

**APPENDIX G**

**CONFORMANCE TO PDD ZONING REQUIREMENTS**

## CONFORMANCE TO PDD ZONING REQUIREMENTS

According to the Chapter 85, Article XXXIIA (Planned Development District) of the Town Zoning Code, the Town has defined the purpose and goals of a PDD. The legislative intent (Section 85-337) is as follows:

- 1) It is hereby found and determined by the Town Board of the Town of Brookhaven that there exist in the Town vast but diminishing natural resources and tracts of land which must be preserved and protected for the benefit of this and future generations. This need is balanced by a need to accommodate and provide for the future economic welfare and development of the Town.
- 2) The purpose of this Planned Development District legislation is to create the type of planning and zoning flexibility which is necessary to achieve environmentally sensitive, economically beneficial and socially desirable development which is more creative and imaginative in its land use and design than is possible under the more rigid, conventional regulations currently in place. This type of sound planning is designed to achieve a commonality of benefits for the otherwise sometimes competing interests of planners, environmentalists, residents, civic groups, business people and developers by recognizing the unique locational, servicing and physiographic characteristics of varying parcels of land, and then shifting and modifying the development permitted on each in order to achieve benefits to the public and to the owner of the property.
- 3) It is, therefore, the intent of the Town Board to enact zoning which can be used as a positive planning tool by offering incentives to encourage comprehensive, coordinated planning and design, and the creation of developments and communities which are visually attractive, fiscally responsible, economically feasible and environmentally sensitive. In order to aid in accomplishing the above, and the goals described below, various boards and officials of the Town of Brookhaven will incur significant expenses in connection with the review of applications for implementation of the PDD floating zone. It is desirable that reimbursement for these expenses be made to the Town by the applicant seeking such relief. It is, therefore, also the intention of this article to establish a schedule of deposits to be made by applicants to assure reimbursement of anticipated costs to be incurred by the Town in the review of their applications.

Goals. The various long-term goals which the Town Board wishes to achieve by this legislation are as follows, although it is recognized that most applications will not be able to meet all of them:

- (1) *To encourage more desirable and publicly beneficial arrangements and designs of land uses in accordance with the comprehensive plan of the Town of Brookhaven (including the draft 1987 Land Use Plan, the 1985 Open Space Study and this Zoning Code), the Long Island Pine Barrens Protection Act (Article 57 of the New York State Environmental Conservation Law), the Central Pine Barrens Comprehensive Land Use Plan (prepared by the Central Pine Barrens Joint Planning and Policy Commission), the Long Island Comprehensive Special Groundwater Protection Area Plan (prepared by the Long Island Regional Planning Board pursuant to Article 55 of the New York State Environmental Conservation Law) and other applicable plans of Town, county, regional, state and federal agencies.*

The subject site is located within the Central Pine Barrens Zone and Special Groundwater Protection Area (SGPA), so the regulations of the Long Island Pine Barrens Protection Act (Article 57 of the New York State Environmental Conservation Law), the Central Pine Barrens Comprehensive Land

Use Plan (prepared by the Central Pine Barrens Joint Planning and Policy Commission), and the Long Island Comprehensive Special Groundwater Protection Area Plan (prepared by the Long Island Regional Planning Board pursuant to Article 55 of the New York State Environmental Conservation Law) apply.

Town Code Section 85-340 promotes the use of PDDs as Receiving Sites for Pine Barrens Credits (PBCs) or other form of transferred density, as a means of preserving open space in the Pine Barrens Zone or in other locations in the Town. In general, use of this mechanism on the subject site would promote preservation of open space lands in the Town and would facilitate an expanded use of it on other sites in other proposals as well. In addition to the creation of significant special public benefits, the purchase of five PBCs is proposed.

The proposed project conforms to the applicable recommendations and requirements of the applicable plans and studies listed above, as follows:

*Draft Town Comprehensive Land Use Plan Update (1996)* - The Meadows at Yaphank PDD conforms to the Plan Update recommendation of “Planned Development” for the subject site. The proposed PDD would provide lands for public open space and public utilities, with commercial and residential uses; it will generate significant public benefits to the school district and community. The PDD design specifically includes large amounts of preserved land for aesthetic buffering and environmental preservation, and retains much of the naturally-vegetated perimeter buffers.

The proposed project conforms to both the spirit and other recommendations of the Plan Update, as follows:

- The project will provide high-quality senior housing in a setting that respects the existing land use context of the site and area.
- The Plan Update identifies the need for attractive, affordable housing with low maintenance and recreationally-oriented facilities for the Town’s seniors, which would be achieved by the proposed PDD.
- The Meadows at Yaphank proposes a mixed land use that is appropriate in the vicinity.
- The project will help develop a greater sense of place in the local community by use of the PDD technique, which provides for recreation and open space.
- The project’s residential units will be provided in the form of differing types of units, which diversity is in accordance with Plan Update recommendations and adds variety to housing patterns by adding diversification to the surrounding community.
- The project will provide for a significant number of affordable units, as recommended by the Plan Update.
- The proposed project will dedicate a substantial acreage of land to the Town for public recreational purposes.

*The Longwood Mini-Master Plan (January 1993)* - The project conforms to the recommended PUD mixed-use land use for the subject parcel. In addition, the proposed project will conform to many of the identified goals of the plan, including the following:

1. To encourage the creation of unique, identifiable community centers.
2. To encourage diversity or intricacy of use within our downtowns.
3. Encourage the development of people friendly streets and downtowns.
4. To enhance our tax base with properly sited industrial and commercial development.

5. Create corridors of open space throughout our community.

A portion of the subject property was identified in the plan as a potential center of activity. The plan states: *“The North Shore Properties at William Floyd Parkway and the Long Island Expressway have the potential to be a regional commercial services center.”* The plan further states *“A high priority goal is to encourage the creation of unique identifiable community centers. These community centers in which people are encouraged to interact should be in Coram, Middle Island, Ridge and Yaphank, with community enhancement occurring in East Yaphank and Gordon Heights. The development of people friendly streets and downtowns is an important goal. Designated community centers should allow for higher building densities, setback relief and an integrated pattern of land use. Interaction should be encouraged by planning for a diversity of uses within the downtown areas. Amenities, such as pocket parks, and public buildings such as libraries and post offices which encourage people to be on the streets, and thus enhance their safety, should be planned within the center of communities... The aesthetic appeal of the downtowns must also be addressed. Street trees are of particular importance and should be required in site plan review. Trees can serve to separate the pedestrian from the automobile and add to the attractiveness of the downtown area... Finally, an architectural review board with input from the community should be established.”*

As previously stated, the Meadows at Yaphank development envisions a sustainable community including Smart Growth elements such as a mix of residential, commercial (retail, office, office/flex), hospitality and public open spaces. As a result, the community will provide for itself as well as the greater community. With efficient building design and proper planning, more open space is preserved and the community becomes a vibrant and successful place combating the elements of sprawl. At The Meadows at Yaphank, residents will be able to step out their door to find shopping, entertainment and employment opportunities, providing freedom on-foot for all necessities as well as vibrant public spaces and parks. As a result, the proposed project will conform to the goals, objectives and recommendations identified in the Longwood Mini-Master Plan.

*Central Pine Barrens Comprehensive Land Use Plan* - The Pine Barrens Commission recognizes the need for balanced growth and development within the CGA provided that it is consistent with the water resource protection and habitat preservation goals of the Pine Barrens Protection Act. Projects within the CGA are required to meet all the standards presented in the Pine Barrens Plan. **Table 3-3** provides an evaluation of the project’s conformance with the Pine Barrens Plan. Development in the CGA is permitted under strict guidelines. These standards and guidelines were adopted in the Pine Barrens Plan and the SEQRA Findings Statement of June 1995. A hardship application may be filed for those projects that do not meet the standards and guidelines in which the applicant must prove that significant reasons exist as to why the project cannot meet the standards and/or guidelines set forth. All eligible development projects in the CGA must meet all of the standards in the Plan. Based on the size of the proposed project, and review of Section 4.5.5 of the Pine Barrens Plan, the project is considered a DRS, and so the stricter Standards and Guidelines of the Pine Barrens Plan must be met.

*Central Pine Barrens Critical Environmental Area*- Due to the subject site’s location within the CEA, the Town Board is designated as lead agency under Article 8 of the SEQRA and 6 NYCRR 617.6. As previously stated, this DGEIS is intended to provide the Brookhaven Town Board (as lead agency under SEQRA) and all involved agencies with the information necessary to render informed decisions on the PDD application. Once accepted, this document will be the subject of public review, a public hearing and written comments, followed by the preparation of an FGEIS for any substantive comments. Upon completion of the FGEIS, the Town Board will be responsible for the adoption of a Statement of Findings. Simultaneously, the Town Planning Division will review the PDD application and determine whether it is complete for public and agency review. A public hearing will be held on

the PDD application and associated Master Plan (which includes the Land Use and Development Plan), possibly concurrent with the hearing on the DGEIS. Following this, and in consideration of the Findings Statement, the Town Board shall approve, conditionally approve, or disapprove the proposed PDD rezone application and Master Plan. If the proposed project is approved or conditionally approved, the applicant may proceed to a Phase 2 Subdivision/Site Plan application to the Planning Board.

This document is part of the official record under the SEQRA process outlined in 6 NYCRR Part 617, with statutory authority and enabling legislation under Article 8 of the NYS ECL. It was determined that the proposal would be appropriate for the preparation of a GEIS. Thus, this DGEIS will be subject to the full procedures of Part 617, providing a proper and complete forum for interagency review and public comment. Because of this extensive environmental review, any potential impacts associated with the site's location within the Central Pine Barrens CEA will be addressed and mitigation provided, if necessary.

Therefore, the proposed project satisfies this goal.

- (2) *To help implement the Central Pine Barrens Comprehensive Land Use Plan by providing a zoning mechanism designed to facilitate the transfer of Pine Barrens Credits (PBCs) from the core area of the Central Pine Barrens to receiving sites which are located and designed in a manner capable of accommodating the transferred development rights.*

As contained in Section 85-340B(1) of the Town Zoning Code, the use of PBCs transferred from sites in the Central Pine Barrens Zone is the vehicle encouraged by the Town Board to justify the excess density of a proposed PDD. However, this is not the only such methodology the Town Board accepts to justify this increased density; Section 85-340B(2) states *“If an applicant proposes to provide other special public benefits in exchange for a zoning incentive, the actual zoning incentive decided upon by the Town Board will be based upon the comparable economic value of PBCs, the importance of the proposed public benefits, features or amenities to the accomplishment of the purposes and goals of this article, the estimated economic cost to the applicant of providing the benefit feature or amenity, the estimated economic gain to the applicant of obtaining the requested incentive and the environmental impact of the requested density increase and/or land use change, including considerations of sewage and traffic generation. The economic calculations will take into account estimated changes in both land value and development cost. All special public benefits for which zoning incentives are requested must be determined by the Town Board to be beyond that which would customarily be provided by an applicant or required by regulations of the Town of Brookhaven or other involved regulatory agencies.”*

The proposed project includes the purchase of five PBCs. In addition, the applicant proposes to provide a number of special public benefits in order to further the benefit of the project for the community, and support the PDD mixed-use project, which includes the amounts of residential density and commercial development desired by the public. Public benefits are proposed in several forms, and provide financially based justification for the proposed PDD.

- (3) *To encourage preservation and protection of the Town's natural environmental resources, including groundwater quality and quantity, the diversity of plant and animal communities, and significant habitat areas for rare, endangered, threatened and special concern species.*

The proposed project will not result in any significant adverse impacts to natural resources, including topography, soils, surface and/or groundwater, wetlands, vegetation or wildlife. A primary reason for this is the fact that the site has been impacted by the previous clearing and grading for the racetrack development and previously-approved Brookhaven Walk project, which disturbed significant amounts of soil and vegetation, and thereby changed the site's natural topography and soils, and cleared a significant amount of natural vegetation. Finally, use of the required STP, in conjunction with the applicant's decision to minimize the use of fertilizers, will minimize the potential for adverse impacts on groundwater quality and the wetlands.

- (4) *To encourage the preservation of large, undisturbed, contiguous areas of naturally vegetated open space, wherever possible adjacent to existing large public/quasi-public open space areas. Where adjacent location is not possible, to create natural open space linkages which are of appropriate size, location and character so as to maintain the connectivity of open space for environmental, visual and recreational functions so as to create, as far as is practicable, continuous and contiguous open space systems.*

After completion of the anticipated grading program, the proposed project will result in significant preserved land, consisting of the wetland and Pine Barrens protection areas. Approximately 120.79 acres or 36.22% of the overall site are proposed to remain natural.

The applicant proposes to retain this acreage in private ownership and will use appropriate mechanisms through the Town Board change of zone and Planning Board site plan review process to ensure that this amount of natural land remains in this condition in perpetuity.

There is a 0.76-acre NYSDEC-designated freshwater wetland B-16 on the eastern parcel, located along its northern border on the southern side of Yaphank-Woods Boulevard. Similar to the prior Brookhaven Walk project, this feature will be retained in an undisturbed condition (a Town Freshwater Wetland permit had been issued and renewed for that prior application). As the Town jurisdiction over this feature encompasses a radius of 150 feet from its boundary, it is expected that a non-disturbance buffer of at least this distance will be maintained by the proposed project. The NYSDEC maintains a 100-foot jurisdictional buffer for this wetland; thus, the proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC. As such, no wetland permits will be required from either the Town or NYSDEC.

There is a small (approximately 0.02 acres) wet depression located within the south-central portion of the eastern wooded buffer, along CR 46. This depression is not regulated but retains surface water periodically during extreme rain events and excessively wet periods. An additional wet depression (approximately 0.18 acres) is within the racetrack area. The balance of the site consists of upland areas that shed water from high elevations to low elevations where it will be recharged to the water table and/or evapotranspire to the atmosphere.

Additionally, there is a smaller surface water body (NYSDEC-mapped freshwater wetland, identified as B-15, about 1.11 acres) located approximately 112 feet southwest of the Dorade STP property. This pond has been documented by NYSDEC as a breeding pond for an endangered amphibian species (tiger salamander).

The project's private recreational areas will include amenities such as outdoor pools/patios, tennis courts and extensive landscaped open areas crossed by pathways enhanced by benches and gazebos,

and will be for the use of the community's residents and their guests. An extensive trail system will wind through the retained natural areas on both parcels, and connect to the adjacent Town Greenbelt to the west.

Public areas will include a civic space, village green, great lawn, ball fields, a Town park and civic space.

(5) *To encourage protection of scenic vistas, historical buildings and sites, sensitive archaeological areas and other important cultural resources.*

The central portions of the eastern and western parcels were previously cleared. As a result, any cultural resources that may have existed in those areas would have been removed, so that no impacts to such resources would be expected.

Based on the results of an Archaeological Investigation prepared for the Eastern parcel (for the previous Brookhaven Walk proposal), the New York State Historic Preservation Office (SHPO) determined in October 2006 that no impacts to cultural resources would occur on that site as a result of that project (**Appendix J-1**).

For the Western parcel, SHPO determined in June 2009 that clearing for the Suffolk Downs Racetrack would have removed any cultural resources that may have been present in those portions of the parcel, so that redevelopment that would not encroach into previously-uncleared areas would likewise not impact cultural resources (**Appendix J-2**).

The Meadows at Yaphank PDD was initially designed to occupy only the same areas cleared for the prior development proposals, thereby continuing to minimize the potential for impact to previously-undiscovered cultural resources that may be present. Accordingly, SHPO was contacted in August 2010 to determine if further study of the subject site would be warranted for that design of the proposed project. The response letter (see **Appendix J-3**), states:

Our staff has reviewed the documentation provided, including a recent submission from Nelson, Pope & Voorhis, LLC which refers to investigation of the project area. Based on our review of all the submitted information it is the opinion of the OPRHP [Office of Parks, Recreation and Historic Preservation] that the Meadows at Yaphank project as currently designed, will have No Impact on Historic Resources. This finding takes into account the plan to leave the northern and southern portions of the parcels in their current wooded state. Should the project be modified in a way which would impinge on those wooded areas, or should any future proposals call for work in those areas, OPRHP would recommend additional archaeological investigation as those areas were not included in the currently reviewed studies.

Subsequently, the proposed project design was revised to include minor clearing along the interior border of the previously cleared areas of the site. Therefore, in anticipation of a request for additional analysis, the applicant engaged a qualified archaeologist to prepare a supplemental Phase IB Archaeological Study for this additional acreage. The resulting report (see **Appendix J-4**) did not reveal the presence of any cultural resources on this area; the report recommended no further analysis. This report has been reviewed by SHPO, and a renewed letter confirming this conclusion has been obtained (see **Appendix J-5**).

- (6) *To encourage the conservation and enhancement of the visual quality and rural character of undeveloped areas of the Town by protecting visible open space, farmland and wild and scenic and recreational rivers, encouraging the creation and/or preservation of vegetative buffers along highways and between potentially conflicting land uses, and by the careful siting, design and buffering of building development.*

The land use classification of the site would be changed by the proposed project, and the intensity of the site's land use will be increased. However, the site is an appropriate location for a mixed-use development, and will serve to enhance the use of the site. As significant natural vegetation will be retained along the perimeter of the site, it is expected that views of the interior of the site will be limited only to views from the proposed access driveways along William Floyd Parkway and Yaphank-Woods Boulevard. As such, the overall vacant/wooded character of the surrounding area will be maintained.

In general, the impact of the project on the visual resources of the site will result from the limited views of the interior of the site from William Floyd Parkway and Yaphank-Woods Boulevard. Viewers from the multifamily residential development to the north will be minimally visually impacted as a result of the proposed development due to the vegetative buffer proposed and the limited views of the proposed development from Yaphank-Woods Boulevard. The project will enhance the interior of the site by use of high quality landscaping, architectural designs and building materials and will minimize impacts to the surrounding community character by providing significant vegetative buffer along the site's perimeter which will continue to provide the vacant/wooded character of the area.

- (7) *To minimize flooding and erosion by protecting the functions of wetlands, waterbodies, watercourses, floodplains, areas of high water table, steep slopes, erosion hazard areas and natural vegetative cover.*

A majority of the property contains slopes ranging from 0% to 10%, however there are areas located primarily in the central portion of the site extending from north to south as well as the western and eastern corners of the site that exhibit slopes ranging from 11% to greater than 15%.

In accordance with the NYSDEC Phase II SPDES Program, coverage under the General Permit for Stormwater Discharges from Construction Activities (NYSDEC Permit No. GP-0-10-001) will be obtained prior to the initiation of construction activities. Prior to filing for coverage under the General Permit, the NYSDEC requires that a SWPPP be prepared for the parcel, including a detailed erosion and sediment control plan, to manage stormwater generated on-site during construction activities, and for post-construction stormwater management. A SWPPP will be prepared to ensure compliance with water quality and quantity requirements pursuant to Technical Guidance and GP-0-10-001 and Town of Brookhaven Chapter 86 requirements. The NOI requesting coverage under the General Permit will be reviewed by the Town prior to filing in accordance NYSDEC requirements and prior to the initiation of construction activities at the subject property. Additionally, the General Permit requires that inspections of the construction site be performed under the supervision of a qualified professional to ensure that erosion controls are properly maintained during the construction period. The development areas would be specified in the SWPPP and would be managed on-site to ensure that no erosion or sedimentation would occur.

No significant wetlands would be impacted by the proposed development. The existing 0.76-acre wooded swamp on the subject site and the woodlands surrounding this swamp will remain undisturbed by the proposed project.

None of the three wet depressions on the site (i.e., 0.02 acres along CR 46, 0.18 acres in the former racetrack oval, and a small wet depression in the forested area southwest of the former racetrack parcel) are NYSDEC-regulated wetland features. These features experience periodic wet conditions as a result of stormwater runoff and subsequently support varying degrees of wetland vegetation. The small wet depression in the Pine-Oak woodland at the southwest corner of the site will remain undisturbed.

The eastern-most (0.02-acre) depression exists in a natural wooded setting and meets the definition of a freshwater wetland as per Chapter 81 of the Town Code. It is very small in size and would be eliminated under the proposed plan, but would be mitigated through its incorporation into a much larger proposed pond and wetland system feature at its current location. Under Alternative 4, this wooded wetland feature would be preserved with a 25-foot buffer adjacent to existing woodland to be preserved and the proposed stormwater pond and wetland system. There would be ecological value in the retention of this feature, as it would remain contiguous with preserved woodland as well as the proposed wetland complex. The elimination of the feature as proposed or its retention with a 25-foot buffer under Alternative 4 is anticipated to require a Chapter 81 Town Permit.

The larger and highly disturbed 0.18-acre wet depression within the former racetrack oval was formerly a recharge basin serving that facility. This area will be re-graded for the proposed project for parking purposes here, and its former recharge function would be relocated as part of the project's drainage system. The proposed drainage system would include recharge areas as well as pond and wetland systems along the perimeter of the site. The nearest proposed pond and wetland systems will be situated approximately 400 to 500 feet southwest and northwest of the existing wet depression, respectively. Despite the poor condition of this silted, disturbed, wet depression which experiences drastic hydrologic changes (inundated to very dry), because of the presence of hardy wetland vegetation, the Town staff have indicated this feature meets the definition of a freshwater wetland as per Chapter 81 of the Town Code. At the request of the Town, efforts were made to incorporate this area, with minimal disturbance, into the design plan for use in stormwater containment and natural recharge as Alternative 4. However, the excessively draining soils, lack of cover, lack of connectivity to natural areas, and presence of invasive *Phragmites* vegetation within the depression make it a wetland with low ecological value. The proposed 25-foot buffer assumed in Alternative 4 would do little to enhance the value of this depression if it were preserved. However, a significantly more valuable pond and wetland complex are proposed within 400 feet of the existing depression under the proposed plan. The proposed wetland complex would relocate this feature a short distance away, allow it to be contiguous with preserved woodlands, and provide much greater than 3 to 1 mitigation for the loss of this minor wetland feature.

The Carmans River and its associated wetlands, including Weeks Pond, are in the general vicinity of the subject property, but there is no direct surface water connection between the site and this river system. Weeks Pond is located approximately 2,200 feet southwest of the subject site, and the river is located approximately 2,100 feet to the southwest. The river system flows towards the south and discharges to Bellport Bay and the larger Great South Bay. The river in this location is a gaining system where groundwater provides the large majority of the flow. However, based upon the site's distance and the groundwater model prepared by CDM for SCDHS, any recharge from the site would take approximately 2.88 years to reach the river system. This 2009 update to the SCCWRMP further

indicates that approximately 53% of the river's recharge is from groundwater that is less than 10 years old. Therefore, it is not likely that recharge from the site would directly enter the freshwater portion of the Carmans River, but would more likely travel farther in the aquifer, making its way toward Bellport Bay. As a result, no significant impacts to the Carmans River system are anticipated as a result of the project.

- (8) *To minimize stormwater runoff and maximize the quality and quantity of groundwater recharge by reducing land disturbance, using natural drainage systems wherever possible, filtering runoff from impervious surfaces, and maximizing on-site recharge.*

The site does not contain any major drainage features such as intermittent streambeds or gullies, which would, if present, indicate that significant volumes of movements of surface runoff were occurring, traversing long distances. Rather, stormwater generated on the undulating topography in the vegetated perimeter buffer areas of the site is prevented from forming large volumes of runoff due to the presence of the large area of relatively flat terrain in the center of the site (cleared for the prior Site Plan approval). As a result, the large volumes of runoff necessary to create erosion features do not occur.

All stormwater runoff generated on developed project surfaces will be retained on-site and recharged to groundwater in a drainage system designed in conformance with Town requirements. While the drainage system has not been designed at the present stage of the project, it is expected that this system will utilize a number of stormwater recharge reserve areas located along the southern fringes of the developed areas (where ground elevations are lower), leaching pools and rain gardens within the developed sections serving the internal roadways and parking areas. As with any potential site development, it will be necessary to analyze the feasibility for installation of sufficient drainage infrastructure for the management of stormwater generated on site. The Town Planning Board will be responsible for the review and approval of the drainage system design as part of the site plan review and approval process.

- (9) *To encourage protection of aquifers and minimize pollutants entering the soil and groundwater by maximizing the preservation of naturally vegetated areas, planting appropriate native species in areas which are to be landscaped, and utilizing proper fertilizer, pesticide, fungicide, and herbicide management techniques.*

Approximately 120.79 acres (36.22 % of the overall site) will be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Central Pine Barrens Comprehensive Land Use Plan. As required, the project will comply with the Standards and Guidelines for a Development of Regional Significance (DRS) under the Pine Barrens Plan. Open space will be permanently preserved through site plan approval and conservation easements, and will be publicly accessible for passive enjoyment (nature trails, hiking, etc.).

A detailed Landscape Plan will be prepared for the site plan application, which will be submitted after approval of the PDD application. The project will conform to Town policy for fertilizer dependent vegetation, will improve site aesthetics, and increase vegetated buffering for the neighborhood, all of which will minimize the potential for significant adverse impacts.

A total of 98.13 acres of the site will be landscaped surfaces, though only an estimated 32.00 acres would be maintained (i.e., fertilized and irrigated). This amount of maintained landscaping would represent only 9.6% of the project site. This value is well below the maximum allowable acreage of fertilized landscaping in the CGA of 15% (or, 48.36 acres for this site). Fertilizers would be applied at a rate of 1.00 pounds of nitrogen per 1,000 SF, and irrigation would be 5.5 inches annually which, corresponds to an annualized average of 13,093 gpd.

- (10) *To locate, plan and design or redesign communities so that they will have a clear “sense of place” and will enable residents to reside, work, shop and enjoy recreational and cultural activities in the same area.*

The proposed PDD envisions a sustainable community including Smart Growth elements such as a mix of residential, commercial (retail, office, office/flex), hospitality and public open spaces. As a result, the community will provide for itself as well as the greater community. With efficient building design and proper planning, more open space is preserved and the community becomes a vibrant and successful place combating the elements of sprawl. At The Meadows at Yaphank, residents will be able to step out their door to find shopping, entertainment and employment opportunities, providing freedom on-foot for all necessities as well as vibrant public spaces and parks.

The project will feature attractive, coordinated architectural styling for the residential structures and commercial areas, as well as for all street furniture and amenities (e.g., lighting fixtures, signage, benches, trash receptacles, kiosks, fountains, etc.). It is intended and expected that the project’s architecture would, in coordination with landscaping, create a visually interesting and desirable environment for residents and visitors, and will enhance the community in general. Quality-of-life will be a focus of the project, and this emphasis will be evident in its use of thoughtful building design, appropriate landscaping, well-equipped private residential recreational spaces and installation of attractive site entrances. The use of an internal boulevard-style roadway linking the commercial and residential areas provides the needed vibrancy and unifying feature of this community.

- (11) *To offer the opportunity for a balanced array of housing designed to meet the needs of the Town and the region.*

The proposed Meadows at Yaphank PDD includes a mix of housing types including senior units, affordable units, senior affordable units and market rate units. This diverse residential component of the project meets the needs of the community, provides a beneficial and desirable land use on the property, and meets Town goals for diverse and affordable (workforce) housing opportunities.

The applicant intends to offer an appropriate Declaration of Covenants and Restrictions (C&Rs) for the PDD zoning district once these are formulated through the review process. Possible C&Rs and/or agreements could include: measures to ensure that the proposed workforce housing units remain affordable and are administered properly under the auspices of the Town and/or Long Island Housing Partnership; retention of open space, cross-access within the facility; and related matters.

- (12) *To encourage high-quality, environmentally sensitive industrial and commercial land uses on suitable and appropriately located parcels well served by transportation facilities and utility services.*

The proposed PDD includes a mixed-use project featuring a high quality mix of residential, retail, office and office flex uses on the property. The two primary vehicle access points for the project are both from CR 46; the northerly access is via Yaphank-Woods Boulevard (at the northeastern corner of the site), and the southerly access is via Meadows Boulevard East, opposite the central portion of the eastern parcel. Secondary access will be provided to the site via the LIE North Service Road (rights-in and rights-out).

- (13) *To encourage the efficient use of existing and planned infrastructure, and to encourage the clustering of development so as to facilitate the economical and efficient construction and operation of wastewater treatment plants to service as much of the Town's development as practical.*

Critical elements of design include retention of open space and energy efficient design to achieve conservation and energy reduction goals. Approximately 120.79 acres (36.22% of the overall site) will be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Central Pine Barrens Comprehensive Land Use Plan. As required, the project will comply with the Standards and Guidelines for a DRS under the Pine Barrens Plan. Open space will be permanently preserved through site plan approval and conservation easements, and will be publicly accessible for passive enjoyment (nature trails, hiking, etc.). Stormwater handling will feature innovative stormwater handling methods to enhance surface treatment and quality recharge.

The applicant intends to incorporate substantial energy- and water-saving features into the proposed project, though the final roster of these features has not been determined at this early stage in the project planning process. It is possible that the number and extent of these sustainable features would justify the applicant seeking certification under the US Green Building Council's LEED® Program. However, as the range and extent of these features has not been determined as yet, the applicant is not able at this time to confirm to the lead agency or community that such certification will be sought. **Appendix A-13** provides a listing of those Credits of the LEED® for New Construction and Major Renovations, 2009 Program that may be considered for use in the proposed project. Also provided are the corresponding requirements for each credit that must be satisfied in order to receive that credit, as well as potential features of the project that would meet those requirements. It is expected that a final decision whether to seek certification will be made prior to the submission of the Site Plan application

Regardless of whether LEED® Certification is sought, the applicant intends to incorporate sustainable features in the project. The following presents a generalized discussion and description of the types of such features that will be utilized in project design and construction.

Use of new, energy-efficient building materials (e.g., insulations, windows, weather stripping, door seals, etc.) and mechanical systems, (e.g., air conditioners, heating systems, HVAC [heating, ventilation and air conditioning] systems, water heaters, heat pumps, etc.) is anticipated, which would minimize the amount of energy resources required. Incorporation of such energy-conserving measures is not only required by New York State, but is a sensible building practice, particularly in light of the increasing cost of energy resources.

The applicant intends to install energy- and water-efficient/Energy Star rated appliances, low-flow plumbing fixtures and low-voltage lighting, windows with low-emissivity coated glass, spray foam insulation (R-21 installation rating) and use of tankless water heaters in residences,

which significantly reduce energy requirements. The project's Lighting Plan will be designed to be "dark sky" compliant and utilize energy-efficient lighting fixtures. Shade trees will also be used in proximity to many of the units to provide shade and reduce cooling needs in summer months.

- (14) *To encourage the efficient provision and delivery of governmental services, including educational, cultural, recreational and emergency services.*

The project's roadways will be designed in conformance with the applicable Town, SCDPW and NYSDOT requirements for spacing, widths, turning radii, etc., and therefore are anticipated to provide safe and efficient access for emergency vehicles. The proposed PDD will provide for significantly increased tax revenues sufficient to offset much (if not all) of the increased costs to provide public services. The added cost of educating 110 school-age children would therefore be \$2,456,510 annually. This compares with additional annual tax revenues from The Meadows At Yaphank PDD of \$6,402,779, resulting in surplus tax revenues to the school district of \$3,946,269/year.

- (15) *To help assure that new development will be fiscally sound in terms of revenues produced versus expenditures required, including consideration of operating as well as capital costs for the services and facilities required for its residents.*

The proposed project will be a privately owned facility that will pay a substantially increased level of property taxes, which are anticipated to offset at least a substantial portion of the increased costs to public services to provide those services to this site. The added cost of educating 110 school-age children would therefore be \$2,456,510 annually. This compares with additional annual tax revenues from The Meadows At Yaphank PDD of \$6,402,779, resulting in surplus tax revenues to the school district of \$3,946,269/year.

- (16) *To encourage protection of air quality by the clustering of development so as to encourage the use of public transportation and car pooling, as well as the provision of trails to encourage biking and walking.*

An extensive trail system will wind through the retained natural areas on both parcels, and connect to the adjacent Town Greenbelt to the west. The project's private recreational areas will include amenities such as outdoor pools/patios, tennis courts and extensive landscaped open areas crossed by pathways enhanced by benches and gazebos, and will be for the use of the community's residents and their guests. Public areas will include a civic space, village green, great lawn, ball fields, a Town park and civic space.

- (17) *To provide an efficient system of transportation infrastructure designed to maximize safety and minimize vehicular travel.*

There will be two access points from CR 46; one directly into the eastern parcel (through a boulevard-style roadway for both northbound and southbound entering and southbound exiting traffic), and indirectly for both parcels from Yaphank-Woods Boulevard. There will be one access to the eastern

parcel's northern side from this roadway. Yaphank-Woods Boulevard will continue to terminate at the northeastern corner of the western parcel, from whence an internal link (on the existing roadway along the parcels' western border) will intersect the LIE North Service Road, which will also provide three accesses to the eastern parcel (on its western border) and the western parcel (at three widely-spaced locations, to the western parcel's eastern side). The intersection of this internal access road at the LIE North Service Road will be configured for westbound entering and existing traffic only. One of the eastern parcel's western accesses and one of the western parcel's eastern accesses will be aligned opposite each other, so that a common traffic circle will be formed along the internal roadway linking the two parcels.

(18) *To provide for the efficient use of land and other finite resources.*

The proposed project represents an efficient use of land resources, by redeveloping a property that has been previously impacted. The site contains Town-regulated wetlands, a resource that will be increased by the proposed project; however, as described above, this resource would not be impacted by stormwater or groundwater flow, and will be subject to Town design and regulatory reviews.

(19) *To minimize the consumption of energy through the appropriate siting and design of communities, buildings and infrastructure.*

The applicant intends to incorporate sustainable features in the project. The following presents a generalized discussion and description of the types of such features that will be utilized in project design and construction.

Use of new, energy-efficient building materials (e.g., insulations, windows, weather stripping, door seals, etc.) and mechanical systems, (e.g., air conditioners, heating systems, HVAC [heating, ventilation and air conditioning] systems, water heaters, heat pumps, etc.) is anticipated, which would minimize the amount of energy resources required. Incorporation of such energy-conserving measures is not only required by New York State, but is a sensible building practice, particularly in light of the increasing cost of energy resources.

The applicant intends to install energy- and water-efficient/Energy Star rated appliances, low-flow plumbing fixtures and low-voltage lighting, windows with low-emissivity coated glass, spray foam insulation (R-21 installation rating) and use of tankless water heaters in residences, which significantly reduce energy requirements. The project's Lighting Plan will be designed to be "dark sky" compliant and utilize energy-efficient lighting fixtures. Shade trees will also be used in proximity to many of the units to provide shade and reduce cooling needs in summer months.

(20) *To encourage the properly planned revitalization, rehabilitation and/or redevelopment of existing downtowns, shopping centers, strip commercial and industrial areas.*

The site is not within any downtown area and is not occupied by a shopping center or strip center, and is not home to any industrial uses. The project may have the effect of promoting the rehabilitation of nearby retail sites, due to the increased level of residents generated, making such off-site improvements more attractive to business owners.

(21) *To reclaim and allow the proper redevelopment of environmentally impacted sites.*

The project represents the redevelopment of a previously disturbed site.

(22) *To prevent inappropriate development on stale, previously filed subdivision maps encompassing wetlands, high water table areas, steep slopes and other terrain generally considered to be unsuitable for development.*

The proposed PDD has been designed in conformance with expressed local civic input favoring the implementation of the proposed PDD. The proposed project does not represent “inappropriate development” of the subject site, and no “stale, previously filed subdivision map” on a site characterized by sensitive environmental resources exists for this property.