

FINDINGS STATEMENT
FOR THE
LAWRENCE AVIATION INDUSTRIES
LAND USE PLAN



Town of Brookhaven

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AGENCY JURISDICTION:

The Town Board of the Town of Brookhaven is an elected municipal legislative body whose duties include: development and enactment of local land use legislation including zoning laws, approval of various land use applications including re-zonings, oversight over the land use process in the Town of Brookhaven and approval of Comprehensive Land Use Plans.

The proposed Lawrence Aviation Industries Land Use Plan was referred to the following agencies for review and recommendations:

- United States Environmental Protection Agency;
- Suffolk County Department of Health Services;
- Suffolk County Department Treasurer’s Office;
- Suffolk County Planning Commission;
- Suffolk County Department of Planning;
- Suffolk County Water Authority;
- Suffolk County Department of Health Services;
- New York State Department of Transportation;
- New York State Department of Environmental Conservation, Albany;
- Incorporated Village of Port Jefferson;
- Metropolitan Transit Authority / Long Island Rail Road; and
- Long Island Power Authority / PSEG

It should be noted that the above agencies do not have formal approval/denial authority over the proposed action. The Brookhaven Town Board has the ultimate approval authority and sole discretion over the adoption of the Lawrence Aviation Industries Land Use Plan. However, implementation and all development within the corridor must be in conformance to the rules, regulations, and laws of all governmental entities.

LOCATION OF THE ACTION:

The Land Use Plan covers the Lawrence Aviation Industries complex bounded on the North by Sheep Pasture Road and Scenic View Court, the South by the LIPA ROW (and bisected by the NYSDOT greenway trail), the east by the subdivision known as “School Gardens”, an apartment complex and a farm and bounded on the west by various residential properties and an industrial property known as “Chip-it-All”, located in Port Jefferson Station, Suffolk County, New York.

DESCRIPTION OF THE ACTION:

- The adoption of the Lawrence Aviation Industries Land Use Plan by the Town of Brookhaven Town Board.

The Town Board of the Town of Brookhaven proposed to approve and adopt a Comprehensive Land Use Plan for the Lawrence Aviation Industries area, which includes the former Lawrence Aviation Industries (LAI) complex as well as a surrounding “residential transition” area. This Land Use Plan will guide future land use decisions for these parcels and create a more cohesive and comprehensively planned industrial community while protecting the health and wellbeing of adjacent residents.

The *Land Use Plan* details land use strategies, re-zoning recommendations and an overlay district that will guide future growth while preserving and protecting the character of the adjacent neighborhoods and returning the complex to an industrially productive and tax positive site. Additionally, the proposed overlay district includes significant incentives to encourage development of the entire site or part of the site as a solar energy production facility, which is a use that has been identified by community members and officials as the best use scenario. The Land Use Plan is a compilation of inventory, analysis and recommendations with regard to zoning, land use, development, preservation of existing vegetation and an understanding of past practices on-site which lead to the area being designated a superfund site. The overall land use strategy is to support cohesive re-development of the complex with industrial uses that are compatible with the surrounding residential developments and take into consideration

environmental concerns related to past practices, while creating jobs and eliminating on-site hazards (including vacant, dilapidated buildings).

Within the Plan is a model code which would create an overlay district for the LAI complex as well as the surrounding residential area that is located above the plume. This overlay district would put in place several measures to ensure new homes are constructed safely and that the area is developed with uses that are compatible with the soil conditions and cleanup standards (thus eliminating potential uses such as agriculture, or nursery schools).

These Findings are issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law. A Final Generic Environmental Impact Statement (FGEIS) has been completed and accepted for the proposed action described as above.

HISTORY OF ACTION:

A Positive Declaration of Environmental Significance was adopted by the Town Board on July 15, 2014. A Notice of Complete DGEIS and scheduled Public Hearing were adopted by the Town Board of the Town of Brookhaven on September 9, 2014, with the DGEIS being accepted by resolution by the Town Board on this date. A Public Hearing on the DGEIS and Land Use Plan was held on September 30, 2014 and public comments were accepted until October 31, 2014. A Final Generic Environmental Impact Statement (FGEIS) was accepted by the Town Board on November 13, 2014.

A Draft Generic Environmental Impact Statement (DGEIS), dated September 9, 2014, was prepared for the proposed action. At the September 30, 2014 Town Board meeting, the Brookhaven Town Board accepted the DGEIS as complete with respect to its scope and content for the purposes of commencing public review, in accordance with 6 NYCRR §617.9(a)(2). The DGEIS subsequently was circulated for review and to solicit comments from interested agencies and the public, pursuant to 6 NYCRR §617.12.

The Final Generic Environmental Impact Statement was prepared to respond to inquiries and comments received during the public hearing and comment period. The Brookhaven Town Board accepted the FGEIS as complete at the November 13, 2014 meeting.

The Proposed Action has evolved from a series of moratoria which began in August of 2007, allowing for sufficient time for a Comprehensive Plan to be developed for the Terryville-Port Jefferson Station community. The moratorium covered the most at-risk parcels in the hamlet, including the Lawrence Aviation site which had ceased operations in March of 2004. The Comsewogue Hamlet Comprehensive Plan was completed within one (1) year and accepted by the Town Board in September 2008, with the plan recommending preservation of the site and considered an office park use in conjunction with preservation. In 2009, the Town Board enacted another building moratorium in the Port Jefferson Area, which included the LAI complex. In December of 2010, the moratorium was extended specifically for LAI to December 2012 to allow a site specific Land Use Plan to be developed. In January of 2013, the Town Board once again extended the moratorium until July 18th, 2015 so a detailed LUP and GEIS could be completed. This document is the final stage of that process and is to be adopted a month ahead of the deadline.

The tangible outcome of the public participation and the Town planning process is the Lawrence Aviation Industries Land Use Plan, September 2014 (the Proposed Action). The Town Board, as Lead Agency, adopted a SEQRA Positive Declaration in order to thoroughly analyze environmental concerns to determine if there may be any adverse impacts associated with the action. In accordance with 6 NYCRR §617.10, the Town determined that a Generic Environmental Impact Statement would be most appropriate due to the following (From 6 NYCRR §617.10 [a]):

“Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any

narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur.

A generic EIS may be used to assess the environmental impacts of:

(1) A number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts; or

(2) A sequence of actions, contemplated by a single agency or individual; or

(3) Separate actions having generic or common impacts; or

(4) An entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans.”

A Draft Generic EIS was prepared for, and accepted by; the Town Board on September 9, 2014 and public hearings on the DGEIS and Land Use Plan were held on September 30, 2014. The Final Generic Environmental Impact Statement was accepted on November 13, 2014, followed by more than the minimum 10-day review period.

The Town Board has, in response to the submitted comments, questions and concerns as well as the Town’s own analysis, revised the Land Use Plan and DGEIS accordingly. The revisions improve and ultimately add to the level of detail but do not fundamentally change the document.

INTRODUCTION:

This Findings statement has been prepared pursuant to the requirements of Part §617.11 of the State Environmental Quality Review Act regulations (SEQRA) which state 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 in regard to the facts and conclusions contained within the Draft and Final GEIS relied upon to support its decision. To conform to the SEQRA provisions, the Town Board of the Town of Brookhaven has prepared this Findings statement.

In its SEQRA review of this Land Use Plan, the Town of Brookhaven has not identified any significant adverse environmental impacts for this action. Nevertheless, the Town of Brookhaven chose to use the format of a Generic Environmental Impact Statement (GEIS) in its subsequent SEQRA review (including a public hearing and written comment period) of this Proposed Action as it provided for the most comprehensive environmental review of the Land Use Plan and allowed for the greatest degree of public awareness and input. Furthermore, even though no significant adverse environmental impacts were identified as a result of the Land Use Plan, Section §617.10 of the SEQRA regulations states that GEIS's may be used, *"To assess the environmental impacts of: an entire program or plan having wide applications . . . including new or significant changes to existing land use plans . . ."* regardless of whether or not the action is expected to possibly result in adverse environmental impacts. In addition, Part §617.10 endorses the concept of using a GEIS for the adoption of a Comprehensive Plan prepared in accordance with Subdivision 4, Section 272-a of the New York State Town Law. These additional reasons have also compelled the Town of Brookhaven to utilize the GEIS process for the Plan.

The Lawrence Aviation Industries Land Use Plan is a broad, general blueprint upon which future land use decisions will be based. The Plan identifies important elements of the natural and cultural resource base and addresses these and other land uses issues pertaining to Goals, Community Vision, and Environmental Resources, Transportation and Existing Land Uses and past history as a Superfund Site. For the LAI Complex, the Land Use Plan suggests potential zoning changes identifies uses which are not compatible with site standards and proposes an overlay district which includes incentive for development of a solar energy production facility and which sets standards for new development with the complex and the surrounding residential area. The Plan notes that most specific suggestions would need further environmental and planning analysis as well as an opportunity for public input prior to implementation such as the re-zoning of parcels on the Town Board's own motion in accordance with recommendations within the Plan and the adoption of an overlay district. However, it should be noted that once the overlay district is adopted, development which is done in accordance with the Plan and the overlay district would not be subject to further SEQRA unless it is completely outside the scope of these documents.

SUMMARY OF FACTS AND CONCLUSIONS IN THE GEIS RELIED UPON TO SUPPORT THE DECISIONS:

As set forth in 6 NYCRR §617.10, this section of the Findings Statement considers the relevant environmental impacts, facts and conclusions of the main environmental issues relating to the Proposed Action and provides the rationale for the decision(s) made by the Brookhaven Town Board regarding this matter. In addition, specific conditions and criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance, are provided.

This summary is organized by eleven (11) subject headings that generally correspond to the section headings for the DGEIS. The full information supporting the decision-making process, which were considered in preparing this Findings Statement, are contained within the September 9, 2014 DGEIS and the November 13, 2014 FGEIS.

LAND USE PLAN GOALS:

The *Land Use Plan* and GEIS outline and analyze a number of broad goals, which are the basis for the land use recommendations that will guide the implementation of the *Land Use Plan*. These are as follow:

- Re-zoning parcels (IV, V, VII, X and XI) to Light-Industrial-1 from B-Residential-1;
- Create a Lawrence Aviation Industries Overlay District as a mechanism to control uses, encourage green energy development, establish standards and provide innovative planning tools to encourage appropriate redevelopment and preservation of vegetation;
- Restrict certain permitted uses in the Light-Industrial-1 District from the LAI site due to concerns related to prior contamination;
- Eliminate certain permitted Planning Board Special Permit uses in the Ligh-Industrial-2 District from the LAI site due to concerns related to prior contamination;
- Require soil and volatile organic chemical (VOC) testing, and as warranted soil and/or VOC remediation to ensure safety at the site for new development;

- Create a Lawrence Aviation Industries Transition Area with performance standards;
- Provide incentives for solar energy production facilities; and
- Maintain Light-Industrial-1 zoning on contiguous parcel XII;

EXISTING CONDITIONS:

The Land Use Plan and GEIS discuss, examine and inventory the overall conditions of the Lawrence Aviation Industries Area, including vacant parcels, previously disturbed/developed parcels and the adjacent residential neighborhoods which are sited over the plume within the Town of Brookhaven. These sections of the Land Use Plan examine the existing conditions and current zoning and provide an inventory of the existing and past land uses within the LAI complex. This section also looks at the impacts of past practices which resulted in the site being declared a Superfund site and the cleanup effort which has taken place to remedy the environmental impacts acknowledging the existence of significant natural vegetation and the presence of the newly opened greenway trail.

The transportation section explores the existing traffic patterns and roadway network, along with means of public transportation including busses and the railroad and how they could connect to the site, particularly for commuters who wish to utilize the greenway trail in the warmer months as the station is located one (1) mile to the east via this pedestrian and bike friendly trail. It is important to recognize that the impetus behind the Proposed Action was specifically to return the complex to a tax positive site, create jobs and site appropriate industrial development while striking an appropriate balance with important social economic and environmental considerations.

LAND USE PLAN AND ZONING:

One of the outcomes of the Proposed Action is the result of promoting the protection and preservation of the local environment and natural spaces while pairing compatible zoning with desired uses within the LAI complex and restoring the site to active use. Accordingly, the Proposed Action should not have a significant adverse impact on the study area's land use and zoning and it is expected to have beneficial impacts by:

- Eliminating allowable uses which would be inappropriate for the site due to past practices and environmental conditions;
- Re-zoning landlocked parcels from B-1 to L-1 and encouraging the transfer of their development rights to other parcels within the complex;
- Allowing the Town to take the landlocked parcels as open-space once their development rights have been removed;
- Creating an industrial park which can be accessed by employees by public transit and/or a greenway trail which encourages physical activity and reduces the dependency upon cars;
- Creating an overlay district to allow a split-zoned parcel to be properly developed with housing adjacent to existing residential developments and industrial projects adjacent to other, industrial land;
- Requirement of buffers and development right transfers which will result in a minimum preservation of approximately 50% of the existing on-site vegetation;
- Requiring a minimum 150' total buffer from the existing surface water wetlands on-site (Flannery Pond);
- Encouraging re-development of a previously industrially used site which will also encourage the removal of blighted and dangerous structures;
- Providing incentives for a solar energy generating facility to be constructed on-site without needing to apply to the Town Board or go through further comprehensive environmental review;
- Providing incentives for a solar energy generating facility which will have little to no impacts on traffic, noise, emissions, fumes, energy and groundwater;
- Creating an overlay district that is designed to protect the health and wellbeing of adjacent residential parcels which are located over an existing plume; and

- Encouraging redevelopment of a defunct site which has been stigmatized the surrounding community.

The use of zoning as a tool to advance the Town's land use planning goals and objectives is indispensable and well established under both law and practice. However, in cases where individuals feel aggrieved by a particular building or zoning regulation, they are entitled to petition for relief under the variance process, thereby providing a means of mitigating possible adverse impacts to individuals on a site-by-site basis.

Where applicable, future development actions will still be required to conform to the mandates and specifications of SEQRA, and as such, those actions determined to be Type I or Unlisted would be subject to standard additional environmental review. This additional review will provide further opportunity to focus impact analysis on site-specific conditions and the specifics of individual development proposals for which anticipated impacts can be evaluated on a site and project specific basis. Future re-zoning and site development and redevelopment will be subject to site plan, subdivision and environmental reviews and approvals.

CRITERIA, CONDITIONS AND THRESHOLDS:

Site-specific development and redevelopment and policies affecting land use in the study area will conform to:

- The goals and the underlying intent of the Land Use Plan with respect to density, uses, changes to the zoning map and overall development;
- The goals and guidelines of all of the moratoriums which preceded this document for the underlying parcels;
- The guidelines and stated goals of the 1996 *Town of Brookhaven Comprehensive Land Use Plan* and any amendments thereof;
- The guidelines and regulations of the Suffolk County Department of Health Services Sanitary Code Article 6 (Realty Subdivisions, Developments and other Construction Projects);

- Requiring mitigation of significant adverse impacts created by a land use or zone changes to neighboring properties and the area's overall land use pattern; and
- Encouraging uses that are compatible with on-site conditions and which meet regulations put in place by other agencies including the United States Environmental Protection Agency; and
- All rules and regulations promulgated by Federal, State and local regulatory agencies.

GEOLOGY, TOPOGRAPHY, DRAINAGE AND HYDROGEOLOGY:

The Proposed Action should not have an adverse impact on soils, groundwater resources, drainage, or hydrogeology within the study area and will lead to improved protection of the underlying topography and systems which have been put in place by the USEPA to treat contaminated groundwater by:

- Eliminating allowable uses which are inappropriate for the site (agriculture);
- Re-zoning parcels from B-1 to L-1 and encouraging the transfer of development rights from wooded parcels south of the greenway trail (including an area containing injection wells);
- Requiring soil management plans for all new development on-site and requiring testing and mitigation measures where needed;
- Encouraging development of state of the art sewage treatment plant systems in conjunction with new development (where applicable) which could also connect to adjacent residential developments; and
- Requiring maximized buffers from existing surface waters while also protecting significant slopes on-site.

SURFACE WATER AND WETLANDS:

The Proposed Action should not have an adverse impact on the surface waters and wetlands in the Lawrence Aviation Industries Area due to:

- Recognition of the existing wetland known as the Flannery Pond;
- Recognition of the importance of protecting the water quality of this pond as well as the adjacent slopes and requiring adequate buffers (minimum of 150 total feet) from the pond to new, industrial development; and
- Allowing the continued use of the Flannery parcel as a single-family dwelling, with protective measures put in place if the residential use were to end and the site were to subsequently be developed industrially (in accordance with the underlying zoning).

NATURAL RESOURCES:

The Natural Resources section of the Land Use Plan and the GEIS provide a detailed discussion of the various significant natural resources within the study area and existing problems and concerns related to those resources. These natural resources include rare, threatened and endangered species of plants and animals as well as existing surface waters and wetlands and extensive areas of open woodlands.

The Land Use Plan and GEIS proposed recommendations pertaining to these important environmental resources within the study area. The recommendations are categorized according to rare species, aesthetic qualities and scenic vistas as well as wetlands and surface waters.

The Proposed Action should not have any significant adverse impacts on natural resources and should result in improved protection of natural resources compared to existing conditions due to:

- Recognition and identification of the sole existing wetland and the surrounding sensitive systems including adjacent slopes;
- Identification of contiguous tracts of vacant, undeveloped forest within the study area and the natural resources contained therein, particularly the two (2) parcels located south of the greenway trail;
- Recognition and identification of existing conditions, topography and natural resources and how the overall sensitivity and vulnerability of the various parcels with relation to past practices;

- Re-zoning of the two (2) southern parcels which are landlocked from B-1 to L-1 in order to allow the transfer of various underlying “rights” to other parcels within the complex (including clearing, sanitary and FAR [floor-area ratio] rights); and
- Identification of rare, threatened and endangered species which may utilize the study area;

Site-specific environmental assessments will still be required for Type I and Unlisted Actions, which will set forth mitigation strategies (when needed) on a case by case basis for developments within the study area, with the exception of proposed site plans that would result in impacts fully outlined within the Land Use Plan and DGEIS as well as the FGEIS.

ECONOMICS:

The *Land Use Plan* and GEIS examined the local economy of the area as detailed in the *Retail Inventory – Port Jefferson Station, Terryville and Port Jefferson Village* and the *Office Inventory – Port Jefferson Station, Terryville and Port Jefferson Village* studies which are discussed in the DGEIS and the *Land Use Plan*. The inventories were collected in order to determine whether the need exists for additional retail and office space in the greater Port Jefferson area. The analysis suggests that no new retail space is needed within this area, however some commercial and industrial (particularly high-end or research related) development is needed and viable (particularly with respect to nearby Stony Brook University as well as Brookhaven Lab). This section provides part of the basis for recommendations made in other portions of the *Land Use Plan* concerning the need for industrial redevelopment.

Although it is very difficult and impractical to quantitatively determine with any degree of certainty what the potential economic effects of the *Land Use Plan* will be on the community as a whole, it is also impractical to accurately determine the potential economic impact, positive or negative, to each individual lot that is directly or indirectly affected by the Proposed Action given the scope of a Generic Environmental Impact Statement.

It is not anticipated that the Proposed Action will have a significant adverse economic impact on the community versus the No-Action Alternative as this alternative provides no incentive for re-development. This is because implementation of the *Land Use Plan* will provide

incentives for certain types of development (particularly solar energy generating facilities), allows for the transfer of development rights (including sanitary, FAR and clearing) and promotes new development in the greater Port Jefferson area. Furthermore, the Proposed Action will ensure better standards for redevelopment and encourage more appropriate and consistent land development, while aiding in the removal of the stigma associated with the superfund status of the Lawrence Aviation Industries complex.

Another benefit of the Proposed Action is the creation of a cohesively developed and designed industrial park. This, in conjunction with the incentives provided in the overlay district and end of the moratorium and the reversal of the stigma associated with the LAI properties should provide benefits to the community in terms of property values and general economic vitality.

More specifically, the Proposed Action will result in improved economic conditions due to:

- Increased local tax revenues from changes from transforming tax negative or tax neutral properties to tax positive;
- An overall positive impact to property values originating from the redevelopment and revitalization of defunct industrial land that has been declared a Superfund site;
- Enhancement and protection of the natural environment with an anticipated overall lasting value to the community, particularly with respect to the two (2) wooded parcels south of the greenway trail;
- Increased commercial and industrial space available for existing businesses to expand into and for new businesses to utilize, thus increasing tax revenue and employee pay;
- Creation of new jobs which have trickle-down effects to the local economy;
- Conformance to the *Land Use Plan* will facilitate project approval and environmental review, thereby reducing the costs associated with development and redevelopment;

- Encouraged development of residential housing on Parcel VI which creates jobs and adds to the local tax base; and
- Encouraging the sale of existing parcels which are encumbered with liens due to past practices, with the proceeds of the sales making lenders and government entities whole (or paying portions of the outstanding debt).

The potential increase to the tax base is variable, as different uses, buildings and projects will result in different taxes generated. Furthermore, if a portion of the complex or the entire complex is developed with a solar energy generating facility, the tax revenue may be relatively low. However, there are unseen economic impacts associated with solar energy development with respect to reductions in air pollution, high paying industry jobs, manufacturing jobs and similar impacts which may not directly impact the greater Port Jefferson economy, but do have positive impacts on the general economy (including Suffolk County).

Due to the above, these changes are anticipated to be positive overall and the implementation of the *Land Use Plan* over time should have a growing positive impact on the economy. However, as is the case with the adoption of any Land Use Plan or changes in zoning, the overall return on certain specific properties may be negatively affected. A remedy is available to those who can demonstrate that they are significantly aggrieved by a rezoning or dimensional restriction through a variance application to the Town of Brookhaven Board of Zoning Appeals, which will provide a means of mitigating possible impacts to affected property owners on a site-by-site basis.

GROWTH, COMMUNITY FACILITIES AND COMMUNITY CHARACTER:

The Land Use Plan was conceived through a series of moratoria designed to create the framework for the best possible uses of the Superfund site known as Lawrence Aviation Industries while protecting surrounding neighborhoods and protecting quality of life. The existing zoning on-site, without the implementation of the Land Use Plan could allow for inappropriate developments or developments which could impact surrounding property owners who have already been disrupted from past practices on-site and from the extensive and time consuming cleanup. Additionally, a lack of new development, or development that was not cohesive could result in a significant impact to community facilities or the local character, and

leave the door open for potential changes of zone which could result in inappropriate development and uses.

The Land Use Plan was developed through an extensive and lengthy public process which included numerous community meetings to ensure a maximum level of input from the interested public and those with a vested interest in how this complex would be redeveloped and where residential development was appropriate and wanted. Thus, the Proposed Action reflects the communities' vision for itself and will therefore have a positive impact on community character and growth issues and will not result in significant adverse environmental impacts and include:

- Preserving natural resources and open spaces (particularly south of the greenway trail);
- Improving site access and protecting local communities from unwanted industrial or commercial traffic;
- Allowing as-of-right residential to remain on Parcel VI, adjacent to existing residential developments;
- Encouraging the removal of blighted and dangerous buildings and removing the stigma associated with the Superfund site;
- Establishing significant buffers to protect residents from visual and noise pollution;
- Encouraging “green” energy development with incentives for solar energy production facilities which would result in no noise, fumes, emissions, traffic or other similar impacts to adjacent property owners; and
- Return the complex to a productive site within the community while promoting job growth in the industrial sector of the Township.

CRITERIA, CONDITIONS AND THRESHOLDS:

Site-specific development, redevelopment and land use policies should:

- Promote jobs and a return of the properties to tax-positive status;
- Conform to the intent of the Land Use Plan with respect to the character and growth within the study area, also known as the LAI complex; and
- Implement mitigation measures designed to address potential adverse impacts from pre-existing conditions (such as the existence of the vacant buildings on the main industrial complex) as well as those measures designed to address concerns from adjacent property owners.

TRANSPORTATION:

The recommendations within the Lawrence Aviation Industries Land Use Plan will not reverse the trend of increased traffic in the Port Jefferson Station area, however the LUP and the TIS have been crafted to manage residential, commercial and industrial growth (and thus traffic) while optimizing the best case scenarios for site access under preferred conditions. Furthermore, the recommendations are designed to encourage the use of public transportation by employees if the complex is built out with many jobs created.

Due to the fact that the Port Jefferson train station is located only one (1) mile to the east of the site, it is expected that if the site is heavily used, a bus connection will be made between the site and the train station allowing employees and customers to utilize public transportation on a regular basis. Furthermore, there is a newly opened greenway trail that bisects the property and can be easily accessed from the train station as well as from residential neighborhoods along the six (6) mile trail. It is expected that some employees from the local area would use this trail by bicycle or by walking from their homes as well as employees utilizing the trail after taking the train to Port Jefferson. Not only will this encourage physical activity for employees but it will provide a safe means of access for pedestrians and bicyclists. The Proposed Action also discusses potential alternative means of site egress and ingress to avoid traversing the LIRR grade crossing while ensuring that any new residential development access will come from existing residential neighborhoods, preventing commercial or industrial traffic from using these neighborhoods.

While the LAI complex was previously used for manufacturing and was subject to hundreds of trips to and from the site on a daily basis, over the past decade there has been virtually no daily traffic, and as such residents may be frustrated with the increased level of traffic when the site is re-developed. However, due to the previous development on-site, it is not expected that new traffic stemming from re-development would be significantly higher than previous levels. Transportation improvements including recommendations for improvements to nearby intersections, as well as alternative access points (preferably through the “Chip-it-All” site – though this is dependent upon a number of variables) that would aid in reducing commercial and industrial traffic on portions of Sheep Pasture Road, alleviating stress on the Sheep Pasture Road bridge over the LIRR and help emergency services access the complex with an additional access point.

Enhanced and improved traffic flow in the LAI complex area as well as increased use of public transportation options and the greenway trail are encouraged by implementation of the traffic impact study recommendations in the Land Use Plan. Improved traffic conditions can be accomplished with the following recommendations within the Traffic Impact Study:

- Accessing any new residential development located on Parcel VI via Bayview Drive;
- Provide incentives to the Chip-it-All property owner to allow access to the LAI complex to be constructed across the subject property (this is known as Alternative C);
- The Town should coordinate with the NYSDOT to get intersection improvements put onto the Transportation Improvement Program for the intersection of NYS 347 and Old Town Road;
- Extension of bus service by Suffolk County Transit to the site;
- Allow access from the NYSDOT greenway trail to the site for pedestrians and bicyclists to use the trail to commute from neighborhoods and/or the train station;
- Changing lane configurations at NYS Route 25A and Sheep Pasture Road;
- Make changes to the intersection of Old Town Road and Sheep Pasture Road; and

- Working with the LIRR to ensure safe ingress and egress from the site.

CRITERIA, CONDITIONS AND THRESHOLDS:

The transportation component of the Lawrence Aviation Industries Land Use Plan is a guide to support and encourage roadway improvements within the Port Jefferson area which would allow for better site access and improved traffic flow, particularly if and when commercial and industrial traffic increases at the LAI complex. The recommendations contained therein are the result of a comprehensive traffic impact study, however they are merely recommendations and require coordination, approval, funding or other cooperation from the NYSDOT, LIRR/MTA and Suffolk County Transit as well as private property owners to be fully implemented. Traffic data provided and evaluated provides an accurate depiction of existing conditions and an expectation of potential impacts based on a number of assumed scenarios. Actual results may vary, particularly if changes are made in Port Jefferson Village which are at this time unforeseen.

It is recognized that Route 112 and Nesconset Hwy (AKA 347) are under the jurisdiction of the NYSDOT and that some collector streets are under the jurisdiction of the Village of Port Jefferson. As a result, all roadway or intersection improvements for these areas will require approval from the respective agency. Furthermore, the LIRR/MTA would need to approve certain changes for the grade crossing which is located at the entrance to the LAI complex. These changes can be effectuated by working with these agencies to achieve the recommendations of the TIS. Additionally, the Town can work with the owners of the Chip-it-All site to secure access to LAI if needed and deemed appropriate.

The Land Use Plan emphasizes that currently there is only one (1) legal means of access for the industrial properties and that the level of traffic will likely be similar to what occurred when the factory was fully functional, however it will be the responsibility of private developers in association with their individual property developments in the future to secure additional points of access or to make certain improvements. The extent of the required improvements will be the result of further traffic information submitted to the town as needed.

Specific land development applications, future state roadway improvement projects, changes proposed or made by the LIRR/MTA and Town policy considerations along for roads

near the LAI complex should conform to the transportation recommendations set forth in the Land Use Plan.

AIR QUALITY:

The Proposed Action should not have any adverse impacts to air quality within the study area, or outside of it. Air quality assessment was based on the overall recommendations and changes proposed within the Proposed Action and not on site-specific future development consistent with the broad nature of the adopted GEIS. Similarly, while traffic may continue to increase in general within the study area, the scenarios which are described within the Traffic Impact Study (addendum to the DGEIS) do not indicate significant changes that would result in notable impacts to local air quality. Additionally, employees of any developments on-site could easily access the parcels via the greenway trail (provided the DOT approves the required access) or from a Suffolk County bus in conjunction with the nearby train station. Furthermore, no impacts to air quality would result from the development of the site as a solar energy generating facility which is a use that has been significantly analyzed. Since the type of development is related to the quality and quantity of emissions, it is important to assess air quality of future development on a site-by-site basis for uses which are not solar energy generating facilities.

NOISE:

The Proposed Action is not expected to have any adverse impacts with respect to ambient noise levels in the study area. Specific mitigation measures were developed for the Plan and are outlined within the DGEIS and FGEIS and would become fully effective with the adoption of the overlay district. Specifically, the Plan (and related documents) recommends vegetated buffers, a minimum of 100 feet in width, to be established (and covenanted) for all industrial development adjacent to residentially zoned parcels, including the NYSDOT greenway trail. Some of these areas will need to be re-vegetated as adequate buffers because they are devoid of vegetation. Furthermore, the Plan and related documents specifically note that while the minimum required buffer is 100 feet, depending upon the use and other circumstances, a buffer larger than 100 feet in width may be required by the Planning Board at the time of site plan. This buffer requirement is adequate to mitigate any noise which may result from industrial development of the site that could potentially spill out to adjacent properties.

Additionally, the DGEIS specifically discusses potential noise impacts from the development of the site as a solar energy generating facility. The aforementioned buffers would be required and would be deemed adequate in mitigating any noise during operation of the facility. While noise may impact adjacent property owners during development of the sites, this is temporary and cannot be avoided entirely, though the hours of operation would need to comply with Town of Brookhaven code.

SCENIC, HISTORIC AND CULTURAL RESOURCES:

The Proposed Action will not adversely impact the Town's historic and cultural resources. The proposed Land Use Plan is confined to a very small area which consists of no Historic Districts or Historic Transitional Districts. The LAI complex consists of one (1) parcel which is listed as a "SPLIA" site (Society for the Preservation of Long Island Antiquities) which is currently used as a single family residence. Outside of the LAI complex (but within the residential transition area for the proposed overlay district), there is one (1) parcel also listed as a SPLIA site (the original Greek Orthodox Church). While neither of these parcels are designated historic landmarks (by the Town or Federal Government), they do have inherent historic and cultural qualities.

Under the Proposed Action, no impacts are expected to the two (2) SPLIA sites. In fact, the LUP specifically recommends that the "Flannery House" (located within the LAI complex) be used for any new development, or that it is relocated to an appropriate location for continued use as a single-family dwelling if the residential use on-site is ever discontinued. There are no recommendations related to the Greek Church, however any changes to that site would require a site plan, demolition permit or other regulatory approval. Furthermore, the LAI complex and adjacent residential overlay area is not located within a NYS designated "archaeologically sensitive area". Due to these outlines reasons, there are no impacts expected to scenic, historic and cultural resources as part of this LUP.

CRITERIA, CONDITIONS AND THRESHOLDS:

All projects will still be required to undergo necessary environmental reviews and conform to NYSDEC freshwater wetland regulations, the Brookhaven Town Code Wetland and Waterways and Wetlands Overlay District and Suffolk County Health Department Standards,

when applicable as well as any NYSDEC and/or USEPA requirements and/or regulations which may exist due to the Superfund status of the LAI complex. Furthermore, Actions which are determined to be Type I or Unlisted pursuant to applicable regulations and which were not fully analyzed within the LUP and DGEIS and FGEIS will need to conform to SEQRA. Therefore, the Proposed Action will be at least as protective of these resources and includes provisions that should provide benefits as compared to existing conditions.

Site specific development and redevelopment and land use policies should:

- Conform to the intent of the Land Use Plan to advance the goals of preservation and enhancement of natural resources including but not limited to ecosystems, environmentally significant areas and ecological resources;
- Require mitigation measures designed to reduce or control environmental impacts;
- Address adverse impacts to any threatened or endangered species known to be on or near the site and the type and amount of vegetation that will be removed or altered;
- Assess the purpose, type and approximate quantities of any filling or grading associated with the respective action, if any;
- Ensure that proper mitigation measures that will be carried out in order to reduce or control erosion;
- Ensure best management practices designed to address stormwater, drainage patterns and problems, such as erosion, steep topography and wetlands;
- Provide mitigation measures for adverse impacts on adjacent or nearby bodies of water;
- Require standard erosion control plans if needed during construction and post-construction;
- Implementation of accepted best management and pollution prevention practices where applicable;

- Conformance to regulations and management practices pertaining to the potential for the release of hazardous products or wastes;
- Comply with Suffolk County Department of Health Services and other regulatory entities rules and regulations (where applicable);
- Conduct an air quality assessment to ensure that adjacent uses are not adversely impacted (when applicable); and
- Minimize traffic impacts and the overall level of emissions generated due to increases in development, in accordance with the Traffic Impact Study (TIS) where possible.

ENERGY / SOLID WASTE:

It does not appear that the Proposed Action will significantly impact energy consumption within the study area. The local utilities (LIPA/PSEG) have recently stated that there has been a glut of available energy in recent years and that they are seeking to reduce the amount of energy made available to avoid this surplus in the future, while at the same time encouraging increased green energy development for the local grids. As such, any impacts in energy consumption which would result from the Proposed Action would not be expected to have a significant impact on energy, even if demand were more than anticipated.

In the best case scenario with respect to energy, the LAI complex (aside from the residential portions) would be developed as a solar energy generating facility which would make the study area energy positive – rather than energy negative (or neutral which could be achieved through solar/wind/fuel cell installations for individual developments). The DGEIS thoroughly discusses the potential for the study area to be used as a solar energy generating facility and due to the presence of adjacent high-tension power lines as well as two (2) substations within adequate distance; the site is a prime candidate. Development of the complex (or portions of the complex) for this use would have a net positive impact on energy use within the Port Jefferson, Brookhaven Township and Suffolk County regions.

With respect to impacts to solid waste, the Land Use Plan specifically recommends installing state of the art sewage treatment plants (where applicable) which could be used to connect to existing adjacent residential neighborhoods, to further lessen impacts from solid waste

to the aquifer. While there may be proposed developments which can meet health department standards with standard leaching pool and septic systems, larger developments (or developments requiring significant amounts of water [manufacturing]) will be required to install these new technologies which are being used throughout the Town in new residential and industrial developments. Furthermore, if the project area is developed fully as a solar energy generating facility, there will be virtually no solid waste produced leading to reduced potential impacts to groundwater which has already been impacted by past dumping and illegal discharges and further protection residents.

In order to prevent significant adverse impacts to the environment due to changes in energy or solid waste, all site specific changes and policy development within the study Area in accordance with the Land Use Plan should:

- Undergo an analysis of the geology and hydrogeology of the site and determine whether or not the change is suitable for the proposed waste handling or disposal activity via a sewage treatment plant or other system;
- Undergo an analysis of the proposed waste handling or disposal activity and determine if it is compatible with adjacent uses and site conditions;
- Undergo analysis pertaining to design, operational or pollution prevention practices that will be employed to reduce the likelihood of releases or to mitigation potential impacts from the proposed waste handling or disposal activity; and
- Undergo analysis regarding the kind of energy (electric, natural gas, petroleum, solar) used and if it will meet the completed project's energy needs and what impact this will have on local energy supply and demands, particularly considering the site has not historically had a connection to the electrical grid due to the use of on-site diesel generators.

MITIGATION:

Neither the DGEIS nor the FGEIS identified any significant adverse environmental impacts as a result of any of the recommendations within the Land Use Plan pertaining to the

above sections. In fact, implementation of the Land Use Plan, the overlay district and the recommended re-zonings will likely reduce the magnitude of future adverse impacts from a number of important environmental parameters. As compared to the No-Proposed Action Alternative, whereby development within the study area proceeds under existing conditions, zonings and regulations, changes under the Proposed Action will result in the benefits discussed above for each subject area considered in the review process. The No-Action Alternative would result in disjointed land uses, access issues, hodgepodge development with potentially inappropriate developments and would not address environmental concerns related to adjacent residential parcels and ultimately would fail to address concerns from regulatory agencies and members of the community and would not meet the goals of the plan. The second alternative (Total Preservation by Government Entities), is ideal but not preferred due to a variety of reasons and would do nothing to help the safety and wellbeing of residents and owners of residential parcels located over the plume.

Any project proposed within the study area will still be fully governed by the requirements of SEQRA on the state and local level. Since any significant future development will require, at minimum, a discretionary site plan approval by the Town of Brookhaven Planning Board, the potential environmental impacts of such actions will be required to be assessed through the submission of an Short Environmental Assessment Form (or Long EAF where required). This document requires the presentation of detailed, project-specific information and analyses, leading to the issuance of a Determination of Significance. If it is determined that any given application submitted to the Town entails the potential for one or more significant environmental impacts which were not contemplated in the DGEIS and FGEIS, the need for the issuance of a Positive Declaration and preparation of a site-specific Environmental Impact Statement (EIS) would be required. In addition, development and redevelopment will still be governed by the rules, regulations, procedures of the Town of Brookhaven, Suffolk County, New York State and, where applicable, the Federal Government. Only re-zonings on the Town Board's own-motion and development of the site as a solar energy generating facility, in full accordance with the recommendations of the Land Use Plan would be exempt from SEQRA as the potential impacts have been fully assessed in the GEIS.

A remedy is available to those who can demonstrate that they are significantly aggrieved by a re-zoning. This process involves appealing to the Town of Brookhaven Board of Zoning Appeals and provides a means of mitigation possible impacts to affected property owners on a site-by-site basis involving strict, written criteria set forth by the Board.

CHANGES TO ZONING MAP:

Although there are no re-zonings proposed at this time, the Land Use Plan recommends re-zoning two (2) “landlocked” and wooded parcels south of the NYS DOT greenway trail from B-Residential-1 to L-Industrial-1. The initial LUP and DGEIS discussed re-zoning the residential portion of Parcel VI from B-1 to L-1, to eliminate the split-zoning on-site, however after significant input from nearby residents, community members and other agencies, it was determined that it was best to let this area remain B-1 (as testing done shows it is not contaminated). As such, the DGEIS was amended as part of the FGEIS to reflect this change, however the remnant portions of B-1 that exist on other parcels are recommend for re-zoning to L-Industrial-1 for “housekeeping” purposes and to eliminate the split-zoning, even if it is minor in nature. Any future re-zonings on the Town Board’s own motion (TBOM) which occur in accordance with the Land Use Plan will not require SEQRA but will still be subject to an internal review. Private parcels which are proposed to be re-zoned by the underlying owners may be subject to SEQRA, particularly if the proposed re-zonings are not in conformance with the recommendations of the Land Use Plan.

ALTERNATIVES:

Two (2) alternatives to the Proposed Action were considered by the Brookhaven Town Board and each alternative was examined thoroughly in the DGEIS. Under Alternative 1, the adoption of the Land Use Plan and the recommendations therein would not occur and any existing development and future development within the study area would continue under existing Town regulations and requirements. This was determined to not meet the communities’ goals and was neither favorable to the residents of the Town of Brookhaven nor protective of the environment, particularly considering the fact that the site has been designated a Superfund site.

The second alternative assumed the preservation of the LAI complex by government entities. While this recommendation has many benefits including preservation of natural

vegetation, assurance that soils will not be further disturbed and assurances that no potential environmental impacts will occur, it is not practical or economically feasible and requires many assumptions. Furthermore, this option does not extend protection to nearby residential developments which are sited over a known toxic plume, does not create jobs nor reset the properties to tax positive (as they are currently tax negative) and overall does not meet the goals of the LUP and the moratoriums which resulted in the LUP. While this alternative is acceptable if the opportunity presents itself and impacts can be mitigated, it is not preferred.

FUTURE SEQRA ACTION:

The State Environmental Quality Review Act (SEQRA) provides guidance on the preparation of a GEIS and the review of subsequent proposed actions. According to 6 NYCRR 617.10:

(d) When a final generic EIS has been filed under this part:

(1) No further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the Goals and underlying intent of the Land Use Plan and the conditions and thresholds established for such actions in the Land Use Plan and Generic EIS or its findings statement;

(2) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the Land Use Plan and Generic EIS and the subsequent action will not result in any significant environmental impacts;

(3) A supplement to the Land Use Plan and Generic EIS may be required if the subsequent proposed action was not addressed or was not adequately addressed in the Land Use Plan and Generic EIS and the subsequent action may have one or more significant adverse environmental impacts including but not limited to the following:

- The subsequent proposed action is considered to be significantly in non-compliance with the Land Use Plan and may have one or more significant adverse environmental impacts;

- The subsequent proposed action is considered to be significantly in non-compliance with the Goals and underlying intent of the Land Use Plan and may have one or more significant adverse environmental impacts;
- The subsequent action constitutes a Type I or Unlisted action under SEQRA and may have a significant adverse impact on the environment which may include one or more of the following:
 - A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
 - The removal of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
 - The creation of a material conflict with a communities current plans or goals as officially approved or adopted;
 - The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

- An amended findings statement may be required if the subsequent proposed action was adequately addressed in the Land Use Plan and Generic EIS but was not addressed or was not adequately addressed in the findings statement for the Land Use Plan and Generic EIS;

As future development or site specific changes occur in the Lawrence Aviation Industries Study Area, the Town of Brookhaven, the Brookhaven Planning Board and the Brookhaven Board of Zoning Appeals would be responsible for ensuring that the requirements of 6 NYCRR 617.10 are met. This would require the Town Board, Planning Board and Board of Zoning Appeals to interpret the Findings Statement as it specifically relates to the projects under consideration.

CONCLUSION:

The DGEIS and FGEIS detail the ways that the Proposed Action would reduce potential environmental impacts as compared to the status quo within the study area. The No-Action alternative may appear favorable to some members of the local community, because when compared to the specifics of the Proposed Action, it has fewer restrictions on the types of development and redevelopment for the study area. Some community members may feel that the additional constraints and stricter controls and standards which would be established under the Proposed Action may hinder redevelopment. However, the Proposed Action has been crafted over many years to prevent further abuse of the study area and to create protective measures ensuring compatible development. Furthermore, in terms of the general public benefit, the preservation of natural vegetation on-site and the incentives created for solar energy production development the potential impacts on other important environmental resources, the Proposed Action clearly is preferred to the no-action alternative.

With respect to the “Second Alternative” (Total Preservation by Government Entities), the preferred choice is not as clear cut, however, in the end the proposed Land Use Plan is the most desirable and practical. This alternative considers the Town of Brookhaven and or other government entities (such as Suffolk County, New York State or the Federal Government) purchasing the parcels within the complex outright and leaving them in their natural state (or remediating them as needed) to create open space. However, there are several issues with this

proposal that are detailed in the land use plan. These issues include: the existence of significant tax liens on most of the parcels (preservation would not address this significant financial issue), the fact that one of the main parcels (Parcel VI) was not owned by Lawrence Aviation (or related) and thus the property owner would need to be a willing seller, the fact that if preserved, the parcels would not be able to be used for active recreation due to contamination concerns, and preservation would do nothing to increase tax revenue, create jobs, or protect adjacent residential home sites which may be developed in the future. Due to these reasons, while this is an acceptable alternative, it is not a superior choice than the provisions contained within the LUP.

Given the extensive planning effort and the comments received through the SEQRA process, the Brookhaven Town Board is satisfied that the Proposed Action is the best alternative for land use planning within the Lawrence Aviation Industries Study Area. As is the case with any legislative body, the Town Board will not stop considering comments and suggestions received from the public regarding the Land Use Plan and its implementation and it is altogether possible that this Proposed Action may be subsequently modified to some degree following completion of this SEQRA if the Town Board determines it can be further improved upon.

Having considered the FGEIS (including the DGEIS), 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:

- 1) The requirements of 6 NYCRR Part 617 have been met by the GEIS process for the proposed action; and
- 2) This statement of Environmental Findings has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS, as summarized herein; and
- 3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the current proposed action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- 4) Consistent with social, economic and other essential considerations, adverse environmental impacts revealed in the DGEIS process have been minimized or avoided to the maximum extent practicable by the current proposed action.

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