

APPENDIX H

CONFORMANCE TO STANDARDS & GUIDELINES OF THE PINE BARRENS PLAN, REVISED PLAN

CONFORMANCE WITH PINE BARRENS PLAN STANDARDS AND GUIDE LINES FOR LAND USE

Standard (S)/Guideline (G)			Explanation and Document Page Reference <i>(Attach additional sheets if necessary)</i>
S 5.3.3.1.1	SCSC Article 6 compliance	All development proposals subject to Article 6 of the SCSC shall meet all applicable requirements of the SCDHS. Projects which require variances from the provisions of Article 6 shall meet all requirements of the SCDHS's Board of Review in order to be deemed to have met the requirements of this standard	All wastewater generated will be treated and recharged to groundwater through the existing Dorade STP. This facility was originally designed and intended to treat the wastewater generated by development of the subject site; it will be upgraded and restored as necessary to accommodate the project's sanitary flow, and appropriate County and State approvals and permits will be obtained. The Dorade STP was originally permitted for 450,000 gpd. The applicant proposes to replace the existing STP and restore the originally-permitted flow. The proposed project will exceed SCSC Article 6 allowable flow; therefore, an STP is necessary.
S 5.3.3.1.2	STP discharge	Where deemed practical by the County or State, STP discharge shall be outside and downgradient of the Central Pine Barrens. Denitrification systems that are approved by the NYSDEC or the SCDHS may be used in lieu of an STP	The proposed project will utilize the existing Dorade STP to treat and dispose of all wastewater generated. In 1973, this facility was designed to treat all such wastes generated by the subject site as well as the nearby Colonial Woods/Whispering Pines condominiums, and has also been used to treat wastewater generated by SCSD #8. Treated effluent is recharged within the CGA, as the STP was approved and constructed prior to the adoption of the Pine Barrens Plan. The facility will be upgraded and restored to its original design capacity as part of the proposed project, and will continue to operate under the jurisdiction of the SCDPW, SCDHS and NYSDEC, thereby assuring that no impact to underlying groundwater quality will occur.
G 5.3.3.1.3	Nitrate-nitrogen goal	A more protective goal of 2.5 ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.	As the proposed project is a DRS, it must meet the more stringent standard of 2.5 mg/l of nitrogen in overall recharge. Based on the SONIR computer model, the project is expected to generate an overall nitrogen concentration in recharge of less than 2.5 mg/l.
S 5.3.3.2.1	SCSC Articles 7 & 12 compliance	All development projects must comply with the provisions of Articles 7 and 12 of the SCSC, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.	These regulations concern water pollution control and storage of hazardous or toxic materials. The proposed project is consistent with SCSC Article 7 in that it will not involve an industrial process, or store or use hazardous or toxic materials in excess of the quantities allowed under Article 7 of the SCSC. SCSC Article 12 (which regulates toxic and/or hazardous materials storage and handling facilities) is not expected to be applicable. Should any storage occur, it will conform to Articles 7 & 12.
S 5.3.3.3.1	Significant discharges and public supply well locations	The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the NYS ECL Article 17.	N/A; this standard concerns wellhead protection and restricts activities which could degrade public water supply within a 200-foot radius of a public supply well. However, the SCWA's William Floyd Parkway Well Field (the nearest such facility to the subject site) is a minimum of 1,900 feet from any part of the three parcels comprising the subject site.
G 5.3.3.3.2	Private well protection	The SCDHS's guidelines for private wells should be used for wellhead protection.	The development of the proposed project is in accordance with SCSC Articles 6 and 7, and all sanitary waste disposal (all of which are associated with the Dorade STP), will be an estimated 1,900 feet from the William Floyd Parkway Well Field. In addition, the site will be supplied with potable water through a public water supply system and will not use a private well for water supply.

S 5.3.3.4.1	Nondisturbance buffers	<p>Developmental proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a nondisturbance buffer area which shall be no less than that required by the New York State Tidal Wetland, or Wild, Scenic and Recreational Rivers [WSRR] Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the NYSDEC, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the NYSDEC or a municipality in order to be deemed to have met the requirements of this standard.</p>	<p>There is a 0.76-acre freshwater wetland mapped by the NYSDEC along the northern boundary of the Eastern Parcel, designated B-16. This feature is also a regulated freshwater wetland under the jurisdiction of the Town. Another freshwater wetland, designated B-15, is located a minimum of about 125 feet from the southwestern corner of the Dorade STP parcel, and the STP recharge beds are a minimum of about 500 feet from this wetland. Thus, there is sufficient area available within the STP parcel to enable the STP upgrade program to avoid encroaching into this 150-foot nondisturbance buffer, when this program is initiated.</p> <p>Several Town-regulated wetlands have been identified on the property. There is a Town-regulated wetland on the Racetrack property (0.22 acres), and site analysis has identified a small Town-regulated wetland near CR 46 (0.02 acres), and within the proposed southwest wooded buffer on the south part of the racetrack site. None of these three wetlands 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 Town-regulated wetland with sparse <i>Phragmites</i> vegetation and the associated surrounding Pine-Oak woodland at the southwest corner of the site will remain undisturbed. The Racetrack Town-regulated wetland is heavily impacted with invasive plants and is subject to traversing by ATV's as evidenced by the trail that bisects the feature. The Town-regulated wetland near CR 46 is in a narrow buffer area between the proposed clearing and development areas approved for Brookhaven Walk, and proximate to CR 46. Based on the Land Use and Development Plan-FGEIS Plan, it is expected that only the 0.22-acre Town-regulated wetland in the former racetrack oval will be removed; its acreage will be replaced with a 0.44-acre wetland created adjacent to the Town Greenbelt, and will be subject to review and Chapter 81 permitting by the Town as appropriate.</p> <p>Overall, no significant wetlands would be impacted by the proposed development. The existing NYSDEC-designated wooded swamp on the north side of the Brookhaven Walk parcel and the woodlands surrounding this wetland will remain undisturbed by the proposed project. A minimum 150-foot buffer will be provided surrounding this feature. Letters of non-jurisdiction had been secured for the Brookhaven Walk project in the past from NYSDEC and the Town of Brookhaven, as all proposed disturbance had previously been sited greater than 100 feet and 150 feet from the wetland, respectively. The area of disturbance associated with the Brookhaven Walk project remains the same on The Meadows plan, retaining the 150-foot setback from the south side of the wetland area; it is also noted that all structures will be situated greater than 175 feet from the wetland and no natural woodland will need to be cleared. Similarly, the proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC for this feature.</p>
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	<p>Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the NYS ECL and local ordinances, shall be imposed to protect these areas as deemed necessary.</p>	<p>The proposed project will retain 150 foot undisturbed setbacks from wetland B-16 and therefore will not require a Chapter 81 Wetlands and Waterways Permit from the Town for this feature. The proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC for wetland B-16; and no wetland permits are expected to be necessary for wetland B-15. A Town Chapter 81 Wetland Permit will be required for the removal and replacement of the small Racetrack wetland. Substantial non-disturbance buffers will be maintained around both of the freshwater wetlands, to be protected by a covenant or conservation easements, to be determined by the Town and/or NYSDEC and depicted on the Site Plan, when prepared. The applicant will provide the appropriate conservation easements and the approved Site Plan will be binding.</p>
S 5.3.3.4.3	WSRR Act compliance	<p>Development shall conform to the provisions of the NYS WSRR Act, where applicable. Projects which require variances or exceptions under the NYS WSRR Act shall meet all requirements imposed by the NYSDEC in order to be deemed to have met the requirements of this standard.</p>	<p>N/A; the subject site is not within any designated WSRR Corridor; therefore the WSRR regulations do not apply.</p>
G 5.3.3.4.4	Additional non-disturbance buffers	<p>Stricter nondisturbance buffer areas may be established for wetlands as appropriate</p>	<p>Substantial non-disturbance buffers will be maintained around both of the freshwater wetlands, to be protected by a covenant or conservation easements, to be determined by the Town and/or NYSDEC and depicted on the Site Plan, when prepared. The proposed project will retain 150 foot undisturbed setbacks from wetland B-16 and therefore will not require a Chapter 81 Wetlands Permit from the Town of Brookhaven. The non-jurisdiction letter and Town review and approval of the site plan will ensure that sufficient setbacks are provided for the protection of this wetland. The proposed project will not require an Article 24 Freshwater Wetlands permit from the NYSDEC for wetland B-16; and no wetland permits are expected to be necessary for wetland B-15. A Town Chapter 81 Wetland Permit will be required for the removal and replacement of the small Racetrack wetland. The proposed project will result in a minimum of at least 35% of existing natural vegetation to remain, as required by the Pine Barrens Plan. The significant resources on site have been identified and protected and as a result the proposed project conforms to the intent of this standard.</p>

S 5.3.3.5.1	Stormwater recharge	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.	This standard requires that adequate drainage capacity be provided for retention and recharge of stormwater runoff generated on-site. 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 fully designed at the present stage of the project, it is expected that this system will utilize rain garden and catch basin collection, and a number of wet meadows, ponds, and recharge basins. No runoff from developed surfaces will be allowed to exit the site, based on the stringent retention and design requirements of the Town. The project's drainage system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-10-001 for stormwater project notification and preparation of a Stormwater Pollution Prevention Plan. The proposed stormwater design conforms to the intent of this standard.
G 5.3.3.5.2	Natural recharge and drainage	Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.	The proposed project has been designed to minimize clearing of previously-undisturbed natural vegetation, including clearing for the wet meadows, ponds and recharge basins that will comprise the project's drainage system. As a result, only approximately 18.04 acres of natural vegetation on the overall site will be cleared, of which only a portion would be occupied by components of the project's drainage system.
G 5.3.3.5.3	Ponds	Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes	As described in S 5.3.3.5.1 above, wet meadows, ponds and recharge basins are anticipated as components of the project's drainage system, to provide stormwater retention and aesthetic enhancement. The ponds are located in hardscape areas, and will be lined, to serve drainage, aesthetic and habitat functions. The proposed project conforms to the intent of this standard.
G 5.3.3.5.4	Natural topography in lieu of recharge basins	The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible	The areas proposed for the majority of development on the site are already disturbed. No natural topographic low points or swales are available to be utilized for stormwater runoff detention or recharge. As a result, the proposed stormwater design conforms to the intent of this standard.
G 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	During construction, the standards and guidelines promulgated by the NYSDEC pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.	An Erosion & Sediment Control Plan will be prepared as part of the Site Plan for the project. Erosion prevention measures to be taken during construction may include: groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this standard.
S 5.3.3.6.1	Vegetation Clearance Limits	<p>The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.</p> <p>Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites and drainage structures. The clearance standard that would be applied to a project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.</p> <p>To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA</p>	<p>The subject parcels were zoned in a mix of L-1, J-3 (proposed Meadows development area) and A-1 (Dorade STP site) districts in 1995, when the Pine Barrens Plan was adopted. Figure 5-2 of the Pine Barrens Plan indicates that the overall maximum allowed site clearance established by the L-1 and J-3 districts is 65% (conversely, a minimum of 35% of the site would have to be preserved as natural). For the 322.37 acres of the combined Racetrack/BW site, this would require that, at most, 209.54 acres could be cleared and that at least 112.83 acres would have to be retained in a natural state. However, on this area, 188.85 acres were previously cleared, and 133.52 acres are presently in a natural state. The proposed project will occupy the previously cleared acres and, as a result, the majority of the development would occur on previously-cleared and developed surfaces, so that only 18.04 acres of natural vegetation would be removed during construction. As a result, 122.53 acres of natural vegetation (36.75%) would remain, and the project will conform to this standard (see Land Use and Development Plan-FGEIS Plan). The analysis is based on a conceptual plan; final site plans will ensure that >35% natural vegetation will be retained on the 322.37-acre development parcel, and 47% natural vegetation area will remain on the Dorade STP parcel.</p>

		portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan	
S 5.3.3.6.2	Unfragmented open space	<p>Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.</p> <p>For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as little bluestem, Pennsylvania sedge and indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan.</p> <p>It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the plan when such action would result in the creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.</p>	<p>This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. As the existing natural vegetation that remains on the subject site is primarily found along the perimeters of the Eastern and Western parcels, it will be these areas that comprise the natural vegetation of the proposed project. As a result, substantial areas of natural contiguous habitat will be retained; these areas will be contiguous to naturally-vegetated spaces adjacent to the north and west, thus forming an open space continuum as intended by this standard.</p>
S 5.3.3.6.3	Fertilizer dependent vegetation limit	No more than 15% of an entire development project site shall be established in fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. The use of the nonnative plants in Figure 5-2 is specifically not recommended.	No more than 15% of a project site shall be established in fertilizer-dependent vegetation. For the subject site, this would be a maximum of about 50 acres. However, based on the Land Use and Development Plan-FGEIS Plan , a total of only about 32 acres of landscaped areas will be subject to fertilizer usage, as private park space, parking lot islands in the retail/office areas, and residential landscape areas. This represents about 10% of the site, which ensures compliance with this standard. For modeling purposes, it is assumed that these areas will be fertilized at a rate of 1.00 pounds of nitrogen-containing fertilizer per 1,000 SF annually. Final site plans will ensure that <15% of the site is established in fertilizer-dependant vegetation.
S 5.3.3.6.4	Native Plantings	Development designs shall consider the native planting suggestions contained in Figure 5-2.	Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the Pine Barrens Plan will be used as part of the final site plan landscape design plans. Typical landscape trees that are native to the area will be used for streetscapes and natural vegetation will be retained wherever possible as per the Land Use and Development Plan-FGEIS Plan .
S 5.3.3.7.1	Special Species and Ecological Communities	Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.	Based on correspondence with the NYS NHP, there are no rare plant or animal species on the Eastern parcel (the former Brookhaven Walk site). In regard to the Western parcel, correspondence received from the NHP indicates the possible presence of a number of rare or state-listed plant and animal species, as well as significant habitats. However, prior field inspections and investigations conducted subsequent to receipt of this letter (dated December 28, 2007, May 11, 2009, September 8, 2009 and July 13, 2010) did not reveal the presence of any of these resources. Therefore, no endangered or threatened species are expected to be present in areas that would be disturbed on the subject site. As a result, no impacts are expected with respect to special species and/or ecological communities and the project conforms to this standard.

G 5.3.3.8.1	Clearing envelopes	Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).	This Guideline refers to establishment of clearing envelopes for individual lots within a subdivision; as the proposed project would include a subdivision, this guideline applies. In addition, the proposed project involves a Land Division. As such, the project will avoid grading of natural slopes that are in excess of 10%. As discussed in S 5.3.3.6.1 above, the majority of the development site was previously cleared and developed, so that the project will be developed on these surfaces, allowing the remaining natural steep slopes to be preserved.
G 5.3.3.8.2	Stabilization and erosion control	Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.	Erosion control measures such as staked hay bales, silt fences, groundcovers (vegetative or artificial), drainage diversions, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements, will be utilized to minimize loss of soil during construction, particularly in locations where erosion and sedimentation could adversely impact adjoining properties and streets. Applicable Town of Brookhaven standards and construction practices specified by the appropriate Town agencies will be followed. Conformance to Chapter 86 of the Town Code and to the requirements of NYSDEC SPDES review of stormwater control measures is necessary, to be consistent with Phase II stormwater permitting requirements for construction sites in excess of 1-acre (the SPDES GP-0-10-001 permit; hereafter, the General Permit). Under this program, a site-specific SWPPP must be prepared and submitted to the Town for review and approval prior to final site plan approval. Once the SWPPP has been prepared and approved by the Town, the applicant will need to file a Notice of Intent with the NYSDEC to obtain coverage under the General Permit. 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. As long as erosion is controlled during grading and construction, the potential for sediment transport will be minimal, and no significant loss of soils is expected and the project conforms to this standard.
G 5.3.3.8.3	Slope analysis	The Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.	A Slope Analysis map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15%. As shown in the map, there are limited areas of steep slopes (defined as >15%) on the subject site. It should be noted that 93% of the site has slopes of less than 15%. Natural steep slopes are found in the southern portion of the Western parcel (which will not be disturbed); the steep slopes in the central portion of this parcel are not natural, but were excavated as part of the Suffolk Downs Racetrack operation. For the proposed project, regrading of this area is not expected to produce slopes in excess of 1:3.
G 5.3.3.8.4	Erosion and sediment control plans	Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.	The potential for erosion to occur during construction or after construction is completed will be controlled by implementing a SWPPP, which will include engineered Erosion Control Plans within the Site Plan review (see also G 5.3.3.8.2 and G 5.3.3.8.3 above).
G 5.3.3.8.5	Placement of roadways	Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills.	The central portion of the Western parcel was previously developed for the Suffolk Downs Racetrack, and the central part of the Eastern parcel was preliminarily cleared for the Brookhaven Walk retail project. As such, slopes on the central portions of the site, where the majority of the proposed project will be built, are generally well below 10%. The proposed project has been designed such that the majority of new and replaced development will occupy previously graded areas, so that no naturally-steep slopes will be impacted and little if any need for cut or fill for roadways is expected.
G 5.3.3.8.6	Retaining walls and control structures	Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).	In consideration of the preliminary nature of the Land Use and Development Plan-FGEIS Plan , the need for retaining walls can not be determined at this time. Short sections of retaining walls may be needed along the internal access roadways leading to the LIE North Service Road.

S 5.3.3.9.1	Receiving entity for open space dedications	Applications must specify the entity to which dedicated open space will be transferred.	Like the project's main internal roadways, the Town park (7± acres) will be offered to the Town for dedication.
G 5.3.3.9.2	Clustering	Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.	The proposed project employs the use of clustering insofar as practicable, in order to concentrate development on previously cleared areas in the central portions of both the Eastern and Western parcels.
G 5.3.3.9.3	Protection of dedicated open space	Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.	N/A; as the project's main internal roadways and the Town park area will be dedicated, no covenants and/or restrictions are necessary or proposed.
G 5.3.3.10.1	BMPs	Any existing, expanded, or new activity involving agriculture or horticulture in the CGA should comply with best management practices, as defined herein, and relevant requirements including local law. Best management practices are, for purposes of this Plan, the same practices stated in the most recent version of <i>Controlling Agricultural Nonpoint Source Water Pollution in New York State</i> (Bureau of Technical Services and Research, Division of Water, NYSDEC, 1991 and as later amended).	N/A; the project is commercial/residential, and no agricultural or horticultural uses are included.
G 5.3.3.11.1	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 trail corridors inventoried elsewhere 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 LIE, Sunrise Highway, CR111 and William Floyd Parkway. 4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute. 5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.	There are no recreational trails or corridors on the subject site; the Town Greenbelt Trail abuts the Western parcel. The project includes public park space that will be dedicated to the Town for public use. Scenic corridors are associated with the LIE and William Floyd Parkway along the site's southern and eastern boundaries, respectively. There are no sites of cultural significance on the subject site. The Main Street Corridor in Yaphank lies about 2,300 feet to the west of the subject site and is an established Town Historic District. Substantial natural or landscaped buffers separate the historic district from proposed use areas on the subject site such that these resources are not impacted. Specifically, a vegetated buffer (landscaped and/or natural) of between 40 and 80 feet will be provided along the western border of the Western parcel, to ensure that the Town Greenbelt will not be impacted. 300 to 1,000-foot and 90 to 130-foot deep natural buffers along the site's southern and eastern boundaries will supplement and protect the scenic corridors along the LIE and William Floyd Parkway, respectively. There are no cultural resources on the subject site that could be impacted by the proposed project, based on on-site archaeological studies. There would be no impacts to cultural resources, as confirmed by the NYS Historic Preservation Office (SHPO).

G 5.3.3.11.2	Inclusion of cultural resources in application	<p>Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the LIE, Sunrise Highway, CR 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.</p> <p>A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.</p>	<p>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), SHPO determined in October 2006 that no impacts to cultural resources would occur on that site as a result of that project. 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.</p> <p>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 resulting letter confirmed that No Impact on Historic Resources would occur. However, SHPO noted <i>“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 [Office of Parks, Recreation and Historic Preservation] would recommend additional archaeological investigation as those areas were not included in the currently reviewed studies.”</i></p> <p>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 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.</p>
G 5.3.3.11.3	Protection of scenic and recreational resources	Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.	As described above, project design will retain substantial natural vegetation buffers along the site’s eastern, southern and western boundaries, abutting established scenic corridors, public open spaces and the Yaphank Historic District. The project’s buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.
G 5.3.3.11.4	Roadside design and management	Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.	As described above, a buffer (between 90 and 130 feet in depth) of natural vegetation will be retained along the west side of William Floyd Parkway. This buffer may be supplemented with plantings of appropriate landscape species to protect and enhance the natural aesthetics of this corridor.
S 5.3.3.12.1	Commercial and industrial compliance with SCSC	All commercial and industrial development applications shall comply with the provisions of the SCSC as applied by the SCDHS, and all other applicable federal, state or local laws. Projects which require variances from the provisions of the SCSC shall meet all requirements of the SCDHS Board of Review in order to be deemed to have met the requirements of this standard.	The commercial property will comply with applicable Articles of the SCSC. No businesses that use hazardous and/or toxic chemicals are expected.