority is clear. Your request falls into this category.

Letters of Non-Jurisdiction never expire as long as the determining feature upon which the decision was based, such as 100' distance from the freshwater wetland remain intact. Additionally, since the letter of Non-Jurisdiction is always issued for the property and not to the owner, it is not necessary to transfer the letter to a new owner.

Accordingly, your proposal to:

Reconfigure the proposed development while maintaining a 100' minimum distance from NYSDEC Regulated Freshwater Wetland B-16 will receive no further consideration from this Department.

Sincerely yours,

Deputy Permit Administrator

(631) 444-0367

RECEIVED
SEP 5, 2002
MD
NELSON & POPE, LLP
January 26, 2007

Rose Breslin
One Executive Boulevard
Yonkers, NY 10701

Nelson, Pope & Voorhis, LLP
572 Walt Whitman Road
Melville, NY 11747

Re: Wetlands and Waterways Permit: #2007-2876-05

Project Description: To construct and 850,000 square foot gross floor area (775,000 square foot footprint) open-air mall with associated pedestrian areas, parking areas, road improvements, on site conventional sanitary discharge system, sub surface stormwater leaching structures and landscaping. No disturbance to the freshwater wetland or associated adjacent area is proposed.

Project Location: S/S of Sills Road (Yaphank Woods Boulevard), (#tv/a) 0 feet W/O William Floyd Parkway, Yaphank, NY

S.C. Tax #: 0200-55300-0100-001003

Dear Ms. Breslin:

Through its Wetlands and Waterways Ordinance, Chapter 81 of the Brookhaven Town Code, the Town of Brookhaven has declared its intent to prevent the despoliation and destruction of its wetlands and waterways because of the many benefits they provide.

We have reviewed the activities that you proposed and we have concluded that all of these activities shall occur in excess of 150 feet landward of the limit of wetlands as determined by the Division of Environmental Protection. Therefore, as per the requirements of Chapter 81 of the Town Code of the Town of Brookhaven, no Wetlands and Waterways Permit is required for the above action. However, if any modifications to the project occur so that disturbance to the soils or vegetation occurs within 150 feet of any wetland or waterway occurs, the Division of Environmental Protection reserves the right to review these modifications and if necessary, require the applicant to secure a Wetlands and Waterways permit.

If you have any questions regarding this permit or its conditions, please contact this office.

Very truly yours,

[Signature]

Thomas Carrano
Ass’t. Waterways Mgmt. Supervisor

TC/eg

Department of Planning, Environment and Land Management
Division of Environmental Protection
One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6455
www.brookhaven.org

Printed on recycled paper
October 23, 2006

Phillip A. Malicki, CEP AICP
Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, New York 11747

Re: SEQRA
Brookhaven Town Center/Brookhaven Walk
Brookhaven/BROOKHAVEN, Suffolk County
06PR03751

Dear Mr. Malicki, CEP AICP:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Parks, Recreation and Historic Preservation Law, Section 14.09.

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

[Signature]

Ruth L. Pierpont
Director

An Equal Opportunity/Affirmative Action Agency
 Printed on recycled paper
June 23, 2009

Ashley Marciszyn
NP&W
572 Walt Whitman Road
Melville, New York 11747

Re: CPBC
Racetrack Property
/BROOKHAVEN, Suffolk County
09PR03372

Dear Ms. Marciszyn:

Thank you for requesting the comments of the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP’s opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director
Division for Historic Preservation
September 2, 2010

Patricia A. Eddington  
Town of Brookhaven  
One Independence Hill  
Farmingville, New York 11738

Re: SEQRA  
Meadows at Yaphank/former Suffolk Downs site  
Long Island Expressway & William Floyd Parkway  
Yaphank/BROOKHAVEN, Suffolk County  
1OPR03630

Dear Ms. Eddington:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning this project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation provided, including a recent submission from Nelson, Pope & Vorthlis, LLC which refers to previous investigation of the project area. Based on our review of all the submitted information it is the opinion of the OPRHP that the Meadows at Yaphank project as currently designed, will have No Impact on Historic Resources. This finding takes into account the plan to leave the northern and southern portions of the parcels in their current wooded state. Should this project be modified in a way which would impinge on those wooded areas, or should any future proposals call for work in those areas, OPRP would recommend additional archaeological investigation as those areas were not included in the currently reviewed studies.

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above. Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey  
Historic Preservation Program Analyst  
Archaeology

Cc: Phil Malicki, NP&V (e-mail)
New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643 Fax: 518-233-9049

March 18, 2011

Peter E. Fountain
Town of Brookhaven Division of Environmental Protection
One Independence Hill
Farmingville, New York 11738

Re: SEQRA
Archaeological Addendum Investigation
The Meadows at Yaphank/formerly Suffolk Downs
LIE & Wm Floyd Parkway
Yaphank/BROOKHAVEN, Suffolk County
10PR03630

Dear Mr. Fountain:

Thank you for requesting the comments of the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the OPRHP's opinion that the expanded project will continue to have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely,

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

Ca Phil Malicki, NPV (e-mail)
APPENDIX P

ADDENDUM TO TAX IMPACT/SCHOOL DISTRICT ANALYSIS

NP&V, LLC

August 3, 2011
ADDENDUM TO TAX IMPACT/SCHOOL DISTRICT ANALYSIS

Meadows at Yaphank PDD
Yaphank, New York

NP&V No. 09176

Submitted to: Rose-Breslin Associates, LLC &
Dorade, LLC
One Executive Boulevard
Yonkers, New York 10701

Submitted by: Nelson, Pope & Voorhis, LLC,
Environmental Planning Consultants
572 Walt Whitman Road
Melville, New York 11747
Phone: (631) 427-5665

August 3, 2011
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ATTACHMENT A: NELSON, POPE & VOORHIS, LLC, ECONOMIC QUALIFICATIONS
ADDENDUM TO TAX IMPACT/
SCHOOL DISTRICT ANALYSIS

Meadows at Yaphank PDD

Yaphank, New York

NP&V No. 09176

Submitted to: Rose-Breslin Associates, LLC &
Dorade, LLC
One Executive Boulevard
Yonkers, New York 10701

Submitted by: Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, New York 11747
(631) 427-5665

Date: August 3, 2011

1.0 INTRODUCTION AND PURPOSE

Nelson, Pope & Voorhis, LLC has been requested to prepare an addendum to the Tax Impact/School District Analysis as part of the Final Generic Environmental Impact Statement (FGEIS) for the Meadows at Yaphank Planned Development District (PDD). The Tax Impact/School District Analysis was originally prepared in January 2010 by PMKB Consulting Associates LLC, as part of the Draft GEIS. NP&V is a professional environmental and planning firm with qualifications and expertise to prepare tax impact and school district analyses, and has a track record of similar completed projects, as well as fiscal impact analysis, economic impact analysis, residential and commercial market analysis and related economic development services to private and municipal clients. The economic qualifications of the firm and personnel are provided in Attachment A.

There have been several changes in the proposed project that warrant this analysis. The plan that was the subject of the Draft GEIS has been revised in several respects. Generally, the plan revisions involve redistribution of the numbers of residential types (the number of rental units and townhouses have increased, the number of condominiums have decreased), consequent rearrangement of the some of the structures, more defined replacement of wet depressions that will be removed by construction and replaced by wetlands, and consolidation of the several public park areas into one, larger area located near the center of the property, to be offered to the Town for dedication. Moreover, since the original Tax Impact/School District Analysis was last updated in January 2010, many of the resources and data were deemed to be slightly outdated. This addendum addresses both the revised plan, and incorporates current resources – including updated tax rates and assessment factors, costs to educate school children, and the use of a new
economic modeling system (IMPLAN) with updated employment, labor income and output multipliers.

The Meadows at Yaphank PDD project site is an assemblage of three parcels, including the former Suffolk Meadows Racetrack (Suffolk County Tax Map [SCTM] #0200-584-2-1.3), the former Brookhaven Walk mall site (SCTM #0200-552-1-1.3), and the Dorade Sewage Treatment Plant (STP) site (SCTM #0200-552-1-3), which is currently developed. The subject property consists of 322.37 acres of an overall 333.46-acre combined project site located at the northwestern corner of the interchange of County Route 46 (William Floyd Parkway) and the Long Island Expressway, in the hamlet of Yaphank, Town of Brookhaven, Suffolk County, New York.

As seen in Table 1, the Meadows at Yaphank PDD is proposed to include retail, mixed-use commercial space, office/flex space and various types of housing options. The commercial components of the proposed project include approximately 1,032,500 square feet (SF) of space comprised of a hotel, retail, restaurant and office/flex uses. The residential component includes 850 units of various types and sizes, including 303 age-restricted units and 85 workforce housing units.

The PDD will be constructed with smart growth principles, by incorporating features and characteristics including internal walkability, safe and convenient pedestrian access to public transit and consumer shopping needs, and on-site recreational facilities. Superior design elements will be utilized, with attractive and coordinated architectural treatments, extensive site improvements and landscaping features. The project will include a public plaza space to encourage use for community events, including an area for a concert green. Moreover, the Meadows at Yaphank PDD will include a community center, public pavilion, reflection pool, restrooms, land for athletic fields, and nature/hiking trails with a link to the Town’s greenbelt system.
### Table 1
SUMMARY OF PROPOSED DEVELOPMENT

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Proposed Mix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel</td>
<td>150,000 SF</td>
</tr>
<tr>
<td>Retail</td>
<td>327,500 SF</td>
</tr>
<tr>
<td><strong>Large Retailer</strong></td>
<td><strong>150,000 SF</strong></td>
</tr>
<tr>
<td>Pharmacy</td>
<td>14,700 SF</td>
</tr>
<tr>
<td>Bank</td>
<td>3,500 SF</td>
</tr>
<tr>
<td>Supermarket</td>
<td>65,000 SF</td>
</tr>
<tr>
<td><strong>Other Neighborhood Retail</strong></td>
<td><strong>94,300 SF</strong></td>
</tr>
<tr>
<td>Restaurant</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>Office/Flex</td>
<td>250,000 SF</td>
</tr>
<tr>
<td>Class A Office</td>
<td>300,000 SF</td>
</tr>
<tr>
<td>Residential</td>
<td>850 units</td>
</tr>
<tr>
<td><strong>Rentals</strong></td>
<td><strong>224 units</strong></td>
</tr>
<tr>
<td><strong>Condominiums</strong></td>
<td><strong>294 units</strong></td>
</tr>
<tr>
<td><strong>Townhouses</strong></td>
<td><strong>332 units</strong></td>
</tr>
<tr>
<td><strong>Total: Meadows at Yaphank PDD</strong></td>
<td><strong>1,032,500 SF of commercial/office space; 850 residential units</strong></td>
</tr>
</tbody>
</table>

Source: Rose-Breslin Associates, LLC & Dorade, LLC.

The Meadows at Yaphank PDD will create strong fiscal and economic activity by providing employment opportunities, a solid tax base and net revenues to the local school district. Consumer activity will ripple through the local community, creating beneficial fiscal and economic impacts throughout the hamlet of Yaphank, the school district, the Town of Brookhaven, Suffolk County, and the region as a whole. The following analysis examines and quantifies the fiscal impacts that are anticipated to result from the construction of Meadows at Yaphank PDD. **Section 2.0** presents an executive summary and key findings of this analysis. **Section 3.0** outlines the methodology and the sources of data used to project the fiscal impacts generated in this analysis. **Section 4.0** details the fiscal impacts that are anticipated to result from the proposed development. These include beneficial impacts to the local school district and the generation of annual property tax revenues allocated to each of the taxing jurisdictions located within the boundary of the project site. In addition, this section quantifies the generation of annual sales taxes, and the economic benefits in terms of mortgage recording tax revenues stemming from financing the residential component of the proposed project. **Section 5.0** depicts the economic impacts – on output, employment and labor income – during annual operations of the development. **Section 6.0** provides a conclusion with respect to the overall addendum to the Tax Impact/School District Analysis, and **Section 7.0** outlines the references utilized in this analysis.
2.0 EXECUTIVE SUMMARY

As noted in Section 1.0, this analysis examines the fiscal and economic impacts that are associated with the development of the Meadows at Yaphank PDD. The analysis presented herein is an addendum to the Tax Impact/School District Analysis, which was originally prepared in January 2010 by PMKB Consulting Associates LLC, as part of the Draft GEIS. Fiscal impacts include those on the local school district, as well as the generation of property tax revenues. Economic impacts include direct, indirect and induced benefits on output, employment and associated labor income during a stabilized year of annual operations of the proposed project. Moreover, economic impacts include those on the local sales tax base and mortgage recording tax revenue generation.

A summary of findings is provided herein, with detailed methodologies and references provided in the subsequent sections of this analysis. This analysis was prepared using methods, data and information that are considered to be industry standard for such fiscal and economic impact analyses. Where possible, this analysis seeks to utilize the same methodology as the original analysis, in an effort to present updated findings that can easily be compared to those presented in the original Tax Impact/School District Analysis.

Statement of Need

The Meadows at Yaphank PDD will meet the need for a lifestyle center in the hamlet of Yaphank through the provision of a high-quality, mixed-use development with a number of public benefits to meet the specific local and regional needs. The proposed development will provide workforce and age-restricted housing opportunities, which are much needed throughout the community. In addition, the proposed project will attract a variety of retail and mixed-use commercial uses to meet the local community needs. The proposed project would rehabilitate the property by replacing a partially cleared and previously used site that is now subject to unauthorized use and activity, with a mixed-use and vibrant community having a sense of place that provides enjoyment for local residents, employees and consumers alike.

The PDD will complement the surrounding land uses while providing an economic return to local taxing jurisdictions through increased property tax revenues, as well as revenues stemming from the generation of sales tax, and mortgage recording tax. Moreover, the proposed project will generate long-term employment opportunities for the Town of Brookhaven and area residents, during project operations. Such economic benefits are most crucial during the current economic state throughout Long Island, New York State and the nation as a whole.

Definition of Economic Impacts

A direct impact arises from the first round of buying and selling. These direct impacts can be used to identify additional rounds of buying and selling for other sectors of the economy and to identify the impact of spending by local households. An indirect impact refers to the increase in sales of other industry sectors, which include further round-by-round sales. An induced impact accounts for the changes in output and labor income by those employed within the region, resulting from direct and indirect impacts. The total impact is the sum of the direct, indirect and induced impacts.
Key Findings

General Impacts

- The Meadows at Yaphank PDD will generate a total of 1,718 residents. Of this, it is anticipated that 76 persons will be infants, 108 will be school-aged, and an additional 1,534 will be adults.

Anticipated Fiscal Impacts

- The total estimated market valuation of the Meadows at Yaphank PDD is approximately $3.8 million. This includes the application of an equalization rate and an assessment rate per $100 of the development’s value.
- At full build-out, the proposed project is projected to generate over $12 million in annual property taxes. This represents $11.1 million more than projected revenues under existing site conditions.
- The proposed development will levy property taxes for the Longwood Central School District in the amount of over $8.1 million per year. Such revenues will completely cover the additional expenses associated with an increased student enrollment. Such net revenues – of nearly $5.9 million – are most beneficial at a time when state aid is anticipated to be significantly reduced from its past levels.
- The Meadows at Yaphank PDD will generate over $413,000 in annual tax revenues to the Library District, comprising 3.4% of the total revenues.
- Suffolk County, which includes the County Police Department, is projected to generate nearly $1.4 million in annual property tax revenues, accounting for 11.4% of the tax levy.
- The Meadows at Yaphank PDD is projected to generate over $760,000 in property taxes to the Town of Brookhaven. This includes the general and highway Town wide funds, and the general and highway part Town funds. This comprises 6.3% of the total tax generation.
- An additional $1.35 million, or 11.3%, will be distributed among the Town’s special taxing jurisdictions, including the Blizzard Note Repayment, New York MTA Tax, $100M Bond Act of 2004, the Yaphank and Ridge Fire Districts, the Brookhaven Lighting District, the Real Property Tax Law-Article 7, and the Real Property Tax Law.
- It is projected that the operation of the Meadows at Yaphank PDD will generate nearly $7.9 million in annual sales tax revenues. This is based upon median sales revenues per square foot of of comparable shopping centers in the United States.
- Of the roughly $7.9 million in sales tax revenues, it is estimated that 4% or $3.65 million of the sales tax revenues would be allocated to New York State; 4.25% or nearly $3.9 million would be retained by Suffolk County; and the New York State Metropolitan Commuter Transportation District would levy the remaining $342,262 or 0.375% in annual sales tax revenues.
- Mortgage recording tax is a one-time tax paid when a mortgage is recorded. Suffolk County properties are subject to a 1.05% mortgage recording tax rate.
- The residential component of the proposed project is anticipated to amount to $206.7 million in selling prices.
- It is assumed that each homebuyer will put a ten (10) percent down payment, with the remaining 90% being financed through a mortgage. Assuming that the mortgage recording tax rate remains constant at 1.05%, and all housing units apply for the $30.00 tax reduction, it is anticipated that $1.9 million will be generated by mortgage recording tax revenue.
- It is estimated that $921,554 of the mortgage recording tax revenues would be allocated to the Town of Brookhaven, and just over $1.0 million would be retained by the Metropolitan Commuter Transportation District.
A summary of key fiscal findings is provided in Table 2. The methodologies and full derivation of the facts and figures presented in the above summary are fully described in subsequent sections of this analysis.

Table 2
SUMMARY OF KEY FISCAL FINDINGS

<table>
<thead>
<tr>
<th>Fiscal Parameter</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Tax Revenue Generation: Subject Property (2010-11 Fiscal Year)</td>
<td>$859,498</td>
</tr>
<tr>
<td>Total Residents</td>
<td>1,718</td>
</tr>
<tr>
<td>School-Aged Children</td>
<td>108</td>
</tr>
<tr>
<td>Additional Expenditures Incurred by School District</td>
<td>$2,235,168</td>
</tr>
<tr>
<td>Total Estimated Assessed Valuation: Meadows at Yaphank PDD</td>
<td>$3,832,969</td>
</tr>
<tr>
<td>Projected Total Tax Revenue: Meadows at Yaphank PDD</td>
<td>$12,010,755</td>
</tr>
<tr>
<td>To Longwood Central School District</td>
<td>$8,107,343</td>
</tr>
<tr>
<td>To Library District</td>
<td>$413,194</td>
</tr>
<tr>
<td>To Suffolk County</td>
<td>$1,373,353</td>
</tr>
<tr>
<td>To Town of Brookhaven</td>
<td>$760,308</td>
</tr>
<tr>
<td>To Local and Special Taxing Jurisdictions</td>
<td>$1,356,557</td>
</tr>
<tr>
<td>Projected Sales Tax Revenues</td>
<td>$7,872,016</td>
</tr>
<tr>
<td>To New York State</td>
<td>$3,650,790</td>
</tr>
<tr>
<td>To Suffolk County</td>
<td>$3,878,964</td>
</tr>
<tr>
<td>To New York State Metropolitan Commuter Transportation District</td>
<td>$342,262</td>
</tr>
<tr>
<td>Projected Mortgage Recording Tax Revenues</td>
<td>$1,935,263</td>
</tr>
<tr>
<td>To Town of Brookhaven</td>
<td>$921,554</td>
</tr>
<tr>
<td>To New York State Metropolitan Commuter Transportation District</td>
<td>$1,013,709</td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Anticipated Economic Impacts

- The Meadows at Yaphank PDD is anticipated to generate 2,681 FTE employees during annual operations.
- The 2,681 FTE direct employment positions are projected to result in an indirect impact of 876 FTE jobs, and an induced impact of 1,148 FTE jobs throughout the region, bringing the total economic impact of operational employment to roughly 4,705 FTE jobs during annual operations.
- The 2,681 FTE employees are anticipated to earn a total of approximately $190.3 million in collective labor income. This direct labor income is projected to result in an indirect impact of approximately $56.7 million and an induced impact of over $55.9 million, bringing the total economic impact of labor income to over $302.9 million during annual operations.
- Economic impacts will also be generated in the form of purchasing power, generated by both residents and employees of the Meadows at Yaphank PDD.
- Purchasing power from the 850 residential units and the 2,681 employees are anticipated to total $32.1 million.
- The direct purchasing power output of $32.1 million is projected to result in an induced impact of over $19.9 million, bringing the total economic impact of purchasing power output to over $52 million during annual operations. Such indirect and induced impacts are generated through round-by-round sales made through various merchants in other sectors of the regional economy.
These include local retailers, service providers, banks, grocers, restaurants, financial institutions, insurance companies, health and legal service providers, and other establishments throughout Suffolk County.

A summary of key economic findings is provided in Table 3. The methodologies and full derivation of the facts and figures presented in the above summary are fully described in subsequent sections of this analysis.

Table 3
SUMMARY OF KEY ECONOMIC FINDINGS

<table>
<thead>
<tr>
<th>Impact Type</th>
<th>Employment (Number of Jobs)</th>
<th>Labor Income (Wages)</th>
<th>Output (Purchasing Power)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Impact</td>
<td>2,681</td>
<td>$190,306,519</td>
<td>$32,133,152</td>
</tr>
<tr>
<td>Indirect Impact</td>
<td>876</td>
<td>$56,715,808</td>
<td>0</td>
</tr>
<tr>
<td>Induced Impact</td>
<td>1,148</td>
<td>$55,915,987</td>
<td>$19,934,434</td>
</tr>
<tr>
<td>Total Impact</td>
<td>4,705</td>
<td>$302,938,314</td>
<td>$52,067,586</td>
</tr>
</tbody>
</table>

Source: IMPLAN software; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Table 4 provides a side-by-side comparison of the key original economic findings as compared with the updated analysis, as presented herein.
### Table 4
**KEY ECONOMIC FINDINGS COMPARISON**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Proposed Project, per Draft GEIS</th>
<th>Proposed Project, per Final GEIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Residents</td>
<td>1,630</td>
<td>1,718</td>
</tr>
<tr>
<td>School-Aged Children</td>
<td>110</td>
<td>108</td>
</tr>
<tr>
<td>Additional Expenditures Incurred by School District</td>
<td>$1,406,790</td>
<td>$2,235,168</td>
</tr>
<tr>
<td>Net School Tax Impact (Exclusive of State Aid)</td>
<td>$4,995,989/year</td>
<td>$5,872,175/year</td>
</tr>
<tr>
<td>Total Estimated Assessed Valuation</td>
<td>$3,142,013</td>
<td>$3,832,969</td>
</tr>
<tr>
<td>Projected Total Tax Revenue</td>
<td>$9,542,145</td>
<td>$12,010,755</td>
</tr>
<tr>
<td>To Longwood Central School District</td>
<td>$6,402,779</td>
<td>$8,107,343</td>
</tr>
<tr>
<td>To Library District</td>
<td>$324,433</td>
<td>$413,194</td>
</tr>
<tr>
<td>To Suffolk County</td>
<td>$1,125,973</td>
<td>$1,373,353</td>
</tr>
<tr>
<td>To Town of Brookhaven</td>
<td>$639,324</td>
<td>$760,308</td>
</tr>
<tr>
<td>To Local and Special Taxing Jurisdictions</td>
<td>$1,049,636</td>
<td>$1,356,557</td>
</tr>
<tr>
<td>Projected Sales Tax Revenues</td>
<td>$7,872,016</td>
<td>$7,872,016</td>
</tr>
<tr>
<td>To New York State</td>
<td>$3,650,790</td>
<td>$3,650,790</td>
</tr>
<tr>
<td>To Suffolk County</td>
<td>$3,878,964</td>
<td>$3,878,964</td>
</tr>
<tr>
<td>To New York State Metropolitan Commuter Transportation District</td>
<td>$342,262</td>
<td>$342,262</td>
</tr>
<tr>
<td>Projected Mortgage Recording Tax Revenues</td>
<td>$2,092,360</td>
<td>$1,935,263</td>
</tr>
<tr>
<td>To Town of Brookhaven</td>
<td>$996,362</td>
<td>$921,554</td>
</tr>
<tr>
<td>To New York State Metropolitan Commuter Transportation District</td>
<td>$1,095,998</td>
<td>$1,013,709</td>
</tr>
<tr>
<td>Direct Number of Employees</td>
<td>2,648</td>
<td>2,681</td>
</tr>
<tr>
<td>Direct Labor Income (Wages)</td>
<td>$110,625,088</td>
<td>$190,306,519</td>
</tr>
<tr>
<td>Direct Purchasing Power</td>
<td>$23,657,909</td>
<td>$32,133,152</td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
3.0 METHODOLOGY

The analysis presented herein is an addendum to the Tax Impact/School District Analysis, which was originally prepared in January 2010 by PMKB Consulting Associates LLC, as part of the Draft GEIS. As such, and where possible, this analysis seeks to utilize the same methodology as the original analysis, in an effort to present updated findings that can easily be compared to those presented in the original Tax Impact/School District Analysis. Various data and information from state and local sources was used to analyze the fiscal and economic impacts stemming from the proposed development of the Meadows at Yaphank PDD.

Rose-Breslin Associates, LLC & Dorade, LLC supplied information regarding the proposed unit mix, project costs and budgets, as well as the phasing and construction schedule, and detailed revenue generation data including tenant leases, monthly rents, and selling prices.

The Town of Brookhaven Receiver of Taxes provides current tax bills for the three (3) tax parcels that comprise the subject property. This tax information was used to compare the existing revenues to those that are projected to be generated upon full build-out of the Meadows at Yaphank PDD.

New York State Education Department provides New York State District Report Cards and the Comprehensive Information and the Accountability and Overview reports specific to the Longwood Central School District. This information allows for an analysis of how the development may affect the school district’s enrollment and future budget.

International Council of Shopping Centers provides data pertaining to median sales revenues per square foot of shopping centers in the United States. This data was applied to the proposed retail mix to project the annual revenues and sales taxes that the Meadows at Yaphank PDD is anticipated to generate.

Minnesota IMPLAN Group has developed an economic impact modeling system called IMPLAN, short for “impact analysis for planning”. The program was developed in the 1970s through the United States Department of Agriculture’s Forest Service, and privatized in 1993.

IMPLAN is built on a mathematical input-output (I-O) model to express relationships between various sectors of the economy in a specific geographic location. The I-O model assumes fixed relationships between producers and their suppliers based on demand, and the inter-industry relationships within a region largely determine how that economy will respond to change. In an I-O model, the increase in demand for a certain product or service causes a multiplier effect; increased demand for a product affects the producer of the product, the producer’s employees, the producer’s suppliers, the supplier’s employees, and so on, ultimately generating a total impact in the economy that is greater than the initial change in demand.

The IMPLAN model is a method for estimating local economic multipliers, including those pertaining to production, value-added, employment, wage and supplier data. IMPLAN differentiates in its software and data sets between 440 sectors that are recognized by the United States Department of Commerce. Multipliers are available for all states, counties and zip codes.
Addendum to Tax Impact/School District Analysis
Meadows at Yaphank PDD

Multipliers are derived from production, employment and trade data from sources including the United States Census Bureau, County Business Patterns, Annual Survey of Government Employment, Annual Survey of Retail Trade; United States Bureau of Labor Statistics, Quarterly Census of Employment and Wages, Consumer Expenditure Survey; United States Department of Labor; Office of Management and Budget; United States Department of Commerce; Internal Revenue Service; United States Department of Agriculture, National Agricultural Statistical Service; Federal Procurement Data Center; and United States Bureau of Economic Analysis, Regional Economic Information System, Survey of Current Business, among other national, regional, state and local data sources.

IMPLAN is widely accepted as the industry norm in estimating how much a one-time or sustained increase in economic activity in a particular region will be supplied by industries located in the region. Federal government agencies such as the Army Corps of Engineers, Bureau of Economic Analysis, Bureau of Land Management, Environmental Protection Agency, Federal Reserve Bank, Fish and Wildlife Service, and National Park Service use the multipliers to study the local impact of government regulation on specific industries and to assess the local economic impacts of Federal actions. State and local governments including New York State Department of Labor, New York State Division of the Budget, New York State Office of the State Comptroller, New York State Assembly and New York City Economic Development Corporation, use the multipliers to estimate the regional economic impacts of government policies and projects and of events, such as the location of new businesses within their state, or to assess the impacts of tourism. Likewise, businesses, universities and private consultants use the multipliers to estimate the economic impacts of a wide range of projects, such as building a new sports facility or expanding an airport; of natural disasters; of student spending; or of special events, such as national political conventions.

NP&V personnel have received formal IMPLAN training through the Minnesota Implan Group, and possess the qualifications to project economic impacts of numerous types of projects. For the purpose of this analysis, and since the proposed project is a mixed-use development, numerous IMPLAN sectors were utilized: Sector 324: Retail Stores - Food and beverage; Sector 325: Retail Stores - Health and personal care; Sector 329: Retail Stores - General merchandise; Sector 330: Retail Stores – Miscellaneous; Sector 335: Transport by truck; Sector 340: Warehousing and storage; Sector 353: Other information services; Sector 354: Monetary authorities and depository credit intermediation activities; Sector 355: Nondepository credit intermediation and related activities; Sector 356: Securities, commodity contracts, investments, and related activities; Sector 357: Insurance carriers; Sector 360: Real estate establishments; Sector 380: All other miscellaneous professional, scientific, and technical services; Sector 384: Office administrative services; Sector 394: Offices of physicians, dentists, and other health practitioners; Sector 411: Hotels and motels, including casino hotels; Sector 413: Food services and drinking places; and Sector 418: Personal and household goods repair and maintenance. Such multipliers specific to socio-economic data in Suffolk County were purchased and analyzed to determine the direct, indirect and induced economic impacts on employment, labor income and purchasing power during annual operations of the Meadows at Yaphank PDD.
4.0 ANTICIPATED FISCAL IMPACTS

4.1 Existing Tax Revenue and Distribution of Subject Property

The majority of the Town’s revenues are levied through property tax generation, which is based upon a rate per $100 assessed valuation of a given parcel. As indicated in Table 5, property owners within this part of Town are taxed at a rate of between $311.984 and $314.484 per $100 assessed valuation, depending on whether a given parcel is located within the boundaries of the Yaphank Fire District or the Ridge Fire District\(^1\); this accounts for property taxes paid to Longwood Central School District (CSD), Suffolk County, the Town of Brookhaven, and other local and special taxing jurisdictions.

According to the 2010-2011 Statement of Taxes from the Town of Brookhaven’s Receiver of Taxes, the three (3) parcels that comprise the subject property are assessed at $274,290 (0.86% of $31,894,185). In the 2010-11 fiscal year, this translated into a generation of $859,498 in property tax revenues. Of this, $580,167 or 67.5% of the total taxes generated by the site are distributed to the Longwood CSD, and $29,568 or 3.4% of the taxes are allocated to the Library District. An additional $98,278 or 11.4% of the total tax revenues are distributed to Suffolk County, which includes the County Police Department. The balance of the current property tax revenues are apportioned to various local and Town taxing jurisdictions, as seen in Table 5.

\(^1\) Fiscal Year 2010-11.
Table 5
EXISTING TAX REVENUES: 2010-2011

<table>
<thead>
<tr>
<th>Taxing Jurisdiction</th>
<th>Current Tax Rate (per $100 Assessed Valuation)</th>
<th>Current Tax Revenue</th>
<th>Percent of Total Tax Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: School Tax</td>
<td>222.296</td>
<td>$609,736</td>
<td>70.9%</td>
</tr>
<tr>
<td>Longwood Central School District</td>
<td>211.516</td>
<td>$580,167</td>
<td>67.5%</td>
</tr>
<tr>
<td>Longwood Central School District - Library District</td>
<td>10.780</td>
<td>$29,568</td>
<td>3.4%</td>
</tr>
<tr>
<td>Total: County Tax</td>
<td>35.830</td>
<td>$98,278</td>
<td>11.4%</td>
</tr>
<tr>
<td>Suffolk County</td>
<td>2.827</td>
<td>$7,754</td>
<td>0.9%</td>
</tr>
<tr>
<td>Suffolk County Police</td>
<td>33.003</td>
<td>$90,524</td>
<td>10.5%</td>
</tr>
<tr>
<td>Total: Town Tax</td>
<td>19.836</td>
<td>$54,408</td>
<td>6.3%</td>
</tr>
<tr>
<td>Town General - Town Wide Fund</td>
<td>4.462</td>
<td>$12,239</td>
<td>1.4%</td>
</tr>
<tr>
<td>Highway - Town Wide Fund</td>
<td>2.589</td>
<td>$7,101</td>
<td>0.8%</td>
</tr>
<tr>
<td>Town General - Part Town Fund</td>
<td>1.390</td>
<td>$3,813</td>
<td>0.4%</td>
</tr>
<tr>
<td>Highway - Part Town Fund</td>
<td>11.395</td>
<td>$31,255</td>
<td>3.6%</td>
</tr>
<tr>
<td>Total: Other Tax</td>
<td>58.865</td>
<td>$97,076</td>
<td>11.3%</td>
</tr>
<tr>
<td>Blizzard Note Repayment</td>
<td>0.499</td>
<td>$1,369</td>
<td>0.2%</td>
</tr>
<tr>
<td>New York State MTA Tax</td>
<td>0.155</td>
<td>$425</td>
<td>0.0%</td>
</tr>
<tr>
<td>$100M Bond Act of 2004</td>
<td>1.573</td>
<td>$4,315</td>
<td>0.5%</td>
</tr>
<tr>
<td>Yaphank Fire District</td>
<td>22.343</td>
<td>$27,705</td>
<td>3.2%</td>
</tr>
<tr>
<td>Ridge Fire District</td>
<td>24.843</td>
<td>$37,337</td>
<td>4.3%</td>
</tr>
<tr>
<td>Brookhaven Lighting District</td>
<td>1.364</td>
<td>$3,741</td>
<td>0.4%</td>
</tr>
<tr>
<td>Real Property Tax Law - Article 7</td>
<td>0.896</td>
<td>$2,458</td>
<td>0.3%</td>
</tr>
<tr>
<td>Real Property Tax Law</td>
<td>7.192</td>
<td>$19,727</td>
<td>2.3%</td>
</tr>
<tr>
<td><strong>TOTAL: ALL TAXING JURISDICTIONS</strong></td>
<td><strong>$311,984 - $314,484</strong></td>
<td><strong>$859,498</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Source: Town of Brookhaven Receiver of Taxes; Analysis by Nelson, Pope & Voorhis, LLC.

4.2 Projected Assessed Valuation

For the purpose of this analysis, it is necessary to determine the assessed valuation for the Meadows at Yaphank PDD. The value was determined based upon the same assumptions used in the Tax Impact/School District Analysis prepared by PMKB Consulting Associates LLC, in January 2010. For the purpose of this analysis, the assessed valuation is based upon gross income, loss from vacancies and expenses, and a capitalization rate. For each project component, the assessed valuation was applied to the current equalization rate and an assessment rate per $100 of the project’s market valuation.

Retail Component

For the retail components of the project, the assessed valuation was determined based on average annual rents of $22 to $39 per square foot, varying by the type of retail use proposed. As seen in Table 6, this averages annual rents of $26 per square foot. Per the Tax Impact/School District Analysis, “these figures are relatively conservative and reflect today’s depressed retail market.”
Table 6
AVERAGE RENT PER SQUARE FOOT: RETAIL COMPONENT

<table>
<thead>
<tr>
<th>Retail Component</th>
<th>Size</th>
<th>Average Annual Rent</th>
<th>Estimated Annual Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Retailer</td>
<td>150,000 SF</td>
<td>$22/SF</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>14,700 SF</td>
<td>$39/SF</td>
<td>$573,300</td>
</tr>
<tr>
<td>Bank</td>
<td>3,500 SF</td>
<td>$39/SF</td>
<td>$136,500</td>
</tr>
<tr>
<td>Supermarket</td>
<td>65,000 SF</td>
<td>$23/SF</td>
<td>$1,495,000</td>
</tr>
<tr>
<td>Other Neighborhood Retail</td>
<td>94,300 SF</td>
<td>$32/SF</td>
<td>$3,017,600</td>
</tr>
<tr>
<td>Total: All Retail Uses</td>
<td>327,500 SF</td>
<td>Average: $26/SF</td>
<td>$8,522,400</td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

With an average annual rent of $26 per square foot, the proposed retail space would generate a gross income of $8.5 million. With expenses and losses from vacancies of about 25% of gross income, net income is estimated at $6.386 million. Assuming a capitalization rate of 0.09, the estimated market value of the retail space would be approximately $71 million. When applying the 2010-11 equalization rate of 0.86%, it results in an estimated assessed valuation of $610,242. This is illustrated in Table 7.

Table 7
ASSESSED VALUE: RETAIL COMPONENT

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Gross Annual Rent</td>
<td>$26/SF</td>
<td></td>
</tr>
<tr>
<td>Estimated Size</td>
<td>327,500 SF</td>
<td></td>
</tr>
<tr>
<td>Estimated Gross Income</td>
<td>$8,515,000</td>
<td></td>
</tr>
<tr>
<td>Loss from Vacancies; Expenses</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Net Income</td>
<td>$6,386,250</td>
<td></td>
</tr>
<tr>
<td>Capitalization Rate</td>
<td>0.09</td>
<td></td>
</tr>
<tr>
<td>Estimated Market Value</td>
<td>$70,958,333</td>
<td></td>
</tr>
<tr>
<td>2010-11 Equalization Rate</td>
<td>0.86%</td>
<td></td>
</tr>
<tr>
<td>Assessed Value: Retail Component</td>
<td>$610,242</td>
<td></td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Restaurant Component
For the restaurant component of the project, the assessed valuation was determined based on average annual rents of $40 per square foot. When applied to the size of the proposed restaurant, the restaurant would generate a gross income of $200,000. With an expense ratio of 20% of gross income, net income is estimated at $160,000. With a capitalization rate of 0.09, the estimated market value of the restaurant would be approximately $1.78 million. When applying the 2010-11 equalization rate of 0.86%, it results in an estimated assessed valuation of $15,289. This is illustrated in Table 8.
**Table 8**  
**ASSESSED VALUE: RESTAURANT COMPONENT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Gross Annual Rent</td>
<td>$40/SF</td>
</tr>
<tr>
<td>Estimated Size</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>Estimated Gross Income</td>
<td>$200,000</td>
</tr>
<tr>
<td>Expenses</td>
<td>20%</td>
</tr>
<tr>
<td>Net Income</td>
<td>$160,000</td>
</tr>
<tr>
<td>Capitalization Rate</td>
<td>0.09</td>
</tr>
<tr>
<td>Estimated Market Value</td>
<td>$1,777,778</td>
</tr>
<tr>
<td>2010-11 Equalization Rate</td>
<td>0.86%</td>
</tr>
<tr>
<td>Assessed Value: Restaurant Component</td>
<td><strong>$15,289</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

**Hotel Component**

For the hotel component of the project, the assessed valuation was determined based on an annual gross income of $85 per square foot. When applied to the size of the proposed hotel, the hotel would generate a gross income of $12.75 million. With an expense ratio of 50% of gross income, net income is estimated at $6.375 million. Assuming a capitalization rate of 0.09, the estimated market value of the restaurant would be approximately $70.8 million. When applying the 2010-11 equalization rate of 0.86%, it results in an estimated assessed valuation of $609,167. This is illustrated in Table 9.

**Table 9**  
**ASSESSED VALUE: HOTEL COMPONENT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Gross Annual Rent</td>
<td>$85/SF</td>
</tr>
<tr>
<td>Estimated Size</td>
<td>150,000 SF</td>
</tr>
<tr>
<td>Estimated Gross Income</td>
<td>$12,750,000</td>
</tr>
<tr>
<td>Expense Ratio</td>
<td>50%</td>
</tr>
<tr>
<td>Net Income</td>
<td>$6,375,000</td>
</tr>
<tr>
<td>Capitalization Rate</td>
<td>0.09</td>
</tr>
<tr>
<td>Estimated Market Value</td>
<td>$70,833,333</td>
</tr>
<tr>
<td>2010-11 Equalization Rate</td>
<td>0.86%</td>
</tr>
<tr>
<td>Assessed Value: Hotel Component</td>
<td><strong>$609,167</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

**Office/Flex Component**

The Meadows at Yaphank will contain 250,000 SF of office/flex space, of which approximately 15% or 37,500 SF will consist of office space; the remaining 212,500 SF will consist of warehouse and distribution space. In addition, the proposed project includes 300,000 SF of Class A office space.
For the office/flex component of the project, the assessed valuation was determined based on an annual rent of $7.55 per square foot of wholesale and distribution space and $20.83 per square foot of office/Class A office space. Per the Tax Impact/School District Analysis, “these asking rents are full service rents incorporating all costs of operation paid for by the landlord.” When applied to the size of the proposed office/flex space, this results in an average annual rent of approximately $15.70 per square foot of space. Assuming an average annual rent of $15.70 per square foot, the proposed office/flex space would generate a gross income of $8.6 million. This is illustrated in Table 10.

**Table 10**  
**AVERAGE RENT PER SQUARE FOOT: OFFICE/FLEX COMPONENT**

<table>
<thead>
<tr>
<th>component</th>
<th>Size</th>
<th>Average Annual Rent</th>
<th>Estimated Annual Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>37,500 SF</td>
<td>$20.83/SF</td>
<td>$781,125</td>
</tr>
<tr>
<td>Warehouse and Distribution</td>
<td>212,500 SF</td>
<td>$7.55/SF</td>
<td>$1,604,375</td>
</tr>
<tr>
<td>Class A Office</td>
<td>300,000 SF</td>
<td>$20.83/SF</td>
<td>$6,249,000</td>
</tr>
<tr>
<td><strong>Total: All Office/Flex Uses</strong></td>
<td><strong>550,000 SF</strong></td>
<td><strong>Average: $15.70/SF</strong></td>
<td><strong>$8,634,500</strong></td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

When applying the gross income of $8.6 million to an expense ratio of about 15% of gross income, net income is estimated at $7.3 million. With a capitalization rate of 0.09, the estimated market value of the retail space would be approximately $81.5 million. When applying the 2010-11 equalization rate of 0.86%, it results in an estimated assessed valuation of $701,313. This is illustrated in Table 11.

**Table 11**  
**ASSESSED VALUE: OFFICE/FLEX COMPONENT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Gross Annual Rent</td>
<td>$15.70/SF</td>
</tr>
<tr>
<td>Size</td>
<td>550,000 SF</td>
</tr>
<tr>
<td>Estimated Gross Income</td>
<td>$8,634,500</td>
</tr>
<tr>
<td>Expense Ratio</td>
<td>15%</td>
</tr>
<tr>
<td>Net Income</td>
<td>$7,339,325</td>
</tr>
<tr>
<td>Capitalization Rate</td>
<td>0.09</td>
</tr>
<tr>
<td>Estimated Market Value</td>
<td>$81,548,056</td>
</tr>
<tr>
<td>2010-11 Equalization Rate</td>
<td>0.86%</td>
</tr>
<tr>
<td><strong>Assessed Value: Office/Flex Component</strong></td>
<td><strong>$701,313</strong></td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
Rental Units
The Meadows at Yaphank will include 224 rental units, evenly split between one-bedroom units and two-bedroom units. Of the 224 rental units, it is assumed that 44 units (approximately 20%) will be deemed affordable to the local workforce; the remaining 180 units will be market-rate units. Per the Tax Impact/School District Analysis, “this 80-20 ratio is in accordance with the guidelines of the Suffolk County Department of Economic Development and Workforce Housing.” Twenty-four of the affordable units and 32 of the market-rate units will be reserved for seniors.

For the rental component of the project, the assessed valuation was determined based on average annual rents, which are determined by the type and size of each unit. The one-bedroom market rate units are projected to rent for $1,600 per month, while the two-bedroom market-rate units are projected to rent for $2,000 per month. Per the Tax Impact/School District Analysis, “rents for the affordable units have been pegged at 80% of the market-rate units.” As such, the one-bedroom workforce units are projected to rent for $1,280 per month, and the two-bedroom workforce units are projected to rent for $1,600 per month. As seen in Table 12, this equates to annual rents ranging from $15,360 to $24,000 per unit. When applied to all 224 rental units, this component of the proposed project totals approximately $4.66 million in gross annual rent.

Table 12
GROSS ANNUAL RENT: RENTAL UNITS

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number of Units</th>
<th>Monthly Rent/Unit</th>
<th>Annual Rent/Unit</th>
<th>Gross Annual Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Bedroom Market Rate*</td>
<td>78</td>
<td>$1,600</td>
<td>$19,200</td>
<td>$1,497,600</td>
</tr>
<tr>
<td>Two-Bedroom Market Rate</td>
<td>102</td>
<td>$2,000</td>
<td>$24,000</td>
<td>$2,448,000</td>
</tr>
<tr>
<td>One-Bedroom - Workforce**</td>
<td>34</td>
<td>$1,280</td>
<td>$15,360</td>
<td>$522,240</td>
</tr>
<tr>
<td>Two-Bedroom - Workforce</td>
<td>10</td>
<td>$1,600</td>
<td>$19,200</td>
<td>$192,000</td>
</tr>
<tr>
<td>**Total: All Rental Units</td>
<td>224</td>
<td></td>
<td><strong>$77,760</strong></td>
<td><strong>$4,659,840</strong></td>
</tr>
</tbody>
</table>

* Includes 32 market-rate senior units.  
** Includes 24 workforce senior units.  
Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

When the $4.66 million in gross annual rent is applied to losses from vacancies of about 5% and an expense ratio of 20%, net income from these rental units would be approximately $3.5 million. With a capitalization rate of 0.10, the estimated market value of the rental units would be approximately $34.9 million. When applying the 2010-11 equalization rate of 0.86%, it results in an estimated assessed valuation of $300,560. This is illustrated in Table 13.
Addendum to Tax Impact/School District Analysis
Meadows at Yaphank PDD

Table 13

<table>
<thead>
<tr>
<th>ASSESSED VALUE: RENTAL COMPONENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Annual Rent</td>
</tr>
<tr>
<td>Loss from Vacancies</td>
</tr>
<tr>
<td>Expense Ratio</td>
</tr>
<tr>
<td>Net Income</td>
</tr>
<tr>
<td>Capitalization Rate</td>
</tr>
<tr>
<td>Estimated Market Value</td>
</tr>
<tr>
<td>2010-11 Equalization Rate</td>
</tr>
<tr>
<td>Assessed Value: Rental Component</td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Townhouse Units

The Meadows at Yaphank will include 332 townhouse units, which includes 264 two-bedroom units and 68 three-bedroom units. Of the 264 townhouse units, it is assumed that 107 units (approximately 40%) will be reserved for senior residents.

For the townhouse component of the project, the assessed valuation was determined based on proposed selling prices. All of the townhouses will sell at market-rates: the two-bedroom (non age-restricted) units are proposed to sell for $360,000, while the two-bedroom senior units and the three-bedroom units are proposed to sell for $385,000. As seen in Table 14, the sales prices of the 332 townhouse units total approximately $123.9 million.

Table 14

<table>
<thead>
<tr>
<th>ESTIMATED MARKET VALUE: TOWNHOUSE UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Unit</td>
</tr>
<tr>
<td>Two-Bedroom Senior Townhouse</td>
</tr>
<tr>
<td>Two-Bedroom Townhouse</td>
</tr>
<tr>
<td>Three-Bedroom Townhouse</td>
</tr>
<tr>
<td>Total: All Townhouse Units</td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

When applying the $123.9 million to the 2010-11 equalization rate of 0.86%, it results in an estimated assessed valuation of approximately $1.065 million. This is illustrated in Table 15.
Table 15
**ASSESSED VALUE: TOWNHOUSE COMPONENT**

<table>
<thead>
<tr>
<th>Estimated Market Value</th>
<th>$123,895,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-11 Equalization Rate</td>
<td>0.86%</td>
</tr>
<tr>
<td><strong>Assessed Value: Townhouse Component</strong></td>
<td><strong>$1,065,497</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Condominium Units
The Meadows at Yaphank will include 294 condominium units, all of which will be two-bedroom units. Of the 294 condominium units, it is assumed that 41 units (approximately 14%) will be deemed affordable to the local workforce; the remaining 253 units will be market-rate units. Ten (10) of the affordable units and 130 of the market-rate units will be reserved for seniors.

For the condominium component of the project, the assessed valuation was determined based on imputed monthly rents, which vary based on the type and size of the units. The imputed rents range from $1,920 per month for the two-bedroom workforce units (including the ten [10] senior units), to $2,400 per month for the two-bedroom market-rate condominium units (including the 130 senior units). As seen in Table 16, this equates to annual imputed rents ranging from $23,040 to $28,800 per unit. When applied to all 294 condominium units, this component of the proposed project totals approximately $8.2 million in gross annual imputed rental income.

Table 16
**GROSS ANNUAL IMPUTED RENT: CONDOMINIUM UNITS**

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number of Units</th>
<th>Imputed Monthly Rent/Unit</th>
<th>Annual Imputed Rent/Unit</th>
<th>Gross Annual Imputed Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-Bedroom Condominium*</td>
<td>253</td>
<td>$2,400</td>
<td>$28,800</td>
<td>$7,286,400</td>
</tr>
<tr>
<td>Two-Bedroom Condominium - Workforce**</td>
<td>41</td>
<td>$1,920</td>
<td>$23,040</td>
<td>$944,640</td>
</tr>
<tr>
<td><strong>Total: All Condominium Units</strong></td>
<td><strong>294</strong></td>
<td></td>
<td></td>
<td><strong>$8,231,040</strong></td>
</tr>
</tbody>
</table>

* Includes 130 market-rate senior units.
** Includes 10 workforce senior units.
Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

The $8.2 million in gross annual imputed rent was applied to a loss of 5% for vacancies and unrecovered debt and a loss of 20% for expenses. This results in a net income of approximately $6.17 million. With a capitalization rate of 0.10, the estimated market value of the rental units would be approximately $61.7 million. When applying the 2010-11 equalization rate of 0.86%, it results in an estimated assessed valuation of $530,902. This is illustrated in Table 17.
Table 17

ASSESSED VALUE: CONDOMINIUM COMPONENT

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Imputed Annual Rents</td>
<td>$8,231,040</td>
</tr>
<tr>
<td>Estimated Loss from Vacancies</td>
<td>5%</td>
</tr>
<tr>
<td>Expense Ratio</td>
<td>20%</td>
</tr>
<tr>
<td>Net Income</td>
<td>$6,173,280</td>
</tr>
<tr>
<td>Capitalization Rate</td>
<td>0.1</td>
</tr>
<tr>
<td>Estimated Market Value</td>
<td>$61,732,800</td>
</tr>
<tr>
<td>2010-11 Equalization Rate</td>
<td>0.0086</td>
</tr>
<tr>
<td>Assessed Value: Condominium Component</td>
<td>$530,902</td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

**Total Assessments**

As seen in Table 18, when aggregating the projected assessed valuations from the commercial component of the proposed project, the total assessed valuation is just over $1.9 million; the total assessed valuation for the residential component of the project is just under $1.9 million. In total, the assessed valuation of the Meadows at Yaphank PDD is projected to be approximately $3.83 million.

Table 18

SUMMARY OF ASSESSED VALUATION

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Assessed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>$609,167</td>
</tr>
<tr>
<td>Retail</td>
<td>$610,242</td>
</tr>
<tr>
<td>Restaurant</td>
<td>$15,289</td>
</tr>
<tr>
<td>Office/Flex (Includes Class A Office)</td>
<td>$701,313</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td>$1,896,959</td>
</tr>
<tr>
<td>Rentals</td>
<td>$300,560</td>
</tr>
<tr>
<td>Condominiums</td>
<td>$530,902</td>
</tr>
<tr>
<td>Townhouses</td>
<td>$1,065,497</td>
</tr>
<tr>
<td><strong>Total: Meadows at Yaphank PDD</strong></td>
<td>$3,832,969</td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

4.3 Projected Tax Revenue and Distribution of Subject Property

Many of the Town, School and County’s community services and facilities are supported in large part by the revenues generated through property taxes. The Town of Brookhaven, Longwood CSD and Suffolk County, as well as other local taxing jurisdictions will greatly benefit from an increase in such property tax revenues, resulting from the development and annual operations of the Meadows at Yaphank PDD.
Tax and equalization rates from the 2010-11 fiscal year can be applied to the total assessed valuation of $3.83 million, in order to accurately project the impact that the proposed development will have on the local tax base. Table 19 shows the tax rates and revenues levied from full build-out of the proposed development. The information provided in the table was derived from the 2010-11 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 2010-11 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 final assessment and levy will be determined by the sole assessor 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 19
**ANTICIPATED TAX REVENUE GENERATION**

<table>
<thead>
<tr>
<th>Taxing Jurisdiction</th>
<th>Current Tax Revenue</th>
<th>Projected Tax Revenue</th>
<th>Change in Tax Revenue</th>
<th>Percent of Total Tax Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total: School Tax</td>
<td>$609,736</td>
<td>$8,520,537</td>
<td>$7,910,802</td>
<td>70.9%</td>
</tr>
<tr>
<td>Longwood Central School District</td>
<td>$580,167</td>
<td>$8,107,343</td>
<td>$7,527,176</td>
<td>67.5%</td>
</tr>
<tr>
<td>Longwood Central School District - Library District</td>
<td>$29,568</td>
<td>$413,194</td>
<td>$383,626</td>
<td>3.4%</td>
</tr>
<tr>
<td>Total: County Tax</td>
<td>$98,278</td>
<td>$1,373,353</td>
<td>$1,275,075</td>
<td>11.4%</td>
</tr>
<tr>
<td>Suffolk County</td>
<td>$7,754</td>
<td>$108,358</td>
<td>$100,604</td>
<td>0.9%</td>
</tr>
<tr>
<td>Suffolk County Police</td>
<td>$90,524</td>
<td>$1,264,995</td>
<td>$1,174,471</td>
<td>10.5%</td>
</tr>
<tr>
<td>Total: Town Tax</td>
<td>$54,408</td>
<td>$760,308</td>
<td>$705,900</td>
<td>6.3%</td>
</tr>
<tr>
<td>Town General - Town Wide Fund</td>
<td>$12,239</td>
<td>$171,027</td>
<td>$158,788</td>
<td>1.4%</td>
</tr>
<tr>
<td>Highway - Town Wide Fund</td>
<td>$7,101</td>
<td>$99,236</td>
<td>$92,134</td>
<td>0.8%</td>
</tr>
<tr>
<td>Town General - Part Town Fund</td>
<td>$3,813</td>
<td>$53,278</td>
<td>$49,464</td>
<td>0.4%</td>
</tr>
<tr>
<td>Highway - Part Town Fund</td>
<td>$31,255</td>
<td>$436,767</td>
<td>$405,512</td>
<td>3.6%</td>
</tr>
<tr>
<td>Total: Other Tax</td>
<td>$97,076</td>
<td>$1,356,557</td>
<td>$1,259,481</td>
<td>11.3%</td>
</tr>
<tr>
<td>Blizzard Note Repayment</td>
<td>$1,369</td>
<td>$19,127</td>
<td>$17,758</td>
<td>0.2%</td>
</tr>
<tr>
<td>New York State MTA Tax</td>
<td>$425</td>
<td>$5,941</td>
<td>$5,516</td>
<td>0.0%</td>
</tr>
<tr>
<td>$100M Bond Act of 2004</td>
<td>$4,315</td>
<td>$60,293</td>
<td>$55,978</td>
<td>0.5%</td>
</tr>
<tr>
<td>Yaphank Fire District</td>
<td>$27,705</td>
<td>$387,158*</td>
<td>$359,453</td>
<td>3.2%</td>
</tr>
<tr>
<td>Ridge Fire District</td>
<td>$37,337</td>
<td>$521,746*</td>
<td>$484,410</td>
<td>4.3%</td>
</tr>
<tr>
<td>Brookhaven Lighting District</td>
<td>$3,741</td>
<td>$52,282</td>
<td>$48,540</td>
<td>0.4%</td>
</tr>
<tr>
<td>Real Property Tax Law - Article 7</td>
<td>$2,458</td>
<td>$34,343</td>
<td>$31,886</td>
<td>0.3%</td>
</tr>
<tr>
<td>Real Property Tax Law</td>
<td>$19,727</td>
<td>$275,667</td>
<td>$255,940</td>
<td>2.3%</td>
</tr>
<tr>
<td>TOTAL: ALL TAXING JURISDICTIONS</td>
<td>$859,498</td>
<td>$12,010,755</td>
<td>$11,151,257</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

* Note: For the purpose of this analysis, it is assumed that the percentage of taxes levied to the Yaphank Fire District and Ridge Fire District will remain the same as the split witnessed under existing conditions.

Source: Town of Brookhaven Receiver of Taxes; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
The proposed project will significantly increase taxes generated by the site, resulting in a substantial rise in tax revenues distributed to each taxing jurisdiction. At full build-out, the proposed project is projected to generate over $12 million in annual taxes. This represents a net increase of over $11.1 million per year – nearly 14 times the revenues generated under existing site conditions.

Upon full build-out, the Meadows at Yaphank PDD will levy over $8.1 million to the Longwood CSD, representing 67.5% of the total tax generated by the site. Likewise, the proposed development will levy over $413,000 to the Library District, comprising 3.4% of the tax levy. Suffolk County, which includes the County Police Department, is projected to levy nearly $1.4 million, comprising 11.4% of the total generation. Moreover, the Town of Brookhaven is projected to receive over $760,000 in annual property tax revenues under the proposed development, representing 6.3% of the tax generation. This includes the general and highway Town wide funds, and the general and highway Part Town funds. An additional $1.35 million, or 11.3%, will be distributed among the Town’s special taxing jurisdictions, including the Blizzard Note Repayment, New York State MTA Tax, $100M Bond Act of 2004, the Yaphank and Ridge Fire Districts, the Brookhaven Lighting District, the Real Property Tax Law-Article 7, and the Real Property Tax Law.

4.4 Impacts on Population

An analysis of new housing occupancy estimates allows for the determination of the population that would likely reside within the proposed development. In estimating the number of residents and specifically – school-aged children – likely to be generated by the 850 residential units proposed for the Meadows at Yaphank PDD, demographic multipliers published by the Center for Urban Policy Research at Rutgers University, were used. Per the Tax Impact/School District Analysis, “this study contains multipliers, based on U.S. Census data, that indicate the number of school age children likely to be generated by different types of residential units, single-family homes, condominiums, townhouses and/or rental units at various rent levels and price points.” It is important to note that the demographic multipliers used in this analysis are the same as those used in the prior analysis, and are conservative, especially for the senior units.

Rental Units

According to residential demographic multipliers published by the Center for Urban Policy Research at Rutgers University, a one-bedroom, renter-occupied residence with five or more units, with rent valued at greater than $1,000 per month (one-bedroom rental units at the proposed project are proposed to rent for $1,200 – $1,500 per month, depending on size/type of unit) and located in New York State would generate approximately 1.67 persons. Of this housing occupancy, it is estimated that 0.08 persons would be infants or toddlers, up to four (4) years of age, and another 0.08 persons would be school-aged, or between five (5) and 17 years old. Approximately 1.51 persons would be aged 18 and older.2 Similarly, a two-bedroom, renter-occupied residence with five or more units, with rent valued at greater than $1,100 per month (two-bedroom rental units at the proposed project are proposed to rent for $1,480 –

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2 It is assumed that infants/toddlers and school-aged children will not reside within the senior rental units. It is assumed that only 1.51 adults will reside within each of these one-bedroom units.
$1,850 per month, depending on size/type of unit) and located in New York State would generate approximately 2.31 persons. Of this housing occupancy, it is estimated that 0.19 persons would be infants or toddlers, up to four (4) years of age, and another 0.23 persons would be school-aged, or between five (5) and 17 years old. Approximately 1.89 persons would be aged 18 and older.

Given these assumptions and the proposed unit mix, and as seen in Table 20, it is projected that the 224 rental units at the Meadows at Yaphank will create 436 residents. Of this, 26 residents are proposed to be infants/toddlers, 30 persons are proposed to be school-aged children, and 380 persons are proposed to be adults.
### Table 20
PROJECTED IMPACT ON POPULATION: RENTAL UNITS

<table>
<thead>
<tr>
<th></th>
<th>Senior Rental: 1 BR</th>
<th>Senior Rental Workforce: 1BR</th>
<th>Rental: 1-BR</th>
<th>Rental Workforce: 1BR</th>
<th>Rental: 2BR</th>
<th>Rental Workforce: 2BR</th>
<th>Total: All Rental Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Units</td>
<td>32</td>
<td>24</td>
<td>46</td>
<td>10</td>
<td>102</td>
<td>10</td>
<td>224</td>
</tr>
<tr>
<td>Average Infants/Toddlers per Household</td>
<td>0</td>
<td>0</td>
<td>0.08</td>
<td>0.08</td>
<td>0.19</td>
<td>0.19</td>
<td>--</td>
</tr>
<tr>
<td>Average School-Aged Children per Household</td>
<td>0</td>
<td>0</td>
<td>0.08</td>
<td>0.08</td>
<td>0.23</td>
<td>0.23</td>
<td>--</td>
</tr>
<tr>
<td>Average Adults per Household</td>
<td>1.51</td>
<td>1.51</td>
<td>1.51</td>
<td>1.51</td>
<td>1.89</td>
<td>1.89</td>
<td>--</td>
</tr>
<tr>
<td>Projected New Residents</td>
<td>48</td>
<td>36</td>
<td>77</td>
<td>17</td>
<td>235</td>
<td>23</td>
<td>436</td>
</tr>
<tr>
<td>Infants/Toddlers</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>19</td>
<td>2</td>
<td>26</td>
</tr>
<tr>
<td>School-Age Children</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>23</td>
<td>2</td>
<td>30</td>
</tr>
<tr>
<td>Adults</td>
<td>48</td>
<td>36</td>
<td>69</td>
<td>15</td>
<td>193</td>
<td>19</td>
<td>380</td>
</tr>
</tbody>
</table>

Source: Center for Urban Policy Research at Rutgers University; *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
Condominium Units
According to residential demographic multipliers published by the Center for Urban Policy Research at Rutgers University, a two-bedroom, owner-occupied residence with five or more units, valued between $135,000 and $329,500 (two-bedroom condominium units at the proposed project are proposed to sell for $232,000 – $290,000, depending on size/type of unit) and located in New York State would generate approximately 2.05 persons. Of this housing occupancy, it is estimated that 0.07 persons would be infants or toddlers, and another 0.19 persons would be school-aged. Approximately 1.79 persons would be aged 18 and older.\(^3\)

Given these assumptions and the proposed unit mix, and as seen in Table 21, it is projected that the 294 condominium units at the Meadows at Yaphank PDD will create 566 residents. Of this, 11 residents are proposed to be infants/toddlers, 29 persons are proposed to be school-aged children, and 526 persons are proposed to be adults.

Table 21
PROJECTED IMPACT ON POPULATION: CONDOMINIUM UNITS

<table>
<thead>
<tr>
<th></th>
<th>Senior Condo: 2BR</th>
<th>Senior Condo Workforce: 2BR</th>
<th>Condo: 2BR</th>
<th>Condo Workforce: 2BR</th>
<th>Total: All Condo Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Units</td>
<td>130</td>
<td>10</td>
<td>123</td>
<td>31</td>
<td>294</td>
</tr>
<tr>
<td>Average Infants/Toddlers per Household</td>
<td>0</td>
<td>0</td>
<td>0.07</td>
<td>0.07</td>
<td>--</td>
</tr>
<tr>
<td>Average School-Aged Children per Household</td>
<td>0</td>
<td>0</td>
<td>0.19</td>
<td>0.19</td>
<td>--</td>
</tr>
<tr>
<td>Average Adults per Household</td>
<td>1.79</td>
<td>1.79</td>
<td>1.79</td>
<td>1.79</td>
<td>--</td>
</tr>
<tr>
<td>Projected New Residents</td>
<td>233</td>
<td>18</td>
<td>252</td>
<td>63</td>
<td>566</td>
</tr>
<tr>
<td>Infants/Toddlers</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>School-Age Children</td>
<td>0</td>
<td>0</td>
<td>23</td>
<td>6</td>
<td>29</td>
</tr>
<tr>
<td>Adults</td>
<td>233</td>
<td>18</td>
<td>220</td>
<td>55</td>
<td>526</td>
</tr>
</tbody>
</table>

Source: Center for Urban Policy Research at Rutgers University; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Townhouse Units
According to residential demographic multipliers published by the Center for Urban Policy Research at Rutgers University, a two-bedroom, owner-occupied, single-family attached residence, valued at greater than $194,500 (two-bedroom condominium units at the proposed project are proposed to sell for $360,000 – $385,000 depending on size/type of unit) and located in New York State would generate approximately 2.09 persons. Of this housing occupancy, it is estimated that 0.13 persons would be infants or toddlers, and another 0.14 persons would be school-aged. Approximately 1.82 persons would be aged 18 and older.\(^4\) Similarly, a three-bedroom, owner-occupied, single-family attached residence, valued at greater than $269,500

\(^3\) It is assumed that infants/toddlers and school-aged children will not reside within the senior condominium units. It is assumed that only 1.79 adults will reside within each two-bedroom condominium unit.

\(^4\) It is assumed that infants/toddlers and school-aged children will not reside within the senior townhouse units. It is assumed that only 1.82 adults will reside within each two-bedroom townhouse unit.
(three-bedroom condominium units at the proposed project are proposed to sell for $385,000) and located in New York State would generate approximately 2.83 persons. Of this housing occupancy, it is estimated that 0.28 persons would be infants or toddlers, and another 0.39 persons would be school-aged. Approximately 2.16 persons would be aged 18 and older.

Given these assumptions and the proposed unit mix, and as seen in Table 22, it is projected that the 332 condominium units at the Meadows at Yaphank PDD will create 716 residents. Of this, 39 residents are proposed to be infants/toddlers, 49 persons are proposed to be school-aged children, and 628 persons are proposed to be adults.

Table 22
PROJECTED IMPACT ON POPULATION: TOWNHOUSE UNITS

<table>
<thead>
<tr>
<th>Senior Townhouse: 2BR</th>
<th>Townhouse: 2BR</th>
<th>Townhouse: 3BR</th>
<th>Total: All Townhouse Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Units</td>
<td>107</td>
<td>157</td>
<td>68</td>
</tr>
<tr>
<td>Average Infants/Toddlers per Household</td>
<td>0</td>
<td>0.13</td>
<td>0.28</td>
</tr>
<tr>
<td>Average School-Aged Children per Household</td>
<td>0</td>
<td>0.14</td>
<td>0.39</td>
</tr>
<tr>
<td>Average Adults per Household</td>
<td>1.82</td>
<td>1.82</td>
<td>2.16</td>
</tr>
<tr>
<td>Projected New Residents</td>
<td>195</td>
<td>328</td>
<td>193</td>
</tr>
<tr>
<td>Infants/Toddlers</td>
<td>0</td>
<td>20</td>
<td>19</td>
</tr>
<tr>
<td>School-Age Children</td>
<td>0</td>
<td>22</td>
<td>27</td>
</tr>
<tr>
<td>Adults</td>
<td>195</td>
<td>286</td>
<td>147</td>
</tr>
</tbody>
</table>

Source: Center for Urban Policy Research at Rutgers University; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Total: All Residential Units
In total, the Meadows at Yaphank PDD is projected to generate 1,718 residents, of which 76 persons will be infants/toddlers, 108 persons will be school-aged children, and 1,534 residents will be adults. This is illustrated in Table 23.

Table 23
PROJECTED IMPACT ON POPULATION: ALL RESIDENTIAL UNITS

<table>
<thead>
<tr>
<th>Projected New Residents</th>
<th>Rental Units</th>
<th>Condominium Units</th>
<th>Townhouse Units</th>
<th>Total: All Residential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infants/Toddlers</td>
<td>436</td>
<td>566</td>
<td>39</td>
<td>76</td>
</tr>
<tr>
<td>School-Age Children</td>
<td>26</td>
<td>11</td>
<td>49</td>
<td>108</td>
</tr>
<tr>
<td>Adults</td>
<td>380</td>
<td>526</td>
<td>628</td>
<td>1,534</td>
</tr>
</tbody>
</table>

Source: Center for Urban Policy Research at Rutgers University; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
4.5 School District Fiscal Impacts

The 108 school-aged children projected to reside within the Meadows at Yaphank PDD will result in additional costs to the Longwood CSD. According to the New York State School Report Card, Fiscal Accountability Supplement for Longwood CSD, expenditures averaged $20,696 per student during the 2008-09 academic year. Given these assumptions, it is estimated that the 108 students will result in additional costs to the Longwood CSD amounting to approximately $2.2 million per academic year. However, as seen in Table 24 (and in Section 4.3) the proposed development will levy tax revenues for the Longwood CSD, estimated to total $8.1 million per year. These property tax revenues would cover the associated expenses incurred by the 108 students, resulting in a net revenue to the Longwood CSD of approximately $5.87 million per year.

State aid, although projected to decline from current levels, will supplement the net revenue gained from property taxes alone. Per the Tax Impact/School District Analysis, state aid amounted to approximately $87 million, or roughly $9,543 per student, during the 2009-10 school year. Assuming state aid remains constant to these levels, and when applied to the additional 108 school-aged children, it is assumed that state aid will generate an additional $1.03 million in supplemental revenues to the Longwood CSD. This would increase the school district’s net revenue to over $6.9 million each year.

Table 24
FISCAL IMPACT ON SCHOOL DISTRICT

<table>
<thead>
<tr>
<th>Number of Additional Students</th>
<th>108</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Expenditure per Pupil</td>
<td>$20,696</td>
</tr>
<tr>
<td>Additional Expenditures Incurred by Longwood CSD</td>
<td>$2,235,168</td>
</tr>
<tr>
<td>Projected Tax Revenue Allocated to Longwood CSD</td>
<td>$8,107,343</td>
</tr>
<tr>
<td><strong>Net Revenue (Without State Aid)</strong></td>
<td><strong>$5,872,175</strong></td>
</tr>
<tr>
<td>Estimated State Aid for Additional Students</td>
<td>$1,030,642</td>
</tr>
<tr>
<td><strong>Net Revenue (With State Aid)</strong></td>
<td><strong>$6,902,817</strong></td>
</tr>
</tbody>
</table>

Source: Longwood Central School District; Town of Brookhaven Receiver of Taxes; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

4.6 Impacts on Sales Tax Revenues

The operation of the Meadows at Yaphank PDD will generate a considerable amount of consumer spending and resultant sales and sales tax revenues. Per the Tax Impact/School District Analysis, and according to the International Council of Shopping Centers, “stores at

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5 As of the date of submission of this analysis, this represents the most current year that such detailed financial data is available.

6 This analysis conservatively assumes that all 108 school-aged children will be enrolled within public schools in the Longwood CSD. The analysis does not take into consideration private school attendance, nor does it consider the distribution of general or special education enrollment and associated costs.
conventional shopping malls generate annual sales of $330 per square foot.” When applied to the 276,575 SF of consumer-related space proposed for the Meadows at Yaphank PDD (the Tax Impact/School District Analysis assumes this amount of space will actually sell merchandise that is subject to county and state sales taxes), it is estimated that the Meadows at Yaphank PDD will produce annual sales of over $91.2 million that are subject to sales taxes.

As of August 2011, the sales tax rate in Suffolk County was 8.625%, with 4.000% retained by New York State, 4.25% allocated to Suffolk County and an additional 0.375% distributed to the New York State Metropolitan Commuter Transportation District. Assuming that this sales tax rate remains constant, annual sales revenues of over $91.2 million would result in the generation of nearly $7.9 million in annual sales tax revenues from the Meadows at Yaphank PDD. As seen in Table 25, it is estimated that 4.000% or approximately $3.65 million of the sales tax revenues would be allocated to New York State; 4.25% or nearly $3.9 million would be retained by Suffolk County; and the New York State Metropolitan Commuter Transportation District would levy the remaining $342,262 or 0.375% in annual sales tax revenues.

### Table 25

<table>
<thead>
<tr>
<th>Sales Taxing Jurisdiction</th>
<th>Sales Tax Rate</th>
<th>Sales Tax Levy</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York State</td>
<td>4.000%</td>
<td>$3,650,790</td>
</tr>
<tr>
<td>Suffolk County</td>
<td>4.250%</td>
<td>$3,878,964</td>
</tr>
<tr>
<td>New York State Metropolitan Commuter Transportation District</td>
<td>0.375%</td>
<td>$342,262</td>
</tr>
<tr>
<td><strong>TOTAL: ALL SALES TAXING JURISDICTIONS</strong></td>
<td><strong>8.625%</strong></td>
<td><strong>$7,872,016</strong></td>
</tr>
</tbody>
</table>

Source: New York State Department of Taxation; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

#### 4.7 Impacts on Mortgage Recording Tax Revenues

Mortgage recording tax is a one-time tax paid when a mortgage is recorded. Mortgage recording tax revenue covers necessary local and state expenses associated with processing and recording mortgages. Such taxes are completely separate and independent from property taxes levied by a given town, county, school district, or other local or special taxing jurisdiction. A detailed analysis of commercial mortgage recording taxes is outlined in a separate report entitled “Economic Impact Analysis and Assessment of Project Benefits” (Appendix A-7 of the DGEIS); this includes an analysis of the hotel, retailers, restaurant, office/flex space, and rental units. A detailed analysis of residential mortgage recording taxes – for the 294 condominiums and the 332 townhouses – is described herein.

According to the New York State Department of Taxation and Finance, Suffolk County properties are subject to a 1.05% mortgage recording tax rate. This equates to a tax of $1.05 per $100 of the price of the associated mortgage, regardless of the type of land use to be developed and financed. As seen in Table 26, the rate of 1.05% includes a basic tax rate of 0.5%; the Suffolk County Clerk’s Office indicated that this basic tax rate is levied to the Town in which the
property is located. Moreover, since Suffolk County is located within the Metropolitan Commuter Transportation District (MCTD), mortgages are also subject to an additional tax of 0.3%, or $0.30 for each $100 secured by a given mortgage. Lastly, the mortgage recording tax rate includes a special additional tax rate of 0.25%, which is levied to the MCTD for residential mortgages.

Table 26
MORTGAGE RECORDING TAX RATE

<table>
<thead>
<tr>
<th>Type of Tax</th>
<th>Current Tax Rate (per $100 mortgage)</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Mortgage Recording Tax</td>
<td>$0.50</td>
<td>Town of Brookhaven</td>
</tr>
<tr>
<td>Additional Mortgage Recording Tax</td>
<td>$0.30</td>
<td>Metropolitan Commuter Transportation District</td>
</tr>
<tr>
<td>Special Additional Mortgage Recording Tax</td>
<td>$0.25</td>
<td>Metropolitan Commuter Transportation District (for residential properties)</td>
</tr>
<tr>
<td><strong>Total: Mortgage Recording Tax</strong></td>
<td><strong>$1.05</strong></td>
<td>--</td>
</tr>
</tbody>
</table>

Source: New York State Department of Taxation; Suffolk County Clerk’s Office.

As seen in Table 27, given the proposed selling prices of $360,000 - $385,000 for the townhouses, and $232,000 - $290,000 for the condominiums, the aggregate selling prices for these 626 residential units is anticipated to be over $206.7 million.

Per the Tax Impact/School District Analysis, “it was assumed that potential homebuyers would make a down payment of ten (10) percent, and obtain a mortgage for the remainder of the purchase price.” Assuming this down payment, the actual mortgage amount for the 626 housing units is anticipated to be approximately $186.1 million. When applying the 1.05% mortgage recording tax rate to this figure, it amounts to total revenues of $1.95 million. However, it is important to note that there exists a tax reduction of $30.00 per unit for one- and two-family residences. When applied to each of the 626 housing units, this decreases the mortgage recording tax revenues by $18,780, bringing the projected mortgage recording tax revenues to a total of $1,935,263.
Table 27
ESTIMATED MORTGAGE RECORDING TAX REVENUE:
RESIDENTIAL COMPONENT OF THE MEADOWS AT YAPHANK PDD

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number of Units</th>
<th>Selling Price per Unit</th>
<th>Total Sales</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Townhouse Units</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-Bedroom Senior Townhouse</td>
<td>107</td>
<td>$385,000</td>
<td>$41,195,000</td>
</tr>
<tr>
<td>Two-Bedroom Townhouse</td>
<td>157</td>
<td>$360,000</td>
<td>$56,520,000</td>
</tr>
<tr>
<td>Three-Bedroom Townhouse</td>
<td>68</td>
<td>$385,000</td>
<td>$26,180,000</td>
</tr>
<tr>
<td>Sub-total: Townhouse Units</td>
<td>332</td>
<td></td>
<td>$123,895,000</td>
</tr>
<tr>
<td><strong>Condominium Units</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-Bedroom Condominium</td>
<td>253</td>
<td>$290,000</td>
<td>$73,370,000</td>
</tr>
<tr>
<td>Two-Bedroom Condominium - Workforce</td>
<td>41</td>
<td>$232,000</td>
<td>$9,512,000</td>
</tr>
<tr>
<td>Sub-total: Condominium Units</td>
<td>294</td>
<td></td>
<td>$82,882,000</td>
</tr>
<tr>
<td>Total: All Residential Units</td>
<td>626</td>
<td></td>
<td>$206,777,000</td>
</tr>
<tr>
<td>Down Payment</td>
<td></td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Estimated Mortgage Amount</td>
<td></td>
<td></td>
<td>$186,099,300</td>
</tr>
<tr>
<td>Mortgage Recording Tax Rate (per $100)</td>
<td></td>
<td>1.05</td>
<td></td>
</tr>
<tr>
<td>Estimated Mortgage Recording Tax Revenues</td>
<td></td>
<td>$1,954,043</td>
<td></td>
</tr>
<tr>
<td>Tax Reduction ($30.00 per unit)</td>
<td></td>
<td></td>
<td>$18,780</td>
</tr>
<tr>
<td><strong>Projected Mortgage Recording Tax Revenues</strong></td>
<td></td>
<td><strong>$1,935,263</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: New York State Department of Taxation; Suffolk County Clerk’s Office; Rose-Breslin Associates, LLC & Dorade, LLC; Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Table 28 illustrates how the mortgage recording tax revenue is anticipated to be distributed among each of the jurisdictions. It is estimated that $921,554 of the mortgage recording tax revenues would be allocated to the Town of Brookhaven, and a combined $1,013,709 would be retained by the Metropolitan Commuter Transportation District.
ANTICIPATED MORTGAGE RECORDING TAX REVENUE DISTRIBUTION:
RESIDENTIAL COMPONENT OF THE MEADOWS AT YAPHANK PDD

<table>
<thead>
<tr>
<th>Type of Tax</th>
<th>Current Tax Rate (per $100 mortgage)</th>
<th>Projected Tax Revenue</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Mortgage Recording Tax</td>
<td>$0.50</td>
<td>$921,554</td>
<td>Town of Brookhaven</td>
</tr>
<tr>
<td>Additional Mortgage Recording Tax</td>
<td>$0.30</td>
<td>$552,932</td>
<td>Metropolitan Commuter Transportation District</td>
</tr>
<tr>
<td>Special Additional Mortgage Recording Tax</td>
<td>$0.25</td>
<td>$460,777</td>
<td>Metropolitan Commuter Transportation District</td>
</tr>
<tr>
<td><strong>Total: Mortgage Recording Tax</strong></td>
<td><strong>$1.05</strong></td>
<td><strong>$1,935,263</strong></td>
<td><strong>--</strong></td>
</tr>
</tbody>
</table>

Source: New York State Department of Taxation; Suffolk County Clerk’s Office; Rose-Breslin Associates, LLC & Dorade, LLC; *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
5.0 **ANTICIPATED ECONOMIC IMPACTS**

It is projected that the construction and operations of the Meadows at Yaphank PDD will contribute positively to the local economy. During the construction period, opportunities for employment will offer short-term direct, indirect and induced benefits among businesses and households located throughout the region. During the operation of the development, long term jobs will also offer direct, indirect and induced benefits to the Yaphank community, the Town of Brookhaven, Suffolk County and the region as a whole. The new jobs created during both construction and operation 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 throughout the region.

A detailed analysis of direct, indirect and induced impacts (as defined in Section 2.0) generated during the short-term construction period is outlined in a separate report entitled “Economic Impact Analysis and Assessment of Project Benefits” (Appendix A-7 of the DGEIS). A detailed analysis of direct, indirect and induced impacts during annual operations is described herein. Economic impacts generated during operations are permanent and on-going. As such, they are projected on an annual basis, assuming continued stabilized operations.

For the purpose of this analysis, it is assumed that the Meadows at Yaphank PDD will begin the operational phase of development upon the completion of the construction of the first phase, and continue on a rolling basis until the completion of the final phase of construction. For the purpose of this analysis; however, all calculations assume current dollars and as such, represent conservative economic impacts on the local economy.

5.1 **Impacts on Employment**

During operations, direct employment refers to the number of persons that are employed by the Meadows at Yaphank PDD. Per the Tax Impact/School District Analysis, the hotel is anticipated to generate one (1) full-time equivalent (FTE) employee per 3,000 SF; the large retailer is anticipated to generate one (1) FTE employee per 600 SF; the pharmacy is anticipated to generate one (1) FTE employee per 400 SF; the bank is anticipated to generate one (1) FTE employee per 300 SF; the supermarket is anticipated to generate one (1) FTE employee per 500 SF; the other neighborhood retail and the restaurant are each anticipated to generate one (1) FTE employee per 350 SF; the office/flex space is anticipated to generate one (1) FTE employee per 1,000 SF; the Class A office space is anticipated to generate one (1) FTE employee per 200 SF; and the residential units are anticipated to generate one (1) FTE per 7,500 SF. As seen in Table 29, this amounts to 2,681 direct jobs at the Meadows at Yaphank PDD.
**Table 29**

**PROJECTED JOB CREATION**

<table>
<thead>
<tr>
<th>Component</th>
<th>Size</th>
<th>Employee Ratio</th>
<th>Estimated Job Creation (FTE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel</td>
<td>150,000 SF</td>
<td>1 FTE/3,000 SF</td>
<td>50</td>
</tr>
<tr>
<td>Retail</td>
<td>327,500 SF</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Large Retailer</td>
<td>150,000 SF</td>
<td>1 FTE/600 SF</td>
<td>250</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>14,700 SF</td>
<td>1 FTE/400 SF</td>
<td>37</td>
</tr>
<tr>
<td>Bank</td>
<td>3,500 SF</td>
<td>1 FTE/300 SF</td>
<td>12</td>
</tr>
<tr>
<td>Supermarket</td>
<td>65,000 SF</td>
<td>1 FTE/500 SF</td>
<td>130</td>
</tr>
<tr>
<td>Other Neighborhood Retail</td>
<td>94,300 SF</td>
<td>1 FTE/350 SF</td>
<td>269</td>
</tr>
<tr>
<td>Restaurant</td>
<td>5,000 SF</td>
<td>1 FTE/350 SF</td>
<td>14</td>
</tr>
<tr>
<td>Office/Flex</td>
<td>250,000 SF</td>
<td>1 FTE/1,000 SF</td>
<td>250</td>
</tr>
<tr>
<td>Class A Office</td>
<td>300,000 SF</td>
<td>1 FTE/200 SF</td>
<td>1,500</td>
</tr>
<tr>
<td>Residential</td>
<td>1,266,130 SF</td>
<td>1 FTE/7,500 SF</td>
<td>169</td>
</tr>
<tr>
<td><strong>Total: Meadows at Yaphank PDD</strong></td>
<td>--</td>
<td>--</td>
<td><strong>2,681</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

The direct job creation seen in **Table 29** was inputted into the IMPLAN software, and sorted by industry. For the purpose of this analysis, and per the *Tax Impact/School District Analysis*, “a hypothetical industry mix of jobs typically found in such mixed-use developments was constructed” for the office/flex and Class A office uses. This analysis assumes that 200 of the office/flex jobs will be devoted to warehousing and storage, while the remaining 50 jobs within this component will be comprised of truck transportation. Likewise, this analysis assumes that the 1,500 Class A office jobs will be evenly split (187.5 FTE employees) among the following industries: information services, credit intermediation, financial investment, insurance carriers, real estate firms, professional and technical services, administrative support services (clerical and related), and ambulatory health care services (medical office).

Per the *Tax Impact/School District Analysis*, “…these direct jobs will support a broad array of secondary jobs in a wide range of local industries as a result of the multiplier process.” The 2,681 FTE direct employment positions are projected to result in an indirect impact of 876 FTE jobs, and an induced impact of 1,148 FTE jobs throughout the region, bringing the total
economic impact of operational employment to roughly 4,705 FTE jobs during annual operations.\(^7\)

### 5.2 Impacts on Labor Income

During operations, direct labor income refers to annual wages, earnings or salary that is paid to the 2,681 FTE employees during annual operations at the Meadows at Yaphank PDD. Upon inputting the direct employment into the model, the IMPLAN software automatically generated the average labor income per industry sector. The software bases these calculations upon a database of production, employment and trade data from sources including the County Business Patterns, Annual Survey of Government Employment, and Annual Survey of Retail Trade (all from the United States Census Bureau); Quarterly Census of Employment and Wages, and Consumer Expenditure Survey (both from the United States Bureau of Labor Statistics); United States Department of Labor; Office of Management and Budget; United States Department of Commerce; Internal Revenue Service; National Agricultural Statistical Service (from the United States Department of Agriculture); Federal Procurement Data Center; Regional Economic Information System, and Survey of Current Business (both from the United States Bureau of Economic Analysis); and other national, regional, state and local data sources. Table 30 summarizes direct employment and the associated labor income, sorted by industry sector.

---

### Table 30
**DIRECT EMPLOYMENT AND LABOR INCOME**

<table>
<thead>
<tr>
<th>Component</th>
<th>IMPLAN Sector</th>
<th>Estimated Job Creation (FTE)</th>
<th>Total Labor Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel</td>
<td>411: Hotels and motels, including casino hotels</td>
<td>50</td>
<td>$1,737,133</td>
</tr>
<tr>
<td>Retail</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Large Retailer</td>
<td>329: Retail Stores - General merchandise</td>
<td>250</td>
<td>$7,243,504</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>325: Retail Stores - Health and personal care</td>
<td>37</td>
<td>$1,518,339</td>
</tr>
<tr>
<td>Bank</td>
<td>354: Monetary authorities and depository credit intermediation activities</td>
<td>12</td>
<td>$731,257</td>
</tr>
<tr>
<td>Supermarket</td>
<td>324: Retail Stores - Food and beverage</td>
<td>130</td>
<td>$4,091,470</td>
</tr>
<tr>
<td>Other Neighborhood Retail</td>
<td>330: Retail Stores - Miscellaneous</td>
<td>269</td>
<td>$6,227,280</td>
</tr>
<tr>
<td>Restaurant</td>
<td>413: Food services and drinking places</td>
<td>14</td>
<td>$354,988</td>
</tr>
<tr>
<td>Office/Flex</td>
<td>340: Warehousing and storage</td>
<td>200.0</td>
<td>$10,949,301</td>
</tr>
<tr>
<td></td>
<td>335: Transport by truck</td>
<td>50.0</td>
<td>$2,768,488</td>
</tr>
<tr>
<td>Class A Office</td>
<td>353: Other information services</td>
<td>187.5</td>
<td>$8,141,115</td>
</tr>
<tr>
<td></td>
<td>355: Nondepository credit intermediation and related activities</td>
<td>187.5</td>
<td>$18,186,207</td>
</tr>
<tr>
<td></td>
<td>356: Securities, commodity contracts, investments, and related activities</td>
<td>187.5</td>
<td>$75,227,963</td>
</tr>
<tr>
<td></td>
<td>357: Insurance carriers</td>
<td>187.5</td>
<td>$15,694,764</td>
</tr>
<tr>
<td></td>
<td>360: Real estate establishments</td>
<td>187.5</td>
<td>$1,701,623</td>
</tr>
<tr>
<td></td>
<td>380: All other miscellaneous professional, scientific, and technical services</td>
<td>187.5</td>
<td>$5,587,140</td>
</tr>
<tr>
<td></td>
<td>384: Office administrative services</td>
<td>187.5</td>
<td>$13,524,195</td>
</tr>
<tr>
<td></td>
<td>394: Offices of physicians, dentists, and other health practitioners</td>
<td>187.5</td>
<td>$10,538,809</td>
</tr>
<tr>
<td>Residential</td>
<td>418: Personal and household goods repair and maintenance</td>
<td>169</td>
<td>$6,082,942</td>
</tr>
<tr>
<td>Total: Meadows at Yaphank PDD</td>
<td>--</td>
<td>2,681</td>
<td>$190,306,519</td>
</tr>
</tbody>
</table>

Source: IMPLAN software; *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
As seen in Table 30, labor income for the 2,681 FTE employees is projected to total $190.3 million. It is important to note that this figure is expressed in current dollars. As such, and per the Tax Impact/School District Analysis, “the actual dollar impact will be much greater because wages are expected to rise between now and the full buildout of the Meadows at Yaphank. Therefore, the payroll estimates in this report are conservative.”

Similar to job creation, and per the Tax Impact/School District Analysis, “…direct payrolls will support secondary payroll spending throughout the local economy. Employees… will spend their earnings in local restaurants, clothing stores, medical offices and other facilities. These establishments will, in turn, hire workers and purchase supplies from other local businesses and the process continues through several rounds of ‘re-spending’.” As such, the direct labor income of $190.3 million is projected to result in an indirect impact of approximately $56.7 million and an induced impact of over $55.9 million, bringing the total economic impact of labor income to over $302.9 million during annual operations.  

5.3 Impacts on Purchasing Power

Economic impacts will also be generated in the form of purchasing power, generated by both residents and employees of the Meadows at Yaphank PDD.

Rental Units

The Tax Impact/School District Analysis assumes that purchasing power for renters are based on annual rents, and the household income associated with them. The Tax Impact/School District Analysis assumes the U.S. Department of Housing and Urban Development (HUD) guideline that rents should consume no more than 30% of household income. Therefore, renters of market-rate units would have incomes between $64,000 and $80,000 while renters of the workforce units would have incomes between $51,200 and $64,000. The analysis further assumes that ten (10) percent of these gross incomes would be available for discretionary purchases. As seen in Table 31, annual discretionary purchasing power of those living within the rental units is anticipated to total $1.55 million.

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8 According to IMPLAN, the following multipliers represent the total dollar change in labor income of households employed by all industries for each additional dollar of output delivered to final demand in Suffolk County, New York: “Hotels and motels, including casino hotels” (IMPLAN Sector 411): 0.575226; “Retail Stores - General merchandise” (IMPLAN Sector 329): 0.695289; “Retail Stores - Health and personal care” (IMPLAN Sector 325): 0.719308; “Monetary authorities and depository credit intermediation activities” (IMPLAN Sector 354): 0.572756; “Retail Stores - Food and beverage” (IMPLAN Sector 324): 0.696961; “Retail Stores - Miscellaneous” (IMPLAN Sector 330): 0.743794; “Food services and drinking places” (IMPLAN Sector 413): 0.603475; “Warehousing and storage” (IMPLAN Sector 340): 0.758712; “Transport by truck” (IMPLAN Sector 335): 0.643643; “Other information services” (IMPLAN Sector 353): 0.935623; “Nondepository credit intermediation and related activities” (IMPLAN Sector 355): 0.496157; “Securities, commodity contracts, investments, and related activities” (IMPLAN Sector 356): 1.001520; “Insurance carriers” (IMPLAN Sector 357): 0.509739; “Real estate establishments” (IMPLAN Sector 360): 0.215315; “All other miscellaneous professional, scientific, and technical services” (IMPLAN Sector 380): 0.445808; “Office administrative services” (IMPLAN Sector 384): 0.936526; “Offices of physicians, dentists, and other health practitioners” (IMPLAN Sector 394): 0.851173; and “Personal and household goods repair and maintenance” (IMPLAN Sector 418): 0.562393.
### Table 31
**ESTIMATED PURCHASING POWER: RENTAL UNITS**

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number of Units</th>
<th>Monthly Rent/Unit</th>
<th>Annual Rent/Unit</th>
<th>Estimated Gross Household Income/Unit</th>
<th>Discretionary Spending/Unit</th>
<th>Total Discretionary Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Market Rate Units</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-Bedroom</td>
<td>78</td>
<td>$1,600</td>
<td>$19,200</td>
<td>$64,000</td>
<td>$6,400</td>
<td>$499,200</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>102</td>
<td>$2,000</td>
<td>$24,000</td>
<td>$80,000</td>
<td>$8,000</td>
<td>$816,000</td>
</tr>
<tr>
<td><strong>Workforce Units</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-Bedroom</td>
<td>34</td>
<td>$1,280</td>
<td>$15,360</td>
<td>$51,200</td>
<td>$5,120</td>
<td>$174,080</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>10</td>
<td>$1,600</td>
<td>$19,200</td>
<td>$64,000</td>
<td>$6,400</td>
<td>$64,000</td>
</tr>
<tr>
<td><strong>Total: All Rental Units</strong></td>
<td><strong>224</strong></td>
<td><strong>--</strong></td>
<td><strong>$77,760</strong></td>
<td><strong>--</strong></td>
<td><strong>--</strong></td>
<td><strong>$1,553,280</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

**Condominium Units**
The *Tax Impact/School District Analysis* assumes that purchasing power for residents of the condominiums is based on annual imputed rents, and the household income associated with them. The *Tax Impact/School District Analysis* assumes the HUD guideline that rents should consume no more than 30% of household income, and therefore purchasers of market-rate condominium units would have incomes of approximately $96,000 while purchasers of the workforce condominium units would have incomes of approximately $76,800. The analysis further assumes that 15% of these gross incomes would be available for discretionary purchases. As seen in **Table 32**, annual discretionary purchasing power of those living within the condominium units is anticipated to total $4.1 million.

### Table 32
**ESTIMATED PURCHASING POWER: CONDOMINIUM UNITS**

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number of Units</th>
<th>Imputed Monthly Rent/Unit</th>
<th>Imputed Annual Rent/Unit</th>
<th>Estimated Gross Household Income/Unit</th>
<th>Discretionary Spending/Unit</th>
<th>Total Discretionary Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Market Rate Units</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>253</td>
<td>$2,400</td>
<td>$28,800</td>
<td>$96,000</td>
<td>$14,400</td>
<td>$3,643,200</td>
</tr>
<tr>
<td><strong>Workforce Units</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>41</td>
<td>$1,920</td>
<td>$23,040</td>
<td>$76,800</td>
<td>$11,520</td>
<td>$472,320</td>
</tr>
<tr>
<td><strong>Total: All Condominium Units</strong></td>
<td><strong>294</strong></td>
<td><strong>--</strong></td>
<td><strong>--</strong></td>
<td><strong>--</strong></td>
<td><strong>--</strong></td>
<td><strong>$4,115,520</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

**Townhouse Units**
The *Tax Impact/School District Analysis* assumes that purchasing power for residents of the townhouses is based on selling prices, and the household income associated with them. The *Tax
Addendum to Tax Impact/School District Analysis
Meadows at Yaphank PDD

*Impact/School District Analysis* assumes that the selling prices would be 2.5 times the annual household income, and therefore purchasers of townhouse units would have incomes of between $144,000 and $154,000. The analysis further assumes that 15% of these gross incomes would be available for discretionary purchases. As seen in Table 33, annual discretionary purchasing power of those living within the townhouse units is anticipated to total $7.4 million.

### Table 33
**ESTIMATED PURCHASING POWER: TOWNHOUSE UNITS**

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number of Units</th>
<th>Sales Price</th>
<th>Estimated Gross Household Income/Unit</th>
<th>Discretionary Spending/Unit</th>
<th>Total Discretionary Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-Bedroom Senior</td>
<td>107</td>
<td>$385,000</td>
<td>$154,000</td>
<td>$23,100</td>
<td>$2,471,700</td>
</tr>
<tr>
<td>Two-Bedroom</td>
<td>157</td>
<td>$360,000</td>
<td>$144,000</td>
<td>$21,600</td>
<td>$3,391,200</td>
</tr>
<tr>
<td>Three-Bedroom</td>
<td>68</td>
<td>$385,000</td>
<td>$154,000</td>
<td>$23,100</td>
<td>$1,570,800</td>
</tr>
<tr>
<td><strong>Total: All Condominium Units</strong></td>
<td><strong>332</strong></td>
<td>--</td>
<td>--</td>
<td>--</td>
<td><strong>$7,433,700</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

**All Housing Units**

Table 34 summarizes the annual purchasing power of residents of the Meadows at Yaphank PDD. In total, residents of the proposed project have purchasing power of over $13.1 million each year. It is important to note that these estimates are conservative, as it is likely that residents may have greater incomes than assumed for the purpose of this analysis, and therefore greater discretionary income levels.

### Table 34
**TOTAL PURCHASING POWER: RESIDENTIAL COMPONENT**

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Estimated Annual Discretionary Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Units</td>
<td>$1,553,280</td>
</tr>
<tr>
<td>Condominium Units</td>
<td>$4,115,520</td>
</tr>
<tr>
<td>Townhouse Units</td>
<td>$7,433,700</td>
</tr>
<tr>
<td><strong>Total: All Residential Units</strong></td>
<td><strong>$13,102,500</strong></td>
</tr>
</tbody>
</table>

Source: *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC. Revised analysis by Nelson, Pope & Voorhis, LLC.

**Employees**

In addition to the residents of the proposed project, the *Tax Impact/School District Analysis* assumes that the 2,681 persons employed by the Meadows at Yaphank would be another source of purchasing power. The *Tax Impact/School District Analysis* assumes that employees “might purchase their lunch at the on-site restaurant or in the immediate vicinity. They could purchase
groceries at the on-site supermarket and patronize retailers and service firms elsewhere in the community.” As such, the analysis assumes that ten (10) percent of the gross total labor income (payroll) of $190.3 million would be spent on-site or within the nearby community. This equates to approximately $19 million in purchasing power, and when added to that of the residential units, it results in estimated purchasing power of approximately $32.1 million per year. The annual purchasing power stemming from both residents and employees of the Meadows at Yaphank PDD is illustrated in Table 35.

Table 35
TOTAL PURCHASING POWER

<table>
<thead>
<tr>
<th>Source of Purchasing Power</th>
<th>Estimated Annual Discretionary Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Units</td>
<td>$13,102,500</td>
</tr>
<tr>
<td>On-Site Employees</td>
<td>$19,030,652</td>
</tr>
<tr>
<td><strong>Total: Meadows at Yaphank PDD</strong></td>
<td><strong>$32,133,152</strong></td>
</tr>
</tbody>
</table>

Source: Tax Impact/School District Analysis by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.

Similar to job creation and labor income, and per the Tax Impact/School District Analysis, “Direct spending… would have an even greater positive impact on the local economy through the multiplier process. That is, this amount (of $32.1 million) would be spent and respent so that the ultimate impact would be a multiplier of the original expenditure.” As such, the direct purchasing power output of $32.1 million is projected to result in an induced impact of over $19.9 million, bringing the total economic impact of purchasing power output to over $52 million during annual operations.9

5.4 Summary of Economic Impacts

A summary of the derivation of the collective economic benefits during annual operations is provided in Table 36.

---

9 According to IMPLAN, a multiplier of 1.640592 represents the total dollar change in output that occurs in all industries for each additional dollar of output delivered to final demand through “Private Household Operations” (IMPLAN Sector 426) in Suffolk County, New York.
### Table 36

**ECONOMIC IMPACTS OF ANNUAL OPERATIONS**

<table>
<thead>
<tr>
<th>Impact Type</th>
<th>Employment (Number of Jobs)</th>
<th>Labor Income (Wages)</th>
<th>Output (Purchasing Power)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Impact</td>
<td>2,681</td>
<td>$190,306,519</td>
<td>$32,133,152</td>
</tr>
<tr>
<td>Indirect Impact</td>
<td>876</td>
<td>$56,715,808</td>
<td>$0</td>
</tr>
<tr>
<td>Induced Impact</td>
<td>1,148</td>
<td>$55,915,987</td>
<td>$19,934,434</td>
</tr>
<tr>
<td>Total Impact</td>
<td>4,705</td>
<td>$302,938,314</td>
<td>$52,067,586</td>
</tr>
</tbody>
</table>

Source: IMPLAN software; *Tax Impact/School District Analysis* by PMKB Consulting Associates LLC; Revised analysis by Nelson, Pope & Voorhis, LLC.
6.0 CONCLUSION

The Meadows at Yaphank PDD will meet the need for a lifestyle center in the hamlet of Yaphank through the provision of a high-quality, mixed-use development with a number of public benefits to meet the specific local and regional needs. The proposed development will provide workforce and age-restricted housing opportunities, which are much needed throughout the community. In addition, the proposed project will attract a variety of retail and mixed-use commercial uses to meet the local community needs. The proposed project would rehabilitate the property by replacing a partially cleared and previously used site that is now subject to unauthorized use and activity, with a mixed-use and vibrant community having a sense of place that provides enjoyment for local residents, employees and consumers alike.

The PDD will complement the surrounding land uses while providing an economic return to local taxing jurisdictions through increased tax revenues – including those stemming from the generation of sales tax, as well as mortgage recording tax revenues. Moreover, the proposed project will generate long-term employment opportunities for the Town of Brookhaven and area residents, during project operations. Such economic benefits are most crucial during the current economic state throughout Long Island, New York State and the nation as a whole.

The Meadows at Yaphank PDD will create strong economic activity through the provision of jobs and a significantly improved tax base. As seen in Section 4.0, it is projected that the development of the Meadows at Yaphank PDD will have a beneficial impact on local fiscal conditions. At full build-out, the development is projected to generate approximately $12 million in annual property taxes. This represents a net increase of over $11.1 million, nearly 14 times the amount of revenues generated under existing site conditions. These annual property taxes will be distributed among the Town of Brookhaven, Suffolk County, and local and special taxing jurisdictions throughout the Town.

The Meadows at Yaphank PDD will also levy property taxes for the Longwood Central School District, fully covering the added expenditures resulting from an increased enrollment. This net revenue – topping $5.8 million (excluding state aid) – will likely help to 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.

It is projected that the operation of the Meadows at Yaphank PDD will generate approximately $91.2 million in annual sales (subject to sales tax) and nearly $7.9 million in annual sales tax revenues. These annual property taxes will be distributed among all local sales taxing jurisdictions, including New York State, Suffolk County and the New York State Metropolitan Commuter Transportation District. The Meadows at Yaphank PDD will also provide an economic return to local taxing jurisdictions through increased mortgage recording tax revenues, anticipated to total $1.9 million. These revenues will be distributed to the Town of Brookhaven and the Metropolitan Commuter Transportation District.

Moreover, as seen in Section 5.0, it is projected that the annual operations of the Meadows at Yaphank PDD will contribute positively to the local economy. The proposed project will
generate both immediate and permanent employment opportunities for the Town of Brookhaven and area residents. During the operation of the development, long term jobs, labor income and purchasing power will also offer direct, indirect and induced benefits to the Hamlet of Yaphank, the Town of Brookhaven, Suffolk County and the region as a whole. These benefits created during annual operations of the Meadows at Yaphank PDD 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.
7.0 REFERENCES


Suffolk County Clerk’s Office, Mortgage Tax Division. Riverhead, New York.

Suffolk County Clerk’s Office, Recording Division. Riverhead, New York.

ATTACHMENT A
Nelson, Pope & Voorhis, LLC
Economic Qualifications
Nelson, Pope & Voorhis, LLC was formed in 1997 and has grown in capabilities and size since that time. The merging of Charles Voorhis & Associates (9 year history) with Nelson & Pope (a 50-year tradition in engineering and related services) created an environmental planning firm with a wealth of experience to bring to complex environmental problem solving, planning and feasibility, resource assessment and site investigations.

Nelson, Pope & Voorhis serves governmental and private sector clients in preparing creative solutions in the specialized area of complex environmental project management and land use planning and analysis.

Nelson, Pope & Voorhis has the benefit of knowledge of local issues, local resources, and the passion to provide the very best solutions and strategies for the local area. This provides unparalleled knowledge of the application of the community planning process, comprehensive planning and SEQRA Administration. The result is a team of highly compatible land use professionals that will get the job done in a manner that ensures real and implementable solutions.

Nelson, Pope & Voorhis employees are recognized as experts in environmental, land use and planning issues and have provided consulting services to various municipalities. NP&V encourages continuing education through participation in conferences and seminars for all staff and holds regular training luncheons utilizing APA and other training packages.

Nelson, Pope & Voorhis has a capable staff of professionals, including planners, ecologists, hydrologists, wetlands specialists and environmental professionals. When integrated with technical staff of Nelson & Pope, the team is expanded to include civil, sanitary and transportation engineers and land surveyors.

Nelson, Pope & Voorhis would appreciate the opportunity to discuss how we can assist you in achieving your goals. We are committed to providing quality environmental, planning and consulting services to all clients. This statement of qualifications is an introduction to the many services we provide with a focus on municipal services; the following pages contain a more detailed presentation of services offered by Nelson, Pope & Voorhis, as well as a sampling of completed projects and key staff resumes.

Call us at (631) 427-5665. We welcome the opportunity to serve your environmental, planning and consulting needs.
Charles Voorhis is managing partner and is a member of the American Institute of Certified Planners (AICP) and is a Certified Environmental Professional (CEP), having over 28 years of experience in environmental planning on Long Island and the New York area. Mr. Voorhis oversees the business in terms of management, marketing and expertise, provides expert testimony in hearings and court proceedings, and ensures that client needs are served to the best of the firm’s ability.

The firm has significant expertise in applied use of the State Environmental Quality Review Act (SEQRA) with understanding of the practical and legal use of this law from both the private and municipal perspective. Staffing includes environmental professionals assembled to work together as a team with complementary expertise and interests. NP&V personnel maintain wildlife collection permits in New York State, and are active contributors to the Long Island Geographic Information System (GIS) user group meetings and publications.

The firm has developed a number of copyright protected computer models for environmental analysis in the areas of: wildlife and ecology; water budget analysis and groundwater impacts; economic and market analysis; and stormwater impact prediction. The reports and graphics generated for projects are high in quality and professionally prepared through the use of state-of-the-art technology in digital aerial photography, geocoding and mapping of site features using global positioning systems, AutoCAD analysis/mapping, geographic information systems (GIS), CommunityViz, custom spreadsheet models for regional land use impact assessment, and related technological tools for advanced data management and word processing. The seamless integration of environmental and engineering services with Nelson & Pope is accomplished by direct communication and computer networking to ensure that projects are managed through the review process to the development stage.

NP&V features three divisions, created to better serve clients with high quality, innovative and responsive consulting services in all aspects of environmental planning.
Nelson Pope & Voorhis

The Three Divisions of NP&V...

<table>
<thead>
<tr>
<th>Environmental Planning Consulting</th>
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</thead>
<tbody>
<tr>
<td>Municipal Planning</td>
</tr>
<tr>
<td>SEQRA Compliance</td>
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<tr>
<td>Harbor Management Planning</td>
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<tr>
<td>Feasibility Studies</td>
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<tr>
<td>Due Diligence Assistance</td>
</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>Environmental Site Assessment</td>
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<tr>
<td>Environmental Science &amp; Analysis</td>
</tr>
<tr>
<td>Wetland Permitting</td>
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<tr>
<td>Storm Water Management Plans</td>
</tr>
<tr>
<td>Waterfront &amp; Coastal Zone Projects Mapping</td>
</tr>
<tr>
<td>Watershed Management &amp; Water Supply Permitting &amp; Processing</td>
</tr>
</tbody>
</table>

The division of Environmental & Community Planning specializes in comprehensive local and regional planning. Technology is key in today’s planning field and NP&V continues to keep pace with the most current tools available for planning applications. Use of Geographic Information System (GIS) software, 3D Analyst, ArcScene and Spatial Analyst, as well as CommunityViz (3-D simulation and analysis software), architectural modeling software, AutoCAD, and planning and analysis software and spreadsheets, results in rapid, accurate and high quality data, analysis, illustration and reporting. This division conducts planning studies, revitalization plans, community development/public participation activities, and human resource analysis including noise, air, demographic, socio-economic and visual resource assessment (including 3D simulations, photo simulations and shadow studies). The division is directed by Kathryn Eiseman, AICP and includes planners and GIS specialists with environmental, planning and architectural backgrounds.

The division of Environmental Resource & Wetlands Assessment provides quality services in the preparation of Environmental Impact Statements (EIS’s), Environmental Assessments (EA’s), planning and zoning law review and preparation, stormwater permitting and erosion control compliance, and wetland delineation, assessment, mitigation and permitting. This division is headed by Carrie O’Farrell and has a capable staff including environmental scientists, wetland ecologists and environmental professionals to ensure timely delivery of quality products.

The division of Phase I/II Assessments & Remediation performs Phase I and II Environmental Site Assessments (ESA’s), voluntary cleanup, brownfields cleanup, RI/FS and all aspects of site remediation and investigation. The division is headed by Steven McGinn, CEI, AICP, a member of Nelson & Pope’s environmental services branch for 13 years with significant experience in preparation of Phase I/II ESA’s field investigations and remediation. This division includes a staff of hydrogeologists and environmental professionals and coordinates required field equipment and laboratory services. NP&V has performed large and small assessments and provides the fastest possible turnaround to meet due diligence periods and deadlines which are often a factor in real estate transactions. NP&V Phase I/II ESA services are known and accepted by lending institutions throughout the tri-state area. NP&V owns, maintains and operates GPR (Ground Penetrating Radar) and PowerProbe units to provide expanded services in site investigations. A description of NP&V qualifications and resumes of personnel proposed for the project and specific project experience is included in the following pages.
<table>
<thead>
<tr>
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</tr>
</thead>
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</tr>
<tr>
<td>Permitting &amp; Processing</td>
</tr>
</tbody>
</table>

**Nelson Pope & Voorhis**

572 Walt Whitman Road  
Melville, New York  
11747

Phone: 631-427-5665  
Fax: 631-427-5620  
npv@nelsonpope.com

**Summary of Services...**

**Municipal Planning:** Full environmental and planning review services for municipalities including site plan and subdivision review, zoning board review and SEQRA Administration.

**Regional and Community Planning:** Conceptual site development planning; public outreach: visioning workshops and charrettes; development alternatives; zoning; site yield studies; build-out analysis; visual analysis (3-D modeling; photo simulations) and comprehensive regional and hamlet planning studies...

**Feasibility and Due Diligence Assistance:** Comprehensive research into site development related issues affecting project implementation, timing and costs...

**Economic Planning:** Housing incentives and programs; community development; and economic impact and market studies...

**Environmental Site Assessment:** Phase I, II, and III environmental site assessments; geophysical surveys; GPR services; remedial investigation and feasibility studies; Brownfield investigations; voluntary cleanup program; oil spill closure; groundwater investigations and modeling; asbestos and lead testing and abatement...

**Environmental Science and Analysis:** Environmental impact statements (EIS); assessment forms (EAF); ecological and wildlife studies; noise and air emission impact studies; and compliance with Federal, State & local environmental regulations & laws...

**Wetland Permitting:** Flagging and identification of fresh water and tidal wetlands; preparation of wetland permitting; and wetland restoration plans...

**Storm Water Management Plans:** Design of management plans for storm water and erosion control compliance with latest Federal and State regulations; preparation and processing of NOI; and site compliance during construction...

**Waterfront and Coastal Zone Projects:** Planning; permitting of waterfront improvement projects; water quality data management and studies; and docking facilities...

**Mapping:** Inventory of physical features; GIS mapping; data management and analysis; and ground penetrating radar for identification of subsurface conditions...

**Watershed Management and Water Supply:** Comprehensive regional watershed and water supply management and planning studies...

**Permitting and Processing:** Preparation and processing of environmental applications for submittal; client representation before municipal agencies and departments and expert testimony for legal support and hearings...
Many of our clients know of our quality services in tax revenue and demographic impact analysis including demographic and school district impact assessments. This expertise combined with our expert use of Geographic Information System (GIS) and census data has allowed NP&V to complete quality fiscal and economic impact studies since the company was formed in 1997.

Our fiscal impact analyses identify project benefits in terms of tax revenue projections and demand for community services from various providers. We have expanded our capabilities and recently, our economic impact analyses concentrate on an expanded quantification of project benefits including job generation during the construction and operation of development, projected salaries, consumer spending, sales tax generation from spending and other economic “ripple effect” benefits. It is critically important to understand the full benefits of economic development projects during difficult economic times.

We now offer market analyses and feasibility studies to determine potential success of projects related to demand for a given business model, within a trade area, in consideration of consumer spending, competition and market demand. Such studies are invaluable in assessing project feasibility and assist with addressing potential socio-economic impacts.

NP&V has a track record of completed, successful and built projects involving fiscal impact analysis, demographic assessment, market studies and customized analyses of community service related impacts in nearly all Towns in Nassau and Suffolk Counties. NP&V’s economic planning expertise can be integrated into economic development strategies, project feasibility, balancing of mixed-use project scenarios, community development and assistance programs and needs assessments. Please contact us for more information on how we can assist with the economic planning aspects of your development, re-development, revitalization or community needs assessment project.
PERSONAL PROFESSIONAL QUALIFICATIONS

Licensing and Certification:

- Certified Environmental Professional (CEP)
- American Institute of Certified Planners (AICP)
- Certified Environmental Inspector, Environmental Assessment Association
- US Coast Guard Master Steam and Auxiliary Sail Vessels

Experience:

- Managing Partner of Firm, Nelson, Pope & Voorhis, LLC; Melville, New York (1/97-Present)
- Principal of Firm, Charles Voorhis & Associates, Inc.; Miller Place, New York (8/88-1/97)
- Director, Division of Environmental Protection, Department of Planning, Environment and Development; Town of Brookhaven, New York (3/86-8/88)
- Environmental Analyst, Division of Environmental Protection, Department of Planning, Environment and Development; Town of Brookhaven, New York (8/82-3/86)
- Private and Public Consultant, Planning and Environmental Issues (8/82-3/87)
- Public Health Sanitarian, Suffolk County Department of Health Services; Hauppauge, New York (1/80-8/82)
- Environmentalist I, Suffolk County Department of Environmental Control, Central Islip, New York (2/78-8/79)

Education:

- SUNY at Stony Brook; Master of Science in Environmental Engineering, concentration in Water Resource Management, 1984
- Princeton Associates; Groundwater Pollution and Hydrology Short Course, Princeton, New Jersey, 1983
- New York State Health Department, Environmental Health Training Course, Hauppauge, New York, 1982
- Southampton College of Long Island University; Bachelor of Science in Environmental Geology, 1977

Significant Professional Achievements:

- Lake Agawam Comprehensive Management Plan, 2008
- Southold TDR Planning Report and GEIS, 2008
- Suffolk County North Shore Estuaries Watershed Management Plan, 2007
- Mt. Sinai Harbor Management Plan, 2006
- The Residences at North Hills, DEIS and FEIS, 2005-06
- Shelter Island Water Supply Study, 2005
- Town of Southold Comprehensive Implementation Strategy, 2003
- Setauket Fire District Needs Analysis, 2001
- Southampton Agricultural Opportunities Subdivision, DEIS, FEIS and Findings, 2001
- Old Orchard Woods, DEIS and FEIS, 2000
- Town of Smithtown Armary Park, DEIS, 2000
- Town of Southold Water Supply Management & Water Protection Strategy, 2000
- CVS @ Greenlawn, DEIS and FEIS, 1998
- Knightsbridge Gardens, DEIS and FEIS, 1997
- Camelot Village @ Huntington, DEIS, 1997
- Airport International Plaza, DEIS and FEIS, 1996
- Price Club @ New Rochelle, DEIS and FEIS, 1995
- Commack Campus Park @ Commack DEIS and FEIS, 1994
- Water Mill Shops @ Water Mill DEIS, 1993
- PJ Venture Wholesale Club @ Commack DEIS and FEIS, 1993
- Dowling College NAT Center DEIS and FEIS, 1992
- Final EIS Angel Shores @ Southold, 1991
- Town of Brookhaven Boat Mooring Plan, 1991
- Draft EIS Round Hill @ Old Westbury, 1990
- GEIS Commercial Rezonings on the Towns Own Motion, 1988
- Draft EIS St. Elsewhere @ Nesconset, 1989
- EQBA, Acquisition Study for Brookhaven Town, 1987
- Award for Environmentally Sensitive Land Design, Pine Barrens Review Comm., 1988
- Town of Brookhaven Land Use Plan, 1987
- Discussion of Hydrogeologic Zone Boundaries in the Vicinity of S. Yaphank, LI, NY, 1986
- Comprehensive Review of Industrial Zoned Land in the Sensitive Hydrogeologic Zone, Brookhaven, 1983

Professional & Other Organizations (past and present):

- American Planning Association, Washington, D.C.
- National Association of Environmental Professionals, Alexandria, VA
- Environmental Assessment Association, Scottsdale, Arizona
- American Water Resources Association, Syracuse, New York
- New York Water Pollution Control Association, Riverdale, New York
- Water Pollution Control Federation, Washington, D.C.
- Long Island Seaport & EcoCenter, Inc., Director, Port Jefferson, NY
- Boy Scouts of America, Trained Scoutmaster, Nathaniel Woodhall District, NY
- Historical Society of Port Jefferson, Trustee, Port Jefferson, NY
- Environmental Conservation Board, Village of Port Jefferson, NY
- Port Jefferson Village, Waterfront Advisory Committee, Port Jefferson, NY
- Town of Brookhaven Mount Sinai Harbor Advisory Committee, Medford, NY
- Brookhaven Conservation Advisory Council, Medford, NY
Licensing and Certification:

- American Institute of Certified Planners (AICP)

Experience:

- Partner/Division Manager of the Environmental & Community Planning Division, Nelson, Pope & Voorhis, LLC (Melville, NY) and Charles Voorhis & Associates, Inc. (Miller Place, NY) (7/93 to Present). Project management, preparation of planning studies, downtown revitalization plans, visual preference surveys and public workshop planning and facilitation, environmental impact statements, Geographic Information Systems analysis and mapping, air impact studies, air dispersion modeling (CAL3QHC), noise impact analysis and mitigation, conduct planning studies for land use compatibility/precedent, school and fiscal analysis, testimony at Planning Board meetings.


Education:

- State University of NY at Stony Brook, Masters Degree in Environmental and Waste Management, 12/96.

- State University of New York at New Paltz; New York (9/89- 6/93). Graduate studies in mathematics, education, computer science, environmental studies and liberal arts.


- Université de Grenoble; Grenoble, France. French language certificate program for foreign students, 5/84.

Significant Professional Achievements:

- Planning Consultant to the Village of Southampton, ongoing
- Eastern Waterfront Community Vision & Revitalization Plan, 6/09
- Lake Ronkonkoma Clean Lakes Study Update, 7/08
- Suffolk County North Shore Embayments Watershed Management Plan, (Final), 11/07
- Syosset Downtown Redevelopment & Revitalization Plan, 9/05
- East Hills Architectural Review Board Planning Study, 1/05
- East Hills Residential Bulk Regulations Review & Study, 1/05
- Custom 3D computer model of proposed Korean Church, Lake Success, 3/04
- Stormwater Outfall and Conveyance Inventory and Mitigation Plan for Town of Islip, 2003
- Mt. Sinai Harbor Shellfish Closure Area Investigation, Town of Brookhaven, 2/03
- Visual Preference Survey, Port Jefferson Village, 6/02
- Setauket Fire District Needs Analysis, Setauket, New York, 2001
- Review of Past Water Quality Studies, Port Jefferson Village, 2000
- Stormwater Study, Inventory & Analysis of Stormwater Outfalls for the Town of Brookhaven South Shore Bays, 1996, West Meadow Creek, 2000, and Town of Islip, 2001
- Draft & Final EIS, Colony @ Plainview, 1998
- Noise Studies for Pep Boys & Sears Automotive Centers, 1997-1998

Professional Organizations, Certifications & Training:

- APA Metro Long Island Section Treasurer
- Boys & Girls Club of Bellport Advisory Council Member
- American Institute of Certified Planners since July 2000
- American Planning Association Member since 1997
- IAP2 Certificate Course in Public Participation, January 2004
- CommunityViz Scenario Constructor, SiteBuilder 3D™, Policy Simulator training, November 2002
- Introduction to ArcView GIS, ESRI 16 hour course, 4/00
- Rutgers University, Methodology of Delineating Wetlands, July 1987
Experience:

- **Economic Analyst/Planner, Nelson, Pope & Voorhis, LLC (March 2009-Present)**
  - Completed fiscal impact and economic impact analyses, as well as property tax and sales tax analyses on planned development districts, as well as residential, commercial, recreational and mixed-use developments
  - Prepared market feasibility analyses, zoning analyses and needs assessments
  - Completed analyses to assess and quantify impacts to local community service providers
  - Involved with the preparation of SEQR review documents including Environmental Assessment Forms and Environmental Impact Statements
  - Conducted demographic and socioeconomic analyses
  - Prepared proposals and other marketing efforts

  - Completed comprehensive/master plans in urban, suburban and rural communities
  - Conducted comprehensive community needs assessments, and demographic and socioeconomic analyses at the county, municipal and neighborhood level
  - Heavily involved in economic development strategies, mall redevelopment, and tourism plans
  - Prepared market analyses and feasibility studies, as well as fiscal and economic impact analyses on residential, commercial, office space and alternative energy developments
  - Prepared corridor management plans, environmental impact statements, brownfield and industrial park redevelopment plans, local waterfront revitalization programs, parking demand analyses
  - Facilitated public participation and community visioning processes, as well as public forums regarding housing, public safety and economic development
  - Created maps, images, graphics and other visuals for various plans and presentations
  - Prepared and reviewed grants for federal, state and local funding sources

Education:

- **Master of Urban Planning, Specialization in International and Economic Development**
  State University of New York, University at Buffalo, 2006

- **Dual Major - Bachelor of Arts in Economics/International Relations**
  Specialization in Economic Development
  State University of New York, College at Geneseo, 2004

Technical Expertise and Skills:

- Microsoft Access, Excel, Frontpage, Publisher, Word & Works
- Adobe Acrobat, Illustrator, InDesign and Photoshop
- ESRI ArcMap 9.3
- SPSS
- MobileMapper and GPS Pathfinder Office
- Trimble and Thales GPS Units

Professional Organizations and Interests:

- American Planning Association, Member
- United States Green Building Council, Member
- Ronald McDonald House of Long Island, Volunteer
- Special Olympics of New York, Long Island Region, Volunteer
- Alpha Phi Omega, Alumni