

# **STATE ENVIRONMENTAL QUALITY REVIEW**

## **FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 New York Codes, Rules and Regulations (NYCRR) Part 617, the Riverhead Town Board (hereinafter "Town Board"), as Lead Agency, makes the following findings:

***NAME OF ACTION:***

**TOWN OF RIVERHEAD COMPREHENSIVE PLAN**

*LEAD AGENCY:* Riverhead Town Board  
200 Howell Avenue  
Riverhead, NY 11901

*Contact Person:* Richard Hanley, Planning Director  
*Phone:* (631) 727-3200 ext. 267

*DATE DGEIS FILED:* June 25, 2003

*DATE FGEIS FILED:* October 21, 2003

## **INTRODUCTION**

This findings statement has been prepared pursuant to the requirements of 6 NYCRR Part 617.11, which states that no agency shall make a decision on an action which has been the subject of a final GEIS until a written findings statement has been prepared concerning the facts and conclusions of the Draft and Final GEIS and relied on to support its decision. To meet this SEQRA provision, the Town Board has prepared these generic findings related to the significant issues identified in the Draft and Final GEIS documents.

## **DESCRIPTION OF ACTION**

The Proposed Action is the adoption by the Town Board of the Comprehensive Plan for the Town of Riverhead and the regulations intended to implement the Plan in the form of amendments to Chapter 108, Zoning, of the Town Code. The Proposed Action supports the Central Pine Barrens Comprehensive Land Use Plan, the Revitalization Strategy for Downtown Riverhead, and the Local Waterfront Revitalization Program.

The Town Board in compliance with SEQRA has taken the following steps:

- A draft Comprehensive Plan and draft Generic Environmental Impact Statement were prepared, accepted and were the subject of Public Hearings on July 7<sup>th</sup> and July 21<sup>st</sup>, 2003
- A final Comprehensive Plan has been prepared and recommended for adoption.
- A final Generic Environmental Impact Statement has been prepared and accepted on October 21<sup>st</sup>, 2003.
- A Notice of Completion of the final Generic Environmental Impact Statement was issued by the Board on October 21, 2003.

## **LOCATION OF ACTION**

The location of the Action consists of the entire Town of Riverhead. The Action, being a Comprehensive Plan, coordinates the recommendations of the previous and separately prepared plans cited above, each of which pertains to its own geographic area.

## **AGENCY JURISDICTION**

Pursuant to Town Law Section 272-a, the Comprehensive Plan is prepared and adopted under the authority of the Town Board. The Town Board has also declared itself as Lead Agency pursuant to SEQR.

## **REASONS, FACTS & CONCLUSIONS**

### ***Compliance with Article 8 of the Environmental Conservation Law***

Both the DGEIS and the FGEIS demonstrate that the Plan satisfies the requirements of the Environmental Conservation Law (ECL) as embodied in the SEQR Regulations Part 617. The DGEIS evaluated the Plan's efforts to protect, preserve and enhance the Town's significant natural resources, including plant and animal communities; to protect the quality of the surface and groundwater; discourage scattered and piecemeal development of its agricultural resources; promote active and passive recreational uses that are consistent with the Town's Comprehensive Plan and other relevant plans; and to direct growth in a manner consistent with the established planning principles to ensure that the Town's future pattern of development is compact, efficient and orderly.

Both the DGEIS and the FEIS demonstrate that the Plan promotes compatible agricultural, horticultural and open space recreational uses of the Town's remaining undeveloped land deemed to be a priority to preserve as such; redirects new construction or development from these open space and agricultural resources; protects and preserves the quality of surface water and groundwater resources of the Town; and coordinates and provides for the acquisition and transfer of private land interests as appropriate and consistent with available funds and locational characteristics of the receiving areas; and ensures the continuation of the Pine Barrens environment which contains the unique and significant ecologic, hydrogeologic and other resources representative of such environments.

As provided for in Chapter 3, the Agricultural Element; Chapter 4, the Natural Resources Conservation Element; and Chapter 5, the Scenic and Historic Resources Preservation Element, and supported in the DGEIS and FGEIS, the Plan provides the Town of Riverhead's land use regulatory agencies with adequate and sufficient means to mitigate adverse impacts associated with development. The Plan provides for review of actions with potentially adverse environmental impacts to ensure compliance with the Comprehensive Plan and SEQR. The implementation of the policies contained in these chapters will mitigate adverse impacts associated with the conversion and development of vacant, rural and agricultural lands into residential, commercial and industrial uses.

### ***Impacts on Agriculture***

As stated in the DGEIS, the probable impacts on agriculture will be beneficial. This is because implementation of the Comprehensive Plan will result in the preservation of the main contiguous central farm belt of the Town. The Plan proposes that a rezoning of agricultural land to half of its potential development if development is to occur on site. However, the Plan, in allowing the transfer of development rights at the original density if such transfer is made into designated receiving areas, will mitigate the impacts of this rezoning. The purchase of development rights at the original density is also recommended. Other mechanisms, such as the agricultural opportunities subdivision, with accelerated processing requirement, also mitigate adverse impacts of on-site development. Subdivision

and site design shall support preservation of agricultural tracts in large unbroken blocks that allow contiguous parcels to be cultivated when adjacent parcels are developed.

Transfer of development rights will have no adverse impacts on agriculture. However, a significantly incomplete TDR program may have adverse impacts in the form of visual incongruities, local traffic congestion or safety issues at farm road intersections or farm stand locations. The DGEIs provides for mechanisms to ameliorate the impacts of a significantly less than complete TDR program.

### ***Geologic and Soil Resources***

The Comprehensive Plan and the DGEIS discuss the environmental sensitivity and vulnerability of certain soils to adverse impacts due to high permeability and low fertility and/or high water table. The Plan protects these resources by protecting geologic and sensitive soils resources in the Town. The policies contained in Chapter 4, the Natural Resources Conservation Element are adequate to mitigate potential impacts to these resources.

### ***Groundwater Quantity and Quality***

The Comprehensive Plan and the DGEIS describe the Central Pine Barrens and Hydrogeologic Zone III and their proven irreplaceability for groundwater recharge and maintenance of drinking water quality. Future development according to the Comprehensive Plan will have minimal impact on the groundwater quality or quantity. The Plan would protect these resources by reducing development density and nitrate-nitrogen loading in Zone III. The Plan also advocates purchase of development rights and development rights transfer out of this zone. This transfer will have a beneficial impact on the groundwater recharge because the development rights (representing future dwelling units) and their associated impacts on groundwater quality and quantity will not occur to the same degree as in the future baseline in Zone III.

The impact on groundwater quality or quantity of the transferred units is mitigated by other provisions of the Plan and the DGEIS. The Plan supports coordination with the Department of Health Services on clustering within Zone III. Thus incremental increases in development density or intensity in the area north of Sound Avenue or other areas permitted by the Comprehensive Plan as generated by the transfer of development rights will not significantly impact groundwater quality with respect to nitrate-nitrogen. Potential impacts are also mitigated by the policies recommended in Chapter 4, the Natural Resources Conservation element of the Plan.

As the DGEIS states, the implementation of the Plan will have a beneficial impact on groundwater resources by reducing the water quantity demand and the ultimate number of new dwelling units by rezoning significant areas of the Town to lower densities.

### ***Ecological Resources***

The Comprehensive Plan will have a beneficial impact on ecological resources, as well as on plant and animal habitat. Recommendations for the use of clustering and preservation of vegetation also help to further reduce the potential impacts of development in Riverhead. The Plan minimizes the impacts on wetlands and their associated flora and fauna by requiring adherence to all applicable local and state regulations through the policies recommended in Chapter 4. The Plan recommends that stormwater be recharged on site, and this will also mitigate impacts to ecological resources within wetland areas. The Plan recommends that the bluffs and sand hills and associated vegetation adjacent to the Long Island Sound be preserved by the use of significant setbacks, clearing limits, environmental performance standards and best management practices. Implementing these recommendations will mitigate adverse impacts of development in these vicinities.

Subdivision and site designs shall also be configured in such a way so as to prioritize the preservation of native vegetation to the maximum extent practicable. It is recognized that the preservation of non-native but ecologically important habitats may be consistent with the intent and goals of the Plan when such action would result in the creation of large contiguous natural open space areas and farmable tracts and/or the protection of rare, threatened or endangered species or their habitat. Development designs shall consider the native planting suggestions contained in Chapter 4.

### ***Surface Water Resources***

Implementation of the Plan will not result in an increase in nitrogen or phosphorus loadings to surface waters. Additionally, as the acquisitions and buffering policies are implemented, impacts on surface water will be reduced below the future baseline conditions. Further, in order to mitigate site-specific impacts, the Plan requires that all stormwater be recharged on site. In addition, the use of naturally vegetated swales and depressions is recommended to reduce the nitrogen loadings by permitting nitrogen uptake prior to recharge. This will benefit both groundwater recharge and surface water quality.

### ***Scenic, Historic and Cultural Resources***

As noted in the DGEIS, the Plan will not cause an adverse impact on the character or quality of important scenic, historical, archeological, architectural, or aesthetic resources of the Town. While the Comprehensive Plan did reveal the presence of historic and cultural resources within developing and high visibility areas (Sound Avenue), the Plan's implementation will not produce or induce adverse impacts regarding historic or cultural resource preservation and protection. Chapter 5, the Scenic and Historic Resources Preservation Element provides policies to protect these resources. In particular, application of clustering provisions, scenic easements, site clearance and building envelope guidelines, slope analysis requirements, the use of vegetative buffers, and protection of scenic corridors will enhance scenic vistas and open spaces are specific methods recommended.

### ***Demographic Patterns***

The Comprehensive Plan and DGEIS analyze the demographic patterns of the Town. As stated in the Plan and DGEIS, implementation of the proposed action will result in a decrease in potential future population due to rezoning to lower densities and by acquisition of development rights versus what can be expected to occur at the future baseline.

### ***Traffic Impacts***

Implementation of the Plan will not cause any significant adverse impacts to overall traffic levels of the Town. As discussed in the Comprehensive plan and in the DGES, the existing road network can handle the redirection of development caused by the TDR program, with some improvements in certain locations. Site-specific mitigation may be required from individual developments, which will be identified in documentation as required by the lead agency in the review of each development proposal.

### ***Air Quality, Odor and Noise Impacts***

The impacts on air quality, odor and noise levels due to the Plan implementation were established to be within acceptable limits and thus were not significant environmental impacts to be assessed in the DGEIS.

### ***Land Use and Zoning Patterns***

The net result of the Plan is a compact and efficient development which will tend to protect existing open space and agricultural land. Except for the area north of Sound Avenue, Aquebogue and Jamesport, where only public water exists, the designation of receiving sites coincides with those areas where full infrastructure and municipal services already exist. Thus, the cost to Town taxpayers with regard to new road construction, water main extension and the provision of police, fire, school and other services is thereby lowered. The Plan will result in a net reduction in other infrastructure requirements on a Town-wide basis by centering development in already developed areas.

### ***Growth and Character of Community and Neighborhood Impacts***

As noted in the DGEIS, the implementation of the Plan should not result in any adverse impacts to the Town's existing neighborhoods, community facilities including schools, service districts or social services versus the future baseline condition.

### ***Growth Inducing Aspects***

As explained in the DGEIS, the Plan is not expected to induce any growth above that generated by existing development pressures. Rather, it will reduce or redirect growth which will occur in agricultural areas, without its implementation, to more appropriate areas consistent with the Plan.

## **SEQR 617.10 REGULATIONS – FUTURE ACTIONS PURSUANT TO THE PLAN**

SEQR regulations, Part 617.10(c), state that "Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EIS's to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS".

### ***Criteria for Future Actions***

Therefore, pursuant to the requirements of SEQR 617.10(c), this Findings Statement will include the criteria under which future actions may be undertaken. These conditions and criteria for future action on site-specific proposals are set forth in Section 9 of the DGEIS and are listed below in determining the significance of future actions upon adoption of the Plan. They are not necessarily listed in the order of importance, but rank high as relative determinants in the overall consideration of significance of an action.

***Farmland Preservation*** – the relative preservation or loss of farmland versus the Plan's objectives, and project alternatives.

***Traffic*** – the amount of traffic generation, the ability of the local road system to absorb the added traffic without significant impact, success of the access management plan being presented, including shared access and shared parking.

***Esthetic/Scenic Issues*** – whether the proposed development is in keeping with the character of historic resource areas, and whether it preserves the scenic resources of Riverhead, particularly farm, open space and water views. An important corollary, where it applies, is the impact on Sound Avenue.

***Natural Resources*** – the project's impact on water bodies, wetlands, wildlife habitats, slopes and unique rare or threatened plant communities. Sensitive areas exist in Riverhead, particularly certain vegetative plant communities along the north shore bluffs.

***Stormwater Management, Erosion and Sedimentation*** – the inclusion of adequate provisions to address these issues and contain their impacts on the development site; retention of pre-development drainage characteristics.

***Regulatory Compliance*** - compliance with sanitary regulations and nitrate-nitrogen loading related both to residential development, farmland preservation and permitted uses of the open space in a cluster development.

***Effect on Community Facilities*** – how the proposed development will impact public

schools, emergency services and medical facilities.

***Compatibility With Other Plans*** – how the project relates to the Central Pine Barrens Land Use Management Plan, the Peconic Estuary Study, the Long Island Sound Study, other plans adopted by the Town of Riverhead.

If a proposed project appears to affect any of these parameters significantly, there shall be included in the project development presentation measures to mitigate adverse impacts, project alternatives and other suitable methods for the Lead Agency to consider.

***SEQR Thresholds***

Regardless of any pending application status, all future development actions within the Town of Riverhead shall be undertaken pursuant to the four (4) SEQR Generic EIS thresholds established by Part 617.10(d) as follows:

"When a final generic EIS has been filed under this part:

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

## CONCLUSIONS AND GENERIC FINDINGS

Based upon the information contained in the DGEIS and FGEIS, and as outlined in these Findings, the Lead Agency finds that the Proposed Action will not only achieve the goals of this Findings Statement but minimizes potential environmental impacts and will provide the necessary balance between the protection of the environment and the need to accommodate social and economical considerations.

Therefore, having considered the Comprehensive Plan and the Draft and Final GEIS, and having considered the foregoing written facts and conclusions relied upon to meet the requirements of 6 NY CRR 617.11 this Statement of Findings certifies that:

1. The Lead Agency has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final EIS;
2. The Lead Agency has weighed and balanced relevant environmental impacts with social, economic and other considerations;
3. These findings do provide a sound rationale for the Lead Agency's decision;
4. The requirements of 6 NYCRR Part 617 have been met;
5. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which 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.
6. This action is consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5.

The Lead Agency, pursuant to SEQRA Part 617.11 has prepared the Findings stated herein and shall cause it to be filed in accordance with Part 617.12.

### *COPIES OF THIS FINDINGS STATEMENT HAVE BEEN FILED WITH:*

1. Erin M. Crotty, Commissioner, NYSDEC
2. Environmental Notice Bulletin/Business Environmental Publications, Inc.
3. Randy A. Daniels, Secretary of New York State
4. Peter A. Scully, Regional Director, NYSDEC
5. Robert Kozakiewicz, Supervisor, Town of Riverhead