

APPENDIX M

HUNTINGTON TOWN PLANNING BOARD

MEETING OF DECEMBER 9, 1998

The following resolution was offered by W. Gerard Asher
and seconded by H. Jeffrey Virag

WHEREAS, Instrument Systems Realty Corporation, c/o Griffin Corporation, 100 Jericho Quad, Suite 225, Jericho, New York 11753 and Net Realty I Holding Trust 535 Boylston Street, Boston, MA 02116, under contract to purchase, have submitted a preliminary subdivision application for the COBBLESTONE ESTATES property, prepared by Nelson and Pope, and

WHEREAS, said preliminary application was received on December 12, 1997, and

WHEREAS, the Huntington Town Planning Board held a public hearing on August 5, 1998 on said preliminary map in accordance with Section 276 and 278 of Town Law, which was duly advertised, and all interested persons who wished to be heard were heard, and the Planning Board having found that a lot-yield of 109 residential units and one (1) modified I-1 lot was established by the Huntington Town Board in their resolution of December 12, 1989 adopting the findings for the rezoning of part of the subject property to R-7 Residential, and having found that modified lots would be a more beneficial development for reasons including promotion of the most appropriate use of land, facilitation of adequate and economic provision of streets and utilities, and the preservation of natural and scenic qualities of open lands, and

WHEREAS, lot #110 of said map as presented does not conform to the width requirement of the I-1 Light Industry District in which said lot is located but this deficiency was remedied by the following variance which was granted by the Zoning Board of Appeals on February 26, 1969, application #5920:

Variance of Lot Width at required Front Yard Setback.

and

WHEREAS, roadway widening required by the then Town Department of Transportation and Traffic Safety has resulted in the area of the industrial lot, Lot 110, becoming less than the six acres required by I-1 Light Industrial District and an area modification for this lot is noted on the plan, and

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WHEREAS, the review time was extended by mutual agreement to December 7, 1998 and

WHEREAS, the Planning Board caused a review of the subdivision to be made pursuant to the State Environmental Quality Review Act (SEQRA), and has determined that there will be no significant environmental impact because potential adverse impacts from the subdivision will be mitigated by implementation of statutory standards and requirements and has issued a Statement of Findings and Conclusions on June 17, 1998, and

WHEREAS, said application was referred to the Suffolk County Planning Commission pursuant to Sections A14-24, Article XIV of Suffolk County Administrative Code and the Suffolk County Planning Commission has approved the subdivision subject to the following conditions:

1. No more than 110 lots shall be created pursuant to a certified yield map demonstrating conformance with the minimum lot size and density requirements of the applicable zoning designations for the subject site.
2. For lot 110, no direct access to Park Avenue, C.R. 35A shall be allowed. All access to this parcel shall be from East Fifth Street at a distance of not less than 50 feet from a short radius that forms the intersection of the two roads.
3. A buffer or conservation easement at least 50 feet in width shall be established along Park Avenue to help preserve the natural vegetation along the road, so as to enhance the aesthetics of the road, contribute to the preservation of residential amenities from traffic activities and noise, and to help minimize the erosion potential.
4. All storm water runoff resulting from the development and improvement of lot 110 shall be retained on the site by adequate drainage structures so that it will not flow out onto the right-of-way of Park Avenue.
5. A fence in accordance with zoning requirements as to height and type shall be erected along the boundary of lot 110 and the remainder of the subdivision. The fence will help to avoid conflicts between the industrial area and the future lot owners of the residential subdivision.
6. The subject parcel is in proximity to the Huntington train station where locomotives and fleet vehicles are stacked, stored, sorted and dispatched with associated diesel fume odors, warning, bell noises and noise from locomotives idling and since passing trains can result in noise levels of 70 to 75 dBA, or greater, within a residential structure and since such noise levels can awaken adults, disturb babies and interrupt normal activities: all residential structures shall be setback from the railroad right of-way the maximum distance possible; a vegetated buffer having a minimum width of 50 feet shall be established along the railroad right-of-way or a high landscaped earth berm should be considered to be constructed adjacent to the railroad right-of-way; all residential structures that are erected within this subdivision shall be constructed using

- materials and techniques that will reduce interior noise levels in accordance with the recommendations of the Department of Housing and Urban Development or other authority that has promulgated standards for reduction of interior noise levels.
7. Appropriate steps should be taken to ensure that open space areas shown on this map remain as open space excluded from future development.
 8. An alternative means of access shall be provided for all subdivisions to insure access by emergency and service vehicles. Where a second street for an alternative means of access cannot be provided, a special right-of-way must be created for this purpose.
 9. A right-of-way of 50 feet shall be created for the subdivision streets in order to provide for adequate pavement width for emergency vehicles and the volume of traffic associated with 109 single family homes. The right-of-way should be dedicated or reserved for future dedication or reserved for future dedication to the Town of Huntington.
 10. Twenty percent (20%) of the lots in this subdivision shall be set aside for affordable housing.
 11. No approval shall be given to this proposed subdivision by the Town Planning Board until the subdivider can satisfactorily show that public sewers will be provided in accordance with the requirements established by the Suffolk County Department of Health Services an/or the Sewer Agency.

and

WHEREAS, the Planning Board has considered the conditions from the Suffolk County Planning Commission and conditions 1, 2, 4, 5, 6, 7, 9 and 11 have been incorporated into the proposed map or resolution of approval, and

WHEREAS, a variable width conservation easement around the perimeter of the entire residential area has been shown on the map, but in some areas it is less than the 50 feet indicated in condition 6, and

WHEREAS, condition 8, regarding alternative access has not been incorporated into the map, and

WHEREAS, the Planning Board determined that condition number 10 regarding providing a minimum twenty percent (20%) affordable units will be addressed by the following requirement for ten percent (10%) of the homes to be affordable, now therefore be it

RESOLVED, that the map of COBBLESTONE ESTATES dated September 1997, revised September 15, 1997 and received in the Planning Department September 18, 1998 is hereby approved with the following modifications:

MODIFICATIONS AS NECESSARY TO CLUSTER AS SHOWN ON THE APPROVED MAP.

and be it further

RESOLVED, that this approval is subject to the following conditions:

1. The applicant shall incorporate noise attenuation measures into the residential units consistent with the Planning Board's July 31, 1991 Timber Ridge resolution and Cerami Consultants May 1991 report - Timber Ridge Town Homes exposure to Long Island Railroad Noise. A note indicating this requirement shall be placed on the final map.
2. A soils risk assessment in conformance with New York State Department of Health Guidelines shall be submitted with the conditional final application.
3. The maps submitted with the conditional final application shall show a drop curb connecting the end of the sidewalk in front of lot 97 and lot 38.
4. Minor errors in the Table of Modifications shown on the preliminary map relative to the conservation easement shall be corrected on the final map.
5. A draft conservation easement shall be submitted with the conditional final application for review by the Environmental Review of the Planning Department. The conservation easement shall be coordinated with the proposed landscape plan submitted with conditional final application.
6. A six foot high stockade fence shall be shown along the northern and western boundaries of the residential development.
7. As agreed between the applicant and the Department of Parks and Recreation, the Department of Parks and Recreation, will allow the applicant/developer access to the proposed recharge basin through the southwest corner of said recharge basin. The applicant/developer will pave an access road to the recharge basin on the eastern most portion of the Town property at Manor Field as indicated on the preliminary plan. In addition, the developer has agreed to clear and grade the 2.99 acres of parkland to be dedicated to the Town to the extent necessary for a soccer field except the area to remain natural as depicted on the preliminary map.
8. Ten percent (10%) of the units (11 units) shall be affordably priced at \$145,000, and shall be made available to first time homebuyers for the first three months of sales of the affordable units. The \$145,000 shall be the finished price of the units which shall include two bedrooms, one full bathroom, one half bathroom and a one car garage.
9. Under the supervision of the Town of Huntington Community Development Agency (HICDA), a public lottery will qualify individuals as to first-time homebuyers status and income for purchase of an affordable priced (\$145,000) dwelling. The applicant must advertise the lottery to a diverse cross section of the Long Island community through an advertising plan that is approved by the

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- HCLDA. The timing of the lottery process relative to the completion of the entire project will be at the developer's discretion.
10. The HCLDA will qualify participants in the lottery based upon the following criteria:
 - A documented gross income of no more than 75 percent of the 1997 Median Annual Household Income (\$64,565) for the Town of Huntington which is \$48,424;
 - First time homebuyer status as defined by the Huntington Town Planning Board's resolution dated September 9, 1998; and
 - A Certificate of Pre-qualification for financing the purchase either through participation in a HCLDA seminar, or independently from a qualified lending institution.
 11. Lottery homebuyers will apply for, and if successful, purchase homes as households. A household is defined as a single individual living alone or a family as defined in Section 198-2 of the Huntington Zoning Ordinance. The homebuyers selected in the lottery shall purchase the affordable units in the same name(s) as they applied. No lottery winner may assign the right to purchase to anyone else. If a lottery winner fails to purchase an affordable unit within 45 days of being offered the opportunity, or 45 days of the issuance of a Certificate of Occupancy whichever is later, the right to purchase will go to the next applicant drawn from the qualified list.
 12. Lot Number 110, the industrial lot, shall be excluded from the Homeowner's Association.

and be it further

RESOLVED, that a restrictive covenant shall be submitted to the Planning Department, approved by the Town Attorney, and filed in the Suffolk County Clerk's office, indicated in the affected deeds and noted on the final map prior to signing of the map, stating the following:

A. Covenants and Restrictions having to do with the affordable dwellings in the subdivision known as Cobblestone Estates:

1. The affordable units shall remain in the housing stock of the Town of Huntington for a period of ten (10) years, and may only increase in value, each year, commensurate with the consumer price index during that period of time.
2. The affordable units shall not be segregated or separated from the market rate homes in the subject development and they shall be similar to the market rate dwellings on the exterior.

3. The affordable units may be expanded (added on to) during the ten (10) year affordable period, but the price shall not be altered except as set forth in item 1 above.
4. The portion of the Covenant and Restrictions having to do with the affordable dwellings in the subject development shall be null and void ten (10) years from the date of the initial occupancy of the individual affordable dwellings. The date of the issuance of the Certificate of Occupancy shall be determinative of initial occupancy.

B. Covenants and restrictions as they apply to common areas:

1. Management of the common areas, which among other portions of the property as delineated on the subdivision map include roads, drainage structures, recharge basin and the sanitary sewerage structures shall be owned and maintained, in perpetuity by a homeowners association which shall be duly created in accordance with the laws of the State of New York and approved by the State Attorney General.
2. Assessment of the common areas shall be based on these areas being open space and/or recreational areas. Such areas shall be given a zero assessment, and the assessment records prepared both for the common areas and all the affected properties within the subdivision shall show that the value of the common areas is reflected on the tax rolls by adding the proportionate share of the value of the common property to the value of the remaining properties in the subdivision.
3. The common areas shall not be subdivided in the future nor used for commercial purposes.
4. The homeowners' association shall not use the common areas as collateral for improvements within the subdivision or any other purpose.
5. The homeowners' association shall meet all requirements and regulations of the State Attorney General's office per 13 NYSRR Parts 20, 21, and 22.
6. Dissolution of the homeowners' association shall be prohibited without Town Board approval.
7. A conservation easement shall be filed with the Town and included in the HIOA offering prospectus, specifying that affected protected areas will remain pervious open space in perpetuity as natural and scenic buffer. Such open space shall be considered encumbered and must be maintained in accordance with the conservation easement to be submitted by the applicant for review by the Planning Department with all relevant provisions thereof specified on the landscape plan.

and be it further

RESOLVED, that these Covenant and Restrictions shall be prominently listed at the beginning of the prospectus that is sent to the Attorney General of the State of New York and given to prospective buyers of homes in the proposed development, and be it further

RESOLVED, A copy of the offering prospectus shall be submitted to the Planning Department office prior to the signing of the final map by the Director of Planning in order to review the disclosure of the above conditions and restrictive covenants to prospective buyers, and be it further

RESOLVED, that the following conditions indicated in the Statement of Findings adopted by the Town Board and the Planning Board shall be addressed in the final application, and indicated on the final map where applicable, prior to final approval (signing of the final map by the Director of Planning):

1. The units will be offered to first-time homebuyers on a first-come, first-served basis for the first three months of sales, then opened to all others thereafter.
2. Management of common areas, including the road and recharge basin, shall be shared through formation of a homeowners association (HOA).
3. Prior to signing of the final map by the Director of Planning, a conservation easement shall be filed with the Town and included in the HOA offering prospectus, specifying that affected protected areas will remain pervious open space in perpetuity as natural and scenic buffer. Such open space shall be considered encumbered and must be maintained in accordance with the conservation easement to be submitted by the applicant for review by the Planning Department with all relevant provisions thereof specified on the landscape plan.
4. The landscape plan submitted shall depict existing vegetation to be maintained and indicate the conservation area and those areas to be revegetation with predominantly native and naturalizing species. The applicant shall provide for the replanting of as much indigenous vegetation as possible and/or allow specified areas to undergo natural succession.
5. The applicant shall fence the addition to Manor Field Park to protect both integrity of the parkland and that of the proposed residential community as depicted on the preliminary map.
6. In addition to fencing, specialized buffer plantings shall be shown along the northern property edge to attenuate some of the noise impacts to be experienced by prospective homeowners.
7. Prior to final approval, the applicant shall submit documentation from the Department of Environmental Waste Management indicating that the connection to the Huntington Sewer District has been approved and all applicable fees have been satisfied pursuant to paragraph 8 of the Findings Statement adopted by the

Town Board on December 12, 1989 and §164-9(c) and (d) of the Huntington Sewer District Management Rules and Regulations.

8. Grading, drainage, and erosion/sedimentation control plans shall be submitted with the conditional final map. Such plans shall include mechanisms (including, but not limited to the use of staked haybales, hydroseeding exposed areas, intermittent sediment traps, and traprock placement at the construction entrance) for temporary control of silt, soil, and stormwater on-site during site preparation and construction activities in a manner to preclude impact to native vegetation to be retained and surrounding site resources. All erosion control measures are to be in place and inspected before construction begins.

and be it further

RESOLVED, that the findings set forth in the Statement of Findings and Conclusions shall be fulfilled pursuant to statute in a timely fashion, where feasible, during final subdivision review and subsequent to filing of the final map, and no certificate of occupancy shall be issued on any structure on any of the lots until it is determined that all applicable standards and requirements as outlined in the EAF Part III have been complied with.

VOTE: 6 AYES: 6 NOES: 0

The resolution was thereupon declared duly adopted.

RESOLUTION AMENDING THE FINDINGS STATEMENT ADOPTED PURSUANT TO THE SEQRA REGULATIONS AND AMENDING THE CONDITIONS OF APPROVAL FOR THE STARLIGHT BUILDING CORPORATION/EVERGREEN HOMES AT FIFTH STREET PROJECT TO ALLOW DETACHED CLUSTERED SINGLE-FAMILY ENTRY-LEVEL HOMES

Resolution for Town Board Meeting Dated: August 26, 1997

The following resolution was offered by SUPERVISOR PETRONE
COUNCILMAN MUSGNUG

and seconded by COUNCILMAN ISRAEL

WHEREAS, the Starlight Building Corporation petitioned the Town Board to amend certain conditions that were imposed pursuant to the December 12, 1989 adoption of a SEQRA findings statement and approval of rezoning of the Instrument Systems Corporation property from I-1 Light Industry to R-7 Residence District (ISC #89-88-ZM-45-E-139) for property located on the north side of East Fifth Street west of Park Avenue, Huntington Station, New York, containing approximately 29.565 acres, and indicated as parcel 0400-104.00-01.00-043.001 on the Suffolk County Tax Map, and

WHEREAS, the proposal before the Town Board was an alternative considered in the Final Environmental Impact Statement (FEIS) adopted on November 12, 1989 and the applicant has indicated to the Planning Department how the alternative has been revised to meet standards that were established as mitigation for the prior attached cluster development project, and

WHEREAS, the Director of Planning presented an analysis comparing the proposed action to the prior alternatives considered in the FEIS which indicates the project will be as protective of the environment as the previously-approved project; and based upon such evaluation, it was determined that no significant adverse environmental impacts are likely to result from the action, thus, a Negative Declaration was issued pursuant to SEQRA on June 24, 1997; and

WHEREAS, the Town Board held a public hearing on July 8, 1997 to consider adopting amendments to three clauses in the SEQR findings statement and conditions of approval for the rezone of the subject property and the proposed amendments were fully supported by speakers at the public hearing;

NOW, THEREFORE

THE TOWN BOARD

HEREBY AMENDS the resolution of December 12, 1989, adopting findings for the rezoning of the subject property to R-7 and the findings statement therefor as follows:

- Any development of the subject property must be in [attached] cluster configuration, total yield not to exceed 109 units as proposed. The size of the units may be determined by the Planning Board during subdivision and site plan review. To meet a need identified in the Comprehensive

Plan, the units will be offered to first-time homebuyers on a first-come, first-served basis for the first three months of sales, then opened to all others thereafter.

- [Attached] cluster development of no more than 109 shall occur within an interior area of the total site to be bounded by property to be [retained by a homeowners association] protected by a conservation easement and by land to be dedicated as parkland and reserved as recharge basin. Management of common interests (e.g., roadways) shall be shared through formation of a homeowners association. New residential units shall be sited as far away from the Long Island Rail Road tracks as practicable.
- A [restrictive covenant] conservation easement shall be filed, prior to [subdivision approval by the Planning Board] signing of the final map by the Director of Planning, specifying that [common areas] affected protected areas will remain impervious open space in perpetuity[, either for temporary recreational use (i.e. playing field) or] as natural and scenic buffer. Such open space shall be considered encumbered and must be maintained in accordance with [a conservation master plan] the conservation easement to be submitted by the applicant for review by the Planning Department with all relevant provisions thereof specified on [as part of] the landscape plan.

*** INDICATES NO CHANGE IN PRESENT TEXT.
ADDITIONS ARE INDICATED BY UNDERLINE.
DELETIONS ARE INDICATED BY [BRACKETS].

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Marlene L. Budd	AYE
Councilman Steve J. Israel	AYE
Councilman Donald P. Musgnug	AYE
Councilwoman Susan J. Scarpati-Reilly	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

STATE ENVIRONMENTAL QUALITY REVIEW
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Huntington Planning Board, as lead agency, makes the following findings.

Name of Action: Instrument Systems Corporation Change of Zone
(Application # 88-ZM-245)

Description of Action:

The proposed action is the rezoning of a 29.565 acre parcel from I-1 (Light Industry District) to R-7 (Residence District, 7,500 sq. ft. minimum lot size) and the extension of the Huntington Sewer District to embrace the site. Subdivision of the property is proposed subsequent to the change of zone to enable development of 109 attached residential units in cluster configuration with amenities (swimming pool, cabana, tennis court) and the dedication of a 2.95 acre parcel for park purposes contiguous to the Town's Manor Field Park. The subject site has been previously disturbed (though presently contains no impervious surface) and supports old field vegetation and a small pond. The site is mapped on the Town Open Space Index.

Location: North side of East Fifth Street, west of Park Avenue in the hamlet of Huntington Station, Town of Huntington, Suffolk County.
Suffolk County Tax Map Description:
District 400-Section 104-Block 01-Lots 43.1 and 43.2

Agency Jurisdiction(s):

Huntington Town Board, lead agency
Huntington Planning Board, involved agency
Suffolk County Dept. of Health Services, involved agency
Suffolk County Water Authority, involved agency
NYS DEC, Region I, involved agency

Interested Agencies:

Huntington Conservation Board
Suffolk County Dept. of Public Works
Suffolk County Planning Commission
Town of Huntington Dept. of Environmental Control

Date Final EIS Filed: November 16, 1989

Facts and Conclusions in the EIS Relied Upon to Support the Decision:

See attached report.

INSTRUMENT SYSTEMS CORPORATION (ISC)
CHANGE OF ZONE

SEORA FINDINGS

A. The proposed change of zone will be followed by application for subdivision to enable construction of 109 attached condominium dwelling units (contained in 28 buildings) on a 29.565 acre site. In addition, the project will involve construction of minor amenities (swimming pool, cabana, and tennis court). Approximately 283 persons, including 36 school-age children, are expected to reside within the finished project.

B. The true public benefit to be realized from the proposed action is the offset of potential traffic generation. Traffic studies in the FEIS indicate that development at the existing I-1 zoning could generate an unmanageably significant increase in traffic volume and particularly, peak hour generation (685 vehicle trips in the afternoon peak) to an area already experiencing poor levels of service. There are current operational problems at most of the intersections in the general vicinity of the site with extremely limited opportunity to effect mitigation. Calculations (1987) of carbon monoxide concentrations at localized intersections over an 8-hour period exceeded the National Ambient Air Quality Standard (NAAQS) at two intersections: Pulaski/Park and Pulaski/Lenox. However, the FEIS shows in calculations in which the proposed action is factored that the ISC application does not pose the potential to significantly affect air quality over existing conditions.

Area roadways contain sufficient capacity to handle the project traffic increase of 60-70 new vehicular trips per peak hour weekday. To facilitate better traffic movement in the direct vicinity of the site and to correct an undesirable existing geometric condition, the Town Board finds that the applicant can realign the reverse curve along the frontage of the site. All improvements will be determined during the subdivision and site plan review of the project by the Planning Board and must be conducted to the satisfaction of the Town Director of Traffic Safety, the Town Highway Superintendent and the Engineering Division of the Planning Department.

C. The housing density proposed by Instrument Systems Corporation exceeds the recommendations of the Federal 208 Groundwater Study, and the LIRPB 208 Non-Point Source Study, as well as the standards of the Suffolk County Department of Health Services (SCDHS) for conventional in-ground septic systems. Lying outside of the Town sewer district boundary, the proposed action to avail sewerage to the property will be incompatible with the recommended plan of the Huntington 201 Study upon which the upgrading of the Huntington Sewage Treatment Plant was premised. The Town Board finds that inclusion of the subject site in the Huntington Sewer District will result in a respective loss in

planned district capacity; however, deems such extension necessary to mitigate potentially unmanageable traffic conditions resultant of development at existing zoning. The proposed action is not considered precedent setting as any and all applications for district extension shall be reviewed on their individual merits and weighed for potential adverse environmental ramifications.

The Town Board's resolution accepting the DEIS and later, FEIS as complete specify that extension of the sewer district to embrace the full site (35.595 acres, two tax parcels) is part of the proposed action. However, the Town Board is acting as lead agency in review of the rezoning for the 29.595-acre portion. Extension of the district to include the previously-improved 6.0-acre parcel is noted in the FEIS. The Town Board finds that extension of the district to include all the ISC holdings on the north side of East Fifth Street, west of Park Avenue is warranted and shall receive additional review upon application to the Department of Environmental Control for sewer connection so as not to pose a significant adverse impact to the Huntington Sewer District. The Department of Environmental Control shall consider the full 35.595 acres for connection to the sewer district and levy the charges necessary to facilitate such hook-up upon receipt of permit application therefor during subdivision and site plan review by the Planning Board.

All of the alternatives for a development at the existing I-1 zone and at change of zone considered in the FEIS require extraordinary (non-conventional/structural) technologies -- on-site sewage treatment plant or connection to the Huntington Sewer District -- to treat the volume of wastewater projected. According to the standards of the SCDHS, allowable flow for the site is 17,739 gallons per day; consumptive use for the proposed action is estimated to be 32,700 gallons per day. Thus, there will be a net loss of such gallonage from the local groundwater recharge cycle.

The Town Board opted to entertain the application of Instrument Systems Corporation only as the Huntington Sewer District would be extended to embrace it. By connecting the project into the existing sewer system, the Town Board finds that localized groundwater quality will be less compromised than it might by use of an on-site system. The Suffolk County Water Authority's Plumb Court pumping station wells (560 and 665 feet in depth, located downgradient from the subject site) are exhibiting nitrogen-nitrate contaminations ranging from 1.9 mg/l to 0.21 mg/l, below the NYS Health Department drinking water maximum limit (10 mg/l).

The Town Board finds that any improvements (e.g. upgrading of existing pump station) necessary to effect connection

Instrument System Corporation (ISC) - SEQRA Findings

of the proposed project to the sewer district will be within the capability of the project sponsor and environmentally preferable to construction of a new on-site package plant to treat sanitary wastewater for discharge within the immediate capture zone of an operating public supply well downgradient. The applicant shall have to pay for all improvements to the system that are required in order to allow connection. Also a "key money" type mechanism may be developed such that the applicant does not effectively reduce the design lifetime of the Huntington STP to the expense of taxpayers in the existing district. Health Department approval will be subject to well data, public water supply availability and wastewater treatment design details. In addition to sewerage, the FEIS shows that the use of low maintenance vegetation and maximization of natural recharge area will serve to further reduce the potential nitrate concentration in stormwater recharge.

D. There will be a net loss of open space if the project is approved; however, a substantial amount of area is to be retained in natural/naturalized and landscaped cover providing potential wildlife habitat and diversity in aesthetic buffering. The FEIS shows that the site contains vegetation characterizing an old field association with three gradients therein -- lowland shrub, young forest, and sapling grove. New York State protected native plants have been documented on site. The Town Board finds that a landscape plan identifying natural features to be preserved (such as existing large trees), demarcating buffers and setbacks (not less than those depicted on the ISC proposed development plan in the FEIS unless additional parkland is set aside) to be provided, and supplemental materials to be planted (native species to include replacement of the protected species affected) can further the quality of the open space to be held in common upon cluster development. The retention and revegetation of site area will further facilitate such effect. The FEIS shows that wildlife corridors will be provided through and about the site.

The subject action affects 22.9 acres of land designated on the Town of Huntington Open Space Index (entire parcel #NW-36). A 2.95-acre (10%) set aside as parkland was included on the project yield study, depicted on the site plan, and specified within the text of the FEIS that the applicant will offer such land to the Town as an addition to Manor Field Park. The Town Board finds that the proposed action to enable cluster development at the R-7 density with a park dedication will result in greater open space retention than the other alternatives considered. The park dedication shall remain at least partially a passive use area to protect the pond. With the anticipated park dedication, the proposed action will result in retention of nearly 25% (24.5) of the site's existing natural vegetation, an additional 13.25 acres (44% of site) is to be landscaped area.

The park dedication proposed, 2.95 acres, is based on the subject property before the Town Board for change of zone. Upon enactment of such zone change, an application for subdivision will be submitted to the Planning Board for review, such application to include the entire 35.595 acres of ISC holdings. Since the 10% park setback was predicated on the 29.5 acres parcel, the applicant will have an opportunity to further extend Manor Field Park by an additional 0.6 acre or to pay the requisite park and playground fee therefor as industrial land. While it will be the responsibility of the Planning Board to make such determination, the Town Board finds that provision of the additional park acreage can further mitigate potential impact to this mapped Open Space Index parcel.

E. Although the subject application represents a significant alteration to the existing open setting, formerly agricultural land, virtually any conventional development of the site could pose greater aesthetic impact than the proposed cluster plan. The development of 109 new attached homes will result in a visible transformation in physical site character, changing some of the scenic element of the broad expanse of open land. The proposed action will affect aesthetic resources far less than construction of an office building or warehouse and associated parking as allowed by the existing I-1 zoning. The ISC application is compatible with the surrounding character of the built community in the immediate site vicinity which includes attached residential units at the same density as proposed on the subject site. The Town Board finds that the preservation of large trees; provision of natural and landscaped buffer area adjacent to existing development, public roadways and the railroad tracks; location of housing centrally to reduce visual impacts to adjoining roadways and neighboring lands; and set aside of park and recharge basin area will suitably protect the visual resources and inherent valuation of the surrounding community.

F. There is no means to control water runoff from the subject property at present. Implementation of the proposed project or any of the other alternatives will require grading, drainage, and erosion/sedimentation control plans reviewed and approved by the Engineering Division of the Planning Department. Such plans will insure control of drainage on-site due to improvements proposed and proper control and recharge of water that enters onto the property from the surrounding drainageshed, to specifically consider the contribution of the two large culverts which pass under the Long Island Rail Road's elevated track bed and the value of the pond as it relates to the site's existing drainage patterns. As included on the yield study, the Town Board finds that such plans are likely to involve the construction of a

Instrument Systems Corporation (ISC) - SEQRA Findings

recharge basin to provide a mechanism for capture, retention, and return of all stormwater on the site.

G. Although the small pond in the northwest corner of the site is not included on the Tentative Freshwater Wetlands Maps of the NYSDEC, it will be protected by virtue of a park dedication. The Town Board finds that the proposed action will not directly affect the pond or adjacent area's resources; and will, in fact, preserve this feature. Implementation of a grading, drainage, and erosion control plan for the site must serve to protect the pond from indirect influences.

H. Location of the site at the Long Island Rail Road tracks, close to a grade crossing, subjects the property to serve as a sensitive noise receptor. The FEIS indicates that existing intermittent railroad traffic along the northern boundary exhibits noise levels in the low 80's dBA range. The partially elevated nature of the railroad tracks makes it difficult to significantly reduce on-site noise levels from the railroad. It is the finding of the Town Board that fencing and specialized buffer plantings along the northern property edge, as well as placement of homes as far away from the railroad as is possible, can attenuate some of the noise impact to be experienced by prospective homeowners.

I. Utilities such as gas, electric and water are readily available at the project site. There is no certificate of water availability from the supplier within whose boundaries the site lies, the Suffolk County Water Authority; however, the agency has indicated that service is available and that contracts for water service will be proffered when the project has been approved. The Town Board finds that implementation of energy and water conserving measures (i.e. fixtures, materials) as described in the FEIS are appropriate to the subject site development.

J. Community services will be impacted by the proposed project to a minor extent. The expected 36 school age children will attend school in the Huntington School District which the FEIS indicates has sufficient excess capacity to absorb the influx of new students, distributed through all grades (with the exception of the first grade), without significant impact on the high quality of educational services presently available. Police and fire service will be attenuated in that the addition of 286 new residents to any area has such effect.

The Town Board finds that an attached cluster plan implemented as condominium or homeowners association development, requires less community services proportionally than a conventional development in that on-site sanitary systems (sewer lines), drainage systems, and road network will remain the private responsibility of the

homeowners association, not of the municipality, while tax revenues generated to the benefit of the Town are substantially equivalent.

From the construction perspective noted in the FEIS, it is more cost-effective for both the applicant to build a cluster subdivision and for the Town/Fire, Water, and School Districts to support such a new development with services (fire protection, solid waste management, external road maintenance, school enrollment, etc.). The proposed action is anticipated to generate 1,800 lbs./day of solid waste for disposal at an already overburdened municipal landfill. The Town Board finds that the proposed action poses the least direct impact on community services from among the alternatives considered.

K. The Town Comprehensive Plan, which was adopted 25 years ago, supports industrial use of the subject site. However, the preliminary recommendations of the Town's consultants in their study, entitled An Assessment of Conditions in Areas Affected by the Huntington Comprehensive Planning Law of 1987 (June 1988), recommended that the property be rezoned for medium to high density residential development similar to that which exists on the south side of East Fifth Street to diminish further impact to local traffic conditions. The Town Board finds that the proposed action is compatible with the preliminary studies which will form the basis of the Town's Comprehensive Plan Update.

CONCLUSIONS

Analysis of the DEIS, FEIS, and comments received have shown that the proposed project will result in adverse environmental impacts. Pursuant to 617.9(c) of SEQRA, it has been found that:

- (1) the Town Board as lead agency has given consideration to the final EIS;
- (2) the requirements of this Part have been met;
- (3) consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action to be carried out, funded, or approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the relevant environmental impact statement;
- (4) consistent with social, economic and other essential consideration, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
- (5) contains the facts and conclusions in the EIS relied upon to

support its decision and indicates the social, economic, and other factors and standards which formed the basis of its decision.

It is the conclusion of the Town Board that the requested change of zone and extension of the Huntington Sewer District to embrace such site provide far less environmental impact than full development at the existing zoning. From among the alternatives referenced in the FEIS, the project that is most protective of the environment while affording the applicant reasonable use of property and preservation of value therein and insuring the adjoining community no loss in assessed valuation, is the cluster development of the 29.595 acre site at a final yield to be proven to the satisfaction of the Planning Board upon subdivision review - not to exceed 109 units as assessed in the FEIS. The Huntington Sewer District boundary shall be extended to embrace the 35.595 acres of ISC holdings. Such alternative minimizes all projected impacts to the subject site to the maximum extent practicable, while affording the applicant a reasonable return on the property investment and providing incentives for public benefit (parkland dedication, traffic volume reduction).

As the review has been coordinated with other involved agencies, mitigating conditions to the proposed zone change and subsequent subdivision/development are as follow:

1. Any development of the subject property must be in an attached cluster configuration. The Town Board authorizes the Planning Board to proceed with review of a subdivision per section 281 of Town law, total yield not to exceed 109 units as proposed. The size of the units may be determined by the Planning Board during subdivision and site plan review.
2. Attached cluster development of no more than 109 units shall occur within an interior area of the total site to be bounded by property to be retained by a homeowner's association and by land to be dedicated as parkland and reserved as a recharge basin. New residential units shall be sited as far away from the Long Island rail road tracks as practicable.
3. A restrictive covenant shall be filed specifying that common areas will remain impervious open space in perpetuity, either for temporary recreational use (i.e. playing field) or as natural and scenic buffer. Such open space shall be considered encumbered and must be maintained in accordance with a conservation master plan to be submitted by the applicant for review by the Planning Department as part of the landscape plan.

4. A landscape plan shall be submitted, subject to the review and approval of the Planning Department depicting existing vegetation to be maintained and dedicated area to be reserved, and those areas to be revegetated with predominantly native and naturalizing species. The applicant shall provide for the replanting of as much indigenous vegetation as possible and/or allow specified areas to undergo natural succession.

Upon approval by the Planning Board concurrent with final subdivision approval, said plan may only be modified by the Homeowners Association to further increase supplemental low-maintenance plantings and to decrease the amount of land committed to turf cover and ornamental plantings with high nitrogen needs.

5. Parkland dedication (2.95 acres) supported by the Planning Board in yield qualification shall be depicted on the subdivision map. Provision of an additional 0.6 acre dedication, should it be required by the Planning Board, may result in slight reconfiguration of the plan. Setbacks should be maintained as close to the plan in the FEIS as possible, while providing maximal scenic and conservation buffers. The applicant shall fence the addition to Manor Field Park to protect both the integrity of the parkland and that of the proposed residential community.
6. During the subdivision and site plan review by the Planning Board the applicant shall provide traffic and safety mitigation measures to the satisfaction of the Director of the Transportation, Traffic Safety Department and the Suffolk County Department of Public Works to include the realignment of East Fifth Street along the property's entire frontage thereon to correct an existing reverse curve in the roadway.
7. Said application shall receive the approval of the Suffolk County Department of Health Services (SCDHS) upon submission of satisfactory data, proof of public water supply availability, and acceptable liquid sanitary waste disposal design details. The SCDHS shall be duly notified that it is the conclusion of this SEQRA review that to mitigate potential increased impact to groundwater quality within the capture zone of public supply wells, it is incumbent that the applicant connect the proposed project to sewer lines as part of the Huntington Sewer District.
8. Upon submission of plan for subdivision, the applicant shall apply for permits from the Department of Environmental Control to enable connection to the Huntington Sewer District to serve the entire ISC property on the north side of East Fifth

~~Instrument Systems Corporation (ISC) - SEQRA Findings~~

Street, west of Park Avenue. The Town Department of Environmental Control shall direct specific line and station improvements to be borne by the applicant, as well as connection costs, calculated on wastewater volume generation of the full 35.595-acre site. The Town Department of Environmental Control shall explore "key money" type mechanisms to insure that the application does not effectively reduce the design lifetime of the Huntington STP to the expense of taxpayers in the existing district.

9. Grading, drainage, and erosion/sedimentation control plans shall be submitted with the conditional final map, subject to review and approval of the Planning Department, which will depict the construction of a recharge basin as noted on the preferred plan and which will provide satisfactory capture, retention, and return of all stormwater on the site. Such plans shall include mechanisms (including, but not limited to the use of staked haybales, hydroseeding exposed areas, intermittent sediment traps, and traprock placement at the construction entrance) for temporary control of silt, soil, and stormwater on-site during site preparation and construction activities in a manner to preclude impact to the native vegetation to be retained, pond, and surrounding site resources. All erosion control measures are to be in place and inspected before construction begins.
10. The Suffolk County Water Authority must review and approve public water availability for connection thereto.

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