

ROSE-BRESLIN ASSOCIATES, LLC
1 EXECUTIVE BOULEVARD
YONKERS, NY 10701

August 1, 2017

Frederick C. Braun III, Chairman
Town of Brookhaven Industrial Development Agency
c/o Division of Economic Development
One Independence Hill
Farmingville, NY 11738

Dear Chairman Braun:

The attached application for IDA benefits is being submitted by Rose Breslin Associates, LLC for the Board's consideration. This application includes a 146 suite Hotel with conference and meeting space, and a 295 unit rental community complete with a clubhouse and amenities. This phase of development represents the ongoing progress of the overall Meadows at Yaphank project.

On October 4, 2011, the Town of Brookhaven Town Board adopted a change of zone application from L1 Industrial and J2 Business, to Planned Development District (PDD) zoning to accommodate a mixed use development proposal, known as The Meadows at Yaphank. This approval was the culmination of an over two year community and government outreach process that allowed for considerable stakeholder input into the design and uses contained in the development plan.

The Meadows at Yaphank is a mixed use development comprised of residential units, retail space, office/office flex space, a 7 acre Town Park with a Community Center, and a hotel. The Master Plan utilizes Smart Growth design features that encourage walking and bicycling, reducing dependence on the automobile. Overall, this project will provide a vibrant community to retain and attract a young workforce in the Town of Brookhaven, assist in addressing the shortage of legal rental housing on Long Island, create over 2,600 full time jobs upon full build out, over 800 construction jobs during build out, and generate over \$12 million annually in real property tax revenue upon completion. As designed, the project will result in considerably less traffic than uses permitted under the previous zoning.

The first phase of this project consisted of 240 apartment units, a clubhouse, a cabana, and an outdoor pool. Infrastructure improvements including a sewer pump station and force main, the establishment of a new Boulevard off of William Floyd Parkway, road improvements on William Floyd Parkway (including the installation of a new traffic signal), and the reconstruction of Yaphank Woods Boulevard were all part of this first phase of development. This phase received assistance from the IDA in 2014 and was completed earlier this year.

Assistance from the Town of Brookhaven IDA in the form of a PILOT Agreement, a mortgage recording tax exemption and a sales tax exemption, is being sought to help the initial commercial components of the project be successful. This Hotel, along with an Assisted Living Facility, will kick start the commercial sector of The Meadows at Yaphank and will assist us in attracting other commercial users to the project. The 295 apartments will offer a variety of rental options such as carriage house units, townhouse units, and four story structures that will not compete with, but compliment the first phase of 240 apartments. This variety of rental housing options will assist in meeting the need for legal rental housing on Long Island and attract a young workforce to the Town of Brookhaven.

The proposed Hilton Home 2 Suite hotel will consist of 146 suites with kitchenettes in a four story building. This hotel type is being proposed to serve the needs of business travelers, especially the users of Brookhaven National Laboratory facilities who need to stay near the Lab. Upon completion this hotel is projected to create 35 FTE jobs and generate a substantial increase in real property tax revenues.

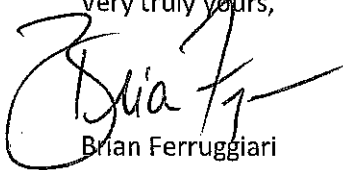
The proposed 295 apartment units represents over 480,000sf of development that will bring a variety of rental units to the Town of Brookhaven. These units, together with the previous 240 units, will be a critical component of the mixed use Meadows at Yaphank project. As designed, these apartments will be constructed in close proximity to restaurants and shopping, creating a vibrant, walkable community that will be attractive to a young workforce.

Along with our application fee, the following documents are included with our application:

- Financial Statements for the last two fiscal years
- Town Board Zoning approval letter
- Town Board SEQRA Findings Statement
- Hotel Site Plan
- Phase 1B Site Plan (295 apartments)
- Architectural Renderings
- Project Development Budget (Hotel)
- Project Development Budget (Phase 1B 295 apartment units)

Thank you for your consideration of our application.

Very truly yours,



Brian Ferruggiari

cc: Thomas Perna – Rose Breslin Associates, LLC
Christopher Kent – Farrell Fritz
David Curry – Farrell Fritz
Lisa Mulligan – Town of Brookhaven IDA

INDEX

PART I	OWNER AND USER DATA
PART II	OPERATION AT CURRENT LOCATION
PART III	PROJECT DATA
PART IV	PROJECT COSTS AND FINANCING
PART V	PROJECT BENEFITS
PART VI	EMPLOYMENT DATA
PART VII	REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION
PART VIII	SUBMISSION OF MATERIALS
EXHIBIT A	Proposed PILOT Schedule
SCHEDULE A	Agency's Fee Schedule
SCHEDULE B	Construction Wage Policy
SCHEDULE C	Recapture and Termination Policy

Part I: Owner & User Data

1. **Owner Data:**

A. Owner (Applicant for assistance): **Rose-Breslin Associates, LLC**

Address: **One Executive Boulevard
Yonkers, New York 10701**

Federal Employer ID #: [REDACTED] Website: www.avrrealty.com

NAICS Code: [REDACTED]

Owner Officer Certifying Application: **Brian Ferruggiari**

Title of Officer: **Director of Public Affairs**

Phone Number: [REDACTED] E-mail: [REDACTED]

B. Business Type:

Sole Proprietorship Partnership Privately Held

Public Corporation Listed on _____

State of Incorporation/Formation: **NEW YORK**

C. Nature of Business:

(e.g., "manufacturer of _____ for _____ industry"; "distributor of _____"; or "real estate holding company")

Real Estate Development

D. Owner Counsel:

Firm Name: **Farrell Fritz, P.C.**

Address: **400 RXR Plaza**

Uniondale, New York 11556

Individual Attorney: **David M. Curry**

Phone Number: **(516) 227-0698**

E-mail: **dcurry@farrellfritz.com**

E. Principal Stockholders, Members or Partners, if any, of the Owner (5% or more equity):

Name	Percent Owned
Allan V. Rose	66.67%
Breslin Brookhaven LLC	33.33%

(See Attachment A)

F. Has the Owner, or any subsidiary or affiliate of the Owner, or any stockholder, partner, member, officer, director or other entity with which any of these individuals is or has been associated with:

- i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

No

- ii. been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

No

G. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the Owner, list all other organizations which are related to the Owner by virtue of such persons having more than a 50% interest in such organizations.

AVR Yaphank Meadows LLC, Yaphank AVR Boulevard Chelsea LLC, Dorade, Inc.

(Allan Rose owns many other entities in which he has interests of greater than 50%)

H. Is the Owner related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

AVR Realty Company LLC – Allan V. Rose, Owner

I. List parent corporation, sister corporations and subsidiaries:

N/A

- J. Has the Owner (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

September 17, 2014 – the Agency adopted a resolution providing benefits to Applicant for a 240-unit multi-family community. On June 14, 2017, the Agency adopted a resolution on behalf of Yaphank AVR Boulevard Chelsea LLC for an assisted living community.

- K. List major bank references of the Owner:

See Attachment B

2. User Data – N/A

*** (for co-applicants for assistance or where a landlord/tenant relationship will exist between the owner and the user) ***

- A. User (together with the Owner, the “Applicant”): _____

Address: _____

Federal Employer ID #: _____ Website: _____

NAICS Code: _____

User Officer Certifying Application: _____

Title of Officer: _____

Phone Number: _____ E-mail: _____

- B. Business Type:

Sole Proprietorship Partnership Privately Held

Public Corporation Listed on _____

State of Incorporation/Formation: _____

- C. Nature of Business:

(e.g., “manufacturer of _____ for _____ industry”; “distributor of _____”; or “real estate holding company”)

D. Are the User and the Owner Related Entities? Yes No

- i. If yes, the remainder of the questions in this Part I, Section 2 (with the exception of "F" below) need not be answered if answered for the Owner.
- ii. If no, please complete all questions below.

E. User's Counsel:

Firm Name: _____

Address: _____

Individual Attorney: _____

Phone Number: _____

E-mail: _____

F. Principal Stockholders or Partners, if any (5% or more equity):

Name	Percent Owned
_____	_____
_____	_____

G. Has the User, or any subsidiary or affiliate of the User, or any stockholder, partner, officer, director or other entity with which any of these individuals is or has been associated with:

- i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

- ii. ever been convicted of a felony or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

H. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the User, list all other organizations which are related to the User by virtue of such persons having more than a 50% interest in such organizations.

I. Is the User related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

J. List parent corporation, sister corporations and subsidiaries:

K. Has the User (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

L. List major bank references of the User:

Part II – Operation at Current Location

*** (if the Owner and the User are unrelated entities, answer separately for each) ***

1. Current Location Address: N/A

2. Owned or Leased: _____

3. Describe your present location (acreage, square footage, number buildings, number of floors, etc.):

4. Type of operation (manufacturing, wholesale, distribution, retail, etc.) and products and/or services:

5. Are other facilities or related companies of the Applicant located within the State?

Yes No

A. If yes, list the Address: _____

6. If yes to above ("5"), will the completion of the project result in the removal of such facility or facilities from one area of the state to another OR in the abandonment of such facility or facilities located within the State? Yes No

A. If no, explain how current facilities will be utilized: _____

B. If yes, please indicate whether the project is reasonably necessary for the Applicant to maintain its competitive position in its industry or remain in the State and explain in full:

7. Has the Applicant actively considered sites in another state? Yes No

A. If yes, please list states considered and explain: _____

8. Is the requested financial assistance reasonably necessary to prevent the Applicant from moving out of New York State? Yes No

A. Please explain: _____

9. Number of full-time equivalent employees at current location and average salary: _____

Part III – Project Data

1. **Project Type:**

A. What type of transaction are you seeking?: (Check one)

Straight Lease Taxable Bonds Tax-Exempt Bonds

Equipment Lease Only

B. Type of benefit(s) the Applicant is seeking: (Check all that apply)

Sales Tax Exemption Mortgage Recording Tax Exemption

PILOT Agreement:

2. **Location of project:**

A. Street Address: **S/E/C/O and N/E/C/O The Boulevard and Yaphank Woods Blvd. Ext.**

B. Tax Map: District **0200** Section **584** Block **02** Lot(s) **1.4**

C. Municipal Jurisdiction:

i. Town: **Brookhaven**

ii. Village: _____

iii. School District: **Longwood CSD**

D. Acreage: **35.54**

3. **Project Components (check all appropriate categories):**

A. Construction of a new building Yes No
i. Square footage: **579,260**

B. Renovations of an existing building Yes No
i. Square footage: _____

C. Demolition of an existing building Yes No
i. Square footage: _____

D. Land to be cleared or disturbed Yes No
i. Square footage/acreage: **1,069,281 sq ft. / 24.53 acres**

E. Construction of addition to an existing building Yes No
i. Square footage of addition: _____
ii. Total square footage upon completion: _____

F. Acquisition of an existing building Yes No

i. Square footage of existing building: _____

G. Installation of machinery and/or Equipment Yes No

i. List principal items or categories of equipment to be acquired:

Building materials, landscaping, furniture, office equipment, kitchen equipment, pool equipment, gym equipment

4. Current Use at Proposed Location:

A. Does the Applicant currently hold fee title to the proposed location? **YES**

i. If no, please list the present owner of the site: _____

B. Present use of the proposed location: **Vacant Land**

C. Is the proposed location currently subject to an IDA transaction (whether through this Agency or another?) Yes No

i. If yes, explain: _____

D. Is there a purchase contract for the site? (if yes, explain): Yes No

E. Is there an existing or proposed lease for the site? (if yes, explain): Yes No

5. Proposed Use:

A. Describe the specific operations of the Applicant or other users to be conducted at the project site:

The Project consists of the construction and operation of a 295 multi-family rental units in a variety of rental types (carriage house, townhouse and 4-story building) totaling 482,480 sq. ft., and a 146 suite hotel with conference/meeting space totaling 96,780 sq. ft.

B. Proposed product lines and market demands:

Project includes a variety of rental units to alleviate the dire need Long Island has for rental housing and to attract and retain a young workforce on Long Island, together with a suite-style hotel project to serve the needs of business travelers to businesses such as the nearby Brookhaven National Laboratory and to serve the lodging needs of the entire project. Hotels are extremely scarce in the immediate area.

C. If any space is to be leased to third parties, indicate the tenant(s), total square footage of the project to be leased to each tenant, and the proposed use by each tenant:

N/A

D. Need/purpose for project (e.g., why is it necessary, effect on Applicant's business):

Project includes a variety of rental units to alleviate the dire need Long Island has for rental housing and to attract and retain a young workforce on Long Island, together with a suite-style hotel project to serve the needs of business travelers to businesses such as the nearby Brookhaven National Laboratory and to serve the lodging needs of the entire project. Hotels are extremely scarce in the immediate area. The Agency's financial assistance is necessary to keep construction and operating costs at a level which permits rents achievable by rental residents who will contribute to the economic vibrancy of the Town of Brookhaven and surrounding area.

E. Will any portion of the project be used for the making of retail sales to customers who personally visit the project location? Yes No

i. If yes, what percentage of the project location will be utilized in connection with the sale of retail goods and/or services to customers who personally visit the project location? _____

6. Project Work:

A. Has construction work on this project begun? If yes, complete the following:

i. Site Clearance:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
ii. Foundation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
iii. Footings:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
iv. Steel:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
v. Masonry:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
vi. Other:	_____			

B. What is the current zoning?: **PDD**

C. Will the project meet zoning requirements at the proposed location?

Yes No

D. If a change of zoning is required, please provide the details/status of the change of zone request: **N/A**

E. Have site plans been submitted to the appropriate planning department? Yes No

7. Project Completion Schedule:

A. What is the proposed commencement date for the acquisition and the construction/renovation/equipping of the project?

i. Acquisition: **Applicant acquired the land in 1999**

ii. Construction/Renovation/Equipping: **October 2017**

B. Provide an accurate estimate of the time schedule to complete the project and when the first use of the project is expected to occur:

Hotel construction is anticipated to commence in October 2017 and will take approximately 14 months to complete. It is anticipated that the 295 rental units will commence construction in January 2018 and shall take approximately 26 months to complete. The project will be developed in phases as approvals are received.

Part IV – Project Costs and Financing

1. Project Costs:

A. Give an accurate estimate of cost necessary for the acquisition, construction, renovation, improvement and/or equipping of the project location:

<u>Description</u>	<u>Amount</u>
Land and/or building acquisition	\$ 17,500,000
Building(s) demolition/construction	\$ 48,581,965
Building renovation	N/A
Site Work	\$ 12,073,078
Machinery and Equipment	\$ 2,937,500
Legal Fees	included in soft costs
Architectural/Engineering Fees	included in soft costs
Financial Charges	\$ 3,050,000
Other (Specify)	\$ 11,463,302 (soft costs development fee)
Total	\$ 95,605,845

2. Method of Financing:

	Amount	Term
A. Tax-exempt bond financing:	\$ _____	_____ years
B. Taxable bond financing:	\$ _____	_____ years
C. Conventional Mortgage:	\$ 71,704,384*	10 years
D. SBA (504) or other governmental financing:	\$ _____	_____ years
E. Public Sources (include sum of all State and federal grants and tax credits):	\$ _____	
F. Other loans:	\$ _____	_____ years

G. Owner/User equity contribution: \$ 23,901,461** _____ years

Total Project Costs \$ 95,605,845

* Project will be financed as each development phase commences

** Applicant retains right to increase equity percentage

- i. What percentage of the project costs will be financed from public sector sources?
0%

3. Project Financing:

A. Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? Yes No

- i. If yes, provide detail on a separate sheet.

B. Are costs of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of bond proceeds? Give details:

N/A

C. Will any of the funds borrowed through the Agency be used to repay or refinance an existing mortgage or outstanding loan? Give details:

N/A

D. Has the Applicant made any arrangements for the marketing or the purchase of the bond or bonds? If so, indicate with whom:

N/A

Part V – Project Benefits

1. Mortgage Recording Tax Benefit:

A. Mortgage Amount for exemption (include sum total of construction/permanent/bridge financing):

\$ 71,704,384

B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount and .75%):

\$ 537,782.88

2. Sales and Use Tax Benefit:

- A. Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax (such amount to benefit from the Agency's exemption):

\$ 20,800,000

- B. Estimated State and local Sales and Use Tax exemption (product of 8.625% and figure above):

\$ 1,794,000

- C. If your project has a landlord/tenant (owner/user) arrangement, please provide a breakdown of the number in "B" above: N/A

i. Owner: \$ _____

ii. User: \$ _____

3. Real Property Tax Benefit:

- A. Identify and describe if the project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit: N/A

B. Agency PILOT Benefit:

- i. Term of PILOT requested: **10 years with PILOT frozen at vacant land value for 3 years.**
- ii. Upon acceptance of this application, the Agency staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit based on anticipated tax rates and assessed valuation and attached such information to Exhibit A hereto. At such time, the Applicant will certify that it accepts the proposed PILOT schedule and requests such benefit to be granted by the Agency.

**** This application will not be deemed complete and final until Exhibit A hereto has been completed and executed.****

Part VI – Employment Data

1. List the Applicant's and each users present employment, and estimates of (i) employment **at the proposed project location** at the end of year one and year two following project completion and (ii) the number of residents of the Labor Market Area* ("LMA") that would fill the full-time and part-time jobs at the end of the second year following completion:

	<u>Present</u>	<u>First Year</u>	<u>Second Year</u>	<u>Residents of LMA</u>
Full-Time	_____	30	34	34
Part-Time**	_____	4	6	6

* The Labor Market Area includes the County/City/Town/Village in which the project is located as well Nassau and Suffolk Counties. ** Agency staff converts Part-Time jobs into FTEs for state reporting purposes by dividing the number of Part-Time jobs by two (2).

2. Salary and Fringe Benefits:

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Salary Wage Earners	\$50,000 - \$92,000 Annually	\$4,000 - \$10,000
Commission Wage Earners		
Hourly Wage Earners	\$10 - \$15 / hr.	\$900 - \$4,000
1099 and Contract Workers	As Needed	N/A

Note: The Agency reserves the right to visit the facility to confirm that job creation numbers are being met.

Part VII – Representations, Certifications and Indemnification

1. Is the Applicant in any litigation which would have a material adverse effect on the Applicant's financial condition? (if yes, furnish details on a separate sheet)

Yes No

2. HAS THE APPLICANT OR ANY OF THE MANAGEMENT OF THE APPLICANT, THE ANTICIPATED USERS OR ANY OF THEIR AFFILIATES, OR ANY OTHER CONCERN WITH WHICH SUCH MANAGEMENT HAS BEEN CONNECTED, BEEN CITED FOR A VIOLATION OF FEDERAL, STATE OR LOCAL LAWS OR REGULATIONS WITH RESPECT TO LABOR PRACTICES, HAZARDOUS WASTES, ENVIRONMENTAL POLLUTION OR OTHER OPERATING PRACTICES? (IF YES, FURNISH DETAILS ON A SEPARATE SHEET)

Yes No

3. Is there a likelihood that the Applicant would not proceed with this project without the Agency's assistance? (If yes, please explain why; if no, please explain why the Agency should grant the benefits requested)

Yes No

The population demographics of the surrounding community are not strong. In addition, the construction costs are such that, without the Agency's assistance, the applicant cannot anticipate a reasonable return on its investment.

4. If the Applicant is unable to obtain financial assistance from the Agency for the project, what would be the impact on the Applicant and on the municipality?

Without the Agency's assistance, the Applicant believes the project is not feasible. If the Applicant does not construct the Project, the Town of Brookhaven will lose the opportunity to create new jobs, attract and retain millennials to the area, and collect significant tax revenues that will be generated by the Project.

5. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

Initial BT

6. The Applicant understands and agrees that in accordance with Section 858-b(2) of the General Municipal Law, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the project will be listed with the New York State Department of Labor, Community Services Division and with the administrative entity of the service delivery area created pursuant to the Job Training Partnership Act (PL 97-300) in which the project is located (collectively, the "Referral Agencies"). The Applicant also agrees, that it will, except as otherwise provided by collective bargaining contracts or agreements to which they are parties, first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the Referral Agencies

Initial BT

7. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving financial assistance for the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

Initial BT

8. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

Initial BT

9. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

Initial BF

10. In accordance with Section 862(1) of the New York General Municipal Law the Applicant understands and agrees that projects which result in the removal of an industrial or manufacturing plant of the project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the project occupant within the State is ineligible for financial assistance from the Agency, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or to discourage the project occupant from removing such other plant or facility to a location outside the State.

Initial BF

11. The Applicant represents and warrants that to the Applicant's knowledge neither it nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representatives or agents is, nor will they become a person or entity with who United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List or under any statute, executive order including the September 24, 2001, Executive Order Block Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism, or other governmental action and is not and will not assign or otherwise transfer this Agreement to, contract with or otherwise engage in any dealings or transactions or be otherwise associated with such persons or entities.

Initial BF

12. The Applicant confirms and hereby acknowledges it has received the Agency's fee schedule attached hereto as Schedule A and agrees to pay such fees, together with any expenses incurred by the Agency, including those of Transaction Counsel, with respect to the Facility. The Applicant agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the project.

Initial BF

13. The Applicant confirms and hereby acknowledges it has received the Agency's [Construction Wage] Policy attached hereto as Schedule B and agrees to comply with the same.

Initial BF

14. The Applicant hereby agrees to comply with Section 875 of the General Municipal Law. The Company further agrees that the financial assistance granted to the project by the Agency is subject to recapture pursuant to Section 875 of the Act and the Agency's [Recapture and Termination] Policy, attached hereto as Schedule C.

Initial BT

15. The Applicant confirms and hereby acknowledges it has received the Agency's PILOT Policy attached hereto as Schedule D and agrees to comply with the same.

Initial BT

Part VIII – Submission of Materials

1. Financial statements for the last two fiscal years (unless included in the Applicant's annual report).
2. Applicant's annual reports (or 10-K's if publicly held) for the two most recent fiscal years.
3. Quarterly reports (form 10-Q's) and current reports (form 8-K's) since the most recent annual report, if any.
4. In addition, please attach the financial information described in items A, B, and C of any expected guarantor of the proposed bond issue.
5. Completed Long Environmental Assessment Form.
6. Most recent quarterly filing of NYS Department of Labor Form 45, as well as the most recent fourth quarter filing. Please remove the employee Social Security numbers and note the full-time equivalency for part-time employees.

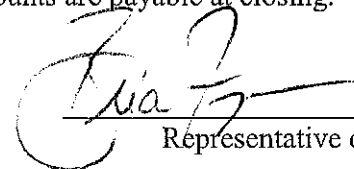
(Remainder of Page Intentionally Left Blank)

Part IX – Certification

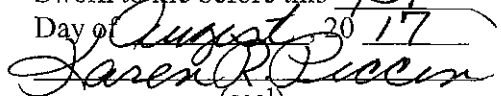
Brian Karagigian (name of representative of company submitting application) deposes and says that he or she is the Authorized Signatory (title) of Rose-Breella Assoc. LLC, the corporation (company name) named in the attached application; that he or she has read the foregoing application and knows the contents thereof; and that the same is true to his or her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of the entity named in the attached Application (the "Applicant") and to bind the Applicant. The grounds of deponent's belief relative to all matters in said Application which are not stated upon his/her personal knowledge are investigations which deponent has caused to be made concerning the subject matter this Application, as well as information acquired by deponent in the course of his/her duties in connection with said Applicant and from the books and papers of the Applicant.

As representative of the Applicant, deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this Application, the attendant negotiations and all matters relating to the provision of financial assistance to which this Application relates, whether or not ever carried to successful conclusion. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels or neglects the application or if the Applicant is unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion and sale of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, and all other appropriate fees, which amounts are payable at closing.



Representative of Applicant

Sworn to me before this 15th
Day of August 2017

(seal)

KAREN R. PICCIN
Notary Public, State of New York
Registration #01PI6279600
Qualified In Putnam County
Commission Expires April 15, 2017 21

EXHIBIT A

Proposed PILOT Schedule

Upon acceptance of the Application and completion of the Cost Benefit Analysis, the Agency will attach the proposed PILOT Schedule, together with the estimates of net exemptions based on estimated tax rates and assessment values to this Exhibit.

Rose Breslin Associates				
	DRAFT Phase 1b Apartments PILOT		DRAFT Phase 1b Hotel PILOT	
1	\$	455,285	1	\$ 8,176
2	\$	533,300	2	\$ 8,340
3	\$	611,316	3	\$ 8,506
4	\$	689,331	4	\$ 8,677
5	\$	767,347	5	\$ 8,850
6	\$	845,362	6	\$ 9,027
7	\$	923,377	7	\$ 9,208
8	\$	1,001,393	8	\$ 9,392
9	\$	1,079,408	9	\$ 9,580
10	\$	1,157,424	10	\$ 9,771
11	\$	1,235,439	11	\$ 798,078
12	\$	1,313,454	12	\$ 814,039
13	\$	1,391,470	13	\$ 830,320
14	\$	1,469,485	14	\$ 846,927
15	\$	1,547,501	15	\$ 863,865
		full a/v		full A/V

Proposed PILOT benefits are for discussion purposes only and have not been approved by the Agency.

SCHEDULE A

Town of Brookhaven Industrial Development Schedule of Fees

Application -	\$2,000 for projects with total costs under \$5 million \$4,000 for projects with total costs \$5 million and over
Closing/Expansion Sale/Transfer -	$\frac{3}{4}$ of one percent up to \$10 million total project cost and an additional $\frac{1}{8}$ of a percent on any project costs in excess of \$10 million. Projects will incur a minimum charge of \$7,500 plus all publication and legal fees.
Annual Administrative -	\$1,000 administrative fee payable with PILOT.
Termination -	Between \$750 and \$2,000
Refinance -	$\frac{1}{10}^{\text{th}}$ of one percent of transaction price (project cost) or \$2,500, whichever is greater.
Late PILOT Payment -	5% penalty, 1% interest monthly, plus \$1,000 administrative fee.
Processing Fee -	\$250 per hour with a minimum fee of \$250

Notes: All fees are subject to adjustment by IDA Board members and/or staff on a case-by-case basis.

Failure to abide by the terms and conditions of the PILOT and lease agreement including, but not limited to, rental of space will result in a reduction in abatement with the potential for termination.

Updated: June 15, 2016

SCHEDULE B

CONSTRUCTION WAGE POLICY

EFFECTIVE January 1, 2005

The purpose of the Brookhaven IDA is to provide benefits that reduce costs and financial barriers to the creation and to the expansion of business and enhance the number of jobs in the Town.

The Agency has consistently sought to ensure that skilled and fair paying construction jobs be encouraged in projects funded by the issuance of IDA tax exempt bonds in large projects.

The following shall be the policy of the Town of Brookhaven IDA for application for financial assistance in the form of tax-exempt financing for projects with anticipated construction costs in excess of \$5,000,000.00 per site received after January 1, 2005. Non-profit corporations and affordable housing projects are exempt from the construction wage policy.

Any applicant required to adhere to this policy shall agree to:

- (1) Employ 90% of the workers for the project from within Nassau or Suffolk Counties. In the event that this condition cannot be met, the applicant shall submit to the Agency an explanation as to the reasons for its failure to comply and;
- (2) Be governed by the requirements of Section 220d of Article 8 of the Labor Law of the State of New York; and when requested by the Agency, provide to the Agency a plan for an apprenticeship program;

OR

- (3) Provide to the Agency a project labor agreement or alternative proposal to pay fair wages to workers at the construction site.

Furthermore, this policy may be waived, in the sole and final discretion of the Agency, in the event that the applicant demonstrates to the Agency special circumstances or economic hardship to justify a waiver to be in the best interests of the Town of Brookhaven.

Adopted: May 23, 2005

SCHEDULE C

RECAPTURE AND TERMINATION POLICY

EFFECTIVE JUNE 8, 2016

Pursuant to Sections 874(10) and (11) of Title 1 of Article 18-A of the New York State General Municipal Law (the "Act"), the Town of Brookhaven Industrial Development Agency (the "Agency") is required to adopt policies (i) for the discontinuance or suspension of any financial assistance provided by the Agency to a project or the modification of any payment in lieu of tax agreement and (ii) for the return of all or part of the financial assistance provided by the Agency to a project. This Recapture and Termination Policy was adopted pursuant to a resolution enacted by the members of the Agency on June 8, 2016.

I. Termination or Suspension of Financial Assistance

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so) to terminate or suspend the Financial Assistance (defined below) provided to a project upon the occurrence of an Event of Default, as such term is defined and described in the Lease Agreement entered into by the Agency and a project applicant (the "Applicant") or any other document entered into by such parties in connection with a project (the "Project Documents"). Such Events of Default may include, but shall not be limited to, the following:

- 1) Sale or closure of the Facility (as such term is defined in the Project Documents);
- 2) Failure by the Applicant to pay or cause to be paid amounts specified to be paid pursuant to the Project Documents on the dates specified therein;
- 3) Failure by the Applicant to create and/or maintain the FTEs as provided in the Project Documents;
- 4) A material violation of the terms and conditions of the Project Agreements; and
- 5) A material misrepresentation contained in the application for Financial Assistance, any Project Agreements or any other materials delivered pursuant to the Project Agreements.

The decision of whether to terminate or suspend Financial Assistance and the timing of such termination or suspension of Financial Assistance shall be determined by the Agency, in its sole discretion, on a case-by-case basis, and shall be subject to the notice and cure periods provided for in the Project Documents.

For the purposes of this policy, the term "**Financial Assistance**" shall mean all direct monetary benefits, tax exemptions and abatements and other financial assistance, if any, derived solely from the Agency's participation in the transaction contemplated by the Project Agreements including, but not limited to:

- (i) any exemption from any applicable mortgage recording tax with respect to the Facility on mortgages granted by the Agency on the Facility at the request of the Applicant;

- (ii) sales tax exemption savings realized by or for the benefit of the Applicant, including and savings realized by any agent of the Applicant pursuant to the Project Agreements in connection with the Facility; and
- (iii) real property tax abatements granted under the Project Agreements.

II. Recapture of Financial Assistance

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so) to recapture all or part of the Financial Assistance provided to a project upon the occurrence of a Recapture Event, as such term is defined and described in the Project Documents. Such Recapture Events may include, but shall not be limited to the following:

- 1) Sale or closure of the Facility (as such term is defined in the Project Documents);
- 2) Failure by the Applicant to pay or cause to be paid amounts specified to be paid pursuant to the Project Documents on the dates specified therein;
- 3) Failure by the Applicant to create and/or maintain the FTEs as provided in the Project Documents;
- 4) A material violation of the terms and conditions of the Project Agreements; and
- 5) A material misrepresentation contained in the application for Financial Assistance, any Project Agreements or any other materials delivered pursuant to the Project Agreements.

The timing of the recapture of the Financial Assistance shall be determined by the Agency, in its sole discretion, on a case-by-case basis, and is subject to the notice and cure periods provided for in the Project Documents. The percentage of such Financial Assistance to be recaptured shall be determined by the provisions of the Project Documents.

All recaptured amounts of Financial Assistance shall be redistributed to the appropriate affected taxing jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

For the avoidance of doubt, the Agency may determine to terminate, suspend and/or recapture Financial Assistance in its sole discretion. Such actions may be exercised simultaneously or separately and are not mutually exclusive of one another.

III. Modification of Payment In Lieu of Tax Agreement

In the case of any Event of Default or Recapture Event, in lieu of terminating, suspending or recapturing the Financial Assistance, the Agency may, in its sole discretion, adjust the payments in lieu of taxes due under the Project Agreements, so that the payments in lieu of taxes payable under the Project Agreements are adjusted upward retroactively and/or prospectively for each tax year until such time as the Applicant has complied with the provisions of the Project Agreements. The amount of such adjustments shall be determined by the provisions of the Project Documents.

SCHEDULE D

Agency Payment in Lieu of Taxes (PILOT) Policy

An annual fee of \$1,000 will be due to the Agency in addition to the PILOT payment to cover ongoing costs incurred by the Agency on behalf of the project.

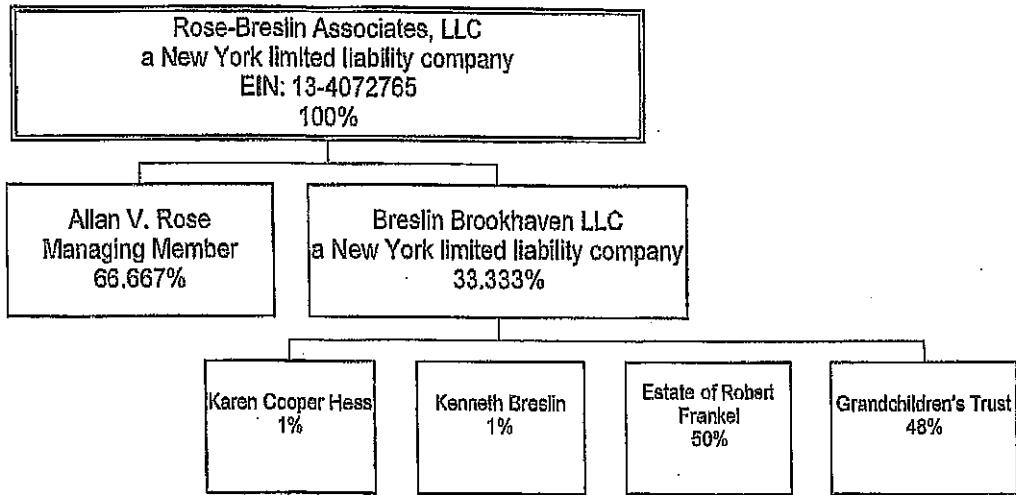
1. The Town of Brookhaven Industrial Development Agency (IDA) may grant, or be utilized to obtain a partial or full real property tax abatement for a determined period which can be as long as ten years. To be eligible for this abatement there would be a requirement of new construction, or renovation, and a transfer of title of the real property to the Town of Brookhaven IDA.
2. The Chief Executive Officer (CEO) or their designee shall consult with the Town Assessor to ascertain the amounts due pursuant to each PILOT Agreement. Thereafter, the PILOT payment for each project shall be billed to the current lessees. The lessees can pay the PILOT payment in full by January 31st of each year, or in two equal payments due January 31st and May 31st of each year of the PILOT Agreement. The CEO or their designee shall send all PILOT invoices to the lessees on a timely basis.
3. The Town of Brookhaven IDA shall establish a separate, interest bearing bank account for receipt and deposit of all PILOT payments. The CEO or their designee shall be responsible for depositing and maintaining said funds with input from the Chief Financial Officer (CFO).
4. The CEO or their designee shall remit PILOT payments and penalties if any, to the respective taxing authorities in the proportionate amounts due to said authorities. These remittances shall be made within thirty (30) days of receipt of the payments to the Agency.
5. Payments in lieu of taxes which are delinquent under the agreement shall be subject to a late payment penalty of five percent (5%) of the amount due. For each month, or part thereof, that the payment in lieu of taxes is delinquent beyond the first month, interest shall on the total amount due plus a late payment penalty in the amount of one percent (1%) per month until the payment is made.
6. If a PILOT payment is not received by **January 31st of any year or May 31st** of the second half of the year the lessee shall be in default pursuant to the PILOT Agreement. The Agency may give the lessee notice of said default. If the payment is not received within thirty (30) days of when due, the CEO shall notify the Board, and thereafter take action as directed by the Board.
7. The CEO shall maintain records of the PILOT accounts at the Agency office.
8. Nothing herein shall be interpreted to require the Agency to collect or disburse PILOT payments for any projects which are not Agency projects.

9. Should the Applicant fail to reach employment levels as outlined in their application to the Agency, the Board reserves the right to reduce or suspend the PILOT Agreement, declare a default under the Lease or the Installment Sale Agreement, and/or convey the title back to the Applicant.

10. This policy has been adopted by the IDA Board upon recommendation of the Governance Committee and may only be amended in the same manner.

ATTACHMENT A

Rose-Breslin Associates, LLC
Organizational Chart



ATTACHMENT B

Bank References

<p>Brennan E. Keating – Vice President M&T Bank 350 Park Avenue New York, NY 10022 Phone: 212-350-2064 Fax: 212-350-2112 Email: bkeating@mtb.com</p>	<p>Brian Manion – Vice President Wells Fargo Multifamily Capital 5215 Old Orchard Road, Suite 960 Skokie, IL 60077 Phone: (847) 967-2726 Fax: (866) 359-3096 Email: brian.e.manion@wellsfargo.com</p>
<p>Peter Castro Deutsche Bank Securities Inc. 60 Wall Street New York, NY 10005-2836 Phone: (212)250-7321 Email: peter.castro@db.com</p>	

Accrual

Dec 2015

Assets

Current Assets:

Cash Operating A/C - 1	1,691,161.69
Deposits - Utilities	(60,000.00)
Escrow - Replacement Reserve	5,718.44
Accts. Receivable - Trade	(400.00)
Loans Receivable - 1	3,042,100.01
Loans Receivable - 2	4,021,368.13
Loans Receivable - 3	6,597,346.00
Loans Receivable - 6	100.00
Notes Receivable - 1	4,329,000.00
Prepaid Other	22,110.08
Total Current Assets	19,648,604.35

Long-Term Assets:

Land	31,269,803.22
Total Long-Term Assets	31,269,803.22

Investments, Intangible Assets & Property:

Construction-In-Progress	10,334,043.86
Invest In Partnership - Tax - 1	2,889,111.11
Invest In Partnership - Tax - 3	(921,490.76)
Invest In Partnership - Book - 3	(17,187,851.13)
Invest In Partnership - Tax - 4	(21,349.78)

Other Assets:

Total Other Assets	(4,907,636.70)
Total Assets	46,010,670.87

Liabilities

Current Liabilities:

Deferred Gain On Sale	(4,329,000.00)
Accrued Payables	(5,798.09)
Total Current Liabilities	(4,334,798.09)

Long-Term Liabilities:

Loans Payable - 1	(49,139,445.49)
Loans Payable - 2	(3,786,914.53)

Accrual

Dec 2015

Loans Payable - 3	(9,577,465.46)
Loans Payable - 5	1,071,288.68
Mortgages Payable - 1	(5,000,000.00)
	<hr/>
Total Long-Term Liabilities	(66,432,536.80)
Other Liabilities:	
	<hr/>
Total Other Liabilities	0.00
	<hr/>
Total Liabilities	(70,767,334.89)
Equity:	
Capital	20,869,237.79
Capital - Partner 1	(100.00)
Book To Tax Adjustment	3,671,951.45
Book P & L	1,229.00
Prior Year P & L	214,345.78
	<hr/>
Total Equities	24,756,664.02
	<hr/>
Total Liabilities & Equities	(46,010,670.87)

Alternate Year End Period: 12/13
Accrual

	Current Period 1 Month Thru: Dec 2015	Year-To-Date 769230769231 Months Dec 2015
--	---	---

Revenue		
Rent	160,400.00	164,800.00
Other Income	(1,157,869.62)	(977,869.62)
Total Revenue	(997,469.62)	(813,069.62)
Operating Expenses		
CAM - Repairs & Maintenance	0.00	2,903.91
CAM - General	5,737.70	6,337.70
Total CAM / Insurance Expenses	5,737.70	9,241.61
Non-CAM Expenses		
Real Estate Tax Expenses	0.00	(895,788.97)
Total Non - CAM Expenses	0.00	(895,788.97)
Total Operating Expenses	5,737.70	(886,547.36)
Net Operating Income	(1,003,207.32)	73,477.74
Non - Operating Expenses	22,830.16	198,550.63
Total Non - Operating Expense	22,830.16	198,550.63
Adjusted Net Operating Income	(1,026,037.48)	(125,072.89)
Interest Expense	7,337.50	89,272.89
Total Interest Expense	7,337.50	89,272.89
Income Before Depreciation & Amortization	(1,033,374.98)	(214,345.78)
Total Depreciation & Amortization Expense	0.00	0.00
Net Income	(1,033,374.98)	(214,345.78)
Total Depreciation & Amortization Expense	0.00	0.00
Total Amortization Payments	0.00	0.00
Total Capital & Leasing Expense	0.00	0.00

Database: AVRREALTY	Income Statement Income Statement AVR Realty Company ROSE BRESLIN ASSOCIATES LLC	Page: 2 Date: 8/2/2017 Time: 11:51 AM
Alternate Year End Period: 12/13 Accrual		
	Current Period 1 Month Thru: Dec 2015	Year-To-Date 769230769231 Months Dec 2015

Cash Flow	<u>(1,033,374.98)</u>	<u>(214,345.78)</u>
-----------	-----------------------	---------------------

Accrual

Dec 2016

Assets

Current Assets:

Cash Operating A/C - 1	777,073.42
Escrow - Replacement Reserve	5,718.44
Loans Receivable - 1	4,418,559.86
Loans Receivable - 2	5,505,519.53
Loans Receivable - 3	9,565,886.15
Loans Receivable - 6	100.00
Notes Receivable - 1	4,329,000.00
Prepaid Other	20,277.77

Total Current Assets	24,622,135.17
----------------------	---------------

Long-Term Assets:

Land	31,269,803.22
------	---------------

Total Long-Term Assets	31,269,803.22
------------------------	---------------

Investments, Intangible Assets & Property:

Construction-In-Progress	12,314,116.21
Invest In Partnership - Tax - 1	1,655,448.67
Invest In Partnership - Tax - 3	(921,490.76)
Invest In Partnership - Book - 3	(17,464,415.13)
Invest In Partnership - Tax - 4	(34,259.78)

Other Assets:

Total Other Assets	(4,450,600.79)
--------------------	----------------

Total Assets	51,441,337.60
--------------	---------------

Liabilities

Current Liabilities:

Deferred Gain On Sale	(4,329,000.00)
Accrued Payables	(14,245.46)

Total Current Liabilities	(4,343,245.46)
---------------------------	----------------

Long-Term Liabilities:

Loans Payable - 1	(56,039,445.49)
Loans Payable - 2	(3,786,914.53)
Loans Payable - 3	(9,577,465.46)
Loans Payable - 5	1,071,288.68
Mortgages Payable - 1	(5,000,000.00)

Total Long-Term Liabilities	(73,332,536.80)
-----------------------------	-----------------

Balance Sheet
AVR Realty Company
ROSE BRESLIN ASSOCIATES LLC

Accrual

Dec 2016

Other Liabilities:

Total Other Liabilities

0.00

Total Liabilities

(77,675,782.26)

Equity:

Capital

21,084,812.57

Capital - Partner 1

(100.00)

Book To Tax Adjustment

3,671,951.45

Book P & L

(5,004.00)

Prior Year P & L

1,482,784.64

Total Equities

28,234,444.66

Total Liabilities & Equities

(51,441,337.60)

Alternate Year End Period: 12/13
 Accrual

	Current Period 1 Month Dec 2016	Year-To-Date 769230769231 Months Dec 2016
--	---------------------------------------	---

Revenue		
Rent	160,400.00	164,800.00
Other Income	(377,154.44)	(317,154.44)
Total Revenue	(216,754.44)	(152,354.44)
Operating Expenses		
CAM - Utilities	0.00	1,121.70
Total CAM / Insurance Expenses	0.00	1,121.70
Non-CAM Expenses		
Real Estate Tax Expenses	1,030,162.85	1,030,162.85
Total Non - CAM Expenses	1,030,162.85	1,030,162.85
Total Operating Expenses	1,030,162.85	1,031,284.55
Net Operating Income	(1,246,917.29)	(1,183,638.99)
Non - Operating Expenses	73,161.99	209,628.17
Total Non - Operating Expense	73,161.99	209,628.17
Adjusted Net Operating Income	(1,320,079.28)	(1,393,267.16)
Interest Expense	7,337.50	89,517.48
Total Interest Expense	7,337.50	89,517.48
Income Before Depreciation & Amortization	(1,327,416.78)	(1,482,784.64)
Total Depreciation & Amortization Expense	0.00	0.00
Net Income	(1,327,416.78)	(1,482,784.64)
Total Depreciation & Amortization Expense	0.00	0.00
Total Amortization Payments	0.00	0.00
Total Capital & Leasing Expense	0.00	0.00
Cash Flow	(1,327,416.78)	(1,482,784.64)



Town of Brookhaven Long Island

Patricia A. Eddington, LCSW
Town Clerk and Registrar

October 7, 2011

Mr. David Sloane
Certilman Balin
100 Motor Parkway, Suite 156
Hauppauge, NY 11788

RE: **Change of Zone: The Meadows at Yaphank**
Yaphank, NY
File # 2010-11

Dear Mr. Sloane:

Attached please find a copy of the resolution adopted by the Brookhaven Town Board at their **October 4, 2011** meeting approving the above application. Within six (6) months, please forward to this office the following items:

- 1) Three (3) updated surveys
- 2) Original Declaration of Covenants and Restrictions
- 3) Metes and bounds description that must agree with the updated survey
- 4) Certificate of Title

Please do not record the Declaration of Covenants and Restrictions with the Suffolk County Clerk at this time. Original Declaration of Covenants and Restrictions must be accepted by the Town Board prior to recording.

Upon receipt of the required documents, we will proceed to make this change of zone effective.

Sincerely,

Patricia A. Eddington
Brookhaven Town Clerk

PAE:kds/enc.

cc: Mark Lesko, Supervisor
Town Council Members
Robert F. Quinlan, Town Attorney
John Turner, Environmental Division
Beth Ann Reilly, Assistant Town Attorney
Lynn Weyant, Traffic Safety
Tullio Bertoli, Commissioner of PELM
Brenda Prusinowski, Deputy Commissioner of PELM
Chip Wiebelt, Division of Planning

Office of the Town Clerk

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-9101 • Fax (631) 451-9264
www.brookhaven.org
General Information: (631) 451-TOWN

DECISION NO.
MEETING: October 4, 2011

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION OF ADOPTION – GRANTING
THE APPLICATION OF THE MEADOWS AT
YAPHANK, LLC (A/K/A AVR REALTY) FOR A
CHANGE OF ZONE FROM J BUSINESS 2 AND
L INDUSTRIAL 1 TO A PLANNED
DEVELOPMENT DISTRICT (PDD) ON
PROPERTY LOCATED IN YAPHANK

WHEREAS, on May 10, 2011, and October 4, 2011, a duly advertised public hearing was held to consider the application of The Meadows at Yaphank, LLC (a/k/a AVR Realty) for a change of zone from J Business 2 and L Industrial 1 to a Planned Development District (PDD) on property located on the northwestern corner of the interchange of William Floyd Parkway/County Route 46 (CR 46) and the North Service Road of the Long Island Expressway (LIE) in the hamlet of Yaphank, further identified as SCTM No. 0200-552.00-01.00-001.003 and 0200-584.00-02.00-001.003; and

WHEREAS, approval of this application will allow for a mix of uses which include a proposed hotel, restaurant, retail, office, office/flex and multi-family residential on a 322.37 acre site; and

WHEREAS, Suffolk County Planning Commission, by letter dated September 14, 2011 unconditionally approved the project; and

WHEREAS, notwithstanding that Suffolk County Planning Commission approved this project without conditions, and further notwithstanding that there is no legal requirement to address "comments" nor any existing legal authority which would require that 20% of the

proposed units be set aside for affordable housing, the Town of Brookhaven responds to the comments as follows:

In order to promote affordable housing, Suffolk County Planning Commission has suggested to the Town of Brookhaven that 20% of the proposed Meadows at Yaphank housing units meet affordability guidelines of 120% of the Suffolk/Nassau average median family income. It should be noted that the project will also be required to provide a minimum of ten (10) percent residential dwelling units maintained in perpetuity as affordable units offered for an amount affordable to occupants whose incomes are at eighty (80) percent or less of the median family income for the Nassau-Suffolk region as published by HUD based on family size. These units will substantially exceed Suffolk County's guideline.

Review of HUD data finds that the current 2011 Nassau-Suffolk average median family income is \$106,100. Applying Suffolk County's 120% income guideline and utilizing industry standards of 20% down payment and 30% of income applied towards housing expense, this results in a potential housing purchase price of approximately \$450,000.

In comparison, current median family income in the Yaphank area is estimated to be \$70,534 (October 2011, Zillow.com), substantially less than the Nassau-Suffolk average. Current housing sales prices reflect income levels in Yaphank, with average sales prices of \$298,300 and home index value at \$239,000 (October 2011, Zillow.com). Based on this information, it can be concluded that the majority of the existing housing stock and current home sales in the Yaphank hamlet already provide substantial affordable housing that exceeds the guidelines suggested by Suffolk County. It is anticipated that the proposed Meadows at Yaphank "market rate" housing units will be priced reflective of this market demand.

The Master Plan and Phasing plan provides for a unit mix for age restricted, rental and affordable housing that will be built proportionally throughout each phase of the project with the exception of the age restricted as it is only proposed in one section; and

WHEREAS, after due consideration and deliberation; and

BE IT RESOLVED that the above application for a change of zone is hereby conditionally approved subject to the following:

CONDITIONS

- 1) The applicant must submit proof to the satisfaction of the Town Attorney's Office that the covenants and restrictions, approved as to form and substance, referenced below have been filed with the Suffolk County Clerk's Office;
- 2) The applicant shall update The Meadows at Yaphank Master Plan & Guidelines to reflect and be in conformance with the revised Land Use and Development Plan - FGEIS Plan and Phasing Plan - FGEIS Plan contained within the FGEIS;
- 3) The applicant shall provide a final The Meadows at Yaphank Master Plan that shall consist of the following documents combined to eliminate duplication:
 - a) The Meadows at Yaphank Master Plan & Guidelines.
 - b) The Land Use and Development Plan - FGEIS Plan.
 - c) The Phasing Plan - FGEIS Plan.

- d) FGEIS Appendix F, Form-Based Master Plan.
- e) A copy of this resolution and grant.
- 4) The applicant shall seek and obtain approval from the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) for this project in accordance with its standards and guidelines;
- 5) Prior to this change of zone grant becoming effective the applicant/owner shall contribute \$500,000 to the Yaphank Lake Remediation reserve account established by resolution number 2011-687.

and be it further

RESOLVED, that the property owner shall impose covenants and restrictions which run with the land and in such form as shall be approved as to substance and form by the Town Attorney's office, recorded in the Suffolk County Clerk's office and thereafter filed with the Town Clerk requiring the following:

COVENANTS AND RESTRICTIONS

- 1) All development shall be in general conformance with The Meadows at Yaphank Master Plan. Development of The Meadows at Yaphank shall also comply with the following requirements and guidelines:
 - a) General Master Plan Requirements and Guidelines:
 - i) The Planning Board shall have the authority during site plan review to amend or modify the master plan as necessary to bring the master plan into conformance with the requirements of this grant and in keeping with the general design guidance and site layout direction as set forth herein.
 - ii) Master Plan Development: All future development shall conform to Master Plan development guidelines that emphasize the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. In the event the roadways created pursuant to the Master Plan are not approved/and or taken into the Town's Highways system after offered by the applicant for such dedication, there shall be a Home owners association formed, should one not then be in existence, which shall provide for the maintenance and insurance necessary for such roadways. Such requirement shall be made a deed notation for such homes. Further, the Planning Board is authorized to approve implementation of the following provisions:
 - (1) Master Plan: The Meadows at Yaphank Master Plan designates the locations where different building form standards apply.
 - (2) Public Space Standards: The Planning Board is authorized to implement consistent specifications for the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.) for each of The Meadows at Yaphank Master Plan development zones.
 - (a) Sidewalks should be provided along both sides, for the entire length, of the

new main boulevard access road and throughout the project to inter-connect all uses within the development. The developer should implement appropriate pedestrian crossings and crosswalks within the site as approved by the Town. Crosswalks should consist of decorative paving materials where appropriate and as determined by the Planning Board and should have curb extensions or bulb-outs where applicable to minimize crossing distances.

- (b) On street parking shall be permitted and encouraged along the new main boulevard access road and internally throughout the property as appropriate. However, a clear zone shall be provided at intersections to maintain adequate sight lines for all users.
 - (c) Pedestrian friendly streetscape should be provided throughout the internal roadway network including: sidewalks, consisting of decorative paving material where appropriate and low level decorative street lights.
 - (d) Street Furniture including, but not limited to, street planters, hanging flowers/plants, benches, waste receptacles, community signs/bulletin boards, information kiosks, bollards & bicycle racks should be provided subject to the determination of the Planning Board at the time of site plan review.
 - (e) All major boulevards shall contain bike lanes.
 - (f) The Planning Board is authorized and encouraged to reduce street widths to promote a pedestrian friendly environment, reduce impervious surfaces and reduce stormwater generation. The Meadows at Yaphank Master Plan contains roadway standards that the Planning Board shall utilize as guidelines for the development.
 - (g) The Planning Board may request decorative bus shelters within the proposed development for children that may be waiting for a school bus.
- (3) **Building Form Standards:** The Planning Board is authorized to implement specifications controlling the configuration, features, and functions of buildings that define and shape the public realm, including Build to Lines, dimensional criteria and architectural materials and quality for each of The Meadows at Yaphank Master Plan development zones.
- iii) **Off-Street Parking Standards:** The Planning Board is authorized and encouraged to reduce parking requirements to the greatest extent practical. The Meadows at Yaphank Master Plan contains parking standards that the Planning Board shall utilize as guidelines. These guidelines are as follows:
- Residential, age-restricted - 0.75 spaces/unit + 0.5 spaces/bedroom.
 - Residential, other - 1 space/unit + 0.5 spaces/bedroom.
 - Commercial Center - 1 space/200 SF
 - Office - 1 space/250 SF
 - Hotel - 1 space/room
 - Industrial/Flex Space - 1 space/1,000 SF
 - Bank space - 1 space/200 SF
 - Restaurant space - 1 space/100 SF
- iv) **Landscaping Standards:** The Planning Board is authorized to implement specifications controlling landscape design and plant materials on private property

as they impact public spaces (e.g. regulations about parking lot screening and shading, maintaining sight lines, ensuring unobstructed pedestrian movement, etc.) for each The Meadows at Yaphank Master Plan development zones. Street Trees should be provided along all internal roadways. Street trees shall be a minimum of a 2 ½ to 3 inch caliper, every thirty (30) feet on center along the internal roadway network.

- v) **Signage Standards:** The Planning Board is authorized to implement specifications controlling allowable signage sizes, materials, illumination, and placement for each The Meadows at Yaphank Master Plan development zones. Directory, residential community entrance, commercial entrance and identification signage along the Long Island Expressway and William Floyd Parkway shall be permitted and in accordance with the Meadows at Yaphank Master Plan.
 - vi) **Green Building Standards:** Any building over 100,000 square feet shall be designed to meet the minimum design criteria for the Leadership in Energy Environmental Design for New Construction (LEED/NC) Green Building Standards.
 - vii) **Waste Management Standards:** Appropriate areas shall be designated for recycling for any non-residential component.
- b) **Zone 1 & 1a – Town Center Business District & Major Retail and Commercial District.**
- i) **Zone 1 – Town Center Business District.**
 - (1) Approximately 51,200 SF GFA retail/commercial area with suitable development standards as outlined herein.
 - (2) All principal, accessory and special permitted land uses as permitted in the J2 Business and J6 Main Street Business District are hereby authorized and shall be permitted.
 - (3) The maximum height shall not exceed three (3) stories.
 - (4) Building architecture should be generally consistent with design recommendations and guidelines as outlined in the Main Street Business Design Manual.
 - (5) Building and ground signage and lighting should be generally consistent with design recommendations and guidelines as outlined in the Main Street Business District Design Manual or the sign provisions for J2 Zoning District for this zone.
 - (6) Conventional mixed use development (residential and/or office over first floor retail) may be permitted upon request of the applicant along the main street east/west boulevard road subject to the determination of the Planning Board at the time of site plan review. The Planning Board hereby specifically is authorized to increase the maximum permitted office and/or residential densities in order to permit this mixed use development type, provided compliance with the Phasing and Supplemental EIS thresholds established herein for this development is demonstrated.
 - ii) **Zone 1a – Major Retail and Commercial District.**
 - (1) Approximately 448,800 SF GFA retail/commercial, hotel or other major commercial land use with suitable development standards as outlined herein.
 - (2) All principal, accessory and special permitted land uses as permitted in the J2 Neighborhood Business District and J8 Hotel-Motel District are hereby

authorized and shall be permitted.

- (3) The maximum height shall not exceed five (5) stories without further authorization from the Board of Zoning Appeals.
- (4) Building and ground signage should be in general accordance with the Town Code provisions for J3 Zoning District for this zone.

c) Zone 2 – Community Office and Commercial Flex Zone.

i) Approximately 500,000 SF GFA office/flex/industrial area with suitable development standards as outlined herein.

- (1) All principal, accessory and special permitted land uses as permitted in the J4 Business District and L1 Industrial District are hereby authorized and shall be permitted, except all L1 Industrial District land uses authorized by Town Board special permits (restricted) (§ 85-309.1.) and principal outdoor storage uses are prohibited.
- (2) Accessory take out restaurant, restaurant or major restaurant uses are hereby authorized and shall be permitted.
- (3) The maximum height shall not exceed five (5) stories.
- (4) Building and ground signage should be in general accordance with the Town Code provisions for the J2 Zoning District.
- (5) Uses from Zone 1 and 1a may be intermixed with uses in zone 2 provided compliance with the Phasing and Supplemental EIS thresholds established herein for this development is demonstrated

d) Zone 3, 3a, 3b & 4 – Main Street Residence District, Zone, Village Residential District Zone, Transitional Residential District & Highway Residential District

i) Approximately 850 residential dwelling units with suitable development standards as outlined herein.

- (1) Residential component shall consist of the following units sizes:
 - (a) A minimum of thirteen (13%) of the dwelling units shall be equal to or less than 950 square feet of living space.
 - (b) Not more than thirty-nine (39%) of the dwelling units shall be greater than 1,500 square feet of living space.
- (2) A minimum of ten (10) percent residential dwelling units shall be maintained in perpetuity as affordable units. Each of the "Affordable" units shall be offered for an amount affordable to occupants whose incomes are at eighty (80) percent or less of the median family income for the Nassau-Suffolk region as published by HUD based on family size
- (3) Residential component shall consist of a minimum thirty-five (35%) percent senior or age-restricted dwelling units.

- (4) The owner or developer shall provide an area for outdoor recreational purposes for the use and enjoyment of the occupants of the development and their guests. Such recreational area shall be equal to or greater than the number of units multiplied by two-hundred (200) square feet for each dwelling unit.
- (5) The maximum height of the proposed residential component shall not exceed four (4) stories.
- (6) Conventional mixed use development (residential/office/first floor retail) may be

permitted upon request of the applicant along the main street east/west boulevard road subject to the determination of the Planning Board at the time of site plan review. The Planning Board hereby specifically is authorized to increase the maximum permitted office/retail and/or residential densities in order to permit this mixed use development type, provided compliance with the phasing and Supplemental EIS thresholds established herein for this development is demonstrated.

- e) **Phasing:** All development shall be in general conformance with The Meadows at Yaphank Master Plan "Phasing Plan – FGEIS Plan." However, at the time of site plan review the applicant may amend the Phasing Plan and the timing, sequencing and the ratio and mix of residential, commercial and industrial uses of the proposed development subject to the determination of the Planning Board and provided that the following provisions are met:
- i) The total number of potential school-age children generated by the residential component of the development shall not exceed 110, based on Rutgers University, Center for Urban Policy Research coefficients or other future equivalent or Planning Board accepted industry standard. An updated school children generation study, containing data from the existing residential units shall be prepared and submitted with each site plan to confirm that school district impact mitigation is appropriate.
 - ii) The wastewater flow generated by the entire development shall not exceed 310,000 gpd of measured flow and shall be treated in an STP approved by the SCDHS. The concentration of nitrates in recharge shall not exceed 2.5 mg/l at the southern property line of the 322-acre development site, as determined by mass balancing modeling contained in the Generic EIS.
 - iii) Traffic trip generation is not anticipated to exceed 1,513 trips during the weekday AM peak hour, 2,282 trips during the weekday PM peak hour and 2,274 trips during the Saturday midday peak hour. An updated traffic impact study shall be prepared and submitted with each site plan to confirm that off-site and on-site mitigation is appropriate.
 - iv) Total amount of residential development shall not increase by more than ten percent (10%).
 - v) Total amount of commercial/retail/office/flex/industrial space shall not increase by more than ten percent (10%).
 - vi) Clearing shall not exceed 65% of the overall site.
 - vii) Building heights shall not exceed the maximum heights contained in the PDD Master Plan.
 - viii) An updated parking analysis and usage study shall be prepared and submitted with each site plan to confirm that amount of existing/proposed parking is appropriate.
 - ix) Any variation from these thresholds that results in a significant adverse environmental impact as determined by the Planning Board shall require submission of a Supplemental EIS.
- 2) The applicant/owner shall provide the following PDD Public Benefits:

Yaphank Lake Invasive Species Remediation Fund \$2,182,500

**Residential Contribution as condition of Zoning
\$250,000**

**Commercial Contribution as condition of Zoning
\$250,000**

**Subsequent Residential Contribution
\$850,000**

**at the completion of Phase 2 or the issuance of the
Certificate of Occupancy for the 500th residential unit**

**Subsequent Commercial Contribution
\$832,500**

**at the completion of Phase 2 or the issuance of the Certificate of
Occupancy for 200,000 square feet of commercial/office/flex space.**

**Design & Construct 2 Baseball fields and 1 Multi-Purpose field
\$2,000,000**

**1 Multi-Purpose field & 1 baseball field by Completion of Phase 1
1 Baseball field by Completion of Phase 3**

**Construct 1,500 SF Pavilion & restroom for Athletic fields by completion of Phase 1
\$337,500**

**Construct 3,000 SF Community Building (LEED), by completion of Phase 2
\$1,000,000**

**Dedication of land for Athletic Fields & Civic Building
\$1,750,000**

7 acres @ 250,000/acre by completion of Phase 2

**Improvements to Dorade STP (existing flow only) (\$30/gallon X 140,000 gpd)
\$4,200,000**

as determined by Suffolk County Department of Health Services.

**Redemption of 5 PBCs (\$76,500/credit), at Site Plan Approval
\$382,500**

- a) Yaphank Lake Invasive Species Remediation Fund: A \$500,000 contribution shall be a condition of Zoning Approval, an \$850,000 subsequent residential contribution at the issuance of the Certificate of Occupancy for the 500th residential unit and an \$832,500 subsequent commercial contribution at time of Certificate of Occupancy for 200,000 square feet of commercial/retail/office/flex space. All contributions shall into the Yaphank Lake Remediation reserve account established by resolution number 2011-687.
- b) Design & Construct 2 Baseball fields and 1 Multi-Purpose field: The applicant shall construct a minimum seven (7) acres of public recreational amenities which shall include soccer/multipurpose field, ball-fields, fencing, parking, landscaping, lighting (no

ball field lighting), a restroom building, spectator stands and a concession stand located and accessible from a Town dedicated and maintained roadway, pursuant to the satisfaction of the Planning Board at the time of site plan review. Prior to the issuance of a Certificate of Occupancy for the 500th unit, the applicant shall have completed all improvements to the seven (7) acre public recreational amenity and dedicate it to the Town of Brookhaven.

- c) Construct 1,500 SF Pavilion & Restroom for Athletic Fields: The applicant shall construct a minimum 1,500 SF Pavilion & restroom for the athletic fields prior to the issuance of a Certificate of Occupancy for the 250th unit.
 - d) Construct 3,000 SF Community Building: The applicant/owner shall erect a minimum 3,000 SF GFA community center designed to meet the minimum design criteria for the Leadership in Energy Environmental Design for New Construction (LEED/NC) Green Building Standards, located and accessible from a Town dedicated and maintained roadway. Said community center shall be made available to the residents of the Town of Brookhaven. Prior to the issuance of a Certificate of Occupancy for the 500th unit, the applicant shall obtain a Certificate of Occupancy and dedicated the public recreational amenity to the Town of Brookhaven.
 - e) Dedication of land for Athletic Fields & Civic Building: See point 2b above.
 - f) Improvements to the Dorade STP. The 11.09 acre Dorade Sewage Treatment Plant (SCTM# 200-552-1-3) shall be upgraded to treat the existing flow from the Whispering Pines/Colonial Woods/Strathmore Ridge developments, Suffolk County Sewer District No. 8 and the anticipated flow from the proposed Meadows at Yaphank project, subject to the Suffolk County Department of Health Services. Public benefits shall only be derived for improvements to existing flow only.
 - g) Redemption of Pine Barrens Credits: At the time of conditional site plan approval (1st Phase), the applicant shall purchase and redeem a minimum of five (5) Pine Barrens Credits.
- 3) A minimum of thirty-five (35%) of the overall site shall be preserved in its natural and undisturbed state.
 - 4) Transportation and traffic safety measures will be required, implemented and completed by the project developer, subject to the determination of the New York State Department of Transportation (NYSDOT), and Suffolk County Department of Public Works (SCDPW) at the time of site plan review and approval. A list of preliminary transportation and traffic safety mitigation measures is provided in the Generic Environmental Impact Statement and Findings Statement. In addition, the developer will be responsible for all required traffic control devices, which may include signals, signs and pavement markings, within the internal roadway network in accordance with approved site plans.
 - 5) At the time of conditional site plan approval the applicant shall submit and agree to a perpetual future pedestrian and vehicular cross access easement for the entire facility, which agreement shall be subject to the approval of the Town Attorney. Upon execution by all parties, said easement agreement shall be filed as a covenant in the Office of the Suffolk County Clerk.
 - 6) At the time of conditional site plan approval the applicant shall submit and agree to a perpetual future pedestrian access easement for the public green spaces within the facility, which agreement shall be subject to the approval of the Town Attorney. Upon execution by all parties, said easement agreement shall be filed as a covenant in the Office of the Suffolk

County Clerk.

- 7) The applicant shall continue their efforts to provide and establish a shuttle linkage from the proposed project to the Brookhaven National Laboratory, the Long Island Railroad station at Shirley and/or the Long Island Railroad station at Yaphank. As part of each phased conditional site plan approval, the applicant shall provide shuttle linkage feasibility analysis to the Planning Board for their consideration and potential implementation.
- 8) As a condition of any future site plan approval, the applicant shall withdraw the prior site plan application entitled "Brookhaven Walk". Recreation and inspection fees received for "Brookhaven Walk" site plan application shall be utilized to off-set recreation and inspection fees for The Meadows at Yaphank site plan applications.
- 9) The applicant/owner shall continue their efforts to establish an emergency access route along the western property boundary to accommodate the recommendations of the Yaphank Fire Department. The applicant/owner shall cooperate with and/or act as agent for the Town of Brookhaven with regard to the cost of any preparation and submission of municipal permits, applications and supporting materials. The applicant shall, as deemed necessary, physically provide or reimburse the Town of Brookhaven for the cost of the emergency access route. Prior to each site plan approval, the applicant/owner shall provide an emergency route progress report to the Planning Board.
- 10) The following on-site drainage and storm water measures shall be required, implemented and completed by the developer subject to the determination of the Town of Brookhaven Planning Board. This list is not intended to be inclusive and will be subject to further review and determination by the agencies having jurisdiction.
 - a) The proposed project should be designed with a combination of stormwater retention methods that may include: rain gardens, reflecting pool, ponds, catch basin collection, leaching pools, wet meadows, natural retention and/or traditional stormwater retention areas, subject to the determination of the Planning Board.
 - b) Internal town roads proposed for dedication shall be designed to include separate drainage facilities, which may include a recharge basin, subject to the determination of the Planning Board and the Town Highway Department.
 - c) The applicant shall create a long term maintenance plan for all man made features that will come under jurisdiction of Chapter 81, Wetlands of Town Code including but not limited to: rain gardens, reflecting pool, ponds, catch basin collection, leaching pools, wet meadows, natural retention and/or traditional stormwater retention areas.

RESOLUTION NO. 2011-847
MEETING: October 4, 2011

ADOPTED
BY THE BROOKHAVEN TOWN BOARD

ADOPTION OF THE FINDINGS
STATEMENT FOR THE
APPLICATION OF THE
MEADOWS AT YAPHANK, LLC
A/K/A AVR REALTY FOR THE
MEADOWS AT YAPHANK
PLANNED DEVELOPMENT
DISTRICT

WHEREAS, the Town Board is currently considering the adoption of the project known as the Meadows at Yaphank Planned Development District and in conjunction therewith, at its April 12, 2011 meeting, accepted the Draft Generic Environmental Impact Statement (DGEIS) associated with said plan as complete and initiated a public comment period; and

WHEREAS, a public hearing on the DGEIS was held on May 10, 2011 and written comment period was concluded June 25, 2010; and

WHEREAS, on August 16, 2011 in connection with same a Final Generic Environmental Impact Statement (FGEIS) was accepted and 10-day comment period given; and

WHEREAS, in response to the submitted comments, questions and concerns as well as the Town of Brookhaven's own analysis, the Town Board is considering adopting said Planned Development District.

WHEREAS, pursuant to the requirements of Part 617.11 of the State Environment Quality Review Act a written Findings Statement must be prepared prior to the adoption;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the attached Findings Statement for the Meadows at Yaphank, LLC a/k/a AVR Realty for the Meadows at Yaphank Planned Development District is hereby adopted.

State Environmental Quality Review Statement of Findings

THE MEADOWS AT YAPHANK PLANNED DEVELOPMENT DISTRICT (PDD) APPLICATION GENERIC ENVIRONMENTAL IMPACT STATEMENT *September 20, 2011*

Pursuant to Article 8 of the New York State (NYS) Environmental Quality Review Act (SEQRA) of the New York State Environmental Conservation Law and Title 6 of the NYS Code of Rules and Regulations (6 NYCRR) Part 617, the Town Board of the Town of Brookhaven makes the following findings.

Name of Action: The Meadows at Yaphank PDD Application

Description of Action: The applicant seeks a change of zone from L-Industrial-1 (the westerly 172.20 acres: the former Suffolk Meadows racetrack) and J-Business-2 (the easterly 150.17 acres: the former Brookhaven Walk property), on 322.37 acres of an overall 333.46-acre combined project site, to Planned Development District (PDD). The PDD Master Plan proposes a mix of uses, which includes a hotel, restaurants, retail spaces, office spaces, office/flex spaces and multi-family residential units of various types, including senior units. The application includes an 11±-acre site occupied by the Dorade Sewage Treatment Plant (STP), which is currently in operation and serving as a wastewater treatment facility for Suffolk County Sewer District (SCSD) #8 and the Whispering Pines/Colonial Woods condominiums. A change of zone is not needed or requested for the STP parcel. The applicant will maintain at least 35% of the site in a naturally-vegetated state, in conformance with Town and Pine Barrens Plan requirements.

SEQRA Classification: Type I Action

Town File Number: 2010-011-CZ

Location: The project site is located at the northwestern corner of the interchange of William Floyd Parkway/County Route 46 (CR 46) and the North Service road of the Long Island Expressway (LIE) in the hamlet of Yaphank.

SCTM No.: 0200 55200 0100 001003 & 0200 58400 0200 001003 (322.37 acres, total rezone)
0200 55200 0100 00300 (Dorade STP)

Lead Agency: The Town Board of the Town Of Brookhaven,
Brookhaven Town Hall, One Independence Hill, Farmingville, New York 11738

Date Final Generic Environmental Impact Statement Filed: August 16, 2011

Contact for Additional Information:
Jeffrey Kassner, Director of Environmental Protection
Brookhaven Town Hall
One Independence Hill
Farmingville, New York 11738
(631) 451-6400

Statement of Certification: The Town Board of the Town of Brookhaven, as Lead Agency, has reviewed the Draft Generic Environmental Impact Statement (hereinafter referred to as the Draft GEIS) and the Final Generic Environmental Impact Statement (hereinafter referred to as the Final GEIS) and certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in these documents;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- It has considered and addressed all public comments to the Draft GEIS;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.
- Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable during the environmental review process.

Background of the Proposed Project:

The proposed project will establish a PDD featuring a high quality mix of residential, hotel/hospitality, retail, office and office/flex uses on the property, while providing the community with numerous benefits that could not be realized absent the use of the overarching PDD concept. The Meadows at Yaphank PDD would provide a total of approximately 850 residential units of various types, including age-restricted (i.e., seniors-only), non age-restricted, affordable/workforce and market-rate units, and a total of approximately 1,032,500 square feet (SF) of commercial spaces including approximately: 327,500 SF of retail spaces, 5,000 SF of restaurant space, 550,000 SF of office and office/flex space, and a 150,000 SF hotel. The term "*flex space*", as defined for this project and as accepted by the Town is commercial spaces suitable for occupancy by either office or warehouse use, of which no more than 30% would be occupied by office use, and no less than 70% would be occupied by warehouse use. Flexibility in zoning is essential to achieve the design and combination of uses associated with this project, in order to achieve the specific benefits important to the community, as reflected in the proposed project and consistent with the Town Board's legislative intent for the PDD. After the Town Board completes the current review process and renders a decision on the requested change of zone, which establishes a PDD and the Land Use and Development Plan for the site, detailed Site Plans will be prepared, in conformance with thresholds established through the GEIS process, the PDD code, covenants and restrictions imposed in a Town Board approval, consistent with the Land Use and Development Plan-FGEIS Plan, the Master Plan, and these SEQRA Findings.

The Meadows at Yaphank project site is an assemblage of three parcels, of which only one, the Dorade STP site, is presently developed. These parcels include the former Suffolk Meadows Racetrack (aka Suffolk Downs or Parr Meadows), the former Brookhaven Walk mall site, and the Dorade STP site. The Dorade STP holds a State Pollutant Discharge Elimination System (SPDES) permit for 140,000 gallons per day (gpd). This facility was previously designed and permitted for a wastewater flow of 450,000 gpd, and was intended to serve the Racetrack and Brookhaven Walk sites as well as other developments in the area. The original permit was subsequently reduced to 140,000 gpd because the Racetrack and Brookhaven Walk sites were never developed. The proposed project will restore treatment capacity to the original permitted flow of 450,000 gpd. The Meadows at Yaphank PDD proposes a design treatment level of 8 milligrams per liter (mg/l) Total Nitrogen. The reduction will be achieved by construction of a

replacement STP at the site and/or installation of newly developed treatment technologies to improve the existing plant. The applicant is committed to providing a Suffolk County Department of Health Services (SCDHS)-approved facility necessary to treat the 450,000 gpd flow at the plant at the 8 mg/l total nitrogen discharge limit.

The project has been evaluated pursuant to ARTICLE XXXIIA, Planned Development District, Section 85-340 A. of the Town Zoning Code and has been submitted to conform to Section 85-340 A. (3) of the Town Code that authorizes changes in land use from the base zoning of the property. The project is also designed to include a number of Special Public Benefits in lieu of Pine Barren Credits to meet the specific needs of the local and regional community. The following list of Special Public Benefits is the result of discussions between the Town and applicant, and also reflects community input received during the course of project design as well as after the public hearing on the DGEIS.

1. Carmans River Invasive Species Remediation Fund:	\$2,182,500
2. Dedication of 7 acres of land for Athletic Fields & Civic Building	\$1,750,000
3. Design & Construct 2 Baseball fields and 1 Multi-Purpose field	\$2,000,000
4. Construct 1,500 SF Pavilion & restroom for Athletic fields	\$337,500
5. Construct 3,000 SF Community Building (LEED)	\$1,000,000
6. Redemption of 5 PBCs (\$76,500/credit) at Site Plan Approval	\$382,500
7. Improvements to Dorade STP (existing flow only)	\$4,200,000
TOTAL	\$11,852,500

The project will feature coordinated architectural styling for the residential structures and commercial areas, as well as for all street furniture and amenities (e.g., lighting fixtures, signage, benches, trash receptacles, kiosks, fountains, etc.).

Critical elements of design include retention of open space and energy efficient design to achieve conservation and energy reduction goals. Approximately 36.75% of the overall site (122.53 acres) would be retained as natural open space in conformance with the Vegetation Clearance Limits outlined in the Pine Barrens Plan. A 0.44 acre freshwater wetland will be created, to mitigate the impact of the loss of a 0.22-acre Town-regulated wetland. The project will comply with the Standards and Guidelines for a Development of Regional Significance (DRS) under the Pine Barrens Plan, which requires retaining at least 35% of the site as natural vegetation. In addition, maximum nitrogen concentration in site-generated recharge will be less than 2.5 mg/l, in conformance with the Pine Barrens Plan.

The project includes a community center and parking at the proposed Town Park, with a multi-purpose field and two baseball fields.

Stormwater management will feature handling methods to enhance surface treatment and quality recharge. The system will include rain gardens and surface detention areas, engineered stormwater ponds and wet meadow areas for bio-retention within the development, and two recharge basins that will serve the Yaphank-Woods Boulevard and Yaphank-Woods Boulevard Extension. All construction will involve energy efficient design and water conserving measures and, if viable and pre-requisites are met, the applicant may pursue certification for the project, or for individual components thereof, under the Leadership in Energy and Environmental Design (LEED®) Certification Program.

The heights of the structures are greater than those allowed as-of-right in the J-Business-2 and L-Industrial-1 districts (35 feet/2-1/2 stories and 50 feet/3 stories, respectively) from which the site is to be rezoned. Town Code Section 85-340 C. Dimensional requirements, allows the Town Board and Planning Board to vary the dimensional requirements of an underlying zoning district when approving a PDD. The

PDD provides for flexibility of zoning requirements and the proposed height is in keeping with the type of development proposed and the overall concept of the mixed-use development. With respect to building heights, under the PDD Master Plan, the hotel/office buildings are designated up to 5 stories/75 feet; apartments/condominiums up to 4 stories/65 feet; townhouses up to 3 stories/45 feet; retail space up to 2 stories/35 feet.

The Town Board may require a covenant to ensure that the workforce units and the households that occupy them will be and remain affordable, and are only to be occupied by qualified households, as defined by the Town.

Summary of the SEQRA Process:

On July 20, 2010 the Brookhaven Town Board adopted a Positive Declaration for the change of zone application known as The Meadows at Yaphank. The basis for the Positive Declaration was as follows: Section 617.14(b)(6)(i) of the SEQRA regulations indicates that a proposed project that involves the physical alteration of 10 or more acres of land is a Type I Action and, as a result, is more likely to have a potentially significant adverse impact on the environment. Accordingly, the Town Board, as the SEQRA Lead Agency, determined that a Generic Environmental Impact Statement would "...provide the best means to systematically consider significant adverse environmental impacts, alternatives and mitigation, and to facilitate the weighing of social, economic, and environmental factors."

The Draft GEIS was submitted to the Town Board on January 20, 2011 and was accepted as complete by that agency (as lead agency under SEQRA) on April 12, 2011; notice of this event was published in the Environmental Notice Bulletin (ENB), April 20, 2011 edition. The Draft GEIS was distributed to the involved agencies and recorded parties of interest, and the document was posted on the Town's website. A public hearing was held on the rezone application and Draft GEIS on May 10, 2011, and the lead agency accepted written public and agency comments through June 25, 2011. The comments were collated and addressed in the Final GEIS, which was accepted by the Town Board on August 16, 2011. A Notice of the Acceptance of the Final GEIS was then forwarded to the ENB. The Final GEIS was subsequently circulated to involved agencies and parties of interest and was posted on the Town's website, as well as the project's website.

Relevant Project Impact Discussions and Findings:

The following lists the issues of concern expressed by the Town Board in its Positive Declaration, to be addressed in the Draft GEIS. After each issue, is a discussion of the anticipated impacts of the proposed project, followed by the requisite Finding.

- 1. Land Use, Zoning and Plans:** *The conformance of the proposed action with applicable land use plans, zoning and land use patterns should be determined.*

Land Use

The discussions and analyses in the Draft GEIS establish that the proposed project is an appropriate development for the site and in an area of the Town that can accommodate such development. No significant adverse impacts on the land uses in the vicinity have been identified, and the project provides increased tax revenue, numerous jobs, a permanent use of land, preservation of natural resources, and introduces workforce and senior units in a diversity of housing unit sizes, in a mixed-use development that incorporates sense-of-place, walkability and public amenities through design.

The guiding principle of this proposed PDD is to locate a mix of residential, commercial and office land uses on the property, while providing the community with benefits that could not be realized absent the use of the overarching PDD concept. The project sponsor has invested considerable resources in site reconnaissance, conceptual planning and meetings with community representatives including civic leaders and school board members, to fully involve the stakeholders in the development of a PDD concept that meets the goals of the Yaphank community. Based on this input, the proposed project plan situates residential use on the north side of the site, adjacent to the existing multi-family uses (i.e., Whispering Pines and Colonial Woods). This provides for a more appropriate land use transition and improved compatibility as compared with the existing industrial and commercial zoned land in these areas of the site.

Zoning

The Draft GEIS establishes that the proposed PDD represents an opportunity to develop a mixed-use community incorporating attractive design features, coordinated traditional architectural design, and public benefits in lieu of as-of-right industrial and commercial development. The intent of a PDD is clearly to provide a more suitable development proposal that gives back to the community by providing special public benefits that meet the individual needs of the surrounding community as well as the inherent benefits of creating a village center for the entire community to enjoy. With respect to justifying a PDD, Town Code Section 85-340A.(3), specifies: *"The Town Board, subject to its determination that the change of use is appropriate in helping to implement the legislative intent of PDD zoning, may permit such change, provided that the resultant final impacts in terms of sewage and traffic generation are not adverse."* The Draft GEIS contains a detailed analysis supporting the requested change of zone. The analysis shows a considerable decrease in traffic generation in comparison to potential build out over the current zoning. Whereas sewage generation is predicted to increase, this is consistent with the original design of the Dorade STP and the previously expected development and sanitary flow of the subject parcels.

Town Code Chapter 85, Section 85-340A.(5) states: *"In lieu of some PBC's [pine barrens credits], applicant may request, and the Town Board may grant, zoning incentives in the form of increased density or change of use in return for the provision of special public benefits as defined in this article."* Chapter 85, Section 85-340 B.(1) further reinforces the concept that PBC's, combined with special public benefits, may be used to allow requested changes of use, and Section 85-340 B.(2) outlines the relevant economic analyses that should be provided to assist the Town Board in making a determination.

Overall, the Meadows at Yaphank PDD will be a community that provides many benefits for the people that will live and work in or near it, as well as for the residents of nearby hamlets and employees of nearby job centers such as Brookhaven National Lab (BNL), Clare Rose and the Brookhaven Industrial Park (aka Tri-Tec Industrial Park). In addition, to promote the mixed use development concept proposed by the PDD, mixed use buildings should be encouraged along the main boulevard of the development in order to support the creation of a main street downtown environment. No significant adverse zoning impacts have been identified and the conversion of zoning from L-Industrial-1 / J-Business-2 to PDD will provide benefits over the existing as-of-right zoning in terms of a mixed-use development that provides special public benefits and serves greater public need.

Land Use Plans

The 1996 Brookhaven Comprehensive Land Use Plan (1996) - The proposed PDD conforms to the Plan Update recommendation of "Planned Development" for the subject site. It would provide lands for public open space and public utilities, with commercial and residential uses; it will generate significant public benefits to the school district and community. The PDD design specifically includes preserved land for

aesthetic buffering and environmental preservation, and retains much of the naturally-vegetated perimeter buffers that have remained despite previous development on the properties. The project conforms to the intent and other recommendations of the Plan.

The Longwood Mini-Master Plan (January 1993) - The Longwood Mini-Master Plan is a supplement to the 1996 Brookhaven Comprehensive Land Use Plan. This Plan provides planning goals and identifies existing problems and needed public facilities for the communities in the Longwood area, which includes Coram, East Yaphank, Yaphank, Middle Island and Ridge. The project conforms to the recommended Planned Unit Development (PUD) mixed-use land use for the subject parcel. In addition, the proposed project will conform to many of the identified general goals of the plan.

Central Pine Barrens Comprehensive Land Use Plan - The proposed project is a DRS, and therefore must comply with the Standards and Guidelines of the Pine Barrens Plan. The Draft GEIS includes a detailed analysis of the consistency of the project with the standards and guidelines of the Pine Barrens Plan. Some key findings include the following:

- The proposed project conforms to the maximum amount of clearing allowed under the Vegetation Clearance Limits.
- The project will maintain at least 35% of the site in a naturally-vegetated state, in conformance with Pine Barrens Plan requirements.
- The proposed project ensures that retained natural vegetation on the site aligns with other off-site open space to provide an open space continuum with other publicly-owned land and permanent open space in the area of the proposed project site.
- The proposed project provides much less than the maximum of 15% of the site area allowed to be planted as fertilizer-dependent vegetation.
- The proposed project meets and in fact is less than the stricter guideline of 2.5 mg/l of nitrogen recharge for sites in proximity to wetlands, ponds and surface waters.

Finding 1: The proposed project will change the land use classification and zoning of the site. However, neither of these changes would result in significant adverse impacts to the land uses and zonings of the properties in the vicinity, as significant buffers are retained within the subject site. The project will result in changes to the patterns of land use and zoning in the area, by introducing mixed-use development (within a new PDD zone). The proposed project conforms to the overall intent of the recommendations of the 1996 Brookhaven Comprehensive Land Use Plan, as well as to the specific recommended land use of the subject site. The proposed project is consistent with the Longwood Mini-Master Plan. The proposed project as described in the Draft GEIS conforms to Article XXXVII, Central Pine Barrens District Section 85-443 of the Town Code, and the Standards and Guidelines of the Pine Barrens Plan for a DRS.

2. Socioeconomic Conditions: *The residential development resulting from the proposed change of zone may generate additional school-aged children that could increase the tax burden to the school district and could exceed the capacity of the school district's infrastructure.*

The Final GEIS indicates that the proposed project will continue to minimize the magnitude of a potential enrollment impact to the Longwood Central School District (LCSD). Specifically, the project would generate a total of 108 school-age children. This is to be achieved while retaining commercial development, so that a significant amount of school taxes would be maintained that would substantially exceed the costs to the district for increased expenditures necessitated by these schoolchildren. In addition, of the approximately 850 residential units, approximately 303 are proposed as retirement units

and other units will be smaller than single-family homes, such that school children are minimized and tax revenue is maximized.

Using current tax rates and state aid, it is projected that the school district will receive an estimated \$6.902 million annually in school taxes in excess of the costs to provide services to these students, which is a significant net fiscal benefit to the LCSD.

Finding 2: The proposed project will provide increased revenue to all service providers, particularly to the LCSD, and will not create a burden on existing community services, including the LCSD. In fact, the proposed project would result in a significant excess in school taxes versus the increased school district expenditures made necessary by the project's increase in enrollment.

3. Community Character: *The project is anticipated to have a significant effect upon the general character of the community (as expressed in aesthetics, lighting and noise conditions), and various effects upon the local utility and emergency services.*

Aesthetics and Lighting

The Draft GEIS determined that the proposed project would not represent a significant adverse impact on the character of the community from lighting or aesthetic effects, with implementation of the proposed mitigation measures and in conformance to applicable Town regulations.

Noise

The Draft GEIS contained a computer modeling analysis of the potential noise impacts of the prior-proposed project. That study found no increase in sound levels along William Floyd Parkway, and an increase of less than 1.0 decibel along the LIE North Service Road. Neither of these levels could be differentiated from the existing ambient conditions by the human ear. To do so would require a differential of at least 3.0 decibels. Therefore, it can be concluded that the project will have no significant adverse impact upon the sound/noise environment of the project area.

Construction noise is inevitable in the short term and will be audible to surrounding residents; however, this impact is unavoidable and will be mitigated by limiting construction to hours regulated by the Brookhaven Town Code. In addition, the dominant noise associated with existing transportation corridors will tend to minimize the effect of noise generated on the project site. It is also noted that construction will occur on the interior of the site and there are no nearby receptors, as existing residential development is well to the north with intervening woods and the Yaphank-Woods Boulevard corridor. Consequently, construction noise is not anticipated to cause significant adverse impacts.

Water Supply

The Draft GEIS acknowledges that the proposed project will increase the consumption of water on the subject site as well as in the area. It is expected that the potable water consumed by the project would be supplied from Suffolk County Water Authority (SCWA) Distribution Area #18 (the William Floyd Parkway wellfield), via the existing 16-inch service beneath CR 46 and the 16-inch main beneath Yaphank-Woods Boulevard. A new internal distribution system will be installed to convey water supply to the various uses within the property. Installation will conform to the requirements of SCWA and the Suffolk County Department of Health Services (SCDHS) as appropriate. A Letter of Availability has been requested from the SCWA indicating that it will be able to supply water to the project pursuant to its charter for water supply.

Police Protection

The Draft GEIS acknowledges that the proposed project would incrementally increase the potential need for the services of the Suffolk County Police Department (SCPD), particularly of the 7th Precinct, which is located nearby to the south on William Floyd Parkway / CR 46. This increase in the potential need for services is not expected to create a significant impact on the ability of the SCPD to provide such services. It is expected that the project will result in a significant increase in annual tax revenue for the SCPD from this property, which is expected to offset the costs to provide the increase in police services.

Fire Protection

The Draft GEIS acknowledges that the proposed project would incrementally increase the potential for need of the fire-protective services of the Yaphank and Ridge Fire Departments. However, based on the level of personnel experience and proximity of its facilities, these increases in the potential for need of these services are not anticipated to be to levels that would cause a significant impact on the ability of these two departments to provide services. The significant increases in tax revenues for each of these fire departments would offset any increase in costs of services (in the form of equipment and/or personnel) related to the development. The Draft GEIS discussed the route of a potential emergency Yaphank Fire Department access to the project site, via Main Street and through the Town-owned Greenbelt, which is within the Pine Barrens Core Preservation Area. The access to the proposed 18-foot wide stabilized emergency roadway would be controlled via a fire access gate. Inspection of the 1,600-foot route indicates that the existing cleared portion of the roadway varies from 20 feet to 37 feet in width from the paved section of the Long Island Expressway (LIE) North Service Road and north. The Town may engage in activities needed to re-establish this access route on municipal land for public safety purposes that would allow faster response time to the proposed project as well as to Colonial Woods/Whispering Pines. The applicant will assist with facilitating the re-establishment of this access upon request by the Town, and the project design provides the opportunity for this connection to and through the project site. The portions of the Greenbelt that are in a natural state will remain so, provided the potential for emergency access is restored by the Town for public safety purposes; as noted, this area was historically used for this purpose and is predominantly cleared. The function of the Greenbelt trail as a regional north/south trail system is not expected to be compromised as a result of providing the potential for emergency use.

Finding 3: The proposed project will change the land use of the site, and will develop the majority of the property. However, these changes alone would not constitute a significant adverse impact on the character of the community; the project will retain a considerable amount of bordering natural vegetation and other natural resources on the site, and has been designed to minimize other impacts associated with development, such as lighting, aesthetics and noise. The community services available to the proposed project will experience increased or, for emergency and safety services, potentially increased, need of community services. However, it is expected that the project will substantially increase taxes allocated to these service providers, which would offset the increased costs of services provided. Analysis in the GEIS indicates that the Town may engage in minor activities on municipal land that are needed to provide emergency services to its residents, so that the proposed access for the Yaphank Fire Department would be viable.

4. Transportation: *If granted, the proposed change of zone could increase the amount of traffic on the William Floyd Parkway, the LIE, and Yaphank-Woods Boulevard as well as alter travel patterns. The impact of the additional traffic at the key intersection of the William Floyd Parkway and the LIE could be significant. The traffic system in the area requires a comprehensive evaluation for the proposed project.*

It is noted that the proposed project will generate fewer vehicle trips than if the site were developed as-of-right under its existing zones. Specifically, the Meadows at Yaphank PDD would generate 14% fewer

trips in the weekday AM peak hour, 40% fewer trips in the weekday PM peak hour, and 41% fewer trips in the Saturday midday peak hour than the industrial and commercial development allowed under the existing L-Industrial-1 and J-Business-2 zones.

Intersection Capacity Analyses

Signalized Intersection Capacity Analysis

With the anticipated background growth and specific background projects, the overall intersection level of service (LOS) at all of the signalized intersections will continue to operate at an overall LOS C or better during the AM, PM and Saturday midday peak hours.

The capacity analyses for the Build condition at all of the signalized intersections in the study area accounts for the anticipated diversions due to the proposed roadway and ramps. This analysis also accounts for a traffic signal at the proposed site driveways.

Unsignalized Intersection Capacity Analysis

The capacity analyses for the unsignalized intersections in the study area were conducted for the No Build and Build conditions. Under the Build condition, a new unsignalized site drive intersection is proposed on Yaphank-Woods Boulevard.

For the Build condition, the analysis accounts for the anticipated diversions due to the proposed new roadway and ramps.

For the No Build Conditions, the intersection of Yaphank-Woods Boulevard/Colonial Woods Drive will operate at LOS A during all three time periods. For the Build condition, the intersection will operate at LOS B during the morning and evening peak hours and LOS A during the Saturday peak hour.

The proposed site driveway on Yaphank-Woods Boulevard will operate at LOS A during the weekday AM peak hour volume and LOS B during the weekday PM and Saturday midday peak hours.

Supplemental Analysis – Without Other Developments

The No Build and Build analysis included a significant amount of background development as requested by the Town Planning Division. A number of these developments have not yet received their required permits, and project-related mitigation has not been identified. Therefore, potential future roadway improvements associated with these other projects could not be incorporated into the analysis. The analysis is very conservative in that it included traffic associated with the other developments, but did not include potential improvements associated with other projects.

To provide an additional indication of the impact to operations at the signalized intersection, a supplemental year 2015 analysis was also conducted for the signalized intersections which included the proposed Meadows at Yaphank project in addition to a 2% per year annual growth rate, but does not include the other potential developments. This supplemental analysis was performed for two conditions.

The overall intersection of William Floyd Parkway/Moriches-Middle Island Road operates at LOS D during the evening peak hour. The rest of the study area locations all operate at an overall LOS C or better during the peak hours.

The supplemental analysis was also conducted at the two signalized intersections where improvements are proposed as part of the proposed development. With the proposed improvements at the intersection of William Floyd Parkway/Site Driveway, the intersection would operate at LOS A during the weekday morning and LOS B during the weekday evening and Saturday Midday peak hours. This would be true

for both conditions, with the other developments and without the other developments. With the proposed improvements at William Floyd Parkway/Yaphank-Woods Boulevard, the intersection would operate at LOS B during the weekday morning, weekday evening peak hours and Saturday midday peak hours. This would be true for both conditions, with the other developments and without the other developments.

Public Transit

As there are no public bus routes that currently serve the site, the proposed project would not impact these resources. The project may represent a significant justification for Suffolk County Transit to revise one or more of its existing bus routes to serve the site, or cause it to institute an entirely new route for that purpose. As noted in the traffic impact study (TIS):

The proponent is committed to working with the Suffolk County Transit to facilitate modifications to bus routes to provide service to the site. The proponent will also work with Suffolk County Transit to identify locations on-site for dedicated bus stops.

In addition to working with Suffolk County Transit to establish public bus service to the site the proponent will provide a private shuttle bus from the site to the local train stations (Mastic/Shirley & Yaphank) and BNL. This service would be based on demand.

Mitigation

- Widen Yaphank-Woods Boulevard eastbound approach to provide an additional left turn lane. The existing 9-foot northbound left turn lane will be widened slightly to accommodate a full 12-foot wide left turn lane.
- Provide right-in/right out driveway onto CR 46.
- Widen the northeast loop ramp from CR 46 northbound to the LIE North Service Road westbound from one to two lanes.
- Construct a new public roadway between Yaphank-Woods Blvd. and the LIE North Service Road.
- Construct a new signalized intersection at the proposed main site driveway onto CR 46. Coordinate the traffic signal with the existing signal at the intersection of CR 46/Yaphank-Woods Blvd.
- Improvements to westbound LIE access from LIE North Service Road.
- Widen the eastbound LIE off-ramp onto the South Service Road from one lane to two lanes to accommodate the off-ramp volume.

Finding 4: Although there will be an increase in vehicle trips generated by the project over present conditions, the PDD will generate substantially fewer trips than development under existing zoning. With the recommended roadway improvements, the proposed project will not cause a significant adverse impact on traffic conditions. Based on the TIS as reviewed and accepted by the Town and New York State Department of Transportation (NYSDOT), by implementing the recommended roadway improvements associated with the proposed project, the signalized and unsignalized intersections will be able to handle the expected 2015 traffic volumes.

5. Water Resources: *Impacts upon groundwater from water use and sanitary disposal systems must be evaluated. Reductions in ground water quality by sanitary discharge, lawn fertilization and roadway salting should be evaluated. The potential for the groundwater contamination within and emanating from the nearby Brookhaven National Laboratory site to impact the proposed project, and the volume of recharge water anticipated to be generated from the project site, should be addressed.*

The Final GEIS indicates that the proposed project represents a 60.06% increase in recharge generated on the property, as compared with the existing recharge volume. The upgrade of the Dorade STP would produce effluent below discharge limitations, specifically treating to 8 mg/l. All wastewater will be conveyed to the Dorade STP for treatment and recharge at that location, and recharge of stormwater through a combination of point of generation recharge locations, rain gardens, leaching pools, bio-retention areas and stormwater recharge reserve areas will ensure distribution of recharge systems across the site and as a result will prevent mounding of groundwater underlying the site. It is anticipated that groundwater flow underlying the subject site will continue to flow in a southwesterly direction based on regional hydrology. Furthermore, Long Island subsoils are highly permeable with a greater hydraulic conductivity in a horizontal direction, allowing recharge water to rapidly be assimilated into the upper aquifer. The depth to groundwater below the recharge areas is no less than approximately 68 feet; therefore, any change in groundwater elevations as a result of recharge would not result in flooding consequences. As a result, there are no significant hydrogeologic impacts expected as a result of the proposed project.

The Draft GEIS referred to the Nationwide Urban Runoff Program (NURP) Study, which addressed chloride contamination to groundwater, through stormwater runoff recharge. The review found that chloride concentrations in stormwater generally increase by two orders of magnitude during the winter months. Chloride is not attenuated in soils, and thus it is anticipated that the amount of chloride contributed to groundwater will be correlated with the amount of salt applied to roadways and parking areas within the stormwater drainage area, during winter months. The analysis contained in the Draft GEIS concludes that the proposed project conforms to the recommendations of the NURP Study with respect to stormwater handling. In addition, innovative stormwater management techniques will be used to promote surface detention and biological uptake of stormwater pollutants; these will be incorporated into the project during the site plan review process.

As the contaminant plumes originating within BNL are oriented in a northwest-southeast direction well to the east of the proposed project site, these plumes will continue to have no impact on groundwater beneath the project site. Conversely, the recharge originating on the project site will not impact the orientation of these plumes.

The SONIR computer model results indicate an overall concentration of nitrogen in recharge of 2.20 mg/l. This concentration is substantially less than the drinking water standard of 10 mg/l. Therefore, the project is not expected to result in significant adverse effects to groundwater quality with regard to nitrogen loading.

Finding 5: No significant adverse impacts to groundwater quality are expected as a result of the proposed project; the project would result in a considerable increase in overall site-generated recharge. No impact to the direction of groundwater flow is anticipated, and the contaminant plumes from BNL will continue to have no impact on groundwater beneath the subject site. The stormwater system will be designed in accordance with Town Code Chapter 86 to ensure that all stormwater is retained on site, and will not run off to adjacent properties. Analysis of the NURP Study indicates that the level of chloride impact to groundwater correlates with the wintertime use of roadsalts.

6. Dorade Sewage Treatment Plant: The applicant has proposed the upgrade of the Dorade STP and connection of the project to the upgraded facility. Despite the originally permitted flow of 450,000 gallons per day (gpd), the proposed increase of 280,000 gpd of treated sanitary wastewater generated from the project and recharged within a sole source aquifer will need to be evaluated. The proposed connection pathway of the project to the upgraded facility will need to be determined and examined.

The Draft GEIS confirms that, in order to meet SCDHS and Suffolk County Sanitary Code (SCSC) Article 6 requirements, the proposed development will be connected to the Dorade STP. The plant will be upgraded to treat the existing flow of 140,000 gpd and some additional project flow through phased improvements to the STP. Once the capacity of the existing STP is reached, a replacement plant will be constructed and eventually built to the original permitted flow of 450,000 gpd. This will be sufficient to accommodate the anticipated total flow from the proposed Meadows at Yaphank project, which is expected to be 275,050 gpd, of which the sanitary flow is 271,050 gpd. This provides a direct benefit of improving the quality of discharge associated with the existing 140,000 gpd that enters the STP from Whispering Pines/Colonial Woods and SCSD #8. Therefore, as a result of this project, the Dorade STP will have the capacity to treat all wastewater generated on-site and from the existing developments, and its maintenance will continue to be subject to review and approval by the SCDHS and the New York State Department of Environmental Conservation (NYSDEC) under the State Pollutant Discharge Elimination System (SPDES) permit program.

At the appropriate time, an Engineering Report will be prepared for the upgrade of the Dorade STP to the 450,000 gpd covered by the original SPDES Permit. This flow can then be restored, as the STP will have the capability to treat this volume. The upgrade will occur in two stages. First, the existing tankage will be upgraded to accommodate at least 225,000± gpd, including the proposed project and the existing 140,000 gpd now treated at the plant. Once the project causes the flow to exceed this volume, a replacement 450,000 gpd STP will be constructed to accommodate the full permitted flow.

The replacement plant will be designed and operated to meet an effluent limitation for total nitrogen of 8 mg/l. The plant will be monitored under the terms of the SPDES permit to ensure compliance. The STP design and construction will be subject to review and approval by the Suffolk County Department of Public Works (SCDPW) and the Suffolk County Sewer Agency (SCSA). SCDHS will act as an arm of the NYSDEC for modification of the existing SPDES permit to permit the original design flow.

The Final GEIS indicates that there are two access and sanitary easements to the STP facility: a 20-foot wide combined access and utility easement along Parr Village Drive (now Colonial Woods Drive West) from Yaphank-Woods Drive to its intersection with the access roadway to the Dorade parcel (Hopkins Commons Drive and Franklin Commons Drive also access this roadway). At this point, the easement divides into separate access and utility easements. The western fork is an access easement that continues northward along this road alignment, into the Dorade parcel. The eastern fork, a 20-foot wide utility easement, provides for an underground sanitary sewer connection beneath Franklin Commons and into the treatment tanks of the STP. Research indicates that both access and utility easements to the Dorade STP property were established in 1973, when that facility was planned.

Finding 6: The design, construction and operation of the Dorade STP upgrade and restoration to its originally-permitted flow will be subject to the review and approval of the SCDHS and NYSDEC, ensuring that no significant adverse impacts to groundwater resources will occur. Analysis indicates that adequate access is available to the STP from the project site.

7. Ecological Resources: *The construction and change in land use may adversely impact local flora and fauna. Much of the project site is vegetated and provides natural groundwater recharge in a sensitive sole source aquifer area. Locally important wildlife and vegetation resources exist on the site in question. Impacts to these resources need to be identified and addressed. Significant loss of open space and wildlife areas is anticipated.*

Freshwater Wetlands

Analysis indicates that the proposed project would not impact either of the two NYSDEC-designated wetlands (B-15, near the Dorade STP, and B-16, within the former Brookhaven Walk parcel) in the vicinity. Buffers of at least 150 feet in depth will be provided around these features. For wetland B-16, 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 this wetland, respectively. The area of disturbance associated with the former Brookhaven Walk project would retain the 150-foot setback from the south side of this wetland area; it is also noted that all structures will be situated greater than 175 feet from this wetland and no natural woodland will be cleared. As a result, the project will not require a Town Code Chapter 81 Wetlands and Waterways Permit from the Town of Brookhaven for disturbance within 150 feet of this wetland and similarly, the proposed project will not require an Environmental Conservation Law (ECL) Article 24 Freshwater Wetlands permit from the NYSDEC.

NYSDEC Wetland B-15 is situated approximately 112 feet southwest of the Dorade STP parcel and approximately 390 feet southwest of existing disturbed cleared areas on that parcel. The upgrade to the STP, which is currently underway, will not cause further increase in cleared areas on the parcel and will have a positive benefit by improving the effectiveness of the plant, enabling it to consistently meet required effluent nitrogen levels. Future process upgrades to restore the previously permitted flow of the STP in conjunction with the revised plan is anticipated to require only 1.50 acres of additional clearing, but this disturbance is anticipated to occur east of the existing recharge areas and would not result in any clearing closer to the wetland. The applicant will contact NYSDEC and obtain an Article 11 "no-take" determination with respect to the amount of clearing proposed on the Dorade STP site. Analysis conducted for the Final GEIS found that the minor amount of clearing on the Dorade site will conform to the policy guidelines of the NYSDEC with respect to retention of tiger salamander habitat. No Article 24 NYSDEC Permit or Chapter 81 Permit would be needed for this wetland.

None of the three wet depressions on the site are NYSDEC-regulated wetland features. The wetland in the wooded area in the southwestern portion of the site will remain undisturbed. The eastern-most depression, abutting CR 46 and approximately 0.02 acres, and would be retained under the revised plan, to be incorporated into a larger area of contiguous natural land to the south. This would be subject to review by the Town and permitting by the local agency, as appropriate.

The larger and disturbed 0.22±-acre Town-regulated wetland within the former racetrack oval was a recharge basin serving that facility. It would be removed as part of the revised project. The Town of Brookhaven staff has determined that this feature meets the definition of a freshwater wetland per Chapter 81 of the Town Code. The revised project would create a 0.44 acre pond and wetland complex in the southwestern corner of the site, adjacent to the Town Greenbelt, which would allow it to be contiguous with preserved woodlands, and provide a 2 to 1 mitigation for the loss of this feature. A Chapter 81 Town Wetland Permit will be necessary for the removal and replacement of this wetland.

Vegetation and Habitats

The impacts to the ecological resources of a project site are generally a direct result of clearing of natural vegetation, increase in human activity and associated wildlife stressors, and the resulting loss and fragmentation of wildlife habitat. The majority of the site (57.85% or 192.89 acres) was previously cleared for development and an additional 18.04 acres of natural vegetation will be cleared. The proposed development will primarily occur within these prior cleared areas, resulting in a total proposed developed area of 63.25% of the site (210.93 acres). This is less than the total allowable Pine Barren clearing area of 65% of the overall site (216.75 acres).

Ultimately, the site will continue to offer preserved woodland vegetation along its perimeter contiguous to the adjacent woodlands off-site. In the central portion of the property, there will be a significant increase in landscaped habitats. Additional acreages will be established in recharge areas with the potential for large areas to be seeded with native and non-invasive herbaceous vegetation. Finally, the revised project includes the creation of a new 0.44-acre wetland, in an area adjacent to the Town Greenbelt.

The overall ecological character of the subject site will change as a result of the development of the interior of the site, but the impact of this change will be minimized through the preservation of existing relatively contiguous woodland around its perimeter. The project seeks to dedicate a large, contiguous block of open space on the subject site, which will remain as natural woodland and continue to provide ecological benefit to the site. Over 36% of the site will remain natural woodland vegetation, largely along the northern, southern and eastern boundaries. Furthermore, the proposed pond/wetland systems and recharge areas will provide diversity of habitat that may attract additional species of wildlife.

The proposed project is consistent with the recommendations of the Brookhaven Open Space Study (1985) and the 1996 Brookhaven Comprehensive Land Use Plan (1996), as it would retain approximately 36.75% of the site (122.53 acres) as preserved open space in the form of woodland and forested wetland vegetation, and provide for a future pedestrian access to public trails in the adjacent Town Greenbelt. The applicant will maintain at least 35% of the site in a naturally-vegetated state, in conformance with Town and Pine Barrens Plan requirements.

Wildlife

The clearing of successional habitats and some wooded area will cause a direct impact on the abundance and diversity of wildlife using the site. The project will reduce habitat resources for those species that prefer vast expanses, open fields and shrublands, but will have significantly less impact on species that rely on woodlands. The species currently expected on-site are relatively tolerant of human activity, but there is potential for less tolerant species to utilize the site and they will be less likely to do so following development. It is expected that on-site wildlife (particularly birds) will move to the preserved and undisturbed areas on the property and adjacent lands during construction. As only a small (0.22 acre) reduction in the on-site wetlands would occur, and surrounding woodland will not be disturbed, no significant amount of impact is anticipated with regards to wetland fauna.

In the short term, undisturbed portions of the property and lands adjacent to the subject property will experience an increase in the abundance of some wildlife populations due to displacement of individuals by the construction phase of the proposed project. Mobile species and particularly large mammals such as deer would be expected to relocate to the preserved portions of the property where large contiguous areas of open space will remain. Ultimately, there is expected to be a net decrease in population size for most species. The effect on the density and diversity of regional populations should be minimal.

Rare and Endangered Species/Unique Habitat Potential

No rare or endangered species are expected on the site given the habitats present and extensive field surveys. The Cooper's hawk, Horned lark, osprey, Eastern spadefoot toad, Eastern hognose snake and Eastern box turtle are species potentially expected on site which are listed as special concern species. Although there is documented concern about their welfare in New York State, these species receive no additional legal protection under ECL Section 11-0535. This category is presented primarily to enhance public awareness of these species that bear additional attention. The pine-oak forest which may potentially be utilized by the Eastern tiger salamander population previously documented in the kettle pond wetland near the Dorade parcel is approximately 2,800 feet from the breeding pond and will not be disturbed as part of the project. Therefore, no significant adverse impacts to this species are anticipated.

Finding 7: No significant adverse impacts to Town or State wetland resources are anticipated; no NYSDEC-regulated wetlands will be disturbed, and only a small Town-regulated wetland will be removed. However, this area will be replaced on a 2:1 basis with new freshwater wetlands on-site. As shown in the Land Use and Development Plan-FGEIS Plan, the proposed project is expected to remove 18.04 additional acres of natural vegetation, leaving 36.75% of the site in a naturally-vegetated state; this will not result in a significant adverse impact to vegetation and/or wildlife on the subject property. As subsequent site plans are designed, the applicant will be required to maintain at least 35% of the site in a naturally-vegetated state, in conformance with Town and Pine Barrens Plan requirements. Considerable amounts of habitat will remain on the site for wildlife species. The Draft GEIS established that no significant adverse impacts to rare, threatened or endangered vegetation and/or wildlife species are expected from the proposed project.

8. Wetlands and Waterways: *The project site contains NYSDEC Wetland B-16, which is considered environmentally sensitive. The potential impacts to the wetland area will need to be addressed and mitigated. Potential impacts to the Carmans River, a tributary to the Great South Bay, located approximately 1,850 feet to the south of the site will also need to be evaluated and mitigated.*

Wetlands

The Draft GEIS indicates that the proposed project will utilize an on-site drainage system designed to collect all stormwater runoff originating on developed surfaces, recharge some stormwater at point of origin, retain some in bio-filtration swales (rain gardens) and convey excess recharge to stormwater detention/recharge areas in the western and southwestern portions of the property. This overall system will ensure that overland flow of runoff from newly developed areas to on-site wetlands will not occur. In addition, the extensive buffer areas around NYSDEC wetlands B-15 and B-16 will allow them to continue to receive runoff from natural lands within their contributing areas, maintaining the current hydrologic properties of these systems. As a result, impacts to the quantity or quality of water in these wetlands are not anticipated. The remaining natural areas of the overall site, comprising a total of 36.75% (122.53 acres) will continue to act as natural drainage areas recharging and evapotranspiring precipitation. Not included in the above value are the 0.44 acres of new freshwater wetlands, to be created in the site's southwestern corner adjacent to the Town Greenbelt. This mitigation represents an increase in this natural feature, which will have both surface water and ecological benefits. As a result the revised plan is not expected to significantly adversely impact surface water or drainage resources associated with the project site. In addition, provision of and conformance to Town and NYSDEC erosion and sedimentation control measures will minimize the potential for impacts to water resources.

Carmans River

Potential impacts on the Carmans River were evaluated in the Draft GEIS and the Final GEIS included a detailed analysis of conformance of the project with the Draft Carmans River Management and Protection Plan. Impact evaluation included the following considerations:

- Conveyance of sanitary wastewater to the existing Dorade STP, which will be upgraded to achieve its prior-permitted flow.
- The Dorade STP is located in the 10-25 year contributing area as indicated on Figure 4 – Groundwater Contributing Area and Land Use to Carmans River – Long Term Average Conditions of Precipitation and Recharge of the Plan and as discussed in Appendix M of the FGEIS. As a result, conveyance of wastewater to this area has a significant benefit with respect to ensuring protection of the Carmans River. The distance of the Dorade STP from the Carmans River is approximately 8,000 feet and thus subsurface discharge at this location is subject to longer residence time and natural attenuation in the aquifer than discharges nearer to the river.

- There is an approximately 2,100-foot separation between the subject site and the Carmans River in the downgradient direction. This distance is sufficient to indicate that the Carmans River would not receive direct subsurface discharges from groundwater underlying the subject property due to the significant distance between potential source areas and this surface water receptor.
- In addition, it should also be noted that there are no direct surface water connections between the site and the Carmans River and that the significant distance would prohibit the direct infiltration of overland flow.
- The Dorade STP will be designed to meet a nitrogen limitation of 8 mg/l at its point of discharge.
- Overall site recharge is calculated to be less than 2.50 mg/l in conformance with the Pine Barrens Plan Guideline of 2.50 mg/l.
- The proposed project will be designed with innovative stormwater measures to promote surface retention and biological uptake. The project will have less than 15% of its acreage in fertilizer dependent vegetation.

In consideration of the above, the proposed project is not anticipated to impact the Carmans River or the downstream South Shore Estuary Reserve.

Finding 8: No significant adverse impacts to either of the two Town or state-designated freshwater wetlands or to the Carmans River or South Shore Estuary Reserve are anticipated from the proposed project.

9. Visual Resources: The development may adversely impact the scenic resources currently provided by the property. The choice of architecture and site layout could have adverse impacts on visual quality in addition to community character. The existing on-site vegetation and its proximity to major thoroughfares provide certain visual aesthetics that may be impacted through development. These potential impacts need to be adequately addressed.

The Draft GEIS contains a discussion and qualitative analysis of the potential visual impacts of the proposed project for observers on adjacent roadways and from within the site. As significant natural vegetation will be retained along the perimeter of the site, it is expected that views of the interior of the site will be limited only to views from the proposed access driveways along William Floyd Parkway and Yaphank-Woods Boulevard. These buffers (which currently exist and must be maintained in conformance with Pine Barrens clearing limits) will provide visual relief for the development within the interior of the site. As such, the overall vacant/wooded character of the surrounding area will be maintained.

In general, the impact of the project on the visual resources of the site will result from the overall change in land use character, which will be observed as a result of limited views of the interior of the site from William Floyd Parkway and Yaphank-Woods Boulevard. Viewers from the multifamily residential development to the north will be minimally visually impacted as a result of the proposed development due to the vegetative buffer proposed and the limited views of the proposed development from Yaphank-Woods Boulevard. In addition, these visual impacts may be positively affected by the removal of the racetrack remnants and the elimination of nuisance unauthorized recreational vehicles on the site. The project will enhance the interior of the site by use of high quality landscaping, architectural designs and building materials and will minimize impacts to the surrounding community character by preserving the vegetative buffer along the site's perimeter.

Finding 9: A qualitative analysis of this project's visual characteristics indicates that the depth of the retained natural vegetation along the site's perimeter, along with the project's use of architecture and landscaping, would tend to minimize the potential for significant adverse visual impacts.

10. Energy: *The proposed action is anticipated to require substantial amounts of electricity and fossil fuels that may require utility upgrades or expansion. Energy efficient design and water conservation measures should be explored including certification through the US Green Building Council's LEED® Green Building Rating System.*

The Draft GEIS indicates that the proposed project will use LIPA and National Grid to supply energy (electricity and natural gas) to the subject site. Connections will be made to each utility through the creation of an internal distribution network within the project. It is anticipated that both of these energy supply companies maintain adequate resources to supply the proposed project. In addition, energy-saving devices will be utilized where practicable to reduce the total energy demand of the project. All construction will involve energy efficient design and water conserving measures and if viable and prerequisites are met, the applicant may pursue certification for the project, or for individual components thereof, under the LEED® Certification Program.

Finding 10: *The proposed project can and would be supplied with energy by appropriate services; the increase in demand on these services is not anticipated to represent a significant impact on these services.*

11. Cultural Resources: *Based on reported sources, there is an archeological site in or adjacent to the project area. The potential for the presence of pre-historic and/or historic era cultural resources should be determined, and if present, the potential impacts of the project on these resources must be determined. A Phase I archeological survey is warranted for all portions of the project to involve ground disturbance, unless substantial prior ground disturbance can be documented.*

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, the State Historic Preservation Office (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 SHPO response letter confirmed that that proposal would "...have No Impact on Historic Resources", but did indicate that, should any future plan changes impinge on those wooded areas, additional investigation of only these areas would be necessary.

Subsequently, the proposed project design was revised to include minor clearing along the interior border of the previously-cleared areas of the site. Therefore, 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.

Finding 11: *No significant adverse impacts to cultural resources are anticipated as a result of the proposed project.*

12. Solid Waste: *The project is anticipated to generate approximately 241 tons of solid waste per month that may impact solid waste facilities, the Town's Resource Recovery Facility (Landfill) in Yaphank.*

The Draft GEIS estimates a daily solid waste generation of 16,079 pounds. This amount is not expected to include toxic or hazardous wastes; any such wastes would be removed and disposed of by a licensed scavenger. The quantity of waste will be picked up by a private contractor operating under contract with the site operator and will be able to be accommodated at the Town disposal facility.

***Finding 12:** The types and amount of solid wastes generated by the proposed project is not expected to represent a significant impact on the Town's solid waste facility.*

13. Air Quality: *Particulate matter generated during construction, residential and commercial heating combustion sources, as well as the additional traffic that would be generated as a result of the proposed change of zone may adversely impact air quality. The potential for impact to air quality in the area from operation of the project, and from the increase in area vehicle traffic generated by the project, should be evaluated.*

The Draft GEIS contained a Microscale computer model analysis for the proposed project. The input values were selected based on the NYSDOT Environmental Procedures Manual, the capacity analysis and delay information from the TIS, and specific roadway geometry. The input data was extremely conservative for emission rates, wind speed and stability as well as for traffic-related input. In addition, the assumptions related to dispersion calculations were based upon worst-case conditions for meteorological conditions (which impacts mixing). The results indicate that the project will not significantly adversely impact air quality.

The Draft GEIS also included a qualitative analysis of potential construction-related air quality impacts. It is noted that such activities will result in a temporary, although minor, increase in airborne pollutants from the equipment used in the construction process for a multi-year, phased duration. The major source of these pollutants is related to site clearing, where exposed soil is susceptible to wind erosion prior to stabilization through planting. All construction-related air quality impacts will be of relatively short duration and generally would not occur in proximity to public receptors. The phasing of the project will reduce the intensity of any impacts. In addition, best construction management practices will be employed to reduce soil erosion and possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances and adherence to measures specified in the required Stormwater Pollution Prevention Plan (SWPPP). It is noted that clearing and grading activities will occur primarily within the interior of the site, and the site does not directly adjoin any receptors. The two multi-family communities to the north are set back from the main development areas so that, as a result of intervening vegetated buffers and the width of Yaphank-Woods Boulevard, potential impacts from construction would be minimized.

***Finding 13:** Based on the air quality modeling analysis, it is concluded that the proposed project will not result in a significant adverse impact to the local air quality and no further analysis is necessary. The discussion of potential construction-related impacts indicates that impacts during this period would be temporary, limited in scope and intensity, and mitigated to the maximum extent practicable.*

14. Economic Impacts: *The need for the proposed project, in consideration of other major shopping centers within a distance appropriate to the scale of the proposed project, should be addressed. The potential for secondary impacts on the communities within this study area should also be addressed.*

The Draft GEIS included an analysis of the potential economic impacts of the prior-proposed project. The analysis was based on four (4) types of studies, as follows:

- Tax Impact Analysis
- Creation of construction jobs and mortgage recording tax impacts
- Creation of jobs from operation of the project
- Commercial Market Analysis to determine demand (need) for the project and market absorption (including potential impact on other shopping centers, downtown areas and smaller retailers)

These studies established the absence of significant adverse economic impacts of the prior-proposed project. The studies quantify the significant economic benefits (both direct and indirect) associated with construction jobs, mortgage recording taxes and permanent operational jobs. The Commercial Market Analysis found that there is sufficient retail demand to support the project and that the project can be absorbed within the local retail market. As the revised plan represents the same amount of and distribution (in terms of land use type) of commercial yield as the prior-proposed plan, in consideration of the analyses contained in these studies, it is expected that the proposed project would not result in any significant adverse economic impacts.

Finding 14: Based on the analyses contained in the economic-related studies prepared for the proposed project, it is expected that the need for the project has been adequately established, and that the project would not significantly adversely impact the economic conditions of local communities. The project is expected to generate substantial quantities of construction jobs, permanent jobs and tax revenue.

15. Cumulative Impacts: *The increased residential development and the commercial development may be growth inducing and could have an adverse cumulative impact on the key intersection of the William Floyd Parkway and the LIE that could be significant, particularly with respect to traffic. The proposed action will also set an important precedent for future project development under the PDD concept. Cumulative impacts of this and other projects in the area need to be addressed.*

The Draft GEIS contained a thorough and complete Cumulative Impact Analysis; it described the eight (8) applicable local pending projects and presented analyses of controlling regulations and resource-based assessments of potential cumulative impacts. In addition, the Final GEIS contained a Supplemental Cumulative Impact Analysis prepared in response to comments provided during the review of the Draft GEIS.

The supplemental analysis provides an update on the status of certain projects (i.e., one large project is no longer proposed); expanded discussions of spatial positioning of projects, resource mapping, quantification of project data and potential quantifiable impacts; and discussion of potential cumulative impacts. The Supplemental Cumulative Impact Analysis concludes as follows:

Neither the analysis contained in the Draft GEIS, nor the analysis conducted herein, have identified any significant adverse cumulative impacts which may result from the combination of pending projects and the proposed project. This supplement is part of the Generic EIS record for The Meadows at Yaphank and data and information provided in these documents will be useful to the Town in evaluating the various site-specific pending projects and future land use in the region.

Finding 15: Analyses indicate that there are no significant adverse anticipated cumulative impacts associated with The Meadows at Yaphank PDD and the other pending projects in the area.

16. Alternatives Considered

The applicant has reviewed several reasonable alternatives to the proposed project, which include:

- Alternative 1: No Action - assumes that the site remains in its current use and condition.
- Alternative 2: Development at Existing Zoning - this scenario assumes that the site is developed according to the current zonings of the project parcels, as follows:
 - Alternative 2a: Development of Property with Existing Approvals (Brookhaven Walk/Eastern Parcel)
 - Alternative 2b: Development of Property Under L-Industry-1 Zone (Racetrack/Western Parcel)
- Alternative 3: Public Acquisition
- Alternative 4: Reuse of Wet Depressions as Town-Designated Wetlands - assumes the proposed project yield and layout, with the existing wet depressions in the former racing oval and along CR 46 to be retained as a Town-designated wetlands and incorporated in the site's drainage system.

Finding 16: The proposed project has merits over the alternatives studied, and minimizes significant adverse impacts to the greatest degree practicable.

Facts and Conclusions Relied on to Support the Decision:

The Draft GEIS and Final GEIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above.

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the Final GEIS having weighed and balanced relevant environmental impacts with social, economic and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of 6 NYCRR Part 617 have been met and further certifies that, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable.

**State Environmental Quality Review
FINDINGS STATEMENT SIGNATURE PAGE**

Certification to Approve/Undertake

Having considered the Draft and Final Generic Environmental Impact Statements for the proposed Change of Zone and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures and safeguards that were identified as practicable.

By the Town Board of the Town of Brookhaven, One Independence Hill, Farmingville, NY 11738


Signature of Responsible Official

Patricia A. Eddington

Name of Responsible Official

Town Clerk

Title of Responsible Official

October 4, 2011

Date

Copies of this Findings Statement have been filed with:

Applicant

David Sloane, Esq., Certilman, Balin, Adler & Hyman

Environmental Notice Bulletin

Lead Agency Town Board of the Town of Brookhaven

Mark Carrara, Deputy Permit Administrator, NYSDEC

Sheref Fathi, Regional Environmental Manager, NYSDOT

Douglas P. Mackey, Historic Preservation Program Analyst-Archaeology, NYS Historic Preservation

Field Services Bureau (NYS OPRHP #10PR03630)

Julie Hargrave, Environmental Planner, Central Pine Barrens Joint Planning and Policy Commission

Gilbert Anderson, P.E., Commissioner, SCDPW

Kimberly Kennedy, Assistant to General Counsel, SCWA

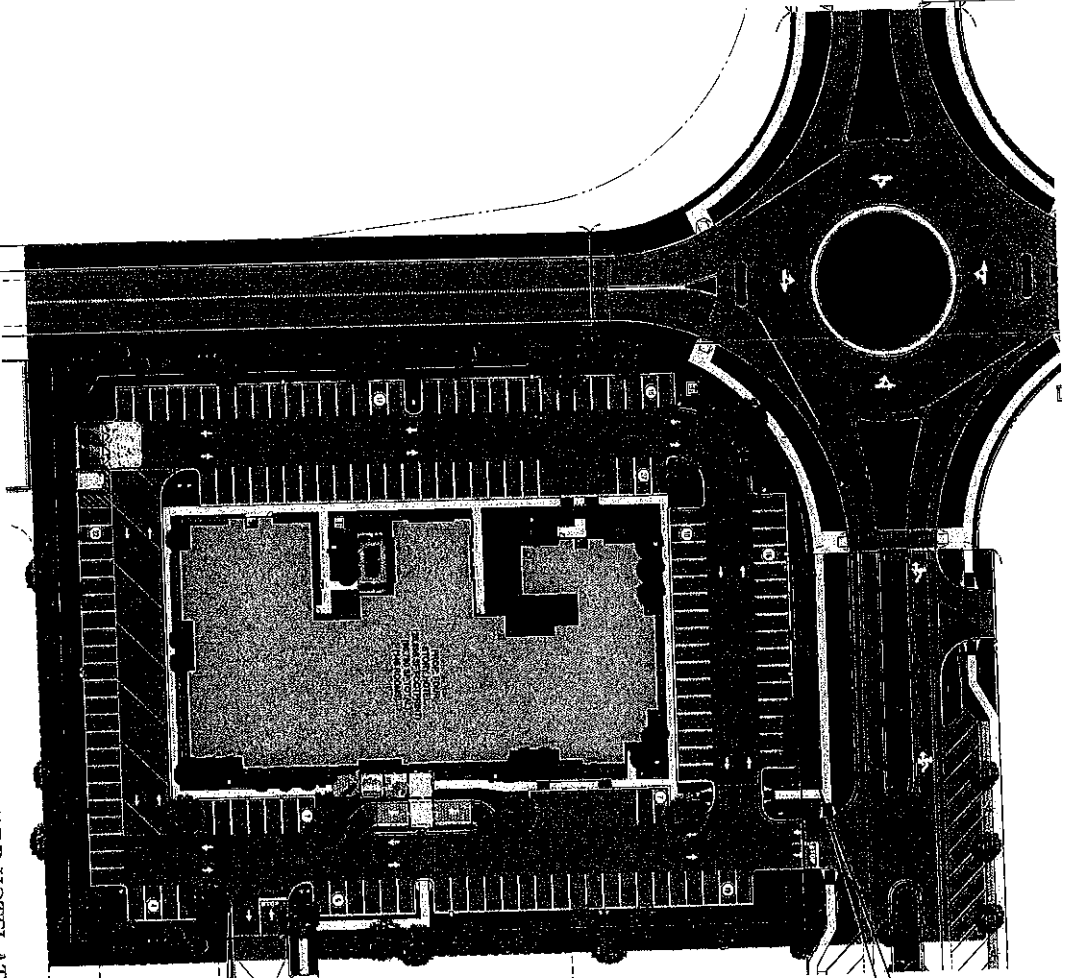
Andrew P. Freleng, Chief Planner, Suffolk County Department of Planning

Kimberly Shaw, Senior Environmental Analyst, SCDHS

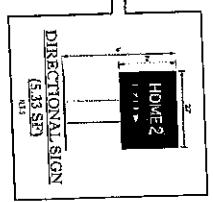
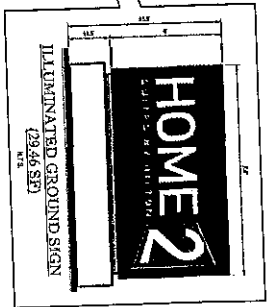
Craig A. Platt, Secretary, Suffolk County Sewer Agency

Suffolk County Planning Commission

Supervisor, Town of Brookhaven

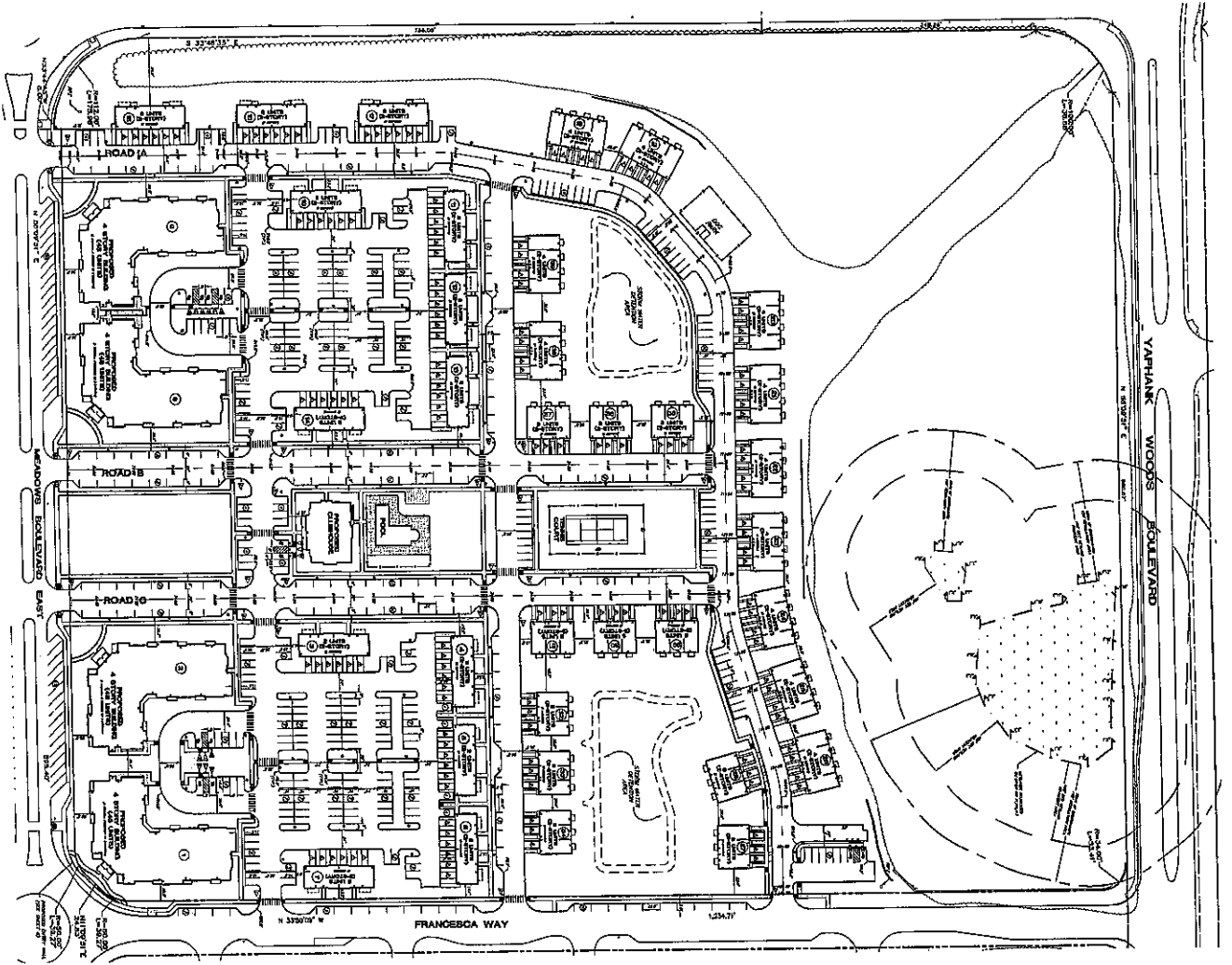


AVR BOULEVARD HOTEL AT YAPHANK, LLC
 LOCATION OF SITE:
 THE MEADOWS AT YAPHANK
 N/W/C LONG ISLAND EXPRESSWAY & WILLIAM
 FLORYD PARKWAY
 YAPHANK, TOWN OF BROOKHAVEN
 SUFFOLK COUNTY, NY 11980



ZONING TABLE			
TYPE	CODE	PERMITTED	PROHIBITED
ILLUMINATED GROUND SIGNS			
TYPE	CODE	PERMITTED	PROHIBITED
ILLUMINATED GROUND SIGN	029.46 SFP	YES	NO
DIRECTIONAL SIGNS			
TYPE	CODE	PERMITTED	PROHIBITED
DIRECTIONAL SIGN	033.33 SFD	YES	NO
WALL SIGNS			
TYPE	CODE	PERMITTED	PROHIBITED
WALL SIGN	033.33 SFD	YES	NO
PARKING REQUIREMENTS			
TYPE	CODE	PERMITTED	PROHIBITED
PARKING REQUIREMENTS	033.33 SFD	YES	NO
DETACHED / GROUND SIGNS			
TYPE	CODE	PERMITTED	PROHIBITED
DETACHED / GROUND SIGN	033.33 SFD	YES	NO

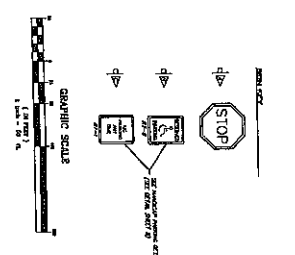
PREPARED BY
BOHLER
 ENGINEERING & ARCHITECTURE
 1000 WEST 10TH AVENUE
 SUITE 200
 DENVER, CO 80202
 PHONE: 303.733.4400
 WWW.BOHLERENGINEERING.COM



- GENERAL NOTES:**
1. GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES AND STRUCTURES PRIOR TO CONSTRUCTION.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS.
 4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
 6. ALL UTILITIES SHALL BE PROTECTED AND DEEPENED AS NECESSARY TO ACCOMMODATE THE PROPOSED CONSTRUCTION.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
 8. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
 10. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
 12. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 13. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
 14. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
 16. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 17. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
 18. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES.
 20. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

GENERAL CONTRACTOR'S SCHEDULE OF VALUES

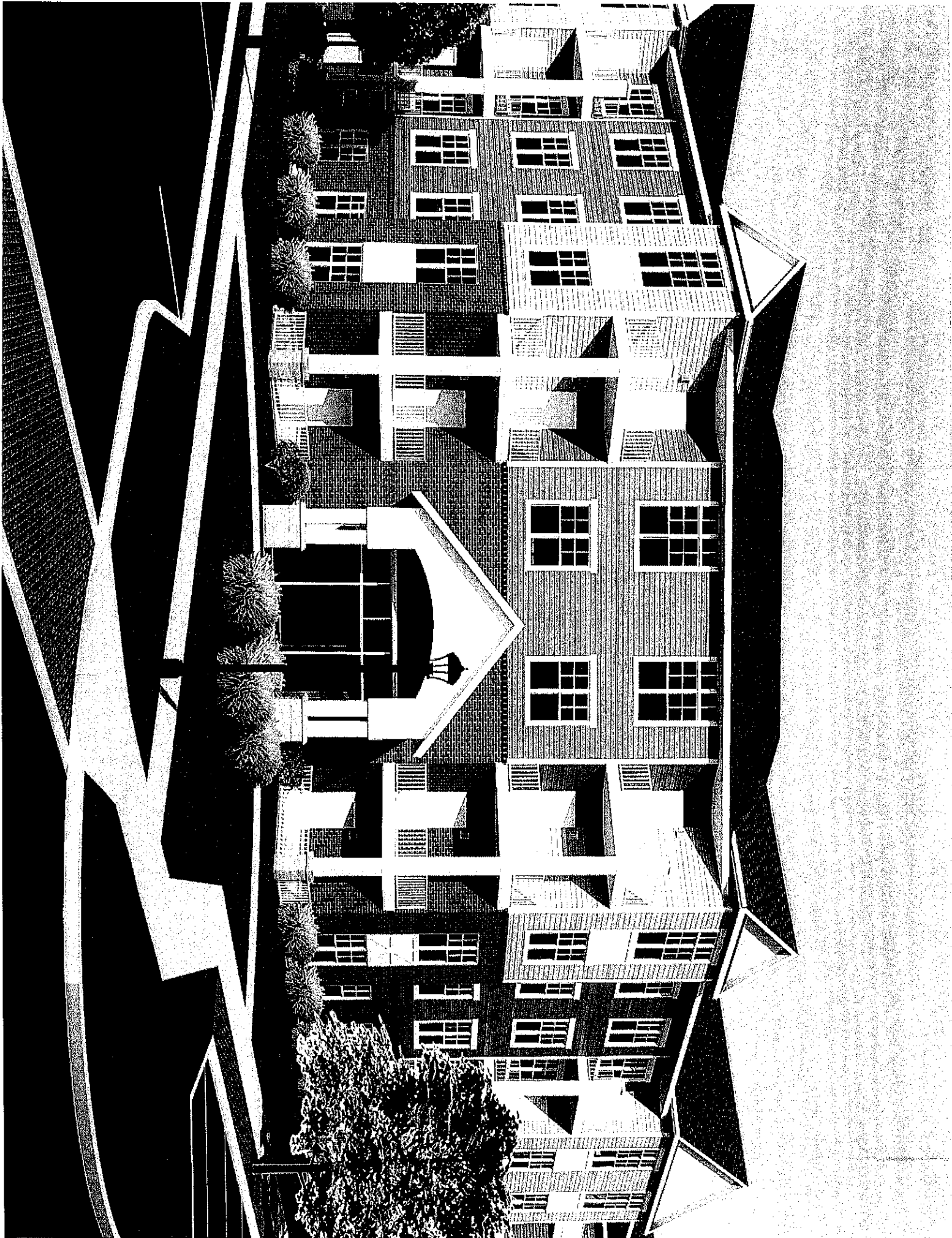
NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	GENERAL CONTRACTOR'S FEE	PERCENT	5.00	10.00	50.00
2	FOUNDATION	SQ. FT.	1000	10.00	10000.00
3	FLOOR SLAB	SQ. FT.	2000	10.00	20000.00
4	CEILING	SQ. FT.	2000	10.00	20000.00
5	WALL	SQ. FT.	2000	10.00	20000.00
6	DOOR	EA.	100	100.00	10000.00
7	WINDOW	EA.	100	100.00	10000.00
8	MECHANICAL	EA.	100	100.00	10000.00
9	ELECTRICAL	EA.	100	100.00	10000.00
10	PLUMBING	EA.	100	100.00	10000.00
11	PAINT	SQ. FT.	2000	10.00	20000.00
12	LANDSCAPE	SQ. FT.	1000	10.00	10000.00
13	CONCRETE	SQ. FT.	1000	10.00	10000.00
14	STEEL	SQ. FT.	1000	10.00	10000.00
15	GLASS	SQ. FT.	1000	10.00	10000.00
16	MECHANICAL	EA.	100	100.00	10000.00
17	ELECTRICAL	EA.	100	100.00	10000.00
18	PLUMBING	EA.	100	100.00	10000.00
19	PAINT	SQ. FT.	2000	10.00	20000.00
20	LANDSCAPE	SQ. FT.	1000	10.00	10000.00
21	CONCRETE	SQ. FT.	1000	10.00	10000.00
22	STEEL	SQ. FT.	1000	10.00	10000.00
23	GLASS	SQ. FT.	1000	10.00	10000.00
24	MECHANICAL	EA.	100	100.00	10000.00
25	ELECTRICAL	EA.	100	100.00	10000.00
26	PLUMBING	EA.	100	100.00	10000.00
27	PAINT	SQ. FT.	2000	10.00	20000.00
28	LANDSCAPE	SQ. FT.	1000	10.00	10000.00
29	CONCRETE	SQ. FT.	1000	10.00	10000.00
30	STEEL	SQ. FT.	1000	10.00	10000.00
31	GLASS	SQ. FT.	1000	10.00	10000.00
32	MECHANICAL	EA.	100	100.00	10000.00
33	ELECTRICAL	EA.	100	100.00	10000.00
34	PLUMBING	EA.	100	100.00	10000.00
35	PAINT	SQ. FT.	2000	10.00	20000.00
36	LANDSCAPE	SQ. FT.	1000	10.00	10000.00
37	CONCRETE	SQ. FT.	1000	10.00	10000.00
38	STEEL	SQ. FT.	1000	10.00	10000.00
39	GLASS	SQ. FT.	1000	10.00	10000.00
40	MECHANICAL	EA.	100	100.00	10000.00
41	ELECTRICAL	EA.	100	100.00	10000.00
42	PLUMBING	EA.	100	100.00	10000.00
43	PAINT	SQ. FT.	2000	10.00	20000.00
44	LANDSCAPE	SQ. FT.	1000	10.00	10000.00
45	CONCRETE	SQ. FT.	1000	10.00	10000.00
46	STEEL	SQ. FT.	1000	10.00	10000.00
47	GLASS	SQ. FT.	1000	10.00	10000.00
48	MECHANICAL	EA.	100	100.00	10000.00
49	ELECTRICAL	EA.	100	100.00	10000.00
50	PLUMBING	EA.	100	100.00	10000.00



THE LOFTS AT THE BOULEVARD
DIMENSIONAL PLAN

1 of 12

BBV
 Barnett
 Boncard &
 Van Weesha, PC
 Civil Engineers
 1234 California Blvd
 San Francisco, CA 94102
 (415) 555-1234





APPLICANT:
Yaphank AVR Boulevard Chelsea, LLC
c/o AVR Realty Company, LLC
1 Executive Boulevard Yonkers, New York

:: REVISED July 21, 2017 - Submitted for Public Hearing ::

JAMES L. BROWNING
ARCHITECT



MEADOWS AT YAPHANK - HOME2 SUITES V4-7/28/17
PROJECT DEVELOPMENT BUDGET

NO. ROOMS/SUITES: 146
 LOT AREA: 2.7
 TOTAL GROSS SF: 65,780

LAND

Land	\$2,750,000
------	-------------

SITWORK (ON SITE)

Sitework \$	1,850,000	
Site Contingency 5% \$	92,500.00	
		\$ 1,942,500

SITWORK (OFF SITE)

LIE Improvements \$	5,600,000	
Yaphank Woods Boulevard \$	1,950,014	
William Floyd Parkway \$	4,429,585	
Common Roads - Blvd East & West, Francesca Way, Park Drive \$	9,818,245	
Pump Station/Force Main \$	638,800	
Dorids STP Improvements \$	7,500,000	
Town Park Construction Site \$	2,750,000	
Town Park Community Bldgs \$	1,337,500	
		\$ 34,321,124
Contingency 5% \$	1,716,056	
		\$ 36,037,180
Hotel Share 2.5%		\$ 900,930

CONSTRUCTION HARD COSTS

Building Hard Costs \$	10,950,000	
FFE \$	2,737,500	
Hard Cost Contingency 5% \$	647,500	
		\$ 14,335,000
GC's Fee (Hard & Site Costs) 5%		\$ 653,921

SOFT COSTS

Soft Costs, Approvals & General Conditions \$	1,850,000	
Pre Opening \$	290,000	
OS&E \$	150,000	
Soft Costs & General Conditions Contingency 5%	117,500	
		\$ 2,467,500

DEVELOPMENT FEE

Developer's Fee (Total Cost) 3%		\$ 684,496
---------------------------------	--	------------

FINANCING COSTS

Closing Costs \$	300,000	
Interest Carry \$	750,000	
		\$ 1,050,000

TOTAL BUDGET

		\$ 24,894,347
--	--	---------------

MEADOWS AT YAPHANK Phase 1B - The Lofts At the Boulevard V2.6/5/17

PROJECT DEVELOPMENT BUDGET

UNIT BREAKDOWN

TOTAL UNITS 265

TOTAL GROSS SF 482,000

TOTAL NET SF 418,000

LAND

Land \$14,760,000

SITEWORK (ON SITE)

Apartment Sitework \$ 4,500,000
 Site Contingency 5% \$ 225,000,00
 \$ 4,725,000

SITEWORK (OFF SITE)

LIE Improvements \$ 5,600,000
 Yaphank Woods Boulevard \$ 1,950,014
 William Floyd Parkway \$ 4,420,566
 Common Roads - Blvd East & West; Francesca Way, Park Drive \$ 9,515,245
 Pump Station/Flood Main \$ 938,800
 Dorade STP Improvements \$ 7,500,000
 Town Park Construction Site \$ 2,750,000
 Town Park Community Bldgs \$ 1,937,500
 \$ 34,321,124
 Contingency 5% \$ 1,716,058
 \$ 36,037,180
 Phase 1B Apartments Share 12.6% \$ 4,504,648

CONSTRUCTION HARD COSTS

162 Units - 4 story/48 units per bldg @ \$95,000/unit \$ 18,240,000
 28 Units - carriage style over garage @ \$100,000/unit \$ 2,600,000
 Garage buildings - 13/6 bay garages @ \$90,000/bldg \$ 1,170,000
 77 Units - Townhouse over garage @ \$115,000/unit \$ 8,855,000
 Clubhouse \$ 1,200,000
 Pool \$ 275,000
 Tennis Court \$ 45,000
 Maintenance/refuse bldg \$ 240,000
 Hard Cost Contingency 5% \$ 1,631,250
 \$ 34,250,250
 GC's Fee (Hard & Site Costs) 6% \$ 2,174,295

SOFT COSTS

Soft Costs, Approvals & General Conditions \$ 6,000,000
 Soft Costs & General Conditions Contingency 5% \$ 300,000
 \$ 6,300,000

DEVELOPMENT FEE

Developer's Fee (Total Cost) 3% \$ 2,001,306

FINANCING COSTS

Closing Costs \$ 500,000
 Expense until Positive Cashflow \$ 300,000
 Interest Carry \$ 1,200,000
 \$ 2,000,000

TOTAL BUDGET

\$ 70,711,498