

# Central Pine Barrens Joint Planning and Policy Commission

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Robert J. Gaffney, *Chair*  
Felix J. Grucci, Jr., *Vice Chair*  
Vincent Cannuscio, *Member*  
Ray E. Cowen, *Member*  
James R. Stark, *Member*

P.O. Box 587  
3525 Sunrise Highway, 2nd Floor  
Great River, New York 11739-0587  
516-563-0385 / Fax 516-277-4097

## **Commission Meeting Summary (FINAL) for August 26, 1996 (Approved 10/2/96) Brookhaven Town Offices, Bldg 4, Medford / 5:00 pm**

Commission members present: Mr. Proios (for Suffolk County), Mr. Girandola and Mr. Pavacic (for Brookhaven; Mr. Girandola voting), Ms. Filmanski (for Riverhead), Mr. Duffy (for Southampton) and Mr. Cowen (for New York State).

Others present: General counsel was Mr. Rigano. Staff members from the Commission and other agencies included Mr. Corwin, Ms. Trezza, Ms. Plunkett, and Mr. Milazzo (from the Commission), and Ms. Eaderesto (from the Brookhaven Town Attorney's Office). Additional attendees are shown on the attached sign-in sheet.

The meeting was called to order at approximately 5:23 pm by Mr. Proios, with a five member quorum present.

### **Administrative**

#### **! Public comments (Part of each meeting; please sign Speaker Sheet)**

Summary: The first speaker was Mr. Richard Amper, representing the L.I. Pine Barrens Society. He stated that, at the 8/23/96 meeting, he thought that the Commission might consider the alternative to the Manorville Nursery Expansion which was presented in the SC Planning Department report. He stated that the Commission should consider itself sued, and that he is troubled by the Commission calling a sand mine something else. He stated that you cannot change the rules. He is disturbed by comments made at the last meeting, and again asked the Commission not to approve the project.

The second speaker was Ms. Regina Seltzer, representing the L.I. Pine Barrens Society. She asked if she could see the draft written findings statement for the Manorville Nursery Expansion being discussed today prior to her making any comments. Mr. Rigano advised the Commission against that since it is still a draft document. Ms. Seltzer then asked if she could comment after the Commission's discussion and prior to the vote, and that was agreed.

The third speaker was Mr. Peter Maniscalco, representing Cobbleridge Condominiums in Manorville. He stated that the Manorville Nursery Expansion proposal is not for a nursery expansion, or otherwise the recommendations contained within the Suffolk County Planning Department report would be followed. He stated that he believes that after the removal of the hill, the land will be rezoned. He stated that the project should be voted down.

### **Compatible Growth Area**

#### **! Manorville Nursery Expansion / Manorville: SEQRA findings (draft faxed); decision (8/29 decision deadline)**

Summary: Mr. Cowen asked if it was the intention of the Commission to limit the

magnitude of this proposal by time (i.e., to a period of years; possibly four and one half years) and by volume of materials. Mr. Rigano answered affirmatively. Mr. Cowen stated that Brookhaven Town's findings statement contains language referring to such limitations. A discussion then ensued over a guarantee that these limitations will be imposed and enforced by Brookhaven Town. Mr. Pavacic then discussed the nutrient management provisions, the integrated pest management program, the requirements for best management practices at each phase of the project, the requirements for inspections at each phase, and the financial bonds required by Brookhaven Town, including the manner in which those bonds would be carried over to successive phases. Mr. Cowen asked when the time limitation for the completion of the project would begin, and Mr. Rigano replied that it could commence today.

Mr. Pavacic then went through line by line changes which Brookhaven Town is recommending to the draft findings statement (all changes discussed here are contained within the attached findings statement). Some of the specific points discussed at this time included the following.

The questions arose as to whether the various site management plans to be required will be specified in a separate document, and Mr. Pavacic stated that they would. The question also arose whether there is a subdivision of the 19 acre parcel, and Mr. Pavacic replied that there was in the Draft Environmental Impact Statement, but that the subdivision had been withdrawn. The geographic direction in which the sand removal work would proceed was discussed. The placement of a statement within the findings statement that the project is in conformance with the standards and guidelines of the Plan was also discussed.

Mr. Cowen stated that the resolution should contain a statement that the expiration of the four and one half year period ends on a specific date. Mr. Girandola objected to this, stating that, since there are other permits to be obtained by the sponsor, this would be an unfair stipulation. Mr. Rigano suggested that the limitation be that the project end within four and one half years from the date that all necessary permits are received. The rate of work as measured in hours per day, days per week, and truck trips per hour was also discussed, but no specific additional language was agreed to. Mr. Proios raised the issue of the agricultural easements recommended in the Suffolk County Planning Department report, but no additional language was agreed to regarding that.

At this point, Mr. Amper asked if the audience could see the document now, and Mr. Rigano replied that it was not yet final. Ms. Seltzer asked whether the Commission has agreed that this is a mining operation, and Mr. Cowen replied that Friday's discussion covered that, but that no new resolution was reached that day. Ms. Seltzer stated that this proposal is being treated as one project, but that it actually has three phases. She stated that she did not see how the Commission could act if the information available is incomplete. She cited the number of truck trips per day and the size of the trucks as examples of the missing information. She stated that the Commission is being asked to approve a project with incomplete information.

**A motion was then made by Mr. Girandola and seconded by Ms. Filmanski to accept the attached statement of findings for the Manorville Nursery Expansion as revised (the attached copy contains the revisions) and to authorize the Commission Chair or his designated representative to the Commission to sign the statement of findings. The motion was approved by a 3-2 vote, with the dissenting votes cast by Mr. Cowen and Mr. Proios. The statement of finding was then signed by Mr. Proios.**

**A second motion was then made by Mr. Girandola and seconded by Ms. Filmanski**

***to adopt the attached resolution as revised (the attached copy contains the revisions) approving the Manorville Nursery Expansion project. The motion was approved by a 3-2 vote, with the dissenting votes cast by Mr. Cowen and Mr. Proios.***

**Adjournment of regular meeting**

***Summary: A motion to adjourn was made by Mr. Proios and seconded by Mr. Duffy. It was approved by a vote of 5-0. The meeting ended at approximately 6:00 pm.***

**Attachments:**

1. Attendance list (1 page)
2. Speaker list (1 page)
3. Statement of Findings on the Manorville Nursery Expansion (8/26/96; 25 pages)
4. Resolution approving the application of the Manorville Nursery Expansion (8/26/96; 10 pages)

**State Environmental Quality Review  
STATEMENT OF FINDINGS  
Manorville Nursery Expansion & Hot Water Street Land Division**

Pursuant to 6 NYCRR Part 617 and Article 8 (State Environmental Quality Review Act) of the N.Y. Environmental Conservation Law, the Central Pine Barrens Joint Planning and Policy Commission, as an involved agency, has prepared the following findings.

**NAME OF ACTION:** Manorville Nursery Expansion and Hot Water Street Land Division

**APPLICANT:** Joseph Marando Nurseries, Inc.  
County Road 111 and Chapman Boulevard  
Manorville, NY 11949

**INVOLVED AGENCY:** Central Pine Barrens Joint Planning & Policy Commission  
3525 Sunrise Highway  
P. O. Box 587  
Great River, New York 11739

Contact Person Who Can Provide Additional Information:  
Raymond P. Corwin, Executive Director  
(516) 563-0385

**LEAD AGENCY:** Town of Brookhaven  
Planning Board  
3233 Route 112  
Medford, New York 11763

**INVOLVED AGENCY JURISDICTION:** Pursuant to Environmental Conservation Law Section 57-0123(2) the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") "shall have jurisdiction to review and approve ... proposed developments found by the commissioner to have significant adverse impact on the land use plan." At their meeting of May 1, 1996, the Commission exercised its jurisdiction over the subject project.

**DESCRIPTION OF ACTION:** The project involves expansion of an existing 62 acre nursery operation onto an adjacent 38.06 acre parcel. A portion of the existing 62 acre nursery operation as well as a portion of an adjacent 38.06 acre parcel will be included in the expansion. The existing 62 acres is currently being farmed with nursery stock. The adjacent 38.06 acre parcel is wooded. The expansion will divide a 19 acre parcel from the 38.06 acre nursery expansion site. The 19 acres is located to the west of the expansion site. Of the 38.06 acre expansion site, approximately 24.7 acres would be cleared of natural vegetation while the remaining 13.36 acres would remain in existing natural state.

A total of 1 million cubic yards of material will be mined from the expansion area and adjacent areas. Approximately 85,000 cubic yards of material will be removed from the property and the remaining 85,000 cubic yards to be stockpiled for later use. The mining will take place over a period of several years. The material will be removed from the site by truck (tractor trailers) which will access CR 111 via a haulage road located on the property between the existing nursery and expansion area.

Natural and undisturbed buffers will be retained on the north, east and south sides of the 38 acre parcel. The project will retain the natural vegetation in an approximately 250 foot wide area along the northern portion of the parcel adjacent to the eastern portion of the site adjacent to Bruce Drive and Peter Court and a 70 foot wide strip at the southern end. The project will also retain the natural vegetation proposed for the final slope of the excavated area on the east side of the site. The remainder of the expansion site will be used for stock for farming.

**PROJECT LOCATION:**

Southeast corner of the intersection of County Road 111 and Chapman Boulevard, north of Highway 111, approximately 270' west of Bruce Drive and Peter Court, Manorville, Town of Brookhaven, County of Suffolk.

**SUFFOLK COUNTY TAX MAP #:**

0200-509-6-1.1 & 15.1  
0200-509-7-1.2, 13. & 1.4

**SEQRA CLASSIFICATION:**

Type I Action.

**SEQRA HISTORY:**

A Positive Declaration was issued for the project on February 28, 1994. A Draft Environmental Impact Statement was issued on April 27, 1995. A public hearing on the DEIS was held on April 24, 1995 and comments on the DEIS were received until May 1, 1995. A Final Environmental Impact Statement was accepted on August 14, 1995 and circulated to other involved agencies and interested parties in accordance with SEQRA regulations.

**INVOLVED AGENCY FINDINGS**

The jurisdiction of the Commission under N.Y. Environmental Conservation Law, Section 57-03(1)(b) and the Suffolk County Barrens Comprehensive Land Use Plan (the "Plan") Section 4.5.3, requires the review of the standards and guidelines set forth in Volume 1, Chapter 5 of the Plan.

**REVIEW OF STANDARDS AND GUIDELINES**

Below is the text for each standard and guideline reviewed by the Commission for this project, followed by the findings. Following the review, the Commission has determined that the project is in compliance with the relevant standards and guidelines.

**1. Nitrate-nitrogen**

Plan Section 5.3.3.1 Provides:

Nitrate-nitrogen, a contaminant that emanates from numerous types of land uses, is a recognized indicator of poor groundwater quality. The Suffolk County Department of Health Services abides by the New York State drinking water nitrate-nitrogen standard for drinking water.

***Standards*****Suffolk County Sanitary Code Article 6 compliance**

All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable standards of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall be reviewed by the Suffolk County Department of Health Services' Board of Review in order to be deemed to have met the standards.

**Sewage treatment plant discharge**

Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and up-drift of the Barrens. Denitrification systems that are approved by the New York State Department of Environmental Conservation may be used in lieu of a sewage treatment plant.

***Guideline*****Nitrate-nitrogen goal**

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 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.

\* \* \*

This standard states that all development proposals must be in compliance with Suffolk County Sanitary Code. If not practical by the County or State, sewage treatment plant discharge should be outside and downgradient of the Central Business District. A guideline goal of two and a half (2.5) ppm may be achieved for new projects through an average residential density of one 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.

**38 Acre Mining Operation** - The proposed clearance of approximately 24.7 acres of the expansion area will have an impact from nitrates on the underlying groundwater beneath the site. In fact, recharge to the groundwater from the vegetation has been removed may increase due to the fact that evapotranspiration through the vegetation is no longer occurring. The mining operation is also not expected to add any nitrates to the underlying groundwater.

**Expansion of Agriculture/Horticulture Operation** - The expansion of the nursery onto the 38 acres will involve the use of nitrogen based fertilizer as well as extensive irrigation. The poor quality of the soils on approximately 87.5 acres is compensated for by augmentation with manure and fertilizers, as well as intensive irrigation in order to allow for growth. In the Environmental Impact Statement, it is estimated the current nursery operation generates a nitrogen concentration of 1.1 mg/l. The expansion site generates .1 mg/l. The final nitrogen concentration from the expanded nursery on the 38 acre site is predicted to be 1.2 mg/l with the implementation of best management practices. This is under the 6 mg/l standard set under Article 6 of the Suffolk County Sanitary Code.

Taking into consideration that the poor soils on the expansion site have to be augmented with manure and fertilizers, nitrates to the underlying groundwater, there is concern whether 6 mg/l will be met, especially in light of the fact that the current nursery operation to generate nitrate concentrations of 9.6 mg/l. In order to minimize impacts to the groundwater and meet 6 mg/l, the management plan must be made part of the project.

**19 Acre Parcel Resulting From The Land Division** - The development of this area must comply with the 6 mg/l standard for nitrates.

## **2. Other chemical contaminants of concern**

Plan Section 5.3.3.2 provides that:

In addition to the specific standards for nitrate-nitrogen above, other contaminants of concern may be present in the soil from specific applications or in specific areas. This is particularly true for organic contaminants of anthropogenic origin.

### ***Standard***

#### **Suffolk County Sanitary Code Articles 7 and 12 compliance**

All development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code. If a variance or waiver is needed, and all applicable state laws and regulations in order to protect the water resource and wastewater management infrastructure shall be in place prior to, or as part of, the development.

\* \* \*

In addition to the specific standards for nitrate/nitrogen, the Plan states that other contaminants of concern may be present in the soil from specific applications or in specific areas. This is particularly true of organic contaminants of anthropogenic origin and all development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code.

**38 Acre Mining Operation** - Clearing the area of vegetation and removing the excess material from to produce organic contaminants of anthropogenic origin. It is assumed that all vehicles and equipment will be main operating condition. In order to minimize impacts to groundwater, the Town has specified that any fuel for trucks ar stored in appropriate leak-proof containment in accordance with all Town, County, State and Federal laws and regul:

**Expansion and Agriculture/Horticulture Operation** - Herbicides and pesticides maybe part of any operation. These may impact underlying groundwater. In order to minimize potential impacts to groundwater from required that an integrated pest management plan (IPM), using the formation contained in the DEIS and FEIS, be pre Town, and made a part of the project.

**19 Acre Parcel Resulting From Land Division** - The development of this area is expected to be 2 ac As a result, the development of this area should not result in the release of chemical contaminants other than lawn ar should be controlled under standard 5.3.3.6.

### 3. Wellhead protection

Plan Section 5.3.3.3 provides that:

The New York State Department of Health advocates the exclusion of potentially contaminating activ area extending for 200 feet in all directions from a well site. Although this may have been considerec prevent the rapid drawdown of bacterial contamination or its entry into groundwater through poorly c it does not necessarily ensure an adequate level of protection against the suite of organic and inorgani may threaten community water supplies.

#### *Standard*

#### **Significant discharges and public supply well locations**

The location of nearby public supply wells shall be considered in all applications involving significan required under the New York State Environmental Conservation Law Article 17.

#### *Guideline*

#### **Private well protection**

The Suffolk County Department of Health Services' guidelines for private wells should be used for w

\* \* \*

The location of nearby public supply wells shall be considered in all applications involving significan required under the New York State Environmental Conservation Law Article 17. In addition, the SCDHS guidelines wellhead protection.

**38 Acre Mining Operation** - The proposed vegetation clearing and mining operation of the project a adversely affect any nearby public or private wells.

**Expansion of Agriculture/Horticulture Operation** - The proposed expansion of the nursery site ma nitrate, herbicide and pesticide use in the area with potential for contamination in the underlying aquifer. The SCW/ 2,500 ft. to the southeast on CR 111. According to the EIS, the nearest monitoring well (S-47755) with current avail corner of Halsey Manor Road and Hot Water Street in Manorville, approximately 2,040 feet southeast and downgrac

Water quality data obtained from the available SCDHS files for Well S-47755 indicates that water quality in the Uppland area is good. In addition, the data from the Suffolk County Water Authority Distribution Area 44 (a public water supply) indicated that all organics in the area were found to be well below current standards. The irrigation well on the existing property was analyzed for organic or inorganic constituents. The homes located on Easterly Court, Ross Court, Ricky Road, Peter Road, and South Road are connected to public water. As a result, individual private wells are utilized to obtain water for these homes. As state law requires, the water is pumped in a south/southeasterly direction. There is a concern that the private well quality of some of the homes on Easterly Court may change to agricultural use of the upgradient land.

The expansion of the agriculture/horticulture operation is not expected to adversely impact public or private water supply wells that are located in proximity to the site. There are private wells located to the south and east of the site. The water quality concerns associated with these wells. However, mitigation proposed by the applicant and the preservation of unfertilized natural vegetation are anticipated to reduce potential for impacts to private well water. Additional mitigation measures to further minimize potential groundwater quality and quantity impacts. These measures include the utilization of Integrated Nutrient Management preparation and implementation of a nutrient management plan, excluding the use of calcium chloride for dust control, and necessary and hand application of slow-release organic fertilizers to root systems of nursery stock.

**19 Acre Parcel Resulting From The Land Division** - The development of this area is expected to be primarily residential and, as a result, is not expected to adversely impact supply wells or groundwater quality.

#### **4. Stormwater runoff**

Plan Section 5.3.3.5 provides:

Development of lands within the pine barrens inevitably results in an increase of runoff water following rain events. Runoff water originating from the roofs of buildings and from driveways is usually discharged directly to dry wells situated on the building lot. However, the great volume of runoff water originating from paved roads is usually discharged by pipes into large open recharge basins or sumps. These basins may cover large areas and require the removal of considerable native vegetation to the detriment of the site's ecology and aesthetics.

##### *Standard*

##### **Stormwater recharge**

Development projects must provide that all stormwater runoff originating from development on the property is stored in a recharge basin with sufficient surplus capacity exists in an off site drainage system.

##### *Guidelines*

##### **Natural recharge and drainage**

Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation are preferred, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.

##### **Ponds**

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

##### **Natural topography in lieu of recharge basins**

The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins.

##### **Soil erosion and stormwater runoff control during construction**

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



\* \* \*

Development projects must provide that all stormwater runoff originating from development on the property has sufficient surplus capacity exists in an off-site drainage system. Natural recharge and drainage areas should be utilized where possible.

**38 Acre Mining Operation** - Due to the rapid permeability of the soils of the site, stormwater runoff is not expected to be a problem and is not expected to be one when the site is cleared of vegetation and the excess material removed. Further, natural recharge, rather than recharge basins or ponds will be utilized.

The Town has required an erosion control program that requires silt fences, hay bale check dam, and sediment trap installation will be inspected and approved by Town of Brookhaven staff prior to physical work at the site. Further information is in the 1996 Findings Statement.

**Expansion of Agriculture/Horticulture Operation** - Due to the rapid permeability of the soil, stormwater runoff is not expected to be a problem from the proposed agricultural operation. All stormwater would be recharged on site.

**19 Acre Parcel Resulting From The Land Division** - It is expected that stormwater runoff generated on the 19 acre site will be recharged on the site. However given the expected residential development, an excavated recharge basin is anticipated to be a problem on this site since it is relatively flat.

## 5. Natural vegetation and plant habitat

Plan Section 5.3.3.6 provides:

Clearing is defined, for the purposes of this standard, as the removal of any portion of the natural vegetation on a site exclusive of any vegetation associated with active agricultural or horticultural activity or formal lawns and turf areas. Excessive clearing of natural vegetation can result in severe soil erosion, excessive sedimentation, 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 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 are replaced with turf through development, increased contamination and a general change in the ecosystem are expected.

### *Standards*

#### **Vegetation Clearance Limits**

The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall show 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 shown in the table below. The percentages shall be taken over the total site and shall include, but not be limited to, roads, building site areas, and other cleared areas. The clearing standard that would be applied to a project site if developed under the existing residential zoning ordinance. If the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall delineate with a clearing limit line and calculations for clearing to demonstrate compliance with the standard.

To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limit, the clearing limit shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared.

5.2 of the Plan.

**Unfragmented open space**

Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks to be established when adjacent parcels are developed. Subdivision and site designs should also be consistent with 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 ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as sedge and indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5.

It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the preservation of native pine barrens vegetation when such action would result in the creation of large contiguous natural open space areas and/or the preservation of endangered species or their habitat.

**Fertilizer-dependent vegetation limit**

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

**Native Plantings**

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

**Figure 5-1: Clearance standards**

*(This table shows total site clearance including lots, roads, drainage and other improvements.)*

<b>Zoning lot size (*)</b>	<b>Maximum site clearance (**)</b>
10,000 square feet residential (1/4 acre)	90 %
15,000 square feet residential (1/3 acre)	70 %
20,000 square feet residential (1/2 acre)	60 %
30,000 square feet residential (2/3 acre)	58 %
40,000 square feet residential (1 acre)	53 %
60,000 square feet residential (1.5 acre)	46 %
80,000 square feet residential (2 acres)	35 %
120,000 square feet residential (3 acres)	30 %
160,000 through 200,000+ square feet residential (4 - 5+ acres)	20 % Clearance limitations on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems. In no case shall the total clearance in this category exceed 25%.
Commercial, Industrial and Other or Mixed Use	65 %

*Notes:*

(\*) These entries are the minimum lot sizes required by zoning, not the size of the subject parcels.

(\*\*) In calculating the percentage of land cleared, the preserved areas in a development should preferably be native vegetation. These are maximum clearance standards, and more restrictive standards may be imposed during the review by the local municipality due to consideration of other standards, especially those addressing preservation of rare or endangered species, or unique flora or vegetation.

## Figure 5-2: Planting recommendations

(Native plants are more drought tolerant than nonnative species, are adapted to our local environment, maintain natural ecological diversity, perpetuate fast disappearing native genotypes, and comprise a form of habitat restoration.)

Scientific name (In alphabetic order)	Common name
<b>Recommended native plants</b>	
<i>Andropogon gerardi</i> <i>Andropogon scoparius</i> <i>Betula lenta</i> <i>Betula populifolia</i> <i>Celtis occidentalis</i> <i>Dennstaedtia punctilobula</i> <i>Epigea repens</i> <i>Hamamelis virginia</i> <i>Ilex glabra</i> <i>Ilex opaca</i> <i>Myrica pensylvanica</i> <i>Parthenocissus quinquefolia</i> <i>Pinus rigida</i> <i>Populus tremuloides</i> <i>Prunus maritima</i> <i>Prunus serotina</i> <i>Pteridium aquilinum</i> <i>Quercus alba</i> <i>Quercus coccinea</i> <i>Quercus rubra</i> <i>Rosa virginiana</i> <i>Rubus allegheniensis</i> <i>Salix discolor</i> <i>Sassafras albidum</i> <i>Solidago species</i> <i>Spirea latifolia</i> <i>Vaccinium angustifolium</i> <i>Vaccinium corymbosum</i>	Big bluestem Little bluestem White Birch Grey birch Hackberry Hay scented fern Trailing arbutus Witch hazel Inkberry American holly Northern bayberry Virginia creeper Pitch pine Quaking aspen Beach plum Black cherry Bracken fern White oak Scarlet oak Red oak Virginia rose Northern blackberry Pussy willow Sassafras Goldenrod Spirea Lowbush blueberry Highbush blueberry
Continued ... <b>Invasive, nonnative plants specifically <u>not</u> recommended</b>	

*Acer platinoides*  
*Acer pseudoplatanus*  
*Ampelopsis brevipedunculata*  
*Berberis thunbergii*  
*Celastrus orbiculatus*  
*Coronilla varia*  
*Eleagnus umbellata*  
*Lepedeza cuneata*  
*Ligustrum sinense*  
*Lonicera japonica*  
*Lonicera maackii*  
*Lonicera tartarica*  
*Lythrum salicaria*  
*Miscanthus sinensis*  
*Pinus nigra*  
*Polygonum cuspidatum*  
*Pueraria lobata*  
*Robina pseudoacacia*  
*Rosa multiflora*  
*Rosa rugosa*  
*Rudbeckia hirta*

Norway maple  
 Sycamore maple  
 Porcelain berry vine  
 Japanese barberry  
 Asiatic bittersweet  
 Crown vetch  
 Autumn olive  
 Himalayan bushclover  
 Chinese privet  
 Japanese honeysuckle  
 Amur honeysuckle  
 Tartarian honeysuckle  
 Purple loosestrife  
 Eulalia  
 Black pine  
 Mexican bamboo  
 Kudzu  
 Black locust  
 Multiflora rose  
 Rugosa (salt spray) rose  
 Black eyed susan

\* \* \*

The clearing of natural vegetation is strictly limited by the Plan, based on land use, as set forth in the nursery expansion area and 19 acre parcel resulting from the land division are limited to 65% and 35% clearing, respectively.

**38 Acre Mining Operation** - 24.7 acres, or 65% of the 38 acre site are expected to be cleared of natural space will be retained in an approximately 250 ft. wide area along the northern portion of the parcel adjacent to CR 1 portion of the site adjacent to Bruce Drive and Peter Court, as well as a 70 ft. wide strip at the southern end. A replacement vegetation preferably with native planting, is proposed for the final slope of the excavated area on the east side of the expected to be fertilized.

**Expansion of Agriculture/Horticulture Operation** - Once the 24.7 of the 38 acre site has been cleared, excess material has been removed from the expansion site, 65% of the site will be fertilized twice a year in order to appear to exceed the standard for limiting fertilizer dependent vegetation to no more than 15% of a project site, this residential commercial, and industrial development, not agricultural activity. The Commission intended for agricultural vegetation to be subject to the plan under section 5.3.3.10 which provides for the application of best management practices requirements for proper agricultural and horticultural operations in order to assure environmental protection.

In order to minimize impacts from fertilizer use, the Town of Brookhaven has required that a nutrient management plan be developed for the agricultural operations. According to the nursery owner, two fertilizer applications are made to ornamental crops fertilized, then during July a second application is applied to only those plants which require additional fertilization. to enrich the soils. Additionally, a winter rye cover crop is tilled into the soil in the early Spring for added nutrients.

**19 Acre Parcel Resulting From The Land Division** - This area is subject to a maximum site clearing of 35% thus preserving open space since 65% will not be developed. Furthermore, fertilizer dependent vegetation must be limited to 15%.

## 6. Species and communities of special concern

Plan Section 5.3.3.7 provides:

The pine barrens ecosystem hosts several species of rare, endangered or threatened animals and plants:

species of special concern. The State of New York has identified such species and has enacted laws to protect their number and habitat. The New York State Natural Heritage Program has also identified unique natural resources and habitats of special concern.

### *Standard*

#### **Special species and ecological communities**

Where a significant negative impact upon a habitat essential to those species identified on the New York State Natural Heritage List, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage List 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.

\* \* \*

Where a significant negative impact upon a habitat essential to those species identified on the New York State Natural Heritage List, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage List as 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.

There are no rare, threatened, or endangered species that have been identified on the property. However, the southern portion of the 38 acre expansion site are pine-oak-heath woodland which is ranked S2/S3 and G3/G4 by the New York State Natural Heritage List. The project calls for a portion of the 4.79 acres of the 38 acre expansion area to be cleared with the remainder to be preserved as woodland on the south side of the site.

The pine-oak-heath woodland is common in the area. Substantial areas of pine-oak-heath woodland and dwarf pine plains in the vicinity of Francis S. Gabreski Airport, as shown on the Pine Barrens Ecological Communities Map, exist on this habitat has been recently identified in the southern portion of the Rocky Point DEC property.

It must also be considered that this type of habitat has to be burned fairly frequently otherwise it will not maintain its forest type of habitat. It is not expected that the pine-oak-heath woodland would be burned on this site, and if were it to be burned it would undergo succession.

Based on the information set forth above, the loss of the pine-oak-heath woodland as part of the project would have a minimal environmental effect.

## **7. Soils**

Plan Section 5.3.3.8 provides:

Disturbance of, and construction on, steep slopes within the pine barrens involves considerable removal of vegetation resulting in excessive surface water runoff and severe soil erosion. Steeply sloped areas are more susceptible to a more rapid spread of wildfire than flat ground.

### *Guidelines*

#### **Clearing envelopes**

Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of trees within the clearing envelopes (ten percent (10%).

#### **Stabilization and erosion control**

Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may require stabilization and erosion control measures.

shows that sufficient care has been taken in the design of stabilization measures, erosion control practices, and other measures to avoid negative environmental impacts.

### **Slope analyses**

Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%. Areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross sectional maps of appropriate areas.

### **Erosion and sediment control plans**

Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slope.

### **Placement of roadways**

Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent.

### **Retaining walls and control structures**

Details of retaining walls and erosion control structures should be provided for roads and driveways with slopes greater than ten percent (10%).

\* \* \*

The disturbance of and construction on steep slopes within the Pine Barrens involves considerable regrading, which can result in excessive surface water runoff and severe soil erosion. Steeply sloped areas are also subject to more rapid spread of invasive species. For soils involving stabilization and erosion control, slope analysis, and erosion and sediment control plans for areas of

The majority of the expansion site contains Carver and Plymouth Sands. This soil can be comprised of Carver Sand, or a combination of the two soils. This soil, according to the **Soil Survey of Suffolk County, New York**, is dry, excessively drained and well drained, coarse textured and moderately coarse textured on moraines. The hazard of erosion is low. These soils are droughty and natural fertility is low. Carver Plymouth Sands with 0 to 3% slopes (CpA) comprise approximately 25% of the area while Carver Plymouth Sands with 3 to 15% slopes (CpC) comprise approximately 75% of the area. Carver Plymouth Sands are commonly grown in the County because they tend to be droughty, which makes establishment of lawns and shrub plantings difficult. They are classified as agricultural capability Class VIIIs-1. The capability unit is used to show in a general way the suitability of groups within Class VIIIs-1 are described as being "too droughty, too steep or too strong for crops or pasture." They are not suitable for crops, because of their sandy texture, coarse fragmentation and steepness of slope. A permanent cover of plants should be established on this unit. Bare, eroded, and steep areas can be revegetated by using mulch and seeding them with suitable plant species.

The remaining 12.5% of the expansion site is comprised of Plymouth Loamy Sand with 0 to 3% slope. This is the same as this Plymouth soil which is well suited to crops commonly grown in the County. This soil agricultural capability unit is Class VIIIs-1.

The project site is located on the Ronkonkoma Moraine and is occupied by a hill-like feature which is a natural feature of the origin. As a result of this feature, 17.2% of the expansion site contains slopes greater than 15%, 27.1% of the site contains slopes greater than 10% and the remaining 55.7% of the site contains slopes in the range of 0 to 10% based on a slope analysis prepared in the year 1995. The 50 ft. above sea level to a height of 135 ft. in the central part of the site, which represents a total change of 85 ft.

**38 Acre Mining Operation** - As noted previously, approximately 24.7 acres (65%) of the expansion site has been regraded and excavated. Approximately one million cubic yards of material will be excavated, with 915,000 cubic yards of the remaining 85,000 cubic yards, comprised primarily of topsoil, to be stock piled and reused over the expansion area. The majority of the site, including the highest elevation of 135 ft. will be reduced to approximately 60 ft. During the excavation, the loss of slopes greater than 15%. In addition, a steep sloped embankment with slopes of approximately 41% will be left in the natural buffer areas after the excavation and regrading is complete. The Town of Brookhaven has required that the Planning Board a revegetation plan for restoration of those areas disturbed by the project. The steep sloped area left after excavation will be regraded and stabilized using hydroseeding with a mixture of perennial and annual grasses and planting of woody species.

the site is undergoing excavation, that erosion control and stabilization measures, including silt fences, hay bale check dams, and other measures, be implemented to prevent erosion on disturbed areas. The measures are described in the Town's Finding Statement dated March 25, 1996.

**Expansion of Agriculture/Horticulture Operation** - Once the development portion of the project is complete, the area involving the nursery will be fairly level and impacts on the slope with associated effects of erosion and sedimentation will be minimal.

**19 Acre Parcel Resulting From The Land Division** - This area is relatively flat and is expected to conform to all applicable soil standards.

## 8. Agriculture and horticulture

Plan Section 5.3.3.10 provides:

Scattered throughout the pine barrens are parcels devoted to agricultural and horticultural uses.

### *Guideline*

#### **Best management practices**

Any existing, expanded, or new activity involving agriculture or horticulture in the Compatible Growth management practices, as defined herein, and relevant requirements including local law. Best management practices for this Plan, the same practices stated in the most recent version of Controlling Agricultural Nonpoint Source 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).

\* \* \*

Any existing, expanded or new activity involving agriculture or horticulture in the Compatible Growth management practices, as defined in the Plan, and relevant requirements including local law.

**Expansion of Agriculture/Horticulture Operation** - In order to minimize impacts to groundwater from the nursery expansion and fertilizer and other chemical constituents, best management practices shall be incorporated into the project plan. The nursery expansion shall include a nutrient management plan as well as an integrated pest management plan. The plans shall be submitted to the Town of Brookhaven for review and approval prior to final site plan filing.

## 9. Scenic, historic and cultural resources

Plan Section 5.3.3.11 provides:

The Long Island Pine Barrens Protection Act specifies that the Plan shall consider and protect unique or historic features. The Plan includes an inventory of many of these resources, and separate inventories of items exist in local, state, county, federal or private inventories.

The Commission's policy is to protect and enhance those landscape based features of a community which provide for its distinction from neighboring communities, provide for natural areas among the community, complement the protection of the pine barrens ecosystem, and contribute to a regional diversity, both natural and cultural.



## ***Guidelines***

### **Cultural resource consideration**

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 in this Plan.
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, 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, or recognized by the New York State Office of Historic Preservation.
5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the State Office of Historic Preservation.

### **Inclusion of cultural resources in applications**

Development proposals should note established recreation and educational trails and trail corridors; roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides along the Long Island Expressway, County Road 111 and William Floyd Parkway; sites on the State or National Registers of Historic Places, or 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 State Office of Historic Preservation within the five hundred (500) foot radius of the outside perimeter of the project site, including any project parcel within the bulk of the proposed development area.

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

### **Protection of scenic and recreational resources**

Protection measures for scenic and recreational resources should include, but not be limited to, retention of existing buffers, replacement of degraded or removed natural visual buffers using native species, use of signs and landscaping that scale with the community character, and similar measures.

### **Roadside design and management**

Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features (including, but not limited to, sight triangles, travel lanes, shoulders, and parking areas) is not precluded within these roadside areas, provided that any manmade structures meet standards consistent with the character of the area.

\* \* \*

Guidelines within the Plan state that development proposals should account for, review, and provide protection for scenic corridors, roads, vistas and view points located in Critical Resource Areas, and along the Long Island Expressway, State Route 111 and William Floyd Parkway. Sites of historical or cultural significance as well as sensitive archaeological areas should be protected where possible.

No sites of historical or cultural significance, nor sensitive archaeological areas exist on the site. However, the 38 acre expansion site are a major scenic vista for individuals traveling in a southeasterly direction along CR 111 Chapman Blvd. A high radio tower can also be viewed from this area over the northern portion of the expansion area.

**38 Acre Mining Operation** - The excavation will remove the hill in the expansion portion of the project site from approximately 135 ft. to approximately 60 ft. Natural buffer areas adjacent to CR 111, as well as along the property are to be retained for scenic purposes and shield the excavation operations from view. The proposed tree removal will not appreciably affect the view of the existing radio tower in the area. The large hill on the expansion site will be maintained.

embankment on the eastern side of the property and the back lying hills which reach 250 ft. in height.

**Expansion of Agriculture/Horticulture Operation** - The existing nursery operation and the proposed nursery are not aesthetically displeasing and are part of the rural vista throughout the Pine Barrens. In fact, the vegetation of the Pine Barrens does not appear to be appreciably different. The natural vegetation of the Pine Barren portion of CR 111.

**19 Acre Parcel Resulting From The Land Division** - There are no cultural, recreational, educational areas associated with this parcel. The development of this site should not exceed the standard.

## **REVIEW OF OTHER CONSIDERATIONS:**

In addition to the standards and guidelines under the plan, the Commission has also evaluated the following considerations:

### **1. Geological Features**

The hill involved in the 38 acre expansion site and on a part of the existing nursery may be a kame, a geological feature as a low mound, knob, hummock, or short irregular ridge, composed of stratified sand and gravel deposited by a delta at the margin of a melting glacier; by a supraglacial stream in a low place or hole on the surface of the deposit on the surface or at the margin of stagnant ice. The term has undergone several changes in meaning, applied to a deposit of glaciofluvial and glaciolacustrine sand and gravel whose precise mode of formation is various hydrogeologic reports and studies indicated that there are numerous kames in the Central Pine Barren Generalized Surficial Geology Map of the South Fork, Suffolk County, Long Island, New York, as contained in the **Appraisal of Water Resources of the South Fork, Long Island, New York** (Geologic Survey Water Supply Paper No. 2073), shows approximately 12 kame deposits on the South Fork of Long Island east of the **EASTERN LONG ISLAND GEOLOGY WITH FIELD TRIPS**, by Les Sirkin, identifies kames in the following locations:

1. "Kame and kettle topography is prominent, making up morainal hills east of Little Round Pond."
2. "The kames forming Shelter Island Heights have elevations above 180 ft., with significant exposure of the bluffs along the northwest coast."
3. "The moraine at Little Hog Neck is comprised of outwash capped by ground till. It has characteristic kame hills, some over 90 ft. high."
4. "The moraine widens north to south to above 0.8 miles at Wildwood State Park, and to nearly 1.2 miles at Village, with characteristic kame and kettle topography."

Based on the information presented, it does not appear that kames are a unique geologic feature.

### **2. Air Quality and Noise**

Potential air quality impacts from the expansion include the creation of fugitive, windborne dust as bare soil from additional mechanized equipment brought into the site including tractor trailers, payloaders and bulldozers large and heavy to be transported great distances and so these may settle out before they reach the perimeter of the site. Air quality impacts will be temporary. Mitigation measures proposed are anticipated to minimize potential air quality impacts by watering on exposed surfaces to reduce dust, driving trucks over a stone drive to remove dust and dirt, minimizing idling of trucks in areas by utilizing phases, covering loads of soils for transport and minimizing speed of trucks. Emissions will be operating only during normal weekday business hours.

Currently, the only noise generated on the site includes the use of payloaders, pumps, and irrigation equipment. Noise generated by these existing uses is not significant. Potential noise impacts from the expansion include noise generated by equipment brought into the site such as tractor trailers, payloaders and bulldozers. It should be noted, however, that the noise is temporary. Furthermore, the additional equipment will be operating far from most sensitive receptors including residences. Mitigation measures proposed are anticipated to reduce potential noise even further. These include limiting operations to normal hours, locating equipment below the grade of homes to the east, routing truck traffic to the north away from residential areas and shifting the entrance to the north than that proposed in the original project design and preserving natural buffers between residential areas and the project. Mitigation which may be considered includes temporary portable wooden sound barriers placed strategically between the project and residential areas, especially those to the south.

### **3. Traffic**

Traffic currently generated by the site is minimal and is produced by delivery and shipping of materials and equipment. Most traffic occurs during off-peak hours. During the course of the excavation and regrading project it was estimated that the maximum number of trips per day would occur during a typical 8-hour workday. This would result in approximately 8-10 total trips produced per day. To minimize potential conflicts, the project has been amended so that no direct access onto Chapman Boulevard County Road 111 would be allowed. The former construction entrance on Chapman Boulevard has been eliminated. A new entrance may be required due to the fact that Chapman Boulevard has a pavement width narrower than current Town standards. The new location may need to be in a more appropriate area due to the construction of a major shopping center across the south side of Chapman Boulevard. With the imposition of mitigation measures already proposed and additional mitigation measures, it is anticipated that potential adverse traffic impacts will be sufficiently mitigated. Furthermore, the majority of traffic generated by the project is expected to last approximately 4.5 years and will cease upon completion of final grading.

### **4. Community Services**

The proposed project is not anticipated to result in significant impacts to community services. It will produce revenue per year. Minimal need for other community services is expected as well.

### **5. Cumulative Impacts**

The DEIS for the project examined potential cumulative impacts of the project in conjunction with others in the area. The analysis performed examined both the individual and cumulative impacts on air quality, groundwater, vegetation, wildlife and open space. Complete build-out of the study area would result in development of 19 acres. This would result in the removal of additional acres of existing vegetation and wildlife habitat, an increase of nitrate in groundwater, an increase in water use and an increase in traffic.

Manorville Nursery Expansion Site Plan and Hot Water Street Land Division is expected to contribute to cumulative impacts on air quality, open space, loss of vegetation and wildlife habitat, impacts on visual resources, and traffic. However, a sizeable portion of the area near the project site is within the Central Pine Barrens Core Facility. This area is expected to be preserved in its existing natural state.

However, mitigation measures on clearing of vegetation, preservation of visual buffers, use of nutrient management, and other measures are expected to further reduce overall cumulative impacts. Furthermore, the GEIS for the Central Pine Barrens Core Facility Plan considered cumulative impacts and did not note the generation of significant cumulative impacts in conjunction with the proposed project site.

### **6. Growth-Inducing and Precedent-Setting Actions:**

The proposed project is not anticipated to be growth-inducing because significant new infrastructure is not proposed. The project is setting due to the proposal to mine and reduce grades on the site first to allow agricultural activity. Some additional impacts are expected on the 19 acre land division.

## MITIGATION MEASURES

The following mitigation measures are supported by the SEQRA review for this project:

1. To minimize impacts to groundwater, the project shall incorporate a nutrient management plan and an integrated erosion control plan in addition to other best management practices. These plans and items shall be reviewed by the Town of Brookhaven as described in the Town's March 25, 1996 Findings Statement.
2. To minimize erosion and related impacts, the project shall incorporate an erosion and stabilization plan that v by the Town of Brookhaven as described in the Town's March 25, 1996 Findings Statement.
3. The project shall incorporate the detailed program to establish buffers as described in the Town's March 25, 1996 Findings Statement.
4. To minimize air quality, noise and traffic impacts, the project shall incorporate the mitigation measures described in the Town's March 25, 1996 Findings Statement.
5. The 19 acre land division shall comply with Suffolk County Sanitary Code Article 6. Nitrogen concentration shall not exceed a concentration of 6 mg/l. Furthermore the 19 acre land division shall have a maximum site clearance of 15%. Vegetation and fertilizer dependent vegetation shall not exceed 15%.

## CERTIFICATION OF FINDINGS TO APPROVE

Having considered the relevant environmental impacts, facts and conclusions disclosed in the final environmental impact statement, and having weighed the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, and having weighed the environmental impacts with social, economic and other considerations, 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 available, the project minimizes adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the final environmental impact statement and
3. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse impacts have been avoided or avoided by incorporating as conditions to the decision those mitigative measures which were identified as

Central Pine Barrens Joint Planning and Policy Commission

\_\_\_\_\_  
Signature of Responsible Official  
(Print)

\_\_\_\_\_  
Name of Responsible Official

\_\_\_\_\_  
Title of Responsible Official  
Central Pine Barrens Commission

\_\_\_\_\_  
Date

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

RESOLUTION OF THE CENTRAL PINE BARRENS  
JOINT PLANNING & POLICY COMMISSION

AUGUST 26, 1996

MANORVILLE NURSERY EXPANSION AND HOT WATER STREET LAND DIVISION

WHEREAS, the Central Pine Barrens Joint Planning & Policy Commission ("Commission"), pursuant to Environmental Conservation Law Section 57-0123(2) exercised its jurisdiction to review the proposed development known as the Manorville Nursery Expansion & Hot Water Street Land Division. On May 1, 1996, the Commission, by majority vote, asserted jurisdiction over the subject project to review whether the project would have a significant effect on the Central Pine Barrens Comprehensive Land Use Plan.

WHEREAS, the Town of Brookhaven, as lead agency under the State Environmental Quality Review Act, New York Environmental Conservation Law, Article 8, issued a positive declaration for this project resulting in the preparation of a draft environmental impact statement, a public hearing, and the preparation of a final environmental impact statement accepted on August 14, 1995. The Town of Brookhaven also prepared a finding statement pursuant to SEQRA.

WHEREAS, the Commission, as an involved agency under SEQRA is required to prepare a finding statement.

WHEREAS, the project site is located at the southeast corner of the intersection of County Road III and Chapman Boulevard in the Town of Brookhaven.

WHEREAS, the subject project involves the expansion of an existing 62-acre nursery operation onto an adjacent 38.06-acre site. The mining of sand from a 38-acre parcel and a portion of an adjacent existing 62-acre nursery operation will occur in order to allow for the nursery expansion. The 38-acre parcel that would be the subject of the mining operation is wooded and is occupied by a geologic hill-like feature which may be a kame or drumlin of glacial origin. The project also involves a land division which will divide a 19-acre parcel from the 38.06-acre nursery expansion site. The 19-acres is located to the south of the expansion site and is also wooded.

WHEREAS, approximately 24.7 acres of the 38-acre mining site would be cleared of natural vegetation while approximately 13.3 acres would remain in its existing natural state.

WHEREAS, a total of 1 million cubic yards of material will be mined from the 38-acre expansion area and adjacent nursery, with 915,000 cubic yards to be removed from the property and 85,000 cubic yards to be stock piled. The mining operation is anticipated to take approximately 4.5 years.

WHEREAS, natural and undisturbed buffers will be retained on the north, east and south side of the 38-acre expansion parcel.

WHEREAS, the Commission and Commission staff have considered extensive documentation regarding this project and has reached certain conclusions and determinations regarding this matter.

WHEREAS, the Commission's jurisdiction under New York Environmental Conservation Law Article 57 and the Central Pine Barrens Land Use Plan requires that the Commission evaluate the compliance of the project with relevant standards and guidelines, as identified by the Commission, set forth in Volume 1, Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan.

NOW, THEREFORE BE IT

RESOLVED, that the Commission has reached the following conclusions and determinations regarding compliance of the project with the relevant standards and guidelines set forth in Chapter 5 of the Plan:

I. Nitrate-nitrogen (Section 5.3.3.1)

This standard states that all development proposals must be in compliance with Suffolk County Sanitary Code Article 6. Where deemed practical by the County or State, sewage treatment plant discharge should be outside and downgradient of the Central Pine Barrens. The more protective guideline goal of two and a half (2.5) ppm may be achieved for new projects through an average residential density of one (1) residential dwelling 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.

38 Acre Mining Operation - The proposed clearance of approximately 24.7 acres of the expansion area is not expected to have an impact from nitrates on the underlying groundwater beneath the site. In fact, recharge to the groundwater reserve under the area where the overlying vegetation has been removed may increase due to the fact that evapotranspiration through the vegetation is no longer taking place. In addition, the mining operation is also not expected to add any nitrates to the underlying groundwater.

Expansion of Agriculture/Horticulture Operation - The expansion of the nursery onto the 38 acres will require the use of nitrogen based fertilizer as well as extensive irrigation. The poor quality of the soils on approximately 87.5% of the expansion area will have to be compensated for by augmentation with manure and fertilizers, as well as intensive irrigation in order to allow for growth of nursery stock. According to the Environmental Impact Statement, it is estimated the current nursery operation generates a nitrogen concentration of 9.6 mg/l and the proposed vegetated 38 acre expansion site generates .1 mg/l. The final nitrogen concentration from the expanded nursery on the 38 acre site is projected to be 5.9 mg/l, taking into account the implementation of best management practices. This is under the 6 mg/l standard set under Article 6 of the Suffolk County Sanitary Code.

Taking into consideration that the poor soils on the expansion site have to be augmented with manure as well as fertilizer, which may leach nitrates to the underlying groundwater, there is concern whether 6 mg/l will be met, especially in light of the fact that the ongoing nursery operation is estimated to generate nitrate concentrations of 9.6 mg/l. In order to minimize impacts to the groundwater and meet 6 mg/l, the Town has required that a nutrient management plan be made part of the project.

19 Acre Parcel Resulting From The Land Division - The development of this area must comply with Article 6, meeting 6 mg/l.

II. Other Chemical Contaminants of Concern (Section 5.3.3.2)

In addition to the specific standards for nitrate/nitrogen, the Plan states that other contaminants of concern may be relevant in specific applications or in specific areas. This is particularly true of organic contaminants of anthropogenic origin and all development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code.

38 Acre Mining Operation - Clearing the area of vegetation and removing the excess material from the site are not expected to produce organic contaminants of anthropogenic origin. It is assumed that all vehicles and equipment will be maintained off-site and will be in proper operating condition. In order to minimize impacts to groundwater, the Town has specified that any fuel for trucks and equipment stored on the site shall be stored in appropriate leak-proof containment in accordance with all Town, County, State and Federal laws and regulations.

Expansion and Agriculture/Horticulture Operation - Herbicides and pesticides maybe part of any nursery operation. These may impact underlying groundwater. In order to minimize potential impacts to groundwater from pesticides and herbicides, the Town has required that an integrated pest management plan (IPM), using the formation contained in the DEIS and FEIS, be prepared by the applicant, approved by the Town, and made a part of the project.

19 Acre Parcel Resulting From Land Division - The development of this area is expected to be 2 acre residential. As a result, the development of this area should not result in the release of chemical contaminants other than lawn and garden fertilizer, and pesticides which should be controlled under standard 5.3.3.6.

### III. Wellhead Protection (Section 5.3.3.3)

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. In addition, the SCDHS guidelines for private wells should be used for wellhead protection.

38 Acre Mining Operation - The proposed vegetation clearing and mining operation of the project are not expected to adversely affect any nearby public or private wells.

Expansion of Agriculture/Horticulture Operation - The proposed expansion of the nursery site may increase nitrate, herbicide and pesticide use in the area with potential for contamination in the underlying aquifer. The SCWA has a proposed well site approximately 2,500 ft. to the southeast on CR 111. According to the EIS, the nearest monitoring well (S-47755) with current available water data is located at the northeast corner of Halsey Manor Road and Hot Water Street in Manorville, approximately 2,040 feet southeast and downgradient of groundwater flow from the site. Water quality data obtained from the available SCDHS files for Well S-47755 indicates that water quality in the Upper Glacial Aquifer in the area is of excellent quality. In addition, the data from the Suffolk County Water Authority Distribution Area 44 (a public water supply main exists beneath Chapman Blvd.) indicated that all organics in the area were found to be well below current standards. The irrigation well on the existing nursery site does not appear to have been analyzed for organic or inorganic constituents. The homes located on Easterly Court, Ross Court, Ricky Road, Peter Court, Bruce Drive and Sandie Lane are not connected to public water. As a result, individual private wells are utilized to obtain water for these homes. As stated previously, groundwater flows in a south/southeasterly direction. There is a concern that the private well quality of some of the homes on Easterly Court and Ross court may be impacted by a change to agricultural use of the upgradient land.

The expansion of the agriculture/horticulture operation is not expected to adversely impact public or private supply wells. There are no public supply wells that are located in proximity to the site. There are private wells located to the south and east of the project site. Currently there are no known water quality concerns associated with these wells. However, mitigation proposed by the applicant and the preservation of 35% of the 38 area expansion site in unfertilized natural vegetation are anticipated to reduce potential for impacts to private well water. Additional mitigation proposed by the applicant is expected to further minimize potential groundwater quality and quantity impacts. These measures include the utilization of Integrated Pest



Management (IPM) techniques, preparation and implementation of a nutrient management plan, excluding the use of calcium chloride for dust control, use of the on-site well only when necessary and hand application of slow-release organic fertilizers to root systems of nursery stock.

19 Acre Parcel Resulting From The Land Division - The development of this area is expected to be 2 acre residential and, as a result, is not expected to adversely impact supply wells or groundwater quality.

#### IV. Stormwater Runoff (Section 5.3.3.5)

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. Natural recharge and drainage areas should be utilized where possible.

38 Acre Mining Operation - Due to the rapid permeability of the soils of the site, stormwater runoff does not currently appear to be a problem and is not expected to be one when the site is cleared of vegetation and the excess material removed. All stormwater would be recharged on site. Further natural recharge, rather than recharge basins or ponds will be utilized.

The Town has required an erosion control program that requires silt fences, hay bale check dam, and hay mulch. The erosion control installation will be inspected and approved by Town of Brookhaven staff prior to physical work at the site. Further details are described in the Towns March 25, 1996 Findings Statement.

Expansion of Agriculture/Horticulture Operation - Due to the rapid permeability of the soil, stormwater runoff is not expected to be a problem from the proposed agricultural operation. All stormwater would be recharged on site.

19 Acre Parcel Resulting From The Land Division - It is expected that stormwater runoff generated on the 19 acre site will be recharged on the site. However given the expected residential development, an excavated recharge basin may be necessary. Soil erosion is not anticipated to be a problem on this site since it is relatively flat.

#### V. Natural Vegetation and Plant Habitat (Section 5.3.3.6)

The clearing of natural vegetation is strictly limited by the Plan, based on land use, as set forth in the clearance standards. The 38 acre nursery expansion area and 19 acre parcel resulting from the land division are limited to 65% and 35% clearing, respectively:

38 Acre Mining Operation - 24.7 acres, or 65% of the 38 acre site are expected to be cleared of natural vegetation. Open space will be retained in an approximately 250 ft. wide area along the northern portion of the parcel adjacent to CR 111, a 150 ft. wide area along the eastern portion of the site adjacent to Bruce Drive and Peter Court, as well as a 70 ft. wide strip at the southern end. A replanted slope of mixed herbaceous and woody vegetation preferably with native planting, is proposed for the final slope of the excavated area on the east side of the site. Once established, this area is not expected to be fertilized.

Expansion of Agriculture/Horticulture Operation - Once the 24.7 of the 38 acre site has been cleared and the excess material has been removed from the expansion site, 65% of the site will be fertilized twice a year in order to grow the nursery stock. Although this appears to exceed the standard for limiting fertilizer dependent vegetation to no more than 15% of a project site, this limitation was intended to apply to residential commercial, and industrial development, not agricultural activity. The Commission intended for

agricultural and horticulture fertilizer dependent vegetation to be subject to the plan under section 5.3.3.10 which provides for the application of best management practices, voluminous and detailed requirements for proper agricultural and horticultural operations in order to assure environmental protection.

In order to minimize impacts from fertilizer use, the Town of Brookhaven has required that a nutrient management plan be made a part of the agricultural operations. According to the nursery owner, two fertilizer applications are made to ornamental crops. Once in the early Spring every plant is fertilized, then during July a second application is applied to only those plants which require additional fertilization. Each year manure is added to the site to enrich the soils. Additionally, a winter rye cover crop is tilled into the soil in the early Spring for added nutrients.

19 Acre Parcel Resulting From The Land Division - This area is subject to a maximum site clearance of 35%, thus preserving open space since 65% will not be developed. Furthermore, fertilizer dependent vegetation must be limited to 15%.

#### VI. Species and Communities of Special Concern (Section 5.3.3.7)

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 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.

There are no rare, threatened, or endangered species that have been identified on the property. However, approximately 4.79 acres in the southern portion of the 38 acre expansion site are pine-oak-heath woodland which is ranked S2/S3 and G3/G4 by the New York State Natural Heritage Program. The project calls for a portion of the 4.79 acres of the 38 acre expansion area to be cleared with the remainder to be preserved in the 150-foot buffer on the east side of the site.

The pine-oak-heath woodland is common in the area. Substantial areas of pine-oak-heath woodland exist to the north, west and south of the dwarf pine plains in the vicinity of Francis S. Gabreski Airport, as shown on the Pine Barrens Ecological Communities Map. In addition, a significant amount of this habitat has been recently identified in the southern portion of the Rocky Point DEC property.

It must also be considered that this type of habitat has to be burned fairly frequently otherwise it will undergo succession to a pine-oak forest type of habitat. It is not expected that the pine-oak-heath woodland would be burned on this site, and if were not removed by the project, the habitat would undergo succession.

Based on the information set forth above, the loss of the pine-oak-heath woodland as part of the project does not pose a significant environmental effect.

#### VII. Soils (Section 5.3.3.8)

The disturbance of and construction on steep slopes within the Pine Barrens involves considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Steeply sloped areas are also subject to more rapid spread of wild fire than flat ground. The guidelines for soils involve stabilization and erosion control, slope analysis, and erosion and sediment control plans for areas of 15% or greater slopes.

The majority of the expansion site contains Carver and Plymouth Sands. This soil can be

comprised entirely of Carver Sand, Plymouth Sand, or a combination of the two soils. This soil, according to the **Soil Survey of Suffolk County, New York**, is described as deep, rolling, excessively drained and well drained, coarse textured and moderately coarse textured on moraines. The hazard of erosion is slight to moderate in this unit. These soils are droughty and natural fertility is low. Carver Plymouth Sands with 0 to 3% slopes (CpA) comprise approximately 12.5% of the expansion area, while Carver Plymouth Sands with 3 to 15% slopes (CpC) comprise approximately 75% of the area. Carver Plymouth Sands are not well suited to crops commonly grown in the County because they tend to be droughty, which makes establishment of lawns and shrub plantings difficult to maintain. These soils are classified as agricultural capability Class VIIIs-1. The capability unit is used to show in a general way the suitability of soils for most kinds of field crops. Soil groups within Class VIIIs-1 are described as being "too droughty, too steep or too strong for crops or pasture." They are not suitable for nursery stock or other crops, because of their sandy texture, coarse fragmentation and steepness of slope. A permanent cover of plants should be maintained or restored on all soils of this unit. Bare, eroded, and steep areas can be revegetated by using mulch and seeding them with suitable plant species.

The remaining 12.5% of the expansion site is comprised of Plymouth Loamy Sand with 0 to 3% slopes. The hazard to erosion is slight on this Plymouth soil which is well suited to crops commonly grown in the County. This soil agricultural capability unit is IIIs-1.

The project site is located on the Ronkonkoma Moraine and is occupied by a hill-like feature which may be a kame or drumlan of glacial origin. As a result of this feature, 17.2% of the expansion site contains slopes greater than 15%, 27.1% of the site contains slopes in the range from 11 to 15%, and the remaining 55.7% of the site contains slopes in the range of 0 to 10% based on a slope analysis prepared in the EIS. Elevations range from a minimum of 50 ft. above sea level to a height of 135 ft. in the central part of the site, which represents a total change of 85 ft.

38 Acre Mining Operation - As noted previously, approximately 24.7 acres (65%) of the expansion site is proposed to be regraded and excavated. Approximately one million cubic yards of material will be excavated, with 915,000 cubic yards to be removed from the property, and the remaining 85,000 cubic yards, comprised primarily of topsoil, to be stock piled and reused over the expansion area when the project is completed. The majority of the site, including the highest elevation of 135 ft. will be reduced to approximately 60 ft. During the excavation portion of the project there will be a loss of slopes greater than 15%. In addition, a steep sloped embankment with slopes of approximately 41% will be left on the eastern and northern portions of the natural buffer areas after the excavation and regrading is complete. The Town of Brookhaven has required that the applicant shall prepare and submit to the Planning Board a revegetation plan for restoration of those areas disturbed by the project. The steep sloped area left after the excavation is completed is to be regraded and stabilized using hydroseeding with a mixture of perennial and annual grasses and planting of woody species. The Town has also required that while the site is undergoing excavation, that erosion control and stabilization measures, including silt fences, hay bale check dams, and hay mulch should be used to prevent erosion on disturbed areas. The measures are described in the Town's Finding Statement dated March 25, 1996.

Expansion of Agriculture/Horticulture Operation - Once the development portion of the project is complete, the area involving the nursery will be fairly level and impacts on the slope with associated effects of erosion and sediment are not expected.

19 Acre Parcel Resulting From The Land Division - This area is relatively flat and is expected to conform to the soil standards.

#### VIII. Agriculture and Horticulture (Section 5.3.3.10)

Any existing, expanded or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined in the Plan, and relevant requirements including local law.

Expansion of Agriculture/Horticulture Operation - In order to minimize impacts to groundwater from nitrogen and fertilizer and other chemical constituents, best management practices shall be incorporated into the project plan. The best management practices for the nursery expansion shall include a nutrient management plan as well as an integrated pest management plan. The plan shall be prepared by the applicant and submitted to the Town of Brookhaven for review and approval prior to final site plan filing.

#### IX. Scenic, Historic and Cultural Resources (Section 5.3.3.II)

Guidelines within the Plan state that development proposals should account for, review, and provide protection measures for scenic corridors, roads, vistas and view points located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111, and William Floyd Parkway. Sites of historical or cultural significance as well as sensitive archaeological areas should be identified and preserved wherever possible.

No sites of historical or cultural significance, nor sensitive archaeological areas exist on the site. However, the existing nursery, as well as the 38 acre expansion site are a major scenic vista for individuals traveling in a southeasterly direction along CR 111, as well as individuals traveling along Chapman Blvd. A high radio tower can also be viewed from this area over the northern portion of the expansion area.

38 Acre Mining Operation - The excavation will remove the hill in the expansion portion of the property, lowering the elevation from approximately 135 ft. to approximately 60 ft. Natural buffer areas adjacent to CR 111, as well as along the eastern and southern portions of the property are to be retained for scenic purposes and shield the excavation operations from view. The proposed tree removal and excavation of the expansion site will not appreciably affect the view of the existing radio tower in the area. The large hill on the expansion site will be removed leaving a view of the embankment on the eastern side of the property and the back lying hills which reach 250 ft. in height.

Expansion of Agriculture/Horticulture Operation - The existing nursery operation and the proposed expansion of the nursery are not aesthetically displeasing and are part of the rural vista throughout the Pine Barrens. In fact, the view of the nursery compared to the existing vegetation of the Pine Barrens does not appear to be appreciably different. The natural vegetation of the Pine Barrens can be viewed elsewhere for a significant portion of CR 111.

19 Acre Parcel Resulting From The Land Division - There are no cultural, recreational, educational, or scenic areas associated with this parcel. The development of this site should not exceed the standard.

#### X. Conclusion

The mining operation must be completed within 5 years of the receipt of all necessary authorizations for mining activity.

Based on the Commission's review of the project and the relevant standards and guidelines, the Commission has determined that the project is in compliance with the relevant standards and guidelines and is approved by the Commission.

Record of Motion

Motion by Mr. Girandola

Seconded by Ms. Filmanski

Yes Votes: Mr. Girandola, Mr. Duffy and Ms. Filmanski

No Votes: Mr. Proios and Mr. Cowen