

RESOLUTION SUBMISSION

MEETING OF: SEPTEMBER 17, 2015

RESOLUTION NO.: /

MOVED BY COUNCILMEMBER: KEVIN J. LaVALLE

REVISION:

SHORT TITLE: ADOPTION OF THE SEQRA FINDINGS STATEMENT FOR THE APPLICATION OF THE ARBORETUM AT FARMINGVILLE FOR A CHANGE OF ZONE FROM A RESIDENCE 1 AND J BUSINESS 4 TO MF RESIDENCE AND J BUSINESS 2 ON PROPERTY LOCATED IN FARMINGVILLE, NEW YORK

DEPARTMENT: Planning, Environment & Land Management

REASON: To adopt the Findings Statement for above application.

PUBLIC HEARING REQUIRED: No.

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: No Fiscal Impact – Not Reviewed By Commissioner of Finance.

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:

LR:cah

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Cartright					
		Councilmember Bonner					
		Councilmember LaValle	1				
		Councilmember Kepert	2				
		Councilmember Foley					
		Councilmember Panico					
		Supervisor Romaine					

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO.:  
MEETING: SEPTEMBER 17, 2015

ADOPTION OF THE SEQRA FINDINGS STATEMENT FOR THE APPLICATION OF THE ARBORETUM AT FARMINGVILLE FOR A CHANGE OF ZONE FROM A RESIDENCE 1 AND J BUSINESS 4 TO MF RESIDENCE AND J BUSINESS 2 ON PROPERTY LOCATED IN FARMINGVILLE, NEW YORK

WHEREAS, the Town Board is considering the adoption of the application of the Arboretum at Farmingville for a change of zone from A Residence 1 and J Business 4 to MF Residence and J Business 2 for multi-family residential development and commercial development, on a parcel of property located on the s/s Horseblock Road (C.R. 16), w/o Hanrahan Avenue, Farmingville, New York, further identified by SCTM Nos. 0200-626.00-03.00-039.005 and 040.000 and 0200-653.00-07.00-001.000; and

WHEREAS, by Resolution No. 2014-476, adopted at the June 24, 2014 Town Board Meeting, the Town Board of the Town of Brookhaven adopted a Positive Declaration under the New York State Environmental Quality Review Act (SEQRA) and directed that a Draft Environmental Impact Study (DEIS) should be prepared to address all relevant environmental issues raised in said application; and

WHEREAS, the Draft Environmental Impact Statement (DEIS) was accepted by the Town Board on March 26, 2015, and the thirty (30) day public comment period was commenced; and

WHEREAS, the public comment period on the Draft Environmental Impact Statement (DEIS) was closed on April 25, 2015; and

WHEREAS, on May 7, 2015, a public hearing was held on the application of the Arboretum at Farmingville for a change of zone from A Residence 1 and J Business 4 to MF Residence and J Business 2 for multi-family residential development and commercial development, on a parcel of property located on the s/s Horseblock Road (C.R. 16), w/o

Hanrahan Avenue, Farmingville, New York, further identified by SCTM Nos. 0200-626.00-03.00-039.005 and 040.000 and 0200-653.00-07.00-001.000, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, on August 6, 2015, the Town Board accepted the Final Environmental Impact Statement (FEIS), and a ten (10) day consideration period was commenced; and

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

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the attached Findings Statement for application of the Arboretum at Farmingville for a change of zone from A Residence 1 and J Business 4 to MF Residence and J Business 2 for multi-family residential development and commercial development, on a parcel of property located on the s/s Horseblock Road (C.R. 16), w/o Hanrahan Avenue, Farmingville, New York, further identified by SCTM Nos. 0200-626.00-03.00-039.005 and 040.000 and 0200-653.00-07.00-001.000 is hereby ADOPTED.

STATE ENVIRONMENTAL QUALITY REVIEW ACT

THE ARBORETUM AT FARMINGVILLE  
HAMLET OF FARMINGVILLE, TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK

TOWN BOARD OF THE TOWN OF BROOKHAVEN  
FINDINGS STATEMENT

Date: September 17, 2015

This Findings Statement is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act – SEQRA) and the implementing regulations therefor at 6 NYCRR Part 617.

**Name of Action:** Change of Zone from J Business 4 and A Residential 1 to J Business 2 and Multi-Family Residential for the Arboretum at Farmingville

**Location:** Approximately 65.24± acres situated south of Horseblock Road and north of the Long Island Expressway, approximately 811 feet west of Hanrahan Avenue, in the hamlet of Farmingville, Town of Brookhaven, Suffolk County, New York

**Lead Agency:** Town Board of the Town of Brookhaven

**Address:** Town of Brookhaven Town Hall  
One Independence Hill  
Farmingville, New York 11738

**Contact:** Tullio Bertoli AIA, AICP, LEED  
Commissioner  
Department of Planning, Environment and Land Management

**Telephone No.:** (631) 451-6400

**SEQR Status:** Type I

The Town Board of the Town of Brookhaven (Town Board), as lead agency, subsequent to review of the Draft Environmental Impact Statement (DEIS) and the Final Environmental Impact Statement (FEIS), hereby certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in the EIS;
- It has weighed and balanced relevant environmental impacts with social, economic and other considerations;
- The requirements of 6 NYCRR Part 617 have been met; and

- 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 and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigative measures that were identified as practicable during the environmental review process.

### Description of Action

The proposed action consists of an application for a change of zone of the subject property from A Residence 1 and J Business 4 zoning districts of the Town of Brookhaven to Multifamily Residential District (MF Residence) (Secondary Zone) and J Business 2, and site plan approval to permit the redevelopment of the 65.24±-acre property as a mixed-use residential community and commercial development.

The proposed development consists of the construction of the following:

- 292 residential units (i.e., 51 single-family residences, 164 two-bedroom flats, 63 Townhouse [triplex] units, and 14 three-bedroom "Rosebud" units) of which 30 units would be workforce housing units
- one two-story 24,000±-square-foot (SF) commercial building (containing 12,000± SF of restaurant space and 12,000± SF of office space)
- a 7,500±-SF recreational clubhouse for residents of The Arboretum
- a 7,728±-SF on-site sewage treatment plant (STP), and associated leaching fields, with 150,000± gallon per day (gpd) capacity (as the proposed development is expected to generate 89,370 gpd of sewage effluent, there would be excess capacity of 60,630 gpd)

### Summary of SEORA Process

In January 2014, the previous property owner sold SCTM Parcel Nos. 200-626-3-40 and 200-653-7-1 to Kelly Builders and Development Group LLC, and SCTM Parcel No. 200-626-3-39.5 to Kelly Builders of Farmingville (the current property owners). Kelly Builders and Development Group LLC and Kelly Builders of Farmingville are the project sponsors (or otherwise referred to as the "Applicants").

In May 2014, subsequent to the property acquisition, the project sponsors filed the following applications with the Town of Brookhaven Town Board (Town Board) in order to redevelop the site as a mixed-use commercial and residential development:

1. A Change of Zone from A Residence 1 to the Multi-Family Residence District (MF) – Secondary Zone Zoning District for the entirety of SCTM Parcel Nos. 200-626-3-40 and 200-653-7-1 and a 3.65±-acre portion of SCTM Parcel No. 200-626-3-39.5.
2. A change of zone from J Business 4 for the remaining 6.35± acres associated with SCTM Parcel No. District 200 – Section 626 – Block 3 – Lot 39.5 to the J Business 2 Zoning District.

In June 2014, after review of the application and Part 1 of the Environmental Assessment Form (EAF) that was submitted by the Applicants, the Town Board preliminarily classified the proposed action as Type I, declared its intent to be lead agency and conducted coordinated review. After coordinated review, the Town Board became lead agency and issued a Positive Declaration on June 24, 2014. Subsequent to

issuing the Positive Declaration, the Town Board elected to conduct formal scoping, including a scoping meeting that was held on September 10, 2014, which culminated in the issuance of a Final Scope pursuant to 6 NYCRR §617.8. The issues to be addressed in the DEIS were outlined in the Final Scope promulgated by the Town Board and were as follows: land use, zoning, and community character; subsurface soils; community services; transportation; water resources; ecological resources; visual resources; use and conservation of energy; cultural resources; solid waste; air quality; and economic impacts.

The Town Board, serving as lead agency, accepted the DEIS on March 26, 2015, and a public hearing was held on May 7, 2015. The public comment period on DEIS closed on May 18, 2015. In accordance with 6 NYCRR § 617.9(b)(8), the FEIS was prepared and filed by the Town Board on August 6, 2015. The FEIS responded to all substantive comments received on the DEIS.

### Findings and Mitigation Measures

Upon due consideration and among the reasonable alternatives available, the Town Board has determined that the following represents the mitigation measures to be incorporated into the decision to ensure that significant adverse environmental impacts will be avoided or minimized to the maximum extent practicable, to wit:

#### Land Use, Zoning, and Community Character

1. The proposed redevelopment of the property with residential and commercial uses will fulfill a housing need that has been identified by the County (including the need for additional workforce housing) as well as the need for commercial uses that have been identified by the Farmingville community as desirable, in the *2010 Farmingville Community Redevelopment Plan (Farmingville Plan)*.
2. The proposed mix of land uses on the site would create a compact, walkable development, allowing the opportunity for people to live and work within a cohesive community.
3. All setbacks will be consistent with Section 85-244 of the Town Code, and include a minimum perimeter buffer of 25 feet adjacent to any residential use or zone, which would serve to screen views of the subject property from both the exterior and interior. This includes screening views of the proposed STP and a minimum fifty (50) foot landscaped area shall be maintained adjacent to Horseblock Road.
4. The proposed project includes the creation of 7.28± publicly-accessible recreational open space, which is intended to be an amenity for the Farmingville community. This space would meet the desired goal of the Farmingville community and the *Farmingville Plan* by providing a centrally-located open space area.
5. While the zoning of the subject property would change to MF Residence, no significant adverse environmental impacts with respect to zoning were identified. Historically, according to the Town Planning Department, the surrounding community was built out in accordance with the minimum lots of the B or a B-1 zoning district, which yields half-acre or quarter-acre density. Therefore, in order to blend with the surrounding community character, the proposed single-family homes would act as a transition between the single family homes located adjacent to the property and the multi-family homes that are located centrally within the proposed

development. The proposed project has been designed to have a positive impact on the area through the creation and application of a mixed-use redevelopment of a mostly vacant, underutilized property. The location of the proposed single-family residential land uses at the eastern and western perimeters of the subject property will complement the existing single-family residential uses that border the subject property to the east and west.

In accordance with the MF Residence zoning district, a minimum of ten percent of the total residential units will be maintained as workforce and affordable housing. Five percent of the residential units will be maintained as workforce housing (defined as housing for individuals and families at or below 120 percent of the median income for the Nassau-Suffolk Primary Metropolitan Statistical Area) and five percent of the residential units will be maintained as affordable housing (defined as housing for individuals and families at or below 80 percent of the median income for the Nassau-Suffolk Primary Metropolitan Statistical Area). The provision of this housing would meet local and County-wide housing needs as identified in The Brookhaven 1996 Comprehensive Land Use Plan (1996 Comprehensive Plan). The Applicants/Owners will enter into a contract with a local not-for-profit housing advocacy group to administer the workforce/affordable component of the residential development.

6. The redevelopment of the subject property with a mixed-use commercial and residential development will result in positive community character impacts, as this type of development blends better with the existing community character, which is residential and retail in nature.
7. The redemption of approximately 41.6 Pine Barrens Credits shall be a condition of the final site plan approval.
8. Through implementation of the above measures, and through covenants and restrictions to be imposed by the Town Board, the land use and zoning character of the area will be protected.

#### Subsurface Soils

1. Based on the results of the Phase II Environmental Site Assessment (ESA) conducted by the Applicants, the Town of Brookhaven requires that a Soil Management Plan (SMP) be developed for the site at the time of site plan review, which may include one or more of the following soil management techniques to address the heavy metals/pesticide impacts that have been identified at the subject property:
  - Removal of heavy metals/pesticide-impacted soils in areas that were identified in the September 3, 2014 Limited Phase II ESA, and as required by the Town of Brookhaven.
  - Collection and analysis of endpoint soil samples to confirm post-removal soil conditions.
  - Excavation of trenches within "clean" areas of the subject property, which do not contain any fill materials and use of the excavated native soil as a backfill for the excavations associated with heavy metals/pesticide-impacted soil excavations.
  - Placement of the excavated heavy metals/pesticide-impacted soils into the "clean" area trenches, and/or beneath other impermeable features (i.e., building envelopes, roadways, etc.) and / or perimeter berms.

Implementation of soil mitigation techniques outlined in the SMP will be in accordance with the 2006 Suffolk County Department of Health Services (SCDHS) guidance and submitted to the

Town of Brookhaven. The 2006 SCDHS guidance and previously approved Town of Brookhaven SMPs allow for on-site soils management of heavy metal and pesticide impacted soils indicative of former agricultural usage.

2. Semi Volatile Organic Compounds (SVOCs) have been identified at the subject site, but were found not to be related to former agricultural usage, based upon field observations noted in the September 3, 2014 Limited Phase II ESA prepared by Apex. These SVOCs are indicative of imported fill material from an unknown off-site source. The SVOC-impacted soils would be addressed through excavation, and post-removal confirmatory endpoint sampling to ensure completed remediation of the SVOC impacts. Once implementation of such mitigation measures occurs, future occupants of the site would not encounter exposure to the identified impaired soils.

#### Community Services

1. The proposed project is located within in the jurisdiction of the Farmingville Fire Department, which provides ambulance services as well as fire protection to the project site. All multi-family and commercial buildings will be sprinklered, as required by the New York State Building and Fire Code and internal vehicular circulation has been designed to provide sufficient turning radii for emergency vehicles and full vehicular circulation throughout the subject property. Moreover, the maximum proposed building height within The Arboretum development (35 feet) is no higher than existing buildings within the fire department's existing service area, therefore, the heights of buildings should not be a factor in the delivery of fire protection services. Furthermore, the proposed buildings will be constructed to latest New York State Building and Fire Code.

Farmingville is a volunteer fire and rescue department. While there would be a minimal increase in the number of personnel and equipment needed, there would be an additional permanent population of 677± persons, which would provide a new pool of potential volunteer firefighters and EMS personnel. Furthermore, the proposed project would contribute approximately \$235,250± in property tax revenues to the Farmingville Fire District, annually. This projected property tax revenue is expected to assist in off-setting the potential increase in service demand and due to the increased number of residences from the proposed development, there will be a need for an additional ambulance to ease the increased number of emergency medical service (EMS) calls which may result from the proposed development. Finally, all access drives would be compliant with regulations and standards required for firefighting equipment. In addition, an emergency access an emergency vehicle access with a locked crash gate and keyed access has been proposed at the westerly terminus of Alamo Drive. Based upon the foregoing, no significant adverse impact to fire protection services are anticipated.

2. The nearest receiving hospital to the subject site is Brookhaven Memorial Hospital. However, Stony Brook University Medical Center (SBUMC) is also a receiving hospital for the area, and patients would be transported to either Brookhaven Memorial Hospital or the SBUMC from the subject property, depending on the type of injury and/or illness.

Based on standards contained in the 1994 *Development Impact Assessment Handbook*, there are 36.5 EMS calls generated per year for every 1,000 population. Therefore, based on a projected population of 749± persons (among the residential population and the employee population from



direct jobs provided at The Arboretum), the proposed development would generate approximately 28 EMS-related calls per year. Assuming all 28 annual calls would result in hospital admission and based on a combined annual reported admissions of 48,973 persons between Brookhaven Memorial Hospital and SBUMC, this would represent a 0.06± percent increase in hospital admissions resulting from the proposed development. Therefore, it is not anticipated that the proposed action would adversely impact health care services in the area.

3. With respect to security and police protection, the subject property is within the jurisdiction of the Suffolk County Police Department (SCPD) – 6th Precinct, to which it currently provides police protection. The increase in on-site resident and direct employee populations of 749± persons would generate minimal need for additional police personnel and vehicles. This site is already developed and covered by the SCPD – 6th Precinct. It is noted that the projected increased demand placed on the SCPD – 6th Precinct would represent a potential incremental increase in demand over the existing services it provides to the site, rather than demand for new services for the site and the overall area, which the Urban Land Institute (ULI) rates assess. The proposed project would contribute approximately \$349,478± in tax revenues to the SCPD, which could be used to off-set increased costs and augment the SCPD's capabilities, as necessary.

To minimize the impact to the police department, on-site security would be provided during construction. Furthermore, the residential community would be fenced and would include a security booth with a punch code for access. In addition, a security camera system would be utilized for the commercial area. Therefore, there would be no significant adverse impact to police protection services.

4. The subject property is situated within the Sachem Central School District (CSD). Implementation of the proposed action is projected to generate approximately 77 public school-aged children. Based on the 2014-2015 estimated cost per student of \$21,026, the proposed action's total impact to the CSD is projected to be \$1,415,844. The total tax revenues projected to be provided to the Sachem CSD is \$1,888,501. Therefore, implementation of the proposed action is expected to have a net positive impact of \$319,094. Further, based on the declining student enrollment within the Sachem CSD over the last decade (i.e., a decrease of over 1,700 students over that time period), the projected addition of 77± school-age children resulting from the proposed development is not expected to adversely impact capacity within this district. Thus, no significant adverse impacts to the Sachem CSD are anticipated.

#### Transportation

1. Detailed traffic analyses were conducted in the DEIS, which evaluated the existing traffic conditions and the future conditions, including detailed evaluations of conditions at the below-listed key intersections within the study area, both with and without the proposed action (i.e., the "Build" and "No-Build" conditions, respectively). Mitigation measures for the following intersections are indicated in the numbered items below in this section.
  - Horseblock Road (CR 16) and Waverly Avenue (Signalized)
  - Horseblock Road (CR 16) and Blue Point Road (Signalized)
  - Horseblock Road (CR 16) and Post Office/Site Access (Unsignalized) (Build Condition only)

The No-Build condition represented the future traffic conditions that can be expected to occur, if the proposed project was not constructed. The No-Build condition serves to provide a comparison to the Build condition, which represents expected future traffic conditions resulting from both project- and non-project-generated traffic. Background traffic volumes in the study area were projected to the anticipated build year, the year when the proposed action is expected to be completed and operational. An evaluation of the existing parking supply, the demand for parking, and appropriate parking ratios to meet those demands was also included, as shown below:

- Based upon the requirement in §85-852 of the Town Code for two spaces per residential dwelling unit, and one space per 150 SF in the clubhouse, 634 parking spaces would be required. The proposed project would meet this requirement by providing 634 parking spaces, including 112 landbanked spaces.
  - Chapter 85, Section 852 of the Town Code, requires one space per two restaurant seats and one space per 150 SF of office space, resulting in a total requirement for the commercial portion of the proposed project of 200 parking spaces. The proposed project would provide 200 parking spaces for its commercial uses, thus satisfying this requirement.
2. Based on the Build Condition results, the intersections of CR 16 at Waverly Avenue and CR 16 at Blue Point Road were identified for potential traffic mitigation measures. The mitigation consist of changes to the phase splits during the weekday p.m. peak period in order to minimize the impact of the reduced levels of service experienced in the Build condition. Phase splits consist of having two opposing approaches time consecutively rather than concurrently (i.e., all movements originating from the west followed by all movements from the east). Then both study intersections were re-analyzed for the p.m. peak hour with changes in the phase splits. The mitigation proposed at this intersection optimizes the time allocated to each concurrent phase, thus reducing the overall intersection delay. The level of service (LOS) capacity analysis results after the implementation of this mitigation reveal that as a result of the changes to the phase splits, the two study intersections will operate better than they do in the No-Build condition. The CR 16 at Waverly Avenue intersection would go from LOS D in the No Build and Build Conditions with a 35.1 and 39.6 second delay, respectively, to LOS C (with a delay of 32.1 seconds) in the Build with Mitigation condition. The CR 16 at Blue Point Road intersection would go from LOS E in the No Build and Build conditions, with 62.2 and 65.8 second delays, respectively, to LOS C (with a delay of 33.7 seconds) in the Build with Mitigation condition.
3. Based upon the results of the unsignalized intersection capacity analysis, the proposed site access at Horseblock Road would operate at a LOS F in the Build condition during all analysis periods. Therefore, the installation of a traffic signal was evaluated. In order to evaluate this recommendation, a traffic signal warrant analysis was conducted. The warrant analysis was conducted in accordance with the 2009 *Manual on Uniform Traffic Control Devices (MUTCD)* standards for unsignalized intersections. This intersection operates at LOS F in the future Build condition due to the introduction of the site generated traffic. For this analysis, Warrant 3, the Peak Hour Vehicle Volume warrant, was applicable. The results of the traffic signal warrant indicate that the installation of a traffic signal is warranted at the proposed site access along CR 16. Since the warrant is met, a signalized intersection capacity analysis was conducted and the results for the weekday a.m., p.m. and Saturday midday peak hours reveals that the proposed site access with the installation of a traffic signal will operate at an overall intersection LOS B during all periods analyzed. Therefore, based upon the results of this analysis it is recommended

that a traffic signal be installed at this location. The installation of the traffic signal would require the review and approval of the Suffolk County Department of Public Works (SCDPW).

4. According to the analyses of traffic and parking conditions of the proposed project, the configuration of the parking layout in each section of the development, drive aisles, site access points and internal site roadways would provide for adequate on-site circulation. Specifically, site access would be provided via two unsignalized site driveways, and one emergency access drive, as follows:
  - One full access site driveway, would be located along the south side of CR 16, approximately 1,250 feet west of Hanrahan Avenue. It would serve as the primary access to the residential, office, restaurant and publicly-accessible park uses located on the site. It is proposed to close two existing site driveways located on Horseblock Road serving the Post Office, whose access would be relocated along the east side of the new site driveway, in order to decrease the number of curb cuts along CR 16, thus reducing vehicle conflict points.
  - The second site access driveway would be located at the westerly terminus of Henry Street. It would provide access to the residential neighborhood on the eastern portion of the subject property, and, thus, is expected to be significantly less busy than the primary site access.
  - An emergency access drive would provide a connection to Alamo Drive, west of the subject property, for use by emergency service providers and/or to allow for swift access to the western portion of the site in emergency situations.
5. There are no vertical or horizontal changes along CR 16 that would impair the driver's visibility when entering or exiting the site's primary driveway and vehicles will be able to adequately enter and exit the site. However, in order to ensure drivers' sight lines are not obstructed when exiting the site, it is recommended that no landscaping, berms or any other roadside objects be placed along the site's frontage within 10 feet of the back of sidewalk along CR 16.
6. All construction vehicles would arrive and depart at a construction access point along Horseblock Road (CR 16), via Nicolls Road (CR 97) from/to points west and North Ocean Avenue (CR 83) from/to points east, and ultimately the Long Island Expressway. Traffic levels during construction would be less than what would occur once the site is fully constructed and occupied, and the above-mentioned roadways are major thoroughfares that are designed to accommodate all vehicles, including construction vehicles utilized during the construction phase of the project.
7. Through implementation of the above measures, and through the covenants and restrictions to be imposed by the Town Board, no significant adverse impacts to the area's traffic system are anticipated.

#### Water Resources

1. The Arboretum is expected to generate approximately 89,370 gallons per day (gpd) of sanitary waste, which will be disposed of via connection to the proposed on-site STP. The STP will be designed and constructed in accordance with the prevailing regulations of the SCDHS. The State Pollution Discharge Elimination System (SPDES) permit that is required for the STP would regulate effluent discharges. Disposal of sewage effluent via the on-site STP will mitigate potential impacts to groundwater generated by redevelopment within the subject site. In

addition, the STP would have excess capacity of 60,630 gpd, which would potentially allow for other uses to connect, and provide enhanced wastewater treatment for those uses, as well, before effluent would be discharged to groundwater, thereby providing additional protection of groundwater resources.

2. Implementation of the proposed action is expected to generate a demand for approximately 98,307 gpd. Water conservation measures, such as low-flow fixtures, low-flow toilets, and drip irrigation, would be used within the development to minimize the water demand.
3. In order to ensure the protection of groundwater resources, the proposed project will adhere to the relevant requirements and recommendations of the Final Long Island Groundwater Management Program (NYSDEC, 1986), the Long Island Segment of the *Nationwide Urban Runoff Program* (LIRPB, 1982), the *Long Island Comprehensive Waste Treatment Management Plan (208 Study)* (LIRPB, 1978), the *Nonpoint Source Management Handbook* (LIRPB, 1984), and other relevant water resources studies.
4. Implementation of the proposed action is expected to increase the amount of impervious surface on the subject property from 0.67± acres to 20.38± acres. This increase in impervious surfaces will generate additional stormwater runoff. The proposed stormwater management system, including drywells, leaching pools, recharge basins and drainage ponds with a total system capacity of 568,353± cubic feet, has been designed to accommodate, and recharge on-site, stormwater runoff generated during an eight-inch rainfall event.
5. There are no Federal or New York State-regulated wetlands, surface waters, coastlines, or lands underwater at the subject property. However, there is a 0.23±-acre artificial drainage feature that is regulated under Chapter 81 of the Town Code as an artificial wetland. This feature is proposed to be eliminated, and, therefore, acceptable mitigation must be provided. According to Town of Brookhaven Department of Environmental Protection (DEP), the three proposed on-site drainage ponds provide an acceptable form of restoration/mitigation, and will satisfy the requirement for a minimum two-to-one restoration ratio for wetland replacement. In addition, a Wetlands and Waterways permit would be obtained, in accordance with the requirements set forth in §81-6 of the Town Code, and a maintenance plan for the constructed pond areas would be submitted to the Town of Brookhaven DEP.
6. The proposed project would use native or low maintenance plantings, to the maximum extent practicable, to reduce irrigation needs and fertilizer demand. These measures will assist in mitigating potential impacts to groundwater quantity and quality.
7. The proposed project involves minimizing the number of paved parking spaces through the landbanking of 112 parking spaces. Landbanking would permit a decrease in the amount of impervious surfaces on-site, and thus lower the amount of stormwater runoff generated, and provide additional green space.

#### Ecological Resources

1. Following implementation of the proposed action, the overall vegetated habitat at the subject property would more than double as compared to existing conditions, due to the replacement of

non-vegetated or sparsely-vegetated dirt surfaces with lawns, landscaping and other vegetated habitats. This would also increase the species diversity at the subject property.

2. Native vegetative species requiring little or no watering, fertilizers or chemical applications will be used to the maximum extent practicable in order to minimize impacts to groundwater resources and ecological habitats.
3. Installation of the proposed detention and drainage ponds and constructed artificial pond area will result in the establishment of intermittently and permanently flooded habitats at the subject property that would provide additional habitat and increase overall vegetative and wildlife species diversity. In total, 0.92±-acres or 1.4 percent of the subject property would be occupied by these habitats, resulting in a four to one restoration ratio for the filling of the existing on-site artificial drainage feature. A periodic pond/wetland maintenance plan would be prepared, submitted to the Town DEP, and implemented so that these features maintain their artificial designation.
4. The habitats being removed from the site are abundant, and no rare/protected species are present at the subject property. Therefore, implementation of the above measures would enhance the ecological resources of the property.
5. The existing site is currently used for import and export of soil with heavy equipment already disturbing and limiting the potential rodent habitat. Furthermore, approximately 45 acres or 60 percent of the site would be vegetated upon completion of the proposed development providing future habitats and places for wildlife. Prior to construction of the proposed project, Suffolk County Vector Control would be contacted and any necessary permits and approvals would be sought and acquired. Correspondence will be provided upon receipt. Moreover, at the discretion of the County, any maintenance or mitigation measures necessary and associated with construction of the proposed project, including rodent/pest control, will be addressed by the Applicant. The Applicant intends to employ the necessary perimeter rodent control measures (i.e. perimeter rodent traps and exterminator control) so the surrounding community would not be impacted as a result of construction. Such mitigation measures and maintenance will be resolved prior to construction.

#### Visual Resources

1. The visual impacts of the projected future development of The Arboretum at Farmingville have been studied extensively throughout the SEQRA process. In order to ensure that there would be positive impacts to the visual character, and that the potential for significant adverse visual impacts would be minimized to the maximum extent practicable, the following specific measures have been incorporated into the proposed project design:
  - The proposed commercial uses would be situated on the northern portion of the subject property, fronting along Horseblock Road, visually reinforcing the existing commercial nature of Horseblock Road within the hamlet of Farmingville, particularly east of the subject property.
  - The proposed single-family residential uses would be situated at the exterior of the subject property, complementing the existing residential aesthetic to the east and west of the subject

property, and partially screening views of the interior of the property, which would contain the townhouse units.

- The proposed development would include a number of aesthetic enhancements at the subject property compared to existing conditions, including landscaped public and private recreational areas, ponding areas, and active and passive recreational infrastructure such as playground equipment, benches and walkways.
- Trees and shrubbery would be planted along the northern and northeastern perimeters of the subject property that would soften the appearance of the commercial building and would screen views of the subject property from Horseblock Road and the agricultural uses to the east.
- A proposed vegetated buffer, in addition to the 60-foot-wide LIPA ROW, located south of the subject property, would screen views of the proposed STP from the aforementioned uses further south. Further, vegetative buffers would be planted, incorporating various tree species, to obscure lines-of-sight from the residences north of the STP to be constructed as part of the Arboretum, in addition to the adjacent properties.
- Overall, the proposed project includes the installation of various grasses, shrubbery, and trees throughout the subject property, which would enhance aesthetics therein, as well as screen views of the subject property from both the exterior and interior.

#### Use and Conservation of Energy

1. A letter, dated September 19, 2014, was sent to PSEG Long Island regarding electrical service to the proposed development. In correspondence dated December 19, 2014, PSEG Long Island indicated that it would provide service to the proposed development in accordance with the tariff and schedule in effect at the time service is required.
2. Correspondence was sent to National Grid on September 19, 2014 and followed-up with a second letter on December 18, 2014. To date, no response has been received.
3. The proposed redevelopment of the subject property would increase energy use on the subject site. However, the proposed project would comply with the requirements of the Town Code and throughout the Town's review process would continue to explore potential energy conservation methods and would work with the Town to incorporate same. It is not expected that the proposed project would result in significant adverse impacts to the use and conservation of energy. These potential methods include the following:
  - Incorporating high-efficiency heating and air conditioning systems, improved insulation, energy-efficient windows, and etc.
  - Incorporating the use of ENERGY STAR appliances and following other ENERGY STAR guidelines to assist in reducing energy requirements.

#### Cultural Resources

1. The subject property is not listed, or eligible for inclusion on, the State or National Registers of Historic Places. The National Register-listed Bald Hill School House is located on the northern side of Horseblock Road, approximately 120± feet northeast of the subject property's northern boundary. Upon development of the proposed project, views directly across Horseblock Road of the northeastern subject property boundary from the Bald Hill School House would be of vegetation, similar to the existing condition. Landscaping in the northeast area of the subject

property would consist of plantings that would replicate the Pine Barrens ecological community, and it is anticipated that the proposed landscaping would improve upon the view of the existing vegetation. Views toward the northwestern boundary of the subject property from the Bald Hill School House would be altered from the existing indirect view of vegetation along Horseblock Road. After development of The Arboretum this view would be of an attractive commercial building, as depicted in the before and after photographic renderings, below.

2. Correspondence dated June 5, 2014 from the New York State OPRHP indicated that the proposed project would not result in any impacts to historic resources, and the Farmingville Historical Society stated its support for the proposed project and did not raise any issues regarding the subject property's proximity to the Bald Hill School House. The views of the subject property from the Bald Hill School House would improve as the overall aesthetic condition of the subject property would be improved. Therefore, it is anticipated that implementation of the proposed project would not have significant adverse impacts upon cultural resources.

#### Solid Waste

1. The proposed development, with maximum occupancy and utilization of the proposed facilities, could generate approximately 67.1± tons of solid waste per month. This represents a conservative estimate, as the projection for the proposed restaurant uses, the largest generator of solid waste, assumes that a number of meals would be served equal to twice full occupancy during both lunch and dinner service (i.e., 960 meals).
2. Solid waste generated at the subject property by both the proposed residential and restaurant/office uses would be collected by a licensed private carter and disposed of at a licensed facility. Thus, the ultimate disposal locations are at the discretion of the carter, pursuant to its disposal agreements. It is expected the proposed development would undertake a recycling program geared toward its individual uses. Each component user would recycle specific materials, and would provide the proper receptacles to allow for separation and recycling. Based upon the foregoing, implementation of the proposed action would not be expected to result in significant adverse impacts to the Town's waste management facilities, practices or plans.

#### Air Quality

1. Construction and demolition activities associated with implementation of the proposed action would result in a slight, short-term increase in air emissions. Overall, construction activities would not be expected to substantially affect air quality due to the implementation of emission control procedures and the temporary nature of construction activities. Emissions from the operation of construction machinery (CO, NO<sub>x</sub>, PM, VOCs, and greenhouse gases) are short-term and not generally considered substantial.
2. The primary source of potential emissions is from fugitive dust resulting from construction operations (e.g., clearing, grading). Fugitive dust consists of soil particles that become airborne when disturbed by heavy equipment operations or through wind erosion of exposed soil after groundcover is removed. To minimize fugitive dust emissions, dust control measures would be implemented during dry or windy periods. The appropriate methods of dust control would be determined by the surfaces affected (i.e., roadways or disturbed areas) and would include, as necessary, the application of water, the use of stone in construction roads, and vegetative cover.

Regular sweeping of pavement of adjacent roadway surfaces during construction would be conducted to minimize the potential for vehicular traffic to create airborne dust and particulate matter. This construction-related air-quality impact (i.e., fugitive dust) would be of relatively short duration.

Also, during construction, emission controls from construction vehicles and machinery would include, as appropriate, proper maintenance of all motor vehicles, machinery, and equipment associated with construction activities, such as, the maintenance of manufacture's muffler equipment or other regulatory-required emissions control devices. Therefore, the adverse impacts on ambient air quality from construction activities associated with site-specific development are not expected to be significant.

3. Subsequent to construction, The Arboretum is expected to include stationary sources of air emissions, such as heating boilers, hot water heaters, and emergency generators. Because the project is conceptual in nature, the design, size, and number of the stationary sources have not yet been finalized. As the design process moves forward and specific equipment is chosen, the proposed development would obtain operating permits for appropriate equipment under the State of New York State Department of Environmental Conservation (NYSDEC) Division of Air Resources regulations (6 NYCRR Part 201), as may be required. Adherence to the NYSDEC Division of Air Resources requirements would ensure that these emission sources meet the National Ambient Air Quality Standards (NAAQS).
4. Overall, removal of the existing agricultural use and redevelopment of the site with a mixed-use, walkable community with on-site recreational facilities will potentially decrease the number of vehicle trips on area roadways and reduce the fugitive dust generated by the current operations, thus reducing the impacts to area air quality.

#### Economic Conditions

1. Based upon residential demographic multipliers published by Rutgers University, Center for Urban Policy Research (CUPR)<sup>1</sup> implementation of the proposed action is projected to generate a residential population of 677± persons, of which approximately 77 would be public school-aged children.<sup>2</sup> Based upon the New York State Education Department-provided cost per student of \$21,026, the addition 77 public school-aged children would be mitigated by the \$1,888,501 in projected tax revenues generated by the proposed project, which would result in a net positive impact of \$319,094.
2. The proposed commercial development would generate a number of employment opportunities. The proposed 24,000-SF commercial portion of the development was estimated to generate approximately 72 direct jobs (assuming full occupancy); this is an increase in 55 jobs over the existing condition. The proposed restaurant uses would require employees such as food servers, managers, chefs, and other related positions, while positions associated with the proposed office

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<sup>1</sup> *Residential Demographic Multipliers, Estimates of the Occupants of New Housing (Residents, School-Age Children, Public School-Age Children) by State, Housing Type, Housing Size, and Housing Price*; Prepared by: Robert W. Burchell, David Listokin, William Dolphin' Center for Urban Policy Research, Edward J. Bloustein School of Planning and Public Policy; June 2006.

<sup>2</sup> Based on 2013 ACS Data, within the Farmingville CDP, approximately 99% of households average 1 occupant per room. Based on this data, the proposed project would have 675 residents, which is nearly identical to what VHB projected via the Rutgers factors.



space would be dependent on the types of business locating there, but would provide a wide array of employment opportunities.

3. The proposed residential development, including the community building and STP, would support indirect employment opportunities as well, primarily within the local real estate, landscaping, and maintenance industries. The residential component of the development is expected to generate approximately 11 indirect employment opportunities.

As such, it is anticipated that the proposed project would provide employment opportunities to people in the surrounding area of the subject property, resulting in a beneficial economic impact.

4. The proposed project includes the development of 292 residential units in various configurations, as well as a 24,000±-SF commercial building, 7,500±-SF community building and associated appurtenances. Based on this development program, the total projected future assessed value of the proposed combined residential and commercial development would be \$995,976. Using this assessed value and applying the tax rates for the taxing jurisdictions, implementation of the proposed action is anticipated to result in total annual property tax revenue of \$2,907,454 at the subject property to all taxing jurisdictions (combined) upon completion of the project, representing a net increase of \$2,852,865 over existing conditions. Thus, implementation of the proposed action is expected to have a positive fiscal impact.
5. Aside from property taxes, the proposed restaurants would also contribute sales taxes to the County and State.
6. Based upon the foregoing, the proposed action has been developed to address the need for the provision of affordable housing, to provide commercial establishments that have been identified by both the *Farmingville Plan* and the *1996 Comprehensive Plan* as being desirable uses for the surrounding area by the community, and to have a positive fiscal impact on the community. Therefore, no significant adverse socioeconomic impacts have been identified.

Facts and Conclusions Relied on to Support the Decision:

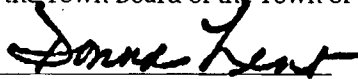
In accordance with 6 NYCRR §617.11, the Town Board has considered the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) for the Arboretum at Farmingville, and certifies that it has met the requirements of 6 NYCRR Part 617. This Findings Statement contains the facts and conclusions in the DEIS and FEIS relied upon to support this decision and indicates those factors that formed the basis of its decision.

**State Environmental Quality Review  
FINDINGS STATEMENT SIGNATURE PAGE  
Certification to Approve/Undertake**

Having considered the Draft and Final 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

Donna Lent  
Name of Responsible Official

Town Clerk  
Title of Responsible Official

9/17/2015  
Date

**A Copy of this Findings Statement has been sent to:**

The Honorable Ed Romaine, Supervisor  
and Members of the Town Board  
Town of Brookhaven  
One Independence Hill  
Farmingville, New York 11738

Vincent E. Pascale, Chairperson  
Town of Brookhaven Planning Board  
One Independence Hill  
Farmingville, New York 11738

Findings Statement  
Town Board of the Town of Brookhaven  
The Arboretum at Farmingville  
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Dr. James L. Tomarken  
MD, MPH, MBA, MSW  
Commissioner  
Suffolk County Department of Health Services  
3500 Sunrise Highway, Suite 124  
P.O. Box 9006  
Great River, New York 11739-9006

Mr. Dan Losquadro, Superintendent of Highways  
Town of Brookhaven Highway Department  
1140 Old Town Road  
Coram, New York 11727

Mr. Gilbert Anderson, P.E., Commissioner  
Suffolk County Department of Public Works  
335 Yaphank Avenue  
Yaphank, New York 11980

Andrew P. Freleng, Chief Planner  
Suffolk County Department of Planning  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788

Craig Platt  
Suffolk County Sewer Agency  
335 Yaphank Avenue  
Yaphank, New York 11980

Mark Carrara, Deputy Permit Administrator  
NYS Department of Environmental Conservation  
Region 1 Headquarters  
SUNY @ Stony Brook  
50 Circle Road  
Stony Brook, New York 11790

Kimberly Kennedy  
Suffolk County Water Authority  
2045 Route 112, Suite 5  
Coram, New York 11727

**Town of Brookhaven:**

Kevin J. LaValle, Councilman, District 3  
Tullio Bertoli, Commissioner, PELM  
Chip Wiebelt, Senior Site Plan Reviewer, Division of Environmental Protection, PELM  
Leigh Rate, Esq., Assistant Town Attorney, Law Department  
Donna Lent, Town Clerk and Registrar

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This Notice has also been forwarded for publication in the Environmental Notice Bulletin.

**This Notice has also been forwarded to:**

Sachem Public Library  
150 Holbrook Road  
Holbrook, NY 11741

Middle Country Public Library  
575 Middle Country Road  
Selden, NY 11784

**DECISION- THE ARBORETUM @ FARMINGVILLE**

DATE: SEPTEMBER 17, 2015

District #3

Council Member: Kevin LaValle

PRESENT	ABSENT		MOTION	AYE	NO	ABSTAIN	NOT VOTING	
		COUNCILMEMBER CARTRIGHT						<b>MOTION TO APPROVE/DENY                      DECISION PENDING</b>  <b>PUBLIC HEARING DATE:                      MAY 7, 2015</b>  <b>THE ARBORETUM @                      FARMINGVILLE @                      FARMINGVILLE, NY</b>  <b>CHANGE OF ZONE</b>  <b>2014-63</b>
		COUNCILMEMBER BONNER	2					
		COUNCILMEMBER LAVALLE	1					
		COUNCILMEMBER KEPERT						
		COUNCILMEMBER FOLEY						
		COUNCILMEMBER PANICO						
		SUPERVISOR ROMAINE						

**DECISION**

MEETING OF: SEPTEMBER 17, 2015

DECISION NO. 2

MOVED BY COUNCILMEMBER: KEVIN J. LaVALLE

REVISION: September 22, 2015

SHORT TITLE: RESOLUTION OF ADOPTION – APPLICATION OF THE ARBORETUM AT FARMINGVILLE FOR A CHANGE OF ZONE FROM A RESIDENCE 1 AND J BUSINESS 4 TO MF RESIDENCE AND J BUSINESS 2 ON PROPERTY LOCATED IN FARMINGVILLE, NEW YORK

PUBLIC HEARING HELD: May 7, 2015

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SEQRA REQUIRED: Unlisted Action – Negative Declaration  
DETERMINATION MADE: POSITIVE NEGATIVE  
FEIS/FINDINGS FILED:

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EXECUTION OF DOCUMENT REQUIRED: No  
LR:cah

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Cartright					
		Councilmember Bonner	2				
		Councilmember LaValle	1				
		Councilmember Kepert					
		Councilmember Foley					
		Councilmember Panico					
		Supervisor Romaine					

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

DECISION NO.  
MEETING: SEPTEMBER 17, 2015

RESOLUTION OF ADOPTION – GRANTING  
THE APPLICATION OF  
THE ARBORETUM AT FARMINGVILLE FOR A  
CHANGE OF ZONE FROM A RESIDENCE 1  
AND J BUSINESS 4 TO MF RESIDENCE AND  
J BUSINESS 2 ON PROPERTY LOCATED IN  
FARMINGVILLE, NEW YORK

WHEREAS, the Town Board is considering the application of the Arboretum at Farmingville for a change of zone from A Residence 1 and J Business 4 to MF Residence and J Business 2 for multi-family residential development and commercial development, on a parcel of property located on the s/s of Horseblock Road (C.R. 16), w/o Hanrahan Avenue, Farmingville, New York, further identified as S.C.T.M. Nos. 0200-626.00-03.00-039.005 and 040.000 and 0200-653.00-07.00-001.000; and

WHEREAS, the Town Board of the Town of Brookhaven, acting as Lead Agency, adopted a Positive Declaration for the application at the June 24, 2014 Town Board Meeting; and

WHEREAS, The Draft Environmental Impact Statement (DEIS) in conjunction with said application was accepted as complete by the Town Board of the Town of Brookhaven at the March 26, 2015 Town Board Meeting, and a thirty (30) day minimum public comment period was commenced; and

WHEREAS, on May 7, 2015, a joint public hearing on both the DEIS and change of zone application was held, at which time all interested parties were given an opportunity to be heard, and the public comment period on same was held open until May 18, 2015, to receive written comments; and

WHEREAS, on August 6, 2015, the Town Board accepted the Final Environmental Impact Statement (FEIS) for the application, and a ten (10) day consideration period was commenced; and

WHEREAS, on September 17, 2015, the Town Board adopted a SEQRA Findings Statement for the application of the Arboretum at Farmingville for a change of zone from A Residence 1 and J Business 4 to MF Residence and J Business 2 for multi-family residential development and commercial development, pursuant to the requirements of Part 617.11 of the State Environmental Quality Review Act; and

WHEREAS, after due consideration and deliberation;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the above application of the Arboretum at Farmingville for a change of zone from A Residence 1 and J Business 4 to MF Residence and J Business 2 for multi-family residential development and commercial development, on a parcel of property located on the s/s of Horseblock Road (C.R. 16), w/o Hanrahan Avenue, Farmingville, New York, further identified as S.C.T.M. Nos. 0200-626.00-03.00-039.005 and 040.000 and 0200-653.00-07.00-001.000, is hereby 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.

#### **COVENANTS**

1. Use of the subject premises shall be limited to a multi-family residential community, consisting of not more than 292 units and 24,000 s.f. of commercial uses.



2. All development shall be in substantial compliance with the concept plan by Baldassano Architecture, LLP last revised on 2/11/2015 and date stamped received by the Town of Brookhaven Town Clerk on 3/3/15.
3. As illustrated on the Baldassano Architecture, LLP concept plan, single-family residences shall be situated along the eastern and western side yards.
4. The applicant/owner shall submit a land division application to separate the 3.65 acre J Business 2-zoned parcel and the 61.588 acre MF Residence District (Multi-Family)-zoned parcel. The Planning Board land division approval must be obtained before or simultaneous with site plan approval.
5. At the time of conditional site plan approval, the applicant/owner shall submit and agree to a perpetual cross access and public use easement agreement for the 7.28±-acre publicly accessible open space area with the Town of Brookhaven for public access and use, subject to the approval of the Town Attorney's Office. The public use easement agreement shall contain insurance indemnity provision for public use. Upon execution by all parties, said agreement shall be filed as a covenant in the Office of the Suffolk County Clerk.
6. Redemption of 41.6 Pine Barrens Credits shall be a condition of final site plan approval.
7. At the time of conditional site plan approval, the applicant/owner shall submit and agree to a perpetual future cross access easement agreement to the property to the east (SCTM No. 0200 62600 0300 039002) and to the property to the west (SCTM No. 0200 62600 0300 005000) which agreements shall be subject to the approval of the Town Attorney's Office. Upon execution by all parties, said agreement shall be filed as a covenant in the Office of the Suffolk County Clerk.
8. Site access to Horseblock Road shall be provided by means of an internal roadway connecting the multifamily residence and the commercial uses. Proposed site access to Horseblock Road shall be mitigated by the installation of a traffic signal or as may be directed by Suffolk County Department of Public Works. At time of site plan review the Planning Board shall review and determine whether or not and where to place the proposed access to the east and proposed emergency access west of the site, subject to final recommendations from traffic review agencies having jurisdiction.

9. A minimum of ten (10) percent of the total number of dwelling units shall be maintained in perpetuity as affordable and/or workforce units (30). Half of the "affordable" units (15) shall sell for an amount at or below 80% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the Federal Department of Housing and Urban Development. Half of the "workforce" units (15) shall sell for an amount at or below 120% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the Federal Department of Housing and Urban Development. Applicants/ Owners shall enter into a contract with a local not-for-profit housing advocacy group to administer the affordability of the housing units. However, the foregoing provision shall be subject and subordinate to any and all mortgages on such workforce/affordable unit held by a commercial bank, savings and loan association, credit union, savings bank, national bank, licensed funding company, or its successors and assigns, and shall be extinguished by a sale of foreclosure by any of said lenders, or a deed given to such lender in lieu of foreclosure.
10. A natural and/or re-vegetated buffer of not less than twenty five (25) feet shall be required along the western and eastern property lines abutting residentially used properties, with the exception for cross access and utilities.
11. A minimum fifty (50) foot landscaped area shall be maintained adjacent to Horseblock Road.
12. In accordance with Section 85-82 of the Code of the Town of "Brookhaven, a land use intensification mitigation fee shall be paid in the amount of \$68,437.50.