

# *The Meadows At Yaphank*

## *Master Plan & Approval Documents*

RECEIVED  
2011 DEC 29 AM 9 06  
TOWN CLERK  
TOWN OF BROOKHAVEN



RECEIVED  
2011 DEC 29 AM 9 06  
TOWN CLERK  
TOWN OF BROOKHAVEN

### **Contents:**

- *Master Plan*
- *Land Use and Development Plan*
- *Phasing Plan*
- *Form Based Mater Plan*
- *Change of Zone: The Meadows at Yaphank - Resolution adopted by the Brookhaven Town Board - October 4, 2011*
- *SEQR Findings Statement for the Meadows at Yaphank – Resolution adopted by the Brookhaven Town Board – October 4, 2011*

# *Master Plan*



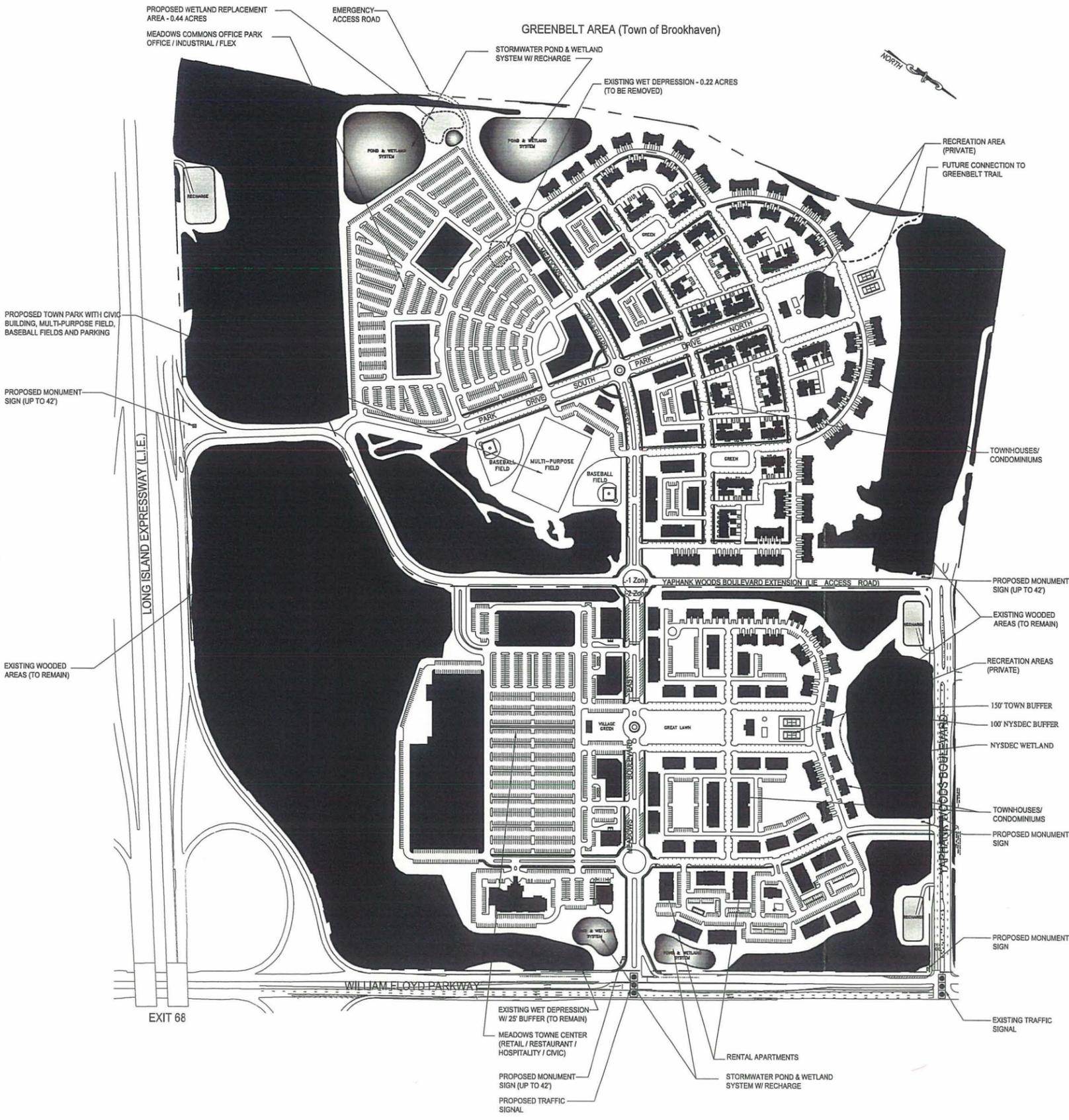
# *Land Use and Development Plan*

# THE MEADOWS AT YAPHANK

NO.	DESCRIPTION	DATE
1	All Town Code Compliance Table	05.29.10
2	General Revision	03.20.10
3	General Revision	01.04.11
4	Althaus Commented Layout	03.23.11
5	Althaus Commented & Modified	03.24.11
6	FIELD PLAN	07.20.11
7	FIELD PLAN	08.11.11
8	Revised per resolution 201144	12.19.11

DEVELOPMENT SUMMARY			
COMMERCIAL COMPONENT		RESIDENTIAL COMPONENT	
RETAIL	327,500 sf GFA	TOWNHOUSES	332 UNITS
RESTAURANT	5,000 sf GFA	CONDOMINIUMS	294 UNITS
OFFICE/INDUSTRIAL/FLEX	550,000 sf GFA	RENTAL APTS	224 UNITS
PROPOSED HOTEL	150,000 sf GFA		
<b>TOTAL GFA</b>	<b>1,032,500 sf</b>	<b>TOTAL</b>	<b>850 UNITS</b>

CLEARING SUMMARY	
Total Property Area (Includes Yaphank Woods Blvd. R.O.W)	322.37 (acres)
Total Allowable Pine Barren Clearing Area	209.54 (65% of Total Site)
Existing Cleared Property Area	188.85
Proposed Additional Clearing	16.54
<b>Total Proposed Developed Area</b>	<b>*205.39± (63.7% of Total Site)</b>
Existing Natural Area to Remain	116.98± (36.3% of Total Site)
(*) Includes 3.5 Acres Of Existing Pavement Retained in Yaphank Woods Boulevard	



### SECTION 85-229 Dimensional Criteria (I-2 Business District - 150.14 acres)

Item	Permitted	Existing	Proposed
Minimum Lot Area	5 Acres	130.14 Acres	No Minimum (f)
Minimum Lot Width	300 FT	2500 FT +/-	No Minimum (g)
Minimum Front Yard Setback	100 FT	100 FT	100 FT (g)
Minimum Side Yard Setback	50 FT	50 FT	50 FT (g)
Minimum Rear Yard Setback	75 FT	75 FT	75 FT (g)
Maximum Permitted Floor Area Ratio (FAR)	16% (1,046,116 SF)	None	15% +/- (g)
Maximum Permitted Height	35 ft / 2 1/2 Stories	None	up to 3 stories / 75 FT (h)

- (f) Proposed PDD contains multiple uses such as office, hotel, retail & residential (apartments, condominiums, townhouses, etc) for single lots for residential units will vary from 1,300 sf and up and for widths from 16' and up.
- (g) Setbacks under existing zone will be maintained on the overall perimeter of the existing lot. No minimum setbacks are hereby established for lots and uses proposed under the PDD.
- (h) Under the proposed PDD a total of approximately 2,098,870 SF of total floor area is proposed encompassing both commercial and residential uses. This total floor area encompasses both parcels (170.23 acres & 150.14 acres) totaling 320.37 acres or a FAR of approximately 15% for the total development.
- (i) Under the PDD Plan, Hotel/Office bldgs up to 5 stories/75', Apartments/Condominiums up to 4 stories/45', Town Houses up to 3 stories/45', Retail up to 2 Stories/35'. Maximum height measured from the average adjoining finished grade to the highest point of the roof if flat or the midpoint of the roof if sloping gabled.

### SECTION 85-313 Dimensional Criteria (L-1 Zoning District - 172.23 acres)

Item	Permitted	Existing	Proposed
Minimum Lot Area	120,000 SF	1,532,368 SF (172.23 Acres)	No Minimum (f)
Minimum Lot Width	200 FT	2300 FT +/-	No Minimum (g)
Minimum Front Yard Setback	100 FT	100 FT	100 FT (g)
Minimum Side Yard Setback	50 FT	50 FT	50 FT (g)
Minimum Rear Yard Setback	50 FT	50 FT	50 FT (g)
Maximum Permitted Floor Area Ratio (FAR)	30% (2,150,700 SF)	None	15% +/- (g)
Maximum Permitted Height	50 ft / 3 Stories	None	up to 5 stories / 75 FT (h)

- (f) Proposed PDD contains multiple uses such as office, hotel, retail & residential (apartments, condominiums, townhouses, etc) for single lots for residential units will vary from 1,300 sf and up and for widths from 16' and up.
- (g) Setbacks under existing zone will be maintained on the overall perimeter of the existing lot. No minimum setbacks are hereby established for lots and uses proposed under the PDD.
- (h) Under the proposed PDD a total of approximately 2,098,870 SF of total floor area is proposed encompassing both commercial and residential uses. This total floor area encompasses both parcels (170.23 acres & 150.14 acres) totaling 320.37 acres or a FAR of approximately 15% for the total development.
- (i) Under the PDD Plan, Hotel/Office bldgs up to 5 stories/75', Apartments/Condominiums up to 4 stories/45', Town Houses up to 3 stories/45', Retail up to 2 Stories/35'. Maximum height measured from the average adjoining finished grade to the highest point of the roof if flat or the midpoint of the roof if sloping gabled.

### SECTION 85-50 Land Development Standards (I-2 & L-1 Zoning Districts)

Item	Required	Proposed
Minimum Landscape/Natural Area	20% (66,111 acres)	37.6% (121.16 acres +/-) (f)
Minimum Buffer to Road Frontage	50 FT	50 FT (g)
Landscape Separation of Parking Areas	100 Cur	100 Cur (g)
Landscape Slope within Parking Areas	10' wide	20' w/ Ped Walks
Buffer Requirements		
Commercial Uses	25' Adj to Res District	25' (f)
L-1 District Uses	25' Adj to Res District	25' (f)
Commercial Center	75' Adj to Res District	75' (f)
Commercial Street Frontage	75' Adj to Res District	75' (f)

- (f) The property must comply with the General Pine Barren Competitive Land Use Plan (CPCLUP) with a minimum 15% Natural regression restriction.
- (g) Buffers under existing zone will be maintained on the overall perimeter of the existing lot. No minimum buffers are hereby established for the development.
- (h) Under the proposed Brookhaven Walk Project, this requirement was increased to 100 cur, which is also proposed for the PDD.
- (i) Under the PDD Plan, Hotel/Office bldgs up to 5 stories/75', Apartments/Condominiums up to 4 stories/45', Town Houses up to 3 stories/45', Retail up to 2 Stories/35'. Maximum height measured from the average adjoining finished grade to the highest point of the roof if flat or the midpoint of the roof if sloping gabled.

### SECTION 85-350 Required off-street parking spaces

Use (f)	Required	Proposed
Bank	1/100 sf gfa	1/200 sf gfa
Restaurant (for standing)	1/100 sf gfa	1/100 sf gfa
Commercial Center	1/175 sf gfa	1/200 sf gfa
Hotel	1/room	1/room
Office	1/150 sf gfa	1/250 sf gfa
Industrial	1/1000 sf gfa	1/1000 sf gfa
Residential		
Multi-family	1 per 2 beds	
Senior Use		0.75/unit + 0.5/bed (f)
L-1 Other Dwelling Units (Apartments/Townhouses)		1/unit + 0.5/bed (f)

- (f) Minimum of 0.5 spaces per unit shall be open to visitors/guests and can be accommodated with on street parking where available.

**NOTE:**  
 1. UNAUTHORIZED ADDITIONS, ALTERATIONS OR USE OF THIS PLAN IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.  
 2. THIS PLAN SHALL BE NULL & VOID UNLESS BEARING THE ORIGINAL SEAL & SIGNATURE OF THE DESIGN ARCHITECT/ENGINEER.  
 3. DO NOT SCALE PLANS.

ENGINEERING  
 ARCHITECTURE  
 LAND PLANNING

**SIMONE DESIGN GROUP**

Suffolk County, New York

THE MEADOWS AT YAPHANK  
 William Floyd Pkwy & Yaphank Woods Blvd.  
 LAND USE AND DEVELOPMENT PLAN - FGES PLAN

Town Of Brookhaven

SCALE: 1:200  
 DATE: 5.10.10  
**LU-1**

# *Phasing Plan*



**CONSTRUCTION PHASE LEGEND:**

- PHASE 1 [shaded box]
- PHASE 2 [shaded box]
- PHASE 3 [shaded box]
- PHASE 4 [shaded box]
- PHASE 5 [shaded box]

**NOTES:**

- PHASE 1 - APPROXIMATELY 425 RESIDENTIAL UNITS CONSISTING OF 224 RENTAL APARTMENTS, 71 TOWNHOUSES AND 130 CONDOS. APARTMENT AND CONDO UNITS WILL BE A MIX OF 1 & 2 BEDROOM AND TOWNHOUSE UNITS WILL BE A MIX OF 2 & 3 BEDROOM. IN ADDITION 51,200 S.F. OF NEIGHBORHOOD RETAIL WILL BE PHASED IN ALONG MEADOWS BOULEVARD BASED ON MARKET CONDITIONS. THE PUBLIC GREAT LAWN AND PRIVATE RECREATION AREA WILL BE CONSTRUCTED AS PART OF THE RESIDENTIAL COMPONENT AND THE VILLAGE GREEN WILL BE CONSTRUCTED AS PART OF THE RETAIL COMPONENT. ACCESS WILL BE THROUGH THE MAIN ENTRANCE ON WILLIAM FLOYD PARKWAY AND YAPHANK WOODS BOULEVARD. REQUIRED IMPROVEMENTS TO YAPHANK WOODS BOULEVARD SHALL ALSO BE MADE DURING THIS PHASE. ALSO, AS PART OF PHASE 1, THE MULTI-PURPOSE FIELD AND ONE BASEBALL FIELD WILL BE CONSTRUCTED AND PHASED IN. A TEMPORARY DRIVEWAY WILL BE PROVIDED FROM MEADOWS BOULEVARD EAST OR YAPHANK WOODS BOULEVARD UNTIL SUCH TIME AS PHASE 2 IS COMPLETED AT WHICH TIME A PERMANENT ACCESS SHALL BE PROVIDED FROM MEADOWS BOULEVARD WEST. PARKING SHALL BE PROVIDED AS NEEDED. **TIME FRAME ± 4 YEARS.**
- PHASE 2 - APPROXIMATELY 225 RESIDENTIAL UNITS CONSISTING OF 140 TOWNHOUSES AND 85 CONDOMINIUMS. RESIDENTIAL UNITS WILL BE A MIX OF 2 & 3 BEDROOMS. IN ADDITION, APPROXIMATELY 150,000 S.F. OF OFFICE SPACE WILL BE DEVELOPED BASED ON MARKET CONDITIONS ALONG MEADOWS BOULEVARD WEST. AS PART OF THIS PHASE, A SECONDARY ACCESS POINT WILL BE CONSTRUCTED TO YAPHANK WOODS BOULEVARD ON THE LONG ISLAND EXPRESSWAY ACCESS ROAD. THE COMMUNITY (CMIC) BUILDING, LOCATED IN THE PARK, WILL BE CONSTRUCTED AND DEDICATED AS PART OF THIS PHASE, WHICH WILL EVENTUALLY CONNECT TO THE LONG ISLAND EXPRESSWAY SERVICE ROAD. PERMANENT ACCESS TO PARK DRIVE AND MEADOWS BOULEVARD WEST WILL BE PROVIDED FOR THE PARK. **TIME FRAME ± 3 YEARS.**
- PHASE 3 - APPROXIMATELY 200 RESIDENTIAL UNITS CONSISTING OF 121 TOWNHOUSES AND 79 CONDOMINIUMS. RESIDENTIAL UNITS WILL BE A MIX OF 2 & 3 BEDROOMS. IN ADDITION, 276,300 S.F. OF RETAIL, INCLUDING THE SUPERMARKET, MAJOR RETAIL ANCHOR, AND ADDITIONAL RETAIL WILL BE DEVELOPED AS PART OF THIS PHASE. ALL COMMERCIAL DEVELOPMENT WILL BE PHASED BASED ON MARKET CONDITIONS. ALSO, A SECOND BALL FIELD WILL BE CONSTRUCTED DURING THIS PHASE. IN ADDITION, CONNECTION SHALL BE MADE THROUGH THE PROJECT FROM YAPHANK WOODS BOULEVARD TO LONG ISLAND EXPRESSWAY. PHASED OFF-SITE TRAFFIC IMPROVEMENTS WILL BE CONSTRUCTED AS REQUIRED BASED UPON NYSOT AND SCDPW RECOMMENDATIONS. **TIME FRAME ± 3 YEARS.**
- PHASE 4 - CONSISTS OF THE HOTEL (150,000 S.F.) AND RESTAURANT (5000 S.F.), AND ADDITIONAL OFF-SITE IMPROVEMENTS WILL BE PHASED IN. **TIME FRAME ± 2 YEARS.**
- PHASE 5 - CONSISTS OF APPROXIMATELY 400,000 S.F. OFFICE / INDUSTRIAL FLEX SPACE AND ANY REMAINING OFF-SITE IMPROVEMENTS. **TIME FRAME ± 2 YEARS.**

IT IS UNDERSTOOD THAT ULTIMATE MARKET CONDITIONS AT THE TIME OF CONSTRUCTION MAY MODIFY THIS PHASING TO SOME DEGREE AND THE IMMEDIATE NEED FOR ADDITIONAL COMMERCIAL DEVELOPMENT IN THE EARLY STAGES OF THE PROJECT MAY LEAD TO AN ACCELERATED SCHEDULE AND/OR PHASING SHIFT. THE ABOVE PHASE SCHEDULE IS NOT INTENDED TO BE CUMULATIVE. PROJECT BUILD-OUT WILL MOST LIKELY INVOLVE OVERLAPPING PHASES WITH TOTAL DEVELOPMENT PERIOD OF 10 YEARS ±.

NO.	REVISIONS	DESCRIPTION	DATE
1	General Revisions		02.28.10
2	General Revisions		01.04.11
3	General Revisions		07.20.11
4	General Revisions		01.01.11

• ENGINEERING  
• ARCHITECTURE  
• LAND PLANNING

33 MARKET  
SOUTH HALDEN, NY 10590  
TEL: 914-423-4250  
FAX: 914-423-4252

**SIMONE  
DESIGN  
GROUP**

Suffolk County, New York

THE MEADOWS AT YAPHANK  
William Floyd Parkway & Yaphank Woods Blvd.

PHASING PLAN - FGEIS PLAN

Town Of Brookhaven

**NOTE:**

- UNAUTHORIZED ADDITIONS, ALTERATIONS OR USE OF THIS PLAN IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
- THIS PLAN SHALL BE NULL AND VOID UNLESS BEARING THE ORIGINAL SEAL & SIGNATURE OF THE DESIGN ARCHITECT/ENGINEER.
- DO NOT SCALE PLANS.

DRAWN BY: CS  
CHECKED BY: DS  
SCALE: 1:200  
DATE: 5.10.10  
SHEET: PP-1

# *Form Based Master Plan*

# 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...

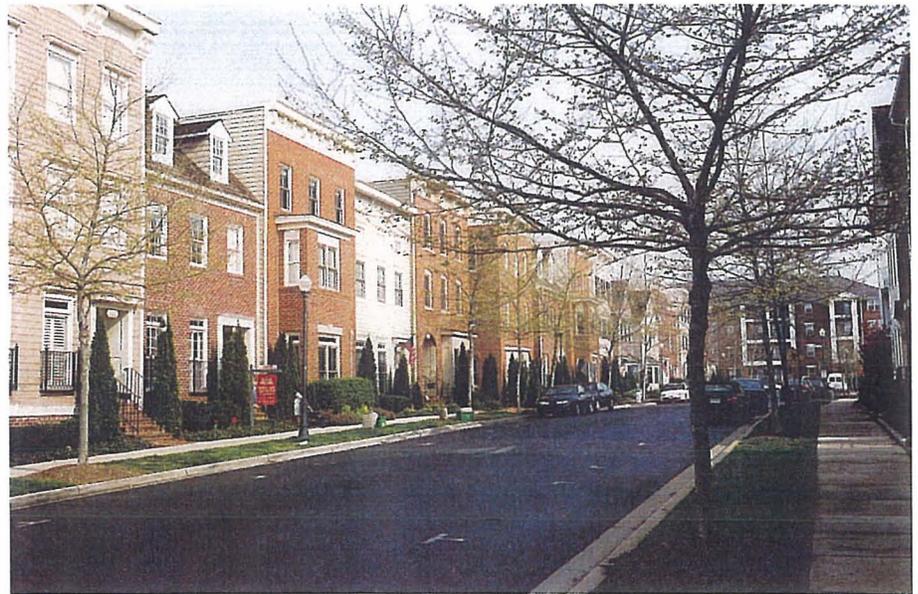


# Illustrative Master Plan.

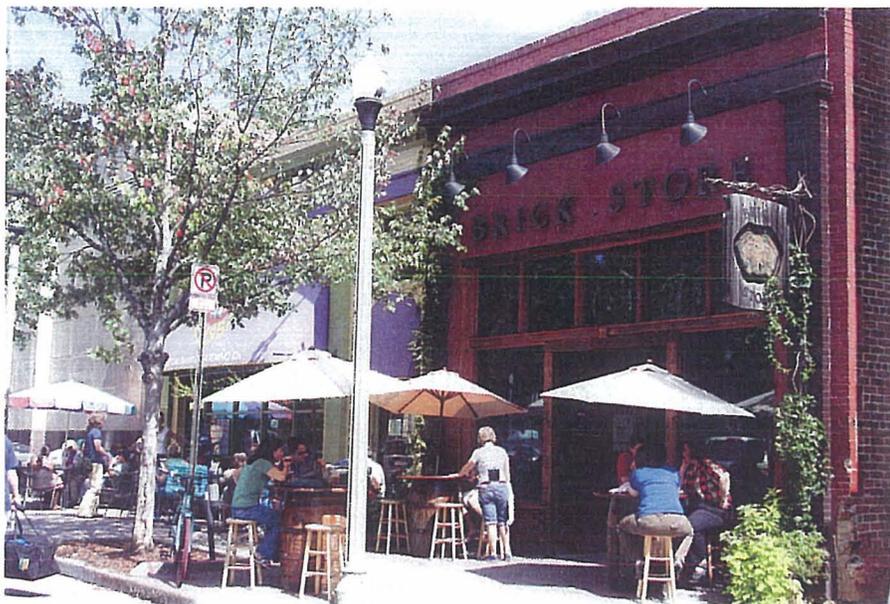
## THE COMMUNITIES OF COLONIAL WOODS AND WISPERING PINES



**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.



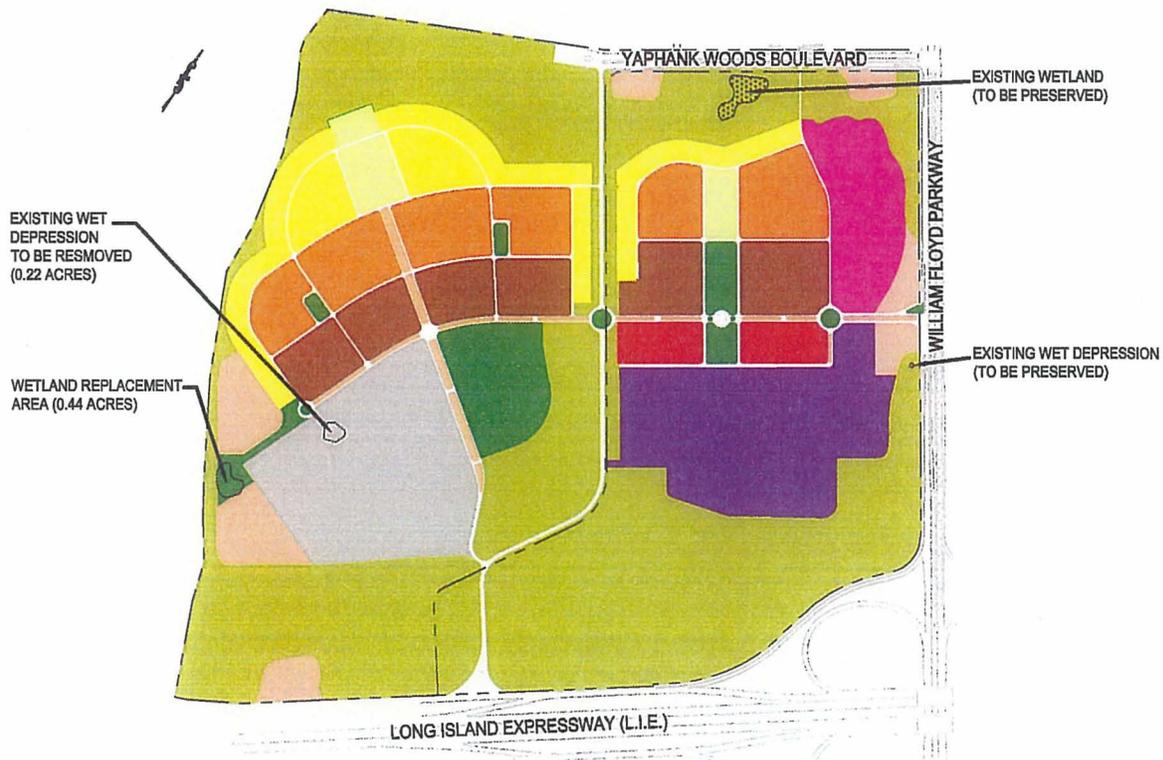
**Pedestrian Environment.** The most important aspect in defining the pedestrian realm is the careful design of the street network. Streets in the meadows have been designed for natural traffic calming and to resist cut throughs. Most importantly, streets design has focused on making the streetscape a safe and visually appealing experience to encourage walking, strolling and socializing.



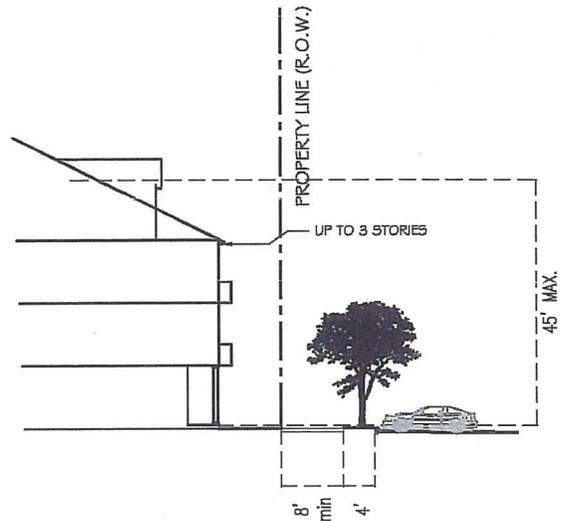
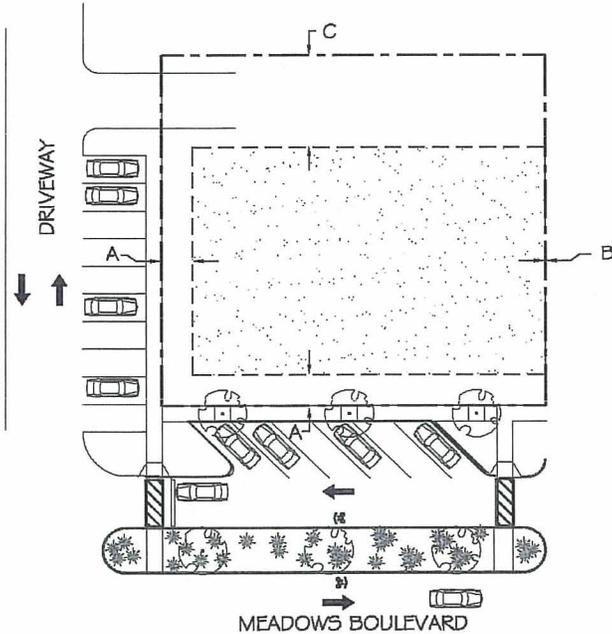
**The PDD Master Plan.** The Meadows at Yaphank PDD Master Plan establishes the eleven zone forms which shall comprise the PDD district, as well as the permitted uses, building form standards, street types and parking requirements.

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**



**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

**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.

**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**

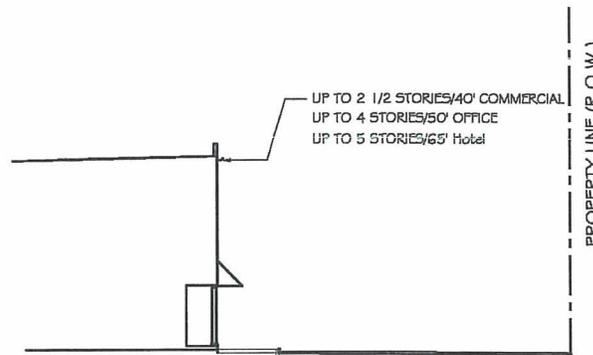
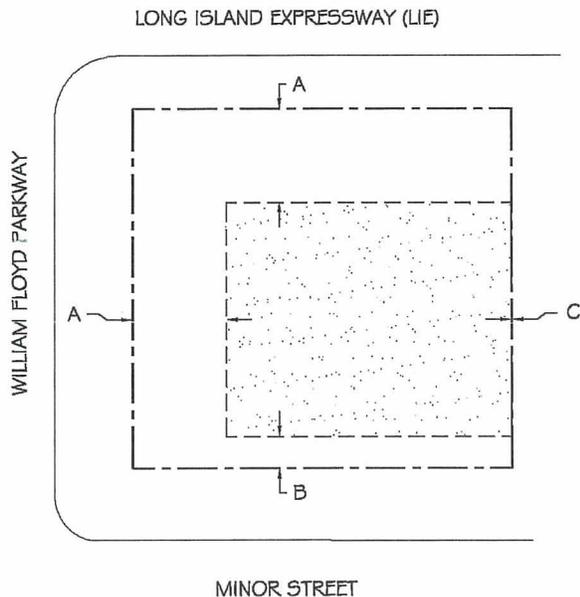
All customary and accessory uses permitted in Chapter 85 including outdoor seating and outdoor retail commercial display and sales.

**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.

**ZONE 1a**  
**BUILDING FORM STANDARDS**

**MAJOR RETAIL COMMERCIAL DISTRICT**



**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
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

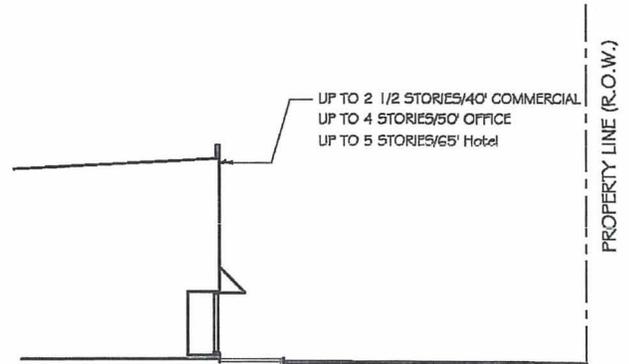
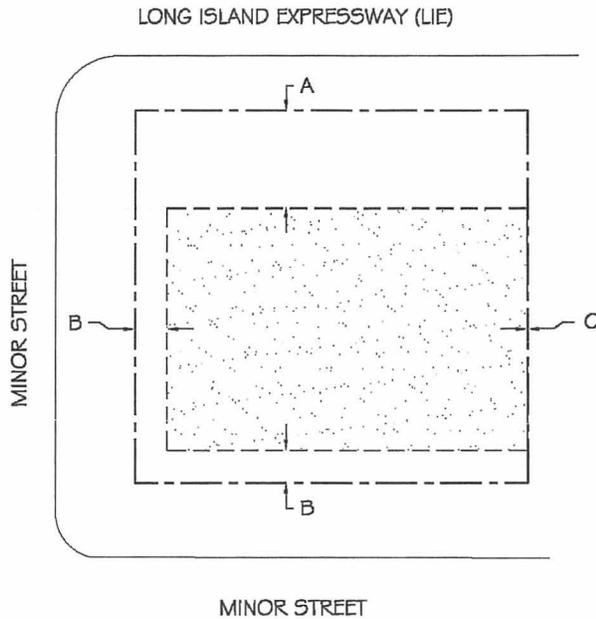
**C. Accessory Uses**

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 1/2) 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**  
**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**

All uses principally permitted in Chapter 85 under the J Business 2 District and the L Industrial 1 District.

**B. Permitted Uses (cont)**

1. Office Buildings
2. Hotels

**C. Accessory Uses**

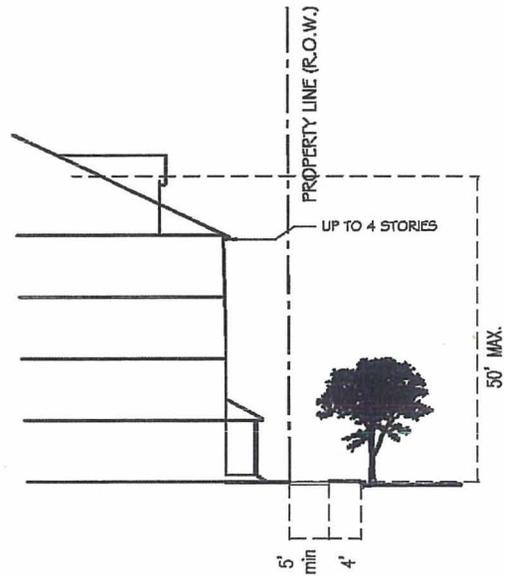
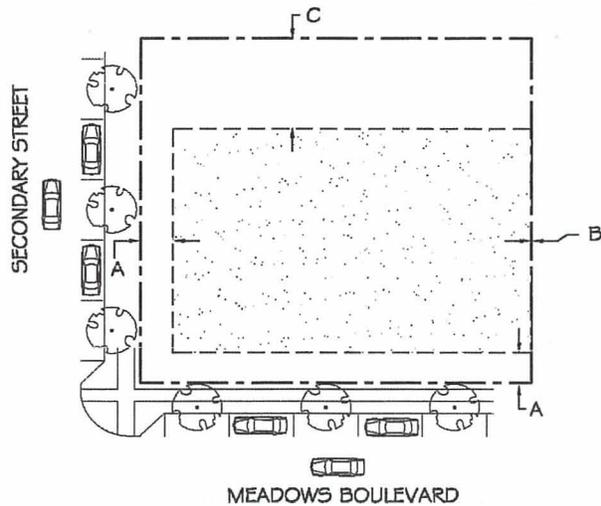
All customary and accessory uses permitted in Chapter 85

**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**



**MAIN STREET RESIDENCE DISTRICT**  
**BUILDING FORM STANDARDS**

**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**

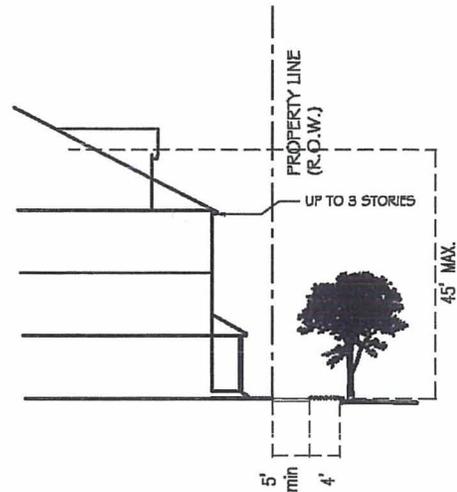
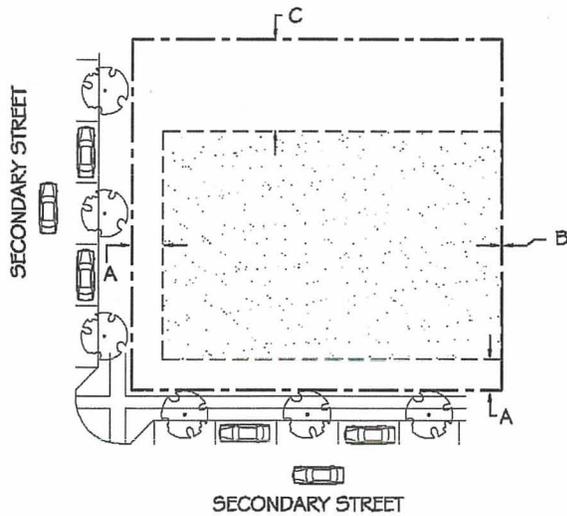
1. Attached or Detached Parking Garages or Carports in Side or Rear Lot locations.
2. All customary and accessory uses permitted in Chapter 85 for Multifamily communities.

**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)

**ZONE 3a**  
**BUILDING FORM STANDARDS**  
**VILLAGE RESIDENCE DISTRICT**



**VILLAGE RESIDENCE DISTRICT**  
**BUILDING FORM STANDARDS**

**A. Building Placement**

**1. Build to Line (BTL)**

Front (A)	10-15 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 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**

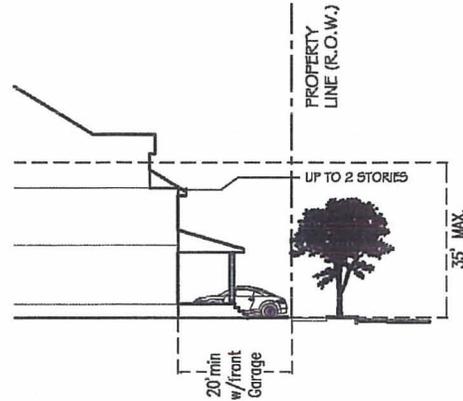
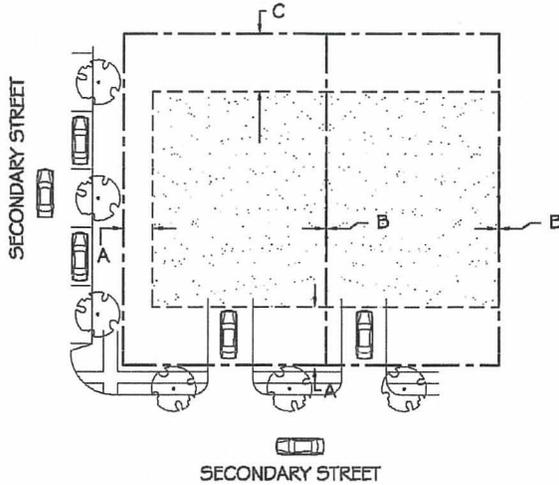
1. Attached or Detached Parking Garages or Carports in Side or Rear Lot locations.
2. All customary and accessory uses permitted in Chapter 85 for Multifamily communities.

**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**



**TRANSITIONAL RESIDENCE DISTRICT**  
**BUILDING FORM STANDARDS**

**A. Building Placement**

**1. Build to Line (BTL)**

Front (A)	10-25 feet*
Side (B)	0
Rear (C)	30 feet

\* 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

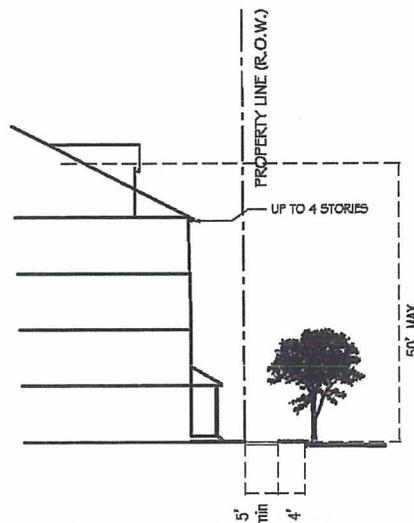
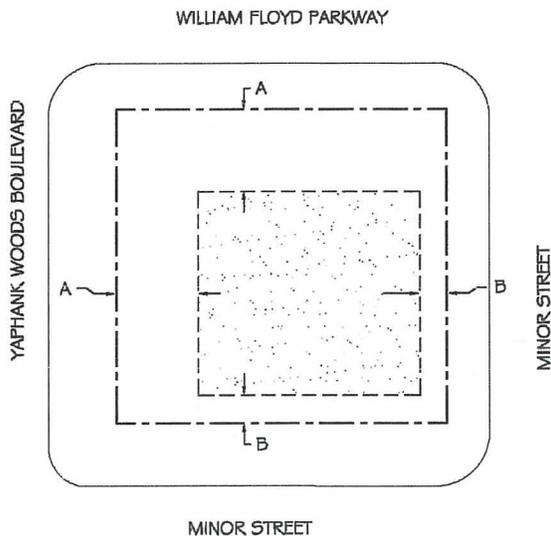
**C. Accessory Uses**

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**



**HIGHWAY RESIDENCE DISTRICT**  
**BUILDING FORM STANDARDS**

**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.

**ZONE 5**  
**BUILDING FORM STANDARDS**  
**COMMUNITY RECREATION AREAS (PRIVATE)**

**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.

- a. 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.
- b. Recreation areas may also contain tennis courts or other active recreational features to supplement the community.

**B. Building Placement**

- a. Clubhouse buildings shall be placed at prominent locations such as an anchor to a plaza, green or Roadway terminus and shall address the street.
- b. Recreation areas shall include adequate Landscaping and Plantings which may include:
  - i. Street planters, hanging flowers/plants, building foundation planting, planted window boxes.
- d. Plaza and Courtyard spaces may include:
  - i. Fountains, public art, statues, monuments & clocks.
  - ii. Outdoor Seating.



**ZONE 6**  
**BUILDING FORM STANDARDS**  
**OPEN SPACE & PARKS (PUBLIC)**

**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.



## ROADWAY STANDARDS

### **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.

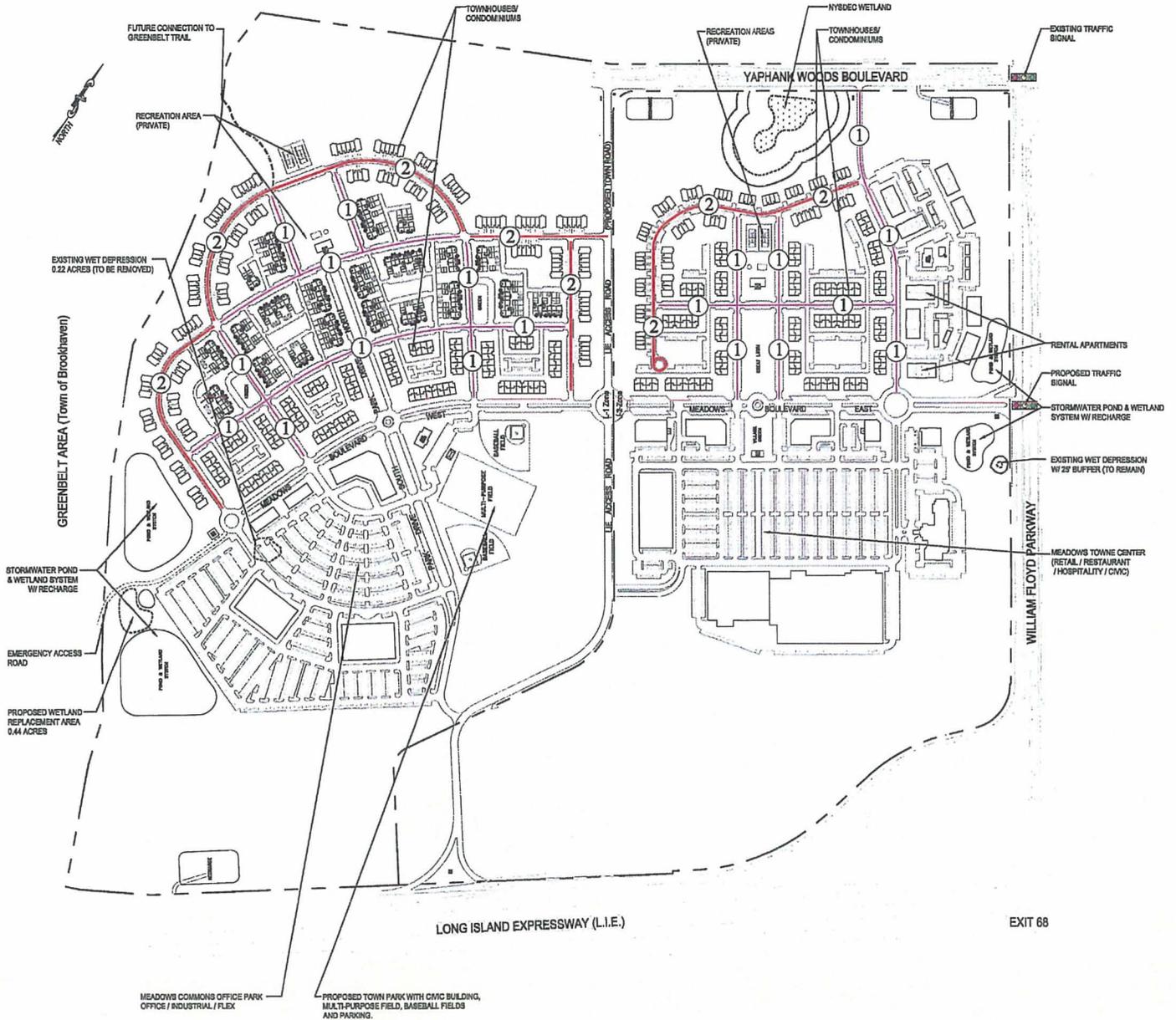
### **D. Service Alleys**

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

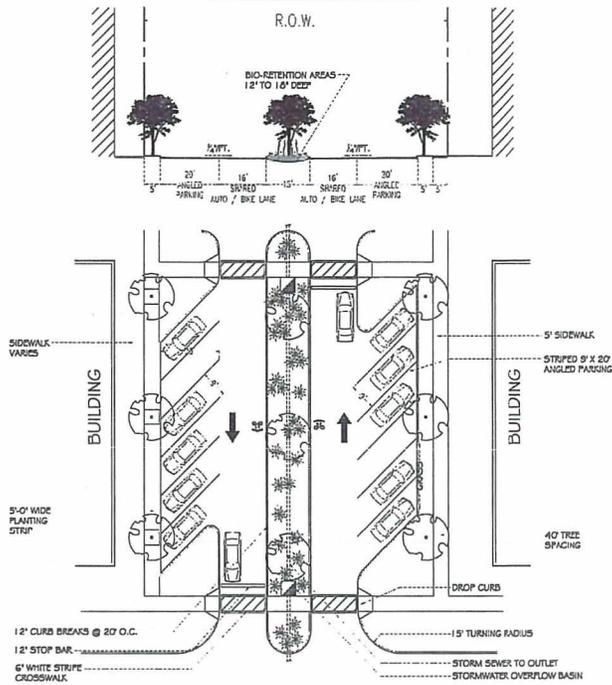
## Vehicular Network and Street Type Plan

### THE COMMUNITIES OF COLONIAL WOODS AND WISPERING PINES

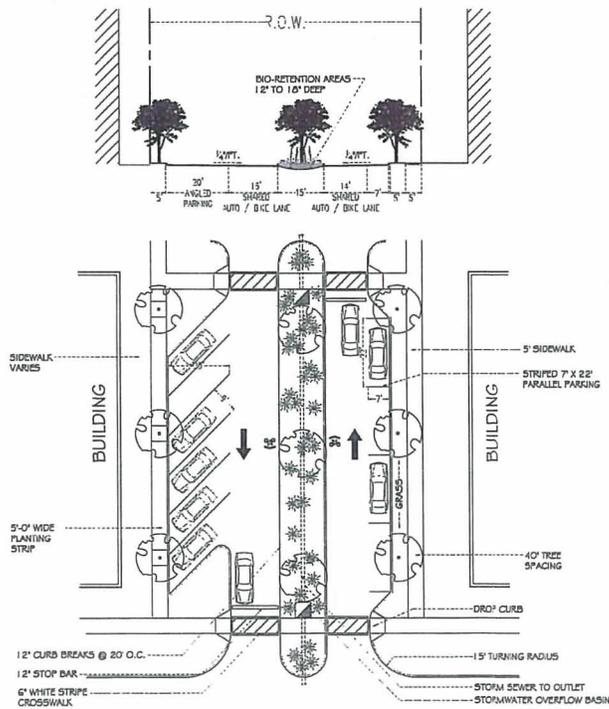


# ROADWAY STANDARDS

## Typical Section



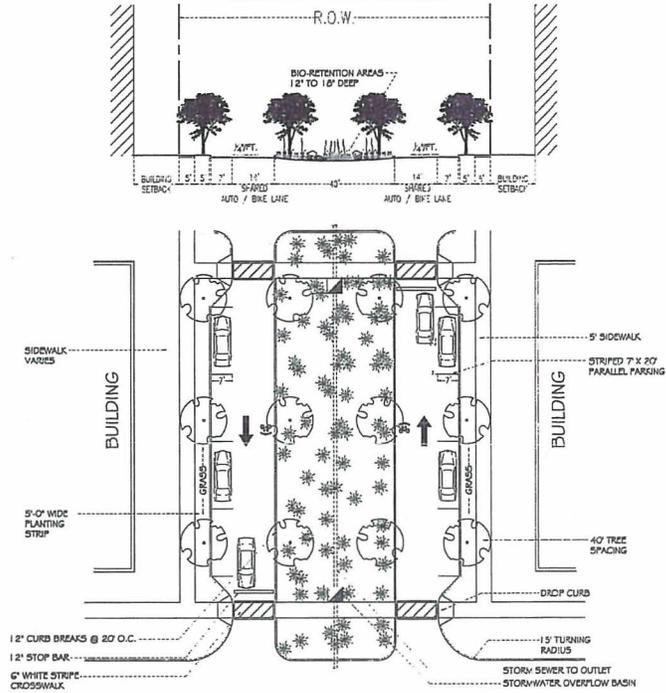
## Meadows Boulevard East (Typical)



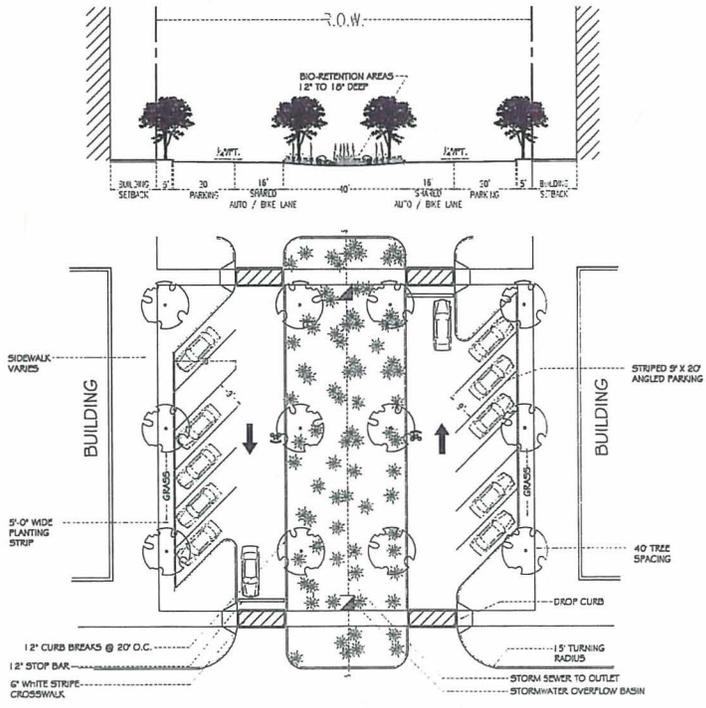
## Meadows Boulevard West (Typical)

# ROADWAY STANDARDS

## Typical Sections



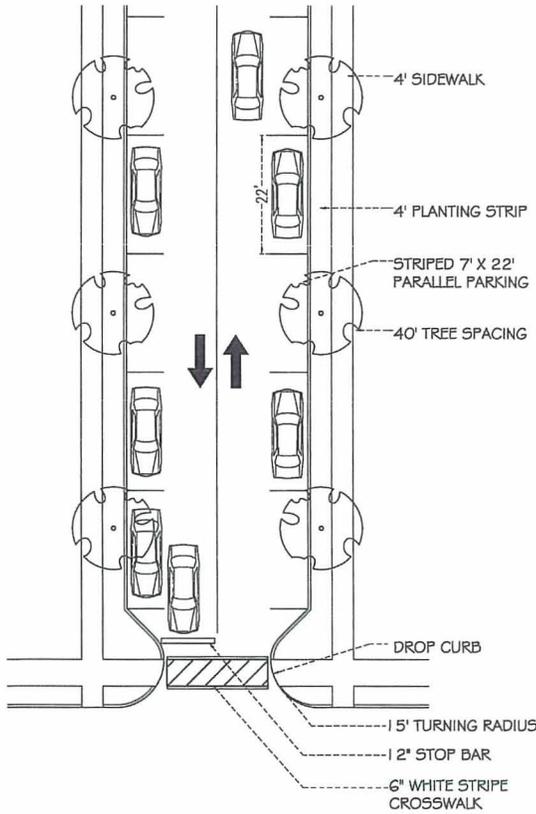
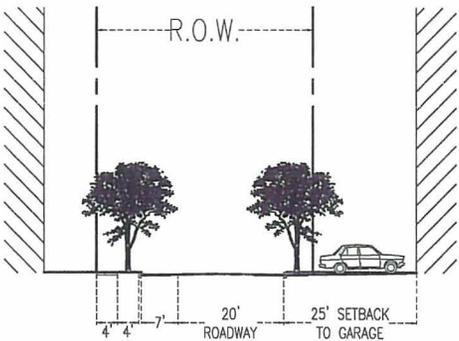
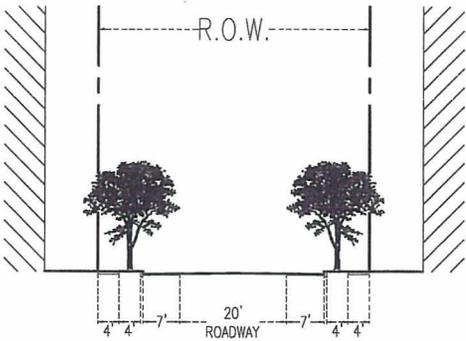
## Park Drive North (Typical)



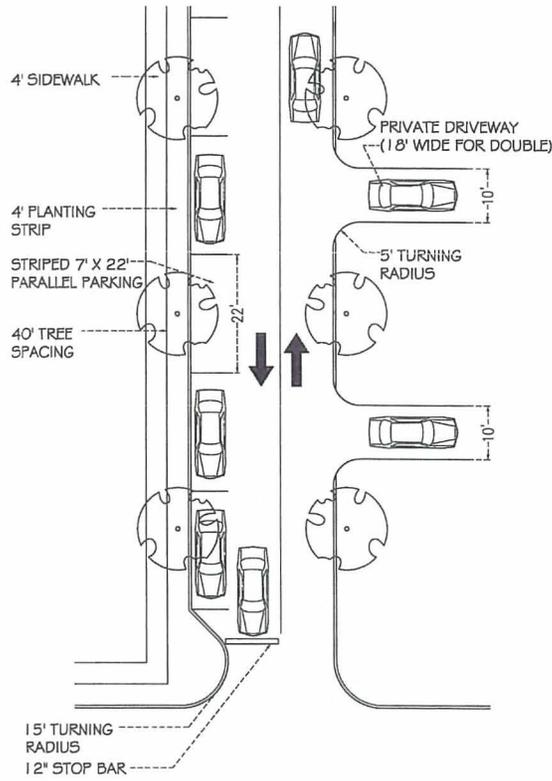
## Park Drive South (Typical)

# ROADWAY STANDARDS

## Typical Sections

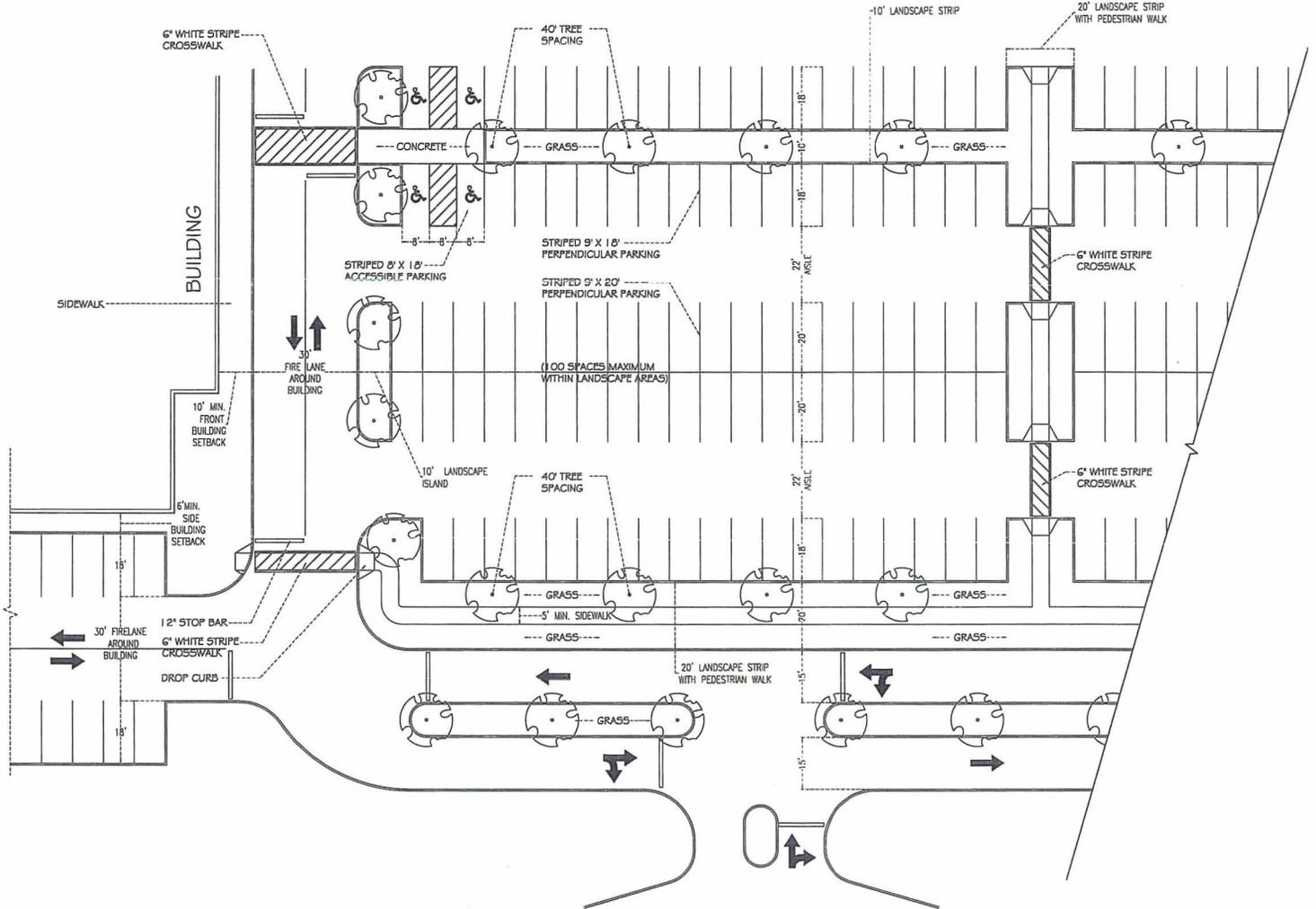


**TYPE - 1**



**TYPE - 2**

# ROADWAY STANDARDS



## 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

1. Commercial Center		1 stall per 200 sq.ft.
2. Industrial Component		1 stall per 1000 sq.ft.
3. Office		1 stall per 250 sq.ft.
4. Residential	Senior Unit	0.75/unit+0.5/Bed
	All Other Units	1.0/unit+0.5/Bed
5. Bank		1 stall per 200 sq.ft.
6. Restaurant	(Free standing)	1 stall per 100 sq.ft.
7. 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 provided 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.

***Change of Zone: The Meadows at Yaphank -  
Resolution adopted by the Brookhaven Town  
Board - October 4, 2011***



# Town of Brookhaven Long Island

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

October 7, 2011

Mr. David Sloane  
Certilman Balin  
100 Motor Parkway, Suite 156  
Hauppauge, NY 11788

RE: Change of Zone: **The Meadows at Yaphank**  
**Yaphank, NY**  
**File # 2010-11**

Dear Mr. Sloane:

Attached please find a copy of the resolution adopted by the Brookhaven Town Board at their **October 4, 2011** meeting approving the above application. Within six (6) months, please forward to this office the following items:

- 1) Three (3) updated surveys
- 2) Original Declaration of Covenants and Restrictions
- 3) Metes and bounds description that must agree with the updated survey
- 4) Certificate of Title

Please do not record the Declaration of Covenants and Restrictions with the Suffolk County Clerk at this time. Original Declaration of Covenants and Restrictions must be accepted by the Town Board prior to recording.

Upon receipt of the required documents, we will proceed to make this change of zone effective.

Sincerely,

Patricia A. Eddington  
Brookhaven Town Clerk

PAE:kds/enc.

cc: Mark Lesko, Supervisor  
Town Council Members  
Robert F. Quinlan, Town Attorney  
John Turner, Environmental Division  
Beth Ann Reilly, Assistant Town Attorney  
Lynn Weyant, Traffic Safety  
Tullio Bertoli, Commissioner of PELM  
Brenda Prusinowski, Deputy Commissioner of PELM  
Chip Wiebelt, Division of Planning

**Office of the Town Clerk**

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-9101 • Fax (631) 451-9264  
www.brookhaven.org  
General Information: (631) 451-TOWN

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

DECISION NO.  
MEETING: October 4, 2011

RESOLUTION OF ADOPTION – GRANTING  
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 IN YAPHANK

WHEREAS, on May 10, 2011, and October 4, 2011, a duly advertised public hearing was held 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/County Route 46 (CR 46) and the North Service Road of the Long Island Expressway (LIE) in the hamlet of Yaphank, further identified as SCTM No. 0200-552.00-01.00-001.003 and 0200-584.00-02.00-001.003; and

WHEREAS, approval of this application will allow for a mix of uses which include a proposed hotel, restaurant, retail, office, office/flex and multi-family residential on a 322.37 acre site; and

WHEREAS, Suffolk County Planning Commission, by letter dated September 14, 2011 unconditionally approved the project; and

WHEREAS, notwithstanding that Suffolk County Planning Commission approved this project without conditions, and further notwithstanding that there is no legal requirement to address "comments" nor any existing legal authority which would require that 20% of the

proposed units be set aside for affordable housing, the Town of Brookhaven responds to the comments as follows:

In order to promote affordable housing, Suffolk County Planning Commission has suggested to the Town of Brookhaven that 20% of the proposed Meadows at Yaphank housing units meet affordability guidelines of 120% of the Suffolk/Nassau average median family income. It should be noted that the project will also be required to provide a minimum of ten (10) percent residential dwelling units maintained in perpetuity as affordable units offered for an amount affordable to occupants whose incomes are at eighty (80) percent or less of the median family income for the Nassau-Suffolk region as published by HUD based on family size. These units will substantially exceed Suffolk County's guideline.

Review of HUD data finds that the current 2011 Nassau-Suffolk average median family income is \$106,100. Applying Suffolk County's 120% income guideline and utilizing industry standards of 20% down payment and 30% of income applied towards housing expense, this results in a potential housing purchase price of approximately \$450,000.

In comparison, current median family income in the Yaphank area is estimated to be \$70,534 (October 2011, Zillow.com), substantially less than the Nassau-Suffolk average. Current housing sales prices reflect income levels in Yaphank, with average sales prices of \$298,300 and home index value at \$239,000 (October 2011, Zillow.com). Based on this information, it can be concluded that the majority of the existing housing stock and current home sales in the Yaphank hamlet already provide substantial affordable housing that exceeds the guidelines suggested by Suffolk County. It is anticipated that the proposed Meadows at Yaphank "market rate" housing units will be priced reflective of this market demand.

The Master Plan and Phasing plan provides for a unit mix for age restricted, rental and affordable housing that will be built proportionally throughout each phase of the project with the exception of the age restricted as it is only proposed in one section ; and

**WHEREAS, after due consideration and deliberation; and**

**BE IT RESOLVED that the above application for a change of zone is hereby**

**conditionally approved subject to the following:**

#### **CONDITIONS**

- 1) The applicant must submit proof to the satisfaction of the Town Attorney's Office that the covenants and restrictions, approved as to form and substance, referenced below have been filed with the Suffolk County Clerk's Office;**
- 2) The applicant shall update The Meadows at Yaphank Master Plan & Guidelines to reflect and be in conformance with the revised Land Use and Development Plan - FGEIS Plan and Phasing Plan – FGEIS Plan contained within the FGEIS;**
- 3) The applicant shall provide a final The Meadows at Yaphank Master Plan that shall consist of the following documents combined to eliminate duplication:**
  - a) The Meadows at Yaphank Master Plan & Guidelines.**
  - b) The Land Use and Development Plan - FGEIS Plan.**
  - c) The Phasing Plan – FGEIS Plan.**

- d) FGEIS Appendix F, Form-Based Master Plan.
- e) A copy of this resolution and grant.
- 4) The applicant shall seek and obtain approval from the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) for this project in accordance with its standards and guidelines;
- 5) Prior to this change of zone grant becoming effective the applicant/owner shall contribute \$500,000 to the Yaphank Lake Remediation reserve account established by resolution number 2011-687.

and be it further

RESOLVED, that the property owner shall impose covenants and restrictions which run with the land and in such form as shall be approved as to substance and form by the Town Attorney's office, recorded in the Suffolk County Clerk's office and thereafter filed with the Town Clerk requiring the following:

#### COVENANTS AND RESTRICTIONS

- 1) All development shall be in general conformance with The Meadows at Yaphank Master Plan. Development of The Meadows at Yaphank shall also comply with the following requirements and guidelines:
  - a) General Master Plan Requirements and Guidelines:
    - i) The Planning Board shall have the authority during site plan review to amend or modify the master plan as necessary to bring the master plan into conformance with the requirements of this grant and in keeping with the general design guidance and site layout direction as set forth herein.
    - ii) Master Plan Development: All future development shall conform to Master Plan development guidelines that emphasize the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. In the event the roadways created pursuant to the Master Plan are not approved/and or taken into the Town's Highways system after offered by the applicant for such dedication, there shall be a Home owners association formed, should one not then be in existence, which shall provide for the maintenance and insurance necessary for such roadways. Such requirement shall be made a deed notation for such homes. Further, the Planning Board is authorized to approve implementation of the following provisions:
      - (1) Master Plan: The Meadows at Yaphank Master Plan designates the locations where different building form standards apply.
      - (2) Public Space Standards: The Planning Board is authorized to implement consistent specifications for the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.) for each of The Meadows at Yaphank Master Plan development zones.
        - (a) Sidewalks should be provided along both sides, for the entire length, of the

new main boulevard access road and throughout the project to inter-connect all uses within the development. The developer should implement appropriate pedestrian crossings and crosswalks within the site as approved by the Town. Crosswalks should consist of decorative paving materials where appropriate and as determined by the Planning Board and should have curb extensions or bulb-outs where applicable to minimize crossing distances.

- (b) On street parking shall be permitted and encouraged along the new main boulevard access road and internally throughout the property as appropriate. However, a clear zone shall be provided at intersections to maintain adequate sight lines for all users.
  - (c) Pedestrian friendly streetscape should be provided throughout the internal roadway network including: sidewalks, consisting of decorative paving material where appropriate and low level decorative street lights.
  - (d) Street Furniture including, but not limited to, street planters, hanging flowers/plants, benches, waste receptacles, community signs/bulletin boards, information kiosks, bollards & bicycle racks should be provided subject to the determination of the Planning Board at the time of site plan review.
  - (e) All major boulevards shall contain bike lanes.
  - (f) The Planning Board is authorized and encouraged to reduce street widths to promote a pedestrian friendly environment, reduce impervious surfaces and reduce stormwater generation. The Meadows at Yaphank Master Plan contains roadway standards that the Planning Board shall utilize as guidelines for the development.
  - (g) The Planning Board may request decorative bus shelters within the proposed development for children that may be waiting for a school bus.
- (3) **Building Form Standards:** The Planning Board is authorized to implement specifications controlling the configuration, features, and functions of buildings that define and shape the public realm, including Build to Lines, dimensional criteria and architectural materials and quality for each of The Meadows at Yaphank Master Plan development zones.
- iii) **Off-Street Parking Standards:** The Planning Board is authorized and encouraged to reduce parking requirements to the greatest extent practical. The Meadows at Yaphank Master Plan contains parking standards that the Planning Board shall utilize as guidelines. These guidelines are as follows:
- Residential, age-restricted - 0.75 spaces/unit + 0.5 spaces/bedroom.
  - Residential, other - 1 space/unit + 0.5 spaces/bedroom.
  - Commercial Center - 1 space/200 SF
  - Office - 1 space/250 SF
  - Hotel - 1 space/room
  - Industrial/Flex Space - 1 space/1,000 SF
  - Bank space - 1 space/200 SF
  - Restaurant space - 1 space/100 SF
- iv) **Landscaping Standards:** The Planning Board is authorized to implement specifications controlling landscape design and plant materials on private property

as they impact public spaces (e.g. regulations about parking lot screening and shading, maintaining sight lines, ensuring unobstructed pedestrian movement, etc.) for each The Meadows at Yaphank Master Plan development zones. Street Trees should be provided along all internal roadways. Street trees shall be a minimum of a 2 ½ to 3 inch caliper, every thirty (30) feet on center along the internal roadway network.

- v) **Signage Standards:** The Planning Board is authorized to implement specifications controlling allowable signage sizes, materials, illumination, and placement for each The Meadows at Yaphank Master Plan development zones. Directory, residential community entrance, commercial entrance and identification signage along the Long Island Expressway and William Floyd Parkway shall be permitted and in accordance with the Meadows at Yaphank Master Plan.
  - vi) **Green Building Standards:** Any building over 100,000 square feet shall be designed to meet the minimum design criteria for the Leadership in Energy Environmental Design for New Construction (LEED/NC) Green Building Standards.
  - vii) **Waste Management Standards:** Appropriate areas shall be designated for recycling for any non-residential component.
- b) **Zone 1 & 1a – Town Center Business District & Major Retail and Commercial District.**
- i) **Zone 1 – Town Center Business District.**
    - (1) Approximately 51,200 SF GFA retail/commercial area with suitable development standards as outlined herein.
    - (2) All principal, accessory and special permitted land uses as permitted in the J2 Business and J6 Main Street Business District are hereby authorized and shall be permitted.
    - (3) The maximum height shall not exceed three (3) stories.
    - (4) Building architecture should be generally consistent with design recommendations and guidelines as outlined in the Main Street Business Design Manual.
    - (5) Building and ground signage and lighting should be generally consistent with design recommendations and guidelines as outlined in the Main Street Business District Design Manual or the sign provisions for J2 Zoning District for this zone.
    - (6) Conventional mixed use development (residential and/or office over first floor retail) may be permitted upon request of the applicant along the main street east/west boulevard road subject to the determination of the Planning Board at the time of site plan review. The Planning Board hereby specifically is authorized to increase the maximum permitted office and/or residential densities in order to permit this mixed use development type, provided compliance with the Phasing and Supplemental EIS thresholds established herein for this development is demonstrated.
  - ii) **Zone 1a – Major Retail and Commercial District.**
    - (1) Approximately 448,800 SF GFA retail/commercial, hotel or other major commercial land use with suitable development standards as outlined herein.
    - (2) All principal, accessory and special permitted land uses as permitted in the J2 Neighborhood Business District and J8 Hotel-Motel District are hereby

authorized and shall be permitted.

- (3) The maximum height shall not exceed five (5) stories without further authorization from the Board of Zoning Appeals.
- (4) Building and ground signage should be in general accordance with the Town Code provisions for J3 Zoning District for this zone.

**c) Zone 2 – Community Office and Commercial Flex Zone.**

- i) Approximately 500,000 SF GFA office/flex/industrial area with suitable development standards as outlined herein.
  - (1) All principal, accessory and special permitted land uses as permitted in the J4 Business District and L1 Industrial District are hereby authorized and shall be permitted, except all L1 Industrial District land uses authorized by Town Board special permits (restricted) (§ 85-309.1.) and principal outdoor storage uses are prohibited.
  - (2) Accessory take out restaurant, restaurant or major restaurant uses are hereby authorized and shall be permitted.
  - (3) The maximum height shall not exceed five (5) stories.
  - (4) Building and ground signage should be in general accordance with the Town Code provisions for the J2 Zoning District.
  - (5) Uses from Zone 1 and 1a may be intermixed with uses in zone 2 provided compliance with the Phasing and Supplemental EIS thresholds established herein for this development is demonstrated

**d) Zone 3, 3a, 3b & 4 – Main Street Residence District, Zone, Village Residential District Zone, Transitional Residential District & Highway Residential District**

- i) Approximately 850 residential dwelling units with suitable development standards as outlined herein.
  - (1) Residential component shall consist of the following units sizes:
    - (a) A minimum of thirteen (13%) of the dwelling units shall be equal to or less than 950 square feet of living space.
    - (b) Not more than thirty-nine (39%) of the dwelling units shall be greater than 1,500 square feet of living space.
  - (2) A minimum of ten (10) percent residential dwelling units shall be maintained in perpetuity as affordable units. Each of the "Affordable" units shall be offered for an amount affordable to occupants whose incomes are at eighty (80) percent or less of the median family income for the Nassau-Suffolk region as published by HUD based on family size
  - (3) Residential component shall consist of a minimum thirty-five (35%) percent senior or age-restricted dwelling units.
  - (4) The owner or developer shall provide an area for outdoor recreational purposes for the use and enjoyment of the occupants of the development and their guests. Such recreational area shall be equal to or greater than the number of units multiplied by two-hundred (200) square feet for each dwelling unit.
  - (5) The maximum height of the proposed residential component shall not exceed four (4) stories.
  - (6) Conventional mixed use development (residential/office/first floor retail) may be

permitted upon request of the applicant along the main street east/west boulevard road subject to the determination of the Planning Board at the time of site plan review. The Planning Board hereby specifically is authorized to increase the maximum permitted office/retail and/or residential densities in order to permit this mixed use development type, provided compliance with the phasing and Supplemental EIS thresholds established herein for this development is demonstrated.

- e) **Phasing:** All development shall be in general conformance with The Meadows at Yaphank Master Plan "Phasing Plan – FGEIS Plan." However, at the time of site plan review the applicant may amend the Phasing Plan and the timing, sequencing and the ratio and mix of residential, commercial and industrial uses of the proposed development subject to the determination of the Planning Board and provided that the following provisions are met:
- i) The total number of potential 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 or other future equivalent or Planning Board accepted industry standard. An updated school children generation study, containing data from the existing residential units shall be prepared and submitted with each site plan to confirm that school district impact mitigation is appropriate.
  - ii) 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 contained in the Generic EIS.
  - iii) Traffic trip generation is not anticipated to exceed 1,513 trips during the weekday AM peak hour, 2,282 trips during the weekday PM peak hour and 2,274 trips during the Saturday midday peak hour. An updated traffic impact study shall be prepared and submitted with each site plan to confirm that off-site and on-site mitigation is appropriate.
  - iv) Total amount of residential development shall not increase by more than ten percent (10%).
  - v) Total amount of commercial/retail/office/flex/industrial space shall not increase by more than ten percent (10%).
  - vi) Clearing shall not exceed 65% of the overall site.
  - vii) Building heights shall not exceed the maximum heights contained in the PDD Master Plan.
  - viii) An updated parking analysis and usage study shall be prepared and submitted with each site plan to confirm that amount of existing/proposed parking is appropriate.
  - ix) Any variation from these thresholds that results in a significant adverse environmental impact as determined by the Planning Board shall require submission of a Supplemental EIS.
- 2) The applicant/owner shall provide the following PDD Public Benefits:

<b>Yaphank Lake Invasive Species Remediation Fund</b> <b>\$2,182,500</b>
---

**Residential Contribution as condition of Zoning**

**\$250,000**

**Commercial Contribution as condition of Zoning**

**\$250,000**

**Subsequent Residential Contribution**

**\$850,000**

**at the completion of Phase 2 or the Issuance of the Certificate of Occupancy for the 500<sup>th</sup> residential unit**

**Subsequent Commercial Contribution**

**\$832,500**

**at the completion of Phase 2 or the Issuance of the Certificate of Occupancy for 200,000 square feet of commercial/office/flex space.**

**Design & Construct 2 Baseball fields and 1 Multi-Purpose field**

**\$2,000,000**

**1 Multi-Purpose field & 1 baseball field by Completion of Phase 1**

**1 Baseball field by Completion of Phase 3**

**Construct 1,500 SF Pavilion & restroom for Athletic fields by completion of Phase 1**

**\$337,500**

**Construct 3,000 SF Community Building (LEED), by completion of Phase 2**

**\$1,000,000**

**Dedication of land for Athletic Fields & Civic Building**

**\$1,750,000**

**7 acres @ 250,000/acre by completion of Phase 2**

**Improvements to Dorade STP (existing flow only) (\$30/gallon X 140,000 gpd)**

**\$4,200,000**

**as determined by Suffolk County Department of Health Services.**

**Redemption of 5 PBCs (\$76,500/credit), at Site Plan Approval**

**\$382,500**

- a) Yaphank Lake Invasive Species Remediation Fund: A \$500,000 contribution shall be a condition of Zoning Approval, an \$850,000 subsequent residential contribution at the issuance of the Certificate of Occupancy for the 500<sup>th</sup> residential unit and an \$832,500 subsequent commercial contribution at time of Certificate of Occupancy for 200,000 square feet of commercial/retail/office/flex space. All contributions shall into the Yaphank Lake Remediation reserve account established by resolution number 2011-687.
- b) Design & Construct 2 Baseball fields and 1 Multi-Purpose field: The applicant shall construct a minimum seven (7) acres of public recreational amenities which shall include soccer/multipurpose field, ball-fields, fencing, parking, landscaping, lighting (no

- ball field lighting), a restroom building, spectator stands and a concession stand located and accessible from a Town dedicated and maintained roadway, pursuant to the satisfaction of the Planning Board at the time of site plan review. Prior to the issuance of a Certificate of Occupancy for the 500<sup>th</sup> unit, the applicant shall have completed all improvements to the seven (7) acre public recreational amenity and dedicate it to the Town of Brookhaven.
- c) **Construct 1,500 SF Pavilion & Restroom for Athletic Fields:** The applicant shall construct a minimum 1,500 SF Pavilion & restroom for the athletic fields prior to the issuance of a Certificate of Occupancy for the 250<sup>th</sup> unit.
  - d) **Construct 3,000 SF Community Building:** The applicant/owner shall erect a minimum 3,000 SF GFA community center designed to meet the minimum design criteria for the Leadership in Energy Environmental Design for New Construction (LEED/NC) Green Building Standards, located and accessible from a Town dedicated and maintained roadway. Said community center shall be made available to the residents of the Town of Brookhaven. Prior to the issuance of a Certificate of Occupancy for the 500<sup>th</sup> unit, the applicant shall obtain a Certificate of Occupancy and dedicated the public recreational amenity to the Town of Brookhaven.
  - e) **Dedication of land for Athletic Fields & Civic Building:** See point 2b above.
  - f) **Improvements to the Dorade STP.** The 11.09 acre Dorade Sewage Treatment Plant (SCTM# 200-552-1-3) shall be upgraded to treat the existing flow from the Whispering Pines/Colonial Woods/Strathmore Ridge developments, Suffolk County Sewer District No. 8 and the anticipated flow from the proposed Meadows at Yaphank project, subject to the Suffolk County Department of Health Services. Public benefits shall only be derived for improvements to existing flow only.
  - g) **Redemption of Pine Barrens Credits:** At the time of conditional site plan approval (1<sup>st</sup> Phase), the applicant shall purchase and redeem a minimum of five (5) Pine Barrens Credits.
- 3) A minimum of thirty-five (35%) of the overall site shall be preserved in its natural and undisturbed state.
  - 4) Transportation and traffic safety measures will be required, implemented and completed by the project developer, subject to the determination of the New York State Department of Transportation (NYSDOT), and Suffolk County Department of Public Works (SCDPW) at the time of site plan review and approval. A list of preliminary transportation and traffic safety mitigation measures is provided in the Generic Environmental Impact Statement and Findings Statement. In addition, the developer will be responsible for all required traffic control devices, which may include signals, signs and pavement markings, within the internal roadway network in accordance with approved site plans.
  - 5) At the time of conditional site plan approval the applicant shall submit and agree to a perpetual future pedestrian and vehicular cross access easement for the entire facility, which agreement shall be subject to the approval of the Town Attorney. Upon execution by all parties, said easement agreement shall be filed as a covenant in the Office of the Suffolk County Clerk.
  - 6) At the time of conditional site plan approval the applicant shall submit and agree to a perpetual future pedestrian access easement for the public green spaces within the facility, which agreement shall be subject to the approval of the Town Attorney. Upon execution by all parties, said easement agreement shall be filed as a covenant in the Office of the Suffolk

County Clerk.

- 7) The applicant shall continue their efforts to provide and establish a shuttle linkage from the proposed project to the Brookhaven National Laboratory, the Long Island Railroad station at Shirley and/or the Long Island Railroad station at Yaphank. As part of each phased conditional site plan approval, the applicant shall provide shuttle linkage feasibility analysis to the Planning Board for their consideration and potential implementation.
- 8) As a condition of any future site plan approval, the applicant shall withdraw the prior site plan application entitled "Brookhaven Walk". Recreation and inspection fees received for "Brookhaven Walk" site plan application shall be utilized to off-set recreation and inspection fees for The Meadows at Yaphank site plan applications.
- 9) The applicant/owner shall continue their efforts to establish an emergency access route along the western property boundary to accommodate the recommendations of the Yaphank Fire Department. The applicant/owner shall cooperate with and/or act as agent for the Town of Brookhaven with regard to the cost of any preparation and submission of municipal permits, applications and supporting materials. The applicant shall, as deemed necessary, physically provide or reimburse the Town of Brookhaven for the cost of the emergency access route. Prior to each site plan approval, the applicant/owner shall provide an emergency route progress report to the Planning Board.
- 10) The following on-site drainage and storm water measures shall be required, implemented and completed by the developer subject to the determination of the Town of Brookhaven Planning Board. This list is not intended to be inclusive and will be subject to further review and determination by the agencies having jurisdiction.
  - a) The proposed project should be designed with a combination of stormwater retention methods that may include: rain gardens, reflecting pool, ponds, catch basin collection, leaching pools, wet meadows, natural retention and/or traditional stormwater retention areas, subject to the determination of the Planning Board.
  - b) Internal town roads proposed for dedication shall be designed to include separate drainage facilities, which may include a recharge basin, subject to the determination of the Planning Board and the Town Highway Department.
  - c) The applicant shall create a long term maintenance plan for all man made features that will come under jurisdiction of Chapter 81, Wetlands of Town Code including but not limited to: rain gardens, reflecting pool, ponds, catch basin collection, leaching pools, wet meadows, natural retention and/or traditional stormwater retention areas.

***SEQR Findings Statement for the Meadows at Yaphank –  
Resolution adopted by the Brookhaven Town Board –  
October 4, 2011***

RESOLUTION NO. 2011-847  
MEETING: October 4, 2011

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

ADOPTION OF THE FINDINGS  
STATEMENT FOR THE  
APPLICATION OF THE  
MEADOWS AT YAPHANK, LLC  
A/K/A AVR REALTY FOR THE  
MEADOWS AT YAPHANK  
PLANNED DEVELOPMENT  
DISTRICT

WHEREAS, the Town Board is currently considering the adoption of the project known as the Meadows at Yaphank Planned Development District and in conjunction therewith, at its April 12, 2011 meeting, accepted the Draft Generic Environmental Impact Statement (DGEIS) associated with said plan as complete and initiated a public comment period; and

WHEREAS, a public hearing on the DGEIS was held on May 10, 2011 and written comment period was concluded June 25, 2010; and

WHEREAS, on August 16, 2011 in connection with same a Final Generic Environmental Impact Statement (FGEIS) was accepted and 10-day comment period given; and

WHEREAS, in response to the submitted comments, questions and concerns as well as the Town of Brookhaven's own analysis, the Town Board is considering adopting said Planned Development District.

WHEREAS, pursuant to the requirements of Part 617.11 of the State Environment Quality Review Act a written Findings Statement must be prepared prior to the adoption;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the attached Findings Statement for the Meadows at Yaphank, LLC a/k/a AVR Realty for the Meadows at Yaphank Planned Development District is hereby adopted.

# State Environmental Quality Review Statement of Findings

## THE MEADOWS AT YAPHANK PLANNED DEVELOPMENT DISTRICT (PDD) APPLICATION GENERIC ENVIRONMENTAL IMPACT STATEMENT *September 20, 2011*

Pursuant to Article 8 of the New York State (NYS) Environmental Quality Review Act (SEQRA) of the New York State Environmental Conservation Law and Title 6 of the NYS Code of Rules and Regulations (6 NYCRR) Part 617, the Town Board of the Town of Brookhaven makes the following findings.

**Name of Action:** The Meadows at Yaphank PDD Application

**Description of Action:** The applicant seeks a change of zone from L-Industrial-1 (the westerly 172.20 acres: the former Suffolk Meadows racetrack) and J-Business-2 (the easterly 150.17 acres: the former Brookhaven Walk property), on 322.37 acres of an overall 333.46-acre combined project site, to Planned Development District (PDD). The PDD Master Plan proposes a mix of uses, which includes a hotel, restaurants, retail spaces, office spaces, office/flex spaces and multi-family residential units of various types, including senior units. The application includes an 11±-acre site occupied by the Dorade Sewage Treatment Plant (STP), which is currently in operation and serving as a wastewater treatment facility for 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. The applicant will maintain at least 35% of the site in a naturally-vegetated state, in conformance with Town and Pine Barrens Plan requirements.

**SEQRA Classification:** Type I Action

**Town File Number:** 2010-011-CZ

**Location:** The project site is located at the northwestern corner of the interchange of William Floyd Parkway/County Route 46 (CR 46) and the North Service road of the Long Island Expressway (LIE) in the hamlet of Yaphank.

**SCTM No.:** 0200 55200 0100 001003 & 0200 58400 0200 001003 (322.37 acres, total rezone)  
0200 55200 0100 00300 (Dorade STP)

**Lead Agency:** The Town Board of the Town Of Brookhaven,  
Brookhaven Town Hall, One Independence Hill, Farmingville, New York 11738

**Date Final Generic Environmental Impact Statement Filed:** August 16, 2011

**Contact for Additional Information:**  
Jeffrey Kassner, Director of Environmental Protection  
Brookhaven Town Hall  
One Independence Hill  
Farmingville, New York 11738  
(631) 451-6400

**Statement of Certification:** The Town Board of the Town of Brookhaven, as Lead Agency, has reviewed the Draft Generic Environmental Impact Statement (hereinafter referred to as the Draft GEIS) and the Final Generic Environmental Impact Statement (hereinafter referred to as the Final GEIS) and certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in these documents;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- It has considered and addressed all public comments to the Draft GEIS;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.
- Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable during the environmental review process.

#### **Background of the Proposed Project:**

The proposed project will establish a PDD featuring a high quality mix of residential, hotel/hospitality, retail, office and office/flex uses on the property, while providing the community with numerous benefits that could not be realized absent the use of the overarching PDD concept. The Meadows at Yaphank PDD would provide a total of approximately 850 residential units of various types, including age-restricted (i.e., seniors-only), non age-restricted, affordable/workforce and market-rate units, and a total of approximately 1,032,500 square feet (SF) of commercial spaces including approximately: 327,500 SF of retail spaces, 5,000 SF of restaurant space, 550,000 SF of office and office/flex space, and a 150,000 SF hotel. The term "*flex space*", as defined for this project and as accepted by the Town is 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. Flexibility in zoning is essential to achieve the design and combination of uses associated with this project, in order to achieve the specific benefits important to the community, as reflected in the proposed project and consistent with the Town Board's legislative intent for the PDD. After the Town Board completes the current review process and renders a decision on the requested change of zone, which establishes a PDD and the Land Use and Development Plan for the site, detailed Site Plans will be prepared, in conformance with thresholds established through the GEIS process, the PDD code, covenants and restrictions imposed in a Town Board approval, consistent with the Land Use and Development Plan-FGEIS Plan, the Master Plan, and these SEQRA Findings.

The Meadows at Yaphank project site is an assemblage of three parcels, of which only one, the Dorade STP site, is presently developed. These parcels include the former Suffolk Meadows Racetrack (aka Suffolk Downs or Parr Meadows), the former Brookhaven Walk mall site, and the Dorade STP site. The Dorade STP holds a State Pollutant Discharge Elimination System (SPDES) permit for 140,000 gallons per day (gpd). This facility was previously designed and permitted for a wastewater flow of 450,000 gpd, and was intended to serve the Racetrack and Brookhaven Walk sites as well as other developments in the area. The original permit was subsequently reduced to 140,000 gpd because the Racetrack and Brookhaven Walk sites were never developed. The proposed project will restore treatment capacity to the original permitted flow of 450,000 gpd. The Meadows at Yaphank PDD proposes a design treatment level of 8 milligrams per liter (mg/l) Total Nitrogen. The reduction will be achieved by construction of a

replacement STP at the site and/or installation of newly developed treatment technologies to improve the existing plant. The applicant is committed to providing a Suffolk County Department of Health Services (SCDHS)-approved facility necessary to treat the 450,000 gpd flow at the plant at the 8 mg/l total nitrogen discharge limit.

The project has been evaluated pursuant to ARTICLE XXXIIA, Planned Development District, Section 85-340 A. of the Town Zoning Code and has been submitted to conform to Section 85-340 A. (3) of the Town Code that authorizes changes in land use from the base zoning of the property. The project is also designed to include a number of Special Public Benefits in lieu of Pine Barren Credits to meet the specific needs of the local and regional community. The following list of Special Public Benefits is the result of discussions between the Town and applicant, and also reflects community input received during the course of project design as well as after the public hearing on the DGEIS.

1. Carmans River Invasive Species Remediation Fund:	\$2,182,500
2. Dedication of 7 acres of land for Athletic Fields & Civic Building	\$1,750,000
3. Design & Construct 2 Baseball fields and 1 Multi-Purpose field	\$2,000,000
4. Construct 1,500 SF Pavilion & restroom for Athletic fields	\$337,500
5. Construct 3,000 SF Community Building (LEED)	\$1,000,000
6. Redemption of 5 PBCs (\$76,500/credit) at Site Plan Approval	\$382,500
7. Improvements to Dorade STP (existing flow only)	\$4,200,000
<b>TOTAL</b>	<b>\$11,852,500</b>

The project will feature 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.).

Critical elements of design include retention of open space and energy efficient design to achieve conservation and energy reduction goals. Approximately 36.75% of the overall site (122.53 acres) would be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Pine Barrens Plan. A 0.44 acre freshwater wetland 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 Development of Regional Significance (DRS) under the Pine Barrens Plan, which requires 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.

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

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 the Yaphank-Woods Boulevard and Yaphank-Woods Boulevard Extension. 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 Leadership in Energy and Environmental Design (LEED®) Certification Program.

The heights of the structures are greater than those allowed as-of-right in the J-Business-2 and L-Industrial-1 districts (35 feet/2-1/2 stories and 50 feet/3 stories, respectively) from which the site is to be rezoned. Town Code Section 85-340 C. Dimensional requirements, allows the Town Board and Planning Board to vary the dimensional requirements of an underlying zoning district when approving a PDD. The

PDD provides 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, under the PDD Master Plan, the hotel/office buildings are designated 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.

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

#### **Summary of the SEQRA Process:**

On July 20, 2010 the Brookhaven Town Board adopted a Positive Declaration for the change of zone application known as The Meadows at Yaphank. The basis for the Positive Declaration was as follows: Section 617.14(b)(6)(i) of the SEQRA regulations indicates that a proposed project that involves the physical alteration of 10 or more acres of land is a Type I Action and, as a result, is more likely to have a potentially significant adverse impact on the environment. Accordingly, the Town Board, as the SEQRA Lead Agency, determined that a Generic Environmental Impact Statement would "...provide the best means to systematically consider significant adverse environmental impacts, alternatives and mitigation, and to facilitate the weighing of social, economic, and environmental factors."

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; notice of this event was published in the Environmental Notice Bulletin (ENB), April 20, 2011 edition. The Draft GEIS was distributed to the involved agencies and recorded parties of interest, and the document was posted on the Town's website. A public hearing was held on the rezone application and Draft GEIS on May 10, 2011, and the lead agency accepted written public and agency comments through June 25, 2011. The comments were collated and addressed in the Final GEIS, which was accepted by the Town Board on August 16, 2011. A Notice of the Acceptance of the Final GEIS was then forwarded to the ENB. The Final GEIS was subsequently circulated to involved agencies and parties of interest and was posted on the Town's website, as well as the project's website.

#### **Relevant Project Impact Discussions and Findings:**

The following lists the issues of concern expressed by the Town Board in its Positive Declaration, to be addressed in the Draft GEIS. After each issue, is a discussion of the anticipated impacts of the proposed project, followed by the requisite Finding.

- 1. Land Use, Zoning and Plans:** *The conformance of the proposed action with applicable land use plans, zoning and land use patterns should be determined.*

##### Land Use

The discussions and analyses in the Draft GEIS establish that the proposed project is an appropriate development for the site and in an area of the Town that can accommodate such development. No significant adverse impacts on the land uses in the vicinity have been identified, and the project provides increased tax revenue, numerous jobs, a permanent use of land, preservation of natural resources, and introduces workforce and senior units in a diversity of housing unit sizes, in a mixed-use development that incorporates sense-of-place, walkability and public amenities through design.

The guiding principle of this proposed PDD is to locate a mix of residential, commercial and office land uses on the property, while providing the community with benefits that could not be realized absent the use of the overarching PDD concept. The project sponsor has invested considerable resources in site reconnaissance, conceptual planning and meetings with community representatives including civic leaders and school board members, to fully involve the stakeholders in the development of a PDD concept that meets the goals of the Yaphank community. Based on this input, the proposed project plan situates residential use on the north side of the site, adjacent to the existing multi-family uses (i.e., Whispering Pines and Colonial Woods). This provides for a more appropriate land use transition and improved compatibility as compared with the existing industrial and commercial zoned land in these areas of the site.

### Zoning

The Draft GEIS establishes that the proposed PDD represents an opportunity to develop a mixed-use community incorporating attractive design features, coordinated traditional architectural design, and public benefits in lieu of as-of-right industrial and commercial development. The intent of a PDD is clearly to provide a more suitable development proposal that gives back to the community by providing special public benefits that meet the individual needs of the surrounding community as well as the inherent benefits of creating a village center for the entire community to enjoy. With respect to justifying a PDD, Town Code Section 85-340A.(3), specifies: *"The Town Board, subject to its determination that the change of use is appropriate in helping to implement the legislative intent of PDD zoning, may permit such change, provided that the resultant final impacts in terms of sewage and traffic generation are not adverse."* The Draft GEIS contains a detailed analysis supporting the requested change of zone. The analysis shows a considerable decrease in traffic generation in comparison to potential build out over the current zoning. Whereas sewage generation is predicted to increase, this is consistent with the original design of the Dorade STP and the previously expected development and sanitary flow of the subject parcels.

Town Code Chapter 85, Section 85-340A.(5) states: *"In lieu of some PBC's [pine barrens credits], 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."* Chapter 85, Section 85-340 B.(1) further reinforces the concept that PBC's, combined with special public benefits, may be used to allow requested changes of use, and Section 85-340 B.(2) outlines the relevant economic analyses that should be provided to assist the Town Board in making a determination.

Overall, the Meadows at Yaphank PDD will be a community that provides many benefits for the people that will live and work in or near it, as well as for the residents of nearby hamlets and employees of nearby job centers such as Brookhaven National Lab (BNL), Clare Rose and the Brookhaven Industrial Park (aka Tri-Tec Industrial Park). In addition, to promote the mixed use development concept proposed by the PDD, mixed use buildings should be encouraged along the main boulevard of the development in order to support the creation of a main street downtown environment. No significant adverse zoning impacts have been identified and the conversion of zoning from L-Industrial-1 / J-Business-2 to PDD will provide benefits over the existing as-of-right zoning in terms of a mixed-use development that provides special public benefits and serves greater public need.

### Land Use Plans

*The 1996 Brookhaven Comprehensive Land Use Plan (1996)* - The proposed PDD conforms to the Plan Update recommendation of "Planned Development" for the subject site. It 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 preserved land for

aesthetic buffering and environmental preservation, and retains much of the naturally-vegetated perimeter buffers that have remained despite previous development on the properties. The project conforms to the intent and other recommendations of the Plan.

*The Longwood Mini-Master Plan (January 1993)* - The Longwood Mini-Master Plan is a supplement to the 1996 Brookhaven Comprehensive Land Use Plan. This Plan provides planning goals and identifies existing problems and needed public facilities for the communities in the Longwood area, which includes Coram, East Yaphank, Yaphank, Middle Island and Ridge. The project conforms to the recommended Planned Unit Development (PUD) mixed-use land use for the subject parcel. In addition, the proposed project will conform to many of the identified general goals of the plan.

*Central Pine Barrens Comprehensive Land Use Plan* - The proposed project is a DRS, and therefore must comply with the Standards and Guidelines of the Pine Barrens Plan. The Draft GEIS includes a detailed analysis of the consistency of the project with the standards and guidelines of the Pine Barrens Plan. Some key findings include the following:

- The proposed project conforms to the maximum amount of clearing allowed under the Vegetation Clearance Limits.
- The project will maintain at least 35% of the site in a naturally-vegetated state, in conformance with Pine Barrens Plan requirements.
- The proposed project ensures that retained natural vegetation on the site aligns with other off-site open space to provide an open space continuum with other publicly-owned land and permanent open space in the area of the proposed project site.
- The proposed project provides much less than the maximum of 15% of the site area allowed to be planted as fertilizer-dependent vegetation.
- The proposed project meets and in fact is less than the stricter guideline of 2.5 mg/l of nitrogen recharge for sites in proximity to wetlands, ponds and surface waters.

***Finding 1: The proposed project will change the land use classification and zoning of the site. However, neither of these changes would result in significant adverse impacts to the land uses and zonings of the properties in the vicinity, as significant buffers are retained within the subject site. The project will result in changes to the patterns of land use and zoning in the area, by introducing mixed-use development (within a new PDD zone). The proposed project conforms to the overall intent of the recommendations of the 1996 Brookhaven Comprehensive Land Use Plan, as well as to the specific recommended land use of the subject site. The proposed project is consistent with the Longwood Mini-Master Plan. The proposed project as described in the Draft GEIS conforms to Article XXXVII, Central Pine Barrens District Section 85-443 of the Town Code, and the Standards and Guidelines of the Pine Barrens Plan for a DRS.***

**2. 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.*

The Final GEIS indicates that the proposed project will continue to minimize the magnitude of a potential enrollment impact to the Longwood Central School District (LCSD). Specifically, the project would generate a total of 108 school-age children. This is to be achieved while retaining commercial development, so that a significant amount of school taxes would be maintained that would substantially exceed the costs to the district for increased expenditures necessitated by these schoolchildren. In addition, of the approximately 850 residential units, approximately 303 are proposed as retirement units

and other units will be smaller than single-family homes, such that school children are minimized and tax revenue is maximized.

Using current tax rates and state aid, it is projected that the school district will receive an estimated \$6.902 million annually in school taxes in excess of the costs to provide services to these students, which is a significant net fiscal benefit to the LCSD.

***Finding 2: The proposed project will provide increased revenue to all service providers, particularly to the LCSD, and will not create a burden on existing community services, including the LCSD. In fact, the proposed project would result in a significant excess in school taxes versus the increased school district expenditures made necessary by the project's increase in enrollment.***

**3. Community Character:** *The project is anticipated to have a significant effect upon the general character of the community (as expressed in aesthetics, lighting and noise conditions), and various effects upon the local utility and emergency services.*

#### Aesthetics and Lighting

The Draft GEIS determined that the proposed project would not represent a significant adverse impact on the character of the community from lighting or aesthetic effects, with implementation of the proposed mitigation measures and in conformance to applicable Town regulations.

#### Noise

The Draft GEIS contained a computer modeling analysis of the potential noise impacts of the prior-proposed project. That study found no increase in sound levels along William Floyd Parkway, and an increase of less than 1.0 decibel along the LIE North Service Road. Neither of these levels could be differentiated from the existing ambient conditions by the human ear. To do so would require a differential of at least 3.0 decibels. Therefore, it can be concluded that the project will have no significant adverse impact upon the sound/noise environment of the project area.

Construction noise is inevitable in the short term and will be audible to surrounding residents; however, this impact is unavoidable and will be mitigated by limiting construction to hours regulated by the Brookhaven Town Code. In addition, the dominant noise associated with existing transportation corridors will tend to minimize the 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, as 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.

#### Water Supply

The Draft GEIS acknowledges that the proposed project will increase the consumption of water on the subject site as well as in the area. It is expected that the potable water consumed by the project would be supplied from Suffolk County Water Authority (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 the Suffolk County Department of Health Services (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.

#### Police Protection

The Draft GEIS acknowledges that the proposed project would incrementally increase the potential need for the services of the Suffolk County Police Department (SCPD), particularly of the 7<sup>th</sup> Precinct, which is located nearby to the south on William Floyd Parkway / 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

The Draft GEIS acknowledges that the proposed project would 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. The Draft GEIS discussed the route of a potential emergency Yaphank Fire Department 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 proposed 18-foot wide stabilized emergency 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 Long Island Expressway (LIE) North Service Road and north. The Town may engage in 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 to 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.

***Finding 3: The proposed project will change the land use of the site, and will develop the majority of the property. However, these changes alone would not constitute a significant adverse impact on the character of the community; the project will retain a considerable amount of bordering natural vegetation and other natural resources on the site, and has been designed to minimize other impacts associated with development, such as lighting, aesthetics and noise. The community services available to the proposed project will experience increased or, for emergency and safety services, potentially increased, need of community services. However, it is expected that the project will substantially increase taxes allocated to these service providers, which would offset the increased costs of services provided. Analysis in the GEIS indicates that the Town may engage in minor activities on municipal land that are needed to provide emergency services to its residents, so that the proposed access for the Yaphank Fire Department would be viable.***

**4. Transportation:** *If granted, the proposed change of zone could increase the amount of traffic on the William Floyd Parkway, the LIE, 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 and the LIE could be significant. The traffic system in the area requires a comprehensive evaluation for the proposed project.*

It is noted that the proposed project will generate fewer vehicle trips than if the site were developed as-of-right under its existing zones. Specifically, the Meadows at Yaphank PDD would generate 14% fewer

trips in the weekday AM peak hour, 40% fewer trips in the weekday PM peak hour, and 41% fewer trips in the Saturday midday peak hour than the industrial and commercial development allowed under the existing L-Industrial-1 and J-Business-2 zones.

#### **Intersection Capacity Analyses**

##### **Signalized Intersection Capacity Analysis**

With the anticipated background growth and specific background projects, the overall intersection level of service (LOS) at all of the signalized intersections will continue to operate at an overall LOS C or better during the AM, PM and Saturday midday peak hours.

The capacity analyses for the Build condition at all of the signalized intersections in the study area accounts for the anticipated diversions due to the proposed roadway and ramps. This analysis also accounts for a traffic signal at the proposed site driveways.

##### **Unsignalized Intersection Capacity Analysis**

The capacity analyses for the unsignalized intersections in the study area were conducted for the No Build and Build conditions. Under the Build condition, a new unsignalized site drive intersection is proposed on Yaphank-Woods Boulevard.

For the Build condition, the analysis accounts for the anticipated diversions due to the proposed new roadway and ramps.

For the No Build Conditions, the intersection of Yaphank-Woods Boulevard/Colonial Woods Drive will operate at LOS A during all three time periods. For the Build condition, the intersection will operate at LOS B during the morning and evening peak hours and LOS A during the Saturday peak hour.

The proposed site driveway on Yaphank-Woods Boulevard will operate at LOS A during the weekday AM peak hour volume and LOS B during the weekday PM and Saturday midday peak hours.

##### **Supplemental Analysis – Without Other Developments**

The No Build and Build analysis included a significant amount of background development as requested by the Town Planning Division. A number of these developments have not yet received their required permits, and project-related mitigation has not been identified. 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.

To provide an additional indication of the impact to operations at the signalized intersection, a supplemental year 2015 analysis was also conducted for the signalized intersections which included the proposed Meadows at Yaphank project in addition to a 2% per year annual growth rate, but does not include the other potential developments. This supplemental analysis was performed for two conditions.

The overall intersection of William Floyd Parkway/Moriches-Middle Island Road operates at LOS D during the evening peak hour. The rest of the study area locations all operate at an overall LOS C or better during the peak hours.

The supplemental analysis was also conducted at the two signalized intersections where improvements are proposed as part of the proposed development. With the proposed improvements at the intersection of William Floyd Parkway/Site Driveway, the intersection would operate at LOS A during the weekday morning and LOS B during the weekday evening and Saturday Midday peak hours. This would be true

for both conditions, with the other developments and without the other developments. With the proposed improvements at William Floyd Parkway/Yaphank-Woods Boulevard, the intersection would operate at LOS B during the weekday morning, weekday evening peak hours and Saturday midday peak hours. This would be true for both conditions, with the other developments and without the other developments.

#### Public Transit

As there are no public bus routes that currently serve the site, the proposed project would not impact these resources. The project may represent a significant justification for Suffolk County Transit to revise one or more of its existing bus routes to serve the site, or cause it to institute an entirely new route for that purpose. As noted in the traffic impact study (TIS):

The proponent is committed to working with the Suffolk County Transit to facilitate modifications to bus routes to provide service to the site. The proponent will also work with Suffolk County Transit to identify locations on-site for dedicated bus stops.

In addition to working with Suffolk County Transit to establish public bus service to the site the proponent will provide a private shuttle bus from the site to the local train stations (Mastic/Shirley & Yaphank) and BNL. This service would be based on demand.

#### Mitigation

- 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.
- 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.
- 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.
- Widen the eastbound LIE off-ramp onto the South Service Road from one lane to two lanes to accommodate the off-ramp volume.

***Finding 4: Although there will be an increase in vehicle trips generated by the project over present conditions, the PDD will generate substantially fewer trips than development under existing zoning. With the recommended roadway improvements, the proposed project will not cause a significant adverse impact on traffic conditions. Based on the TIS as reviewed and accepted by the Town and New York State Department of Transportation (NYSDOT), by implementing the recommended roadway improvements associated with the proposed project, the signalized and unsignalized intersections will be able to handle the expected 2015 traffic volumes.***

**5. Water Resources:** *Impacts upon groundwater from water use and sanitary disposal systems must be evaluated. 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.*

The Final GEIS indicates that the proposed project represents a 60.06% increase in recharge generated on the property, as compared with the existing recharge volume. The upgrade of the Dorade STP would produce effluent below discharge limitations, specifically treating to 8 mg/l. 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.

The Draft GEIS referred to the Nationwide Urban Runoff Program (NURP) Study, which addressed chloride contamination to groundwater, through stormwater runoff recharge. The review found that chloride concentrations in stormwater generally increase by two orders of magnitude during the winter months. Chloride is not attenuated in soils, and thus it is anticipated that the amount of chloride contributed to groundwater will be correlated with the amount of salt applied to roadways and parking areas within the stormwater drainage area, during winter months. The analysis contained in the Draft GEIS concludes that the proposed project conforms to the recommendations of the NURP Study with respect to stormwater handling. In addition, innovative stormwater management techniques will be used to promote surface detention and biological uptake of stormwater pollutants; these will be incorporated into the project during the site plan review process.

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.

The SONIR computer model results indicate 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. Therefore, the project is not expected to result in significant adverse effects to groundwater quality with regard to nitrogen loading.

***Finding 5: No significant adverse impacts to groundwater quality are expected as a result of the proposed project; the project would result in a considerable increase in overall site-generated recharge. No impact to the direction of groundwater flow is anticipated, and the contaminant plumes from BNL will continue to have no impact on groundwater beneath the subject site. The stormwater system will be designed in accordance with Town Code Chapter 86 to ensure that all stormwater is retained on site, and will not run off to adjacent properties. Analysis of the NURP Study indicates that the level of chloride impact to groundwater correlates with the wintertime use of roadsalts.***

**6. Dorade Sewage Treatment Plant:** *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 gallons per day (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.*

The Draft GEIS confirms that, in order to meet SCDHS and Suffolk County Sanitary Code (SCSC) Article 6 requirements, the proposed development will be connected to the Dorade STP. The plant will be upgraded to treat the existing flow of 140,000 gpd and some additional project flow through phased improvements to the STP. Once the capacity of the existing STP is reached, a replacement plant will be constructed and eventually built to the original permitted flow of 450,000 gpd. This will be sufficient to accommodate the anticipated total flow from the proposed Meadows at Yaphank project, which is expected to be 275,050 gpd, of which the sanitary flow is 271,050 gpd. This provides a direct benefit of improving the quality of discharge associated with the existing 140,000 gpd that enters the STP from Whispering Pines/Colonial Woods and SCSD #8. Therefore, as a result of this project, the Dorade STP will have the capacity to treat all wastewater generated on-site and from the existing developments, and its maintenance will continue to be subject to review and approval by the SCDHS and the New York State Department of Environmental Conservation (NYSDEC) under the State Pollutant Discharge Elimination System (SPDES) permit program.

At the appropriate time, an Engineering Report will be prepared for the upgrade of the Dorade STP to the 450,000 gpd covered by the original SPDES Permit. This flow can then be restored, as the STP will have the capability to treat this volume. The upgrade will occur in two stages. First, the existing tankage will be upgraded to accommodate at least 225,000± gpd, including the proposed project and the existing 140,000 gpd now treated at the plant. Once the project causes the flow to exceed this volume, a replacement 450,000 gpd STP will be constructed to accommodate the full permitted flow.

The replacement plant will be designed and operated to meet an effluent limitation for total nitrogen of 8 mg/l. The plant will be monitored under the terms of the SPDES permit to ensure compliance. The STP design and construction will be subject to review and approval by the Suffolk County Department of Public Works (SCDPW) and the Suffolk County Sewer Agency (SCSA). SCDHS will act as an arm of the NYSDEC for modification of the existing SPDES permit to permit the original design flow.

The Final GEIS indicates that there are two access and sanitary easements to the STP 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, into the Dorade parcel. The eastern fork, a 20-foot wide utility easement, provides for an underground sanitary sewer connection beneath Franklin Commons and into the treatment tanks of the STP. Research indicates that both access and utility easements to the Dorade STP property were established in 1973, when that facility was planned.

***Finding 6: The design, construction and operation of the Dorade STP upgrade and restoration to its originally-permitted flow will be subject to the review and approval of the SCDHS and NYSDEC, ensuring that no significant adverse impacts to groundwater resources will occur. Analysis indicates that adequate access is available to the STP from the project site.***

**7. 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.*

### Freshwater Wetlands

Analysis indicates that the proposed project would not impact either of the two NYSDEC-designated wetlands (B-15, near the Dorade STP, and B-16, within the former Brookhaven Walk 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 Brookhaven Walk project would retain the 150-foot setback from the south side of this wetland area; it is also noted that all structures will be situated greater than 175 feet from this wetland and no natural woodland will be cleared. As a result, the project will not require a Town Code 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 Environmental Conservation Law (ECL) 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 will 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 amount of clearing proposed on the Dorade STP site. Analysis conducted for the Final GEIS found that the minor amount of clearing on the Dorade site will conform to the policy guidelines of the NYSDEC with respect to retention of tiger salamander habitat. No Article 24 NYSDEC Permit or Chapter 81 Permit would be needed for this wetland.

None of the three wet depressions on the site are NYSDEC-regulated wetland features. The wetland in the wooded area in the southwestern portion of the site will remain undisturbed. The eastern-most depression, abutting CR 46 and 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 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 determined that this feature meets the definition of a freshwater wetland per Chapter 81 of the Town Code. The revised project would create a 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 (57.85% or 192.89 acres) was previously cleared for development and an additional 18.04 acres of natural vegetation will be cleared. The proposed development will primarily occur within these prior cleared areas, resulting in a total proposed developed area of 63.25% of the site (210.93 acres). This is less than the total allowable Pine Barren clearing area of 65% of the overall site (216.75 acres).

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 herbaceous vegetation. Finally, the revised project includes the creation of 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 project 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 1996 Brookhaven Comprehensive Land Use Plan (1996), as it would retain approximately 36.75% of the site (122.53 acres) 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. The applicant will maintain at least 35% of the site in a naturally-vegetated state, in conformance with Town and Pine Barrens Plan requirements.

#### 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 significant adverse impacts to this species are anticipated.

***Finding 7: No significant adverse impacts to Town or State wetland resources are anticipated; no NYSDEC-regulated wetlands will be disturbed, and only a small Town-regulated wetland will be removed. However, this area will be replaced on a 2:1 basis with new freshwater wetlands on-site. As shown in the Land Use and Development Plan-FGEIS Plan, the proposed project is expected to remove 18.04 additional acres of natural vegetation, leaving 36.75% of the site in a naturally-vegetated state; this will not result in a significant adverse impact to vegetation and/or wildlife on the subject property. As subsequent site plans are designed, the applicant will be required to maintain at least 35% of the site in a naturally-vegetated state, in conformance with Town and Pine Barrens Plan requirements. Considerable amounts of habitat will remain on the site for wildlife species. The Draft GEIS established that no significant adverse impacts to rare, threatened or endangered vegetation and/or wildlife species are expected from the proposed project.***

**8. Wetlands and Waterways:** *The project site contains NYSDEC Wetland B-16, which 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.*

#### Wetlands

The Draft GEIS indicates that the proposed project will utilize an on-site drainage system designed to collect all stormwater runoff originating on developed surfaces, recharge some stormwater at point of origin, 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 on-site 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 36.75% (122.53 acres) will continue to act as natural drainage areas recharging and evapotranspiring 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 significantly adversely impact surface water or drainage resources associated with the project site. In addition, 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 and the Final GEIS included a detailed analysis of conformance of the project with the Draft Carmans River Management and Protection Plan. Impact evaluation included the following considerations:

- 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 indicated on Figure 4 – Groundwater Contributing Area and Land Use to Carmans River – Long Term Average Conditions of Precipitation and Recharge of the Plan and as discussed in Appendix M of the FGEIS. 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 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, the proposed project is not anticipated to impact the Carmans River or the downstream South Shore Estuary Reserve.

***Finding 8: No significant adverse impacts to either of the two Town or state-designated freshwater wetlands or to the Carmans River or South Shore Estuary Reserve are anticipated from the proposed project.***

**9. 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 that may be impacted through development. These potential impacts need to be adequately addressed.*

The Draft GEIS contains a discussion and qualitative analysis of the potential visual impacts of the proposed project for observers on adjacent roadways and from within 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. These buffers (which currently exist and must be maintained in conformance with Pine Barrens clearing limits) will provide visual relief for the development within the interior of the site. 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 overall change in land use character, which will be observed as a result of 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. In addition, these visual impacts may be positively affected by the removal of the racetrack remnants and the elimination of nuisance unauthorized recreational vehicles on the site. 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 preserving the vegetative buffer along the site's perimeter.

***Finding 9: A qualitative analysis of this project's visual characteristics indicates that the depth of the retained natural vegetation along the site's perimeter, along with the project's use of architecture and landscaping, would tend to minimize the potential for significant adverse visual impacts.***

**10. Energy:** *The proposed action is anticipated to require substantial amounts of electricity and fossil fuels that may require utility upgrades or expansion. Energy efficient design and water conservation measures should be explored including certification through the US Green Building Council's LEED® Green Building Rating System.*

The Draft GEIS indicates that the proposed project will use LIPA and National Grid to supply energy (electricity and natural gas) to the subject site. Connections will be made to each utility through the creation of an internal distribution network within the project. It is anticipated that both of these energy supply companies maintain adequate resources to supply the proposed project. In addition, energy-saving devices will be utilized where practicable to reduce the total energy demand of the project. 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® Certification Program.

**Finding 10:** *The proposed project can and would be supplied with energy by appropriate services; the increase in demand on these services is not anticipated to represent a significant impact on these services.*

**11. Cultural Resources:** *Based on reported sources, there is an archeological site in or adjacent to the project area. The potential for the presence of pre-historic 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.*

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, the State Historic Preservation Office (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 SHPO response letter confirmed that that proposal would "...have No Impact on Historic Resources", but did indicate that, should any future plan changes impinge on those wooded areas, additional investigation of only these areas would be necessary.

Subsequently, the proposed project design was revised to include minor clearing along the interior border of the previously-cleared areas of the site. Therefore, 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.

**Finding 11:** *No significant adverse impacts to cultural resources are anticipated as a result of the proposed project.*

**12. 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.*

The Draft GEIS estimates a daily solid waste generation of 16,079 pounds. This amount is not expected to include toxic or hazardous wastes; any such wastes would be removed and disposed of by a licensed scavenger. The quantity of waste will be picked up by a private contractor operating under contract with the site operator and will be able to be accommodated at the Town disposal facility.

***Finding 12: The types and amount of solid wastes generated by the proposed project is not expected to represent a significant impact on the Town's solid waste facility.***

**13. 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.*

The Draft GEIS contained a Microscale computer model analysis for the proposed project. The input values were selected based on the NYSDOT Environmental Procedures Manual, the capacity analysis and delay information from the TIS, and specific roadway geometry. The input data was extremely conservative for emission rates, wind speed and stability as well as for traffic-related input. In addition, the assumptions related to dispersion calculations were based upon worst-case conditions for meteorological conditions (which impacts mixing). The results indicate that the project will not significantly adversely impact air quality.

The Draft GEIS also included a qualitative analysis of potential construction-related air quality impacts. It is noted that such activities will result in a temporary, although minor, increase in airborne pollutants from the equipment used in the construction process for a multi-year, phased duration. The major source of these pollutants is related to site clearing, where exposed 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 would not occur 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 measures specified in the required Stormwater Pollution Prevention Plan (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. The two multi-family communities to the north are set back from the main development areas so that, as a result of intervening vegetated buffers and the width of Yaphank-Woods Boulevard, potential impacts from construction would be minimized.

***Finding 13: Based on the air quality modeling analysis, it is concluded that the proposed project will not result in a significant adverse impact to the local air quality and no further analysis is necessary. The discussion of potential construction-related impacts indicates that impacts during this period would be temporary, limited in scope and intensity, and mitigated to the maximum extent practicable.***

**14. 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.*

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 (need) for the project and market absorption (including potential impact on other shopping centers, downtown areas and smaller retailers)

These studies established the absence of significant 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, in consideration of the analyses contained in these studies, it is expected that the proposed project would not result in any significant adverse economic impacts.

***Finding 14: Based on the analyses contained in the economic-related studies prepared for the proposed project, it is expected that the need for the project has been adequately established, and that the project would not significantly adversely impact the economic conditions of local communities. The project is expected to generate substantial quantities of construction jobs, permanent jobs and tax revenue.***

**15. 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 and the LIE that could be significant, particularly with respect to traffic. The proposed action will also set an important precedent for future project development under the PDD concept. Cumulative impacts of this and other projects in the area need to be addressed.*

The Draft GEIS contained a thorough and complete Cumulative Impact Analysis; it described the eight (8) applicable local pending projects and presented analyses of controlling regulations and resource-based assessments of potential cumulative impacts. In addition, the Final GEIS contained a Supplemental Cumulative Impact Analysis prepared in response to comments 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); 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 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.

***Finding 15: Analyses indicate that there are no significant adverse anticipated cumulative impacts associated with The Meadows at Yaphank PDD and the other pending projects in the area.***

## 16. Alternatives Considered

The applicant has reviewed several reasonable alternatives to the proposed project, which include:

- Alternative 1: No Action - assumes that the site remains in its current use and condition.
- Alternative 2: Development at Existing Zoning - this scenario assumes that the site is developed according to the current zonings of the project parcels, as follows:
  - Alternative 2a: Development of Property with Existing Approvals (Brookhaven Walk/Eastern Parcel)
  - Alternative 2b: Development of Property Under L-Industry-1 Zone (Racetrack/Western Parcel)
- Alternative 3: Public Acquisition
- Alternative 4: Reuse of Wet Depressions as Town-Designated Wetlands - assumes the proposed project yield and layout, with the existing wet depressions in the former racing oval and along CR 46 to be retained as a Town-designated wetlands and incorporated in the site's drainage system.

***Finding 16: The proposed project has merits over the alternatives studied, and minimizes significant adverse impacts to the greatest degree practicable.***

**Facts and Conclusions Relied on to Support the Decision:**

The Draft GEIS and Final GEIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above.

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the Final GEIS having weighed and balanced relevant environmental impacts with social, economic and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of 6 NYCRR Part 617 have been met and further certifies that, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable.

**State Environmental Quality Review  
FINDINGS STATEMENT SIGNATURE PAGE**

**Certification to Approve/Undertake**

Having considered the Draft and Final Generic Environmental Impact Statements for the proposed Change of Zone and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures and safeguards that were identified as practicable.

By the Town Board of the Town of Brookhaven, One Independence Hill, Farmingville, NY 11738

  
\_\_\_\_\_  
Signature of Responsible Official

Patricia A. Eddington  
\_\_\_\_\_  
Name of Responsible Official

Town Clerk  
\_\_\_\_\_  
Title of Responsible Official

October 4, 2011  
\_\_\_\_\_  
Date

Copies of this Findings Statement have been filed with:

Applicant  
David Sloane, Esq., Certilman, Balin, Adler & Hyman  
Environmental Notice Bulletin  
Lead Agency Town Board of the Town of Brookhaven  
Mark Carrara, Deputy Permit Administrator, NYSDEC  
Sheref Fathi, Regional Environmental Manager, NYSDOT  
Douglas P. Mackey, Historic Preservation Program Analyst-Archaeology, NYS Historic Preservation  
Field Services Bureau (NYS OPRHP #10PR03630)  
Julie Hargrave, Environmental Planner, Central Pine Barrens Joint Planning and Policy Commission  
Gilbert Anderson, P.E., Commissioner, SCDPW  
Kimberly Kennedy, Assistant to General Counsel, SCWA  
Andrew P. Freleng, Chief Planner, Suffolk County Department of Planning  
Kimberly Shaw, Senior Environmental Analyst, SCDHS  
Craig A. Platt, Secretary, Suffolk County Sewer Agency  
Suffolk County Planning Commission  
Supervisor, Town of Brookhaven

Beth Anne Reilly, Esq., Assistant Town Attorney, Town Law Department  
Patricia A. Eddington, LCSW, Town Clerk and Registrar  
Councilperson Connie Kepert - Council District 4  
Vincent E. Pascale, Chairperson, Town Planning Board  
John Rouse, Superintendent of Highways, Town Highway department  
Lynn Weyant, Director, Division of Traffic Safety Town PELM  
Tullio Bertoli, Commissioner, PELM  
Jeffrey Kassner, Assistant Director, Division of Environmental Protection, PELM  
Chip F. Wiebelt, Senior Site Plan Reviewer, Planning Division, PELM  
Raymond DiBiase, P.E., PTOE, L.K. McLean Associates  
Kim A. Gennaro, M.S., AICP, VHB Engineering, Surveying and Landscape Architecture, P.C.  
Longwood Central School District  
Richard Amper, Long Island Pine Barrens Society, Inc.  
Longwood Public Library  
Parties of Interest on Record (if applicable)