

## 26. Criteria for Subsequent Review

6 NYCRR 617.10 (c) states that:

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

6 NYCRR 617.10 (d) further clarifies the requirements for further review after a GEIS has been followed as follows:

*(d) 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 adverse environmental impacts.*

As the proposed development is conceptual in nature, detailed plans were not available at the time the DGEIS was prepared, and the project may be modified as government approvals are pursued, it is likely that additional SEQRA review will be required. The following sections provide guidance as to when this additional SEQRA analysis would be required.

**26.1. Performance Standards and Thresholds and Conditions that would Trigger Additional Analysis**

The analyses provided herein were based on specific assumptions. For each area of analysis, if these assumptions are exceeded by more than a minor amount (specified below) additional analyses should be performed for that issue.

The project that was analyzed in this DGEIS consisted of approximately 3,000,000 square feet of mixed use development as specified in Table 26-1 below. In the event that the overall scope of the development is increased beyond 3,000,000 square feet, or any individual component is increased by more than ten percent (10%), additional analysis shall be conducted to determine if there are any greater impacts than analyzed herein which need to be evaluated.

**Table 26-1: Project Components**

<b>Housing</b>		
72 @ 650 sf	46,800	sf
785 @ 1,100	863,500	sf
215 @ 1600 sf	344,000	Sf
<b>Commercial</b>		
Arena	160,000	Sf
Hotel	70,000	Sf
Restaurants	35,000	Sf
Retail	25,000	Sf
Office	50,000	Sf
Health Club	50,000	Sf
Day Care	20,000	Sf
Outdoor Stadium	152,160	Sf
Light Industrial	1,200,000	Sf
Recreational Fields	3	Fields
Total	3,016,460	Sf

Table 26-2, below lists the thresholds which would trigger the consideration of additional SEQRA review. If any of these thresholds are exceeded it is anticipated that an initial evaluation would be performed to determine if the potential impact is significant and warrants subsequent review. This determination would be made by the Lead Agency in effect at the time.

**Table 26-2: Thresholds for Further SEQRA Analysis**

Geology	Project changes will impact geologic resources
Soils	Construction is proposed that is incompatible with site soils
Topography	Construction is proposed in steep slopes
Surface and Subsurface Conditions	The Phase I Site Assessments identified several Recognized Environmental Conditions (RECs) which will need to be investigated before commencement of site design and construction. If any of these RECs would impact site development, these impacts shall be analyzed.
Groundwater	Project changes will require more than 548,000 gallons per day of water supply Adequate water supply cannot be provided to serve the project
Stormwater Collection, Treatment and Recharge	All Stormwater cannot be retained on site.
Fertilizers & Pesticides	Noncompliance with County fertilizer and pesticide policy.
Ecological Resources	More than 240 acres of site cleared.
Sewage Disposal	More than 477,000 gpd of wastewater generated Advanced wastewater treatment plant not available
Land Use	Different land uses than analyzed herein
Zoning	N/A
Public Policy	N/A
Transportation – Traffic	More than the following trips: AM Peak: 1,815 Midday Peak: 2,478 PM Peak: 3,600 Saturday Peak: 2,478
Transportation – Parking	Less parking spaces provided than required by code
Visual Quality	Arena taller than 70 feet, or located closer to property boundaries; all other buildings if taller than 40 feet.
Noise	For traffic noise: a 6 dBA increase in noise levels For stationary sources: exceeding the limits set forth in the Town of Brookhaven Code
Air Quality	If traffic needs to be reanalyzed or if traffic mitigation measures identified herein are not installed
County Farm	Project changes that would put more activity closer to the County farm
Community Services	Inability of emergency service providers to serve the site
Schools	More than 207 projected public school children
Utilities	More than 15,000 KVA or 1,100 therms
Economic Impacts	Tax abatements, IDA, etc.
Construction Impacts	Lesser construction mitigation controls than outlined herein
Cumulative Impacts	N/A

## **26.2. Preliminary Scope for Supplemental EISs**

Separate and apart from any changes that would exceed the thresholds described in the prior section, it is anticipated that a Supplemental EIS will be required even if the project remains exactly the same in order to evaluate issues related to site design which were

unknown at the time of the preparation of the DGEIS. The preliminary scope of this analysis would include the following issues:

- Design and Layout
- Programming for Arena and Stadium
- Methodology for sustained affordability of housing
- Cut and fill analysis
- Stormwater management
- Visual quality
- Landscape plan
- Lighting plan
- Update of community service and utility availability
- Wastewater treatment plant design
- Energy analysis
- LEED compliance