STATE ENVIRONMENTAL QUALITY REVIEW ACT
ENVIRONMENTAL IMPACT STATEMENT
FINDINGS STATEMENT

SILVER PATH ESTATES SUBDIVISION APPLICATION
Village of Muttontown, NY

September 2021

1.0 INTRODUCTION

The Planning Board of the Incorporated Village of Muttontown, NY as Lead Agency in this matter, hereby adopts the following findings pursuant to Article 8 of the New York State Environmental Quality Review Act ("SEQRA"), New York State Environmental Conservation Law and Title 6 of the New York State Code of Rules and Regulations ("6 NYCRR") Part 617.

Name of Action: Silver Path Estates Subdivision Application

Description of Action: The Subject Action involves the subdivision of a 98.92-acre former estate in the Village's Residence E3 zoning district into 20 fully conforming single-family residential lots, construction of associated on-site subdivision streets (cul-de-sacs) having access off Muttontown Road, approximately 161 feet east of the intersection of Muttontown Road/Woodhollow Court, and two stormwater recharge basins. A 50-foot-deep natural buffer will be provided around the perimeter of the property and a minimum of 30 feet of the depth of this buffer will be dedicated for use as parkland and contain a publicly accessible bridle path. Existing on-site and adjacent wetlands and a small family cemetery plot will be protected by minimum 100-foot-deep wetland and cemetery buffers. Existing buildings and structures on the site will be removed except for the "Pond Cottage," associated gardens, and a section of the original estate driveway, as requested by the New York State Office of Parks, Recreation and Historic Preservation. The Pond Cottage is located on proposed Lot 18 and shall be used as a permitted uninhabited accessory structure.

SEQRA Classification: Type I Action

Location: The Subject Property is located at 1868 and 1871 Muttontown Road in the Incorporated Village of Muttontown, Nassau County, New York (NCTM Parcels: Section 16; Block A; Lots 1006, 1012 and 1099).

The property is within the following planning, zoning and community services districts:

- Oyster Bay-East Norwich Central School District
- Jericho Water District

- Muttontown Police District
- East Norwich Fire District
- PSEG Long Island Service Area
- Oyster Bay Special Groundwater Protection Area ("SGPA")
- Muttontown Preserve Enhancement Area
- Residence E-3 Zoning District

Lead Agency:

Village of Muttontown Planning Board
One Raz Tafuro Way
Muttontown, NY 11791

Date Draft Environmental Impact Statement Filed: February 9, 2021

Date Final Impact Statement Filed: June 8, 2021

Contact for Additional Information:

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Standards for Findings Statement Preparation and Review: The Planning Board as Lead Agency must consider the Draft Environmental Impact Statement ("DEIS") and Final Environmental Impact Statement ("FEIS"), which together constitute the complete Environmental Impact Statement ("EIS"), as well as input received from the public and involved and interested agencies during the environmental review and certify through the preparation, review and adoption of this Findings Statement that it has:

- considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS, FEIS, and Findings Statement;
- weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- met the requirements of 6 NYCRR Part 617;
- provided a rationale for its decision; and
- found that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described herein is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable;

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

SEQRA Review Process:

Lead Agency Coordination, Long Environmental Assessment Form, and SEQRA Positive Declaration

A Long Environmental Assessment Form ("LEAF") Part I was prepared by the Applicant, Beijing Silver Path Investment (US), LLC and its consultants, Nelson, Pope & Voorhis ("NPV") on May 7, 2015 and was submitted to the Village of Muttontown Planning Board for its review and consideration. The Village Planning Board determined that the subject action was a "Type I action" pursuant to 6 NYCRR § 617.4 of the State Environmental Quality Review Act ("SEQRA"), and therefore, lead agency coordination was required. The Planning Board identified all agencies responsible for issuing permits or granting approvals ("involved agencies") and mailed lead agency coordination letters along with a copy of the LEAF Part 1 to each agency. Upon conclusion of the required 30-day Lead Agency coordination period and having received no expressed interest in becoming lead agency or objection to the Planning Board's request to assume required lead agency responsibilities, the Village Planning Board became Lead Agency for this SEQRA review.

After assuming the role of lead agency, the Planning Board, with assistance from its environmental consultants, prepared LEAF Parts 2 and 3 (Determination of Significance), as well as a supplementary written Part 3 attachment. On September 2, 2015, the Planning Board issued a Determination of Significance by adopting a "Positive Declaration" pursuant to SEQRA, finding that there was potential for one or more moderate-to-large impacts from the project if not eliminated or suitably mitigated and that an Environmental Impact Statement must be prepared.

Scoping

The Planning Board determined that the scope and content of the DEIS should be guided by a formal scoping process and scoping document with public input to focus the environmental review and ensure that issues of environmental and public concern would be adequately considered and addressed. A Draft Scope was prepared by the Village Planning Board and its environmental consultants, "VHB", and a Notice of Completion was filed with the NYSDEC's Environmental Notice Bulletin ("ENB") and published on September 23, 2015 proclaiming that a Positive Declaration had been adopted and that public scoping would be conducted. To ensure that the public was adequately informed about the forthcoming scoping session and to

maximize turnout and public and input, the Planning Board also referred the notice of public scoping for publishing in a local newspaper of area wide distribution as required by SEQRA.

The Draft Scope was accepted and made available to the public by the Planning Board and a public scoping session was held on October 6, 2015. During the scoping session, information, ideas and opinions were provided by the Applicant's representatives, the Planning Board, Village representatives, and the public. Verbal comments entered into the record that night, were transcribed to provide a permanent record, and the written comment period was kept open an additional two weeks until the close of business (12:30 PM) on October 20, 2015. Based on the input received at the public scoping session and letters and emails that were submitted into the official record, a Final Scope was prepared by the Village and its consultants and later adopted by the Planning Board on November 23, 2015.

Preparation and Acceptance of Draft EIS and Scheduling of a Public Hearing

A DEIS was prepared by the Applicant and its environmental consultants, NPV, and submitted to the Planning Board in October of 2020. The Planning Board reviewed the October 2020 document, finding it consistent with the scope and content requirements of the duly adopted Final Scope and 6 NYCRR Part 617, Subsection 617.9 and formally accepted the DEIS on February 9, 2021. The DEIS was filed at Village Hall and the Syosset Library for public review and an electronic copy was made available on the Village's website. A Notice of Completion was circulated to all involved agencies along with information on remotely accessing the document or requests for paper copies, and an ENB Notice of Completion and Scheduling of a Public Hearing was published in the ENB and local newspaper per SEQRA's filing and scheduling procedures.

The public hearing was held both in-person and virtually via *Zoom* on March 9, 2021. A brief presentation was provided at the hearing by the Applicant's representatives and an opportunity was given for the Planning Board and public to comment. At the end of the hearing, the written comment period was extended by the Planning Board until the close of business on March 22, 2021.

Final Environmental Impact Statement

Preparation and submission of the FEIS represented the second-to-last step in the SEQRA process and along with the DEIS, provided the basis from which the Lead Agency/Planning Board considered this SEQRA Findings Statement. The FEIS identifies and addresses in writing all substantive related verbal and written comments received from the public and involved and interested agencies during the March 9, 2021 public hearing and written comment period,

which spanned a total of 43 days from the date of acceptance and filing on February 9, 2021 to March 22, 2021, when the written comment period was officially closed.

This FEIS also provides the public and involved and interested agencies with the following:

- descriptive information about the action reviewed;
- documentation of the review process and the action's consistency with SEQRA's procedural requirements;
- a summary of substantive and relevant written and verbal comments received during the designated public review period;
- the source and manner of delivery of each comment (i.e., verbal comments during the hearing, written comments via letter, email, fax, etc.);
- responses to all substantive and relevant comments received during the designated public review phase;
- any necessary corrections, amendments or modifications to the DEIS;
- analysis of the Action's potential environmental effects; and
- any additional strategies, techniques or design modifications identified to prevent or mitigate impacts that may have not been previously identified.

Both the DEIS and this FEIS have been prepared in accordance with the standards and procedures set forth by SEQRA and its implementing regulations as promulgated by Part 617, Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617).

Once the FEIS was accepted by the Planning Board, a minimum 10-day public/agency FEIS consideration period was provided before this Findings Statement could be completed and adopted and a final decision rendered by the Lead Agency in this matter.

Findings Statement

Once the designated minimum 10-day FEIS public and agency consideration period had ended, this SEQRA Findings Statement was prepared which:

1. considers the relevant environmental impacts, facts and conclusions disclosed in the final EIS;
2. weighs and balances relevant environmental impacts with social, economic and other considerations;
3. provides a rationale for the agency's decision;
4. certifies that the requirements of 6 NYCRR Part 617 have been met; and
5. certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable

by incorporating as conditions to the decision those mitigative measures that were identified as practicable. Adoption of the Findings Statement by the Lead Agency must precede a final decision to approve or deny an Action that was the subject of an EIS.

2.0 IMPACTS, MITIGATIONS, FINDINGS AND CONCLUSIONS

The following is a summary of relevant facts, environmental impacts, identified mitigation; social and economic factors; project benefits; alternatives evaluated; and the Lead Agency's findings and conclusions from the environmental review process.

2.1 Topography

2.1.1 Impacts

The 2020 Preliminary Map illustrates that steep slopes are primarily within the deed restricted areas that will be controlled by covenants and restrictions filed with the County and Village to limit how the identified areas may and may not be used. The project will protect wetlands, perimeter buffers, some areas of steep/very steep slopes, and areas within yard setbacks. The steepest slopes will remain largely undisturbed during site grading and construction of the proposed subdivision streets and stormwater recharge basins. Exceptions include the western recharge basin, two small areas located along the proposed Hall Drive ROW, the intersection of Hall Drive and Fan Court, and a few small areas along the Fan Court ROW where moderate-to-steep and very steep slopes exist. The Lot Development Plan also provides preliminary layouts of the house lots including homes, driveways and accessory structure areas that avoid steep sloped areas to the maximum extent possible. In total, 70,168 SF or 1.61 acres of steep slopes and 8,991 SF or 0.21 acres of very steep slope will be disturbed. An additional estimated 7,178 SF or 0.16 acres of steep slopes and 991 SF or 0.02 acres of very steep slopes will be disturbed as part of lot development. Total slope disturbance, therefore, is 77,346 SF or 1.78 acres of steep slopes and 9,982 SF or 0.23 acres of very steep slopes. These areas will be protected by project limiting silt fences during construction and areas of steep and very steep slopes can be largely addressed by site grading and cut and/or fill as necessary, slope stabilization and erosion and sedimentation controls. Disturbances to steep and very steep slopes as part of road and drainage facilities construction and lot development will require approvals from the Village Planning Board.

Road profiles that showing existing and future grades of the proposed streets and areas requiring cut and fill were included with the subdivision map and plans. The steepest stretch of roadway will be along Hall Drive where the slopes reach gradients of ±7.7 to ±7.8 percent. Areas of net cut will be primarily at the north end of Hall Drive at its intersection with Fan Court West and to a lesser extent at the south end of Hall Drive at its intersection with Muttontown Road. Areas of cut along Fan Court West are primarily at the west end of the street at the turn-around and areas of cut along Fan Court East exists along most of the length of the road. Areas

of fill are present midway along the Hall Drive between stations 2+00 and 8+00). Fan Court West will be finished at a grade of ±1.5 percent and Fan Court East will vary between approximately one (1) percent and its maximum proposed grade of ±6 percent near lots 9 and 15. The total net cut for roads and drainage under the 2020 Preliminary Map is 107,564 CY, the total fill is 29,276 CY, and the net cut is estimated to be 78,288 CY.

The current location and alignment of Hall Drive is preferred by the Village over its previous location, as it is farther from the cemetery and is the preferred location of nearby residents. Moreover, building envelopes depicted on the proposed subdivision map are sufficiently large to allow flexibility for locating future principal and accessory residential structures. As a practical matter, therefore, it is expected that during home construction, areas containing steep slopes will be avoided to the maximum extent possible to reduce unnecessary and costly cutting, filling and grading and to maintain harmony between the natural and human-built environments. As with the subdivision, any steep or very steep slopes covering an area of least 25 feet in horizontal length by 25 feet in horizontal width that may be disturbed on the proposed lots will be considered further during individual site plan reviews and may be subject to conditions set forth in a Village slopes permit. Soil cut from areas such as recharge basins, and in the future, basement areas, will be incorporated back into the site to the extent possible to eliminate the need for importing and exporting soil to and from the property.

2.1.2 Mitigations

- An Overall Earthwork plan was prepared, and drainage calculations and erosion control details are provided. A Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan will address impacts associated with slope disturbance and the modification of existing surficial landforms and drainage patterns. Techniques identified by the above referenced plans to stabilize slopes, prevent or mitigate erosion and sedimentation, ensure proper drainage, and prevent other topography-related impacts include but are not necessarily limited to:
    - delineation of site clearing limits (e.g., along natural buffer areas and proposed open spaces);
    - silt fencing downslope of work area perimeters and soil stockpiles;
    - use of stockpile stabilization methods such as seeding or mulching for periods of non-disturbance lasting longer than 7 days;
    - drainage inlet protection to prevent siltation;
    - use of check dams and temporary diversion swales, perimeter berms, development and/or reseeding/ revegetation of bare soils as soon as possible after disturbance;
    - use of retaining walls in areas with abrupt grade changes;
    - installation of curbing and street crowns to direct stormwater to catch basins; and
    - capture and recharge of stormwater flows from impervious surfaces on-site through a system of catch basins, leaching pools, and proposed recharge basins that are designed to conform with professional engineering standards and specifications.

- The existing topographic landforms on the property are not considered unique or otherwise exceptional natural features. Most of the steeply sloping areas will be avoided as most are located outside the limits of the proposed building envelopes and road rights-of-way or are in areas that will remain natural, and Village requirements for excluding areas of steep slopes from yield help to create larger lots to facilitate the proper siting of improvements. However, some disturbances to steep and very steep slopes will be necessary as discussed above. Grading will be limited to what is necessary to provide suitable street beds, home sites, and stormwater recharge areas. Placement of structures will be such to avoid areas of steep and very steep slopes to the maximum extent practicable.
- Coverage under the General Permit for Stormwater Discharges from Construction Activities (NYSDEC Permit No. GP-0-20-001, General Permit) will be sought and a SWPPP and erosion and sedimentation plan will be prepared.
- Areas containing steep and very steep slopes were considered by the Planning Board during subdivision review and will be further reviewed during site plan reviews for each lot based on detailed site plans.
- Clearing, excavation, movement and placement of soil, finish grading, demolition and other construction activities will take place Monday through Friday, between the hours of 8:00 AM and 6:00 PM, except on designated New York State holidays as specified by § 104-3 G of the Village of Muttontown Code. Construction vehicles will be staged on-site and will under no circumstances be parked within the rights-of-way of any public or off-site privately owned street.

Finding 1: The project is not expected to result in any significant adverse impacts on or limitations from topography, landforms, or slopes, based on the numerous impact avoidance and mitigation strategies identified and inherent project design features, and any potential impact will be temporary, unavoidable, or mitigated to the extent practicable.

2.2 Soils

2.2.1 Impacts

Soil limitations noted in the Soil Survey are addressed or mitigated by site engineering, project design, and removal and replacement if necessary, and therefore are not expected to significantly constrain future development of the site or contribute to potential soil related impacts. The most significant limitations to development resulting from soils based on the Soil Survey and test hole data are associated with drainage and leaching capabilities due to the presence of hardpan and possibly associated slow percolation or wetness, slope, and any shallow perched water due to this condition. Excavation and replacement of poorly drained and compacted soils with clean sand in recharge and sanitary leaching areas, installation of foundation drains and adequate roof drainage systems, suitable grading, and other engineering practices can help to overcome these limitations. Most of the site contains gently sloping topography. Areas containing steep slopes will be avoided to the extent possible, while cut, fill,

grading, slope stabilization, and erosion and sedimentation controls will help to address other slope/soil issues where disturbance is unavoidable.

Stormwater runoff will be captured by catch basins along the new streets, conveyed via storm drains, and temporarily stored and recharged into the ground at one of two on-site stormwater recharge basins. The recharge basins are designed to hold a combined total of 1,008,000 CF of stormwater, or 222,177 CF more than the projected 785,823 CF of storage space required to serve the proposed subdivision based on an 8.5-inch rainstorm. The proposed drainage and stormwater recharge system is designed to handle runoff from individual house lots but in some instances supplemental drainage improvements such as on-site leaders, gutters and drywells or leaching pools will be needed to manage some of the runoff from driveways, roofs, and accessory structures (pools, patios, tennis courts, etc.) on individual lots. The need for such minor supplemental improvements will be determined during individual site plan preparation and Village engineering reviews.

Public sewers are not available in the area but due to the large sizes of the proposed lots and projected volume of wastewater loading anticipated, each lot will have its own on-site sanitary disposal system (i.e., septic system). Septic systems must comply with NCDH standards, including requirements for system siting (setbacks), design, and installation, including discharge to suitably drained soils to ensure adequate leaching and wastewater disposal and that sufficient separation between leaching pool discharge points and the water table is provided. Suitable soils for septic system functioning are typically clean sand of a texture, depth and sorting that allows filtration of wastes without systems backing up or wastewater being discharged too quickly and directly. Based on information from the Nassau County Soil Survey and data collected on and adjacent to the site from several test holes, soil on the property is mainly a mix of sand, loam and "hardpan[1]." Clay is also prevalent in Test Hole 4. Loams consist of a mix of soil textures (e.g., sand, silt, and clay), which have less soil pore space than sands (depending on the mix), thereby restricting the rate of wastewater recharge. Clay can be generally defined as very fine weathered soil particles that are arranged in a pattern that greatly restrict wastewater from percolating through the soil. Hardpan can consist of various soil textures; however, the particles composing hardpan have been compacted and/or are "cemented" together by natural substances, creating an impervious or near impervious layer that also restricts recharge.

Removing and replacing "restrictive" soils with well-drained coarser-textured sand helps to prevent wastewater from backing up within leaching pools. Caution must be exercised, however, to ensure that very coarse excessively drained soils or gravels are avoided; particularly, if depth to groundwater is shallow, as they can greatly reduce wastewater

[1] "Hardpan" is defined as: A hardened or cemented soil horizon, or layer, often composed of clay at or below the surface, produced by cementation of soil particles by relatively insoluble materials such as silica, iron oxide, calcium carbonate or organic matter.

"residence time" in the soil and the level of effluent treatment. Depth to the regional groundwater table is expected to be between 120 and 215 feet below ground surface at the site depending on the exact location and surface elevation and whether perching is present. This depth to groundwater is substantial and is beneficial for filtering wastewater, regardless of the rapidity of recharge. Again, the large sizes of the lots will help to ensure that a suitable number of leaching pools can be sited on lots and ensure compliance with NCDH requirements.

Phase I Environmental Site Assessment

The Phase I Environmental Site Assessment (ESA) found evidence of four (4) recognized environmental conditions, no (zero) controlled recognized environmental conditions, one (1) *de minimus* condition, and one (1) historic environmental condition in connection with the subject property, based on the reconnaissance, interviews or regulatory agency records review conducted as part of this Phase I ESA, subject to the methodology and limitations of the Phase I ESA report. The following recommendations were identified by the ESA:

1. A Limited Phase II Investigation should be conducted to determine the precise locations of all the underground storage tanks situated on the property using Ground Penetrating Radar technology, and to collect soil samples in the vicinity of the storage tanks in order to ensure that a prior release has not occurred. In addition, the discharge points of the floor drains should be located and sampled to ensure that the discharge points have not been adversely impacted by prior uses of the subject property.
2. The drums located on the subject property should be removed and properly disposed of.
3. If the groundwater well on the subject property is no longer in use, it should be abandoned in accordance with all applicable regulatory agency requirements.
4. If no longer necessary, the electrical transformer should be removed and properly disposed of in accordance with all applicable regulatory agency requirements.
5. If the buildings are to undergo major renovation or demolition, an Asbestos Survey should be completed in accordance with the New York State Department of Labor Industrial Code 56. ACM must be removed prior to demolition.

Performing the above listed actions will help to further identify any possible soil contamination and other potential issues relating to past activities involving the use, storage or handling of hazardous materials and will help to ensure that any identified issues are addressed in accordance with applicable requirements prior to future occupation.

2.2.2 Mitigations

Soil conditions were considered as part of project engineering to ensure that soil limitations are properly addressed, and potential impacts are mitigated. This included an initial review of the

Nassau County Soil Survey data as well as the drilling of several test holes on-site to analyze actual on-site soil conditions.

- Erosion-prevention measures during the construction process include: 1) minimizing the time that bare soil is exposed to the elements; 2) use of groundcovers (seeding if prolonged exposure is necessary and paving/construction) for soil stabilization; 3) providing project limiting fencing to prevent unnecessary or unintended clearing and ground disturbance; 4) installation of silt fencing to capture sediment transported by runoff from being carried off-site, 5) wetting bare soils to prevent dust and sediment from being transported off-site; 6) incorporation of cut back into the site to the extent possible; 7) use of rumble strips to prevent the tracking of dirt onto Muttontown Road; and 8) use of inlet protection and drainage diversions to prevent siltation of drainage infrastructure to preserve system capacity.
- Foundation drains and waterproofing as needed to help address concerns associated with restrictive drainage around building foundations.
- If necessary, in areas where hardpan may exist, excavate the area around the base of proposed leaching pools and backfill with clean coarse-grained soil to ensure that drainage systems function properly.
- Stormwater infrastructure is designed to conform to the requirements of the Village Code and Village Engineer and all future onsite sanitary systems will be designed, sited, and installed in accordance with NCDH requirements. Existing sanitary systems serving buildings to be removed will be abandoned in accordance with and under the supervision of the NCDH and the NCDH will oversee the installation of new systems.
- Site grading, reseeding, and revegetation/landscaping as soon as possible to address slope constraints and stabilize soils during the construction process. Areas of steep slopes shall be avoided to the maximum extent practicable.
- All trees that must be removed during site preparation and the construction process and their stumps shall be taken off-site for use or disposal at an appropriate disposal facility and shall not be buried on-site.
- Preservation of natural areas including perimeter buffers will limit disturbance and related impacts, while avoidance of wetlands and adjacent wetland areas will prevent impacts and reduce development constraints associated with saturated surface soils.
- A Limited Phase II ESA should be conducted to determine the precise locations of all underground storage tanks on the property using Ground Penetrating Radar technology and collect soil samples from the vicinity of the storage tanks to ensure that a prior release has not occurred. If tanks are discovered, the tanks and surrounding soils shall be inspected to determine the presence of any contamination and the tank and any contaminated soil found above established thresholds shall be addressed in accordance with applicable standards and specifications.
- Remove any residual contents of the underground and basement fuel storage tanks and any associated contamination based on the recommended Limited Phase II Investigation and

dispose of the tanks and any associated residual materials in accordance with applicable standards and requirements.

- After discharge points of floor drains are located and sampled remove any adversely impacted drains in accordance with applicable regulations. If contamination is present above regulatory levels, soil shall be removed and disposed in accordance with applicable standards and regulations.
- The empty drum identified on-site will be removed and properly disposed to protect soil and groundwater from being contaminated by leaks, spills or dumping, if any residual material is still contained in the drum.
- Remove and properly dispose of the electrical transformer associated with the Main House and dispose of it in accordance with applicable regulatory agency requirements.
- An Asbestos Survey should be completed in accordance with the New York State Department of Labor Industrial Code 56 to determine the possible presence of asbestos containing materials ("ACM"). ACM must be removed prior to demolition. Proper removal and disposal of ACM will help to prevent soil from becoming contaminated or fine asbestos material from becoming airborne.
- Abandon the existing groundwater well in accordance with all applicable regulatory agency requirements.

Finding 2: Based on the mitigations and precautions identified above and in consideration of site conditions and the proposed plans, significant adverse environmental impacts or constraints to development are expected to or from soils.

2.3 Geology

2.3.1 Impacts

Excavations will be required to install catch basins and subsurface piping, two stormwater recharge basins, septic systems, foundations, and underground utilities. Grading will be required to provide suitable surfaces for streets, driveways, home construction, and drainage control (see **Overall Earthwork Plan** (Sheet C-106). There are no unique landforms or geologic features on the property and earthwork is not expected to have a significant long-term adverse effect due to erosion controls and a drainage system designed for an 8.5-inch rainstorm. The required work may involve removal of some compacted and/or cemented subsurface soils (hardpan) and replacement of these materials with clean sand as needed to facilitate drainage and wastewater disposal and prevent the retention of moisture around foundations.

Depth to the regional (unperched) groundwater table is estimated to be between 120 and 215 feet bgs at the site, depending on variations in ground surface elevations. Areas requiring the most soil removal include the locations of the two (2) stormwater recharge basins. Both recharge basins will be constructed in areas having generally lower surface elevations to promote positive drainage but will still be far above the water table. Soil removed from the

recharge areas range between +/-existing grade to a depth of +/-21-22 feet below ground surface and will include an estimated 76,510 CY of material. In addition, grading will be required for stormwater collection and distribution facilities as well as roadways, utility installations and eventually building foundations.

Foundation excavations will be open temporarily and will backfilled after foundations are poured. The only geological resource that may be impacted by site grading and excavations are surface soils which are discussed in the previous section.

A grading program will be implemented to ensure that the drainage system operates efficiently and effectively throughout the property, including adherence to a detailed Grading Plan to be prepared as part of detailed site plans for individual lot development. The project will retain the maximum volume of soil on-site possible for reuse, thereby minimizing the impacts and associated costs of importing and exporting soil. Nevertheless, excess soil must be shipped off site and disposed at a facility licensed or registered to receive the material and/or possibly sold to contractors if the soil is clean and suitable for reuse at another site.

2.3.2 Mitigations

- The lots are very large and will fully accommodate anticipated sanitary sewage flow without the need for NCDH variances, advanced sewage treatment facilities or significant impacts; however, some soil may have to be removed and replaced with clean sand to improve drainage and leaching.
- The Phase I Environmental Site Assessment indicated that a Limited Phase II ESA should be prepared to determine if there is any soil contamination from any underground structures such as underground storage tanks or floor drains. If contamination is found in concentrations exceeding maximum standards, the soil will be removed and replaced with clean soil of a suitable texture.

Finding 3: Based on the information and analyses provided above and the techniques and strategies for mitigating impacts to topography, soil and geology, significant impacts to or from site geology is not expected.

2.4 Water Resources

2.4.1 Impacts

There are two wetlands on-site and one wetland that is offsite but within 100 feet of the property boundary. Minimum 100-foot wetlands setbacks/buffers are provided to restrict clearing, ground disturbance, construction, installation of septic systems, leaching pools, and drainage structures, and other activities and encroachments near these environmentally sensitive and ecologically important features.

The project will increase impervious cover on the site and generate additional stormwater runoff and due to site disturbance may increase erosion and sedimentation if not properly controlled. Proposed drainage will accommodate and safely recharge the runoff from an 8.5-inch rainstorm and still have an excess of 222,177 CF of additional storage. No direct discharges are proposed into any wetland or surface water bodies and stormwater generated on impervious surfaces will be directed to catch basins or other appropriate structures. A properly engineered Grading and Drainage Plan and Erosion and Sediment Control Plan have been prepared to mitigate impacts to surface waters and wetlands from stormwater pollution and sedimentation. A SWPPP will be prepared and a SPDES Construction Permit is required. The property is located entirely within a FEMA "X" zone, and is therefore, outside of any FEMA designated "100-Year Special Flood Hazard Areas" and therefore has a very low likelihood of flooding. The below-density large-lot single-family residential subdivision is not a dense or intensive land use and is not expected to significantly impact wetlands or surface waters on or adjacent to the site.

The property is located within a designated Special Groundwater Protection Area. The recommendations of the SGPA Plan were examined and the project was found to be consistent with applicable recommendations of that plan. A large portion of the property will remain wooded due to the proposed perimeter buffers, wetlands buffers, cemetery buffer, and steep and very steeply sloped areas which will be avoided to the extent practicable. The project is a below density low intensity land use for this site and is fully consistent with Village zoning. Several years ago, 18.3 acres (15.6 percent) of undisturbed woodlands from the original 117.22-acre property was sold to the County for incorporation into Muttontown Preserve. The purpose of the sale and County's acquisition was to increase the amount of passive outdoor recreational space and for the protection of groundwater, the onsite wetland, and wildlife habitat and to address open space goals and recommendations.

Depth to groundwater is estimated to range between 120 and 215 feet below ground surface at the site. This significant depth to the regional groundwater table will provide considerable stormwater and wastewater filtration, diffusion, chemical transformation, biological breakdown, and attenuation of certain pollutants as well as temporary storage and removal when properly designed to prevent poor drainage conditions. Infiltration into suitably drained soils, whether native or replaced in the case of poorly drained or compacted soils, also helps to prevent potential lateral/horizontal flow and direct seepage into surface waters or wetlands.

There will be an increase in site nitrogen loading due to the additional wastewater discharge and stormwater runoff including runoff or recharge from possibly fertilized lawns and landscaping on lots. NPV's nitrogen loading model ("SONIR") projected that overall nitrate loading will increase from an existing value of 0.22 mg/l to 0.98 mg/l which is far below the potable drinking water standard of 10 mg/l used by federal, state and county agencies to

regulate drinking water quality. The low concentration of nitrogen is also protective of surface waters and wetlands which can be as low as 2.5mg/l.

2.4.2 Mitigations

- There are wetlands on and adjacent to the project site including a vernal pond. Delineation, preservation, and protection by establishing a +100-foot buffer around all wetlands, as well as instituting erosion and sediment controls and best management practices during construction will mitigate potential groundwater and surface water impacts.
- The increase in recharge from the proportionately low impervious surfaces is not expected to cause a significant adverse change in the water table elevations, cause flooding or backup of sewage or stormwater because of the considerable depth to the water table. As a result, no mitigation is required or proposed.
- Prior to development, existing sanitary systems will be located, inspected, cleaned if necessary, and removed or abandoned in accordance with NCDH and EPA standards.
- Individual on-site sanitary wastewater systems will be designed, sited, and installed in accordance with NCDH standards and specifications. Potential impacts from wastewater are further reduced by controlling lot density with no lot being smaller than 3.12 acres of gross land area or 3.0 acres of net land area; replacing any low permeability soil such as clay or compacted fine grained silt with clean sand to promote infiltration and providing buffers around wetlands to protect these features from clearing, ground disturbances, building construction, stormwater runoff and sanitary effluent.
- Stormwater will be captured, retained, and recharged on-site through two stormwater recharge basins that are designed to contain the runoff from an 8.5-inch rainstorm and still have as much as 222,177 CF of surplus storage. Individual lots must also include on-site drainage structures to capture and recharge stormwater on-site in accordance with applicable Village requirements.
- Stormwater generated from the proposed streets, driveways, and roofs will be captured and recharged on-site through a system of catch basins which will be piped to one of two separate stormwater recharge basins on-site. Gutters, leaders, and drywells will be installed on individual lots to address roof, driveway and accessory structure runoff.
- Drainage systems will be designed, sited, and installed in accordance with state and local requirements and will be subject to review and approval by the Village Engineer. An Erosion and Sediment Control Plan and SWPPP will also be prepared, and a SPDES General Permit will be sought and secured.
- Any irrigation system that is installed in the future be of a modern water-conserving design such as drip irrigation or other efficient system that applies water directly to the roots and is controlled by moisture sensors so that water is applied only when needed and timers that irrigate during nighttime hours when loss from evaporation is lowest.

- The SONIR computer model estimated that the concentration of nitrogen in recharge will increase from 0.22 mg/l at the currently undeveloped site to 0.98 mg/l which is far below the maximum 10 mg/l standard for drinking water. The discharge of wastewater via individual on-site septic systems on over-sized lots is an integral factor in this project achieving the projected low nitrate concentration.
- Based upon information presented in the NURP Study and considering the history of the site, nature of the future land use, and proposed development density, the stormwater recharge from the development is not expected to contain high concentrations of stormwater pollutants. Stormwater facilities will be constructed in accordance with state and local regulations and are designed to meet the satisfaction of NCDPW and the Village. A SWPPP shall be prepared and a SPDES General Permit will be obtained.
- Under the proposed plan, wetlands will be avoided, and no construction or other disturbance will occur within 100 feet upland of the surveyed wetland boundaries. Clearing limits will be established and silt fencing will be installed to prevent the siltation of on-site and adjacent wetlands and surface waters.
- See also mitigation under Sections 2.1, 2.2 and 2.3 many of which help to reduce impacts to water resources.

***Finding 4*: The Proposed Action will not have a significant adverse effect on surface waters, wetlands, and groundwater quantity or quality when factoring in the identified impact prevention and mitigation strategies listed above and the inherent impact avoidance and mitigations that were included in the project's design.**

2.5 Ecological Resources

2.5.1 Impacts

Impacts to ecological resources on the project site are generally a direct result of clearing of natural vegetation, an increase in human activity and associated wildlife stressors, and the resulting loss and fragmentation of wildlife habitat. Most of the proposed development is currently wooded with coastal oak heath forest (89.41% of the site), with the remainder being comprised of a mix of successional old fields, wetlands, a vernal pool, and terrestrial cultural habits including lawns and gardens, and impervious surfaces, including existing paved surfaces/driveways, buildings, a pool house, swimming pool, tennis court, and other minor man-made structures.

A total estimated +/-45.1 acres of vegetation will be removed from the site including +/-32.74 acres in lots, +/-6.59 acres of road right-of-way, and a conservative +/-5.77 acres associated with on-site recharge basins; however, an estimated additional +/-14.7 acres of landscaping or one-third of the vegetation to be removed will replace the lost vegetation but will not provide the same quality habitat. Some wildlife will relocate off-site during construction or permanently, some will remain onsite, and some will be lost. Efforts have been made to

reduce impacts on wildlife by providing wetland buffers and natural/native open spaces, reducing the allowable yield of the subdivision, prior sale of a large portion of the original site for preservation, and the following mitigations.

2.5.2 Mitigations

- Native plant species that provide food and shelter to local wildlife will be utilized in some of the landscaped areas, but several species of common ornamental evergreen trees will be planted for the purposes of screening.
- The loss of woodland habitat on the property will be partially mitigated by the proposed preservation of woodland within the perimeter buffers around the property, adjacent to the wetlands and cemetery, and within individual lots, including areas containing steep and very steep slopes.
- Protection of a 50-foot-deep 1.8-mile-long perimeter non-disturbance buffer, wetlands buffers and cemetery buffer to mitigate natural qualities, provide open space, and a wildlife corridor connecting Muttontown Preserve, the Hoffman Center, the site's vernal pool and wetlands, and wildlife habitat.
- Invasive plant species that are listed in Nassau County Local Law 22-2010 and in 6 NYCRR Part 575, Sections 575.3 ("Prohibited invasive species") and 575.4 ("Regulated invasive species") will not be utilized in the landscaping and shall not be used to landscape any future house lots.
- Disturbance is minimized to the maximum extent practicable, including delineating tree clearing limits at the site prior to construction to avoid inadvertent clearing of areas to remain wooded.
- The most sensitive area of the site which includes the vernal pond, freshwater wetlands and wetland buffers in the southwest portion of the site will be retained and a 100+foot adjacent upland area shall remain undisturbed and natural.
- Where practicable, trees will be retained during the development of individual plots and a Tree Permit will be sought from the Village.
- Because it is the disease (WNS) and not habitat that is currently limiting the population of Northern long-eared bats, removal of trees from the property is generally not considered harmful unless there are potentially bats within the trees during the time they are removed. To protect NLEB from unintentional harm, the Department encourages the voluntary implementation of all forest management activities during the hibernation period-November 1 through March 31 throughout the state and December 1 through February 28 in Suffolk County-when bats are not expected to be present.
- Snag and cavity trees will remain uncut unless their removal is necessary for protection of human life and property. Snag and cavity trees are defined under DEC Program Policy ONR-DLF-2 Retention on State Forests.
- If any bats are observed flying from a tree, or on a tree that has been cut, tree management activities in the area shall be suspended and DEC Wildlife staff notified as

soon as possible. A permit may be required to continue work, or you may have to wait until November 1 to resume activities.

- The project site is located within 5 miles of a known hibernation site or 1.5 miles of a documented summer occurrence, consult Protection of Northern Long-eared Bats for additional guidance.
- An Eastern Box Turtle Protection Plan will be implemented to protect this New York State species of special concern. See protection plan provided in **Appendix D-7** of the DEIS.

Finding 5: Some limited habitat and ecological resources will be lost but significant impacts to ecological resources are not anticipated considering the mitigation strategies outlined in this Findings Statement and development consistent with the design features identified to minimize ecological impacts.

2.6 Land Use, Zoning, and Plans

2.6.1 Impacts

The proposed project will not change the type of land use on the property (i.e., low-density single-family residential use originally containing six homes or cottages (Main House, East Cottage, West Cottage, Garden Cottage, Pond Cottage and Chauffeur's Cottage) to 20 homes, accessory structures, and new streets and recharge basins. The proposed subdivision is consistent in terms of land use with its zoning and other adjacent development including the Serenite Lane and Woodhollow Court residential subdivisions and other scattered nearby single-family homes such as the Moed Residence. In this sense, the project will not significantly impact the general pattern of land use in the area, nor does it conflict with the type and density of development envisioned by the Village as reflected in its E-3 zoning district and zoning code for this site as guided by the Village's Master Plan. It is acknowledged, however, that the project will increase the overall density of the residential use of the site from a single currently occupied dwelling[2] (or a former estate with six residential structures five of which are no longer occupied) to 20 new single-family detached homes. The proposed subdivision, on average, will have one dwelling unit for every 3.39 acres (net), after excluding areas required for streets, stormwater recharge, parkland existing wetlands, adjacent wetland areas, certain areas having steep slopes, and the bridle path. The 50-foot-deep perimeter buffers also help to provide a smooth transition between more sensitive land uses such as Muttontown Preserve and the Hoffman Center while balancing other community needs including public open space, the need for new homes, protection of cultural resources (Pond Cottage and cemetery), local economic investment and development, increased property tax revenues, new employment opportunities during construction, increased spending at local businesses, and others. Moreover, the previous sale of 18.3 acres from the subject property (i.e., tax lot 1098 from the former Hall

[2] Three of the existing occupiable dwellings are vacant.

property) to Nassau County for open space preservation, has reduced the total development potential of the original property by perhaps as much as five lots and increased the amount of open space in the area and helped to achieve recommendations for protecting open space.

The project was reviewed against applicable policies of the *New York State Open Space Conservation Plan and Nassau County Comprehensive Plan* and based on the project's consistency with local land use and zoning policies, was found to be consistent with applicable policies and standards.

2.6.2 Mitigations

Mitigations have been incorporated into the project plans. No further mitigation is necessary since:

- The project is not anticipated to significantly change the nature of land use in the area as the project proposes a low-density single-family residential development that is designed in conformance with Village zoning and is consistent with the large lot/low-density wooded single-family residential and open space character of the area.
- The proposed subdivision plat contains just 20 lots with gross lot areas ranging between 3.05 and 6.21 acres with an average gross lot size of 3.8 acres. Net lot areas (i.e., areas remaining after subtracting on-site freshwater wetlands, adjacent wetland areas, and slopes of 15% or more) for the protection and perpetuation of these resources range between 3.0 acres and 5.38 acres, with an average net lot size of 3.39 acres.
- The proposed lots are designed to conform to the dimensional requirements of the Village Residence E-3 zoning district including but not limited to minimum lot width, yard setbacks, and lot area.
- The proposed project is consistent with adopted Plans that include the subject property, including the New York State Open Space Conservation Plan, Nassau County Comprehensive Plan, and the Nassau County Open Space Plan.
- The proposed project will protect 0.61-acre of wetlands, an additional 100-foot+ buffer around the vernal pool and wetlands, and perimeter buffer for screening and use as open space and a horseback riding trail that extends from the Muttontown Preserve around the northern perimeter of the site and south along the western property boundary to the Hoffman Center property.
- Consistency with recommendations of the Oyster Bay Special Groundwater Protection Area including previous sale of an 18.3-acre portion of the subject property (Lot 1098) now or formerly owned by the County of Nassau) and incorporated into the Muttontown Preserve for open space and protection of natural resources.

***Finding 6*: The project is not expected to result in significant adverse environmental impacts based on land use, zoning, and public planning policies considering the identified mitigation**

and project design features and balancing of social and economic benefits. The Site Plan has been designed to address various land use, zoning and community character concerns.

2.7 Community Services

2.7.1 Impacts

The additional lots and homes will place greater demands on community services including public education, police, fire, and ambulance services, public water, solid waste disposal (private carters), and electricity.

The proposed project will involve the construction of 20 new single-family homes in place of one existing occupied home and therefore will generate a total estimated 29 school age children, of which 22 are projected to be enrolled in public schools. This represents 21 more students than currently projected to attend the public school system from existing on-site residential uses. The estimated 22 school-aged children expected to attend public schools will increase school district expenses; however, this cost will be addressed by the additional school tax revenues generated by the proposed project, resulting in a substantial surplus that will benefit the school district. When applied to the estimated 22 school-aged children that are projected to attend public schools from the development, it is anticipated that 19 of these students will be enrolled within the general education program, while three (3) of these students will be enrolled within the school district's special education program. Given the assumptions regarding per-pupil expenditures of $24,423 for general education students and $42,237 for special education students, it is estimated that the 22 public-school students will cost the Oyster Bay-East Norwich Central School District approximately $590,748 per academic year. However, the proposed project is projected to levy tax revenues for the School District, estimated to total $1.1 million per year, upon full build-out and full taxation. These property tax revenues will cover all associated expenses incurred by the 22 public-school students, resulting in a net surplus revenue to the school district of over $521,000 per year upon full occupation of the development and full taxation of its property owners.

The proposed development will increase total annual taxes generated by the subject property from $433,061 to $1,667,829, for an increase of $1,234,768. School taxes, which comprise the largest portion of the property taxes, will increase from $291,959 to $1,112,200 for an increase of $820,241 annually, which is approximately 281 percent higher than is currently generated from the subject property.

A homeowners association ("HOA") will be formed and will be responsible for maintaining the subdivision's roads and recharge basins and ensuring safe and unrestricted access by local police, fire, ambulance and others. This includes plowing, sanding, deicing, and general road and drainage system maintenance. Additionally, the HOA will be responsible for maintaining the proposed parkland, including a trail/bridle path within the 30-foot-wide parkland area around the perimeter of the property and will be approximately +/-1.8 miles in length. The

costs of maintaining the on-site roads, drainage systems/recharge basins and parkland will be covered by HOA fees paid by each property owner in accordance with applicable NYS laws.

Fire hydrants will be spaced in accordance with the fire Chief's requirements and homes will be constructed in accordance with existing building and fire codes. The proposed streets are designed to allow safe and convenient access by large vehicles such as fire trucks including sufficient turning radii at the ends of Fan Courts East and Fan Court West to facilitate exit from the site.

The total projected water demand once the subdivision is fully constructed and occupied is +/-18,000 gpd of domestic water (900 gpd per home) and +/-26,229 gpd for irrigation purposes for a total of +/-44,229 gpd. Homeowners will be subject to Nassau County restrictions on lawn watering. An eight-inch water main must be installed on the subdivision property to serve each of the proposed house lots. Laterals will also have to be installed from the street to each home to provide individual service connections.

Fencing to prohibit trespassing on the neighboring property owned by Carnelian Farms will be provided consistent with the character and zoning of the location.

Wastewater disposal will be accomplished using septic systems on very large lots with significant depth to groundwater and little impact on the environment.

The proposed 20 lot subdivision is expected to have a population of +/-85 persons[3] which would be expected to generate +/-374 lbs. per day or +/-68.26 tons per year. The projected 85 new residents are a small fraction of the Village's total population and will not significantly increase overall solid waste generation. Private solid waste carter(s) must be hired by the HOA or individual households and solid waste must be transported to licensed solid waste disposal and recycling facilities.

As per Chapter 150, "Solid Waste," Article II, "Recycling," the Village will provide each homeowner with color-coded recyclable materials containers. Residents are responsible for separating their recyclables from non-recyclable refuse and placing them in Village-approved containers that have been designated for each recyclable waste stream and leave the respective containers out for pickup by a private carter on the scheduled day of pickup. Newsprint must be bundled and securely tied with a string or placed in a brown paper bag.

Electricity will be provided by PSEG and the costs of future electrical demands will be paid by homeowners based on PSEG's user fees.

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[3] The projected population, as previously established in Section 1, Table 1-1 of the DEIS, is based on 4.23 persons per 5-bedroom single-family detached residence valued at greater than $748,500 in the State of New York (Burchell et al, 2006).

2.7.2 Mitigations

- Fire hydrants will be spaced in accordance with Chief Placella's recommendations.
- Fencing conducive to prohibiting trespassing on the neighboring property known as Carnelian Farms, which has the least minimal impacts, will be posted.
- The streets are designed so that emergency vehicles can access each house lot, maneuver through the subdivision and turn large vehicles such as fire trucks around.
- The streets will be maintained, plowed, sanded and/or deiced to ensure unrestricted emergency access to house lots during inclement weather. Streets, recharge basins, associated street drains and other commonly held subdivision assets will be maintained by a private maintenance staff or contractor that is hired by and paid for by an HOA through the assessment of HOA fees.
- Costs of community services will be offset by additional property tax revenues generated by the additional lots and assessed real estate which will offset the costs of community service demands. The proposed development will increase total annual taxes generated by the subject property from $433,061 to $1,667,829, for an increase of $1,234,768. School taxes, which comprise the largest portion of the property taxes, will increase from $291,959 to $1,112,200 for an increase of $820,241 annually, which is approximately 281 percent higher than is currently generated from the subject property.
- Other costs and demands such as delivery of potable drinking water and electricity are paid for by user fees based on consumption.

Finding 7: Development associated with the Proposed Action will increase the demand for community services and facilities as it would for any future growth; however, significant property tax revenues will be generated by the creation of the 20 new high-end homes which along with user fees will help to offset address impacts.

2.8 Traffic and Transportation

2.8.1 Impacts

Trip Generation

The trip generation estimates for the traffic to be generated by the proposed twenty (20) single family homes was calculated using the statistical data provided in the manual, *Trip Generation, 10th Edition*, published by the Institute of Transportation Engineers (ITE). Land Use Code 210 – Single Family Detached Housing) was used to calculate the trips for proposed dwelling units. It is expected that the site will generate a total of 19 trips during the AM peak hour (5 entering,

14 exiting), 22 trips during the PM peak hour (14 entering, 8 exiting) and 35 trips during the Saturday midday peak hour (19 entering, 16 exiting).

The most trips expected to be generated are thirty-five (35) during the Saturday midday peak or an average of approximately one trip every two minutes. It is assumed that the distribution of these residential single-family trips will follow the typical commuter distribution pattern. Therefore, the projected trips will disperse more towards the east in the morning peak period where access to the major highways (LIE and Northern State Parkway) and LIRR train station are located, with the reverse pattern occurring in the evening peak hour. Saturday will experience a more even distribution. It is not expected that these trips will generate any significant traffic impact on Muttontown Road considering the relatively low projected site volumes and the currently low roadway volumes.

Site Access Analysis

The Proposed Access is off Muttontown Road approximately 160 feet east of Woodhollow Court (centerline to centerline) to form the stop-controlled leg of a T-intersection. The roadway is designed with two, 22-foot-wide travel lanes (one each direction) and will extend into the site to providing access to each of the proposed residential home driveways. The Alternate Access is located approximately 1,100 feet east of Woodhollow Court in the proximity of the existing site driveway.

Levels of service were assessed for the project and it was determined that all the approaches will operate at levels of service A, with control delays of less than 10 seconds per vehicle.

2.8.2 Mitigations

- For the Proposed Access, trimming of brush within the Village right-of-way in the vicinity of the proposed access road is recommended to optimize sight distance.
- Additionally, Nelson + Pope recommend the installation of an advance intersection warning sign on the north side of Muttontown Road for westbound traffic if this site access is pursued. This sign will provide motorists with additional notice that they are approaching a T-intersection.
- During grading operations, truck traffic to and from the site will be routed along major roadways and truck drivers will be instructed to avoid secondary residential streets to the maximum extent practicable. The 98.92-acre property has ample space to fully accommodate construction vehicles and provide equipment and materials staging areas during the construction process, thereby keeping work vehicles off public rights-of-way.

Finding 8: ***The volume of traffic generated by the proposed project will not result in significant impacts to the adjacent roadway during the peak periods. The location of both the Proposed Access will operate in a safe manner. Hall Drive will intersect a section of***

Muttontown Road with a very low traffic volume and low frequency of accidents. The proposed streets are properly designed for public safety and access by emergency vehicles. Based on the traffic impact analysis for the project and in consideration of the identified mitigations, it was concluded that impacts are avoided or properly mitigated.

2.9 Community Character and Cultural Resources

2.9.1 Impacts

Visual Resources

The proposed development will alter the visual appearance of the property by removing some existing vegetation, modifying site grading, and removal of all but one of the existing buildings and structures (which cannot be seen from the Muttontown Road) and replacing them with 20 new homes, residential accessory structures, two subdivision streets, and two stormwater recharge basins. The project preserves a 50-foot-deep wooded non-disturbance buffer around the entire perimeter of the site, except for the street opening for the new subdivision road and the bridle path. The project also protects land around the wetland/vernal pond in the southwest portion of the site and around the cemetery, therefore providing considerable block of open space that mitigates views from the street and adjacent properties. The buffer and parkland will consist of an estimated +/-17.47 acres of native woodlands that will provide significant natural buffering and maintain some of the existing rural character of Muttontown Road, nearby nature preserves, and adjacent house lots.

Delineated building envelopes are at least 150 feet from any existing adjacent home. Lots having frontage on Muttontown Road will be setback at least 125 feet from the road and lots having frontage on proposed interior (subdivision) streets will be setback at least 75 feet in accordance with the required front yard setback requirement. Perimeter buffers, wetland buffers, parkland areas and restrictions posed by building envelopes will provide significant natural buffering along Muttontown Road. The proposed Subdivision Road off Muttontown Road ("Hall Drive") will require the removal of trees and necessitate grading that will open views of the interior of the subdivision along the new street from the perspective of passersby on Muttontown Road. However, due to the alignment of the road at this location and slope along the street, deep views in and out of the site are not expected. The center median of the proposed access road and interior streets will be vegetated to enhance the appearance of the street.

The two recharge basins are in areas where there is no adjacent clearing or development and are heavily wooded. The closest structure or development to the proposed recharge basins is over 600 feet away. The outward sides of the recharge basins facing adjacent (off-site) properties will be screened by the 50-foot perimeter buffer and the internal facing sides of the recharge basins (facing proposed lots) will be lined by a double staggered row of mixed evergreen trees planted at 10-12 feet in height that will provide year-round screening.

Proposed trees for recharge basin screening include a mix of Japanese cryptomeria (*Cryptomeria japonica*), Norway spruce (*Picea abies*), white spruce (*Picea glauca*), Serbian spruce (*Picea omorika*), and Western arborvitae (*Thuja plicata*). Both recharge basins will also be enclosed by a six-foot black vinyl coated chain-link fence to keep unauthorized persons from entering these areas. The preserved land that is adjacent to the recharge basins is not likely to be cleared or developed and any future development on nearby privately owned land is expected to comply with Village setbacks and other applicable requirements. Recharge basins are installed below existing natural grade in topographically low-lying areas and therefore are essentially subsurface features and are not easily seen.

Street trees are not required by Village Code and are therefore not proposed; however, native grasses will be planted within the center islands of the access road (Hall Drive) and cross streets (Fan Court East/Fan Court West) to improve the appearance of these features. Center median grasses will consist of native little bluestem (*Schizachyrium scoparium*) and native big bluestem (*Andropogen gerardii*).

Care was taken to limit disturbances to steep slope areas by first identifying and delineating them and then avoiding disturbance to the extent practicable during site preparation and construction; but some steep slopes will be affected. Areas that are disturbed during the construction process will be reseeded with an ecology mix to stabilize the soil and mitigate erosion. Wetlands will be protected from development activities by the wetlands non-disturbance buffers that are at least 100 feet deep, and temporary project limiting fencing along the wetland setback boundaries as needed to prevent over-clearing and encroachment during construction. The removal of trees for development is an unavoidable impact of the proposed action, and most other development projects, but considerable effort has been taken to limit clearing, provide buffers and public open space, and ensure that significant natural features are protected, and natural vegetation is retained to the extent possible. In addition, some of the trees, shrubs and ground covers that must be removed, will be replaced with landscaping to stabilize soils and prevent erosion, provide screening for privacy, and enhance the aesthetic quality of house lots. Landscaping details for individual lots will be determined during future site plan reviews and comply with applicable requirements of Chapter 144 "Site Plan Review" of the Muttontown Code.

The change in visual character is not expected to result in a significant adverse impact, as the proposed development and associated landscaping and perimeter and wetland buffers are expected to maintain the forested rural character of the area and mitigate impacts to the maximum extent practicable while maintaining consistency with Village zoning and providing on-site open space that includes an equestrian trail that is accessible to the public.

Cultural Resources

The conclusion of the building alternatives analysis provided in the DEIS is that "due to the characteristics of the estate buildings, their condition, zoning requirements that restrict

developable area, market conditions in Muttontown, and capital investments to purchase the property, it is not feasible to retain the buildings on the site as part of a subdivision. The applicant, however, has determined that it is feasible to retain the Pond Cottage, its associated gardens, and estate driveway from Muttontown Road as the retention of the building and associated landscape elements are situated in a manner that they may be logically incorporated into the subdivision, and their retention provides a substantive preservation component." The estate driveway, upon full completion and occupation of the residences, shall not be utilized as a driveway, with vehicular traffic for any residence.

The proposed subdivision plans and information relating to the building alternatives analysis were forwarded to the NYS OPRHP for its review. By letter dated September 7, 2016, the Historic Site Restoration Coordinator with the OPRHP Division for Historic Preservation, responded to the submission as follows:

> As you are aware the Easton Estate in its entirety is eligible for listing in the State and National Registers for Historic Places. Based upon this review, the OPRHP concurs with your findings that "there are no prudent and feasible alternatives to the demolition of the former Easton Estate buildings on the property with the exception of the Pond Cottage, its associated flower garden remnant, and estate driveway from Muttontown Road. Subject to Village approval, the Pond Cottage would be used as an accessory dwelling. Otherwise, it would be retained as an accessory structure under the Village Code, which would limit its use to a non-residential purpose, e.g., a pool house."
>
> It is the opinion of the OPRHP that demolition of the remaining historic buildings and landscape features associated with the National Register-eligible Easton Estate will have an Adverse Impact upon historic resources. In accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law, prior to demolition, a formal Letter of Resolution ("LOR") must be prepared to complete the Section 14.09 review process. This agreement document should identify proper mitigation measures such as:
>
> 1. Continued design consultation with OPRHP for the preservation of the historic landscape feature that is the main entrance drive from Muttontown Road and the reuse of the Pond Cottage and associated landscape features.
> 2. Recordation of the architectural and landscape features prior to removal.
> 3. Salvage and/or relocation of architectural and landscape features.
>
> Please proceed with the development of the LOR with the New York State Department of Environmental Conservation.

The retention of the Pond Cottage and its associated gardens and section of the estate driveway was previously evaluated as an alternative plan in the draft 2016 DEIS and is now a

component of the preferred plan, thereby addressing the OPRHP's recommendation, and mitigating cultural impacts to the maximum extent practicable considering, social, economic and other essential considerations from the reasonable alternatives.

With respect to archaeological resources, ORPHP reviewed the Phase IB Archaeological Survey and Phase II Archaeological Testing as provided in Tracker Archaeology and by letter dated June 9, 2016 responded to the submission as follows:

> OPRHP concurs that the Hall Native American site (No. 05956.000121) and the Hall Historic site (No. 05956.000122) are not National Register eligible and that no further archaeological investigation is necessary. OPRHP also concurs that the Percy K Hudson archaeological site (No. 05956.000130) warrants a Phase II archaeological site investigation based on the substantial artifact recovery associated with PK Hudson's brief residence.
>
> OPRHP feels that the issue of potential impacts to the adjacent cemetery has not been resolved. Recommendations were made on August 04, 2015 and again on May 03, 2016 for the placement of a sufficient construction buffer around the cemetery and/or the identification of the cemetery boundary through remote sensing and topsoil stripping. OPRHP continues to recommend these measures. OPRHP feels that avoidance of the cemetery with a buffer of at least 30m/100ft would ensure adequate protection from project impacts.

To address the above comments, Tracker Archaeology contacted OPRHP to finalize the scope of additional Phase II Environmental Site Assessment work for the PK Hudson site. OPRHP recommended additional excavation units for the PK Hudson site to further sample the identified midden (a former ash pile adjacent to the foundation remains of the original house occupied for a time by Percy K. Hudson). Tracker Archaeology completed the Phase II work and submitted the results to OPRHP in late 2016. OPRHP reviewed the Phase II report and in its December 1, 2016 letter, stated the following:

> Concerning the Phase II report, the expanded site investigation confirmed that the *Percy K Hudson Site* (15956.000130) consists of a coal dump mixed with post-1940 artifacts. OPRHP concurs with the report recommendation that the site is not eligible for inclusion on the State or National Registers of Historic Places, and that no further archaeological work is necessary.

As noted above, OPRHP also previously recommended investigations of areas near the existing cemetery to determine if past unmarked gravesites may exist in the vicinity of the existing cemetery. OPRHP recommended remote sensing and topsoil stripping to investigate the area 75 feet east of the existing cemetery (in the location of the previously proposed disturbance for the proposed subdivision access road which was directly across from Woodhollow Road at that

time). A Ground Penetrating Radar ("GPR") study was conducted in this area, which showed inconclusive results. Therefore, further investigation (soil stripping) was believed to be necessary if disturbance was proposed within 100 feet of the cemetery. As an alternative, the applicant evaluated a plan (**2020 Preliminary Map** or the **Proposed Action**) which shifted the proposed roadway access so that it was approximately 160 feet to the east of the cemetery fence and approximately 161 feet from centerline to centerline from Woodhollow Court (or 135± feet edge to edge).

In a May 24, 2017 letter, OPRHP stated the following regarding impacts on the cemetery:

> OPRHP recommends that the area of the detected anomalies be combined with the existing cemetery fence boundary to define an overall cemetery footprint. This combined boundary can then serve as the basis for extending a 30m/100ft buffer of avoidance. The cemetery boundary and buffer areas should both be indicated clearly on all project maps, and OPRHP requests submission of the updated plans via CRIS. OPRHP notes that submitted project plans show the proposed road ("Silver Path") has been shifted to the east such that the cemetery and its 30m/100ft buffer should easily be accommodated. Based on this fact, OPRHP has no further archaeological concerns regarding the Silver Path Estates project.

2.9.2 Mitigations

- The 50-foot wide naturally vegetated buffer along the property perimeter will substantially screen views of the development from the perspective of outside observers and most of the proposed passive parkland will be concentrated on the south side of the subdivision along Muttontown Road where the site is most visible.
- Retention of natural vegetation within buffer areas (except for the eight-foot-wide bridle trail) will help to maintain the open space character of the area. A trail has been opened along the north, east and west sides of the property, which required only removal of existing underbrush in certain sections of the trail corridor. This trail is proposed as a bridle path within the 30-foot-wide parkland area around the perimeter of the property and will be approximately +/-1.8 miles in length. Supplemental evergreen screening should be provided in the two locations where the trail may be visible to the adjoining properties (northern and northwest portions of the property; see photographs #6 and #11 in **Appendix B-2 of the DEIS**) to provide additional screening of the proposed perimeter parkland area and trail.
- Homes will be constructed of high-quality construction materials and will be designed to complement the appearances of prevailing residential development in the Village and conform to current development standards.
- The development will be consistent with the rural character of the area by fully complying with Village land use and dimensional zoning requirements, including developing at a very low density, preserving and protecting some of the natural areas

on-site, and enhancing site appearances through high quality landscaping and home design.

- Retention and reuse the Pond Cottage as a non-residential accessory use and preserve associated landscape features and the original estate driveway.
- The relocated subdivision access will be approximately 135± feet east of the intersection of Woodhollow Court and Muttontown Road (or 161± feet from centerline to centerline) and farther from the cemetery to ensure the protection of the cemetery during the construction process as shown on the preferred plan.
- A 100-foot-wide non-disturbance easement is proposed around the cemetery to increase the protection of this cultural resource.
- In accordance with a Letter of Resolution ("LOR") agreement, the following commitments will be formalized through the final terms and signature of the LOR by the applicant, OPRHP and DEC (see **Appendix G-2** of the DEIS):

    - Record other existing architectural and landscape features prior to removal.
    - Salvage and/or relocate architectural and landscape features where possible.
    - Continue design consultation with OPRHP for the preservation of the historic landscape feature that is the main entrance drive from Muttontown Road.

Finding 9: Several steps have been taken to mitigate potential impacts on community character and cultural resources and various mitigations and controls are in place to address potential issues. Based on the project design and required mitigations, no significant adverse impacts were identified to visual or cultural resources.

2.10 Other Impacts

The DEIS and FEIS also considered:

- Cumulative Impacts
- Adverse Impacts that Cannot be Avoided
- Irreversible and Irretrievable Commitment of Resources
- Growth-Inducing Impacts
- Energy Use and Conservation and Greenhouse Gas Emissions
- Construction Related Impacts

2.10.1 Cumulative Impacts

Impacts of the proposed project were considered in conjunction with those of other pending development applications within a two-mile radius of the subject property to examine the potential for cumulative environmental impacts; particularly, area-wide traffic impacts. This two-mile radius encompasses a large portion of the Village's 6.25-mile jurisdiction and extends far beyond the neighborhood area that is normally used to identify cumulative impacts in EISs. However,

numerous single-family homes were being constructed in the Village at the time, and the Village's consultant, VHB, requested that the parameters for the size and location of developments be specified as well as a request for any traffic studies (**Appendix E of DEIS**). The Village of Muttontown was contacted early in the DEIS process to determine whether there were other developments planned or recently approved within the area of the project site including the mailing of letters on (September 29, 2015, July 20, 2015, and October 28, 2015, and June 29, 2020. However, the Village did not identify any pending developments for inclusion in this DEIS. As a result, no additional residences or significant projects were considered in this analysis of cumulative impacts.

Cumulative impacts stemming primarily from the proposed project are as follows:

- Temporary increases in the potential for dust, construction traffic and noise impacts during construction from the preferred plan and any other development proposal. However, as these impacts would be temporary in nature and controlled to the extent practicable as indicated in the mitigation sections for Topography, Soils, and Construction-Related Impacts, no significant unavoidable cumulative construction impacts are expected.
- As indicated in the TIS prepared for the proposed project, and in consideration that there are no other major projects pending in the two-mile radius study area and considering background traffic growth, all the intersections studied will continue to operate at LOS "A" or better. LOS "A" indicates very little delay, and no further mitigation is needed.
- The Silver Path Estates project will utilize individual on-site septic systems for treatment of the maximum 18,000 gpd of wastewater to be generated on-site, thereby minimizing the potential for impacts on groundwater from these essential systems. If other development is proposed in the area in the future, they would also be subject to conformance to applicable NCDH requirements to ensure public health and safety, and that potential impacts to groundwater resources are minimized.
- Even though applications for homes would combine to increase demands on local community services (e.g., schools, fire and police, utilities, and solid waste handling), these increases in service demands would be incremental in nature and will receive increased funds from tax revenues generated from the developments or in the case of energy and water suppliers, receive monthly payments based on use, which will enable these service providers to continue to provide services.
- As each of the individual homes and overall subdivision will change the use and overall appearance of the property, there will be a cumulative impact on the visual resources and character of the area. However, the uses of the type proposed (single-family homes on large lots) are like other single-family residential projects in the Village and would be expected to comply with zoning or have reasonable bases for variances to be approved. New uses are anticipated to occupy buildings that appear to conform to height, bulk and setback requirements of their respective zonings, unless special permits or variances are

requested. In such cases, the applicable Village entity would be responsible for determining the degree of conformance to, among other parameters, the land use pattern, recommendations of the Village Comprehensive Master Plan, etc. As a result, development of each of the sites is expected to conform to established Village use requirements, minimizing the potential for adverse visual and community character impacts.

- Based on project layout and design, conformity to zoning, and identified environmental mitigation, no significant cumulative impacts to the area zoning pattern are anticipated.

In general, while some cumulative impacts may arise from the proposed project and on-going individual home construction in the surrounding community, based on the forgoing considerations, cumulative impacts are not expected to be significant with adequate controls. Ultimately, the involved agencies will review each development application on its own merits, weigh the potential cumulative impacts outlined herein, and render a decision on the significance of impacts and appropriateness of each project.

***Finding 9.1*: No significant adverse cumulative impacts were identified. Ultimately, involved agencies will review each future application in the area on their own merits, weigh the potential cumulative impacts outlined herein, and will render a decision on the significance of impacts and appropriateness of each project and further mitigate such unforeseen future actions or deny those applications if deemed necessary.**

2.10.2 Unavoidable Impacts

The site has been characterized, and potential impacts to the existing site have been assessed. Some impacts may still exist for which no mitigation is available. The impacts themselves have been quantitatively and qualitatively discussed in previous sections of this document. The impacts of the proposed project will be minimized where possible, but this section acknowledges those impacts that may still occur:

- Grading, cutting and filling of portions of the site to construct the proposed subdivision streets, provide suitable lots for development, construct foundations, and install individual sanitary systems, drainage structures, and utilities, which will permanently alter the natural topography. This will include excavation of the proposed recharge basins below the existing ground surface.
- Despite the planned mitigation measures for controlling dust (e.g., soil wetting as necessary, seeding, etc.), there is the potential for occasional increases in dust during the construction process.
- Temporary increases in construction traffic and noise during the demolition and construction period.
- Increased vehicle trip generation on the site and on area roadways during the construction process and once future homes are occupied. The Traffic Assessment

(**Appendix F**) estimates that conditions at the proposed access intersection will remain at Level of Service "A" during morning, evening and weekend peak traffic hours despite the proposed development. Impacts from activity associated with the new intersection of Muttontown Road and Hall Drive will be controlled by installation of a "Stop" sign at the end of Hall Drive. During grading operations, truck traffic to and from the site will be routed along major roadways and truck drivers will be instructed to avoid secondary residential streets to the maximum extent practicable. The 98.92-acre property has ample space to fully accommodate construction vehicles and provide equipment and materials staging areas during the construction process, thereby keeping work vehicles off public rights-of-way. The traffic study concludes that significant impacts are not expected, and no further mitigation is needed.

- Increase in the concentration of nitrogen in site-generated recharge, from 0.22 mg/l from its present residentially developed condition to 0.98 mg/l, which is still far below the maximum 10 mg/l standard for drinking water.
- Removal of an estimated +/-41.86 acres of vegetation from the site (+/-29.5 acres in lots, 6.59 acres in the road right-of-way, and a conservative +/-5.77 acres associated with on-site recharge basins) but an estimated additional +/-14.7 acres of landscaping would replace some of the vegetation to be removed.
- Increase in impervious surfaces (buildings, accessory structures, roads and driveways) on the site from +/-2.67 acres to +/-17.48 acres.
- Increased total anticipated water consumption on the site, from +/-7,719 gpd at present to +/-44,229 gpd.
- Increase in the number of school-aged children generated on the site by new home construction that will attend public schools by +/-22.
- Increased potential need for emergency services of the Village Police Department and the East Norwich Fire Department (increased costs to be offset by increase in tax revenues).
- Increased demand on energy services of PSEG and National Grid (to be paid for by occupants of the subdivision in according to existing utility rates).

***Finding 9.2*: The Subject Action has the potential to result in the above-listed unavoidable impacts which are generally common to most new development (e.g., clearing, ground disturbance, etc.) but differ in degree. Impacts have been mitigated to the maximum extent practicable and are considered unavoidable.**

2.10.3 Irreversible and Irretrievable Commitment of Resources

This subsection is intended to identify those natural and human resources examined by the EIS that will be consumed, converted or otherwise made unavailable or be retrievable for future use because of this project.

- Materials used for construction of homes and incidental customary residential accessory structures, home furnishings, and necessary infrastructure and utilities on the site, including but not limited to wood, asphalt, concrete, fiberglass, steel, aluminum, etc.
- Energy and resources used in the operation and maintenance of this project, including fossil fuels (i.e., oil and natural gas), electricity and water.
- An estimated +/-41.86 acres of vegetation to be cleared from the site.
- Increase in the concentration of nitrogen in site-generated recharge.
- Potable water to be consumed for domestic and landscape irrigation purposes will average +/-44,229 gpd daily. Wastewater will be discharged to on-site septic systems and ultimately recharged into the ground.
- All existing buildings and accessory structures will be demolished and removed from the site with the except of the Pond Cottage, as they are no longer salvageable or economically viable to keep. Materials that can be recycled will be recycled while other materials will be disposed at an approved facility.

The impact of this commitment of irreversible and irretrievable resources is not anticipated to be significant, as the magnitude of these losses have been mitigated, are not substantial and said losses are a necessary and unavoidable impact of development.

***Finding 9.3*: Analysis indicates that irreversibly committed resources are associated with the removal of natural vegetation, and the use of building materials and nonrenewable energy resources associated with future construction processes and home occupation. No other significant nonrenewable environmental resources are expected to be lost due to the Subject Action.**

2.10.4 Growth-Inducing Impacts

Growth-inducing aspects are those aspects of a project that stimulate, support, promote or otherwise result in further development in the vicinity, either directly from the project itself, or indirectly because of a change in the population, markets or potential for development in a community from the project. Examples of direct growth-inducing impacts might include increased jobs and economic activity from the creation of a major employment center; increased demand for utilities and public services from new development or new or extended utilities (e.g., sewers); or increased use of social services after the development of a large residential project, especially if that project was designed for a specific age group or persons with financial, medical or other special needs (e.g., senior and or housing for the disabled that may increase demand for medical services etc.). An indirect impact would occur from a direct impact; for example, an increase in the potential for further development in an area after creation of a major employment center (e.g., an industrial park, college campus, etc.) due to people relocating near the new jobs or businesses opening to support or serve the new employment center.

It is anticipated that the proposed project would result in a small increase in activity for local businesses. The project will increase the number of residents in the area where commercial and service-oriented businesses are available by relatively short auto trips. These businesses would tend to experience limited incrementally increased activity due to the increase in their customer bases but with the limited number of new homes and total population from the project, this is likely to be a benefit to local businesses but is unlikely to support any significant new development.

During the construction period, direct *employment* refers to the number of short-term jobs necessary to build the proposed project. This assumes a construction cost of approximately $42.8 million, and that labor represents approximately 50% of such residential construction costs[4]. The labor budget was divided by the average wage (and adjusted for inflation to reflect the projected wages anticipated at the commencement of the construction period), as well as the number of years comprising the construction period to estimate the number of jobs that would be generated. Assuming an average wage of $71,664 among construction workers in the Long Island region[5], as well as a conversion factor to adjust these jobs to full-time equivalent ("FTE") employees, it is projected that the construction period will necessitate 96.3 FTE employees annually over the three (3)-year construction period (estimated). This direct employment creates additional opportunities for job creation throughout other sectors of the economy through expenditures derived from labor income and output. This job creation – direct, as well as spin-off – presents significant opportunities for those persons who are unemployed or underemployed throughout the region.

Development of the site will result in an incremental increase in utility demand. Electrical and natural gas services are generally available throughout Long Island; electric is currently available to the site and water mains are adjacent to the project site; therefore, extension of water to the site is not necessary. There is no natural gas line along Muttontown Road. The closest available lines are at the intersections of Muttontown Road and NYS Route 106 or Muttontown Road and Brookville Road. The installation of a pipeline in an area not previously serviced can stimulate or support some development of surrounding properties but since these facilities and services already exist and have the capacity to service the proposed project, and since much of the immediate area is preserved and zoned for large lots (2, 3 and 5 acres), no significant change in growth patterns is expected to result solely from this availability. Gas service is not available at the site and the Applicant is not currently planning to extend natural gas service to the property.

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[4] Construction labor and materials estimates per architectural design group Nelson and Pope.

[5] New York State Department of Labor's Occupational Employment Statistics Survey reports an average wage of $67,550 among those employed within the construction and extraction occupations in the Long Island labor market as of the first quarter of 2019. An additional annual inflation factor of three percent (3%) was applied to the average wage, to reflect wages at the commencement of the construction period.

The proposed project may lead to the improvement or expansion of community services in the area as stimulated by the increased need for services, the costs of which would be offset by the increased taxes generated by the project.

In consideration of the above, it must be acknowledged that Silver Path Estates, itself, has some minor growth-inducing characteristics that would result in direct and/or indirect impacts, including:

- increased residential population;
- increased number of school age children that will attend public schools;
- increased water demand;
- increased site disturbance;
- increased impervious surfaces;
- increased utility and energy use;
- increased trip generation; and
- increased tax revenues to offset costs of community services and payments of user fees for certain utilities.

These impacts are examined throughout the EIS, and in summary, the project is not expected to result in significant direct growth-induced impacts, though an incremental increase in minor indirect growth-induced impacts and benefits can be expected.

Finding 9.4: The subdivision will provide economic growth, increased property tax revenues, temporary construction jobs, long-term site maintenance and contractor work, and is likely to have a small economic benefit to the community.

2.10.5 Energy Use and Conservation and Greenhouse Gas Emissions

Energy Conservation

An increase in the consumption of energy resources is typically expected from a subdivision and associated development. Use of new and generally more energy-efficient building materials than used in the past (e.g., insulations, windows, weather stripping, door seals, etc.) and mechanical systems (e.g., air conditioners, heating systems, HVAC systems, water heaters, heat pumps, etc.) are anticipated, which would help to minimize the demand for energy resources to service the homes. Incorporation of such energy-conserving measures is not only required by New York State, but is a sensible building practice, especially due to the increasing costs of energy, impacts on climate, limited nonrenewable resources, and the availability of new and innovative green technologies. It is fully expected that existing public utilities at the site will be made available to meet expected demand.

There will be an increase in energy use (fossil fuels, electricity) during the construction phase of the proposed project and individual homes to operate trucks and other heavy equipment and

use of power tools. These impacts are expected to be of short and intermittent durations and relatively small in the scope of overall demand throughout the Village and Long Island and therefore the long-term energy demand is expected to remain stable.

Homes will be constructed in accordance with applicable New York State and local building codes, which require adequate insulation as well as other design standards that will minimize energy use. Water-saving plumbing fixtures can be specified for the proposed buildings in accordance with current building requirements and practices of the trade. Installation of properly functioning low-flow toilets, showers, sinks and equipment will reduce unnecessary water loss, which will translate into conservation of energy resources required to heat water.

In summary, it is not anticipated that the project will result in significant adverse impacts on energy resources.

Greenhouse Gas Emissions

Additional energy demand and associated need for energy generation and resources is expected from the proposed subdivision. Related to this is the generation of gaseous emissions from construction vehicles and equipment and energy used by future homes and personal automobiles, lawn equipment and other potential minor sources. These emissions are a scientifically well-established contributor to global climate change through a mechanism known as "the greenhouse effect," and are termed "greenhouse gases."

Greenhouse gas emissions result from combustion of fossil fuels, including direct and indirect emissions from stationary and mobile sources. The proposed 20-lot residential subdivision is a relatively clean and essential land use that is of very low density and intensity, and the traffic it will generate, will be minimal. Based on the preceding, the project is expected to have relatively little contribution to greenhouse emissions.

Finding 9.5: Based on the foregoing discussion and identified energy conservation strategies, the long-term energy resource supply and demand in the region, it is not expected that the proposed subdivision will have a significant impact on the demand, use and delivery of energy resources.

2.10.6 Constructed-Related Impacts

Construction activities are anticipated to result in short-term transportation, noise, dust, erosion, runoff, temporary and intermittent heavy truck traffic and temporary aesthetic impacts. As indicated in the EAF Part 1 Long Form (**Appendix A-1**), the entire construction phase from start to project completion including completion of homes is anticipated to last approximately 36 months from start to finish; however, these impacts are not expected to extend throughout this period and are properly mitigated or are unavoidable and insignificant impacts.

It is anticipated that +/-41.86 acres of the site will be cleared for road, stormwater recharge basins, stormwater and wastewater disposal infrastructure and home and accessory structure construction; however, an estimated net increase of ±8.84 acre of landscaping from 5.86 acres to ±14.7 acres will be provided to offset this loss in vegetation once homes are constructed. Construction will also result in an increase in total impervious surface coverage (e.g., roads, houses, accessory structures, driveways, etc.) from the current 2.67 acres to an estimated ±17.48 acres for an overall increase of ±14.81 acres (see **Table 1-1**).

Disturbed areas, including areas that are cleared, excavated and graded for internal roadways, homes, accessory structures, driveways, utilities and landscaping, will be temporarily vulnerable to erosion during the construction phase, and become locations from which dust could rise from wind and truck and heavy equipment traffic. Erosion control measures, including but not limited to, use of clearing limits, silt fencing, groundcovers, stabilized construction entrances, water sprays and minimization of the time that bare soil is exposed to erosive elements, will be taken, to minimize the potential for impacts on sensitive on- and off-locations. See attached Erosion Control Plan (Sheet C-109) and Erosion Details (C-110) in **Attachment 3**.

Construction access must be temporarily taken over the property's existing driveway during the projected first 4 to 6 months of construction. This existing driveway is expected to be used until any site investigation and remediation work that may be required from the Health Department is completed, final subdivision approval has been granted, and the interior access roads (Hall Drive and Fan Court) are cleared, graded and stabilized and can be used by construction vehicles. Some demolition may occur during this initial stage of site preparation, particularly where they conflict with road construction or other initially required construction activities; however, all inert debris from demolition that does not have to be removed immediately to construct the proposed access. Such demolition debris can be temporarily retained on-site until the interior streets are opened and stabilized, and the material can be transported offsite using the subdivision road. Moreover, since soil to be removed from the proposed recharge basins will be used as fill to construct the proposed subdivision roads, much of the excavated material during the initial phase of construction does not have to come off the site, thereby reducing the number of dump truck trips until subsequent phases. Inevitably, construction projects generate construction noise and truck traffic that must pass neighbors in route to and from the work site. Measures to limit construction impacts are discussed in Section 1.5 of the Draft EIS.

Once the initial phase of site work is completed, all construction equipment, worker vehicles, construction material deliveries, and off-site shipments of soil, stumps, and debris will exit the site from the proposed subdivision road. Muttontown Road will be accessed from NYS Route 106 only, with no unnecessary access or egress through residential areas.

As construction equipment loading/unloading, materials storage, and construction staging areas and construction worker parking will be located within the site, no significant or long-term construction impacts to the surrounding residences are anticipated. Construction of an access/exit on and off Muttontown Road, at roughly the mid-point of the property's frontage at the proposed site entrance, will minimize impacts to the operation of Muttontown Road and Muttontown Road will be accessed from NYS Route 106 only. Vegetated setbacks are proposed, a 50-foot deep buffer will be provided around the periphery of the entire property (with the exception of minor clearing for a bridle path) to maintain a rural character and aesthetic value, screening, and noise attenuation as a result of the inverse square law,[6] and the maximization of the distances between construction activities and the nearest residential noise receptors, which will be at least 150 feet, and will help to minimize the potential for adverse impacts during the construction period.

It is not anticipated that there will be a decrease in the existing level of traffic safety from construction phase truck traffic, for the following reasons: 1) peak traffic occurs during early morning and afternoon hours, when only a limited number of trucks are utilizing the roads; 2) truck drivers are trained and specially licensed to operate their vehicles in a safe manner, observing applicable traffic laws; 3) the roadway on which the majority of construction phase traffic will occur is lightly-traveled; and 4) the section of Muttontown Road in the vicinity is a standard 50-foot wide right-of-way that is straight and flat in horizontal and vertical alignment and has excellent sight distance for safe operation.

The subject property has long been zoned for residential development and is grossly underdeveloped by any zoning specification; therefore, it is reasonable to expect that the property will be developed at some point in the future. Proposed development activities will result in temporary impacts such as noise that will occur during acceptable/permitted construction hours as per Village Code (Monday through Friday between 8 AM and 6 PM, except on State holidays) but will take place on a large enough property that is far enough removed from most land uses in the area to have limited impact. In general, the construction phase is anticipated to progress in a manner typical for a project of this size and nature and no unique or unusual issues or obstacles are anticipated. Construction phase impacts are commonly expected, especially for a large project on property of this size. As noted, these impacts are temporary in nature, and will be variable in terms of overall intensity.

As discussed in **Sections 1.4.2** and **1.5**, and in accordance with the NYSDEC's Phase II SPDES Program, a SWPPP will be prepared to ensure compliance with water quality and quantity requirements pursuant to Technical Guidance and GP-0-15-002 requirements. In addition, an

[6] Sound pressure level ("SPL") or perceived loudness changes in inverse proportion to the square of the distance from the sound source ("inverse square law"). At distances greater than 50 feet from a sound source, every doubling of the distance produces a 6 dB reduction in the sound. Therefore, a sound level of 70 dB at 50 feet would have a sound level of approximately 64 dB at 100 feet. At 200 feet sound from the same source would be perceived at a level of approximately 58 dB **(NYSDEC, 2001)**.

erosion control plan incorporating the NYSDEC Technical Guidance manual, and use of measures including the following is provided:

- Silt fencing, storm drain inlet protection, and good housekeeping procedures will be utilized.
- Construction trucks, equipment and employee vehicles will be parked and loaded/unloaded on-site.
- "Rumble strips" or stabilized construction entrance will be placed at the site entrance to prevent soil on truck tires from being tracked onto the public road system.
- The construction process will begin with establishment of flagged clearing limits, followed by installation of the erosion control measures.
- Construction of the buildings and structures can then begin concurrent with the utility installations. Once heavy construction is complete, finish grading will occur followed by soil preparation using topsoil mix, turf and planting of landscaping, which will be performed while the structures are being completed.
- The drainage system and revegetation plan will provide permanent stormwater management and control once construction is completed.
- The existing driveway will be used for construction access during the first 4-6 months until the internal roads can be constructed. Demolition will begin during this phase and all inert demolition materials that do not need to be immediately removed will be temporarily stockpiled on-site until the subdivision roads are constructed and can be used to transport materials off-site.

***Finding 9.6*: No large-scale impacts are anticipated from future construction activities based on construction plans, the anticipated intermittent nature of future development and redevelopment, existing regulations, and the standards and policies outlined above which, based on the available information, mitigate impacts to the maximum extent practicable. Impacts that will occur are unavoidable and typical of development projects but will be temporary.**

2.11 Socioeconomic Considerations and Benefits of the Proposed Project

The Proposed Project offers the following social, economic and other benefits:

Residential subdivisions exist throughout the surrounding area, and the proposed low-density/ large-lot subdivision is consistent with the current rural woodland character of the area while enhancing the built character of the community through the construction of new high-quality homes for families. The proposed action is consistent with relevant sections of the Village and County Comprehensive Plans, as well as the goals and recommendations of the Oyster Bay Special Groundwater Protection Area ("SGPA") and will generate significant property tax revenues.

Primary conclusions regarding land use, project benefits and mitigation are as follows:

- The proposed project is designed to conform to E-3 Residence zoning and preserves or protects natural areas including woodlands and wetlands. The project will provide quality housing for persons wishing to live or remain in Muttontown.
- Construction of roads, drainage infrastructure, and homes will provide temporary jobs for the local building and construction trades and long-term maintenance and contractor jobs to meet the needs of future homeowners.
- The project proposes an easement that provides an equestrian trail corridor connection between Muttontown Preserve and the Hoffman Center for use by the public in accordance with Chapter 55 of the Village Code. This will help to sustain a sense of place and provide recreational space for the use and enjoyment of local equestrians.
- The project site (i.e., the former Estate) is eligible for listing on the State and National Registers; therefore, based on input from the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"), the proposed subdivision retains the Pond Cottage, associated gardens, and the main estate driveway for use as a non-residence accessory use. The design of the subdivision also protects the small family cemetery located at the south end of the property from future disturbance by relocating the previously proposed access road farther to the east and including the cemetery and adjacent areas within the parkland or a proposed 0.68-acre cemetery easement. The extension of the parkland over the cemetery was achieved by relocating a section of previously proposed parkland that was near the existing driveway and provided little benefit to the area surrounding the cemetery.
- The project will result in increased tax revenues for local taxing jurisdictions, which will assist in offsetting demand for community services.

The applicant has designed the subdivision to provide the following:

- A lot yield that is permitted by the Village's duly adopted Zoning Map and Zoning Code and fully complies with Village standards and regulations.
- An aesthetically attractive single-family residential development.
- On-site recreational amenities to serve future residents as well as members of the local equestrian community.
- Open space vistas and retention of high-quality natural vegetation.
- Safe access and on-site streets that are consistent with Village road and drainage standards.
- Retention of an existing on-site cultural resource (Pond Cottage) and protection of an existing on-site family cemetery within a 100-foot non-disturbance buffer.
- Conformance to all other applicable land use and environmental requirements.

***Finding 10*: The subdivision will provide several public benefits to help offset anticipated impacts as described above. These benefits arise from direct, indirect and induced investments, employment, salaries, benefits as applicable from temporary construction activities and part-time, full-time and long-term maintenance and contractor work. The project will generate additional property tax revenues, augment area sales and services, and provide public parkland.**

2.12 Alternatives

SEQRA requires that assessments of project alternatives be conducted at a level of detail sufficient to facilitate a comparison of the types and magnitudes of potential impacts and the potential effectiveness of various impact avoidance and mitigation techniques by the Lead Agency and other involved agencies.

The alternatives considered by the EIS were as follows:

1) Alternative 1: No Action Alternative: The No Action Alternative for this review is the existing or *status quo* condition. SEQRA specifically requires a comparative evaluation of what it refers to as the "No Action Alternative". The No Action Alternative provides a basis for identifying, characterizing and assessing anticipated site changes and the possible impacts and benefits that are likely to result in the reasonably foreseeable future in the absence of any new site disturbances, construction activities, land use(s), or other reviewable activities.

2) Alternative 2: Access Road at the Southeast Corner of Property (existing driveway): This alternative as shown on Alternate Plan 2 (Attachment 4 of the DEIS) assumes access to the subject subdivision will be taken from Muttontown Road at the southeast corner of the property near the location of the existing site driveway. This location also closely parallels a separate driveway to a privately owned outparcel to the west (+/-60 feet along Muttontown Road) known as the Moed property. As with the preferred 2020 Preliminary Map, Alternative 2 consists of 20 new residential lots, retains the Pond Cottage for use as an accessory structure for Lot 18, and provides a 50-foot-deep perimeter buffer which includes a 30-foot-deep perimeter park with eight-foot-wide bridle path, and dedicated parkland and buffers around the vernal pond and other on-site freshwater wetlands. This alternative would comply with zoning in every respect except the possible need for a variance due to the access road's encroachment into the required 50-foot perimeter buffer over +/-555 feet and parallels part of the Muttontown Preserve's westerly property boundary and approximately 418 feet along the adjoining Moed property to the west. This alternative is also expected to require a wetland permit for some limited clearing, grading and possible construction of part of the access road and its drainage within 100-feet of an off-site pond located on the Moed property; although

most of the ROW would be outside the 100-foot upland area. The access road would consist of one lane in and one lane out. The configuration of the proposed roadway would follow the existing site driveway for the one lane exit roadway and would replicate the look of the existing Belgian block gutter to maintain a historic appeal. A vegetated center median would be provided between the lanes and Belgian block gutter would be installed. OPRHP review would be needed for the modification of the existing estate driveway, as OPRHP had requested the existing driveway remain intact. The two stormwater recharge basins would be the same as those of the 2020 Preliminary Map (Attachment 3) and Alternative 3: 2015 Preliminary Map (Attachment 5).

3) Alternative 3: 2015 Preliminary Map with Access directly across from Woodhollow Court Alternative 3 is a zoning compliant alternative and previously proposed subdivision which locates the access road directly across from and aligned with Woodhollow Court creating a four-way stop controlled intersection. The right-of-way for the access road would be immediately adjacent to a small family cemetery located on the site, and the paved portion of the access road would be located between 10 and 19 feet from the existing cemetery perimeter fence. Alternative 3, as with the 2020 Preliminary Map and Alternative 2, includes the 30-foot-deep perimeter parkland with eight-foot-wide bridle path, parkland/buffers around the vernal pond and existing estate driveway next to the Muttontown Preserve, and a 50-foot perimeter buffer around the entire property.[7] This alternative, like the others, would also retain the Pond Cottage as an historic design feature of the original estate. The Alternative 3: 2015 Preliminary Map (Attachment 5) would have the same two recharge basins as those shown on the 2020 Preliminary Plan (Attachment 3) and Alternate Plan 2 (Attachment 4).

The resulting data characterize anticipated impacts and conditions and enable comparisons of the Proposed Subdivision against the No Action Alternative and Alternatives 2 and 3. It is noted that each subdivision has its own impacts and benefits and although these differ in type, based on available mitigation and individual subdivision designs, significant impacts have been mitigated to the maximum extent practicable for each. The currently proposed map **(2020 Preliminary Map)** plan is the result of numerous suggestions, recommendations and requirements by the Village, including but not limited to dedicating on-site parkland including an eight-foot wide bridle path, a 50-foot deep property perimeter buffer, relocating the site access to avoid the cemetery, protection of wetlands and steep and very steep slopes, retaining the Pond Cottage, the estate driveway and garden to retain parts of this historic and cultural

[7] Please note that whenever the 30-foot-wide perimeter parkland is mentioned in Section 5 or any other section of the DEIS, only those areas within the 50-foot buffer that are also shown as parkland will be accessible by the general public. Portions of the 50-foot perimeter buffer that are not shown as also being within parklands are on private property and may not be accessed by the general public. These portions of the 50-foot buffer, as well as parts of the parkland within wetlands or within the cemetery easement may not be disturbed.

resources of the site intact, protection of the cemetery by including it in a cemetery easement and part of the parkland area, and compliance with numerous code requirements and standard planning, zoning and engineering design practices.

Finding 11: ***The analysis of project alternatives provides a basis for comparing some of the characteristics, potential impacts, and benefits of alternative actions with those of the Applicant's preferred plan (2020 Preliminary Map). Based on this review, the Planning Board concurs that the currently proposed 2020 Subdivision Map is the preferred course of action for providing a quality subdivision design and mitigating potential adverse environmental impacts.***

3.0 CONCLUSION

The preceding is based on a thorough review of environmental conditions, impacts, mitigations, project alternatives and project benefits. The EIS and this Findings Statement have identified potential environmental impacts and the strategies and techniques that must be implemented to avoid or suitably mitigate them while balancing these considerations with social, economic and other considerations among the reasonable alternatives available. The Lead Agency, has, as required by SEQRA, evaluated the Subject Action against the requisite "No Action Alternative" (Alternative 1) and two other alternative subdivision designs.

Based on the review of the content of the subject EIS and this Findings Statement, consideration of the comments received during the public and agency review process as addressed in the FEIS, and the measures identified to avoid or minimize impacts, the Village of Muttontown Planning Board as Lead Agency, concludes that all applicable SEQRA procedures have been followed, identified impacts have been avoided or mitigated to the maximum extent practicable, and long-term benefits of the Action, including social, economic and other essential considerations have been considered.

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FINDINGS STATEMENT SIGNATURE PAGE

Certification to Approve/Undertake

Having considered the Draft and Final Environmental Impact Statements for the Subject Action and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that the Planning Board of the Incorporated Village of Muttontown, as Lead Agency in the subject matter, has:

1. considered the relevant environmental impacts, facts and conclusions disclosed in the SEQRA documents;
2. weighed and balanced relevant environmental impacts with social, economic and other considerations;
3. provided a rationale for the agency's decision;
4. met the requirements of 6 NYCRR Part 617; and
5. found that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Subject Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

By the Planning Board of the Incorporated Village of Muttontown, NY,

Richard Murcott
Signature of Responsible Official

RICHARD MURCOTT
Name of Responsible Official

Planning Board Chairman
Title of Responsible Official

10/5/21
Date

Copies of this Findings Statement have been filed with:
Lead Agency
Involved Agencies