DATE: April 17, 2019

TO: Kimberly Kennedy, Assistant to General Counsel, Suffolk County Water Authority  
    Gilbert Anderson, Commissioner, Suffolk County Department of Public Works  
    James L. Tomarken, Commissioner, Suffolk County Department of Health Services  
    Claire Werner, Deputy Permit Administrator, Region 1, New York State DEC  
    Michelle Gibbons, Wildlife Manager, Region 1, New York State DEC  
    Christopher Mehrman, Town of Brookhaven, Division of Fire Prevention  
    Ellen Brett, Town of Brookhaven, Division of Traffic Safety  
    Daniel P. Losquadro, Town of Brookhaven, Highway Department  
    John Lessler, Town of Brookhaven, Open Space Committee  
    Germaine Ortiz, P.E., Town of Brookhaven, Division of Engineering  
    Lisa Mulligan, Brookhaven Industrial Development Agency (IDA)

FROM: Peter E. Fountaine, Pr. Environmental Analyst, DEP, PELM

RE: Final Scoping Document for the Site Plan Application of  
    Yaphank Automobile Storage Facility at Yaphank  
    N/s of Sills Road (CR 101), E/o Bellport Avenue, Yaphank  
    Town File Number: 18SP0078  
    SCTM #s: 0200 73900 0300 001000, 0200 73900 0100 001002 and 001004 (approx. 36-acres)

The Planning Board of the Town of Brookhaven, as the SEQR Lead Agency, has determined that the proposed action described above may have a significant impact on the environment and that a Draft Environmental Impact Statement (DEIS) should be prepared. A copy of the February 4, 2019 Planning Board positive declaration for the above-mentioned change of zone application was sent to your offices on February 8, 2019.

A draft scoping document was received from the applicant and was sent to your offices on February 22, 2019. It was posted on the Town’s website and sent to interested parties requesting a copy. A public scoping meeting was held on Monday, February 25, 2019 from 5:00 to 7:00 PM in the Media Room on the second floor of Brookhaven Town Hall. Written comments on the draft scoping document were accepted until close of business on March 11, 2019.

Please find enclosed the Final Scoping Document resulting from the public meeting and written comment period. A Draft Environmental Impact Statement (DEIS) will be forwarded for your review and comment once accepted as complete by the Planning Board of the Town of Brookhaven.

All correspondence should be forwarded to this office for distribution to the lead agency. Thank you for your continued cooperation. If you have any questions or need any further information, please contact this Department.

PEF/pef

Enclosure

Cc: Councilperson Michael Loguercio – Council District 4  
    Vincent E. Pascale, Chairperson, Town of Brookhaven Planning Board  
    Tullio Bertoli, Commissioner, PELM (w/o enclosure)  
    Beth Reilly, Department of Law (w/o enclosure)
Leigh Rate, Department of Law (w/o enclosure)
Applicant: NMF Holdings, LLC, 35 Ixora Way, Ocean Ridge, FL 33435
Linda B. Peterson, President, Yaphank Taxpayers and Civic Asso., P.O. Box 41, Yaphank, NY 11980
David M. Wortman, Senior Environmental Manager, VHB, 100 Motor Pkwy., Suite 135, Hauppauge, NY
11788-5120
Keith Archer, Esq., Harras Bloom & Archer, LLP, 445 Broadhollow Rd Suite 127, Melville, NY 11747
Overview

This document is a Final Scope for the Draft Environmental Impact Statement (DEIS) for the proposed Yaphank Automobile Storage facility. The proposed action involves the clearing of approximately 23 acres of land at an overall 36-acre property to accommodate an automobile storage facility located along Sills Road (County Road 101) in the Hamlet of Yaphank, Town of Brookhaven. The subject property is known on the Suffolk County Tax Map as District 0200, Section 739, Block 1, Lots 1.2 and 1.4 and Block 3, Lot 1, and is bounded by Sills Road to the east, undeveloped woodland to the south, Bellport Avenue to the west, and railroad tracks of the Long Island Rail Road (LIRR) to the north.

It should be noted that the Town of Brookhaven previously issued a Negative Declaration for a larger project at the subject property and on several additional acres of adjoining land to the south (i.e., an overall 80±-acre parcel). Thereafter, a court decision resulting from a Civil Practices Law Article 78 proceeding ordered the issuance of a Positive Declaration and the preparation of a DEIS as the court had determined that the initial environmental review was insufficient and did not satisfy the “hard look” that the State Environmental Quality Review Act (SEQRA) requires.

Although the proposed action is reduced in size (i.e., an overall 36-acre property), a DEIS will be prepared in accordance with the Positive Declaration issued for the current proposed action to provide for the “hard look” required by the (SEQRA). In consideration of the above-mentioned project, the DEIS must address concerns over the segmentation of the development and establish that this project is not a portion of a larger overall plan for automobile storage on the adjacent properties included in the previous proposal.

To ensure that the DEIS will address all significant issues, the Town of Brookhaven Planning Board, as lead agency, has issued a Positive Declaration, received a Draft Scoping Document from the applicant and conducted a formal public scoping process as required pursuant to 6 NYCRR §617.8(a) of the implementing regulations of the New York State Environmental Quality Review Act (SEQRA). A public scoping meeting was held at Brookhaven Town Hall on February 25, 2019 where the project was discussed and community concerns regarding the content of the DEIS were expressed. Community concerns included but were not limited to health and safety issues, water quality issues, traffic issues, habitat loss, cumulative impacts, business operations or “the nature of the business”, segmentation, noise, dust, vibrations, onsite accidents, fire emergencies, hazardous materials and segmentation of the project to eventually develop the previously approved 80-acre project. A representative of the Suffolk County Water Authority (SCWA) also was in attendance to express concerns in relation to the adjacent well-field.

This Final Scope provides a description of the proposed action and the Lead Agency’s requirements of the DEIS. This Final Scope has been prepared in accordance with 6 NYCRR §617.8(b) and sets forth the following:

- Brief description of the proposed action
- Potentially significant adverse impacts
- Extent and quality of information needed to adequately address potentially significant adverse impacts
- Initial identification of mitigation measures
- Reasonable alternatives to be considered.
Brief Description of the Proposed Action
The proposed action involves the development of a property approximately 36 acres in size currently containing naturally wooded areas as well as a building and associated paved parking areas in the L Industrial 1 zoning district of the Town of Brookhaven. Upon implementation of the proposed action, the existing building and associated paved parking areas would remain, and 23.01± acres of vegetated area would be cleared to accommodate a vehicle storage facility. The proposed facility would include approximately 21.43± acres of recycled concrete aggregate (RCA) surface areas to be created for the storage of vehicles on a temporary basis while they await auction. The perimeter of the storage area would be contained within a proposed eight-foot-high fence. The boundaries of the proposed RCA lot would be surrounded by vegetative buffers of 100 feet along the Sills Road and Bellport Avenue site frontages (to the east and west, respectively), 150 feet along the Long Island Rail Road tracks (i.e., to the north) and 50 feet along the southern property boundary.

A proposed 235±-foot by 202±-foot (47,470 sq. ft.) recharge basin would be created within the northern portion of the subject property for the purposes of stormwater collection and recharge. Site access improvements include the removal of the existing building curb cut on Sills Road and the addition of a new curb cut and driveway along the site frontage at Sills Road. This driveway would provide access to parking in the interior of the site, where vehicles will be stored for approximately one-to-60 days.

The section of the DEIS to be entitled, Description of the Proposed Action will provide a thorough description of the proposed action, and will also include a site and project history, detailed site data, and descriptions of the project purpose, needs and benefits, anticipated construction period, phasing and removal of natural material, and required permits and approvals.

Potentially Significant Adverse Impacts
Based upon a review of the Positive Declaration issued by the Town of Brookhaven Planning Board for the proposed action, potential adverse impacts to the following elements of the environment warrant evaluation in the DEIS: water resources; land use and zoning; ecological resources; traffic; aesthetics and lighting; cultural resources; and noise.

These potential adverse impacts will be fully addressed in various sections of the DEIS as briefly outlined below:

Water Resources
Regional and local hydrogeological conditions and water quality will be discussed. Depth to groundwater will be provided. To assess the potential impacts associated with the proposed development upon groundwater resources, a consistency analysis with the recommendations and standards for development within the relevant Groundwater Management Zone and Water Supply Sensitive Areas as set forth in the Suffolk County Sanitary Code, the Long Island Comprehensive Waste Treatment Management Plan (the “208 Study”), will be performed. Relevant requirements of the Suffolk County Sanitary Code related to the bulk storage of petroleum or chemical products will also be discussed with respect to the potential for groundwater impacts. The Nationwide Urban Runoff Program (NURP) and Nonpoint Source Management Handbook will also be reviewed to assess the proposed action’s compliance with recommendations set forth therein. Moreover, consultations would be undertaken with the Suffolk County Water Authority to identify and characterize the potential for the proposed action to result in impacts to area public water supply systems.

As the subject property is located in the Town of Brookhaven Hydrogeological Sensitive Zone, the Central Suffolk Special Groundwater Protection Area, and the Suffolk County Department of Health Services Ground Water Management Zone III all of which designate groundwater recharge areas, critically important to the sole source aquifer that is the source of Long Island’s drinking water. According to the Long Island Source Water Assessment Program (LISWAP) Summary Report from the New York State Department of Health, this property is within the source water recharge area for an area drinking water well located on the Suffolk County Water Authority owned property adjacent to the subject property on Suffolk County Tax Map Parcel # (SCTM #) 0200 73900 0300 002000. The potential risk
of an undetermined number and types of automobiles leaking automotive liquids and contaminating the sole source aquifer is a major concern.

It is the position of the Suffolk County Water Authority (SCWA) that the project be denied as the potential for contamination is likely considering the development within the 2-year capture zone to the adjacent SCWA’s upper glacial aquifer wells. The SCWA has indicated that this type of development may introduce various VOCs, including BETX related compounds and hydraulic fluids into the water supply. Additional concerns included the RCA materials to be used on the site and the proposed recharge basin increasing the possibility of contaminants to enter the shallow upper glacial aquifer wells. Significant environmental impacts to the aquifer will be discussed and mitigation to these impacts will be discussed. Protection of the groundwater should be proved beyond reasonable doubt.

Existing and post-development drainage conditions and stormwater management measures will be evaluated. The proposed stormwater management system will be described, and measures designed to minimize the potential for stormwater impacts from the proposed development will be identified.

Specifically, this section of the DEIS will include projections of the quantities of stormwater runoff to be generated, a discussion of the proposed collection and management systems, and an analysis of consistency with local site development requirements. Additionally, relevant recommendations of the Comprehensive Water Resources Management Plan for Suffolk County will be presented and reviewed for consistency. Erosion control measures to be implemented during construction activities will be presented and discussed, relevant to stormwater management.

Land Use and Zoning
This section of the DEIS will describe existing land use and zoning on the subject site and in the surrounding area, including an approximate 1,500-foot radius of the subject property. As part of this section, relevant land use (comprehensive) plans and policies, including the 1996 Town of Brookhaven Comprehensive Land Use Plan, will be reviewed.

Compatibility of the proposed use with the established pattern of land uses and neighborhood character will be addressed including the automobile storage facility west of Bellport Road, the Interdisciplinary School for Children with Special Needs, and the private homes located on Long Island Avenue and Bellport Avenue. The DEIS also will describe and quantify the proposed changes to land use and site conditions due to the development of the subject property with an automobile storage facility and associated utility, infrastructure, access and utility improvements, and areas of natural vegetation to be permanently retained will be identified.

With respect to zoning, the bulk and dimensional requirements of the prevailing L Industrial 1 zoning district will be presented along with the applicable criteria for granting of a Special Permit for the proposed use. The proposed action will be reviewed for consistency with prevailing zoning and the Town’s special permit criteria to assess the potential for zoning impacts.

Ecological Resources
An ecological survey of the subject property will be performed to inventory flora and fauna species occurring or expected to occur at the project site, and the existing ecological communities at the site will be identified and assessed. A review of New York State Department of Environmental Conservation (NYSDEC) and other relevant agency databases and records will be performed to identify other wildlife species expected to occur at the subject property. Consultations will be undertaken with the New York Natural Heritage Program (NYNHP), and relevant database research, including the U.S. Fish and Wildlife Service Information for Planning and Consultation database, will be conducted to identify records of endangered, threatened or special concern species or significant natural communities/habitats at or in the immediate vicinity of the subject property. As the NYNHP database currently includes a record of a summer roost tree for the New York State and federally threatened northern long-eared bat (Myotis septentrionalis) within one mile of the subject property, a summer roost habitat assessment of the subject
property will be performed. Additionally, a habitat assessment will be performed for the New York State special concern eastern box turtle (*Terrapene carolina*).

A review of NYSDEC wetland maps, National Wetland Inventory maps and Town of Brookhaven wetland regulations will be conducted, and the presence or absence of wetlands at or within 150 feet the subject property will be discussed in this section.

Areas and ecological communities to be cleared and developed as part of the proposed project will be identified on a habitat map, and an assessment of potential impacts to the existing ecological communities will be presented within this section. Potential impacts to observed and expected wildlife and wildlife habitat will be identified and discussed, including any potential impacts to rare species (e.g., northern long-eared bat, eastern box turtle), and their habitat. Reference sources will be provided.

**Traffic**

A Traffic Impact Study (TIS) will be prepared to assess the potential for the proposed action to impact traffic conditions in the area surrounding the subject property. The TIS will examine existing conditions, safety, access and circulation, and the potential for impacts during the proposed facility’s operation. Recent experiences within the Town of Brookhaven regarding the delivery and pick-up of automobiles at the storage yards have resulted in many constituent concerns and complaints. While the applicant may have limited control over their customers, this type of use has resulted in overloaded flatbeds, unsafe driving habits of haulers, traffic accidents, debris on the roadway, overnight parking in unauthorized areas, and disturbances in residential areas have been reported repeatedly in the Yaphank and Bellport communities. The TIS will address these issues and determine mitigation measures to reduce the adverse health and safety impacts that this type of use has inflicted on Town residents who frequent the area roadways.

Existing roadway features will be identified, and turning movement counts will be conducted during one typical weekday during the a.m. peak period (7:00 a.m. to 9:00 a.m.) and p.m. peak period (4:00 p.m. to 6:00 p.m.) at the following intersections:

- Sills Road (CR 101) at Horseblock Road (CR 16) (Signalized)
- Sills Road (CR 101) and Median turnaround at Baseball Heaven (Unsignalized)
- Sills Road (CR 101) and Old Dock Road
- Sills Road (CR 101) and exit/entrance roads to ADESA property
- Sills Road (CR 101) and exit/entrance roads to Maryhaven Adult Services Center Complex
- Sills Road (CR 101) and Station Road
- Horseblock Road and Station Road/Bellport Avenue
- Bellport Avenue and Long Island Avenue

Existing operating conditions will be analyzed using the appropriate methodology presented in the latest edition of the *Highway Capacity Manual*. Traffic accident data for the most recent three-year period available for the study intersections and the roadway segment adjacent to the subject property will be obtained from the New York State Department of Transportation (NYSDOT) and evaluated to identify significant trends or patterns.

Additional discussion and analysis based on the data collected above will be applied to the following intersections to determine if adverse traffic conditions will occur as a result of the proposed operations:

- Sills Road (CR 101) and Long Island Expressway Service Road South
- Sills Road (CR 101) and Long Island Expressway Service Road North
- Sills Road (CR 101) and Long Island Avenue/State Street
- Bellport Avenue and Long Island Expressway Service Road South
- Horseblock Road and exit/entrance roads to Amneal Pharmaceutical
• Station Road and exit/entrance roads to Amneal Pharmaceutical
• Horseblock Road and Sawgrass Drive
• Horseblock Road and Pinehurst Drive
• Horseblock Road and Old Dock Road
• Horseblock Road and Zorn Boulevard
• Horseblock Road and Alexan Boulevard
• Horseblock Road and East Woodside Avenue
• Sunrise Highway and Horseblock Road
• Sunrise Highway and Station Road
• Station Road and Woodside Avenue

No other relevant planned developments have been identified in consultation with the Town of Brookhaven. As such, “No-Build” base traffic conditions will be estimated using the relevant NYSDOT background traffic growth factor for the area. Trip generation estimates for the proposed project will be developed based on specific proposed site operations, and trips will be distributed onto the adjacent roadways to determine “Build” conditions. The “Build” conditions will be analyzed for traffic impacts using the latest version of SYNCHRO software.

The TIS will also evaluate the proposed site access, configuration and layout with respect to circulation and parking. The adequacy of off-street parking will be evaluated in the context of applicable Town of Brookhaven zoning code requirements.

Based on the results of the TIS, the need for mitigation measures would be evaluated. The TIS will be summarized within the text of the DEIS and included in its entirety as an appendix thereto.

**Aesthetics and Lighting**
This section of the DEIS will define the existing aesthetic character of the site and surrounding area through descriptive text and representative photographs. Potential changes to visual character due to the proposed development will be evaluated through comparison of the existing condition photographs, along with an accompanying narrative description of the automotive storage yard to be constructed. An analysis of potential aesthetic impacts will be performed to assess expected changes in the views of the site from surrounding public vantage points (i.e., adjacent properties and public roadways, the Long Island Rail Road, etc.). The extent of proposed buffers (e.g., buffers of natural vegetation to be retained at site perimeters, screen plantings, etc.) and the layout of the subject parcel, as well as the project’s compatibility with the visual character of comparable surrounding land uses, will be considered within this analysis.

Additionally, this section of the DEIS will also discuss potential lighting impacts associated with the proposed development. An outdoor lighting plan will be presented and analyzed for consistency with relevant Town of Brookhaven Town Code restrictions and requirements for outdoor lighting.

**Cultural Resources**
A portion of the site (i.e., at its northwesternmost corner) is within an area designated by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as archaeologically sensitive. Consultations have been undertaken with OPRHP, including the submission of a Project Notification via OPRHP’s Cultural Resource Information System (CRIS) online platform. If required by OPRHP, an archaeological study will be performed at the proposed project area. A determination of effect will be sought from OPRHP as to the potential for the proposed action to impact cultural resources, including archeological resources.

**Noise and Vibration**
Proposed operations at the subject property have the potential to generate noise. A noise study will be conducted to assess ambient noise conditions, identify and characterize proposed noise sources, and predict future noise levels.
Expected noise levels will be compared against applicable criteria set forth in the Town of Brookhaven Noise Ordinance (Chapter 50 of the Town Code) and/or relevant guidance promulgated by the NYSDEC for the assessment and mitigation of noise impacts. Community concerns also included vibrations of the automobiles being transferred throughout the yard. The DEIS will discuss the vibration concerns and how impacts from vibrations will be mitigated.

Public Health and Safety
During the Public Scoping Session, many constituents expressed concerns of the health and safety of the surrounding community. In addition to the water quality, noise, dust, and vibration concerns the storage of large quantities of automobiles may increase health and safety risks in terms of operational hazards and fire safety. The DEIS will discuss the operations on-site and include a contingency plan which includes a description of the actions to be taken by employees in the event of a fire, spill or release of vehicle waste fluids, or the receipt of unauthorized material with the vehicles will be provided. Electric vehicles and hybrids contain large batteries that are an environmental hazard as well as a fire hazard. The contingency plan should include procedures for gasoline powered, electric and hybrid cars to be safely stored onsite should an emergency occur.

Growth-Inducing Aspects
Provide brief discussion of those aspects of the proposed project which might trigger or foster additional future growth in the area. The proposed project is adjacent to approximately 200 feet of Long Island Rail Road tracks. The prospect of adding a rail spur to access the property will be discussed.

Cumulative Impacts
Describe other pending projects and like uses in the vicinity and determine potential for cumulative impacts due to implementation of proposed project in combination with others.

Initial Identification of Mitigation Measures
As analyses of potential impacts have not yet been performed, it is not possible to identify all proposed mitigation. Initial mitigation measures identified and incorporated into the project plan include the retention of significant natural buffers at the site perimeters, limiting of vehicular access to Sills Road, and construction of a recharge basin to contain and recharge stormwater runoff.

Reasonable Alternatives to be Considered
Pursuant to 6 NYCRR Part 617, the DEIS must contain a description and evaluation of reasonable alternatives to the proposed action. Thus, the DEIS will analyze the impacts of the following alternatives and quantitatively and qualitatively compare these impacts to those associated with implementation of the proposed action:
- The SEQRA-mandated No-Action alternative
- Development in accordance with prevailing zoning without the need for a Special Permit.

Extent and Quality of Information Needed
To conduct the analyses of potential adverse impacts, publicly-available information will be collected and reviewed. While it is not possible to determine all information sources to be used, the following represent sources/research that have been preliminarily identified for inclusion in the required analyses in the DEIS.

Water Resources
- Preliminary grading and drainage data
- Long Island Comprehensive Waste Treatment Management Plan (208 Study)
- Nationwide Urban Runoff Program (NURP)
- Nonpoint Source Management Handbook
- Water-Table and Potentiometric-Surface Altitudes in the Upper Glacial, Magoty and Lloyd Aquifers beneath Long Island, New York, March-April 2006, USGS, 2009
- Reducing the Impacts of Stormwater Runoff from New Development, NYSDEC
• Suffolk County Comprehensive Water Resources Management Plan
• Carmans River Management Plan

Land Use and Zoning
• Town of Brookhaven Zoning Code
• 1996 Town of Brookhaven Comprehensive Land Use Plan
• Framework for the Future – Suffolk County Comprehensive Master Plan 2035
• Site and area inspections

Ecological Resources
• New York State Department of Environmental Conservation Freshwater Wetlands maps
• National Wetlands Inventory maps
• Town of Brookhaven wetlands regulations
• Consultation with NYSDEC Natural Heritage Program
• Ecological Communities of New York State (Edinger, et al. 2014)
• Site inspection by a qualified biologist/ecologist

Traffic
• Traffic Counts
• Accident Data
• Institute of Transportation Engineers (ITE) *Trip Generation Manual*, Tenth Edition
• Highway Capacity Manual
• SYNCHRO, latest edition
• American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets
• New York State Department of Transportation Long Island Transportation Plan (LITP) 2000

Aesthetics and Lighting
• Site and area inspections and photographs
• Outdoor lighting plan
• Town Code land development standards

Cultural Resources
• Site and area inspections and photographs
• Consultation with the NYS Office of Parks Recreation and Historical Preservation (OPRHP) and review of OPRHP’s CRIS online platform
• Archaeological study (if required by OPRHP)

Noise
• Town of Brookhaven Noise Ordinance
• NYSDEC Program Policy – Assessing and Mitigating Noise Impacts.

Information to be Included in Appendices
All pertinent information and correspondence included, presented or discussed in the document will be included in appendices identified for ease of reference. Such appendices may include, but not be limited to: an updated Long Environmental Assessment Form (LEAF), the adopted Final Scope; Traffic Impact Statement; nitrogen and water budget data; correspondence received from referral requests; cultural resources study and all updated application materials.
ISSUES DEEMED NOT RELEVANT, NOT ENVIRONMENTALLY SIGNIFICANT OR ADEQUATELY ADDRESSED IN PRIOR ENVIRONMENTAL REVIEW

The intent of the Draft EIS is to disclose and analyze all potential significant adverse environmental impacts associated with the proposed project. The Final Scope has been the subject of a public scoping process in conformance with SEQRA Part 617.8. All public, agency and applicant comments have been incorporated into this Final Scoping document.

This document is intended to fulfill the lead agency requirements to facilitate issuance of a Final Scope in accordance with SEQRA Part 617.8. The document will assist the lead agency in evaluating the Draft EIS for content and adequacy for public review, assists the applicant in understanding the extent and quality of information needed to evaluate the proposed project, and allows the lead agency and involved agencies to obtain the information necessary to reach an informed decision on the project.

Adopted By:

Tullio Bertoli
Commissioner, Department of Planning, Environmental, and Land Management

April 17, 2019