

## 8. Land Use

### 8.1. Existing Conditions

Figure 1-1 provides a recent (2007) aerial photograph of the Areas. From this aerial view, it is apparent that, as a whole, Areas A through F are mostly vacant. Areas C through F are entirely vacant while Area B is generally vacant, except for two narrow utility corridors. These corridors contain high tension power lines which traverse the northern and southern portions of Area B in an east-to-west direction. A majority (63.0%) of Area A is also vacant; its remaining area (37.0 percent of the total) is occupied by Suffolk County facilities. The Suffolk County facilities are located within the southern two-thirds of Area A and are more concentrated in its eastern half.

Figure 8-1 provides a map of land uses within a one-mile radius of Areas A through F. The one-mile radius provides a conservative distance for evaluating potential impacts to existing land use; it is important to note that a 300-foot radius is generally a more typical buffer distance for adjacent land use impact analysis.

#### Area A

This study area is directly adjacent to – and surrounded mostly by – County facilities, County-owned agricultural and vacant land, and open space. Portions of the County Farm, an active agricultural operation, are located to the southwest of Area A across Yaphank Avenue. The County facilities, which comprise offices and maintenance shops, are located directly west and south of Area A. The Long Island Expressway occupies much of the northern boundary of Area A except for an historic cemetery which is located at its northeastern edge. Area A is bounded by vacant, County-owned land on its eastern boundary while further east, just beyond these vacant tracts, is Southaven County Park, a large swath of open space encompassing a portion of the Carmans River. There is a small residential neighborhood within 800 feet of the southern boundary of Area A. These residential uses lie along an active rail line (i.e., the Long Island Rail Road Montauk Branch) which effectively separates them from Area A and other County property.

#### Area B

Undeveloped, or vacant, land surrounds the western half of Area B, including the vacant Area C to the south, and agricultural land – part of the County Farm – occupies the eastern

half of the study area's northern boundary. There is an industrial district located approximately 2,500 feet, or roughly half a mile, from the western boundary of Area B. County facilities are located directly east of Area B, however, there is an approximate 900-foot buffer of lawn and shrub-transitional field between the eastern border of the study area and the County buildings. A County facility is also located south-southeast of Area B. Here also there is a considerable buffer, i.e., a 500-foot-wide forested area between the study area's southern boundary and the County facilities.

### Area C

Vacant land surrounds Area C along its western, northern and eastern boundaries and a portion of its southern boundary. A mining operation is located just to the southwest of this study area. An active industrial zone is located approximately one-half mile to the west while County facilities are situated about one-quarter mile east of Area C. Area D – which is entirely vacant – shares the eastern half of Area “C’s” southern boundary.

### Area D

This study area consists of two long, north-south oriented rectangular tracts of land that are connected at the midpoint by a short strip of land (See Figure 1). The northern rectangular portion of Area D is bordered by vacant land to the north, east and south and shares its western boundary with a sand-mining operation, a construction vehicles storage lot and an industrial use, i.e., Grucci fireworks. This industrial facility manufactures fireworks and also tests fireworks on site. The southern rectangular tract of Area D is bounded by vacant tracts of land along its western and eastern boundaries and a portion of its northern boundary. A County facility is located to the northeast of this southerly rectangular tract. To the south, just across Horseblock Road, is the Town of Brookhaven landfill. In addition, a composting facility is situated approximately 800 feet to the east of the southern rectangular part of Area D.

Areas E and F are internal to the County's property.

Table 1 below provides a summary of the land uses by acreage for the six study areas and their one-mile vicinity. Recreation & Open Space and Vacant land are the largest land use classes in terms of area, occupying 18.2 and 29.9 percent of the total land area, respectively. Residential land uses occupy the next largest land use, though comprise only

12 percent of the total land area and at relatively low housing unit density, i.e., less than one unit per acre.

**Table 8-1: Summary of Land Use Classes for the Areas and one-mile vicinity.**

<b>Land Use Class</b>	<b>Area (acres)</b>	<b>Percent of Total</b>
Agriculture	345.0	5.7%
Commercial	55.6	0.9%
Community Services	336.4	5.6%
Industrial	583.0	9.7%
Recreation / Open Space	1,099.2	18.2%
Residential	725.6	12.0%
Transportation	574.5	9.5%
Utilities	53.4	0.9%
Vacant	1806.4	29.9%
Waste Management	457.3	7.6%
<b>Total</b>	<b>6,036.4</b>	<b>100.0%</b>

The remaining land uses, i.e., Agriculture, Commercial, Community Services, Industrial, Transportation, Utilities and Waste Management each consist of no more than 10 percent of the total land area and collectively comprise 39.9 percent of the total land use. Thus, the overwhelming majority, or 88 percent, of the study areas and its vicinity comprises non-residential land uses. In summary, it is noted that residential use, i.e., those most likely to be most sensitive to land use changes, occupy a small fraction (12%) of the entire study area. Moreover, all residential land uses are, at a minimum, more than 800 feet from all of the study areas while the majority of residential land is more than one-quarter mile from the study areas.

## **8.2. Existing Land Use Plans**

The land use policy and plans of Brookhaven have been evolving over several decades, punctuated at various times by the adoption of town-wide master plans, hamlet plans and corridor studies. Collectively, these plans establish the basis for zoning – including permitted uses and district boundaries – open space policy and proposed acquisitions, transportation improvements and a variety of other capital investments in infrastructure and facilities.

### **8.2.1. Town Master Plans**

The latest town-wide master plan, the 2030 Brookhaven Plan, is currently under development. A draft plan with goals, recommendations and policies that will

guide future land use has not yet been released or adopted. However, an Existing Conditions and Trends Report and an Issues and Opportunities Report have been prepared. These background reports do not formally establish land use policy, but they do provide a basis for the goals and recommendations that will ultimately comprise the new master plan.

Based on these initial reports, it is apparent that the final plan will be driven by the overall goal of sustainability. The results of the Issues and Opportunities Report indicate that the overall goal of sustainability would be supported by Brookhaven residents who – according to surveys and public outreach initiatives – have prioritized the preservation of open space, maintaining a sense of place, and promoting transit-oriented development. Within the Existing Conditions and Trends Report, sprawl development is characterized as an unsustainable land use pattern. Sprawl development patterns, which currently comprise much of Brookhaven, are antithetical to sustainability and, in turn, the expressed wishes of Brookhaven focus groups.

The overall sustainability goal and identified priorities of the initial reports of the 2030 Brookhaven Plan are comparable to the previous master plan, i.e., the 1995 Brookhaven Master Plan. Until the adoption of the 2030 Brookhaven Plan, the 1995 Brookhaven Master Plan is still officially in effect. Goals of the 1995 Brookhaven Master Plan that are relevant to the proposed project are excerpted as follows:

- Create strong economic activity to provide jobs and an adequate tax base.
- Establish a spatial relationship between land use, population and transportation. Population asymptotes (the maximum projected population number for an area) should be correlated more strongly with land use and transportation in individual hamlets, regionally and Town wide.
- Develop innovative land development techniques to insure maintenance of open space.

- Provide open space and recreational facilities throughout the Town.
- Concentrate activity whenever possible to encourage public transportation usage.

The 1995 Brookhaven Plan also contains recommendations that specifically address Yaphank, including the proposed project area and its vicinity. Although most of the proposed Yaphank developments that were mentioned and promoted in the 1995 Brookhaven Master Plan have not been realized, the plan does recommend the Yaphank area as a site of future planned development and economic growth opportunities. According to the 1995 plan, opportunities to be realized in Yaphank would include new retail, industrial expansion, and the development of a transportation hub.

The 1995 Brookhaven Plan also establishes town-wide policies to address the need for multi-family housing as follows:

*“Consideration should be given to placement of such housing along major roadways in place of commercial zoning in some areas. They should also be considered for locations adjacent to activity centers to create a sense of place, and the need to continue to provide a choice of housing types for an aging population desiring to remain in the community as well as affordable housing for the young.”*

Upon comparison with the 1995 master plan and initial components of the 2030 plan, the proposed project appears supportive of a number of Brookhaven’s land use policies. First, the proposed project, which includes new commercial, industrial and recreational uses, is consistent with 1995 plan’s vision for Yaphank as a site of future economic development. The economic development potential of Yaphank is also supported by the findings of the Suffolk County Department of Planning (SCDP). In their 2006 report, A Review of Selected Growth and Development Areas (Suffolk County, New York), the SCDP identified Yaphank as a significant area for both existing and future development based on Town zoning and planned development. A primary driver of Yaphank’s economic potential, they state, is its excellent transportation infrastructure. Key transportation system assets include Sunrise Highway to the south, William Floyd

Parkway to the east and the Long Island Expressway which bisects Yaphank from east to west. The Long Island Rail Road also traverses the hamlet and has a station on Yaphank Ave. Yaphank currently supports a number industrial facilities while new industrial projects are planned or under development. The industrial sites within Yaphank are complemented by the extensive facilities of the County Complex and by the proposed project's industrial subdivision.

The proposed project would include 1,072 multi-family units plus 215 accessory apartments, i.e., comprising townhouses, condominiums and studio apartments, which would expand housing opportunities in concert with the recommendations and goals of the master plan. Additionally in support of local land use policies, the proposed project would be situated in close proximity to an existing center. The County Center, which houses numerous administrative offices and maintenance facilities, is an important center for government services. The proposed project would greatly enhance activity in the vicinity of the County Complex and, in turn, potentially increase transit usage, especially at the Yaphank LIRR Station. Furthermore, a significant portion of the new residents of the proposed project may choose to work within the project's new commercial, industrial and recreational facilities or within the area's existing industrial and government complexes.

#### 8.2.2. Nassau-Suffolk Comprehensive Development Plan

Published by the Nassau-Suffolk Regional Planning Board in 1970 (1970 Plan), this plan cited similar quality of life and environmental issues that are the focus of contemporary planners, including the sprawl development pattern of single-family houses that are served by large shopping centers and industrial parks scattered along highways which simultaneously consumes woodlands and fields and leads to polluted waterways. The 1970 Plan also identified declining older downtown areas, traffic congestion and lack of housing options for lower-income residents as serious issues for Long Island, especially as little variety of housing type or cost is provided. The prevailing pattern was cited as the "antithesis of a rational development pattern, one that would preserve open space, encourage the elimination of deterioration and obsolescence, and provide adequate housing linked to jobs and shopping by a balanced transportation system." Instead, the 1970 plan would be "responsive to the future demands of the population and

reflects the fact that the natural environment is not limitless. The number of people that can be accommodated is limited by environmental constraints (air, water, and soil), transportation and the need to preserve open space and shorefronts for conservation and recreation.”

The plan was focused on the following goals:

- The direction and the pattern of development and the rate of growth.
- The provision of adequate housing and jobs linked by a balanced transportation system.
- The elimination of deterioration and obsolescence.
- The preservation of open space and the natural environment.

Although the plan properly identified development trends and their impacts, it had incorrectly projected the future population. For example, it had estimated a population of about 3.3 million persons by 1985. The current population is only 2.8 million, significantly below the 1985 projection. Notwithstanding the lower population size, the same land use, development, housing and social issues identified in the 1970 Plan still persist, in varying degrees, at present.

The 1970 Plan established priorities for Nassau and Suffolk Counties. Land conservation was given the highest priority for both counties. According to the 1970 Plan, “...this land must be acquired in anticipation of need.”

The plan also encourages that “not all multi-family construction should take place on vacant land. Many of the new apartments should be located in the older business districts of both counties, where rebuilding at increased densities would stimulate revitalization and encourage the greater use of mass transit.”

The 1970 Plan also encouraged that Suffolk County should accommodate industry as it is a large land user and Suffolk County has significantly more open land than Nassau County.

There were three organizing concepts to the plan: corridors, clusters and centers. It was recommended that any new concepts would be guided by these three locational concepts and their respective criteria. Shorefront recreation, conservation areas and low-density residential development followed the outline of the island and the forks. Inland of the shoreline corridor, and adjacent to it, were two residential corridors, one each for the north and south sides of the

island. Study Areas B through F fall within this zone. These bands were conceived as such because of their easy access to rail and the major highways which serve as the transportation corridors, along which are located employment centers.

The 1970 Plan encouraged new development in cluster configurations, i.e., concentrating uses within a development in order to save open space while preserving the overall development density. The centers concept was promoted as an extension of the cluster concept. Centers could be single-use (e.g., government, industrial or education complexes) or multiple-use to support downtown revitalization through redevelopment (i.e., replacement or refurbishment of existing structures) and/or the expansion of an older business district. Such development, it was argued, would take advantage of existing infrastructure. The plan recommended that “new activity centers should be planned only in the portions of the Island that are presently undeveloped, and where it is not possible to expand existing small concentrations of non-residential uses. In particular, three entirely new activity centers were proposed for eastern Brookhaven, Middle Island, Yaphank and Manorville; an important component of these new centers was multi-family housing. The rationale for these locations was that they were situated along the central transportation corridors of the Island and at points where the main line of the railroad crosses major north-south highway routes. In addition, it was argued that the “concentration of a large proportion of the projected population increase in the centers would permit the retention of the open character of the remainder of the Island.

### 8.2.3. Hamlet and Corridor Plans

There are no corridor studies or hamlet plans that specifically address the future needs and development vision for Yaphank. However, there are two corridor studies that were recently completed for areas that surround Yaphank. These are the *2004 Montauk Highway Corridor Study and Land Use Plan for Mastic & Shirley* and the *2006 Middle Country Road Land Use Plan for Coram, Middle Island and Ridge*. Although not specifically relevant to Yaphank, these corridor plans offer valuable insight into the types of land use policies currently promoted within the Town of Brookhaven.

Upon comparison, these plans are shown to share the common vision of fostering a sense of community, or place, within existing activity centers. The goals that are common to both plans are summarized as follows:

- Create compact developments within existing centers of activity. Both studies encourage traditional neighborhood design in order reduce sprawl and increase utilization of land.
- Promote mixed-use within the activity centers. In this context, mixed-use is the combination of commercial and residential uses with a compact district.
- Accommodate the diverse housing needs of the population. Both plans promote affordable housing and workforce housing either inside the district or within walking distance of compact districts.

It is noteworthy that the goals of the two corridor plans are strongly consistent with the master plan goals described above. The proposed project, which entails compact development, mixed-use schemes and affordable and workforce multi-family housing units, has been demonstrated here to be consistent with goals defined in the Brookhaven master plan (i.e., the 1995 plan and initial components of the 2030 plan) and the Middle Country Road and Montauk Highway corridor plans.

*A Community-Based Vision and Revitalization Plan for Neighborhood Road & Mastic Road, Mastic Beach, Town of Brookhaven.* This study was initiated in response to development pressure on clusters of undeveloped parcels along Mastic Road and Neighborhood Road in Mastic Beach. The report investigated strategies for preventing sprawl development along the wooded, undeveloped portions of these corridors. A first step in the development of the plan was the enactment of a moratorium on new land use applications. The moratorium provided time for the Town to evaluate development needs with respect to a host of impacts including traffic, visual, community character and existing development.

The study areas for this plan are not adjacent to Study Areas “A” through “F” and thus have no direct bearing upon the proposed project. However, the vision plans

that were conceived for the two Mastic Beach corridors do serve as examples of the types of land use goals that the Town of Brookhaven has adopted. For example, along Mastic Road the adopted vision was summarized as follows:

“...the overall concept was to enhance the commercial development near the schools to create a more pedestrian friendly environment. In the business center, parking would be provided behind stores, new stores would be built to the sidewalk and older stores would be modified to be more attractive. The undeveloped properties south of the intersection of Mastic Road and Mastic Beach Roads were proposed to remain naturally vegetated to provide a visual buffer between the traffic on Mastic Road and the schools.”

This vision is comparable to those stated with adopted plans for the Montauk Highway and Middle Country Road Corridors, both of which seek to promote development within existing activity centers.

#### 8.2.4. Smart Growth Policies

This discussion summarizes Suffolk County Smart Growth initiatives through a review of three Suffolk County Planning Department publications:

- Smart Communities Through Smart Growth – Applying Smart Growth Principles to Suffolk County Towns and Villages (March 2000)
- Smart Growth Policy Plan for Suffolk County (October 2000)
- Suffolk County Smart Growth Committee Report: Analysis and Prioritization of the Smart Growth Policy Plan for Suffolk County (November 2003)

A brief review of these publications provides a framework for evaluating the proposed project with respect to smart growth principles and goals that are promoted by Suffolk County.

In March 2000, the Suffolk County Planning Commission published a primer on the principles of smart growth that presented the benefits of smart growth and its potential application to the County’s many communities. The primer defined eight smart growth principles along with some potential applications and outcomes for

each. These are listed in Table 8-2 along with whether the Proposed Project's is consistent with the principle.

**Table 8-2: Conformance with Smart Growth Principles**

Smart Growth Principle	Conformance
Direct development to strengthen existing communities. By directing development to local downtowns, communities can maximize the capacities of their existing infrastructure. In addition, development or redevelopment within existing communities promotes downtown revitalization.	Proposed site is not within an existing downtown, however it has access to good transportation infrastructure, and wastewater treatment in an existing treatment plant can be provided.
Encourage mixed land uses and mixed use buildings. Mixed use development can help attain the land use densities that are needed to sustain healthy communities and promote walking between uses.	Proposed project includes a mix of uses that will complement the existing government complex by providing affordable housing for the workforce and new services in terms of retail, recreation and entertainment.
Encourage consultation between communities. The County recognizes that there are differences in resource use and development approaches across communities. However, communities should work together to resolve these issues using smart growth as an organizing framework.	The County's RFEI and RFP process included meetings with the local government and civic groups. As the proposed project requires project approvals from the Town of Brookhaven and other government agencies, and service providers, there will be significant opportunity for continued coordination through the SEQRA process and the approval process.
Take advantage of compact building sizes and create a range of housing opportunities. Higher-density, multi-family housing – which typically comprises smaller unit sizes – is appropriately situated in compact downtown settings where buildings occupy smaller footprints and host multiple stories.	The Proposed Project takes advantage of compact buildings and creates a range of housing opportunities in higher density multifamily buildings.
Provide a variety of transportation choices. In order for transit to be viable and affordable, it requires supportive land use densities. By encouraging greater densities within downtown settings and other existing activity centers, transit services can be provided or enhanced.	A variety of transportation choices serve the site including the LIRR Yaphank Station, local buses and access to major roadways including the Long Island Expressway and Sunrise Highway. It is anticipated that increased bus and train service could be supported with the proposed new activity. A local shuttle service could be considered by the Selected Developer to provide easy access among the project components as well as to the LIRR station.

<p>Create pleasant environments and attractive communities that are pedestrian-oriented. Uniform design conditions, i.e., for signage, awnings, and other features, should be established to support pedestrian access. Pleasant environments invoke pride in the community and encourage walking and local shopping and other commercial activity.</p>	<p>The Selected Developer’s proposal includes a vision for an attractive community with a Town Square, Great Lawn, trails, and other visual and recreational amenities.</p>
<p>Preserve open space and natural resources. By directing growth to areas that are already developed, the demand for land in open, undeveloped sites is reduced.</p>	<p>The proposed project would remove approximately 300 acres of open space, however this is open space that does not meet the priorities of the County’s Open Space Policy.</p>
<p>Make development decisions predictable, fair and cost-effective. Incentives can also be established to guide development according to smart growth principles.</p>	<p>The Town of Brookhaven’s Planned Development District Zoning provides for the provision of public benefits and Pine Barrens Credits in order to achieve zoning incentives which would be required to obtain approvals for the Proposed Development.</p>

The Smart Growth Policy Plan (Policy Plan) for Suffolk County describes Smart Growth as “*Anticipating and providing for sensible growth, balancing jobs and economic development with the preservation of the natural environment and the historical community fabric*”. The plan presented forty-three (43) policy options for review by the Suffolk County Legislature (Legislature) and the County Executive in their framing of a comprehensive County policy on smart growth. These policy options corresponded to smart growth principles outlined in Resolution 212-2000 and the March 2000 Planning Department report. The Legislature subsequently established the Smart Growth Committee (Committee) to review and prioritize the recommendations provided in the Policy Plan.

In the Suffolk County Smart Growth Committee Report, the Committee endorsed five overall priority recommendations – which were condensed from the original forty-three (43) policy options – as follows:

1. Encourage the development of area-wide or sub-regional Smart Growth plans that address the protection of drinking water resources as well as to provide a plan for a reallocation of density to permit compact centers of development and open space. This action would incorporate a number of the recommendations of the Smart Growth Policy Plan.

2. Allow the transfer of development rights from surplus County-owned parcels and possible future open space acquisition programs. This could also include areas that were subject to priority recommendation one, area-wide and sub-regional plans.
3. Where appropriate, encourage the establishment of new sewer districts and extensions of public water in Smart Growth areas.
4. Enable the purchase of non-farm development rights and the creation of a land acquisition installment purchase program.
5. Encourage the provision of a variety of housing choices.

The remaining recommendations (i.e., 38 of the total 43 original recommendations for review) were not deemed priorities by the Committee. However, they were considered important and were not discounted. In fact, eighteen of the remaining recommendations were organized as constituent recommendations under the five overall recommendations listed above.

The proposed project is reviewed here according to the specific recommendations within the five overall recommendations that were prioritized by the Committee. The recommendations that specifically apply to the land use aspects of the proposed project are evaluated below:

- Restrict new sewer districts to Smart Growth areas (part of overall recommendation #1 and #3) – This recommendation is intended to expand sewer districts within existing downtown centers. While the proposed project is not located within a downtown setting, it is located within the previously proposed Yaphank Sewer District 16. The proposed district presently accommodates wastewater flow from multiple facilities within the County Center including administration buildings and the County’s nursing home. All wastewater flow from the proposed project would be treated by the Yaphank County Center wastewater treatment plant, however, the wastewater treatment plant must be expanded to accommodate the additional flow from the proposed project.

- Analyze the County road network for opportunities to apply Smart Growth transportation methods (part of overall recommendation #1) – The proposed project is accessed by an important arterial roadway (i.e., Yaphank Ave) that has an interchange with Interstate 495 (i.e., the Long Island Expressway), thus facilitating the provision of express bus service. Local bus service can effectively serve the existing activity centers along this arterial as well as some of the proposed uses (e.g., stadium and commercial uses in Area A and the multi-family residences in Area B). The Yaphank Station of the Long Island Rail Road Ronkonkoma Branch is accessed via Yaphank Avenue.
- Measure the growth impact of planned public works and insure the orderly and compact development of the same (part of overall recommendation #1) – The proposed project area would be rezoned from a combination of industrial and residential zoning to a Planned Development District (PDD). A PDD allows for the integration of multiple uses in an orderly and compact manner and within a specified area.
- Continue County housing initiatives to promote affordably priced homes (part of overall recommendation #5) – The great majority of the new housing units within the proposed project will be available for households that earn less than the median income (e.g., workforce housing).

#### 8.2.5. Carmans River Environmental Assessment

The Suffolk County Department of Health Services conducted an environmental assessment of the Carmans River entailing: 1) a literature search of reports, monitoring data and other information that addressed the water quality of the river and 2) investigations of land use, stormwater management infrastructure surveys, synoptic water and sediment sampling programs and analyses of the collected data.

The report provided findings on the physical, chemical, environmental and ecological health of the river. The report determined that the Carmans River and its uplands support a rich and diverse habitat of flora and fauna and that is also an important recreational resource for swimmers, boaters, hunters, fishers and tourists. Parkland and wildlife refuges, under management by Suffolk County and the federal government, are an important factor in the conservation of these habitats.

The report also found – based on fifty years of sampling data by the NYSDEC, SCDHS and the USG – that the river’s water quality is generally good. In addition, it recognized that the good water quality is maintained by the conservation of significant amounts of land adjacent to and within the vicinity of the river. However, a host of development over the years including shopping centers along major roadways (i.e., Middle Country Road, Montauk Highway, and William Floyd Parkway), the expansion of the County facilities, and the siting of a landfill and sand mines have contributed to water quality impacts. These include increased concentrations of coliform (which preclude shellfishing), contamination from gasoline spills, and increased concentrations of salts (e.g., from road maintenance).

Thus, although the water quality of the Carmans River is described as good, historic data indicate that water quality has been declining somewhat over the years across a number of parameters. Because the report was an assessment and not a management plan, it did not provide any strategies for preserving and improving water quality.

#### **8.2.6. Draft Carmans River Watershed Protection Plan**

A planning initiative is currently underway that would provide a set of land use management strategies that, in part, would help mitigate against further declines in river water quality. As of the time of the preparation of this DGEIS, only the Draft Plan had been released.

The Draft Carmans River Protection Plan (Plan) issued February 9, 2011 by the Carmans River Study Group, proposes a number of recommendations for protecting the Carmans River. These are summarized below along with their potential impact on the proposed project. It is noted that a Site Plan has not been developed, that this is a Generic EIS, and that the Selected Developer would have to comply with any regulations that ultimately result from this Plan. The following generally describes the recommendations and whether it appears that the proposed project would be able to comply with these recommendations, which are Draft at this time.

**Table 8-3: Draft Carmans River Watershed Protection Plan Recommendations**

1. Management Plan Area	<ul style="list-style-type: none"> <li>• Areas A through F would be in the area</li> </ul>
2. and 3. The Plan recommends expanding the Core Preservation Area of the Pine Barrens through an amendment to the Pine Barrens Protection Act of 1993. All properties within the 0 to 2 year groundwater contributing area, except for the developed areas in the hamlet of Yaphank and east of River Road in Shirley would be included.	<ul style="list-style-type: none"> <li>• This would include a portion of Area A, which seems inconsistent, as much of Area A is already developed, and other developed areas are excluded.</li> <li>• Areas B through F would not be affected by this recommendation.</li> </ul>
4. NYS Wild Scenic and Recreational Rivers (WSRR) Act	<ul style="list-style-type: none"> <li>• Areas A through F are outside of the WSRR boundary</li> </ul>
5. and 6. The Plan specifically recommends a number of open space acquisitions.	<ul style="list-style-type: none"> <li>• The Plan states that Area A should be considered for acquisition only if the property is deemed surplus by Suffolk County. If the property were acquired for preservation, it would not be available for private development as envisioned by the County's RFP. It appears that this recommendation would not preclude the County from retaining ownership and leasing the facilities envisioned in the County's RFP.</li> </ul>
7. Redemption of Transfer of Development Rights	<ul style="list-style-type: none"> <li>• Areas A through F are not in the Pine Barrens, however the County can consider retiring some Pine Barrens Credits for the development proposed on this site.</li> </ul>
<p>8. The Plan recommends amending the Town Code of Brookhaven.</p> <ul style="list-style-type: none"> <li>• The Town should rezone all residentially zoned publicly-owned lands to 5-acre residential (A-5) unless the land is already zoned 10-acre residential (A-10), in which case the 10-acre residential zoning shall remain.</li> <li>• Privately-owned residentially, commercially and industrialized zoned properties in the 0 to 2 year groundwater contributing area and privately owned residentially zoned properties in the 2 to 5 year groundwater contributing area shall be rezoned to 5-acre residential (A-5).</li> <li>• Upon adoption of this Plan, the Town should not re-zone any properties within the 0-5 year groundwater contributing area that would intensify the property's use over the present zoning</li> <li>• The Town of Brookhaven Board of Zoning Appeals, to the extent permitted by Town Law Section 267-b, should evaluate all requests for variances with respect to the goals and recommendations of this Management Plan and should consider them in the granting and denying of variances.</li> <li>• All requests for variances on properties located in the Core Preservation Area, the Core Expansion</li> </ul>	<ul style="list-style-type: none"> <li>• This would affect Area A and a portion of Area B only.</li> <li>• Currently Areas B through F are publically owned so this would not apply. If declared surplus and sold, Areas B and D are outside of the 2-5 year groundwater contributing area and would therefore not be affected.</li> <li>• This would apply only to Area A as the remaining areas are outside of the 0-5 year groundwater contributing area.</li> <li>• If variances are needed, this would apply</li> <li>• Not applicable to Areas A through F</li> </ul>

<p>Area, and the Compatible Growth Area in the Carmans River Watershed shall comply with current Central Pine Barrens Hardship Requirements.</p>	
<p>9. The Protection Plan recommends the following Nitrate-nitrogen standard for projects as follows:</p> <ul style="list-style-type: none"> <li>• The nitrate-nitrogen standard should be 2.5 mg/l of nitrate at the property lines for projects that meet the criteria for Development of Regional Significance (DRS) designations as defined in the Central Pine Barrens Comprehensive Land Use Plan.</li> <li>• The nitrate-nitrogen standard should be 4.5 mg/l of nitrate at the property line for projects that require a treatment system, as per Article 6 of the Suffolk County Department of Health Services code or best practical technology as accepted.</li> </ul>	<ul style="list-style-type: none"> <li>• The project is not a DRS as the property is not located within a Compatible Growth Area.</li> <li>• The project would comply with this requirement.</li> </ul>
<p>10. Water Quality Goal</p>	<ul style="list-style-type: none"> <li>• These goals are not specific to development projects</li> </ul>
<p>11. The Plan recommendations include an Overlay District which would impose a number of requirements on new developments. The elements of the overlay district that are relevant to the study areas and the potential development are provided below.</p>	<ul style="list-style-type: none"> <li>• Areas A through F are within the watershed and would therefore be within the Overlay District.</li> </ul>
<p><u>General land use requirements</u></p> <ul style="list-style-type: none"> <li>• The clearing standards shall be those set forth in Clearance Standards of the Central Pine Barrens Comprehensive Land Use Plan.</li> <li>• Fertilizer dependent vegetation shall not exceed 10 percent of a project site.</li> <li>• Stormwater Best Management Practices and MS4 requirements shall be applied to all properties regardless of parcel size.</li> </ul>	<ul style="list-style-type: none"> <li>• A maximum clearing standard of 65% could not be achieved without significant reduction in project scope.</li> <li>• Could be achieved</li> <li>• Could be achieved</li> </ul>
<p><u>Specific land use requirements</u></p> <ul style="list-style-type: none"> <li>• Submit an environmental conditions survey</li> <li>• Submit a Site Context Map</li> <li>• Develop a conservation development theme that accomplishes the protection of the unique natural resources and ecosystems by guiding the location of the proposed lots, buildings or uses.</li> <li>• Yield shall exclude areas of open water and wetlands and slopes in excess of 15%.</li> <li>• Lots and buildings shall be sited to minimize disruption to existing ecosystems and be designed to minimize the development footprint to the maximum extent practicable.</li> <li>• No site disturbances shall occur within 40 feet beyond the building perimeter; 10 feet of walkways, patios and parking and 15 feet of roadway curbs and main utility branch trenches.</li> </ul>	<ul style="list-style-type: none"> <li>• Could be achieved</li> <li>• Could be achieved</li> <li>• The proposed development is envisioned to utilize most of the site for buildings, roads, parking, and recreational amenities and would therefore not leave much natural area</li> <li>• As a PDD is proposed, unclear whether this would affect the proposed development</li> <li>• The proposed development is envisioned to utilize most of the site for buildings, roads, parking, and recreational amenities and would therefore not leave much natural area</li> <li>• The proposed development is envisioned to utilize most of the site for buildings, roads, parking, and recreational amenities and would therefore not leave much natural area</li> </ul>

<ul style="list-style-type: none"> <li>• The use of invasive species is prohibited.</li> <li>• Fertilizer dependent vegetation shall not exceed 10% of a project site.</li> <li>• Minimize the use of irrigation.</li> <li>• Wetlands, open water or slopes in excess of 15% shall count towards as naturally vegetated open space.</li> <li>• Public standard roadway width specifications shall be reduced from 34 feet wide to 28 feet wide.</li> </ul>	<ul style="list-style-type: none"> <li>• Could be achieved</li> <li>• Could be achieved</li> <li>• Could be achieved</li> <li>• Could be achieved</li> <li>• Could be achieved were possible within requirements for public safety</li> </ul>
<p><u>Stormwater requirements</u></p> <ul style="list-style-type: none"> <li>• All stormwater runoff shall be contained on site during construction.</li> <li>• Any sediment deposited on roadways from construction vehicles leaving a construction site shall be removed within 24 hours; Best Management Practices shall be used to reduce the amount of sediment leaving a construction site by construction vehicles.</li> <li>• For all existing developed properties, all stormwater runoff shall be contained on site; to the extent practicable all runoff from impermeable surfaces shall be directed to rain gardens, bioswales and other structures that provide biological treatment of the stormwater.</li> <li>• No more than 10 percent of the project site shall have fertilizer dependent vegetation at any time.</li> <li>• Fertilizers shall not be applied between November 1 and April 1.</li> </ul>	<ul style="list-style-type: none"> <li>• All stormwater requirements could be achieved</li> </ul>
<p>12. Multifamily Zoning District</p>	<ul style="list-style-type: none"> <li>• Would not apply as application would be for a Planned Development District</li> </ul>
<p>13. Sanitary Systems (only those applicable to plants)</p> <ul style="list-style-type: none"> <li>• The treatment at existing sewage treatment plants (STPs) should be updated and new STPs should be designed to provide for enhanced nitrogen removal.</li> <li>• Upgrades to include landscape management alterations that have the effect of improving water quality including reducing managed turf, replacement with native plantings, and eliminate, modify or reduce irrigation systems and retain onsite runoff with rain gardens and similar features.</li> </ul>	<ul style="list-style-type: none"> <li>• All wastewater would be treated at a new or expanded wastewater treatment plant that would provide for enhanced nitrogen removal</li> <li>• Could be achieved</li> </ul>
<p>14. Invasive species</p> <ul style="list-style-type: none"> <li>• Develop species-specific strategies to control, manage, and when feasible eliminate invasive species.</li> <li>• Aquatic invasives</li> <li>• Any method of invasive species management shall be consistent with all Federal and State guidelines and recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• Could be achieved, if applicable</li> <li>• Not applicable</li> <li>• Could be achieved, if applicable</li> </ul>
<p>15. Protection of natural resources</p>	

<ul style="list-style-type: none"> <li>• Prohibit new construction of primary and accessory structures, clearing, and fertilization within 20 feet of the landward edge of wetlands and surface water.</li> <li>• Construct infrastructure to reduce mortality of wildlife from road kill.</li> <li>• On public lands, trails and other enhancements should be routed to avoid situations that cause runoff and siltations.</li> <li>• Prohibit the use of pesticides on any Town of Brookhaven owned property.</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable as no wetlands or surface water on property</li> <li>• Could be achieved</li> <li>• Not applicable</li> <li>• Although not a Town property, would comply with stringent Suffolk County regulations (Section )</li> </ul>
16. Restoration of degraded properties	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
17. Surface and groundwater remediation <ul style="list-style-type: none"> <li>• Contaminated groundwater from known point source shall be remediated consistent with USEPA, NYSDEC and SCDHS requirements.</li> <li>• Sources and causes of the degradation of surface water and groundwater quality shall be remediated.</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable to this project, but may require some action by County</li> </ul>
18. Stormwater and flooding	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
19. Fish barriers	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
20. Water quality monitoring program	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
21. Biological monitoring	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
22. Biological investigation	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
23. Management Plan Implementation	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
24. Public education and outreach	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
25. Agricultural and Golf Course Management	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>

A discussion of the public policy aspects of open space conservation within the study area – which is part of the Carmans River Watershed – is provided within Section 10.

### **8.3. Potential Impacts of Proposed Project**

The potential impacts of the proposed project on land use are evaluated based on compatibility, i.e., of existing uses with proposed uses and vice versa, and the accordancy of the proposed project with local land use plans, as discussed above. The potential impacts related to compatibility are evaluated for each of the six study areas below.

#### **8.3.1. Area A**

The land uses proposed for this study area would comprise a mix of office, residential (i.e., 72 studio apartments), hotel, retail, and restaurant space and a large entertainment facility. These uses would vary considerably with the existing uses which consist mainly of office space, vehicle storage, and bulk material

handling and storage. The current bulk material handling operations are comparable to an industrial/warehouse use. The existing uses in this study area would be completely removed and replaced by the proposed uses.

Figure 8-2 depicts the footprints of the proposed structures and parking lots which are overlaid on a recent aerial photo of this study area and its vicinity. The proposed uses can be considered a more intense collection of uses than the existing uses. Thus, the more critical question to answer is whether the proposed land uses will impose a negative effect on the existing uses as opposed to the reverse.

A review of Figure 8-2 reveals that the entire complex of proposed uses in Area A would be located in a non-residential district, i.e., consisting of office, vehicle and equipment storage and agricultural uses (i.e., field crops). The existing uses and proposed are compatible uses, examples of which are found throughout Long Island, in its numerous mixed office and industrial districts. Moreover, mixed-use office and retail complexes are often located along agricultural land in developing areas. In fact, the transition from farmland to office, retail and residential uses is a common theme in the suburbanization of the landscape, the dominant land use pattern on Long Island.

There is a low-density residential neighborhood to the south of this study area, though it is more than 500 feet away with most of the houses on the opposite side of an active rail line from the proposed development. Thus, there would be no impact to these residences from the perspective of land use compatibility. The 5,500-seat arena would be a significant activity center, but it would be located more than one-quarter mile from the existing residences. In addition, the area would also be situated less than 1,000 feet from a major highway (I-495) and its interchange. Large recreational facilities (such as the proposed 5,500-seat arena), as well as office and retail complexes, are typically – and rationally, from a transportation perspective – located at major interchanges where a significant number of trips can be accommodated without impacts to local roads. In addition, as shown in Figure 8-2, there is a mapped Wetland (Source: NY State Department of Environmental Conservation) – whose boundary is roughly coincident with that of Southaven County Park – to the east of the proposed project. However, this

wetland – as depicted in Figure 8-2 – is roughly 375 feet from the study area and well beyond the regulatory limit for consideration of impacts. Given these considerations, it may be concluded that there would be no or negligible impacts to surrounding land uses.

### **8.3.2. Area B**

The proposed uses for this study area will be comprised entirely of residential buildings consisting of 785 condominiums and 215 townhouses with accessory apartments and a community/daycare center. The housing units would be constructed on vacant land, while maintaining the easements for the existing electrical towers and transmission lines. The residential units would, in the near term, be surrounded mostly by vacant land and partially by agricultural land which is used for growing field crops. Since the surrounding land to Area B is vacant or in agricultural use, it would sustain no impacts. However, the proposed housing units may be negatively affected by farm operations. These impacts include operation of tractors (for plowing, planting, and harvesting) and the potential application of chemicals such as fertilizers (e.g., manure) and pesticides to cropland. Such nuisances are typical for residential developments that are constructed adjacent to agricultural operations.

The proposed residences would also be located within 3,500 feet of the Grucci fireworks manufacturing facility. As mentioned above, this facility tests its fireworks on site. Thus, there exists the potential for infrequent acoustic nuisances from the fireworks testing.

### **8.3.3. Area C**

The proposed uses for this study area would comprise only active recreational uses, such as baseball, softball, soccer and lacrosse fields. These uses are entirely complementary with the adjacent residential uses that are proposed for Area B to the north of Area C. In fact, the proximity of recreational playing fields to a residential neighborhood is typically considered an amenity to homeowners. To the east and west of Area C are vacant tracts of land; these vacant tracts, in their undeveloped condition, pose no impacts upon the proposed recreational use of Area C and vice versa. An active mining operation along with the light industrial/warehouse uses proposed for Area D are located along the southern

boundary of Area C. The recreational fields do not pose any impact upon the existing and proposed industrial uses to the south. Dust and/or noise from mining operations and the proposed light industrial uses, though, may pose a nuisance to the proposed ball fields. According to the conceptual plan, an approximate 150-foot wide strip of trees (i.e., undisturbed, existing forested area) is to remain in place; this would serve as an effective buffer to any industrial nuisances.

#### 8.3.4. Area D

Light industrial and/or warehouse uses are proposed for this study area. Such uses are mutually compatible with the surrounding land uses which comprise the following specific uses: wastewater treatment plant, composting operation, sand-mining operation, a construction vehicles storage lot, fireworks manufacturing facility, the Town of Brookhaven landfill and vacant land tracts. Any industrial nuisances, such as noise, dust or other air pollutants, would be expected and tolerated given the industrial nature of the proposed use and existing land uses in the vicinity.

#### 8.3.5. Area E

This development of this study area (15.0 acres) would comprise a County Highway Maintenance facility and yard. It would be located just north of the existing sewage treatment plant east of other auxiliary structures/facilities to the east. Vacant tracts are located along this study area's western and northern boundaries. The proposed highway maintenance facility and the surrounding land uses are mutually compatible.

#### 8.3.6. Area F

This study area would serve as expansion area for the existing Yaphank County Center sewage treatment plant. Area E, which is 10.5 acres in area, is located to the east of the existing sewage treatment plant and shares most of its eastern boundary. The land uses surrounding Area E comprise vacant land, County facilities and a composting facility. The County facility in this location comprises auxiliary buildings and storage areas, i.e., no office buildings or public facilities where the general public would come to transact government business. The expansion of the existing sewage treatment plant and the surrounding uses are therefore mutually compatible.

#### **8.4. Proposed Mitigation**

The foregoing discussion concluded that the proposed uses for each of the study areas are compatible with the surrounding land uses. What is different, however, is the concentration of the proposed of uses. Yaphank covers a large geographic area which is bisected by the Long Island Expressway. The portion of Yaphank located south of the Long Island Expressway has concentrations of activity such as the County government complex and the Sills Industrial Park, alongside areas of vacant land and open space. The population of Yaphank, at around 6,500 persons<sup>9</sup> would increase by about a third as a result of the proposed project (Section 19.5.3).

While the proposed project would effectively increase the density of development in Yaphank, the mitigation measures discussed throughout the document related to quality of life issues, such as traffic, air quality, and noise, as well as the large areas of protected open space existing in the area will serve to mitigate this increase in density. Additionally, this increase in density needs to be balanced with the positive impacts of provision of affordable housing, new recreational amenities, and significant economic opportunities in the form of jobs and taxes, stated goals of several of the land use plans discussed above.

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<sup>9</sup> 2005-2009 American Community Survey 5-Year Estimates



