

FINDINGS STATEMENT
FOR THE
DRAFT COMPREHENSIVE ZONING RE-EVALUATION
OF THE
MONTAUK HIGHWAY CORRIDOR
FOR
MORICHES, CENTER MORICHES, EAST MORICHES AND
EASTPORT



Town of Brookhaven
Edward P. Romaine, Supervisor

Town Council

Valerie M. Cartright, Councilmember, District 1
Jane Bonner, Councilmember, District 2
Kevin LaValle, Councilmember, District 3
Michael Loguercio, Councilmember, District 4
Neil Foley, District 5
Daniel Panico, Councilmember, District 6

Lead Agency Contact:

TOWN OF BROOKHAVEN TOWN BOARD

Brenda A. Prusinowski, AICP, Deputy Commissioner
Department of Planning, Environment & Land Management
One Independence Hill
Farmingville, NY 11738 (631) 451-6400

Prepared by: Town of Brookhaven Department of Planning, Environment & Land Management
Luke Ormand, Environmental Analyst

Date of Acceptance: _____ June 6, 2016 _____

This page left intentionally blank.

AGENCY JURISDICTION:

The Town Board of the Town of Brookhaven is an elected municipal legislative body whose duties include: development and enactment of local land use legislation including zoning laws, approval of various land use applications including re-zonings, oversight over the land use process in the Town of Brookhaven and approval of Comprehensive Studies.

The proposed *Zoning Re-Evaluation Study* was referred to the following agencies for review and recommendations:

- New York State Department of Environmental Conservation;
- Central Pine Barrens Joint Planning and Policy Commission;
- Suffolk County Department of Public Works;
- Suffolk County Planning Commission;
- Suffolk County Department of Planning; and
- Town of Southampton

It should be noted that the above agencies do not have formal approval/denial authority over the proposed action. The Brookhaven Town Board has the ultimate approval authority and sole discretion over the adoption of the Greater Moriches Comprehensive Zoning Re-Evaluation Study. However, implementation and all development within the corridor must be in conformance to the rules, regulations, and laws of all governmental entities.

LOCATION OF THE ACTION:

The Study covers the Montauk Highway corridor (AKA CR 80) and the surrounding area, from the Forge River (Moriches) to the Brookhaven / Southampton Township border in Eastport. The Study area extends north to Sunrise Highway (with a handful of parcels north of this boundary) and South to Moriches Bay and its associated creeks and coves.

DESCRIPTION OF THE ACTION:

- The adoption of the Greater Moriches Comprehensive Zoning Re-Evaluation Study by the Town of Brookhaven Town Board.

The Town Board of the Town of Brookhaven proposed to approve and adopt a Comprehensive Study for the Greater Moriches Area, which includes the hamlets known as Moriches, Center Moriches, East Moriches and Eastport¹. This Study rectifies outdated zoning designations within these hamlets and creates a more cohesive and comprehensively zoned community while balancing future development potential.

The Study focuses on applying recommendations to guide development within the Study Area. These recommendations are based on previous plans and studies and have been made by residents, business owners, community organizations, local leaders and Town of Brookhaven staff during the review process in an effort to improve the character, functionality and future development within the Town's four (4) southeastern hamlets.

Within the Study are recommendations for re-zonings in all of the underlying hamlets. These re-zonings rectify outdated zoning categories (such as K-business), recognize environmentally sensitive areas by up-zoning parcels accordingly (from A-1 to A-2), streamline zoning along main street areas and create transition-zoning areas within the corridors between hamlet downtowns. Additionally, split-zoning, spot-zoning and zoning anomalies are recognized and eliminated through the proposed Study.

These Findings are issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law. A Final Generic Environmental Impact Statement (FGEIS) has been completed and accepted for the proposed action described as above.

¹ It should be noted that the Study did include a small number of parcels in the hamlets of Mastic and Manorville

HISTORY OF ACTION:

A Positive Declaration of Environmental Significance was adopted by the Town Board on December 17, 2015. A Notice of Complete DGEIS and scheduled Public Hearing were adopted by the Town Board of the Town of Brookhaven on February 25, 2015, with the DGEIS being accepted by resolution by the Town Board on this date. A Public Hearing on the DGEIS and Study was held on March 22, 2015 and public comments were accepted until April 7, 2015. A Final Generic Environmental Impact Statement (FGEIS) was accepted by the Town Board on May 12, 2015.

A Draft Generic Environmental Impact Statement (DGEIS), dated February 2016, was prepared for the proposed action. At the February 25, 2016 Town Board meeting, the Brookhaven Town Board accepted the DGEIS as complete with respect to its scope and content for the purposes of commencing public review, in accordance with 6 NYCRR §617.9(a)(2). The DGEIS subsequently was circulated for review and to solicit comments from interested agencies and the public, pursuant to 6 NYCRR §617.12.

The Final Generic Environmental Impact Statement was prepared to respond to inquiries and comments received during the public hearing and comment period. The Brookhaven Town Board accepted the FGEIS as complete at the May 12, 2016 meeting.

The Proposed Action has evolved from a number of previous plans and studies for the Greater Moriches Area including the 1995 Moriches Four-Hamlet Comprehensive Plan and the 1996 Town of Brookhaven Comprehensive Land Use Plan. Many of the recommendations from these plans were not previously implemented, but remain relevant. Input from residents, business owners and local civics, combined with past Land Use documents have helped shape the Study into what it is today.

The tangible outcome of the public participation and the Town planning process is the Greater Moriches Comprehensive Zoning Re-Evaluation Study, May 2016 (the Proposed Action). The Town Board, as Lead Agency, adopted a SEQRA Positive Declaration in order to thoroughly analyze environmental concerns to determine if there may be any adverse impacts associated with the action. In accordance with 6 NYCRR §617.10, the Town determined that a Generic

Environmental Impact Statement would be most appropriate due to the following (From 6 NYCRR §617.10 [a]):

“Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur.

A generic EIS may be used to assess the environmental impacts of:

- (1) A number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts; or*
- (2) A sequence of actions, contemplated by a single agency or individual; or*
- (3) Separate actions having generic or common impacts; or*
- (4) An entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing Studys, development plans, zoning regulations or agency comprehensive resource management plans.”*

A Draft Generic EIS was prepared for, and accepted by; the Town Board on February 25, 2016 and public hearings on the DGEIS and Study were held on March 22, 2016. The Final Generic Environmental Impact Statement was accepted on May 12, 2016, followed by more than the minimum 10-day review period.

The Town Board has, in response to the submitted comments, questions and concerns as well as the Town’s own analysis, revised the Study and DGEIS accordingly. The revisions improve and ultimately add to the level of detail but do not fundamentally change the document.

INTRODUCTION:

This Findings Statement has been prepared pursuant to the requirements of Part §617.11 of the State Environmental Quality Review Act regulations (SEQRA) which state that no agency shall make a decision on an action which has been the subject of a Final GEIS until a written Findings Statement has been prepared in regard to the facts and conclusions contained within the Draft and Final GEIS relied upon to support its decision. To conform to the SEQRA provisions, the Town Board of the Town of Brookhaven has prepared this Findings Statement.

In its SEQRA review of this Study, the Town of Brookhaven has not identified any significant adverse environmental impacts for this action. Nevertheless, the Town of Brookhaven chose to use the format of a Generic Environmental Impact Statement (GEIS) in its subsequent SEQRA review (including a public hearing and written comment period) of this Proposed Action as it provided for the most comprehensive environmental review of the Study and allowed for the greatest degree of public awareness and input. Furthermore, even though no significant adverse environmental impacts were identified as a result of the Study, Section §617.10 of the SEQRA regulations states that GEIS's may be used, *“To assess the environmental impacts of: an entire program or plan having wide applications . . . including new or significant changes to existing Studies . . .”* regardless of whether or not the action is expected to possibly result in adverse environmental impacts. In addition, Part §617.10 endorses the concept of using a GEIS for the adoption of a Comprehensive Plan prepared in accordance with Subdivision 4, Section 272-a of the New York State Town Law. These additional reasons have also compelled the Town of Brookhaven to utilize the GEIS process for the Plan.

The Greater Moriches Comprehensive Zoning Re-Evaluation Study is a general blueprint for zoning designations within the Study area based on existing use and desired future development patterns. The Study identifies important elements of the natural, historical and cultural resource base and addresses these and other land uses issues pertaining to Goals, Community Vision, Environmental Resources, Transportation and Existing Land Uses. Largely throughout the Montauk Highway and Frowein Road corridors, the Study suggests potential zoning changes and recognizes areas of environmental sensitivity. The Study notes that most specific suggestions would need further environmental and planning analysis as well as an opportunity for public

input prior to implementation (such as the actual re-zoning of parcels on the Town Board's own motion in accordance with recommendations within the Plan).

SUMMARY OF FACTS AND CONCLUSIONS IN THE GEIS RELIED UPON TO SUPPORT THE DECISIONS:

As set forth in 6 NYCRR §617.10, this section of the Findings Statement considers the relevant environmental impacts, facts and conclusions of the main environmental issues relating to the Proposed Action and provides the rationale for the decision(s) made by the Brookhaven Town Board regarding this matter. In addition, specific conditions and criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance, are provided.

This summary is organized by eleven (11) subject headings that generally correspond to the section headings for the DGEIS. The full information supporting the decision-making process, which were considered in preparing this Findings Statement, are contained within the February 25, 2016 DGEIS and the May 12, 2016 FGEIS.

STUDY GOALS:

The Study and GEIS outline and analyze a number of broad goals, which are the basis for the zoning recommendations that will guide the implementation of the *Study*. These are as follow:

- Support the Strengths and Unique Attributes of each Hamlet;
- Encourage Revitalization and Strengthening of Existing Small Businesses;
- Assess Development Pressure within the Corridor;
- Preserve Community Character;
- Assess Impacts of “Big Box” Development within the Corridor and Make Recommendations to Neutralize Impacts;
- Identify Excess and Vacant Commercial Zoning and Re-zone Parcels to a more Appropriate Zoning District;

- To Identify Split-Zoned Lands and Provide the Appropriate Zoning District Consistent with Existing Land Uses;
- To Identify Residential Land Uses in Commercial Zoning Districts and to Rezone to more Appropriate Residential Districts; and
- Up-zone environmentally sensitive lands in watersheds;

EXISTING CONDITIONS:

The Study and GEIS discuss, examine and inventory the overall conditions of the Greater Moriches Area, including the Montauk Highway and Frowein Road corridors. These sections of the Study examine the existing population and current zoning and provide an inventory of the existing land uses along the respective corridors. This section also looks at the historic value and land uses within the area, identifies environmentally sensitive places and considers how the Hamlets are used with respect to being “downtown” areas or “transition” areas. It is important to recognize that the impetus behind the Proposed Action was specifically to recognize existing conditions, previous recommendations and the potential for future development, all predicated on zoning, with the study area.

STUDY AND ZONING:

One of the outcomes of the Proposed Action is the result of promoting the protection and preservation of the local environment and natural spaces while pairing compatible zoning with existing uses along the major thoroughfares. Accordingly, the Proposed Action should not have a significant adverse impact on the study area’s land use and zoning and it is expected to have beneficial impacts by:

- Placing limits on sprawl, incompatible mixed land uses, and limiting potential sites for “big box stores” along the Montauk Highway and Frowein Road corridors;
- Up-zoning sensitive lands along the Forge River and Terrell River and within their respective watersheds to better protect future water quality;

- Encouraging “main-street” mixed-use land uses along designated areas of Montauk Highway within the defined hamlet centers;
- Eliminating confusing and outdated “split-zoned” designations as well as eliminating outdated “K-Business” zoning for specific parcels;
- Ensuring that changes to zoning and land use decisions are based on comprehensive and regional analysis;
- Recognizing the various Historic Districts in the Study Area and promoting development consistent with these districts;
- Recognizing pre-existing uses where current zoning does not match the allowable use and rectifying this issue while preserving property and business owner’s rights; and
- Creating a starting point for the community and the Town to address planning issues and achieve planning goals.

The use of zoning as a tool to advance the Town’s Study goals and objectives is indispensable and well established under both law and practice. However, in cases where individuals feel aggrieved by a particular building or zoning regulation, they are entitled to petition for relief under the variance process, thereby providing a means of mitigating possible adverse impacts to individuals on a site-by-site basis.

Where applicable, future development actions will still be required to conform to the mandates and specifications of SEQRA, and as such, those actions determined to be Type I or Unlisted would be subject to standard additional environmental review. This additional review will provide further opportunity to focus impact analysis on site-specific conditions and the specifics of individual development proposals for which anticipated impacts can be evaluated on a site and project specific basis. Future re-zoning and site development and redevelopment will be subject to site plan, subdivision and environmental reviews and approvals.

CRITERIA, CONDITIONS AND THRESHOLDS:

Site-specific development and redevelopment and policies affecting land use in the study area will conform to:

- The goals and the underlying intent of the Study with respect to density, uses, changes to the zoning map and overall development;
- The guidelines and stated goals of the 1996 Town of *Brookhaven Comprehensive Study* and any amendments thereof;
- The guidelines and regulations of the Suffolk County Department of Health Services Sanitary Code Article 6 (Realty Subdivisions, Developments and other Construction Projects);
- Requiring mitigation of significant adverse impacts created by an land use or zone changes to neighboring properties and the area's overall land use pattern; and
- Maintaining an adequate and balanced mix of existing commercial, retail, industrial and residential uses.
- All rules and regulations promulgated by Federal, State and local regulatory agencies.

GEOLOGY, TOPOGRAPHY, DRAINAGE AND HYDROGEOLOGY:

The Proposed Action should not have an adverse impact on soils, groundwater resources, drainage, or hydrogeology within the study area and will lead to improved protection of existing wetland systems and the underlying aquifer due to:

- Up-zoning residential properties in the Forge River and Terrell River watersheds from A-residence-1 to A-residence-2 which will eliminate or reduce the potential of future residential dwellings which could be constructed in these sensitive areas;
- Eliminating areas designated K-Business which permits duck farming, a use that has significant environmental impacts to surface waters and our rivers, creeks and bays; and

- Encouraging downtown and transitional uses in appropriate areas to foster the growth and maintain the historic qualities of the various hamlets while recognizing the potential for sea-level rise and related impacts due to climate change.

SURFACE WATER AND WETLANDS:

The Proposed Action should not have an adverse impact on the surface waters and wetlands in the Greater Moriches Area due to:

- Up-zoning of residential parcels from A-Residence-1 to A-Residence-2 and eliminating areas of K-Business zoning in the environmentally sensitive watersheds known as the Forge River and Terrell River;
- Recognition of the Forge River and Terrell River watersheds as environmentally sensitive in a land use document will make it more difficult to justify non-permitted uses in these areas; and
- Steering new development or revised zoning designations toward areas which do not contain surface waters and wetlands;
- Recognizing the potential impacts of future sea level rise and other impacts related to global climate change and how the resultant impacts on the immediate geography of the study area and Greater Brookhaven Township.

NATURAL RESOURCES:

The Natural Resources section of the Study and the GEIS provide a detailed discussion of the various significant natural resources within the study area and existing problems and concerns related to those resources. These natural resources include rare, threatened and endangered species of plants and animals as well as existing surface waters and wetlands and extensive areas of open woodlands.

The Study and GEIS proposed recommendations pertaining to these important environmental resources within the study area. The recommendations are categorized according to rare species, aesthetic qualities and scenic vistas as well as wetlands and surface waters.

The Proposed Action should not have any significant adverse impacts on natural resources and should result in improved protection of natural resources compared to existing conditions due to:

- Recognition and identification of existing wetlands, surface waters and their surrounding sensitive systems;
- Identification of contiguous tracts of vacant, undeveloped forest within the study area and the natural resources contained therein;
- Recognition and identification of existing parks and the support for further protection and enhancement of said facilities;
- Up-zoning of residential parcels within the Forge River and Terrell River watersheds; and
- Identification of rare, threatened and endangered species which utilize the watersheds;

Site-specific environmental assessments will still be required for Type I and Unlisted Actions, which will set forth mitigation strategies (when needed) on a case by case basis for developments within the study area.

ECONOMICS:

The Study and GEIS took into consideration the local economy, economic sections from past, relevant plans and studies, and acknowledged the shift away from duck farming to other agricultural uses and residential uses over the last several decades. Additionally, the Study focused on the overwhelming economic concern of excess J-Business-2 zoning. On pages 15 through 18, a complete analysis was prepared for parcels zoned J-Business-2 and taking into consideration, which parcels had underlying uses that do not match the zoning. This section determined that there are 86.5 acres of J-Business-2 and J-Business-2 split zoned properties in the Study area. If these parcels were developed to their maximum allowable square footage, it would equate to 746,000 square feet of retail commercial space. This amount of development would represent significant commercial sprawl, threaten existing businesses, historic character, community character, and stress community services.

It is difficult and impractical to quantitatively determine with any degree of certainty what the potential economic effects of the *Study* will be on the community as a whole. However, it is also impractical to accurately determine the potential economic impact, positive or negative, to each individual lot that is directly or indirectly affected by the Proposed Action given the scope of a Generic Environmental Impact Statement.

It is not anticipated that the Proposed Action will have a significant adverse economic impact on the community versus the No-Action Alternative when viewed from a broad and general perspective. This is because implementation of the *Study* will promote a sense of place, reduce vestigial zoning (such as K-Business), reduce excess commercial zoning and remove split-zoning along the Montauk Highway and Frowein Road corridors. Furthermore, the Proposed Action will ensure better standards for redevelopment and encourage more appropriate and consistent land development and use.

Another benefit of the Proposed Action is the recognition of compact, orderly and discrete hamlet centers with compatible and synergistic land uses and their complementary transition areas. This designation, in conjunction with revised zoning and elimination of vestigial zoning, should provide benefits to the community in terms of property values and general economic vitality.

More specifically, the Proposed Action will result in improved economic conditions due to:

- Increased local tax revenues from changes in the tax assessments of properties as new investments in the community result in fewer vacancies and redevelopment;
- An overall positive impact to property values originating from the defining of the proposed transitional areas, and downtown areas;
- Enhancement and protection of the natural environment with an anticipated overall lasting value to the community, particularly related to the protection and expansion of “open space” and “parkland” areas;
- Conformance to the *Study* will facilitate project approval thereby reducing the costs associated with development and redevelopment;

There may be small potential impacts to resale values of individual properties under the Proposed Action. This will be primarily due to changes in the demand for the land as determined by the uses that are permitted. These changes are anticipated to be positive in many cases and the implementation of the *Study* over time should have an overall positive effect. However, in some cases, the overall return on certain specific properties may be negatively affected. A remedy is available to those who can demonstrate that they are significantly aggrieved by a rezoning or dimensional restriction through a variance application to the Town of Brookhaven Board of Zoning Appeals, which will provide a means of mitigating possible impacts to affected property owners on a site-by-site basis.

GROWTH, COMMUNITY FACILITIES AND COMMUNITY CHARACTER:

The Study was derived from past studies and plans and by working with the community to finally implement changes that have been proposed for decades. One of the main goals of this Study was to ascertain how much undeveloped or under-developed J-Business-2 zoning existed and to limit the potential for commercial sprawl and impacts related to such.

The Study was developed through an extensive and lengthy public process, spanning decades, including the 1995 Moriches Four-Hamlet Comprehensive Plan and 1996 Comprehensive Land Use Plan (for Brookhaven Township) as well as more recent documents such as the 2012 Forge River Water Management Plan and the 2007 County Road 51 Corridor Based Land Use Plan. Additionally, there was community reach out from the Town in order to meet with residents and property owners who may be affected by the proposed changes. The Proposed Action reflects the communities' vision for itself and the Town's long-standing efforts to implement positive change to the hamlets and will therefore have a positive impact on community character and growth issues and will not result in significant adverse environmental impacts and include:

- Preserving natural resources and aesthetic resources;
- Preventing commercial sprawl;
- Protecting environmentally sensitive sites;
- Reducing crime and encouraging community pride;

- Building off the success of recent enhancements to local parks;
- Designating hamlet centers and creating cohesive zoning and land uses along Montauk Highway and Frowein Road;
- Eliminating confusing split-zoned parcels and vestigial zoning (K-Business); and
- Encouraging development that is cohesive with existing development patterns, historic districts and available resources.

CRITERIA, CONDITIONS AND THRESHOLDS:

Site-specific development, redevelopment and land use policies should:

- Promote economic viability, particularly along Montauk Highway and Frowein Road;
- Conform to the intent of the Study with respect to the character and growth within the study area and the main thoroughfares; and
- Implement mitigation measures designed to address adverse impacts from pre-existing, non-conforming uses and phase out incompatible and/or outdated zoning categories and uses (such as K-Business).

TRANSPORTATION:

The recommendations within the Greater Moriches Comprehensive Zoning Re-Evaluation Study will not reverse the trend of increased traffic along Montauk Highway and Frowein Road, however they will manage residential, commercial and industrial growth (and thus traffic). Furthermore, the recommendations are designed to prevent an unsupportable level of commercial development which could have severe traffic impacts, similar to those that have occurred on Route 58 in Riverhead. While not part of the Study, the Town is actively working to determine if it's feasible to re-open a train station within the Study area to further encourage the use of busses and trains to reduce on-road traffic.

The main roadways within the boundary of the Study Area are: County Road 80 (AKA Montauk Highway / Main Street), County Road 98 (AKA Frowein Road) and S.R. 27 (AKA Sunrise

Highway). As such, traffic improvements on the main thoroughfares are outside the jurisdiction of the Town of Brookhaven and rest with the County and the State respectively.

However, the Town of Brookhaven remains committed to safe roadways, reduced or managed traffic conditions and maintaining Frowein as a “bypass” and Montauk Highway as a Main Street and will work with the County to ensure all future improvements and/or changes meet these criteria.

CRITERIA, CONDITIONS AND THRESHOLDS:

The transportation component of the Greater Moriches Comprehensive Zoning Re-Evaluation Study is a guide to support and encourage roadway improvements along Montauk Highway and Frowein Road within the study area. The recommendations contained therein are not the result of a comprehensive transportation corridor study that would be required to provide the quantitative and qualitative justification for specific and/or extensive roadway improvements. Traffic data provided and evaluated provides a broad-brush expectation of transportation needs and possible mitigation alternatives to alleviate traffic congestion.

Specific land development applications, future County roadway improvement projects, changes proposed or made by the LIRR/MTA and Town policy considerations along Montauk Highway should be analyzed on their own merits and within the context of the subject Study.

AIR QUALITY:

The Proposed Action should not have any adverse impacts to air quality within the study area, or outside of it. Air quality assessment was based on the overall recommendations and changes proposed within the Proposed Action and not on site-specific future development consistent with the broad nature of the adopted GEIS. Similarly, while traffic may continue to increase in general within the study area, the proposed zoning recommendations should limit and control development, which will likely lessen congestion and thereby impacts to air quality. Since the type of development is related to the quality and quantity of emissions, it is important to assess air quality of future development on a site-by-site basis.

NOISE:

The Proposed Action is not expected to have any adverse impacts with respect to ambient noise levels in the study area. It is anticipated that the Proposed Action will aid in curbing significant increases in noise due to traffic and development by streamlining zoning and eliminating inappropriate and incompatible zoning designations.

SCENIC, HISTORIC AND CULTURAL RESOURCES:

The Proposed Action will not adversely impact the Town's historic and cultural resources. Within the study area, there are four (4) historic districts, each corresponding to the underlying Hamlet: Moriches, Center Moriches, East Moriches and Eastport. Additionally, there are two (2) sites on the National Register of Historic Places. Neither of these parcels will have their underlying zoning changed, nor will recommendations within the study impact these sites.

One of the main goals of the Study is to eliminate excess retail zoning (J-Business-2) and encourage "downtown" development with "main street" type uses. These changes will further enhance the historic nature of the hamlet centers and the surrounding roadways and preventing the area from being developed with commercial sprawl.

Under the Proposed Action, no impacts are expected to the areas identified by New York State as being archaeologically sensitive. Because the Study focuses largely on appropriate zoning and does not recommend any physical development, no impacts would be expected to sensitive lands. Furthermore, the study recommends up-zoning of environmentally sensitive areas along the Terrell River and the Forge River, including undeveloped and underdeveloped parcels. Due to the location of these sites, it is expected that they may have significant archaeological or historical value. By up-zoning the allowable development, these resources will be further preserved and recognized by the Town, should the parcels be developed in the future.

CRITERIA, CONDITIONS AND THRESHOLDS:

All projects will still be required to undergo necessary environmental reviews and conform to NYSDEC freshwater wetlands regulations, the Brookhaven Town Code Wetland and Waterways and Wetlands Overlay District and Suffolk County Health Department Standards, when

applicable. Furthermore, Actions which are determined to be Type I or Unlisted pursuant to applicable regulations will need to conform to SEQRA. Therefore, the Proposed Action will be at least as protective of these resources and includes provisions that should provide benefits as compared to existing conditions.

Site specific development and redevelopment and land use policies should:

- Conform to the intent of the Study to advance the goals of preservation and enhancement of natural resources including but not limited to ecosystems, environmentally significant areas and ecological resources;
- Require mitigation measures designed to reduce or control environmental impacts;
- Address adverse impacts to any threatened or endangered species known to be on or near the site and the type and amount of vegetation that will be removed or altered;
- Assess the purpose, type and approximate quantities of any filling or grading associated with the respective action, if any and;
- Ensure that proper mitigation measures that will be carried out in order to reduce or control erosion;
- Ensure best management practices designed to address stormwater, drainage pattern and problems, such as erosion, steep topography and wetlands;
- Provide mitigation measures for adverse impacts on adjacent or nearby bodies of water;
- Require standard erosion control plans if needed during construction and post-construction;
- Implementation of accepted best management and pollution prevention practices were applicable;
- Conformance to regulations and management practices pertaining to the potential for the release of hazardous products or wastes;

- Comply with Suffolk County Department of Health Services and Suffolk County Department of Public Works rules and regulations;
- Conduct an air quality assessment to ensure that adjacent uses are not adversely impacted (when applicable); and
- Minimize traffic impacts and the overall level of emissions generated due increases in development.

ENERGY / SOLID WASTE:

It does not appear that the Proposed Action will significantly impact energy consumption within the study area. Furthermore, the local utilities (LIPA/PSEG) have stated publicly in recent years that there has been a glut of available energy and that they are seeking to reduce the amount of energy made available to avoid this surplus in the future. Furthermore, two (2) solar energy production facilities are proposed just northwest of the study area and could potentially provide significant amounts of clean, green energy to homes and business. As such, any impacts in energy consumption, which would result from the Proposed Action, would not be expected to have an impact on energy, even if demand were more than anticipated.

With respect to impacts to solid waste, the Study largely recommends zoning properties in conjunction with their legal, approved use. Thus, any changes to zoning would not have an impact on actual solid waste, as the use would remain the same. Some “downtown” areas are proposed for a higher density of J-Business-6, which is a common zoning category for downtown areas throughout the Town of Brookhaven, allowing for, among other things, residential apartments above first floor businesses. Any new developments, seeking to take advantage of the full density allotments, would be required to meet strict Suffolk County Department of Health Services standards. In order to prevent significant adverse impacts to the environment due to changes in energy or solid waste, all site specific changes and policy development within the study Area in accordance with the Study should:

- Undergo an analysis of the geology and hydrogeology of the site and determine whether or not the change is suitable for the proposed waste handling or disposal activity;

- Undergo an analysis of the proposed waste handling or disposal activity and determine if it is compatible with adjacent uses and site conditions;
- Undergo analysis pertaining to design, operational or pollution prevention practices that will be employed to reduce the likelihood of releases or to mitigation potential impacts from the proposed waste handling or disposal activity; and
- Undergo analysis regarding the kind of energy (electric, natural gas, petroleum, solar) used and if it will meet the completed project's energy needs and what impact this will have on local energy supply and demands.

MITIGATION:

Neither the DGEIS nor the FGEIS identified any significant adverse environmental impacts as a result of any of the recommendations within the Study pertaining to the above sections. In fact, implementation of the Study and implementation of the recommended re-zonings will likely reduce the magnitude of future adverse impacts from a number of important environmental parameters. As compared to the No-Action Alternative, whereby development within the study area proceeds under existing conditions, zonings and regulations, changes under the Proposed Action will result in the benefits discussed above for each subject area considered in the review process. The No-Action Alternative would result in continued disjointed land uses and hodgepodge development with potential for significant over-development (with respect to retail uses) within the various hamlets along Montauk Highway and Frowein Road and would fail to adequately protect environmentally sensitive areas such as parcels along the Forge River and Terrell River.

Any project proposed within the study area will still be fully governed by the requirements of SEQRA on the state and local level. Since any significant future development will require, at minimum, a discretionary site plan approval by the Town of Brookhaven, the potential environmental impacts of such actions will be required to be assessed through the submission of an Environmental Assessment Form (EAF). This document requires the presentation of detailed, project-specific information and analyses, leading to the issuance of a Determination of

Significance. If it is determined that any given application submitted to the Town entails the potential for one or more significant environmental impacts, the need for the issuance of a Positive Declaration and preparation of a site-specific Environmental Impact Statement (EIS) would be required. In addition, development and redevelopment will still be governed by the rules, regulations, procedures of the Town of Brookhaven, Suffolk County, New York State and, where applicable, the Federal Government. Only re-zonings on the Town Board's own-motion, in accordance with the recommendations of the Study would be exempt from SEQRA as the potential impacts have been fully assessed in the FGEIS.

A remedy is available to those who can demonstrate that they are significantly aggrieved by a re-zoning. This process involves appealing to the Town of Brookhaven Board of Zoning Appeals and provides a means of mitigation possible impacts to affected property owners on a site-by-site basis involving strict, written criteria set forth by the Board.

CHANGES TO ZONING MAP:

The proposed Study consisted of a comprehensive re-evaluation of existing zoning patterns, thus, the end result of the Study is to make changes to the underlying zoning map. The re-zonings of property are designed to reflect existing land uses and to up-zone environmentally sensitive areas. These re-zonings would reduce the potential for inappropriate commercial development that may put pressure on existing small, main street businesses. Additionally, by re-zoning environmentally sensitive areas near the Fore River and in the CGA of the Central Pine Barrens, better protection of groundwater and surface waters can be achieved.

Any future re-zonings on the Town Board's own motion (TBOM) which occur in accordance with the Study will not require SEQRA but will still be subject to an internal review. Private parcels which are proposed to be re-zoned by the underlying owners may be subject to SEQRA, particularly if the proposed re-zonings are not in conformance with the recommendations of the Study.

ALTERNATIVES:

One (1) alternative to the Proposed Action was considered by the Brookhaven Town Board and said alternative was examined thoroughly in the DGEIS. Under this Alternative, the adoption of

the Study and the recommendations therein would not occur and any existing development and future development within the study area would continue as it has. This was determined to not meet the communities' goals and was neither favorable to the residents of the Town of Brookhaven nor protective of the environment.

FUTURE SEQRA ACTION:

The State Environmental Quality Review Act (SEQRA) provides guidance on the preparation of a GEIS and the review of subsequent proposed actions. According to 6 NYCRR 617.10:

(d) When a final generic EIS has been filed under this part:

- (1) No further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the Goals and underlying intent of the Study and the conditions and thresholds established for such actions in the Study and Generic EIS or its findings statement;
- (2) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the Study and Generic EIS and the subsequent action will not result in any significant environmental impacts;
- (3) A supplement to the Study and Generic EIS may be required if the subsequent proposed action was not addressed or was not adequately addressed in the Study and Generic EIS and the subsequent action may have one or more significant adverse environmental impacts including but not limited to the following:
 - The subsequent proposed action is considered significantly non-compliance with the Study and may have one or more significant adverse environmental impacts;
 - The subsequent proposed action is considered significantly non-compliance with the Goals and underlying intent of the Study and may have one or more significant adverse environmental impacts;

- The subsequent action constitutes a Type I or Unlisted action under SEQRA and may have a significant adverse impact on the environment which may include one or more of the following:
 - A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
 - The removal of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
 - The creation of a material conflict with a communities current plans or goals as officially approved or adopted;
 - The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

- An amended findings statement may be required if the subsequent proposed action was adequately addressed in the Study and Generic EIS but was not addressed

or was not adequately addressed in the findings statement for the Study and Generic EIS;

As future development or site specific changes occur in the Greater Moriches Study Area, the Town of Brookhaven, the Brookhaven Planning Board and the Brookhaven Board of Zoning Appeals would be responsible for ensuring that the requirements of 6 NYCRR 617.10 are met. This would require the Town Board, Planning Board and Board of Zoning Appeals to interpret the Findings Statement as it specifically relates to the projects under consideration.

CONCLUSION:

The DGEIS and FGEIS detail the ways that the Proposed Action would reduce potential environmental impacts as compared to the status quo within the study area. The No-Action alternative may appear favorable to some individual property owners, because when compared to the specifics of the Proposed Action, it has fewer restrictions on the types of development and redevelopment for specific parcels and general areas. Some property owners may feel that the additional constraints and stricter controls and standards which would be established under the Proposed Action may result in changes to their property value. However, adherence to the Proposed Action should result, overall, in higher quality development and would be expected to induce benefits associated with positive property values. Furthermore, in terms of the general public benefit, the preservation of community character and other important environmental resources, the Proposed Action clearly is preferred to the no-action alternative.

Given the extensive planning effort and the comments received through the SEQRA process, the Brookhaven Town Board is satisfied that the Proposed Action is the best alternative for Re-zoning designations within the Greater Moriches Study Area. As is the case with any legislative body, the Town Board will not stop considering comments and suggestions received from the public regarding the Study and its implementation and it is altogether possible that this Proposed Action may be subsequently modified to some degree following completion of this SEQRA if the Town Board determines it can be further improved upon.

Having considered the FGEIS (including the DGEIS), 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 by the GEIS process for the proposed action; and
- 2) This statement of Environmental Findings has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS, as summarized herein; and
- 3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the current proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- 4) Consistent with social, economic and other essential considerations, adverse environmental impacts revealed in the DGEIS process have been minimized or avoided to the maximum extent practicable by the current proposed action.