



**Central Pine Barrens Commission Meeting of December 21, 2011
Riverhead Town Hall**

Present: Mr. Scully (New York State), Mr. Culhane (Suffolk County),
Mr. Lesko (Brookhaven), Mr. Walter (Riverhead), Ms. Throne-Holst (Southampton)

**Adopted Resolution to Amend the Approval October 19, 2011 for
The Meadows at Yaphank Planned Development District
Compatible Growth Area
Development of Regional Significance Application**

Hamlet of Yaphank, Town of Brookhaven, NY
Suffolk County Tax Map #s 200-552-1-1.3 and 3 and SCTM # 200-584-2-1.3

Whereas, Rose-Breslin, LLC and Dorade, LLC, (the “Applicant”), has proposed a project known as the Meadows at Yaphank Planned Development District (the “Project”) to be located on 322.37 acres of land on the west side of William Floyd Parkway and northwest corner of the Long Island Expressway at Exit 68 (the “Project Site”), and

Peter A. Scully
Chair

Mark Lesko
Member

Steve A. Levy
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Whereas, the Project Site is currently zoned J Business 2 and Light Industrial 1, and the Project involves a request for a change of zone to Planned Development District (PDD) for the development of a mix of commercial and residential land uses, and the Dorade STP, to which the Project will connect and treat wastewater, is currently zoned A-1 Residence, and

Whereas, the Applicant proposes to construct commercial development encompassing 1,032,000 square feet and 850 residential dwelling units, as more fully described in the Commission’s SEQRA Findings Statement and Decision dated October 19, 2011, and

Whereas, the Project is a Development of Regional Significance as set forth in the Central Pine Barrens Comprehensive Land Use Plan (the “CLUP”) because the Project exceeds the DRS thresholds for 300,000 square feet of commercial uses, 300 multi-family residential units and traffic levels of service, and

Whereas, the Applicant, by their consultant Nelson, Pope & Voorhis, submitted a Compatible Growth Area Development of Regional Significance application for the Meadows at Yaphank, (the “Project”) to the Commission on April 13, 2011, and

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Whereas, as a DRS, the Commission is required to review the Project to determine whether it complies with the Standards and Guidelines contained in the CLUP, and

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Whereas, the Commission held a public hearing on the application on June 15, 2011, and a stenographic transcript of the hearing was provided to the Commission and the Applicant and

Whereas, the Commission granted an extension of the decision deadline at the request of the Applicant, and the current deadline coincides with the October 19, 2011 Commission meeting, and

Whereas, the Commission has considered all information submitted by the Applicant for this Project and testimony received, and

Whereas, the Project complies with the Standards and applicable Guidelines of the CLUP, and

Whereas, the Commission, as an involved agency under SEQRA § 617.11(c), has prepared the attached Findings Statement and Decision to satisfy its requirements as an Involved Agency under the New York State Environmental Quality Review Act, and

Whereas, the Commission's Findings Statement and Decision details the Project's procedural history and environmental review performed by the Town of Brookhaven, including the Town's conditional approval of the Project dated October 4, 2011, and the Commission's review of the Project, now therefore be it

Resolved that the Commission adopts and issues the attached Findings Statement and Decision, and be it further

Resolved, the Commission finds that Project complies with the CLUP Standards and Guidelines for the reasons set forth in the Findings Statement, and be it further

Resolved, that the following conditions are based on the SEQRA Record including the "Land Use and Development Plan FGEIS Plan" prepared by Simone Design Group last dated August 1, 2011 (the "Plan"), and the conditions are reiterated in the Findings Statement, under separate cover:

1. General conditions:

- a. Prior to the issuance of any building permits or physical activity on the project site, the applicant shall redeem a minimum of five (5) Pine Barrens Credits for the Project and provide proof of this transaction to the Commission.
- b. No increase shall occur in the amount of wastewater flow in excess of 271,275 gallons per day. Any change to the Project which would result in an increase in wastewater flow shall be submitted to the Commission for its review and action.
- c. A copy of the final filed subdivision map, filed with the Suffolk County Clerk, shall be submitted to the Commission office.

Prior to site work, copies of all permits obtained for the Project shall be submitted to the Commission.

- d. The applicant shall submit to the Commission and the Commission will review future site-specific development projects for consistency with the Standards and Guidelines of the CLUP.
- e. Any activities on the project site that constitute development which were not reviewed heretofore and/or the environmental impacts of such projects which

were not analyzed in the Generic EIS are subject to Commission review and action, as per ECL Article 57 and the CLUP.

- f. The applicant shall submit a transplantation planting plan for the project site to illustrate the feasible transplantation activity that will occur on the site. The draft plan should identify transplantation areas, species, methods of planting, timing for activity, and maintenance to ensure survival.
 - g. No clearing shall occur for the installation of the emergency fire access road in the adjacent Core Preservation Area. The proposed emergency access shall utilize the existing cleared roadway and install a permeable stabilized material that shall be utilized for emergency access only and which shall maintain the character and integrity of the existing Greenbelt trail. During and after construction of the emergency fire access road, recreational access to and use of the Greenbelt trail shall continue to be maintained. No permanent structures may be installed in the path of the Greenbelt trail.
 - h. A wetland permit application and wetland mitigation/restoration plan for the 0.22-acre recharge basin wetland to be removed, shall be submitted to the Town for its review and approval. No disturbance to this wetland shall occur until the Town has issued a wetland permit for this work and approved the accompanying mitigation/restoration plan.
2. Protection of natural vegetation and clearing
- a. The minimum amount of area to remain in its existing natural state shall be no less than 118.04 acres (35.40%) of the 333.46 acre Project Site, which is the sum of 112.83 acres (35%) on the 322.37 acre portion and 5.21 acres (47%) on the 11.09 acre portion. Conversely, the total amount of clearing shall not exceed 215.42 acres (64.6%) of the 333.46 acre Project Site, which is the sum of 209.54 acres (65%) of the 322.37 acre portion and 5.88 acres (53%) of the 11.09 acre portion. The applicant must utilize existing cleared and developed areas of the Project Site prior to clearing additional areas to meet the CLUP clearing standard. It shall not include revegetation, areas of restoration, areas set aside for landbanked parking, active recreational use areas, areas for road widening or dedication, or any other areas of the site modified by the Project during and after all phases of the Project. This amount must be shown and designated on the final subdivision filed map for the project filed with the Suffolk County Clerk and any final plans that are filed in the Town of Brookhaven.
 - b. Prior to the commencement of activities on the Project Site, the applicant shall:
 - i. Prior to site disturbance, install snow fencing along the clearing limits to protect the area to remain natural. Once development of each phase is complete, install split rail fencing along clearing limit boundaries to delineate areas to remain natural.

- ii. Notify the Commission office one week prior to the commencement of demolition, site disturbance, and/or construction activity on the project site
- iii. The Commission office shall be allowed to conduct a site inspection of the delineated clearing limits upon reasonable notice to the applicant. No clearing shall occur until the Commission office has field inspected and issued written approval to the applicant.

c. Conservation easement

- i. The Applicant shall place conservation easements to protect 118.04 acres of the Site as open space. The areas subject to the conservation easements shall be substantially consistent with those areas of the site identified as open space on the FGEIS conceptual master plan.
- ii. The easements shall be provided to the Commission within six (6) months of the conditional final site plan approval of each phase of the Project by the Town of Brookhaven.
- iii. Each easement shall contain a map and a metes and bounds description of the area to be protected by the easement.
- iv. Each conservation easement shall be submitted to Commission for review and must be approved in writing, prior to filing.
- v. The conservation easement shall be recorded in the Suffolk County Clerk's office with proof of filing provided to the Commission prior to site disturbance, construction, or any other activity on the project site pursuant to the approved phase, and prior to the issuance of demolition and other building permits by the Town.
- vi. A copy of the Commission Findings document and approval resolution shall be attached to the conservation easement which shall also contain notice to future owners of the project site, or portions thereof, of their obligation to comply with the Findings and approval resolution.

3. Compliance of the Dorade Sewage Treatment Plant (STP) with State and County Laws

- a. Effluent generated by the Dorade Sewage Treatment Plant shall comply with NYSDEC SPDES statutes and regulations and Suffolk County Department of Health Services local laws and regulations, including not exceeding the State and Federal nitrate-nitrogen drinking water standard of 10 mg/l.

4. As the FGEIS indicates that development of the Project is expected to occur in phases over approximately ten years, this approval shall expire twenty (20) years from the date of this Resolution if building permits are not issued for each phase of the Project or if substantial construction based on reliance on the building permits has not

commenced for each phase of the Project. The applicant shall seek an extension of this approval in five (5) year increments and reauthorization from the Commission, subject to its review.

5. Any modifications to the “Land Use and Development Plan FGEIS Plan” prepared by Simone Design Group last dated August 1, 2011 must first be reviewed and approved by the Commission.

Motion by: Mr. Lesko

Second by: Mr. Culhane

Vote:

Yes: 5

No: 0

Abstain: 0