

STATE ENVIRONMENTAL QUALITY REVIEW

FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 New York Codes, Rules and Regulations (NYCRR) Part 617, the Central Pine Barrens Joint Planning & Policy Commission (hereinafter "Commission"), as lead agency, makes the following findings:

NAME OF ACTION: CENTRAL PINE BARRENS COMPREHENSIVE LAND USE PLAN

LEAD AGENCY: Central Pine Barrens Joint Planning & Policy Commission
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DATE FINAL GEIS FILED: June 12, 1995

INTRODUCTION

This findings statement has been prepared pursuant to the requirements of 6 NYCCR Part 617.9, which states 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 concerning the facts and conclusions of the draft and final GEIS and Supplemental GEIS relied on to support its decision. To meet this SEQRA provision, the Commission has prepared these generic findings related to the significant issues identified in the Final GEIS.

DESCRIPTION OF ACTION:

The Long Island Pine Barrens Protection Act, Chapters 262 and 263 of the 1993 Laws of New York, set forth in Article 57 of the New York State Environmental Conservation Law (the "Act"), was enacted by the New York State Legislature in 1993. In accordance with the Act, a comprehensive land use and management plan has been developed for the Central Pine Barrens area as such area is defined by the Act. The adoption of the Central Pine Barrens Comprehensive Land Use Plan (hereinafter referred to as "the Plan") is the action proposed herein.

The Act has identified two specific geographic areas within the Central Pine Barrens. One, the Core Preservation Area (the "Core") is comprised of approximately 52,500 acres. The second, identified as the Compatible Growth Area (the "CGA"), is approximately 47,500 acres.

The Plan specifies that development, as defined in the Act, within the Core Preservation Area is prohibited or is to be redirected to areas outside the Core and, further, that the only development that may be allowed is that permitted under a hardship exemption granted by the Commission as authorized by the Act. There is proposed legislation that will allow limited development in the Core solely for those roadfront parcels on existing improved roads which meet certain criteria established by the Commission.

In accordance with section 57-0121 of the Act and with regard to the CGA, the Plan is required to preserve and maintain the central character of the existing Pine Barrens environment, to protect the quality of surface and groundwaters, discourage piecemeal and scattered development, and encourage appropriate patterns of compatible residential, commercial, agricultural and industrial development in order to accommodate regional growth influences, and to provide for such growth in an orderly way, protecting the Pine Barrens environment from individual and cumulative adverse impacts.

Consistent with the Act, the Towns of Brookhaven, Riverhead and Southampton will amend their land use and zoning regulations to conform to the Plan. The Plan identifies standards in Chapter 5 which must be implemented and enforced by the towns in reviewing any proposed development in the CGA. Chapter 5 further identifies non-mandatory guidelines which are to be utilized and applied by the Towns on a discretionary basis.

The following steps have been taken by the Commission in compliance with the Act and with SEQRA:

- A draft plan and draft generic environmental impact statement was recommended to the three towns on July 13, 1994.
- A Notice of Completion of the draft generic environmental impact statement was issued by the Commission on August 30, 1994.

- A public hearing was held on the draft generic environmental impact statement on September 28, 1994.
- A revised draft plan was recommended by the Commission to the three towns on January 13, 1995.
- A proposed final plan and draft supplemental generic environmental impact statement on the revised draft plan was recommended by the Commission on April 26, 1995.
- Public hearings were held on the draft supplemental environmental impact statement on May 15, May 16, and May 18, 1995 in the towns of Brookhaven, Riverhead and Southampton, respectively.
- A Notice of Completion of the final generic environmental impact statement was issued by the Commission on June 12, 1995.

LOCATION OF ACTION

The Central Pine Barrens consists of the 52,500 acre Core that is partially surrounded by the 47,500 acre CGA, located within the towns of Brookhaven, Riverhead, and Southampton and to a lesser extent in the villages of Quoque and Westhampton Beach in Suffolk County on Eastern Long Island. The Act contains a detailed description of the boundaries of the Central Pine Barrens and the Core. A map of the Central Pine Barrens depicting the Core and the CGA is on file at the office of the Commission, with the Secretary of State, with the Suffolk County Clerk and with the clerk of each town and village whose boundaries are included in the Central Pine Barrens area.

AGENCY JURISDICTIONS

Pursuant to the terms of the Act, if the Commission does not finally adopt the Plan on or before June 30, 1995, the Act will expire. Furthermore, under the Act, the Commission cannot finally adopt the Plan unless it has previously been adopted and ratified by each of the three town boards.

REASONS, FACTS & CONCLUSIONS

Compliance with Article 57 of the Environmental Conservation Law

The SEQRA materials indicate that the Plan satisfies Environmental Conservation Law (ECL) 57-0121(2). The SDGEIS evaluated the Plan's efforts to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal communities, thereof; to protect the quality of the surface and groundwater; discourage scattered and piecemeal development; promote active and passive recreational and environmental educational uses that are consistent with the land use plan; and accommodate development, in a manner consistent with the long term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly.

The SEQRA materials indicate, that with respect to the Core, the Plan preserves the Pine Barrens area in its natural state thereby ensuring the continuation of the Pine Barrens environment which contains the unique and significant ecologic, hydrogeologic and other resources representative of

such environments; promotes compatible agricultural, horticultural and open space recreational uses within the framework of maintaining a Pine Barrens environment and minimizes the impact of such activities thereon; prohibits or redirects new construction or development; accommodates specific Pine Barrens management practices, such as prescribed burning, necessary to maintain the special ecology of the Core; protects and preserves the quality of surface and groundwaters; and coordinates and provides for the acquisition of private land interests as appropriate and consistent with available funds.

The SEQRA materials also indicate that, with respect to the CGA, the Plan preserves and maintains the essential character of the existing Pine Barrens environment, including plant and animal species indigenous thereto and habitats therefor; protects the quality of surface and groundwaters; discourages piecemeal and scattered development; encourages appropriate patterns of compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the individual and cumulative adverse impacts thereof; and accommodates a portion of development redirected from the preservation area.

Standards and Guidelines for Land Use and Review Jurisdiction

As explained and supported in the SEQRA record, the Review Procedures and Jurisdiction in Chapter 4 of the Plan, and the Standards and Guidelines for Land Use in Chapter 5 of the Plan provide the Commission with adequate means to mitigate adverse impacts associated with development. The Plan provides for review of actions with potentially adverse environmental impacts to ensure compliance with the Standards and Guidelines for Land Use. In such a review, the application of the Standards and Guidelines for Land Use will mitigate adverse impacts associated with the development.

Core Preservation Area Impacts

As stated in the record, the impacts on the Core will be beneficial. This is because Plan implementation will result in the creation of a contiguous 52,500 acre preserve. The Plan proposes that a statutory exemption be granted for certain roadfront infill lots. However, the impacts of this exemption will be mitigated by requiring that parcels developed under the exemption fully comply with the Standards and Guidelines for Land Use contained in the Plan.

Nondevelopment as defined in the Article 57 of the ECL will have few adverse impacts. The Act and the Plan distinguish between nondevelopment and development. Certain identifiable actions have been delineated as nondevelopment as defined in Article 57-0107(13) of the ECL subparagraphs (i) to (xiii). As such, the Plan recognizes that for any reason whatsoever, work for the maintenance, replacement, renewal, reconstruction, improvement or alteration of any existing structure, or additions to any existing residence or residential property owned by an association for the common interest in real property, constitutes nondevelopment and, therefore, is not subject to review by the Commission.

The Plan, in the Review Procedures and Jurisdiction Section (Chapter 4), specifically recognizes that only the following development shall be subject to review by the Commission as provided in the Act:

1. All development proposed within the Core Preservation Area.
2. Development within the Compatible Growth Area which constitutes development of regional

significance, as defined in the Plan.

3. A development project within the Compatible Growth Area by which an individual commissioner may petition for review and a majority vote asserts review jurisdiction over such development.
4. Development within the Compatible Growth Area that is also within a Critical Resource Area (CRA) as defined in the Plan.
5. All development within the Compatible Growth Area that does not conform to the land use standards in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan.

Only development that falls within one or more of the five identified categories shall be subject to review by the Commission. As stated in the SEQRA record, residual uses that are consistent with the Plan and will not have an adverse environmental impact shall be allowed.

Geologic and Soil Resources

The SEQRA records attests to the environmental sensitivity and vulnerability of certain soils within the Central Pine Barrens due to high permeability and low fertility and/or high water table. The Plan protects these resources by protecting geologic and soils resources in the Core; however, they may be incrementally impacted in the non-Core areas. The Standards and Guidelines for Land Use, under Chapter 5, are adequate to mitigate potential impacts to these resources. The designation of two areas with steep slopes as CRAs will also mitigate the impacts of the Plan.

Groundwater Quantity and Quality

The SEQRA record points to the Central Pine Barrens proven desirability for groundwater recharge and maintenance of drinking water quality. Development according to the Plan will have minimal impact on the groundwater quality or quantity. The Plan would protect these resources by requiring the elimination through the acquisition program or the Pine Barrens Credit (PBC) Program of up to 2,420 dwelling units from the Core. This transfer will have a beneficial impact on the Core because the units and their associated impacts on groundwater quality or quantity will not occur in the Core.

The impact on groundwater quality or quantity of the transferred units is mitigated by other Plan provisions. The Plan supports the Department of Health Services proposed amendment to Article 6 of the Suffolk County Sanitary Code that would allow up to 600 gallons of rated sewage flow per day per 40,000 square feet of land area only as required to implement the PBC Program. As stated in the SEQRA record, this standard has been conservatively estimated to result in total nitrate-nitrogen concentrations in recharge to groundwater which are well below the New York State Department of Health Standards. Thus incremental increases in development density or intensity in the non-Core areas generated by the redemption of PBCs will not significantly impact groundwater quality with respect to nitrate-nitrogen. The FGEIS also shows that the Plan mitigates the potential for the increased discharge of synthetic organic contaminants ("SOCs") by reducing the total number of housing units which can be built in the Central Pine Barrens through the acquisition program and the Pine Barrens Credit (PBC) allocation formula. Potential impacts are also mitigated by restricting lawn and landscaping requirements through application of the Standards and Guidelines for Land Use.

The implementation of the Plan will have beneficial impact on groundwater resources by reducing the pumpage demands and the ultimate number of consumptive uses in the Core by acquiring land or transferring development to the non-Core areas. As the SEQRA documents state, Plan implementation will result in a regional reduction in the number of units which can be developed in the Central Pine Barrens. Although .73 million gallons per day of demand for water will result from the Plan's implementation, this represents only a 7% increase over current demand and is well within the present pumpage capacity for these areas.

Ecological Resources

Compelling evidence has been presented within the SEQRA materials to clearly demonstrate that the Central Pine Barrens is an area of unusual biodiversity and statewide ecological significance. The Plan will have a beneficial impact on ecological resources, as well as on plant and animal biodiversity, by creating a contiguous 52,500 acre Core of lightly developed forested areas. The Core is designed for ecological representation with emphasis on including those unique natural communities, as well as rare, threatened or endangered species which are endemic to the Central Pine Barrens system. The Core will also allow ecological and evolutionary processes to truly achieve the goal of ecosystem maintenance. The Core design likewise provides connectivity of natural communities and species populations, thus protecting against interference with the movement of resident or migratory wildlife species.

As noted in the SEQRA materials, the overall impact of the Plan on the ecology of the entire Central Pine Barrens region is anticipated to be beneficial. It is anticipated that the potential impacts on ecological resources due to redemption of PBCs in areas outside of the Core may represent a slight incremental increase over those impacts which could have occurred under the "No Action" alternative or the status quo. Further, the Standards and Guidelines for Land Use will help to further ensure potential impacts in the CGA are minimized. Recommendations for the use of clustering and preservation of vegetation also help to further reduce the potential impacts of development in the CGA.

The Plan minimizes the impacts on wetlands and their associated flora and fauna by requiring adherence to all applicable local and state regulations. When such regulations differ, the Plan provides that the more restrictive regulations shall govern. The Standards and Guidelines for Land Use require that stormwater be recharged on site, and this will also mitigate impacts to ecological resources within wetland areas.

During the SEQRA comment period and throughout the planning process, the need for clarification of the clearing standard (5.3.3.6 Native vegetation and plant habitat) as set forth in Chapter 5 of Volume 1 became apparent. In order to address this issue without modifying the substance of the clearing standard, the following text will replace Section 5.3.3.6 through 5.3.3.6.4 of the Plan:

5.3.3.6 Natural vegetation and plant habitat

Clearing is defined, for the purposes of this standard, as the removal of any portion of the natural vegetation found on a site exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas. Excessive clearing of natural vegetation can result in severe soil erosion, excessive stormwater runoff, and the destruction or reduction of pine barrens plant and wildlife habitat.

Further, the Long Island Comprehensive Waste Treatment Management Plan (the "208 Study"; Long Island Regional Planning Board, Hauppauge, NY, 1978) indicated that

fertilizers are a significant source of nitrogen and phosphorous contamination to ground and surface waters. Due to the low fertility, soils common to the pine barrens (e.g., Carver, Haven, Plymouth and Riverhead) require both irrigation and fertilizer application for establishment and maintenance of turf and nonnative vegetation. As native pine barrens vegetation is replaced with turf through development, increased contamination and a general change in the ecosystem may be expected.

5.3.3.6.1 Vegetation Clearance Limits

The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.

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

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

5.3.3.6.2 Unfragmented open space

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

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

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

5.3.3.6.3 Fertilizer-dependent vegetation limit

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

5.3.3.6.4 Native Plantings

Development designs shall consider the native planting suggestions contained in Figure 5-2.

The Plan provides for the establishment of the Protected Lands Council and Law Enforcement Council, which act as forums for existing agencies to coordinate their heretofore independent activities. These councils are not intended to be additional layers of government nor will they be given any additional powers or authority other than they already possess. Absent the Plan, these different agencies would be working without the benefit of the coordinated effort which the Plan has afforded them.

Surface Water Resources

Based on the SEQRA record, implementation of the Plan will not result in an increase in nitrogen or phosphorus loadings to surface waters on a regional basis. Additionally, as the acquisition policy is implemented, impacts on surface water will be reduced below that which can be expected under existing conditions, that is, in the absence of the Plan.

In order to mitigate site specific impacts, the Plan requires that all stormwater be recharged on site. In addition, the use of naturally vegetated swales and depressions is recommended. These measures will reduce the nitrogen loadings by permitting nitrogen uptake prior to recharge.

Cultural Resources

The Central Pine Barrens region encompasses areas with significant historic or archeological resources. As noted in the SEQRA materials, the Plan will not cause an impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources. While the SEQRA documents did reveal the presence of historic and cultural resources within the Central Pine Barrens, the Plan's implementation will not hinder or diminish the existing powers of governmental agencies regarding cultural resource preservation and protection.

Scenic and Open Spaces

Scenic resources are those landscape patterns and features which are visually or aesthetically pleasing and which therefore contribute affirmatively to the definition of a distinct community or region within the Central Pine Barrens. As stated in the SEQRA record, impacts on open spaces and scenic resources will be mitigated by the creation of the contiguous 52,500 acre Core preserve. In the CGA, application of the Standards and Guidelines for Land Use of the Plan will minimize adverse impacts on these resources. In particular, application of clustering provisions, site clearance and building envelope guidelines, slope analysis requirements, the use of vegetative buffers, and protection of scenic corridors will enhance scenic vistas and open spaces.

Demographic Patterns

The FGEIS contains materials analyzing the demographic patterns of the Central Pine Barrens region. As stated in the SEQRA documents, the Plan will result in a regional decrease in potential future population due to implementation of the Plan's PBC program and by acquisition of the private vacant land in the Core than can be expected to occur without the Plan's implementation.

Sewage Treatment Infrastructure

There should be no impact on sewage treatment infrastructure from Plan implementation because the proposed amendment to Article 6 of the Suffolk County Sanitary Code will increase the sewage flows per 40,000 square feet to 600 gallons per day only as required to implement the PBC Program. Absent the amendment, the Plan could impact sewage treatment plants because all new development with a rated sewage flow of more than 300 gallons per day per 40,000 square foot lot in Hydrogeological Zone 3 would require hook-up to a sewage treatment plant. In order to mitigate the potential impacts associated with the use of innovative planning mechanisms, such as Planned Development Districts, all applicable requirements of the County Sanitary Code must be satisfied.

The Plan will result in a net reduction in other infrastructure requirements on a regional basis by centering development in already developed areas. Existing neighborhood character will be enhanced by the development of aesthetically pleasing mixed use centers.

Traffic and Noise Impacts

This Plan will not cause any adverse impacts to traffic patterns of the area. As demonstrated in the SEQRA documents, the existing road network can handle the redirection of development. Site-specific mitigation may be required, and will be identified in documentation as required by the lead agency.

The impacts on noise levels due to the Plan implementation have been demonstrated in the SEQRA documents to be within acceptable limits and will have no significant environmental impacts.

Air Quality

The Environmental Protection Agency set national ambient air quality standards for protecting public health and the environment from pollutants in the air. The New York State Department of Environmental Conservation monitors the ambient air quality of New York State. Seven air

pollutants, considered of nationwide concern, are monitored in Suffolk County. They are: sulfur dioxide, carbon monoxide (CO), ozone, inhaleable particulate, nitrogen dioxide, total suspended particles and lead. As explained in the SDGEIS, a study of the possible air impacts from the Plan indicated the incremental change in the density of development within the non-Core areas will not have a significant adverse impact on the air quality environment.

Impacts on Agricultural Lands

Plan implementation may result in a slight incremental increase of the existing pressures for conversion of farmland to non-farm uses in the non-Core areas due to the transfer of development from the Core. The Plan's implementation will have a beneficial impact on preserving farmland within the Core for the reasons demonstrated in the SEQRA documents. The loss of farmland in the non-Core areas will be mitigated on a regional basis by the removal of development pressures from Core farmlands, thus ensuring that existing agricultural uses continue in this region.

Land Use and Zoning Patterns

The net result of the Plan is compact and efficient development which will protect the Central Pine Barrens land. The designation of receiving sites coincides with those areas where infrastructure and municipal services already exist. Thus, the cost to municipalities and taxpayers with regard to new road construction, water main extension and the provision of police, fire, school and other services is thereby lowered.

Eleven distinct land use categories occur within the Central Pine Barrens region including: agriculture, residential, vacant, commercial, recreation and open space, institutional, industrial, utilities, transportation, waste handling and management, and surface waters. The Plan will beneficially impact land use and zoning patterns. The Plan requires that the Towns amend their zoning codes to ensure compatibility with the Plan. Existing land uses shall not be impacted because the statute allows for the continued enjoyment of them. Land use patterns will be enhanced by the acquisition of private vacant land, including both large and small parcels, in the Core or by the redirection of development from the Core to non-Core areas. Additionally, the Plan recognizes the need for both managed land development within the designated CGA in general and the congressionally mandated economic redevelopment of the Calverton Naval Weapons and Industrial Reserve Plant (the "Calverton Site") in particular. Further, the Plan set forth performance standards for development which allow the Towns, pursuant to the Municipal Home Rule Law to require, through local zoning ordinances, appropriate patterns of land use and to provide for regional economic development.

The SEQRA record identifies the level of economic development contemplated to occur within the CGA of the Calverton site and provides that proposed land uses which conform to prescribed Standards and Guidelines for Land Use and the Planned Development District ("PDD") ordinance adopted by the Town, which is deemed to be consistent with the Plan by the Commission, will be considered environmentally appropriate developments which support regional economic growth as contemplated by the Act.

The Plan provides that the redevelopment activity in the CGA contemplated for the Calverton site is considered a public improvement and shall in no instance be considered a development of regional significance as defined by the Act, so as to warrant an automatic review by the Commission. Therefore, those development activities on the Calverton site which conform to both the development standards for the CGA as well as those zoning ordinances enacted by the

Town of Riverhead to implement the Plan, which are deemed to be consistent with the Plan by the Commission, shall be presumed not to require formal review or consideration of the Commission.

Furthermore, the Commission would support the upgrade of the wastewater treatment plant at the Calverton site in order to protect ground and surface water resources associated with the scenic area of the Peconic River Corridor as identified in the New York State Wild, Scenic and Recreational River System Act, Article 15, Title 27 of the ECL (the "State Rivers Act"). The Standards and Guidelines contained within the Plan, and adherence thereto through the adoption of a PDD by the Town Board of the Town of Riverhead that is consistent with the Plan and incorporates plans for the wastewater treatment plant infrastructure improvements, will be utilized as the basis of a local river management plan for that portion of the Scenic River Area within the CGA of the Calverton site as contemplated in 6 NYCRR 666.7. The local river management plan thus created would more effectively manage river resources in this area by conforming the broader requirements and limitations of the State Rivers Act to the specific elements of the Plan. Based on these actions, the Commission will support and recommend to the Commissioner of the New York State Department of Environmental Conservation that the Commissioner conform the northerly boundary of the Scenic River Area, within the CGA of the Calverton Site, to become coterminous with the Core boundary line as described in the Act pursuant to the PDD and consistent with Article 57.

School and Other District Impacts

As noted in the FGEIS, the implementation of the Plan may result in a decrease in tax revenues generated from lands within the Core due to the loss of taxes generated from Core parcels which are acquired by a government entity or due to a reduction in the assessed value of a lot when the PBCs are severed from it. This adverse impact is mitigated in several ways. First, the proposed legislative road front exemption policy would allow single family development on specified lots along existing roads. As these lots are developed tax revenues will be generated. Second, as statutory based hardship exemptions for Core area parcels are granted, the resulting development of such lots will generate increased tax revenues. Third, the loss of tax revenues from the Core may be offset by the increase in development in non-Core areas within the same school district. Fourth, as the parcels are acquired or the PBCs associated with them are redirected to the non-Core areas, the number of potential students which the affected school district must handle is reduced.

The loss of tax revenues from the Core can be expected to occur without the Plan's mitigating measures due to the already aggressive implementation of the Suffolk County Drinking Water Protection Program. This Program has included many county acquisitions of Pine Barrens parcels. Through this program the loss of tax revenues associated with acquisition is partially offset by a schedule of payments to affected districts. In an effort to further mitigate these impacts, the Commission will support petitions to New York State for payments in lieu of taxes pursuant to the provisions and limitations of the New York Real Property Tax Law.

Within the Towns of Brookhaven and Southampton, the FGEIS indicated that certain identifiable school districts may be adversely impacted economically by the implementation of this Plan, due to increases or acceleration in school enrollment resulting from added density in the non-Core areas. Government acquisition of the fee interest of lands in the Core will reduce the number of PBCs to be transferred to the non-Core areas. This will decrease the potential number of residential units generated by PBC redemption. To mitigate any remaining adverse impacts, the Commission will seek to have the State and County prioritize for acquisition, those parcels

located in the economically impacted school districts. To address this concern, these impacts will be mitigated by amending the list of acquisition criteria contained in Chapter 3.2 of the plan to include:

"adverse economic impacts to a school district."

Further adverse impacts to school districts can be mitigated by the redemption of PBCs in non-residential uses in the non-Core areas of the Town. Utilization of PDDs is an additional mitigating measures which may be applied.

The FGEIS indicates that the impacts to school and other districts could be mitigated by the redemption of Pine Barrens Credits (PBCs) in nonresidential uses in the non-Core areas. The conversion into non-residential uses also would mitigate the plan's impacts by reducing the number of potential students entering a specific school district while concurrently increasing the real property taxes generated within the district. According to the FGEIS, there could be a financial incentive for the redemption of PBCs in nonresidential uses. This incentive is that such redemption is likely to have a value two to three times greater than a PBC utilized for residential development. The redemption of PBCs for nonresidential uses should be considered by the Towns to increase the number of receiving sites.

Another potential mitigating measure is the reevaluation of aid to the impacted school district through the State Aid Formula.

The availability of potential receiving areas within the Westhampton Beach School District in the Town of Southampton is quite limited due to the size of the Core and the deficiency of vacant parcels outside the Core. In order to meet the one to one receiving capacity to sending area credit requirement of the Plan, within this district, the Town has found it essential to utilize approximately 40 acres of a CRA within the CGA on Old Country Road in Westhampton as a residential overlay district. Loss of this upland forest strip, which was designated a CRA to complement existing open space, is not expected to be significant due to the land's immediate adjacency to other large receiving areas as well as the high level of fragmentation and disturbance already existing at this site.

As the SEQRA documents state, in Southampton it is not necessary to allow inter-school district transfers. By limiting PBC transfers to intra-school district transfers only, there are no capacity concerns, because the total number units that can be built in a district remains constant, only the location of the units will change. The phasing of such development can be addressed by the Town Board

According to the FGEIS, the impacts to the single school district in Riverhead is minimal because all of the PBCs generated in that district will be redeemed for financially favorable non-residential use within the district. The result is that the number of students in the district will not increase due to the Plan while the amount of financially favorable non-residential development will increase.

Growth Inducing Aspects

As explained and supported in the SEQR documents, the Plan is not expected to induce any growth above that generated by existing development pressures. Rather, it will reduce or redirect the induced growth which will occur, with or without its implementation, to more ecologically suitable areas.

SEQR 617.15 REGULATIONS/FUTURE ACTIONS

SEQR regulations, Part 617.15(b), state that "Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, and shall include procedures and criteria for supplements to reflect impacts, which have not been adequately addressed or analyzed in the generic EIS. Such procedures shall include provision for public notice for supplements which allow for public comment on the new material presented by the supplement in the same manner as was provided in respect to the generic EIS."

Therefore, pursuant to the requirements of SEQR 617.15(b), the following section of this Findings Statement will consider the criteria and public notice procedures under which future actions may be undertaken.

Regardless of any pending application status, all future development actions within the Central Pine Barrens shall be undertaken pursuant to the four (4) SEQR Generic EIS thresholds established by Part 617.15(c), as follows:

"When a final generic EIS has been filed under this part:

1. No further SEQR compliance is required if a subsequent site specific action will be carried out in conformance with the conditions and thresholds established for such actions in the findings statement for the generic EIS;
2. A supplemental findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;
3. A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action involves one or more significant environmental effects; and
4. A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental effects."

Pursuant to Section 617.15(b), Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved. These procedures are to include provisions for public notice for supplements which allow for public comment on the new material presented by the supplement in the same manner as was provided in respect to the generic EIS. As such, if a supplement to the GEIS, a supplemental findings statement, or a negative declaration is required for further SEQRA compliance, the criteria contained in Section 617.8 (g) and the public notice, the public comment and related procedures set forth in Part 617 of the SEQRA regulations shall apply. The conditions and criteria for future action are set forth in Chapters 3 through 6 of the Plan and are evaluated in the FGEIS.

CONCLUSIONS & GENERIC FINDINGS

Based upon the information contained in the FGEIS, as outlined in these Findings and the supporting documentation provided, the Lead Agency finds that the proposed action will not only achieve the goals of this Findings Statement but minimizes potential environmental impacts and will provide the necessary balance between the protection of the environment and the need to

accommodate social and economical considerations.

Therefore, having considered the Plan and the Draft, Draft Supplemental, and Final GEIS, and having considered the foregoing written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirement of 6 NYCRR Part 617 have been met;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the environmental impact statement.
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by adoption of the proposed Plan and by incorporating as conditions to the decision those mitigative measures which are identified as practicable contained herein.
4. This action is consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5.

The Lead Agency, pursuant to SEQRA Part 617.9(d) has prepared the Findings stated herein and shall cause it to be filed in accordance with Part 617.10(i).

COPIES OF THIS FINDINGS STATEMENT HAVE BEEN FILED WITH:

Michael Zagata, Commissioner, NYSDEC
Environmental Notice Bulletin/Business Environmental Publications, Inc.
Alexander Treadwell, Secretary of New York State
Robert J. Gaffney, County Executive, Suffolk County
Ray E. Cowen, Regional Director, NYSDEC
John LaMura, Supervisor, Town of Brookhaven
James R. Stark, Acting Supervisor, Town of Riverhead
Richard Blowes, Deputy Supervisor, Town of Southampton
John S. Petitt, Mayor, Village of Westhampton Beach
Thelma Georgeson, Mayor, Village of Quogue
Michael A. LoGrande, Chairman, Suffolk County Water Authority

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the draft generic, the supplemental draft generic and final generic environmental impact statements, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the environmental impact statement, and
3. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
4. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations; and
5. Approval of the Plan is subject to ratification and adoption of the Plan by the towns of Brookhaven, Riverhead and Southampton on or before June 30, 1995.

Central Pine Barrens Joint Planning and Policy Commission

Signature of Responsible Official

Robert J. Gaffney
Name of Responsible Official

Chairman, Central Pine Barrens Joint Planning and Policy Commission
Title of Responsible Official

June 23, 1995
Date

3525 Sunrise Highway, P.O. Box 587, Great River, New York 11739
Address of Agency