

APPENDIX F

FUTURE ACTIONS
(Revised Section 15.0 of the Draft EIS)

15.0 FUTURE ACTIONS

Note: The following is taken directly from Section 15 of the DGEIS but has been modified to reflect the input, analyses, and necessary refinements and amendments identified during the public participation and FGEIS preparation phases of the SEQRA review. Revisions and refinements to the original document are shown using “Track Changes.”

15.1 Introduction/Future SEQRA Review

This document is a GEIS that analyzes the potential impacts associated with the adoption of the Riverside BOA Step II Nomination, Riverside Revitalization Action Plan (RRAP) and Zoning map and Code Amendments that would create a Riverside Overlay District (ROD) consisting of seven distinct Overlay Zones (RO-1 – RO-7). The SEQRA process will culminate with a Findings Statement on the Generic EIS. Title 6, New York Code of Rules and Regulations (“6 NYCRR”) Part 617.10(c), states “*Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the Generic EIS.*”

More specific guidance is provided in Part 617.10(d), which states that “When a final Generic EIS has been filed under this part:

- (1) No further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the Generic EIS or its findings statement;*
- (2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the Generic EIS but was not addressed or was not adequately addressed in the findings statement for the Generic EIS;*
- (3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the Generic EIS and the subsequent action will not result in any significant environmental impacts;*
- (4) A supplement to the final Generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the Generic EIS and the subsequent action may have one or more significant adverse environmental impacts.”*

The Findings Statement for the Generic EIS on the adoption of the BOA, RRAP, ROD Code Amendments and Zoning Map Amendments will contain Conditions establishing thresholds, standards and requirements for supplementary impact analyses and mitigation measures for future development under the Proposed Action, including the items set forth in this Section. All future site-specific Unlisted or Type I actions proposed within the boundaries of the ROD and pursuant to the ROD Code shall undergo a SEQRA review, including the preparation of an

Environmental Assessment Form (EAF) or Supplemental GEIS in lieu of an EAF, to determine the appropriate level of review in conformance with 6 NYCRR Part 617.10(d). If, during future site- and project-specific review of development applications under the proposed ROD, one or more of the following thresholds is met, additional site-specific review including technical studies and/or a Supplemental EIS and amended Findings Statement, may be required.

- potential significant adverse environmental impacts are identified that were not previously or adequately analyzed as part of this SEQRA review;
- the project sponsor proposes project changes which may result in one or more significant adverse environmental impacts not addressed in the original GEIS;
- the lead agency discovers new information, not previously available, concerning significant adverse impacts;
- a change in circumstances arises which may result in a significant adverse environmental impact(s); or
- site-specific or project-specific analysis of potential significant adverse environmental impact(s) is needed for actions following a generic EIS.

The information submitted with the application for each such future project will be used by the entity having jurisdiction as the basis for this determination.

15.2 Thresholds, Conditions, and Mitigations

Based on the results of the GEIS impact analyses completed for the Proposed Action, the following actions may be required for future site-specific development project in the Study Area:

Soils and Topography

- Soil test borings will be completed on development sites to identify subsurface conditions, determine their suitability for development, and to identify viable means for mitigation as warranted. If unsuitable soils are found, techniques including deep compaction or over-excavation and replacement of unsuitable fill materials will be utilized as applicable. Development areas will be stabilized, in accordance with the recommendations of a licensed civil engineer, prior to construction of structural elements.
- Erosion control and construction phasing plans will be prepared for future site developments and will be reviewed by the Town Engineer and Planning Board as part of site plan review.
- Prior to the initiation of demolition and construction activities, brownfields or other sites having “recognized environmental conditions” (RECs) will have to be remediated. Remediation activities are required to be completed according to the protocols, procedures, standards and documentation requirements of the appropriate supervising entity, such as SCDHS, NYS Department of Labor, and/or NYSDEC.
- Stormwater best management practices (BMPs) such as green infrastructure (landscaped buffers, rain gardens, green roofs, vegetated swales, etc.) should be utilized on future development sites for pretreatment of stormwater prior to infiltration where practicable.

Water Resources

- Wastewater flow and water supply permitting is subject to SCDHS approval;
- Future development exceeding SCDHS groundwater management density loading requirements under Article 6 of the SCSC must connect to an approved STP that provides advanced nitrogen treatment reduction capabilities;
- The siting of a new STP must be assessed further to ensure that the facility conforms with SCDHS, SCDPW and NYSDEC requirements and that groundwater and surface waters are properly protected. Further study will address the following:
 - Strict compliance with all SPDES effluent permit requirements for community wastewater treatment and disposal systems (STPs).
 - Additional study of treatment feasibility, project sponsor, location, capacity, engineering and design, plans and specifications, funding, district establishment, permitting and construction will be needed and will be reviewed under SEQRA.
 - Wastewater assessment will be subject to analysis of pre-project and post-project nitrogen loading to the groundwater so that it can be reviewed against the Total Maximum Daily Load limit for nitrogen established for the Peconic River system.
- No more than 15 percent of the site may be planted with fertilizer dependent vegetation; Limiting landscaped areas that will require irrigation, fertilization and pesticide applications by retaining natural vegetation to the maximum extent possible and revegetating areas that have been disturbed during the construction process but will remain undeveloped with native or well-adapted non-invasive species;
- Water conservation fixtures for both indoor plumbing and any outdoor irrigation to help reduce water consumption and wastewater generation and adherence to the proposed Sustainable Development Standards for reducing impacts to water outlined under Section 410 J. of the Proposed Code Amendments;
- Incorporation of pre-treatment of stormwater runoff prior to infiltration using “green infrastructure” practices such as vegetated swales, filter strips, rain gardens, green roofs other best management practices (BMPs) in accordance with the New York State Stormwater Management Design Manual and the Suffolk County Planning Commission Managing Stormwater Guide.
- Future developments within the Central Pine Barrens Compatible Growth Area must be found in conformance to Articles 7 and 12 of the SCSC;
- Preparation of a SWPPP as required to ensure compliance with water quality and quantity requirements pursuant to the NYSDEC General Permit for Stormwater Discharges from Construction Activities (GP 0-15-002) and Town of Southampton requirements. Subsequent to construction, permanent occupancy and operation of the project sites would not be expected to impact water resources in consideration of the following:
 - The Site Grading and Drainage Plan (to be prepared as part of the site plan application) will provide a drainage system to retain stormwater on-site and will be subject to thorough review and approval of the Town Engineering Division prior to approval. This plan will be designed to prevent runoff from developed surfaces from causing erosion, sedimentation or impacts to land or water resources.

Ecological Resources

- Delineation of the flagged wetland boundary within the vicinity of each wetland area will be necessary to determine the exact location of the wetland boundary, and the quality of habitat within the wetland adjacent area. Development within the regulated adjacent area of each wetland will be governed through appropriate regulatory review at which time appropriate protective measures for the wetlands will be determined.
- Future actions should be assessed to determine jurisdiction under NYSECL, including Article 24 (Freshwater Wetlands), Article 25 (Tidal Wetlands) and Article 11 (Endangered Species). It is noted that Southampton Town Code Section 325 regulates “wetlands” as well and is addressed below. Conformance with standards for issuance of permits should be sought wherever possible.
- Under Article 25, the limitations which are likely to have the most influence on projects proposed as part of the proposed action include, but are not limited to:
 - A 75-foot minimum setback requirement from the wetland for all new principal buildings and other non-water-dependent structures in excess of 100 square feet in area.
 - A 100-foot minimum wetland setback requirement for all components of a septic system.
 - All components of a septic system must be installed with at least two vertical feet of soil between the bottom of the component and the seasonal high groundwater level.
 - No more than 20% of the adjacent area on any lot can be covered with existing or new structures and impervious surfaces. Individual lots which were lawfully existing on the August 20, 1977 effective date of Part 661 may be covered with up to 3,000 square feet of existing and structures and other impervious surfaces.
 - The minimum lot area for any principal building constructed within the area regulated by Part 661, which minimum lot area shall include any wetland portion and any adjacent area portion of such lot, shall be as follows:
 - 20,000 square feet where the principal building (as defined below) will be served by a public or community sewage disposal system.
 - 40,000 square feet where the principal building will not be served by a public or community sewage disposal system.

Note: Excerpted Definition of Principal Building - The definition of the term principal building is any one of the following: single-family dwelling; each two units of a multiple-family dwelling; any other type of building, including but not limited to any commercial or industrial use building or public or semi- public building, that exceeds 1,000 square feet in area and each additional 1,000 square feet of floor space of such a building in excess of 3,000 square feet. In addition, each commercial or industrial use building or public or semi-public building less than 1,000 square feet in area shall count as one-quarter of a principal building.
- With respect to NYSDEC jurisdiction under Article 25 of the NYSECL, the variance process would be used to consider limited structural improvements within the 75 foot required setback, but that all such improvements maintain a minimum setback of 50 feet and be designed as green roof and/or porous pavement that contains all runoff and erosion control/minimization potential. Coupled with this, a minimum natural buffer of 25 feet would be maintained between tidal wetlands and areas of disturbance; however,

perpendicular pathways, boardwalks and other such improvements that would normally be permitted would be allowed. The requirement of green infrastructure within any setback encroachment areas would be expected to mitigate impacts with respect to coverage and buffer relaxation and conform to variance criteria noted above.

- Further, it is noted that the jurisdiction area of NYSDEC would be expected to extend basically to Route 24. As a result, coverage within the jurisdiction area would be limited to 20% and density would be limited to the equivalent of 20,000 SF lots if connected to sewers, and under the definition of principal building, this would allow 4 units per acre of multi-family and commercial space as provided for in the note above (definition of principal building). It is expected that proposed density on the limited parcels identified above would exceed this Part 661 restrictions; however, density in and of itself is not expected to cause an impact to tidal wetlands provided that the development is sewerred and the variance criteria above are met. In addition, the full preservation of riverfront parcels previously acquired by the Town, coupled with a proposal to provide an *environmental protection and enhancement fund* for wetland creation and improvements (as well as other acquisition and upland restoration efforts) will create a basis for further improvement of water quality, wetlands quantity and quality and open space in the Riverside area. Therefore it is proposed that no coverage or density restrictions be imposed provided that variance relief is sought, the project is justified through those criteria, and off-site mitigation is proposed. Off-site mitigation would occur in the form of wetland restoration on a 1 to 1 basis such that for each square foot of development that exceeds coverage within the subject parcels, one square foot of wetlands will be established elsewhere within and/or proximate to the Study Area. This would apply only to the limited parcels east of McDonalds other than existing preserved lands within the Study Area.
- Should a project require a variance from NYSDEC Article 25 wetland regulations, the project will need to meet the following criteria outlined in 6 NYCRR Part 661.11:
 - The spirit and intent of the pertinent provisions shall be observed,
 - That public safety and welfare are secured and substantial justice done and
 - That action pursuant to the variance will not have an undue adverse impact on the present or potential value of any tidal wetland for marine food production, wildlife habitat, flood and hurricane and storm control, cleansing ecosystems, absorption of silt and organic material, recreation, education, research, or open space and aesthetic appreciation.

Variance applications will be required to demonstrate the following:

- Specify the proposed variance, which elements of section 661.6, Development Restrictions, relief is sought from,
- The variance request is the minimum relief that is necessary,
- The practical difficulties claimed necessitating a variance,
- A discussion of alternate site possibilities,
- A discussion of change of project objective possibilities and
- A discussion of environmental impact reduction or mitigation measures to be employed.

Mitigation for projects that necessitate variances from NYSDEC Article 24 and Article 25 and Town wetland regulations will be required. Mitigation measures that may be offered in support of a variance application include:

- Wetland creation
 - Wetland restoration
 - Invasive species removal
 - Improvements to existing drainage systems which currently contribute to poor water quality
 - Improvements to existing sanitary systems which currently contribute to poor water quality.
- Consideration of Town wetlands regulations further note that NYSDEC regulates wetland setbacks, coverage and density under Article 25 of the NYSECL. The Town wetland setback of 125 feet that is typically required for natural shorelines (with a 100 foot setback for bulkheaded shorelines) would require relief as noted under Section 325-9. Much of the justification for such relief is outlined in relation to NYSDEC considerations and supported in the DGEIS and FGEIS. For the purpose of the Riverside ROD, the following considerations would apply:
 - Riverside is unique in character and social conditions which warrant flexibility to ensure that revitalization is achieved in conformance with Town planning initiatives and the Town adopted Riverside RAP.
 - The Riverside Theoretical Development Scenario envisions public access, appreciation and enjoyment of riverfront areas on limited parcels through passive public space and development that would require relief from Town Code setbacks.
 - As noted in the FGEIS, the Town has permanently preserved many parcels of land along the Peconic River within the Riverside Study Area comprising 35.78 acres.

In summary, due to the unique social, economic and environmental conditions associated with the hamlet of Riverside, relief of Town wetland setbacks appears to be warranted.

- With respect to Town of Southampton wetlands regulations, the Riverside ROD proposes specific modifications to the requirements of Chapter 325 to reflect the unique conditions of Riverside as noted above. Specifically, the following shall apply only to riverfront parcels within the Study Area:
 - For existing developed parcels within the ROD (i.e., unbulkheaded lands between the Town parking lot and the McDonald's), a 50 foot wetlands setback and revegetated buffer for the purpose of providing retaining walls and an improved riverfront promenade is permitted, and a 75 foot principal building setback shall apply.
 - For vacant lands (east of McDonalds) a 75 foot principal structure setback shall apply.

The justification for these setbacks shall be based on the following:

- 5 acre wetlands restoration project on the Town owned land on the east side of the study area
- Already preserved Town and County waterfront lands within the study area comprising 35.78 acres.

The basis for this relief is as noted above and in consideration of the existing section of the code that allows reduced setbacks as follows: Town Code Section 325-9 D. states that "For

projects that do not satisfy the standards enumerated in this section, the approving authority shall consider imposing less than the recommended setbacks if the approving authority finds that the following requirements have been met.” Specifically, the following considerations would apply:

(1) The approving authority may consider imposing less than the recommended setbacks if the approving authority determines that the applicant has demonstrated the following:

(a) A buffer zone with an overall average width equivalent to the minimum required buffer zones set forth in § 325-9A, for turf, fertilizers, pesticides, herbicides, fungicides or similar treatments, landscaping or other clearing or disturbance of natural vegetation will provide equivalent protection of the wetland, or that partial relief of the minimum buffer requirements is both reasonable and sufficient to justify a lesser overall average buffer zone for such activities.

(b) The proposed work and location will not impair the capacity of the wetland and buffer to provide essential wildlife habitat characteristics, including, among others, food, shelter, breeding, cover, screening and migratory habitat, as well as essential corridors and connective functions.

(c) The proposed work and location will not impair wetlands and surface water quality by incorporating erosion, sedimentation and runoff controls to minimize nonpoint source pollution.

(d) Mitigating measures shall be implemented that contribute to the protection and enhancement of wetlands and wetland benefits.

(5) If the applicant can meet the criteria enumerated in § 325-9D(1) through (4), then the approving authority may impose less than the recommended setbacks set forth in § 325-9A.

- If further relief is sought to reduce setbacks more than provided for above, consistent with the potential relief and justification for NYSECL Article 25 as outlined above, this would require a case-by-case review by the Planning Board under the provisions outlined in Chapter 325-9.
- Consideration of Town wetlands regulations further note that NYSDEC regulates wetland setbacks, coverage and density under Article 25 of the NYSECL. The Town wetland setback of 125 feet that is typically required would require relief as noted under Section 325-9. Much of the justification for such relief is outlined in relation to NYSDEC considerations and supported in the DGEIS and FGEIS. The following considerations would apply:
 - Riverside is unique in character and social conditions which warrant flexibility to ensure that revitalization is achieved in conformance with Town planning initiatives and the Town adopted Riverside RAP.
 - The Riverside Theoretical Development Scenario envisions public access, appreciation and enjoyment of riverfront areas on limited parcels through passive public space and development that would require relief from Town Code setbacks.
 - As noted in the FGEIS, the Town has permanently preserved many parcels of land along the Peconic River within the Riverside Study Area.

- Relief may be justified through provisions outlined with respect to Article 25 variance procedures noted in this section, specifically: if compliance is not possible, that relief be considered to allow principal buildings within 50 feet of wetlands, provided all improvements are “green infrastructure” (green roof, porous pavement, etc.), all runoff is controlled, a minimum 25 foot natural buffer is provided and for all square footage of encroachment within the jurisdiction area of NYSDEC (up to Route 24, or the 10 foot topographic contour), which would include the Town 125 foot setback area, off-site wetlands creation/mitigation be provided on a 1:1 basis of square feet of encroachment to wetland creation/mitigation. A environmental restoration fund that would potentially exceed \$3 million at close to full development has been established to facilitate such mitigation.

In summary, due to the unique social, economic and environmental conditions associated with the hamlet of Riverside, relief of Town wetland setbacks appears to be warranted, and would be reviewed on a case by case basis by the Planning Board as a Future Action, with consideration of the factors noted above.

- If threatened or endangered wildlife are encountered on a project site, site specific mitigation measures will need to be developed and an Article 11 Incidental Take Permit or Letter of Non-Jurisdiction will be necessary from the NYSDEC.
- Development within proximity to a potential tiger salamander breeding pond would require pond and/or upland habitat surveys to determine the presence/absence of the species. Should the presence of the species be confirmed, the appropriate mitigation measures would need to be considered during site design, which would include avoidance of impacts through site design, preservation of habitat, installation of barrier curbing or flashing to prevent salamanders from entering into a developed area, provisions to address lighting, stormwater runoff and management plans for both the pond and preserved upland habitat.
- Figure 1 provides a map of potential sites where radii extend into potential future development parcels is provided in the FGEIS. This map should be consulted and parcels within the check zone that are proposed for development should

Critical Environmental Areas

- Future development must comply with all standards and requirements of the APOD, CPBOD, NYSDEC freshwater wetlands permit conditions, and be consistent with the guiding principles and recommendations of the Central Pine Barrens Comprehensive Land Use Plan and the Peconic Estuary Conservation and Management Plan and area TMDL standard, except as may be waived pursuant to applicable laws and procedures after review and consideration by the agency or board overseeing the review and having authority over consistency and compliance.
- Applicants for future site plans shall be required to demonstrate consistency with the standards of the Central Pine Barrens Comprehensive Land Use Plan.
- Future actions will consider either individual hardships, assessment of clearing within the downtown zones subject to code change and/or consideration of modification of the CLUP.
- It is noted that projects which exceed the Vegetation Clearance Limits outlined in Standard 5.3.3.6.1 would require a hardship waiver from the Commission. The DGEIS sought to

examine methods that could be used to establish a process to facilitate revitalization through analysis of clearing within the Study Area. This may be one of several options to approach vegetation clearance limits, with several other options being individual hardship waiver and/or modification of the CLUP to recognize the unique considerations with regard to Riverside. Future actions will consider either individual hardships, assessment of clearing within the downtown zones subject to code change and/or consideration of modification of the CLUP. Therefore, the criteria that must be considered are noted as follow:

1. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. that the alleged hardship has not been self-created.

The analysis of these criteria in relation to a development project would form the basis for a hardship waiver.

- Mapping and listing of parcels that may require relief has been prepared to identify parcels that should be considered with respect to a potential hardship waiver as related to Standard 5.3.3.6.1 Vegetation Clearance Limits.
- This establishes a hierarchy for consideration of the need for a hardship from Standard 5.3.3.6.1 noted as follows:
 1. Determine if a parcel in the TDS has any remaining vegetation; if not, hardship from 5.3.3.6.1 is not required.
 2. Determine if a parcel in the TDS that has vegetation can be developed within the allowable vegetation clearance limits; if so, a hardship from 5.3.3.6.1 is not required.
 3. Determine if a parcel in the TDS is overcleared; avoid remaining vegetation if possible; if not able to avoid remaining vegetation; a hardship from 5.3.3.6.1 is expected to be required.

This hierarchy would allow development of parcels with no vegetation, parcels that conform to vegetation clearance limits, and overcleared parcels that can avoid remaining vegetation; with the expectation that other parcels that don't meet these criteria would require a hardship.

- The Town regulates vegetation clearing under the APOD. The Riverside Overlay District (ROD) is recommended to continue to rely on the Town's APOD with respect to clearing. However the ROD should be treated similar to a PDD and be provided with the same ability to allow greater disturbance with an approved revegetation program. The DGEIS and FGEIS provide support for this approach particularly with respect to the discussion regarding the CPB CLUP as well as the provision for an environmental protection and enhancement fund that would be used for pine barrens vegetation preservation and enhancement. The ROD should incorporate reference to requirements of 330-67, but specifically note that provisions of 330-67.B shall also apply to parcels opting into the ROD (i.e., the Planning Board may allow greater disturbance if warranted by a particular application with mitigation provided). The following language is proposed to apply to the Riverside ROD:

B. Notwithstanding the provisions of the aforementioned subsections, lots or tracts which opt-in to the Riverside ROD may be allowed to disturb a greater amount of the natural

vegetation, provided that said use is consistent with the intent and policies of the Riverside Revitalization Action Plan and Aquifer Protection Overlay District and that a revegetation program which protects the aquifer is incorporated into the project design.

The DGEIS currently states the following on APOD: “the above standards must be complied with except as outlined under Section 330-69-4 E. of the Southampton Town Code which states that the provisions of [Article VIII] including the standards and regulations summarized in the first three bullets above, may only be modified by the Planning Board after due consideration is given to a site disturbance plan, as provided in Section 330-67A(1) of this chapter, and where the applicant has proven that there is a practical difficulty in meeting these regulations and that environmental considerations are still satisfied to the maximum extent possible.”

- No more than 15 percent site may be planted with fertilizer dependent vegetation such as certain grasses. Covenants and restrictions or the conditions of duly executed filed easements should be used to formalize such agreements and assist in any necessary enforcement actions.
- All future development should connect to the public water supply.
- Future actions in the Wild, Scenic and Recreational Rivers (WSRR) Area must be consistent with 6 NYCRR Part 666 (Regulation for Administration & Management of the Wild, Scenic & Recreational Rivers System in New York State) which establishes a system of land use controls or development restrictions for lands situated within the Peconic River Corridor. Figure 4-1 of the DGEIS shows the parcels located within the WSRR regulated area (western boundary of the study area). The density and uses shown on several parcels included for the Theoretical Development Scenario do not meet the requirements of 6 NYCRR Part 666. As described in Section 6.2.2 of the Draft GEIS, a Community Wild, Scenic and Recreational Rivers designation in the Recreational area mapped along the western boundary of the Study Area could be pursued. Alternatively, the Recreational designation would remain and redevelopment either be required to meet the WSRR requirements (6 NYCRR Part 666) or an applicant would be required to seek variances for redevelopment of individual parcels which do not meet the requirements.
- New York State Coastal Consistency assessments may be required for future projects or actions within the State coastal boundary are undertaken or funded by a State or Federal agency or require State or Federal Permits or approvals.
- A portion of the Study Area is located within the Water Protection Boundary delineated in the draft “Southampton Town Water Protection Plan.” If the Town approves this Plan and its proposed Water Protection Boundary, future development plans will have to be reviewed for consistency with its policies.

Land Use & Zoning

- Incentive Bonus Verification: Applications opting into the Incentive Bonuses must demonstrate the application meets the requirements for minimum lot area and street frontage, Sustainability Standards.
- Phase I Environmental Site Assessments (and Phase II ESAs if determined necessary by the Phase I) shall be conducted to identify any existing recognized environmental conditions

(RECs) or potential concerns relating to demolition and site preparation prior to demolition and development. An ESA will identify the need for testing to determine if RECs are present which require further testing, remediation, abatement, regulatory oversight or other appropriate action. Any redevelopment or property transfer will be subject to the necessary regulatory steps and agency oversight to properly investigate, and remediate if necessary, recognized environmental conditions warranting such action. Issues that must be considered include the presence of asbestos containing materials (ACM) or soil contamination that contains elevated concentrations of contaminants in excess of regulatory agency standards. Issues of concern shall include identification of potential issues associated with from floor drains, above- and below-ground fuel storage tanks, drywells, stormwater leaching pools, septic systems and cesspools, and past hazardous materials releases from storage, leaks, spills, mishandling of materials, intentional discharges, or other hazardous materials releases that have resulted in or may cause hazardous conditions. If hazardous conditions are identified, a plan to rectify these concerns will be developed and implemented.

Community Character (Visual Resources and Cultural Resources)

- If future development is proposed within identified areas of archaeological sensitivity that have not been previously and significantly disturbed, excavated, filled, or otherwise impacted so that the chances of discovering intact/undisturbed archeological resources is very unlikely considering the locations and depth of proposed disturbance, a Phase I archaeological survey/cultural resource evaluation will be required. A cultural resource evaluation should include contact with the SHPO for review and input. Additional analysis may be required to identify and mitigate any potential impacts based on the findings of the cultural resource evaluation. If an archaeological assessment is required, the first step in the analysis would be the performance of a Phase IA archaeological assessment in accordance with NYS OPRHP standards and guidelines, followed by a Phase IB, Phase II, and Phase III, if and as warranted.
- If future projects or actions involve state or federal permitting, funding or licensing, additional review of potential impacts to architectural and archaeological resources may be required pursuant to Section 106 of the National Historic Preservation Act or Section 14.09 of NYS Parks Recreation and Historic Preservation Law.
- Unless design guideline are implemented for the ROD by the Town, every application for site plan approval for the construction of a building or structure requiring site plan review shall be referred by the Planning Board to the Board of Architectural Review and be reviewed by the entire Board. Applications reviewed under this subsection shall result in the preparation of an advisory report to assist the Planning Board in its consideration of the site plan. The advisory report shall be limited to the architecture of the proposed buildings, structures and signage and shall include a specific recommendation that the buildings, structures or signs be approved, denied or approved with conditions which relate specifically to the criteria set forth in Chapter 330 and the ROD. If and when the Town adopts design guidelines as part of the ROD then the building official will perform a consistency review during the Site Plan Application process and make a recommendation to the Planning to Planning board specifically noting the Application's level of consistency with those

mandatory design guidelines no further Architectural Review will be required under the ROD. Every application for a building permit for the construction of a building or structure not requiring site plan review shall be referred by the Building Administrator to the Board of Architectural Review and be designated by the Building Administrator as "substantial" or "nonsubstantial" construction. Applications for nonsubstantial construction may be reviewed by a committee of one member of the Board, but all applications for a sign permit and all applications for substantial construction shall be reviewed by the entire Board. Applications reviewed under this subsection shall be approved, denied or approved with conditions which relate specifically to the criteria set forth in Section 330.

- Considering the high visibility location of the Riverside roundabout and its function as a gateway to the Riverside community, it is important that the roundabout be designed to be aesthetically pleasing and inviting. The following future actions are recommended to be considered and implemented by SCDPW with respect to the Riverside roundabout:
 - It is recommended that the center of the roundabout incorporate a shallow man made pond with park like landscaping and trees. The pond could be irregular in shape so that it has a more natural appearance. The pond could be illuminated at night for the visual effect.
 - Considering the high ground water level in the area of the roundabout it is also recommended that the pond be designed as a drainage retention area with overflow into standard catch basins and drainage rings. The incorporation of indigenous plants could also function to filter and absorb road runoff before entering catch basins and recharging into groundwater.
 - Lighting around the perimeter and on the approaching street arteries should be relatively low in height and of a community scale. Utility wires along the arteries and the roundabout should be placed underground. Pedestrian street crossings should be located where they will be most convenient and safe.

The provision of such a pond feature within the roundabout could achieve multiple objectives with respect to environmental benefits and visual aesthetics.

Community Services

- Future development and redevelopment projects envisioned under the Proposed Action and Theoretical Development Scenario will require a source of potable drinking water and must connect to a public water supply. Written confirmation must be obtained from the SCWA, its successors or other public water provider demonstrating that an adequate supply of water is available to satisfy both the "domestic" (drinking water) and "non-domestic"(non-drinking water) needs of the project prior to issuance of a building permit.
- Sewage flow that exceeds SCSC Article 6 standards must connect to sewers and/or use other methods of acceptable mitigation such as the transfer of development rights or sanitary credits in accordance with Town, SCDHS and CPBJPPC standards and requirements.
- The expected substantial increase in taxes generated will help to offset the increased needs for and costs of community services.
- Under the full 10-year build-out of the Theoretical Development Scenario, 283 school age children (an additional 233 students accounting for redevelopment of existing lots) are

anticipated to be generated. The Town and the Master Development will work with the Riverhead CSD to evaluate the demographic projections and the expected enrollment changes based on current growth trends and the additional students anticipated from redevelopment pursuant to the Proposed Action. Once a greater understanding of future enrollment and available classroom space is completed, a determination of facility needs to accommodate this growth can be evaluated, including the cost of necessary facility improvements and potential funding mechanisms. A “Fair Share” mitigation program and fund will be established based on the Proposed Action’s proportional share of additional school age children to assist in providing revenue for necessary evaluation and implementation of facility upgrades.

- Buildings must be constructed in conformance with New York State Fire and Building Codes and the recommendations of emergency service providers in terms of access and the provision of fire hydrants. In addition, use of sprinklers and fire/smoke alarms will assist in minimizing the potential need for fire protective services.
- The Fire Department/Fire Marshal will have the opportunity to review future proposed site plans to ensure that their needs, including provisions for emergency access, hydrant locations, sprinkler systems, fire alarms, and smoke and carbon monoxide detection, are properly addressed.
- The Fire Department will have the opportunity to provide input on site-specific plans, thereby requiring any site-specific mitigation measures necessary.
- Pursue establishment of third party billing (i.e., pay for service reimbursement program) which would permit the NFVA to bill private insurance companies for services rendered. This would help to mitigate future costs and offset any additional burden on the Town and its taxpayers. Some of the money that is saved by the Town could be allocated toward paying the copayments of residents, while persons who live outside of the community would be responsible for their own copayments. A special contractor could assist in the third party billing and provide greater administrative efficiency and a greater likelihood of payment.
- If Third Party Billing is not pursued or achieved consider hiring two additional paid EMTs and two critical care technicians or create a Town-wide ALS office under the Town’s Public Safety Division so that personnel and resources can be pooled. The pooling of services, equipment, and costs would be a more efficient use of resources, while sharing the costs of service delivery throughout the Town. An estimated five Paramedics and one Supervisor would likely be needed in the future if this approach is chosen.
- Attract more ambulance personnel by giving preference to volunteers and any paid ambulance personnel who are residents in securing affordable or workforce housing to become available under the Proposed Action.
- Prepare a sewer feasibility study to assess in detail the most suitable location(s) for the treatment of disposal of sewage generated in the Study Area.

Traffic and Transportation

- Increases in traffic from the proposed project can be accommodated at some study intersections without any mitigation. Some locations will require mitigation ranging from adjustments to the signal timings, additional lanes and installation of a traffic signal.

Although there will be changes in the LOS at some intersections, they will continue to operate at acceptable levels of service. Fair Share mitigation contribution to allow for the following mitigation implementation:

- Optimize and adjust the splits at the signalized intersection of Flanders Road (NYS Route 24) and CR 105.
- Redesign the northbound Old Quogue Road approach at its intersection with Flanders Road (NYS Route 24) to provide one right turn lane and one left turn lane.
- Redesign the northbound Vail Avenue approach at the intersection of Flanders Road (NYS Route 24) at Vail Avenue to provide one right turn lane and one left turn lane. In addition to the redesign of the northbound approach, re-stripe the painted median on Flanders Road just west of Vail Avenue as a center two-way left turn lane consistent with the rest of Flanders Road.
- Install a traffic signal at the intersection of CR 104 at Old Quogue Road and Ludlam Avenue.

Air Quality

- Construction activities must conform to Town Code Chapter 235 “Noise” regulations including conformance to the maximum prescribed sound pressure levels at the property line for activities occurring between the hours of 7:00 AM and 7:00 PM.
- Comply with NYSDEC air permit requirements if applicable, though major sources are not permissible (and minor facilities, such as auto uses, would require registrations through the DEC for minor emission sources).
- Require mitigation for fugitive dust related to construction activities using proper construction management techniques, erosion control measures, wetting of excessively dry soils.

Socioeconomic

- Implement Community Benefit Policies:
 - Demonstrate compliance with the the Community Benefit Policies
 - Demonstrate provision for Community Benefit Units

Demolition and Construction Activities

- Truck activity is expected during the day (Monday-Saturday). All soil material removed from the project site will be transported in accordance with Town input. Truck traffic will be temporary and intermittent and utilize major streets and highways such as SR 24, CR 104, CR 63, CR 105, CR 51 to the extent practicable.
- Parking Management Plans and/or a Remediation Plans (where applicable) for development and redevelopment.
- Prior to the initiation of construction activities, remediation of sites where recognized environmental conditions (RECs) will be identified. Remediation activities are required to be completed according to the protocols, procedures, standards and documentation

requirements of the appropriate supervising entity, such as SCDHS, NYS Department of Labor, Nassau County Fire Marshal and/or NYSDEC.

All applications for new development projects in the Study Area will continue to be subject to SEQRA procedures and requirements. This means that all such future development projects, whether proposed under the ROD or not, would be subject to individual approval processes, including site plan review and site-specific impact review or consistency review with the Findings Statement, under SEQRA. Applications filed consistent with ROD standards must conform to any applicable Conditions listed in the Findings Statement. Projects filed without the opting-in to the ROD shall be subject to SEQRA review and will not have the benefit of the qualified status of the Proposed Action. Such project shall consider the Findings and full analysis of the Proposed Action in its review prior to the Town completing the SEQRA process. Adherence to this procedure will ensure that all future development in the Study Area complies with SEQRA, and conforms to established land use controls, minimizes potential adverse environmental impacts, and provides consistency with established Town policies and goals as outlined in the Comprehensive Plan Update and other community plans.