

**FINDINGS STATEMENT FOR
THE MEADOWS AT YAPHANK PLANNED DEVELOPMENT DISTRICT
COMPATIBLE GROWTH AREA DEVELOPMENT OF REGIONAL SIGNIFICANCE**

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

For the Commission Meeting of October 19, 2011

CERTIFICATE OF FINDINGS TO APPROVE

This notice is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (“ECL”) of New York State. This Findings Statement has been prepared pursuant to the requirements of 6 NYCRR Part 617.9, which states that no agency shall make a decision on an action which has been the subject of a Final Generic Environmental Impact Statement (EIS) until a written Findings Statement has been prepared concerning the facts and conclusions of the draft and final GEIS relied on to support its decision. The Town Board of the Town of Brookhaven (the “Town”) is the lead agency under SEQRA for the Generic EIS prepared for the Meadows at Yaphank Planned Development District (the “Project”) and has coordinated its review with the Central Pine Barrens Joint Planning and Policy Commission (“the Commission”), which is an involved agency under SEQRA. This Findings Statement, prepared by the Commission, is for the Project for which a Compatible Growth Area Development of Regional Significance (CGA-DRS) application has been submitted to and is under review by the Commission.

INTRODUCTION AND BACKGROUND

Existing Conditions

For the purposes of Commission review, the project site comprises a total of 333.46 acres, which includes the following Suffolk County tax map parcels and site areas:

- SCTM # 200-584-2-1.3: 150.17 acres (former Brookhaven Town Center project site)
- SCTM # 200-552-1-1.3: 172.20 acres (former horse racetrack)
- SCTM # 200-552-1-3: 11.09 acres (Dorade Sewage Treatment Plant)

The project site is located on the northwest corner of the interchange of William Floyd Parkway (County Route 46) and the Long Island Expressway at Exit 68N (New York State Route 495), south of Yaphank Woods Boulevard, in the hamlet of Yaphank. The Dorade STP is on a separate parcel. The STP currently treats sanitary wastewater generated by the northerly adjacent Whispering Pines/Colonial Woods condominiums and other land uses in Suffolk County Sewer District #8.

The project site contains existing natural pine barrens vegetation, pitch pine-oak woodlands, freshwater wetlands, cleared areas, and remnants of abandoned development (e.g., a former horse racetrack).

Clearing and construction activity occurred on the project site in 1997 under a prior project entitled Brookhaven Town Center, which was not subject to Commission review. Since then, much of the area that was previously cleared has naturally revegetated. More recently on the project site, by resolution and a findings statement dated June 20, 2007, the Commission granted approval for a project entitled Brookhaven Walk, which was also a Development of Regional Significance.

Project Description

As shown on the “Land Use and Development Plan FGEIS Plan” prepared by Simone Design Group last dated August 1, 2011 (the “Plan”), the Project consists of a mixed-use development including commercial retail, office space, and residential housing. The development encompasses 1,032,500 square feet of commercial/industrial land uses including a 150,000 square foot (220 room) hotel, 327,500 square feet of retail space, a 5,000 square foot (200 seat) restaurant, and 550,000 square feet of office/warehouse land uses. The residential housing component consists of the development of 850 residential housing units including market-rate, seniors-only, and affordable/workforce units available as rental units, condominiums, and townhouse units of various sizes. Other Project elements include active recreational amenities such as ballfields and a boulevard through the project site with ingress/egress on CR 46 and the north service road of the LIE. The Project is expected to occur in five development phases with construction activity over a period of 10 years if there is overlap in phasing, or the schedule may be extended to an estimated 14 years if each phase is completed before the next one commences.

The projected sanitary wastewater flow for the Project is approximately 271,275 gallons per day (gpd). To accommodate the projected flow, the existing Dorade STP will be upgraded from its current capacity of 140,000 gpd to its original and maximum design capacity of 450,000 gpd. The STP will continue to accommodate wastewater flow generated by Whispering Pines/Colonial Woods residential developments and other existing land uses in the Suffolk County Sewer District #8.

The Project will retain approximately 120.48 acres of existing natural open space. The remaining area of 203.39 acres will be cleared for development, including 1.50 acres of clearing on the Dorade STP parcel.

For public health and safety, an emergency access route will be formalized as part of the Project. The Applicant will install a stabilized surface consisting of pervious material, such as RCA, on an existing 18 foot wide, 1,600 foot long emergency fire department access roadway on the west side of the project site in the adjoining Core Preservation Area and Town-owned Greenbelt. The emergency access will be controlled via a fire access gate. No clearing will be necessary to formalize the existing emergency access road.

The Project requires multiple local, County, and State agency review, variances, and approvals including, but not limited to, Town of Brookhaven Planning Board Site Plan, Board of Zoning Appeals, Chapter 81 Town Wetland Permit, and Building Permits, Suffolk County Department of Health Services (SCDHS) Article 6, Suffolk County Department of Public Works, the Suffolk County Sewer Agency, New York State Department of Environmental Conservation under the State Pollution Discharge Elimination System (SPDES) permit program, and New York State Department of Transportation permits.

SEQRA Process and SEQRA Record

On June 4, 2010, the Town, as Lead Agency, coordinated review with the Commission, a SEQRA Involved Agency. On July 20, 2010, the Town Board adopted a Positive Declaration for the Change of Zone for The Meadows at Yaphank Planned Development District causing a Draft Generic Environmental Impact Statement (DGEIS) to be prepared.

On August 4, 2010, the Town referred the Draft Scoping Document to the Commission office for review and comment. On August 19, 2010, the Commission staff submitted written comments on the Draft Scope. The Town conducted a public scoping session on September 2, 2010, and a Final Scope was adopted by the Town on October 8, 2010.

On April 12, 2011, the Town accepted the Draft GEIS. On April 13, 2011, the owners of the project site, Rose-Breslin, LLC and Dorade, LLC, the “Applicant,” by their agent, Nelson, Pope & Voorhis, submitted a CGA-DRS application to the Commission. On April 19, 2011, the Commission received the Town’s accepted DGEIS for the Project.

On May 10, 2011, the Town Board held a public hearing on the DGEIS and held the written comment period open until June 25, 2011. On May 21, 2011, Commission staff submitted comments on the Draft GEIS to the Town.

On May 18, 2011, the Commission scheduled a public hearing on the application. On June 15, 2011, the Commission held a public hearing at Riverhead Town Hall and provided a 10-day written comment period. At the request of the applicant at the hearing, the Commission granted an extension of the decision deadline to September 21, 2011.

On August 16, 2011, the Town Board accepted a Final Generic Environmental Impact Statement (FGEIS) for the Project. In addition, the applicant submitted additional information to address concerns raised by the Commission and staff at the public hearing. On October 4, 2011, by Resolution No. 2011-847, the Town Board approved the change of zone to Planned Development District and adopted a SEQRA Findings Statement for the Project.

Since the Project was proposed and assessed in a Generic EIS, site-specific environmental impacts will need to be analyzed when site-specific projects are submitted for review in accordance with SEQRA §617.10 (“Generic Environmental Impact Statements”). Pursuant to this section, Supplemental EISs may be required for such future site-specific projects, if applicable.

The DGEIS, FGEIS and associated SEQRA documents are referenced from this point forward in this Findings Statement and are collectively the “SEQRA Record.”

The Findings made by the Commission comply with the requirements of SEQRA 6 NYCRR §617.11(d), by relying on the SEQRA Record to:

- 1) consider the relevant environmental impacts, facts and conclusions disclosed in the SEQRA Record;
- 2) weigh and balance relevant environmental impacts with social, economic and other considerations;
- 3) provide a rationale for the agency’s decision;
- 4) certify that the requirements of this Part have been met;
- 5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives analyzed, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision, those mitigation measures that were identified as practicable.

FACTS AND CONCLUSIONS CONTAINED WITHIN THE SEQRA RECORD TO SUPPORT AN INVOLVED AGENCY DECISION

The discussion below identifies the potential environmental impacts related to the Project based upon the information provided in the SEQRA Record.

Pursuant to Section 4.5.5.1 of the Central Pine Barrens Comprehensive Land Use Plan (CLUP), the Commission has jurisdiction over the review of development projects that meet thresholds for a Development of Regional Significance (DRS) as enumerated in this Section of the CLUP. The Project is a DRS because it is a commercial, industrial or office development project that exceeds the 300,000 square feet of gross floor area DRS threshold criteria; it proposes 850 residential dwelling units (550 units above the DRS threshold of 300 units), and its potential traffic impacts exceed the DRS Level of Service threshold.

According to Section 4.5.5.2 of the CLUP, when reviewing a DRS, the Commission must determine whether the project complies with the Standards and Guidelines set forth in Volume 1, Chapter 5 of the CLUP.

Discussion of Impacts, Development Standards and Guidelines, and Mitigation Measures

The SEQRA Record included an assessment of potential impacts that may occur to natural resources as a result of the Project. In addition, the SEQRA Record evaluated the Project’s potential environmental impacts including groundwater, traffic, and cultural resources and identified mitigating measures for potential impacts in a Generic EIS prepared for the Project. Since the GEIS did not analyze potential site specific environmental impacts, any Project elements that may result in potential adverse impacts that were not specifically addressed in the

GEIS are subject to further review under ECL Article 57, the CLUP Standards and Guidelines, SEQRA and other applicable statutes and regulations.

The following sections measure the project's impacts against the CLUP's standards and guidelines.

I. Water Resources

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

A. Nitrate-nitrogen

1. Standards and Guidelines

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

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

b. Standard 5.3.3.1.2 - Sewage treatment plant discharge

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

c. Guideline 5.3.3.1.3 - Nitrate-nitrogen goal

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

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

The standard states "All development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for

variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.”

2. Compliance with the Standards and Guidelines

The Project requires Suffolk County Department of Health Services approval under Article 6 of the Sanitary Code. The maximum allowable flow under Article 6, for which no connection to a sewage treatment plant is required, is 300 gallons per day per acre (gpd/acre). According to the SEQRA Record, the maximum allowable sanitary flow (without requiring a connection to a sewage treatment plant) for the project site is 96,483 gpd. The projected flow is 271,275 gpd..

. The applicant proposes to redeem five (5) Pine Barrens Credits as a public benefit of the Project. As a result, the Project redirects a portion of development from the Core Preservation Area to the Compatible Growth Area, resulting in compact, efficient, and orderly development.

To comply with Article 6 and treat the sanitary wastewater flow generated by the proposed mix of land uses, the project site will be connected to the existing Dorade Sewage Treatment Plant (STP). The STP will also be upgraded from its current capacity of 140,000 gpd to its original maximum permitted design flow of 450,000 gpd to treat the projected flow from the project site, the Whispering Pines/Colonial Woods development, and other sources in SCSD #8. Since the Project will utilize and upgrade the existing STP to treat sanitary wastewater before it is discharged to groundwater, the Project will conform to the CLUP Standard 5.3.3.1.1 - Suffolk County Sanitary Code Article 6 compliance.

The Dorade STP existed prior to the adoption of the CLUP. The CLUP Standard 5.3.3.1.2 does not require the existing STP, which serves existing communities, to be relocated to an area outside of the Central Pine Barrens. The facility will be upgraded as part of the Project, and therefore will be in compliance with CLUP Standard 5.3.3.1.2 – sewage treatment plant discharge.

The applicant used the Simulated Nitrogen in Recharge (SONIR) model to predict the amount of nitrate-nitrogen concentration generated by the proposed land uses on the project site. The results revealed a level of 2.20 mg/l, which is below the CLUP Guideline 5.3.3.1.3 (Nitrate-nitrogen) goal of 2.5 mg/l for projects in the vicinity of ponds and wetlands. The cumulative nitrate-nitrogen concentration to be recharged to groundwater from the Dorade STP from all projected sources is 8 mg/l, which is derived from the combination of wastewater flow from the proposed project and other sources treated by the STP. The modeled concentration is below the maximum State Pollution Discharge Elimination System (SPDES) effluent limit of 10 mg/l and below the Federal (EPA) and New York State drinking water standard of 10 mg/l.

Furthermore, the 8 mg/l nitrate-nitrogen STP discharge was included within the overall SONIR model for the entire site which projected a Project site nitrate-nitrogen concentration of 2.20 mg/l. Accordingly, the Project will therefore conform to the CLUP Guideline 5.3.3.1.3 – nitrate-nitrogen goal.

On October 9, 2009, the Suffolk County Department of Health Services (SCDHS) issued an Order on Consent in the matter of the Alleged Violation of Article 7 and Article 5 of the Suffolk County Sanitary Code by Whispering Pines STP Dorade Inc. The Order on Consent described as of February 8, 2007, the STP failed to meet discharge monitoring requirements of its SPDES Permit (# 0066559) and as of January 1, 2000, the facility failed to maintain the northern side of the facility in a functional manner acceptable to the SCDHS. Specific terms and conditions were outlined in the Order on Consent to bring the facility into compliance.

The DGEIS concluded that the groundwater discharge from the site could discharge to Weeks Pond, a tributary of the Carmans River, after 3 years and to the Carmans River after 2.88 years. However, the DGEIS indicates that natural attenuation will occur to reduce the impact to the River's water quality and determined that the overall nitrate-nitrogen concentration would be 2.20 mg/l, which is less than the 2.5 mg/l threshold.

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

B. Wellhead Protection

1. Standards and Guidelines

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

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

b. Guideline 5.3.3.3.2 - Private well protection

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

2. Compliance with the Standards and Guidelines

Groundwater flow is generally in a southwesterly direction from the site. The nearest public supply well is the William Floyd Parkway wellfield, which is north of the project site. Its groundwater contributing area is north of the well and outside of the project site area. Accordingly, as the Project will not affect the source water area of this wellfield, the Project is therefore in compliance with Standard 5.3.3.3.1 - significant discharges and public supply well locations.

No private wells are proposed on the Project site; therefore, the CLUP Guideline 5.3.3.3.2 (Private well protection) is not applicable.

C. Wetlands, Surface Waters and Stormwater Runoff

1. Standards and Guidelines

a. Standard 5.3.3.4.1 - Nondisturbance buffers

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

b. Standard 5.3.3.4.2 - Buffer delineations, covenants and conservation easements

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

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

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

d. Guideline 5.3.3.4.4 - Additional nondisturbance buffers

The guideline states “*Stricter nondisturbance buffer areas may be established for wetlands as appropriate.*”

2. Compliance with the Standards and Guidelines

The project site contains New York State Department of Environmental Conservation (NYSDEC) regulated freshwater wetlands and Town-regulated freshwater wetlands.

The NYSDEC-regulated freshwater wetlands consist of a 1.1-acre wetland, identified as B-15, located outside of the Project site 112 feet southwest of the corner of the Dorade STP parcel and a 0.76-acre wetland, identified as B-16, located on the northern boundary of the eastern portion of the project site, south of Yaphank Woods Boulevard.

Pursuant to ECL Article 24 regarding Freshwater Wetlands, NYSDEC regulates activities within 100 feet of the landward boundary of NYSDEC-regulated freshwater wetlands. The Project will maintain a minimum 150-foot nondisturbance buffer from the landward wetland boundaries of wetlands B-15 and B-16. Furthermore, a 175-foot setback to structures will be established adjacent to the boundary of wetland B-16. Therefore, the Project will not require Article 24 Freshwater Wetland permits.

The SEQRA Record contains an August 12, 2002 NYSDEC letter of non-jurisdiction in regard to ECL Article 24, the Freshwater Wetlands Act. The letter was issued to the applicant for the Brookhaven Town Center Project, the site of which now comprises the easterly portion of the current project site. An additional letter from NYSDEC dated September 4, 2002 was issued to the applicant and stated that this project would be outside NYSDEC Freshwater Wetlands jurisdiction if the project maintained a minimum 100 foot buffer from NYSDEC-regulated freshwater wetland B-16.

Three additional wet depressions or vernal ponds exist on the project site. Although none of these are NYSDEC-regulated wetlands, two are Town-regulated wetlands, subject to Chapter 81 of the Town Code. The larger of the two Town-regulated wetlands, a 0.22 acre system within the former racetrack oval, was a recharge basin that served that facility. The Project will disturb and remove this wetland, resulting in direct adverse impacts. The removal of this wetland is subject to Chapter 81 of the Town Code. The Project proposes to mitigate this impact via the creation of new wetlands using a 2:1 wetland mitigation ratio. The proposed mitigation results in the creation of 0.44 acres of newly constructed wetland habitat, a net increase in wetlands of 0.22 acres, in the southwestern corner of the site, adjacent to the Town Greenbelt. The easternmost Town-regulated wet depression, abutting CR 46, is approximately 0.02 acres in size and will be retained and incorporated into a larger area of natural open space to the south. The third wetland, which is located in the wooded area in the southwestern portion of the site, is not subject to Town jurisdiction but will remain undisturbed by the Project, nevertheless.

To ensure compliance with Standard 5.3.3.4.1 (Nondisturbance buffers) and Standard 5.3.3.4.2 (Buffer delineations, covenants and conservation easements), the applicant will

be required to apply for a Town wetland permit for the aforementioned 0.22-acre recharge basin wetland, prepare and submit a wetland mitigation/restoration plan to the Town for its review and approval, obtain necessary Town approvals and ensure the protection of the newly-constructed wetland and surrounding buffer area via an appropriate instrument, such as a conservation easement, prior to project implementation. As the Project will maintain the minimum buffers and setbacks, adjacent to all the other identified wetlands, required by the NYSDEC and Town Code it will therefore conform to CLUP Standards 5.3.3.4.1 (Nondisturbance buffers) and 5.3.3.4.2 (Buffer delineations, covenants and conservation easements).

The project site contains wetlands and is in the vicinity of ponds and offsite wetlands; therefore, the Project is subject to compliance with the CLUP Guideline to limit a new project's nitrate-nitrogen concentration to 2.5 mg/l "to protect surface waters in the vicinity of ponds and wetlands." The Project complies with the CLUP Guideline 5.3.3.1.1 (Nitrate-nitrogen goal) as the Project will result in an overall nitrate-nitrogen concentration of 2.20 mg/l which is below this threshold.

As the Project is not within a designated Wild, Scenic and Recreational River Corridor, CLUP Standard 5.3.3.4.3 (Wild, Scenic and Recreational Rivers Act compliance) is not applicable to the Project. As no additional buffers have been deemed necessary for the project, the project complies with CLUP Guideline 5.3.3.4.4 (Additional nondisturbance buffers).

D. Stormwater Runoff

1. Standards and Guidelines

a. Standard 5.3.3.5.1 - Stormwater recharge

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

b. Guideline 5.3.3.5.2 - Natural recharge and drainage

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

c. Guideline 5.3.3.5.3 - Ponds

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

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

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

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

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

2. Compliance with the Standards and Guidelines

Stormwater that originates on the site from developed areas will be retained on site in accordance with CLUP Guideline 5.3.3.5.1 (Stormwater recharge). The applicant proposes to construct rain garden and surface detention areas, engineering stormwater ponds, and wet meadow areas for bio-retention within the development and two recharge basins that will service Yaphank Woods Boulevard. According to the SEQRA Record, stormwater management will feature handling methods to enhance surface treatment and the quality of recharge. Accordingly, the Project will conform to the CLUP Guidelines 5.3.3.5.2 (Natural recharge and drainage), 5.3.3.5.3 (Ponds) and 5.3.3.5.4 (Natural topography in lieu of recharge basins), as it utilizes natural areas and ponds in the drainage system design.

The applicant will prepare a Stormwater Pollution Prevention Plan for the Project, in accordance with NYSDEC the standards and guidelines, subject to Town review and approval. Therefore, the Project will comply with Guideline 5.3.3.5.5 (Soil erosion and stormwater runoff control during construction).

II. Land Use and Ecology

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

A. Natural Vegetation and Plant Habitat

1. Standards and Guidelines

a. Standard 5.3.3.6.1 - Vegetation Clearance Limits

The standard states “The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally

vegetated areas and calculate those portions of the site that are already cleared due to previous activities.

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

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

b. Standard 5.3.3.6.2 - Unfragmented open space

The standard states “Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way 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 CLUP.

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

c. Standard 5.3.3.6.3 - Fertilizer-dependent vegetation limit

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

d. Standard 5.3.3.6.4 - Native Plantings

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

2. Compliance with the Standards and Guidelines

According to the SEQRA Record, the former racetrack and Brookhaven Town Center properties comprise 322.37 acres, are zoned J-2 and L-1, and are subject to a 65% clearing limit that allows 209.54 acres to be cleared. Portions of both sites were cleared previously. Areas in which vegetation is to be removed by the Project include existing cleared areas, areas to be cleared to construct stormwater retention facilities, ballfields, ponds, roads, and any other clearing necessary to accommodate the Project. The 11.09 acre parcel occupied by the Dorade STP is zoned A-1 Residence and is subject to a 53% clearing limit, which allows 5.88 acres to be cleared.

Combining the two clearing standards, the total amount of clearing permitted on the 333.46 acre project site is a maximum of 215.42 acres (64.6%), including all portions of the project site that are already cleared due to previous activities, as per the Standard. As a result, a minimum of 118.04 acres of the project site must remain natural. According to the SEQRA Record, the Project will clear 206.89 acres (62%), which is 8.53 acres less than the amount permitted under the Standard. The area to remain natural is 126.57 acres. As a result, the Project conforms to the CLUP Standard 5.3.3.6.1 - Vegetation Clearance Limits.

Because the project maximizes the use of areas which were previously cleared and the preservation of areas which have not been previously cleared and because it aligns the proposed open space areas with existing open space areas to the maximum extent practicable, the project complies with Standard 5.3.3.6.2 - Unfragmented open space. As the project proposes, prior to site clearing and disturbance, to install split rail fences on clearing limit lines to avoid encroachment into areas to remain natural, this further ensures compliance with the aforementioned standard.

The applicant proposes to install fertilized landscaped areas on private parkland areas, in parking lot islands within the retail/office areas, and in residential landscape areas, totaling approximately 32 acres or 10% of the project site area. An estimated 50 acres or 15% is the maximum amount permitted. Therefore, because the proposed fertilizer areas are below the maximum threshold, the Project complies with Standard 5.3.3.6.3 - Fertilizer-dependent vegetation limit.

According to the SEQRA Record and information received as part of the application, the applicant will consider transplanting individual native plant specimens during construction phases in order to reuse existing native plant material on the project site. In addition to transplanting existing material for use throughout the site, the landscape plan for the Project will utilize native vegetation to conform to the CLUP Standard 5.3.3.6.4 -

Native Plantings. A draft plan identifying feasible transplantation areas, methods, and maintenance to ensure survival shall be required and is subject to Commission review and approval.

B. Species and Communities of Special Concern

1. Standard

a. Standard 5.3.3.7.1 - Special species and ecological communities

The standard states “Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.”

2. Compliance with the Standard

New York State Species of special concern have the potential to occur on the project site including the Cooper’s Hawk, Horned lark, osprey, Eastern spadefoot toad, Eastern hognose snake, and Eastern box turtle. However, no legal protection measures are afforded to such species under Environmental Conservation Law Section 11-0535.

The Easter tiger salamander, a State-listed endangered species, has been previously documented as utilizing the freshwater wetland near the Dorade STP parcel as a breeding habitat. The STP parcel is approximately 2,800 feet from the breeding pond which will not be disturbed by the Project. The Project will be required to obtain an ECL Article 11, Part 182 “no-take” determination from NYSDEC since 1.50 acres of clearing will occur on the Dorade STP parcel, which is within the jurisdictional boundary of protection for the tiger salamander habitat.

Provided all of these required permits are obtained for the Project, the Project will conform to Standard 5.3.3.7.1 - Special species and ecological communities. All copies of permits will be required to be forwarded to the Commission prior to the issuance of Building Permits.

C. Coordinated Design for Open Space Management

1. Standards and Guidelines

a. Standard 5.3.3.9.1 - Receiving entity for open space dedications

The standard states “Applications must specify the entity to which dedicated open space will be transferred.”

b. Guideline 5.3.3.9.2 - Clustering

The guideline states “*Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.*”

c. Guideline 5.3.3.9.3 - Protection of dedicated open space

The guideline states “*Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.*”

2. Compliance with the Standards and Guidelines

To conform to CLUP Standard 5.3.3.9.1, *Receiving entity for open space dedications*, the 120.48 acres of open space preserved by the project will be protected through the recording of conservation easement to be dedicated to the Commission as the grantee to ensure the open space is preserved and not developed in the future.

The Project has been clustered to utilize the existing cleared areas of the site and minimize additional clearing of existing natural pine barrens vegetation. The Project has been clustered to retain the maximum amount of existing natural vegetation and minimize clearing of natural area. As a subdivision is proposed as part of the Project to apportion commercial areas from residential areas, in order to conform to the CLUP Guideline, no additional clearing will be permitted on any lots created subsequent to the instant application and any reconfiguration of the project site without Commission review and action. In accordance with the current Plan, the Project will conform to the CLUP Guideline 5.3.3.9.2 - Clustering.

Compliance with Guideline 5.3.3.9.3, *Protection of dedicated open space*, will be ensured through compliance with Standard 5.3.3.9.1.

D. Agriculture and Horticulture

1. Guideline

a. Guideline 5.3.3.10.1 - Best management practices

The guideline states “*Any existing, expanded, or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined herein, and relevant requirements including local law. Best management practices are, for purposes of this CLUP, the same practices stated in the most recent version of Controlling Agricultural Nonpoint Source Water Pollution in New York State (Bureau of Technical Services and Research, Division of Water,*

New York State Department of Environmental Conservation, 1991 and as later amended).”

2. Compliance with the Guideline

No agricultural activity is proposed, therefore, this CLUP Guideline is not applicable to the Project.

E. Commercial and Industrial Development

1. Standard

a. Standard 5.3.3.12.1 - Commercial and industrial compliance with Suffolk County Sanitary Code

The standard states “All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.”

2. Compliance with the Standard

No industrial uses are proposed that would be subject to the Suffolk County Sanitary Code (SCSC). Although, the project proposes commercial land uses including retail, office, hotel and restaurant uses, the application states, “No businesses that use hazardous and/or toxic chemicals are expected.” Therefore, the Project will comply with the applicable Articles of the SCSC to conform to the CLUP Standard 5.3.3.12.1 - Commercial and industrial compliance with Suffolk County Sanitary Code.

III. Slopes and Soils

A. Slopes

1. Guidelines

a. Guidelines 5.3.3.8.1 Clearing envelopes

The guideline states, “Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).”

b. Guideline 5.3.3.8.2 Stabilization and erosion control

The guideline states, *“Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.”*

c. Guideline 5.3.3.8.3 Slope analyses

The guideline states, *“Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.”*

B. Soil

1. Guidelines

a. Guideline 5.3.3.8.4 - Erosion and sediment control plans

The guideline states *“Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.”*

b. Guideline 5.3.3.8.5 - Placement of roadways

The guideline states *“Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills.”*

c. Guideline 5.3.3.8.6 - Retaining walls and control structures

The guideline states *“Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).”*

2. Compliance with the Guidelines

An estimated 93% of the site contains slopes of less than 15%. Natural steep slopes exist in the southern portion of the western part of the project site, which will not be disturbed. Slopes in the central portion are not natural and were excavated in the development of the previous horse racetrack facility which was created prior to the enactment of ECL Article 57. The applicant has conduct slope analyses in order to depict areas of natural or steeper slopes to be avoided in accordance with Guideline 5.3.3.8.3 - Slope analyses. The Project will avoid grading of natural slopes in excess of 10% and existing natural slopes are expected to be preserved. The applicant will ensure placement of structures and roadways will ensure preservation of natural slopes and avoidance of steeper slopes. This will ensure conformance to Guideline - 5.3.3.8.1 clearing envelopes and Guideline 5.3.3.8.5 - Placement of roadways. According to the SEQRA Record, it is anticipated that a total minimum of 203 acres will be subject to grading operations. However, the Project

is expected to utilize existing graded areas and minimize disturbance to existing natural topography on the project site. Soils will be reused as fill on site where feasible.

The SEQRA Record identified eight of the soils on site as posing moderate to severe limitations for development, specifically due to steep slopes and sandy surface layer. Soil modifications will occur to ensure landscaping will survive and suitable soil recharge locations will be sited. Accordingly, measures anticipated to be taken during construction that will minimize erosion include the use of groundcovers, minimize time of exposure of denuded soil, drainage diversion, soil traps, and construction of retaining walls. Therefore, the Project will conform to Guideline 5.3.3.8.2 (Stabilization and erosion control), Guideline 5.3.3.8.4 (Erosion and sediment control plans) and Guideline 5.3.3.8.6 (Retaining walls and control structures).

A Stormwater Pollution Prevention Plan will be prepared in accordance with SPDES permit regulations and local regulatory authority under the Municipal Separate Storm Sewer Systems (MS4s) regulations and submitted to the Town, subject to review and approval. All stormwater runoff generated on developed surfaces will be retained on site and recharged to groundwater in a drainage system designed in conformance with Town requirements. A grading and drainage plan will be prepared and submitted to the Town, subject to review and approval. An Erosion Control Plan will be prepared in accordance with the recommendations of the NYSDEC Standards and Specifications for Erosion and Sedimentation Control and the NYSDEC Technical Guidance Manual. These measures will further ensure the Project conforms to Guideline 5.3.3.8.4 - Erosion and sediment control plans.

Use of leaching pools and rain gardens within the developed sections serving the internal roadways and parking areas will be incorporated into the design. The stormwater ponds will be lined with an impervious barrier provided with a separate water supply line, to maintain a minimum volume of water to support wetland vegetation growth along the borders.

Overall, under the current Plan, the Project will conform to CLUP Guidelines 5.3.3.8.1 through 5.3.3.8.6.

IV. Scenic, Historic and Cultural Resources

A. Cultural Resources

1. Guidelines

a. Guideline 5.3.3.11.1 - Cultural resource consideration

The guideline states “Development proposals should account for, review, and provide protection measures for:

1. *Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this CLUP.*
2. *Active recreation sites, including existing sites and those proposed as part of a development.*
3. *Scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway.*
4. *Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute.*
5. *Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.”*

b. Guideline 5.3.3.11.2 - Inclusion of cultural resources in applications

The guideline states “Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.

A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.”

B. Scenic and Recreational Resources

1. Guidelines

a. Guideline 5.3.3.11.3 - Protection of scenic and recreational resources

The guideline states “Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.”

b. Guideline 5.3.3.11.4 - Roadside design and management

The guideline states *“Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.”*

2. Compliance with the Guidelines

The guidelines in this section of the CLUP refer to maintaining the character of the Central Pine Barrens region, retaining existing natural buffers that visually shield development, and the use of signage that is keeping with the style and scale of the existing community character.

The SEQRA Record did not contain specific visual analyses that simulated the Project in the existing landscape to analyze potential visual impacts as a result of the Project. As the environmental review assessed a conceptual Project a Generic EIS was prepared. As a result, when specific details of the proposal (including height of buildings, signage dimensions, materials, lighting, and building elevations) are proposed, the applicant will be required to prepare Supplemental EISs or other appropriate SEQRA documentation in order to review the Project’s consistency with the CLUP Guidelines that are specific to the protection of scenic resources. The requirement that any site-specific proposals for development be designed to maintain the character and quality of the Central Pine Barrens region will ensure compliance with Guideline 5.3.3.11.3 - Protection of scenic and recreational resources

The fire access emergency route through the westerly adjacent Core Preservation Area and Town-owned Greenbelt will be designed to continue to accommodate passive hiking and other passive recreational opportunities that exist in the Greenbelt trail connection and envisioned in the future to conform to Guideline 5.3.3.11.1. In order to ensure that the proposed construction of a stabilized surface is consistent with the character of the Greenbelt, the Commission may require specific design parameters such as imposing a maximum width of 18 feet, requiring the stabilized surface to consist of permeable material and to be installed in the existing roadway corridor and avoidance of additional clearing, as described in the SEQRA Record.

The Project has been designed to provide perimeter buffers of existing natural vegetation to screen and visually buffer the site from major areas roadways in accordance with Guideline 5.3.3.11.4 - Roadside design and management. Additional interior design and configuration of the site, as proposed in the Project plan, further ensure compliance with this guideline.

On March 18, 2011, the New York State Office of Parks Recreation and Historic Preservation (OPRHP) responded to the inquiry regarding potential impacts to cultural and historic resources that indicate a Phase IB Archaeological survey was required. The applicant performed a Phase IB Archaeological survey to ensure that clearing proposed beyond previously cleared areas would not result in impacts to

archaeological resources. OPRHP reviewed the Phase IB Archaeological survey and Project design and concluded that the Project will have no impact on any cultural resources either listed on or eligible for listing on the State and National Registers of Historic Places. Therefore, the Project conforms to Guideline 5.3.3.11.1 (Cultural resource consideration) and Guideline 5.3.3.11.2 (Inclusion of cultural resources in applications).

As noted above, construction of the Project in accordance with the current Plan and in a manner consistent with the Guidelines of the CLUP will ensure the Project conforms to CLUP Guidelines 5.3.3.11.1 through 5.3.3.11.4.

V. Final Conclusion and Conditions of Approval

The Commission finds that the Generic EIS for the Project complies with the Central Pine Barrens Standards and Guidelines for development and therefore no hardship waiver is necessary. Based on the SEQRA Record and review of the Generic Project, no significant adverse impacts were identified as a result of the Project on water resources including wetlands, surface waters and groundwater, natural vegetation and plant habitat, species and communities of special concern, soils, cultural, scenic and recreational resources. . The Project does not require CGA or Core Hardship Waivers from the Commission, pursuant to the provisions outlined in New York State Environmental Conservation Law § 57-0121(9) and § 57-0121 (10).

The Generic EIS demonstrates the Project's consistency with the purposes and provisions of the Long Island Pine Barrens Protection Act of 1993 and the goals and objectives of the Central Pine Barrens Comprehensive Land Use Plan. It allows the existing pine barrens ecosystem and significant natural resources, including plant and animal populations, to continue to exist on the project site. It will protect the quality of surface water and groundwater through the treatment of wastewater and protection of existing freshwater wetlands. The Project will promote active and passive recreational uses through the connection to the adjoining Greenbelt trail and development of active ballfields and other athletic facilities for use by the public. The layout and design of the Project aims to be 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 placement of a mix of commercial and residential uses on one project site discourages piecemeal and scattered development. Overall, the Generic Project will preserve and maintain the essential character of the existing pine barrens environment and encourages appropriate patterns of compatible residential and commercial development in order to accommodate regional growth influences in an orderly way while protecting the pine barrens. In addition, the Project accommodates a portion of development redirected from the Core Preservation Area through the redemption of five (5) Pine Barrens Credits.

In making this finding, the Commission has:

- 1) considered the relevant environmental impacts, facts and conclusions disclosed in the final EIS as they pertain and are within the purview of the Commission's review of the CGA-DRS application for this Project.

- 2) weighed and balanced the relevant environmental impacts with social, economic and other considerations.
- 3) provided a rationale for its decision by the written facts and conclusions contained herein based on the Project's SEQRA Record and CGA-DRS application.
- 4) certifies that the requirements of this Part have been met.
- 5) certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

The Commission finds there will be no significant adverse environmental impacts as a result of this Project and therefore approves the Generic EIS for the Meadows at Yaphank Planned Development District Compatible Growth Area Development of Regional Significance, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

This Commission approval is for the Generic EIS for the Project entitled the Meadows at Yaphank Planned Development District CGA-DRS as depicted in the Land Use and Development Plan – FGEIS Plan prepared by Simone Design Group dated August 1, 2011, and in accordance with the SEQRA Record, subject to the following conditions:

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 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 126.57 acres of the 333.46 acre project site and 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 map for the project filed with the Suffolk County Clerk.
- b. A maximum amount of 206.89 acres of clearing on the 333.46 acre project site is permitted; the project site includes the 11.09 acre Dorade STP parcel. This amount includes any existing cleared areas and developed areas.
- c. 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.

d. Conservation easement

- i. The applicant shall submit a map that delineates the conservation easement with a metes and bounds description.
- ii. The conservation easement, to be granted to the Commission, shall be prepared and filed in order to retain 126.57 acres of open space in existing natural vegetation as depicted on the referenced FGEIS Plan. A draft conservation easement shall be submitted to Commission for review and must be approved in writing, prior to filing.
- iii. The conservation easement shall be filed within six months of the date of this resolution.
- iv. 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, and prior to the issuance of demolition and other building permits by the Town.
- v. 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. This approval shall expire ten years from the date of approval by the Commission. If all phases of the Project are not fully constructed and completed by ten years from the date of this resolution, the applicant shall seek reauthorization from the Commission, subject to its review.
 - 5. Any modifications to the existing Site Plan must first be reviewed and approved by the Commission.

The Commission pursuant to 6 NYCRR Part 617.11 has prepared the Findings stated herein and shall cause it to be filed in accordance with 6 NYCRR Part 617.12(b).

COPIES OF THIS FINDINGS STATEMENT WILL BE SENT TO:

NYSDEC, Division of Environmental Permits, Region 1
New York State Department of Transportation
Suffolk County Planning Commission
Suffolk County Department of Health Services
Suffolk County Department of Public Works
Suffolk County Sewer Agency
Suffolk County Water Authority
Town of Brookhaven Supervisor
Town of Brookhaven Town Clerk
Town of Brookhaven Town Board
Town of Brookhaven Board of Zoning Appeals
Town of Brookhaven Planning Environment and Land Management (PELM)
Town of Brookhaven Building Department
Town of Brookhaven Parks and Recreation Department
Applicant/Agent/Attorney

This statement is not complete until authorized as follows.

MOTION TO ACCEPT THE FINDINGS STATEMENT FOR THE MEADOWS AT
YAPHANK PLANNED DEVELOPMENT DISTRICT COMPATIBLE GROWTH AREA
DEVELOPMENT OF REGIONAL SIGNIFICANCE PROJECT

MOTION BY: Mr. Murphree

SECONDED: Ms. Lansdale

VOTE:

YES: 4

NO: 0

MOTION TO APPROVE THE MEADOWS AT YAPHANK PLANNED DEVELOPMENT
DISTRICT COMPATIBLE GROWTH AREA DEVELOPMENT OF REGIONAL
SIGNIFICANCE PROJECT

MOTION BY: Mr. Murphree

SECONDED: Ms. Lansdale

VOTE:

YES: 4

NO: 0

DATE: October 19, 2011