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1.0 EXECUTIVE SUMMARY

The Study Area encompasses approximately 153-acres of parcels in varying ownership which comprise the collectively known “Lawrence Aviation Industries” study area. Additionally, the Land Use Plan identified adjacent parcels which are affected by the plume. These areas are being recommended for a “Residential Transition Area” for an overlay district that will contain certain provisions designed to protect the health, safety and neighborhood of the residents and business owners.

The goals of the Lawrence Aviation Land Use Plan (LUP) are to be protective of the environment and residents, while returning the study area to productive industrial use. This will be achieved by clustering industrial development on parcels north of the NYSDOT multi-use path, protecting nearby residential development from potential adverse impacts, and limiting permitted industrial uses; while encouraging green energy production.

The Plan proposes the following strategies to accomplish these goals:

- 1.) Rezone five (5) parcels (IV, V, VII, X and XI on the Base Map) totaling 58.53-acres to L Industrial 1 (Light Industry), thereby eliminating future residential uses from parcels associated with the Superfund site. These parcels are currently zoned B-1 Residence, or split-zoned L-1 Industrial/B-1 Residence which could permit up to 81-single family homes to be constructed.
- 2.) Create a Lawrence Aviation Overlay District as a mechanism to control uses, encourage green energy uses, establish residential development standards for certain adjacent parcels, provide innovative planning tools to encourage both light-industrial redevelopment and substantial preservation of natural vegetation.
 - 2.a) Eliminate certain currently permitted uses in the L Industrial 1 District from the Lawrence Aviation site. The uses to be prohibited include, but are not limited to:
 - Agricultural;
 - Church, or similar place of worship;
 - Day Care Facility;
 - Non-motorized Recreational Activities.
 - 2.b) Eliminate certain currently permitted Planning Board Special Permit uses in the L Industrial 1 District from the Lawrence Aviation site. The Special Permit uses to be eliminated include, but are not limited to:
 - Assembly and social recreation hall or dance hall;
 - Kennels;
 - Non-degree granting sports instruction/programs, including dance, gymnastics, self- defense, and swimming (note: non-degree granting instruction/programs associated with manufacturing or professional driver training are permitted);

- Public, private school or parochial school;
 - University or College.
- 2.c) Permit transfer-of-development yield, including both sanitary & clearing, between industrially-zoned parcels to encourage clustering and habitat preservation;
- 2.d) Require significant vegetated buffers to all residentially zoned and used properties.
- 2.e) Provide incentives for green energy production, particularly solar energy to include:
- Permitted with a Planning Board Special Permit at time of site plan review;
 - Increase security fence heights (from 6 to 10');
 - Allow unpaved areas as suitable for stormwater containment;
 - Expedited Environmental Review;
 - Environmental impacts analyzed in LA LUP GEIS;
 - Increased lot coverage limits (from 60% to 75%);
 - Decreased lot setback requirements (from 100' to residential uses to 50'),
 - Permit clearing of natural vegetation for solar arrays.
- 2.f) Create a LA Residential Transition Area with performance standards:
- Require advisory notices on Certificate of Occupancy's of residential property down-gradient of the LA site.
 - Require at-grade construction for all new residential development.
- 2.g) Require 150' buffer from the existing surface water wetlands on Parcel VII, Flannery Pond.
- 3.) Require soil and volatile organic chemical (VOC) testing, and as warranted soil and/or VOC remediation to ensure safety at the site and require Soil Management Plans for each site if materials are proposed to be removed from the site or if significant grading is to occur.
- 4.) Maintain L Industrial 1 (Light Industrial) zoning on contiguous parcel XII.
- 5.) Maintain B-1 & L-1 zoning on parcel VI and permit the residential portion to be developed residentially and the industrial portion to be developed industrial within an Overlay District.

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2.0 INTRODUCTION

The Lawrence Aviation (LA) Land Use Plan is the next step in a series of Town sponsored planning efforts completed since 2008 to better coordinate future land use planning in Port Jefferson Station.

The Brookhaven Town Board, adopted a one (1) year building moratorium (Chapter 17-I) in August of 2007 to allow 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 manufacturing operations in March 2004.

Immediately following the adoption of the Moratorium, Dr. Lee E. Koppelman was hired by the Town to develop a Comprehensive Land Use Plan for the hamlet. The final Comsewogue Hamlet Comprehensive Plan was completed within one (1) year and accepted by the Town Board in September 2008. Included was a detailed analysis of existing conditions and an extensive community survey. The survey was designed to distill a future community vision for the hamlet and to inform future planning decisions by the Town. The Plan recommended for the Lawrence Aviation site preservation first and secondly, consideration of a future planned office complex together with a significant portion of land dedicated for park and open space purposes, provided that all environmental concerns were addressed.

In December of 2009, the Town Board enacted a second building moratorium (Chapter 17-J) in the Port Jefferson area for twenty-one (21) specific parcels which had been recommended for changes of zone or additional study by the 2008 Comsewogue Hamlet Comprehensive Plan. Lawrence Aviation Industries was included in the moratorium.

In December 2010, the Town Board extended the Chapter 17-J building moratorium for the Lawrence Aviation Industries site until December 2012 to allow a Land Use Plan to be developed and vetted.

In January 2013, the Town Board extended the building moratorium (Chapter 17-J) for two (2) additional years or until January 18th, 2015 so a detailed Land Use Plan and Generic Environmental Impact Statement (GEIS) could be completed.

2.1. Study Area

The 128-acre Lawrence Aviation Industries (LA) Superfund site is located in the north-central portion of the unincorporated hamlet of Port Jefferson Station, Town of Brookhaven, New York. The study area is located on the south side of Upper Sheep Pasture Road, approximately 2/5 of a mile west of the intersection of NYS Route 112 and Hallock Avenue. This land use plan addresses the LA Superfund site, as well as adjacent parcels associated by ownership or potential groundwater threats. The parcels in the

study area have been identified with roman numerals and will be referred to thorough-out the Plan by these numerals (see Table I below and aerial map on page 7).

Base Map Location, Tax Map Number, Acreage & Zoning				
Lawrence Aviation Industries & Contiguous Parcels				
<u>Base Map</u>	<u>SCTM</u>	<u>Acreage</u>	<u>Zoning</u>	<u>Ownership</u>
I	159-2-019	33.67	L1	LAI
II	159-1-026	2.5	L1	LAI
III	159-2-8.1	0.69	L1	Lawrence Foundation
IV	159-2-22	0.32	L1/B1	Lawrence Foundation
V	159-2-8.3	3.06	L1/B1	RCS
VI	159-2-8.2	22.51	L1/B1	RCS
VII	159-2-21	2.75	L1/B1	Flannery
VIII	136-2-22	13.61	L1	LAI
IX	159-2-20	24.62	L1	Gerald Cohen
X	180-4-2	47.51	B1	Gerald Cohen
XI	180-4-1	5.21	B-1	Gerald Cohen
		156.45		
XII	159-1-21.1	21.54	L1	Chip It All
Total		177.99		
Residential Overlay District				
XIII	62 parcels See Attachd	35.39	B-1	Various

Table 1: Lawrence Aviation Land Use Plan Study Area Parcels

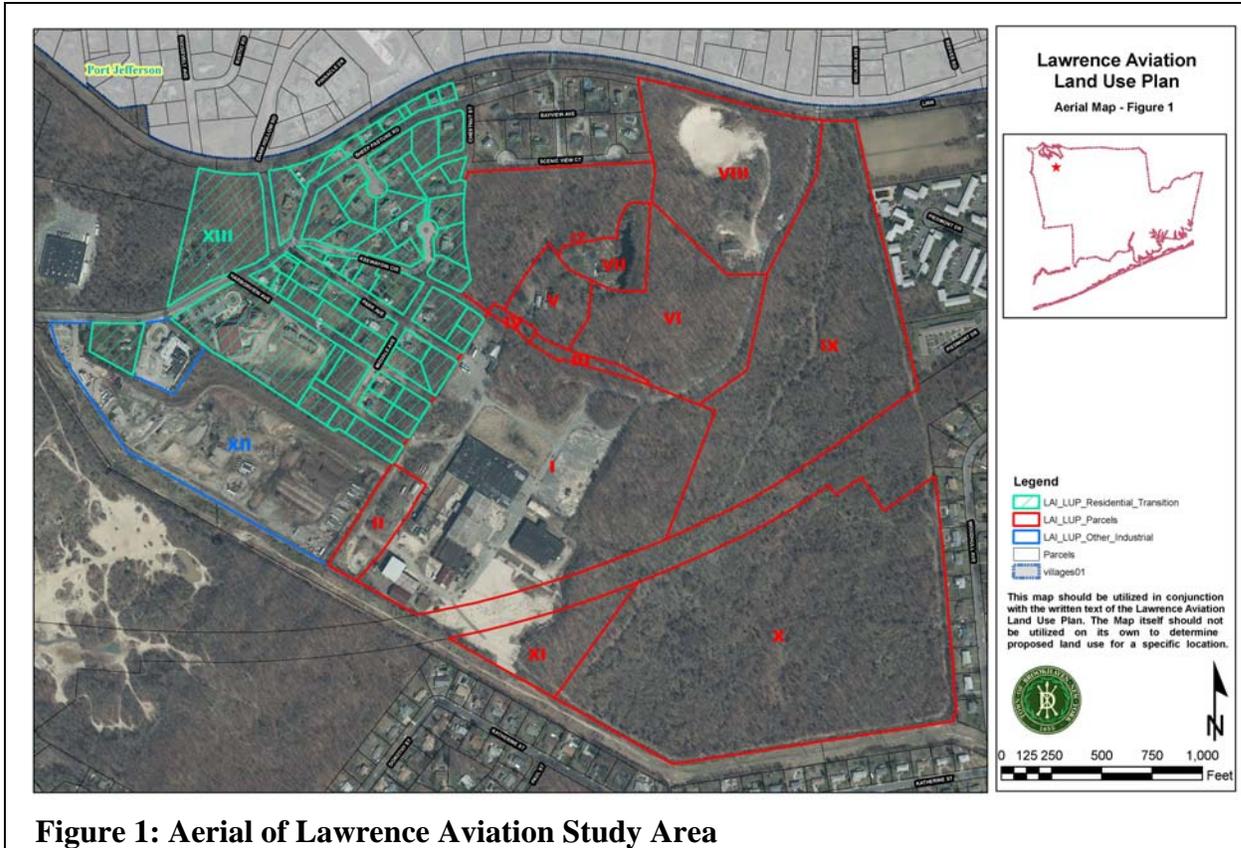


Figure 1: Aerial of Lawrence Aviation Study Area

2.2 Historic Land Uses – Lawrence Aviation Site

Through the nineteen-forties and early fifties, the land which would become Lawrence Aviation industries was largely active farmland (*parcels I, II, IX, X, and XI on base map*) with the majority of the remainder of the future site composed of woodlands. See historic 1947 aerial (*source: Suffolk County historic aerial photography*).

In 1951, LA's corporate predecessor Ledkote Products moved from New York City to the site and operated a free-range turkey farm at the site. The turkey farm was centered on portions of parcels V & VI and included a residence and approximately 3.2-acres of cultivated farm land (*source: Suffolk County historic aerial photographs*).

A 1954 aerial of the site revealed a large excavated area and three (3) buildings in the northeast quadrant of parcel VIII which was believed to be initially a sand mine and subsequently an asphalt plant (*source: Phase I Environmental Assessment, Vollmuth & Brush, 12/12/02, revised 2/13/03*).

In 1951, heavy industrial uses were initiated on parcels I & II including the manufacture of commercial lead products, including lead gutters and spouts for roof drains. In 1959, the company began the manufacture of a range of products constructed from titanium sheet metal, which included golf clubs sold under the Lawrence Aviation brand and supplies and products for the aeronautics industry.



1947 Aerial Photograph of Property which would become Lawrence Aviation

The manufacturing processes included the use of a wide-array of chemicals and caustic compounds. During peak production from 1972 to 1992, LA employed as many as 500 people manufacturing titanium reportedly utilized for the stringers or wing frames of the F-14 Tomcat fighter jet. A total of 660+ F-14's were manufactured by Grumman Aerospace Corp. LA reportedly held similar subcontracts with Fairchild Republic for military components and with AirBus, a European airplane manufacturer, for components for commercial airliners. Due to the inability of LA to secure sufficient quantities of titanium for production, LA reportedly became one of the largest producers of titanium in the free-world during this Cold War period (*source: Gerald Cohen interview, 6/17/12 site visit*).

In March 2004, heavy industrial manufacturing ceased when LA shut down production. The 2002 Brookhaven Town Code amendments eliminated this type of manufacturing from the L-1(Light Industry) District, restricting it to the L-2 (Heavy Industry) District. In the interim period, LA became a legal non-conforming use.

In 2002, 2004 and 2009, residential and aquaculture uses were proposed for a 25.57-acre portion of the site (parcels V & VI). These proposed uses were never constructed (see Section (5), Change of Zone History, for more details on these proposals). Prior to this period, portions of the site were occupied by Mandalay Gardens, a horticulture concern which operated a greenhouse on site where various insecticides and chemicals were utilized in production (*source: Planning Division, Town of Brookhaven*).

For a fifty-three (53) year period from 1950 to 2003, the 156-acre Lawrence Aviation site, exclusive of the Flannery property (parcel VII), was in common ownership (note: the Flannery property has been in separate ownership from at least 1957 to present). On December 30, 2003 parcels V & VI totaling 25.57-acres were sold to Global Homes II LLC. Global Homes sold the parcels to RCS Management LLC on January 31, 2012.

With the exception of some L-1 (Light Industry) uses to the immediate west in the vicinity of Comsewogue Road, the surrounding land uses are residential. In addition, there is a 78-acre Suffolk County open space preserve to the immediate south and west of the LA site. The County open space site was previously sand mined, and has been, without benefit of permits, utilized over the years for off-road recreational uses, and is thus approximately 40% denuded of vegetation (*see next page for an Existing Land Use Map for the LA site and the area surrounding the site*).

2.3 Historic Zoning District Changes – Lawrence Aviation Site

In 1937, all eleven (11) parcels which would become the LA site were residentially zoned (C-Residence, see parcels I – XI on the base map).

In 1955, parcel I which would become the main LA manufacturing site was rezoned to L-Industrial and rezoned again in 1961 to L-1 Industrial.

In 1959, the westerly most portions of parcels V, VI and VII were rezoned from C-Residence to B-Residence, and in 1964 from B-Residence to B-1 Residence.

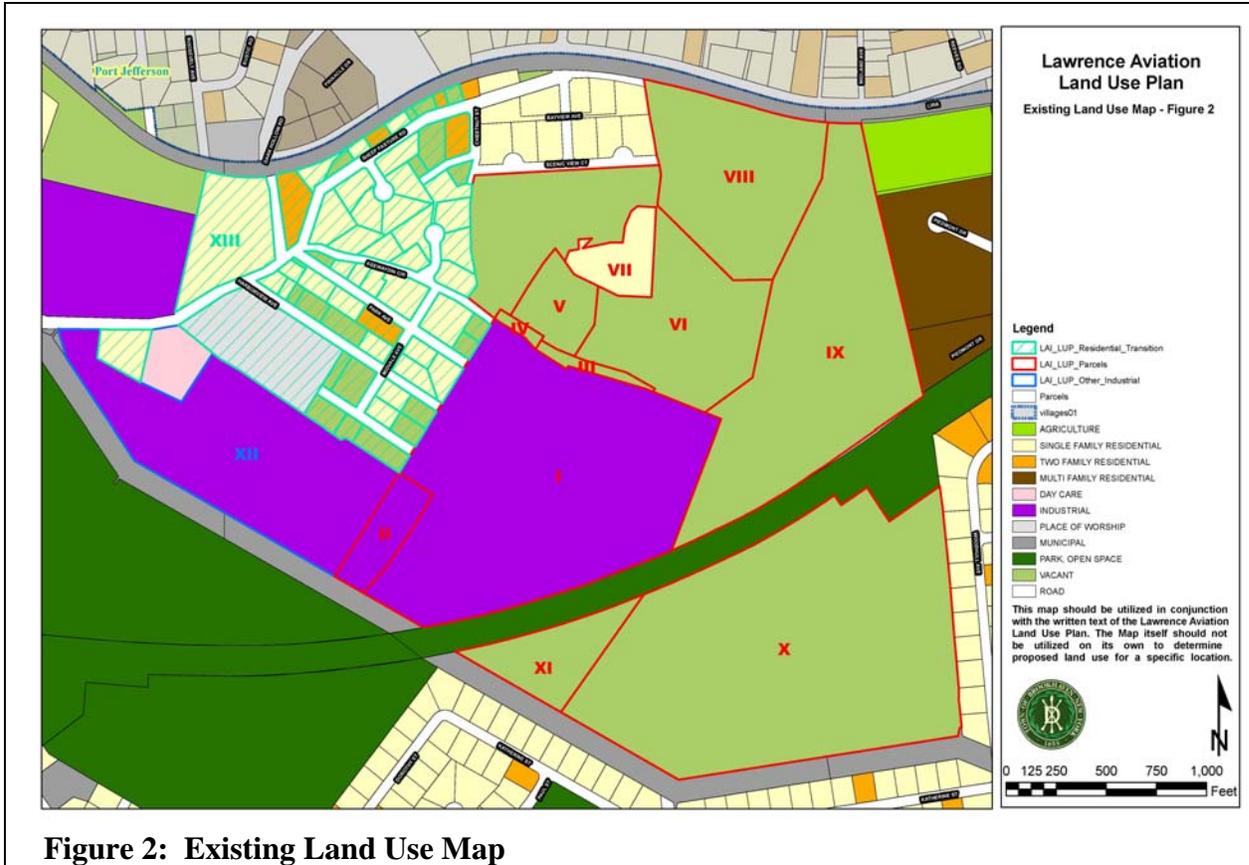
Also in 1959, the remaining C-Residence parcels (II, III, IV, V (portion), VI (portion), VII (portion), VIII, IX, X and XI) were rezoned to B-Residence and were rezoned again, depending upon the parcel, in 1963 or 1964 to B-1 Residence, with the exception of parcel X which was rezoned in 1963 to L-I Industrial.

In 1963, parcels III, IV, V (portion), VI (portion), VII (portion), VIII, & IX were rezoned from B-1 Residential to L-I Industrial

In 1964, the westerly most portions of parcels V, VI and VII were rezoned from B-Residence to B-1 Residence

In 1996, parcels X & XI were rezoned from L-1 Industrial to B-1 Residential

In 1999, a small 2.5-acre parcel (II) immediately adjacent to the main manufacturing



plant was rezoned from B-1 Residence to L-1 Industrial (*source: Division of Planning, Town of Brookhaven*)

2.4 Designation as a Superfund Site

Lawrence Aviation Industries, Inc. (LA), was founded at its present location in 1959; LA was a manufacturer of titanium sheeting for the aeronautics industry. Past disposal practices and the presence of leaking drums at LA resulted in numerous violations cited by both the Suffolk County Department of Health Services and the New York State Department of Environmental Conservation. In 1980 and 1981, the Department of Health Services required LA to remove a number of drums of waste materials from the site. The drums contained the chemicals trichloroethylene and tetrachloroethylene, as well as acids (hydrofluoric acid and nitric acid), waste sludges containing acid, salt wastes, hydraulic oils and other plant wastes. A second drum removal was conducted in 1997.

The site was first proposed for inclusion in the National Priorities List (Superfund list) in October 1999 and officially added to the list in March 2003 after a lengthy and open public process. A toxic plume created by dumping at the site extends one (1) mile down gradient to the Port Jefferson Harbor (*see Appendix I for map of toxic plume*). A long

series of cleanups and enforcement actions have ensued over the past thirty (30) years (*see Appendices III & IV for more detail*).

Between September 2004 and April 2005, EPA conducted a cleanup action at the industrial portion of the site. This activity included the disposal of hundreds of drums of hazardous materials, the emptying and disposal of the contents of chemical storage vats, and the stabilization of other waste materials.

The Lawrence Aviation site received American Resource and Recovery Act (ARRA) funding in fiscal year 2009. The \$4.7 million in ARRA funding for this site was used to initiate the "on-property" ground water remedy for the site, which consists of an extraction and treatment system and the in-situ chemical oxidation process. These actions, aimed at source control, will prevent the further migration of ground water contaminants beyond the LA plant site boundary. Mobilization for the initiation of field activities occurred in November 2009 and construction was completed in September 2010. The treatment system operation at the LA Facility began on September 28, 2010, following completion of the Initial Testing Program (ITP). The ITP was the last component of construction related activities and served as the final testing of the entire treatment system. Following the ITP, normal Operation and Maintenance (O&M) were initiated. Construction of the second treatment system down gradient at the Old Mill was completed in late summer 2011.

The US EPA's remediation plan has a thirty (30) year timeframe or until 2036, with a 2006 estimated cost of \$24.2 million. The EPA issued notice of its liens on the LA property in March 2003 and on the Outlying Parcels in April 2005 by filing these notices with the Office of the Suffolk County Clerk.

2.5 Port Jefferson Station- Terryville Building Moratoria

The Brookhaven Town Board enacted Chapter 17-I instituting a one (1) year building moratorium effective 8/20/2007 to relieve development pressure on the hamlet and to provide sufficient time for a Hamlet Comprehensive Plan to be completed. The moratorium included 1,673-parcels or 20% of the 8,557 parcels in the hamlet. Existing residential parcels were exempted. The eleven (11) Lawrence Aviation Industry parcels were included to initiate the process of examining options for preservation and/or redevelopment of the site (*see Appendix IV for the full text of Local Law 17-I and a list of parcels included in the building moratorium. Also see Appendix VI for Findings Statement – Proposed Port Jefferson Station/Terryville Moratorium, which presents a detailed justification for the Moratorium*).

Effective 12/15/09, the Town enacted Chapter 17-J instituting a one (1) year building moratorium for twenty-one (21) specific parcels which had been recommended for Change Of Zone or other study by the completed Hamlet Comprehensive Plan. Included were all eleven (11) Lawrence Aviation Industry site parcels (*see Appendix V for the full text of Local Law 17-J and a list of parcels included in the moratorium*).

Effective 12/7/2010, the Town Board amended Chapter 17-J extending the building moratorium for two (2) years until December 2012 for the Lawrence Aviation Industries parcels so a land use plan could be developed.

Effective 1/18/2013, the Town Board extended the Chapter 17-J building moratorium for the eleven (11) LA site parcels for an additional two (2) years until January 17, 2015 so a comprehensive land use plan and generic environmental impact statement could be completed.

2.6 Prior Studies

A number of studies contributed to or informed this Land Use Plan. A discussion of their content provides the setting culminating in this plan.

2.6.1 Comsewogue Hamlet Comprehensive Plan, Lawrence Aviation Site

The Comsewogue Hamlet Comprehensive Plan (2008) identified the Lawrence Aviation site as the largest and single most important undeveloped site in the hamlet, comprising 35% of all privately-owned vacant land and 46% of all vacant non-residential land in the hamlet (pages 80 - 82). Because of the site's significance, the Plan recommended that a comprehensive land use study be undertaken to identify and analyze future options.

The Plan identified the following preliminary alternatives for the LA site:

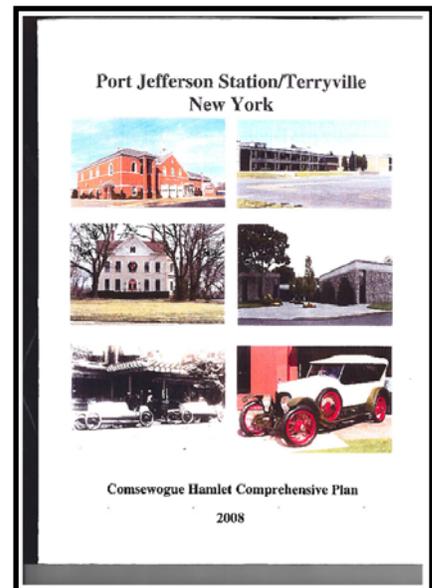
Open Space – the Plan's preferred option is to preserve all or most of the site for open space with the proportion of passive or active uses to be determined.

Office Park – another option identified by the Plan would be redevelopment of portions of the site as a high tech office park, with the inclusion of a sizable park for use by the entire hamlet, provided environmental concerns are addressed.

Industrial & Housing – the Plan indicates that the US EPA has noted that continued industrial use of the site is an option, but that use for housing is not.

The Comprehensive Plan highlighted a number of important issues that are likely to impact future uses or redevelopment of the LA site as follows.

Superfund Designation – the Plan notes that the EPA superfund designation, the approximately one (1) mile long toxic plume which reaches to the Port Jefferson harbor, and the length of the EPA remediation period (30-years), may all contribute to



uncertainty about future redevelopment, and possibly impact future financing and insurance for any redevelopment efforts.

Property Tax Liens – the Plan indicates that the parcels constituting a majority of the site are burdened with substantial liens for failure to pay County and local property taxes, and that the liens are a major impediment to redevelopment. The Plan further notes that if Suffolk County could be exempted and held harmless from Liability, it could seize much of the property for non-payment of taxes which would remove the tax liens as an impediment.

Access to the Site – the Plan identifies and analyzes two options for access to the site – the existing gate on Sheep Pasture Road south of the LIRR tracks, and a second option involving the construction of an access road in the former NYS DOT right-of-way (ROW) through to NYS Route 112. An engineering study by the Town is recommended to analyze options to improve the current main entrance. The current plan for a multi-use pathway in the ROW would remain unchanged, as there is sufficient width in the 150' ROW for both a new roadway and the multi-use pathway.

Segmentation – the Plan strongly urges that separate proposals for portions of the site not be considered until a comprehensive land use plan and environmental review is completed for the site in its entirety.

Community Survey Responses Relevant to Lawrence Aviation Site Planning -

As part of the Comsewogue Hamlet Comprehensive Plan (2008), a community-wide survey was mailed to every household in the community to identify concerns and issues and gather community input into the compilation of the Plan.

Regarding *future land uses* at the Lawrence Aviation site, sixty percent (60%) of respondents supported full preservation of the site as the “best” option. Other preferred “best” uses for the site included: affordable housing (24%), light industry (19%), offices (17%), housing (10%) and commercial retail (8%).

The community also identified “worst” possible uses for the site as follows: commercial retail (60%), housing (48%), affordable housing (45%), light industry (34%), offices (32%) and full preservation (20%).

Regarding the importance of open space, fully 93% of all respondents reported that *loss of open space* was a “very important” (78%) or “important” (15%) issue for the community. Only 5% of respondents reported that loss of open space was a “less important” issue.

The community survey included many questions designed to measure “quality of life” issues and concerns which can inform future planning for the Lawrence Aviation site as follows:

Only 15% of respondents reported that they felt “very connected” to the community, with 84% indicating they were “somewhat connected” or “not particularly” connected;

Only 5% of respondents reported they had a “strong” degree of community spirit, with 92% reporting they had “moderate” or “little or none” community spirit;

Forty-one percent (41%) of respondents reported they were “not satisfied” with parks in the community;

Fifty-six percent (56%) of respondents were “not satisfied” with current land use in the community (this was the highest scoring “not satisfied” question);

Fifty-one percent (51%) of respondents reported they were “not satisfied” as the community lacked a hamlet center or “focal point.” (e.g.: sense of place. This was the second highest scoring “not satisfied” question);

Ninety-six percent (96%) of respondents reported that overdevelopment was a “very important” or “important” concern to them.¹

2.6.2 Port Jefferson Station Commercial HUB Study & the Upper Main Street Port Jefferson Village Revitalization Plan

Due to the close proximity of the LA site to both the upper Port Jefferson Station and Port Jefferson Village communities, it is essential that future development of the LA site be closely coordinated with plans currently being drawn for mixed-use redevelopment in these adjacent areas. Plans have been proposed for up to 250-apartments and some 45,000 s.f. of commercial space in Upper Port Jefferson Village, while the HUB Study is recommending a similar, but somewhat less intensive, Main Street approach on the Town side of the LIRR tracks. Both municipalities envision a future walkable, continuous Main Street extending on both sides of the LIRR tracks providing retail, commercial and housing options for the community.

The most important shared element in planning for both the LA site and the Station and Upper Village areas is the potential need for additional waste water collection and treatment to support the density required for the proposed pedestrian-oriented, Main Street redevelopment. Other components which will need to be coordinated include but are not limited to the following: office, commercial/retail, industrial space, housing, design elements, roadway improvements, pedestrian safety, streetscape improvements, and transportation.

2.7 Relationship to Suffolk County and Town of Brookhaven Comprehensive Plans

¹ Source: Comsewogue Hamlet Comprehensive Plan, 2008 Town Of Brookhaven, Long Island, Koppelman et al.

2.7.1 Suffolk County Comprehensive Plan 2035

Suffolk County is updating its comprehensive plan. Phase one “examines existing and proposed land uses, existing and future needs for housing, commercial and industrial facilities, the adequacy and needs of transportation and other infrastructure, the protection of the environment as well as the needs for open space and parkland. The plan will consider population, demographic and socio-economic trends and future projections.”² The Inventory will be the basis for the development of phase two, in which the information collected during phase one will be analyzed and recommendations developed.

Based on 2010 U.S. Census data, the Suffolk County Planning Department projects that the Town of Brookhaven will increase by 108,000 people by 2035, a 22% change from its current population of over 486,000 and the largest numerical increase in the County. The County as a whole continues to be more diverse (with growth in Hispanic, black and Asian populations) and older, as residents “age in place.” Volume one of the Comprehensive Plan notes that “[t]he changing face of the suburbs will have housing, infrastructure, education, environmental, economic and healthcare implications.”³ The Plan notes that there is continued demand for industrial space in the county. There are no specific recommendations for land use in the study area.

2.7.2 Town of Brookhaven 1996 Comprehensive Plan

The 1996 adopted Brookhaven Comprehensive Land Use Plan found that industrial uses were widely scattered throughout the Town without the benefit of an overall plan which met the needs of such uses, or provided the necessary separation of these uses from neighboring residentially zoned land. Also noted, based upon a study by Greiner-Maltz, was the reduced demand and increased vacancy rate of industrial space caused by the end of the Cold War and the reduction in defense-related manufacturing on Long Island.

The Comprehensive Plans noted competition for industrial uses from existing industrial hubs in Plainview, Route 110, and Hauppauge as a possible rationale to consider rezoning some industrial land to other uses. The Plans also pointed out that some industrial zoned parcels are located too far from major roadways to be considered viable, and that some industrial land was found to be “inappropriate” because it was surrounded by or intruded into residential lands (*source: 1996 Adopted Comprehensive Plan, pp. 186-188*).

In addition to recommending the amendment of the industrial Town zoning districts to more accurately reflect the intensity of industrial uses (accomplished in 2003), the 1996 Comprehensive Plan recommended a series of criteria to be utilized by the Town Board

²

<http://www.suffolkcountyny.gov/Departments/Planning/SpecialProjects/ComprehensivePlan/Overview.asp>
x

³ Ibid. Page 1-6.

when considering how to address excess, underutilized, or misplaced industrial lands. The Plan did not identify any specific parcels for rezoning.

The 1996 Adopted Comprehensive Land Use Plan contained a land use map, Plate # 21, which illustrated the Lawrence Aviation site as a light industrial use.

3.0 STATE ENVIRONMENTAL REVIEW ACT (SEQRA)

The Action is the preparation by the Town of Brookhaven and adoption by the Brookhaven Town Board of *the Lawrence Aviation Land Use Plan*. This is a Type I Action per Part 617.4, (b), (1) [the adoption of a land use plan]. The action is subject to SEQRA, and the Town Board of the Town of Brookhaven assumed lead agency. The Positive Declaration of Environmental Significance was adopted on by Town Board Resolution July 15, 2014. All interested agencies were notified that a full Environmental Impact Statement (EIS) has been prepared. A public scoping is not anticipated. A proposed SEQRA Timeline was prepared for the Land Use Plan and subsequent recommended rezonings (*see Appendix VII for SEQRA Timeline*).

3.1 Generic Environmental Impact Statement

The completed Draft Generic Environmental Impact Statement (DGEIS) will be transmitted to all involved and interested agencies, including: the Regional and State Offices of the New York State Department of Environmental Conservation (DEC), the New York State Department of Transportation, the Suffolk County Planning Commission, the Suffolk County Department of Health Services, the Suffolk County Department of Public Works, and the Village of Port Jefferson. The draft and final GEIS will also be posted on the Town of Brookhaven's web site (www.brookhaven.org), and a copy of the DGEIS will be provided to the Comsewogue Library in Port Jefferson Station and Emma S. Clark Memorial Library in East Setauket. The process will include the acceptance of the Draft Land Use Plan and Draft Generic Environmental Impact Statement by the Town Board followed by a 30-day public comment period and a public hearing.

After the public comment period is concluded, a Final Generic Environmental Impact Statement will be accepted by the Town Board and will address public comments and concerns. The process concludes with SEQRA Findings that will outline the Town Board's decision to adopt or modify the Land Use Plan.

3.2 Interested Agencies

There are nine (9) interested agencies as follows:

- U.S. Environmental Protection Agency
- Metropolitan Transportation Authority, Long Island Railroad
- New York State Department of Environmental Conservation
- New York State Department of Transportation

- Suffolk County Department of Health Services
- Suffolk County Land Bank Corporation
- Suffolk County Planning Commission
- Suffolk County Treasurer's Office
- Village of Port Jefferson

4.0 COMMUNITY BUILDING AND VISION PROCESS

4.1 Citizens Advisory Committee & Community Outreach

In August 6, 2013, the Town Board established a Citizens Advisory Committee (CAC) to provide input and guidance in the preparation of the Lawrence Aviation Land Use Plan, and to ensure that the resulting plan is compatible with community needs and desires. The Citizens Advisory Committee is composed of representatives from the following community institutions:

- Port Jefferson Station-Terryville Civic Association
- Terryville Fire District/Department
- Comsewogue School District
- North Brookhaven Chamber of Commerce
- Comsewogue Historical Society

In addition to representatives from the above local institutions, the Town Board appointed ex-officio representatives to the Committee from local agencies which have been involved in enforcement and remediation at the Lawrence Aviation site, or which otherwise have an interest in the site as follows:

- Office of the Supervisor, Town Of Brookhaven
- Law Department, Town Of Brookhaven
- Brookhaven Town Council, 1st District
- United States Environmental Protection Administration
- New York State Department of Environmental Conservation
- Suffolk County Department of Health Services
- Village of Port Jefferson
- Suffolk County Treasurer's Office
- Long Island Railroad/Metropolitan Transportation Authority

Finally, to ensure that all local elected officials were kept up to date on the planning for the site, ex-officio representatives were appointed to the Committee from the following offices:

- Office of US Congressman Timothy Bishop
- Office of NYS Senator Kenneth P. LaValle
- Office of NYS Assemblyman Steven Englebright
- Office of the SC Legislator Kara Hahn

The Citizens Advisory Committee met on five (5) separate occasions, from September 2013 to January 2014 to develop recommendations for future uses at the Lawrence Aviation site which were in concert with community needs and expectations, and complied with the EPA's Record of Decision, the Comsewogue Hamlet Comprehensive Plan, and the Town's Adopted 1996 Comprehensive Plan. The Committee met at Town Hall on the following dates:

- September 5, 2013
- October 9, 2013
- November 13, 2013
- December 11, 2013
- January 29, 2014

Summaries were compiled for each of the above CAC Meetings and are provided in *Appendix VIII*. They provide a written record of the Agenda, deliberations and presentations of each Meeting, the various alternative future uses which were explored for the site, and the recommendations for inclusion in the resulting Land Use Plan.

Lastly, a Community Forum was held on the evening of September 4th at the Comsewogue High School to provide an opportunity for residents to learn about the Draft Plan. Town staff provided a power point presentation at the Forum summarizing the work of the Citizens Advisory Committee, the major recommendations of the Plan, and answered questions from the community. The Forum was attended by approximately 75-local residents.

5.0 EXISTING CONDITIONS

5.1 Land Use and Zoning

The Lawrence Aviation (LA) industrial study area is composed of eleven (11) parcels totaling ±156.45-acres. This assemblage is the largest and single most important undeveloped site in the hamlet; comprising 35% of all privately-owned vacant land and 46% of all vacant non-residential land in the hamlet (*source: Comsewogue Hamlet Comprehensive Plan 2008, pages 80-82*). The LA parcels are identified on the *Base Map*, below as parcels I – IV & VIII-XI.

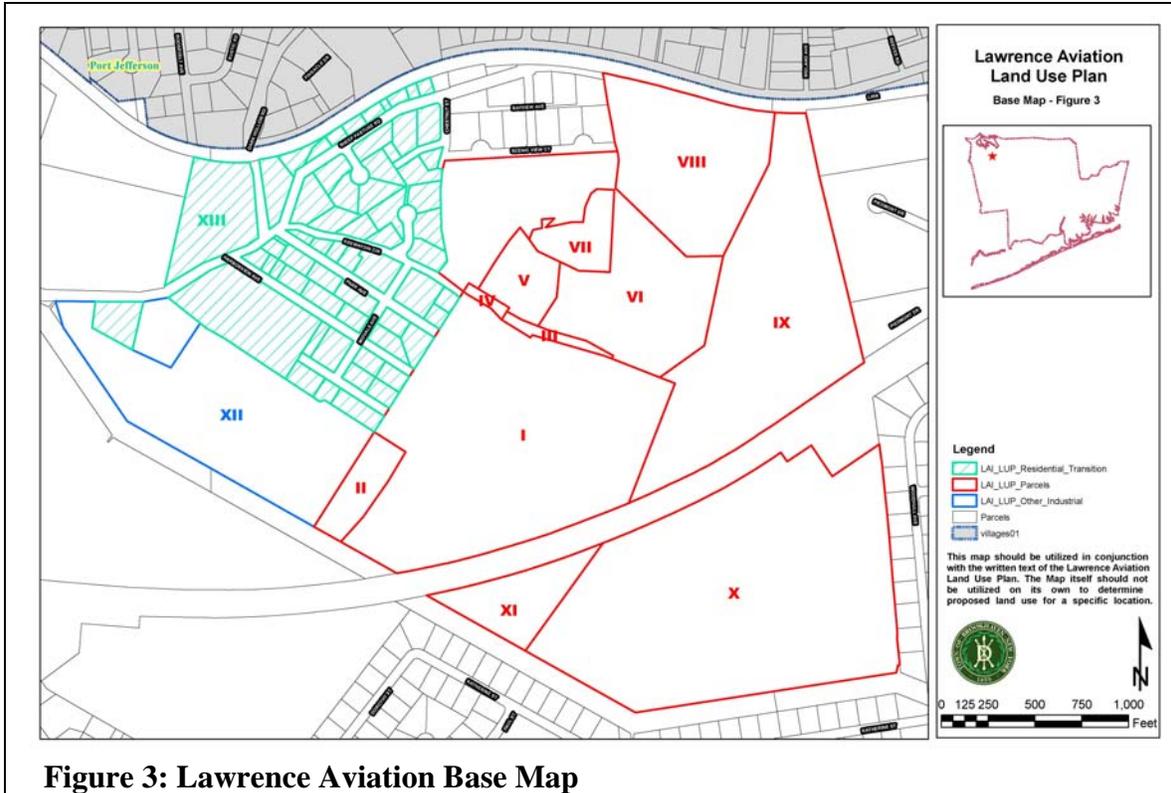


Figure 3: Lawrence Aviation Base Map

Current zoning is 48% L1 (Light Industry), 34% B1 (Residential), and 18% split zoned L1/B1 as summarized in the below Current Zoning Distribution Table, and depicted on the Existing Zoning Map, Figure 4.

Ownership of the eleven (11) parcels is divided among five (5) entities, including three (3) LA entities controlling eight (8) parcels totaling ±128.13-acres or 82%, and two (2) separate private entities controlling the remaining three (3) parcels totaling 28.32-acres or 18%

Current Zoning Distribution Table	
<u>LA Site Acreage by Zoning District</u>	
Total	156.45-acres
L1 District.....	75.41-acres (48%)
B1 District.....	52.72-acres (34%)
L1/B1 (split zoned).....	28.32-acres (18%)

Table 2: Lawrence Aviation Study Area Acreage by Zoning District

Past LA manufacturing operations were largely confined to two (2) of the above parcels totaling 35.67-acres (*see parcels I & II on the Base Map*). There are nine (9) outlying parcels with a total of 120.28-acres which are largely wooded except for parcels VIII and XI which have substantially disturbed areas. Parcel X was a formerly cleared area utilized for farming in the 1940’s which has since succeeded to woodland. There are a number of scattered LA-related structures beyond the main manufacturing area, including a two (2) story office built in 1940 and an accessory residence built in 1950 both on Lawrence Drive in the southeast corner of parcel VIII. This location has been the site of several fires which partially destroyed the structures most recently in August 2011 and again in July 2013. There is a private single family residence and pond/freshwater wetland (Flannery Pond) located on parcel VII.

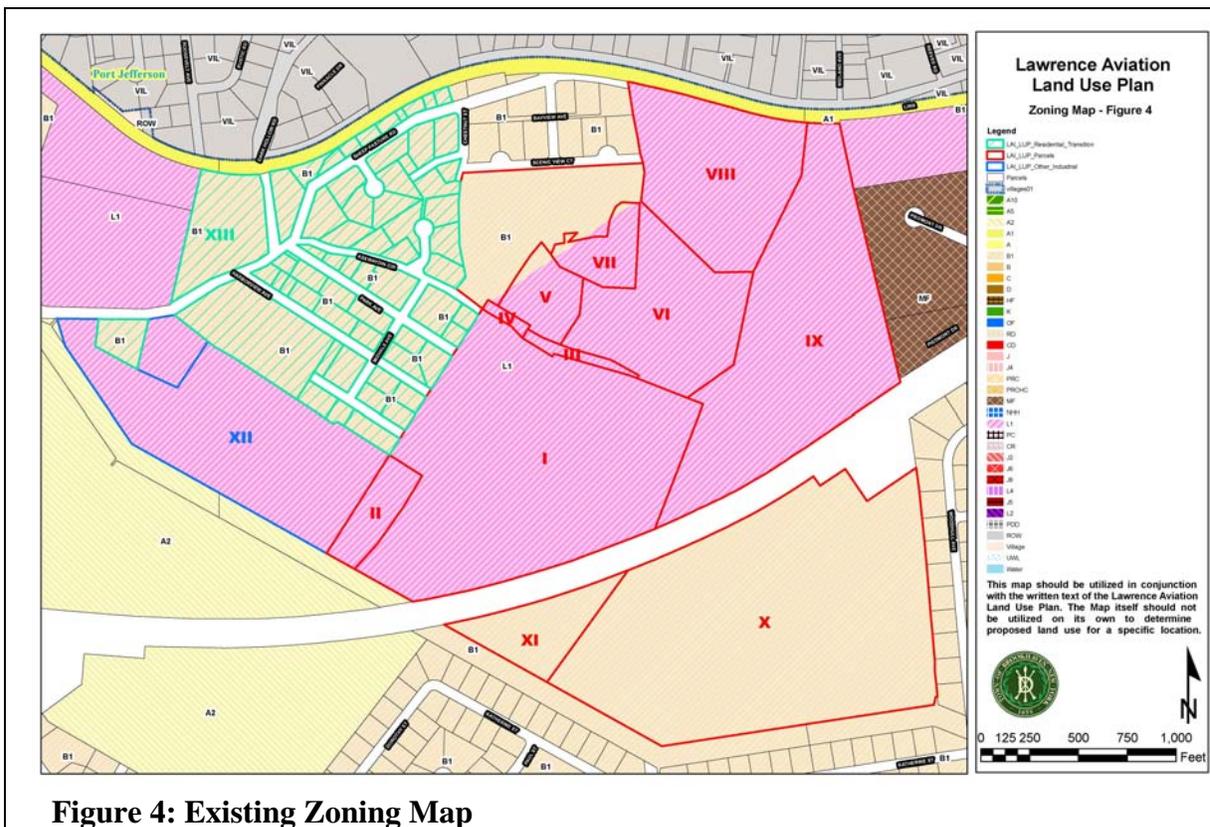


Figure 4: Existing Zoning Map

5.1.2 LA L-1 Industrial Parcels vs. Townwide L-1 Inventory

LA’s existing L-1 zoned parcels constitute 1.2% of all L-1 zoned property in the Town of Brookhaven, which has a total of 6,523-acres of L-1 distributed across 370 parcels throughout the Town (*source: Draft 2030 Brookhaven Town Comprehensive Plan*). If the additional L-1 acreage from the above contiguous parcels is added, this constitutes 1.7% of all L-1 property in the Town Of Brookhaven.

5.1.3 Industrially-zone Parcels Potential Yield

There are six (6) parcels (I, II, III, IV, VIII, & IX) zoned L-Industrial-1 (Light Industry) District totaling 75.41-gross/60.33-net acres (*note: in all calculations, 20% is deducted from gross acreage for drainage, roadways, parking, and possible sewage treatment plant(STP)*). The L-1 District permits a maximum Floor-To-Area Ratio (FAR) of 35% outside of the Hydrozone. Based upon this, the parcels would yield approximately 920,000 s.f. of industrial space. Note, a more precise approximation of industrial yield would be accomplished at Site Plan once the exact configuration of on-site uses and parking requirements is known, and a determination made as to whether the sanitary load can be accommodated without an STP, or if an STP is needed, whether excess capacity at nearby plant(s) could be utilized, or additional capacity will be needed

5.1.4 Residentially-zoned Parcels Potential Yield

In addition to the above six (6) L-1 parcels that were used during LAI operations, there are two (2) B-1 Residence parcels (X & XI) totaling 52.72-gross/42.2-net acres requiring minimum lots of 22,500 s.f. These parcels would yield approximately 82-single family homes. However, both parcels were sites of considerable chemical dumping which resulted in the EPA excavation of 3,038 tons of contaminated soil from the drum crushing area and replacement with clean fill. Soil was not removed from other areas of documented dumping in parcel X including the dump area, the formally cleared area and four (4) ditch discharge areas. The resultant chemical plume is located under portions of the two (2) parcels with ground water remediation not scheduled to be completed until the year 2036. This raises serious questions whether residential uses could be permitted on these two parcels. It is noted that in Port Jefferson Village, immediately down gradient of the LA site, approximately 56-sites had been monitored with air analysis equipment for Volatile Organic Compound (VOC) fumes emanating from the LA chemical plume, and 4-sites are currently being monitored, including 1-institutional site.

5.1.5 Split- Zoned Parcels Potential Yield

In addition, there are three (3) L-1/B-1 split-zoned parcel (V, VI, & VII) totaling 28.32-gross/ 22.66-net acres. Under current Town Code ¶ 85-8, the parcels would revert to the following effective Districts for yield analysis:

Distribution of Split-Zoned Parcels			
Parcel No.	Acreage	Est. District Split	Effective District
V	3.06	10% B-1, 90% L-1	L-1
VI	22.51	40% B-1, 60% L-1	B-1
VII	2.75	5% B-1, 95% L-1	L-1

Table 3: Lawrence Aviation Study Area Split-Zoned Parcels

Two (2) of the above split-zoned parcels (V & VII) totaling 5.81-gross and 4.65-net acres have effective L-1 zoning yielding approximately 71,000 s.f. of additional industrial space. However, one of the two L-1 parcels (VII) hosts an existing single family residence and future industrial use would be dependent upon a willing seller. Additionally, the parcel hosts an approximately 1-acre freshwater pond/wetland which will impact and may eliminate the future industrial yield of that parcel due to required wetland's buffers.

The remaining split-zoned parcel (VI) contains 22.1-gross/17.68-net acres and for yield determination purposes reverts to the B-1 (Residence) District requiring minimum lots of 22,500 s.f. The estimated yield of this parcel is 34-single family homes. It is noted that parcel VI along with parcel V were in common LA ownership until 2003, when they were part of soil testing undertaken for a proposed senior apartment complex. A limited number of soil samples were taken, primarily at the locations of the proposed structures. Mildly elevated levels of heavy metals were detected (*source: Wisdom Gardens II, Testing and Analysis Results of Proposed Work Plan and Addendum to Proposed Work Plan, Vollmuth & Brush, April 16, 2003, also see Section 3.6.6 Soil Testing*).

Additional soil testing of parcel VI appears warranted prior to the residential development of this parcel.

5.1.6 EPA Environmental Easement/Restrictive Covenant on Future Uses

As noted in the RECORD OF DECISION (ROD), the US EPA has recommended that future uses at LA main industrial parcels (I & II) be restricted to Commercial and Industrial only due to the extent of know prior contamination. The parcels are zoned L-1 (Light Industry) and the yield is included below. The EPA ROD dated Sept. 29, 2006 can be found on the internet at the USEPA site.

<http://www.epa.gov/superfund/sites/rods/fulltext/r2006020001436.pdf>

5.1.7 Estimated Total Yield as per Existing Zoning

To summarize, the approximate yield under current zoning for the eleven (11) LA parcels is 991,000 s.f. of L-1 industrial space and 82-single family homes. However, there are serious environmental issues affecting the estimated yield of the residentially-zoned parcels including an underlying chemical plume, documented heavy metal contamination of soils, untested soils in portions of the outlying parcels, and the EPA's decision to permit only commercial and industrial uses on the LA main industrial parcels I & II.

5.1.8 Adjacent Zoning and Land Uses

The site is bounded as follows:

North – Sheep Pasture Road, the LIRR tracks, residential uses and a cemetery
in the Village of Port Jefferson (north of the railroad tracks);

South – The LIPA Right-of-Way, single-family residential uses (B1 District), 78-acres of Suffolk County Open Space (A2 District), and a 150' wide former NYS Right-Of-Way (now a multi-use pathway), which continues for 2,800' through the site and another 2,300' easterly beyond the site to NYS Route 112;

East - Single-family residential (B1 District), multi-family residential (MF District) and light industrial (L1 District) currently in use as a family farm.

West – Single-family residential uses (B1 District), and light industry (L1) currently in use as a chipping and mulching concern.

The location of LA site immediately adjacent to the LIRR tracks offers opportunities for rail support and transport of future industrial or commercial uses (*also see Section 5.3.2 Freight Rail Service*).

5.1.9 Commercial Inventory- Port Jefferson Station, Terryville and Port Jefferson Village

An inventory of existing shopping centers in Port Jefferson Station and Terryville reveals a current inventory of 663,500 s.f. of retail space with 157-stores in twelve (12) separate shopping centers. Individual stand alone retail locations were not included in the inventory. A 2010 survey by Suffolk County Planning revealed a shopping center vacancy rate of 14% for Port Jefferson Station-Terryville vs. 14.8% for Brookhaven Town and 12.42% for Suffolk County. In all, approximately 72-acres were devoted to the twelve (12) shopping centers which were all zoned J-2 Business (*see Appendix IX for detail*).

Data for adjacent Port Jefferson Village reveals 367,000 s.f. of current retail space, with 301,000 s.f. and 152-stores in Downtown Port, and 66,000 s.f. and 17-stores in the Upper Port north of the LIRR tracks. The 2010 Suffolk County survey revealed a retail center vacancy rate of 8.4% for Lower Port Jefferson and 29.8% for Upper Port vs. 14.8% for Brookhaven Town as a whole and 12.42% for Suffolk County. In all, roughly 70-acres in Lower Port and 7-acres in Upper Port (Main Street portion only) were devoted to commercial uses, primarily retail.

Since 2010, there have been four (4) proposals submitted to the Village for pre-submission meetings for 17,544 s.f. of ground floor commercial space in Upper Port. Each of these projects has a corresponding residential component (*source: (Draft) Upper Port Revitalization Study, 11/28/12*).

To summarize, existing commercial totals for both Port Jefferson Station-Terryville and Port Jefferson Village are as follows: 1,030,500 s.f. of commercial, 326-stores, with 149-acres devoted to commercial, primarily retail (*note: pre-submission proposals for Port Jefferson Village are not included in these totals*).

Based upon the above inventory and vacancy rates, it would appear that there is sufficient commercial/retail space to serve the needs of the greater Port Jefferson community which in 2010 had a total of 15,588 residents. It is possible that there are some finite gaps in the types of commercial/retail coverage, but this would require a separate gaps analysis which is beyond the scope of this Land Use Plan.

(sources: Suffolk County Department of Economic Development and Planning, and Brookhaven Town Planning Division).

5.1.10 Office Inventory – Port Jefferson Station, Terryville and Port Jefferson Village

There are seven (7) office buildings in Port Jefferson Station-Terryville with a total of 372,000 s.f. of office space, and four (4) office buildings in Port Jefferson Village with a total of 149,000 s.f. of office space. A small, new office building with 1,934-SF (Celetano) has just been constructed on Patchogue-Port Jefferson Road at the intersection with Terryville Road. To summarize, there are some 523,000 s.f. of office space in the greater Port Jefferson area.

Office market vacancy rates were not available for greater Port Jefferson, but the Central Suffolk vacancy rate (inclusive of greater Port Jefferson), was 9.3% vs. 10.6% for Western Suffolk vs. 10.2% for Suffolk County, as of the third quarter of 2012 *(source: Colliers International, Research & Forecast Report: Long Island, Nassau & Suffolk County, Office Market Overview, undated manuscript).*

Based upon the above modest office inventory and relatively low vacancy rates, it would appear that there may well be need for additional office space in greater Port Jefferson. A portion of this need could be met at the Lawrence Aviation site as general office uses and specialized office uses such as laboratories for scientific or industrial research, testing and development are permitted in the L-1 (light industry) District.

Regarding the future need for office space, caution must be exercised to take into account approved but unconstructed space pending (Washington Corporate Park on Route 112), and some local office space which has been vacant for a lengthy timeframe (i.e.: Cinema Plaza has office space which has been unoccupied since approximately 2010. However, this is second floor office space in an older building which may explain its vacancy). A more complete analysis of the demand for office space may be necessary, but is beyond the scope of this Land Use Plan. Such an analysis should include, at a minimum, the greater Port Jefferson, Mount Sinai, and East Setauket areas which appear to function as a single office space market. *(sources: Suffolk County Department of Economic Development and Planning, and Brookhaven Town Planning Division).*

5.1.11 Multi-Family Inventory (Ten or more units) Port Jefferson Station, Terryville and Port Jefferson Village

Port Jefferson Station and Terryville have six (6) apartment complexes with a total of 963-apartments, of which 587-units (61%) are restricted to senior citizens with 296 of these affordable senior units. A 96-unit, 100% affordable, non-age restricted rental development (Jefferson Meadows) is approved but not yet constructed. It is to be built on Route 112 on the site of an abandoned automobile dealership (Ramp Chevrolet-Corvette). There are six (6) condominiums in Port Jefferson Station-Terryville with 842-units, and one (1) cooperative with 376-units. None are age restricted. Just beyond the north-westerly boundary of Port Jefferson Station in East Setauket is a 150-unit senior condominium (Setauket Meadows).

Port Jefferson Village has seven (7) apartment complexes with a total of 424-units. None are age restricted or designated affordable. There are nine (9) condominiums with 538-units. One of the condominiums, Village Vistas, is age restricted and is currently under construction. Since 2010, there have been four (4) proposals submitted to the Village for pre-submission meetings for 249-multi-family units in Upper Port Jefferson (sources: Brookhaven Town Division of Planning and Upper Port Revitalization Study, 11/28/12).

To summarize, there are a total of 3,153 multi-family units in Port Jefferson Station, Terryville, and Port Jefferson Village distributed as follows: 1,397-rental apartments (44%), 1,380-condominium units (44%), and 376-cooperative units (12%). (Note: pre-submission proposals for Port Jefferson Village are not included in these totals, nor is a 112-unit luxury rental apartment complex proposed by Tritec R.E. in January 2014 for a 3.74-acre site on West Broadway. Projected completion date for this latter project is Spring 2015, with rents estimated at between \$2,000 – 3,000 per month).

Multi-family rental vacancy rates are not available for the greater Port Jefferson area, but for Suffolk County the rental vacancy rate was 5.7% as of 10/1/2011 (source: *US Census, Comprehensive Housing Analysis, Long Island, New York*). It is believed that the rental vacancy rate has fallen to as low as 4% currently (*NY Times, Real Estate Section, 9/19/13*).

Based upon the above analysis, greater Port Jefferson has a broad-based, multi-family housing market presenting a wide array of market rate rental and purchase options to residents. There are additionally 296 affordable senior rental units. With the exception of the approved but un-built Jefferson Meadows, which will provide 85-next generation rental units, there are no additional rental units designated as affordable in the greater Port Jefferson area.

Given the history of the Lawrence Aviation and its status as a Superfund site, future residential, multi-family use at the site is not practicable.

(See Appendix X for a complete list of multi-family housing in Port Jefferson Station, Terryville, and Port Jefferson Village).

5.1.12 Blighted Commercial Properties- Port Jefferson LIRR Station Area

The commercial area around the Port Jefferson LIRR Station has suffered a steady decline roughly coinciding with the end of peak production at Lawrence Aviation in 1992. The decline accelerated after March of 2004 when production ceased completely.

Blighted properties include those which are in substantial disrepair (derelict) or are boarded-up, and properties which may be in good repair but are largely or entirely vacant.

An inventory of blighted properties completed for the Port Jefferson Station Commercial HUB Study (in-process), revealed eleven (11) blighted parcels in the immediate vicinity of the Port Jefferson LIRR Station on the Brookhaven Town side of the tracks. Nine (9) of the eleven parcels are zoned J-2 Business and are either boarded-up or entirely or largely vacant. Included are a newly renovated structure adjacent to the tracks, a small two-story office building, the old Chemical Bank Building, Main Street Tavern, Sunoco fueling station, the Cinema Plaza Shopping Center, and the old KFC, all on Route 112. Also blighted are the old Karl's Equipment and a small retail structure both on Hallock Avenue, and a three-family residence (B-1) on Maple Avenue which is badly fire damaged (*see Appendix XI Blighted Parcels - Port Jefferson Station Revitalization Area*). The above eleven (11) parcels total 5.22-acres.

There are two (2) prior automobile dealership sites on Route 347 just east and west of Route 112 on the north side of the highway which are vacant. They include the former King O'Rourke Buick Pontiac Dealership with four (4) parcels totaling 5.38-acres, and the former North Shore Lincoln-Mercury Dealership on 2-acres. A change of zone application was submitted in April and approved in December 2013 to redevelop the former King O'Rourke property into two (2) convenience restaurants, a Chick-Fil-A and a yet unknown second restaurant. A site plan application has been received by the Town for the Chick-Fil-A site and is under review.

To summarize, the above portion of Port Jefferson Station has a total of sixteen (16) blighted commercial parcels totaling 12.6-acres.

To the immediate north of the LIRR tracks in Upper Port Jefferson Village, the Upper Port commercial district runs for approximately 800' to the intersection of N. Country Road/Sheep Pasture Road. There are approximately 17-commercial properties on this strip, primarily retail, which hosts a majority of the 66,000 SF of commercial space in Upper Port. In addition, a number of commercial structures on the west side of Main Street have occupied upper level rental apartments. There are similar upper level rental apartments on the east side of Main Street, but these have been vacant since approximately 2011. In summary, there are a significant number of vacant or otherwise blighted commercial and residential properties along this strip, at least partially a result of pending redevelopment plans which has limited the availability of long term leases to attract quality commercial tenants.

To summarize, there are approximately seven (7) acres of blighted commercial properties in Upper Port Jefferson Village along the Main Street corridor. Together with Port Jefferson Station HUB Study blighted properties, there are 19.6-acres of blighted properties in the greater Port Jefferson LIRR Station area adjacent to Lawrence Aviation (*source: Suffolk County Department of Economic Development and Planning & Division of Planning, Town Of Brookhaven*).

The future redevelopment of the Lawrence Aviation site with light industrial and office uses could serve as an important economic engine for the greater Port Jefferson area, and a stimulus for the redevelopment of existing blighted parcels on both sides of the LIRR tracks. The Port Jefferson Station Commercial HUB Study (in process) has proposed revitalization strategies for the Station area which include re-zonings to encourage mixed-use development, the completion of NYS Route 112 improvements north to the LIRR tracks, renovation of existing antiquated shopping centers, and pedestrian and traffic safety improvements including wider sidewalks, additional crosswalks and improved signalization. As these community improvement strategies begin to be implemented, they will support and encourage redevelopment of the Lawrence Aviation site and vice-versa creating an important synergy between the three efforts.

5.1.13 Recent Change of Zone Applications

In 2002, Maryhaven Center of Hope, a non-profit which serves the mentally and developmentally disabled, submitted a change of zone application from L1 (Industrial) /B1 (Residential) to Planned Retirement Community (PRC) for two (2) parcels totaling 25.57-acres at the Lawrence Aviation site (*see parcels V & VI on the Base Map*). The property had been partially gifted by the LA's CEO Gerald Cohen, to the non-profit. The intended use was 145-units of affordable senior housing. The Town Board elected not to consider the application (*note: the non-profit eventually built Wisdom Gardens on a site adjacent to their headquarters on Terryville Road in Port Jefferson Station*).

In 2004, Global Homes Group, which had purchased the property from Gerald Cohen/Maryhaven Center of Hope, submitted a change of zone application from LI/B1 to B1 for the same 25.57-acre parcels as above (*see parcels V & VI on the Base Map*). The intended use was 38-single family residences. In June 2007, the Town Board elected not to consider the application.

In 2009 Global Homes II LLC, under the separate operating company Blue Green Farms, Inc., proposed an aquaculture use for the cultivation of fish and vegetables on a 25.57-acre portion of the property (*see Parcels V & VI*). The use was determined by the Brookhaven Town Attorney's Office to constitute farming and thus did not require a change of zone as agriculture is a permitted use in all Town zoning districts. A building permit was issued on October 1, 2009 to Blue Green Farms but the proposed 33,565 s.f. farm manufacturing facility was never built and the building permit expired on September 28th, 2010. The applicant located an alternate site for the use in Yaphank.

In January 2012, Global Homes II LLC sold parcels V & VI to RCS Management LLC of West Orange, New Jersey. The intended future use of the parcels as advised by the principle of the firm is townhomes (*source: John Bober, Principal, RCS Management, LLC, July 19, 2013*). The parcels are split zoned L-I Industrial/B-1 Residential and will require a change of zone to multi-family (MF Residence District (Multi-Family) before the intended use could proceed.

In April 5, 2013, Setauket Gardens LLC submitted a change of zone application for a 21.54-acre parcel (*see parcel XII on the base map*) adjacent to the main Lawrence Aviation industrial parcels (I & II). The applicant is seeking Planned Retirement Community (PRC) zoning to construct a 180-unit senior residential community with 78-affordable units and associated amenities. On April 23, 2013 the applicant met with representatives of the Planning Division to discuss the proposal. The applicant was provided with a copy of the Lawrence Aviation Contour Map prepared by the US EPA which revealed the presence of the Lawrence Aviation toxic plume under approximately 95% of the proposed site. Given the presence of the toxic plume and the potential for release of harmful volatile organic compound vapors, the applicant was advised to seek a non-residential, industrial use for the property. (*source: staff notes from 4/23/2013 meeting with applicant representatives*).

5.1.14 Local Law – Advisory Notices on Certain Certificates of Occupancy

On May 22, 2014 the Brookhaven Town Board adopted Local Law No 10 of 2014 amending Chapter 16 of the Code of the Town of Brookhaven entitled, Building Construction Administration, Section 14-6 Certificates of Occupancy. This local law requires the placement of an advisory notice on Certificates of Occupancy for parcels located over toxic plumes originating from Superfund sites. The law also requires testing for volatile organic compounds and remediation or mitigation to Federal, State or County standards (*see Appendix XII for a copy of the Local Law*).

5.1.15 Setauket-Port Jefferson Station Greenway Multi-Use Path

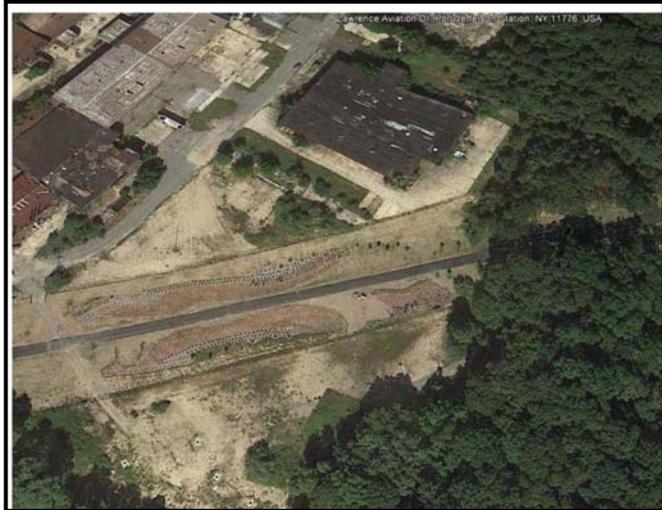
The Setauket-Port Jefferson Station Greenway Multi-Use Path bisects two main LA industrial parcels (I & XI) and two adjacent LA-affiliated out-parcels (IX & X).

The former NYS Right-Of-Way was originally acquired by the State for a proposed Route 25A By-Pass roadway in the 1960's. It is currently an approved multi-used path for pedestrians and non-motorized transportation. It was completed in September 2013 and runs from Route 25A in East Setauket, adjacent to the US Post Office, to its terminus at the NYS Park & Ride Lot on NYS Route 112 in Port Jefferson Station.



The Multi-Use Path is approximately 3.3-miles in length and 150' at its narrowest. The US Department of Transportation funded the recently completed Phase II of the Greenway Trail with a \$5-million grant.

The Friends of the Greenway, formed from the Three Village Community Trust, created a volunteer program to maintain, protect and enhance the Greenway.



NYSDOT Multi-Use Path

5.2 Infrastructure

5.2.1 Road Network & Access

A comprehensive Traffic Impact Study was completed in August 2014 to inform this Plan. The study evaluated current traffic and accident data, traffic signals, truck exclusions, the overall street network and major intersections. Recommendations from the Traffic Impact Study are included in *Appendix XIII*. A copy of the full Study is available for review at the Brookhaven Town Department of Planning, Environment and Land Management.

5.2.2. Current Site Access

Currently, the LA site has a single entrance on Sheep Pasture Road approximately 2/5 of a mile west of the intersection of Main Street & North Country Road (*see parcel VIII on the Base Map and Figure 5 (next page) Sheep Pasture Road East Access Drive Map*). The entrance is just south of the LIRR tracks requiring vehicles to cross the tracks for site ingress and egress. There are crossing gates on both sides of the tracks installed by the LIRR at LA expense. Available roadway for traffic stacking outside the LA entrance gate is very limited on both sides of the railroad tracks as follows: 30' on the north side (or 3-vehicles) and only 22' (or 2-vehicles) on the south side. Once inside the LA gate, there is approximately 45' of existing roadway north of the guard house for additional stacking, with some limited parking areas on the roadway shoulders.

A second parcel, XII, also has direct access to Sheep Pasture Road 8/10 of a mile west of the LA gate (*see Base Map and Figure 6 (next page) Sheep Pasture Road Potential West Access Gate Map*). This parcel, which is under separate ownership from LA parcels, is linked to the LA site through an existing emergency fire gate at its south-easterly most point adjacent to parcel II. There is a substantial difference in elevation between the two parcels on the west side of the fire gate caused by a prior sand mining excavation. A dirt roadway has been constructed between the two parcels at grade which permits truck traffic. Parcel XII has direct access to Sheep Pasture Road and therefore presents a second possible access point to this roadway for Lawrence Aviation parcels.

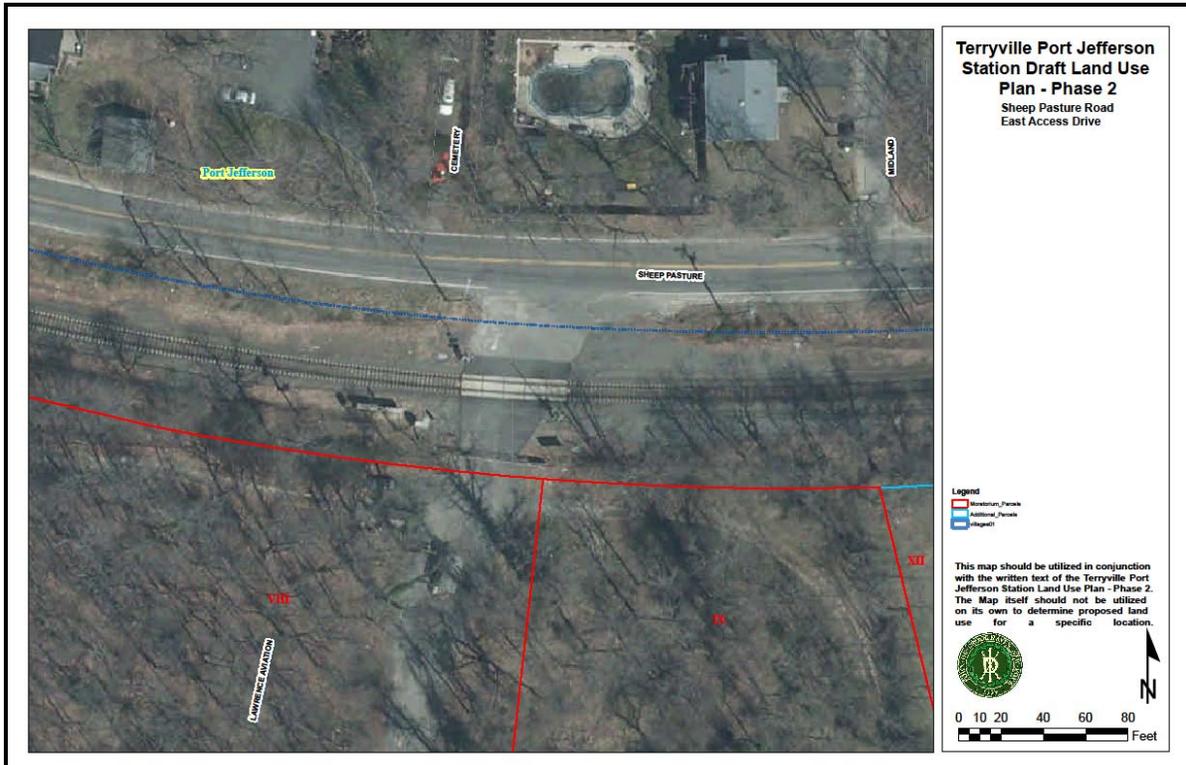


Figure 5: Sheep Pasture Road, East Access Drive

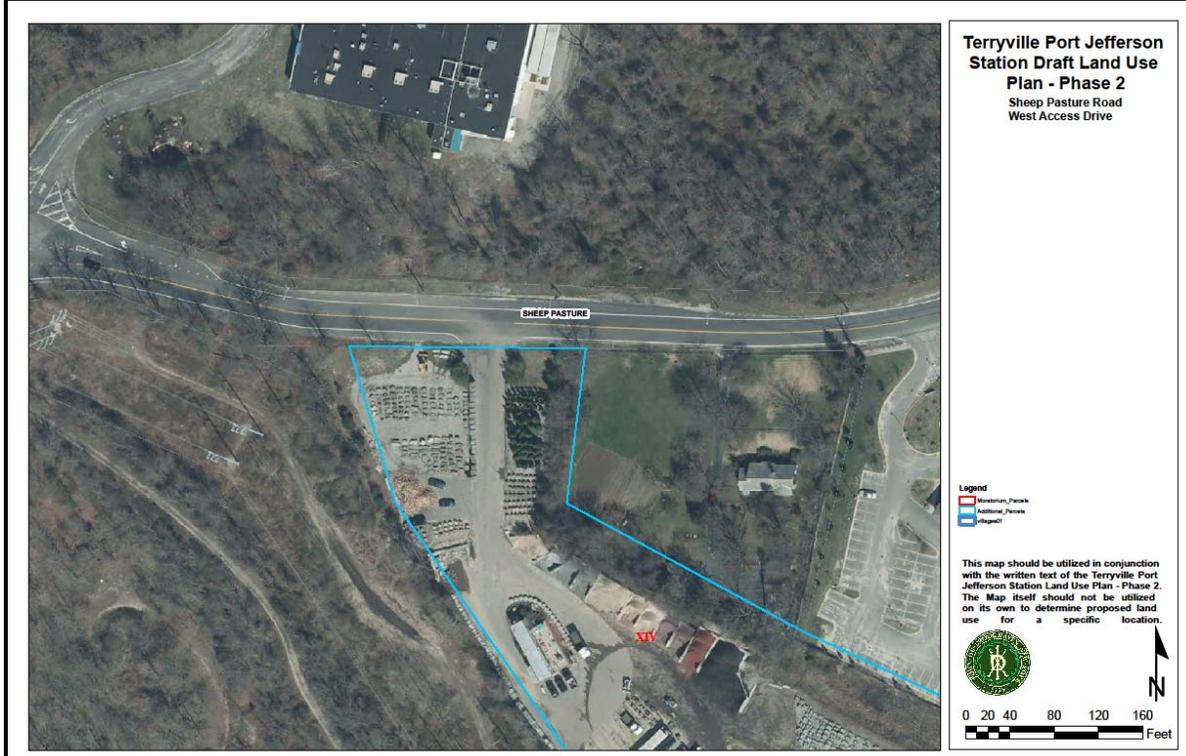


Figure 6: Sheep Pasture Road, Potential West Access Road

5.2.3 Site Access via Contiguous Residential Communities

The LA site is adjacent to existing residential communities on the east, west, south, southwest, and northwest. In addition, there is approximately a 100' LIPA right-of-way along both the south and southwest boundaries of the site. There are no existing tap streets along the east, south and southwest boundaries of neighboring residential communities, which generally have local streets built to 25' widths, with 50' Town rights-of-way.

There are several existing tap streets to the west of the LA site including Reeves Road, Park Avenue, and Harborview Avenue, but these streets have unfinished roadway gaps and are only 20' or 25' in width, although the Town right-of-way is generally between 40' and 50'.

There is an existing tap street to the north – Bayview Avenue – which is built as a 25' local roadway (50' Town right-of-way) to the LA site boundary where it terminates. A 10' wide private driveway continues for approximately 700' onto the LA property on the western portion of parcel VI. The driveway provides access to a private residence on parcel VII (Flannery), and several abandoned structures on parcel V (Mandalay Gardens).

Ingress or egress through the above outlined residential communities would require expansion of existing local roadways and completion of unfinished roadway gaps, and would likely require drainage improvements. This roadway grid connects to Sheep Pasture Road at the existing vehicle bridge over the LIRR tracks (Bayview) and further west at Chestnut, Park, and Harborview. The narrow vehicle bridge would likely require reconstruction and widening, and Sheep Pasture Road would require widening, the installation of shoulders, and drainage improvements to accommodate any increase in vehicle or truck traffic. Based upon these considerations, ingress or egress via these local roadways does not appear to present viable options for LA site access. Each access was analyzed in the Traffic Impact Study prepared by L.K. McLean Associates, November 2014 and included within the Draft Environmental Impact Statement.

5.2.4 Site Access via Contiguous L-1 (Light Industrial) Parcels

The Lawrence Aviation site is bounded on the southwest and northeast by two parcels zoned for light industrial. One is currently in use as a family farm totaling 5.85-acres and another is a chipping and mulching concern totaling 21.54-acres (Chip-It-All - XII). The family farm is adjacent to Lawrence Aviation parcel IX. An informal vehicle connection exists between the Chip-It-All parcel and Parcel II. Access options from parcel XII are summarized and reviewed in the Traffic Study.

5.2.5 Site Access – Landlocked Lawrence Aviation Parcels

When the Route 25A Bypass Roadway right-of-way was purchased by the State in the mid-sixties, cross-access agreements with contiguous parcels were purposely not

negotiated as a limited access highway was envisioned. As a result, parcels X and XI are landlocked on the north by the NYS DOT Multi-Use Path and on the south by the LIPA right-of-way. In addition, there are no tap streets from neighboring residential communities to the south and east. Therefore, no legal or practical access is provided to these parcels (see *Appendix XIV Description and Map for the Acquisition of Property, Lawrence Aviation Industries, NYS Department of Public Works, 10/1/1966*).

5.3 Public Transportation

5.3.1 Long Island Rail Service

The Port Jefferson LIRR Station is located approximately ½-mile east of the LA Main Gate on Sheep Pasture Road via Main Street.

There are sixteen (16) peak hour trains from/to the Port Jefferson Railroad Station, eight (8) trains in the morning rush from 4:18 to 7:35 am, and eight (8) trains in the evening rush from 4:19 to 7:22 pm. During off-peak hours, there are an additional eleven (11) trains from Port Jefferson and thirteen (13) trains from Penn Station. Off-peak trains have average headways of approximately one (1) hour. Weekend service includes fourteen (14) trains per day in each direction averaging 1 ½-hour headways.

The close proximity of LIRR provides a commuter rail option for employees of companies which choose to locate at the Lawrence Aviation site in the future.

There are nearly 5 ½-acres of parking lots at the Port Jefferson LIRR Station providing approximately 515-parking spaces in five (5) separate parking lots. The majority of the spots (439-spots/85%) are contained in three (3) separate MTA parking lots, with the Village of Port Jefferson providing the remainder in two (2) lots (76-spots/15%) (see *Appendix XV for a breakdown of parking by Suffolk County Tax Map Number, Location, Acreage, Ownership and Number of Parking Spots*). The existing parking lots on the south side of the railroad tracks are approximately 50 – 60% full on weekdays.

5.3.2 Freight Rail Service

In 1997, the Long Island Railroad privatized its freight rail service by contracting with the New York & Atlantic (NYA) Railway, a Class III short-line railroad, to provide freight rail service for its customers through year 2017. The NYA Railroad is a division of the Anacostia & Pacific Company which, in addition to Long Island, operates short line rail and switching service in Illinois, Texas, Indiana, Minnesota and California. There is no historical evidence that freight rail service had been provided to the Lawrence Aviation site in the past, although depending upon future uses, freight rail service could be made available contingent upon the nature of the use(s) and the type, quantity and frequency of service needed (*source*: Long Island Railroad).

5.3.3 Suffolk County Transit

Suffolk County Transit operates six (6) public bus routes which transect the Port Jefferson Long Island Railroad Station as follows: the 5A, S60, S61, S62, S69 and the S76. Service is provided six (6) days per week Monday through Saturday from 6:00 or 6:30 am to 9:00 or 9:30 pm depending upon the route. Headways vary from every ½-hour to hourly. In total, there are 157 weekday transects and 136 Saturday transects at the Station (for a complete description of routes, number of transects, route origin & destination, and route description see *Appendix XVI, Suffolk County Bus Routes Transecting Port Jefferson LIRR Station*).

On average, the above six (6) bus routes provide over 52,000 trips per month or in excess of 625,000 trips annually. Suffolk County Transit does not maintain ridership data by bus stop, so it is not possible to determine what proportion of total ridership boards or exits at the Port Jefferson Railroad Station or on nearby Cherub Lane. The Port Jefferson Railroad Station is within a ½-mile taxi or automobile ride from the Lawrence Aviation Main Gate on Sheep Pasture Road (see *Appendix XVII* for monthly and annual ridership data by bus routes transecting the Port Jefferson LIRR Station).

(*source: Suffolk County Department of Public Works*).

To summarize, Suffolk County Transit provides a timely and reliable public transit service to the Port Jefferson LIRR Station which, if supplemented with shuttle service, is an extremely valuable asset to companies which may choose to locate to the Lawrence Aviation site.

5.4 Sewers

5.4.1 Sewer Treatment Plant Inventory

A December 2011 inventory of sewer treatment plants (STP's) completed for the Port Jefferson Station Sewer Study Area identified nine (9) existing STP's providing sanitary options for future development in the Area. Five (5) of the STP's are within one (1) mile of the Study Area and four (4) are beyond one (1) mile (see *Appendix XVIII – Figures 1 & 3*). The Port Jefferson Station Sewer Study Area abuts the LA site, but does not currently include it.

The closest sewer treatment plants to the Lawrence Aviation parcels are all small systems with capacities between 9,400 – 40,000 gallons per day (gpd). They serve single users, such as individual condominium developments, apartment complexes, and a nursing home (see *Appendix XVIII, Table 1(a) for detail*). A modest additional flow (46,000 gpd) is available from these systems without significant expansion (*Appendix XVIII, Table 2(a)*).

The four (4) sewer treatment plants beyond one (1) mile offer more promise for future sanitary options (see *Appendix XVIII, Table 1(b) for detail*). Collectively these sewer treatment plants have permitted flow of 1.4 million gpd and offer unutilized capacity of

some 357,000 gpd (*Appendix XVIII, Table 2 (b)*). The most promising STP based upon its proximity is S.C.S.D. #1 (Port Jefferson). Unfortunately, the sewer district with the most unused capacity, the S.C.S.D. # 2 (Tallmadge Woods-Miller Place), is probably too far at 1.9-miles from the Sewer Study Area to make connection with the Lawrence Aviation site feasible.

Suffolk County prefers the development of regional waste water collection and processing systems, rather than a piecemeal approach of creating separate sewage treatment plants for individual projects. In this regard, Suffolk County is likely to favor an expansion of the Port Jefferson sewage treatment plant, provided the plant's design will permit expansion and nitrate emissions can be regulated to avoid harmful impacts to Port Jefferson Harbor.

5.5 Population

The 2010 population of the Port Jefferson Station Census Designated Place (CDP), which is inclusive of Terryville, was 7,838 vs. 7,527 for the year 2000, a 4% increase. Average household size decreased slightly to 2.75 from 2.87. Median age increased to 39.2 years from 35.90, with the largest population decreases occurring in all age cohorts under 20 years and the largest population increases occurring in all age cohorts over age 45. This mirrors the national trend of aging baby boomers.

The fastest growing group in the Port Jefferson Station CDP is Hispanic/Latino residents with 1,158-residents in 2010 vs. 685- residents in year 2000, a 69% increase. The average household size of Hispanics in 2010 was 4.11-persons about equal to what it was in year 2000 (4.09).

The 2010 population of the Port Jefferson Village Census Designated Place (CDP) was 7,750 vs. 7,837 in the year 2000, a small decrease of 1.1%. Average household size remained nearly unchanged at 2.40 vs. 2.45 in year 2000. Median age increased to 43.6 years from 40.4 years, with the largest population decreases in ages 21 – 39, and the largest population increases in ages 60 – 84.

The fastest growing group in the Port Jefferson Village Census Designated Place is Asians with 472 residents in 2010 vs. 261 residents in year 2000, an 81% increase. The Hispanic population grew to 500 residents vs. 408 residents in year 2000, a 23% increase. Average household size increased slightly for Asians to 2.67 from 2.51 in year 2000, while Hispanic household size decreased to 2.84 from 3.38 in year 2000 (*source: All population data, US Census Bureau 2000 & 2010*).

5.6 Environment

5.6.1 Environmental Setting

The Lawrence Aviation Industries study area is located outside of any designated environmental areas; however there are four (4) separate critical environmental areas (CEAs) within approximately 1.5 miles in all directions. These CEAs are:

- South Setauket Woods Special Groundwater Protection Area (1.5 miles to the Southwest);
- Central Pine Barrens Critical Environmental Area (Town Boundaries) (1 mile East);
- North Shore Critical Environmental Area (1 Mile Northeast);
- North Shore Critical Environmental Area, Port Jefferson (PJ) (1 mile Northwest)

It should be noted that only the first CEA (South Setauket Woods) is state designated, whereas the rest have been designated and codified by the Town of Brookhaven. Additionally, the property is located approximately one (1) mile south of the Port Jefferson Harbor, a natural deepwater harbor. The Harbor is part of a Stewardship Area⁴ designated as a New York State Significant Coastal Fish and Wildlife Habitat⁵ and is part of the National Coastal Barrier Resources System⁶. While the property is not located directly in any of these CEAs, the past practices which occurred on-site have impacted Port Jefferson Harbor and to a lesser degree, the North Shore CEA, PJ due to pollutants leaching into groundwater and emptying into the harbor.

The total study area is relatively small (compared to standard Land Use Plans within the Town of Brookhaven) at approximately 150 acres; however the history of the property (including dumping of vast quantities of harmful materials) and designation as a Superfund site place added importance on restoring the property and protecting any and all natural resources which exist on-site. In 2003, an ecological reconnaissance was performed for the LAI site as part of the EPA's "Remedial Investigation".

Numerous plants, shrubs and trees were found to be present on the various properties which comprise the study area. Native plants and urban invasive species were observed within the wooded area along the LAI perimeter. Wildlife, including numerous species of song birds, a species of hawk and small mammals such as squirrels were observed within the site. The outlying parcels and their fringe habitats exhibited characteristics of both maritime oak forest and pitch pine-oak forest ecological communities.

Approximately seventy-five (75) acres along the eastern portion of the study area were farmed as recently as the 1950's, while other portions of the site have experienced varied development projects or disturbances. Currently, nearly two-thirds of the property is

⁴ <http://longislandsoundstudy.net/2012/07/mt-sinai-port-jefferson-harbor/>

⁵ http://www.nysegov.com/citguide.cfm?ques_id=1066&superCat=396&cat=406&content=relatedfaqs%20

⁶ <http://www.csc.noaa.gov/digitalcoast/data/cbrs%20>

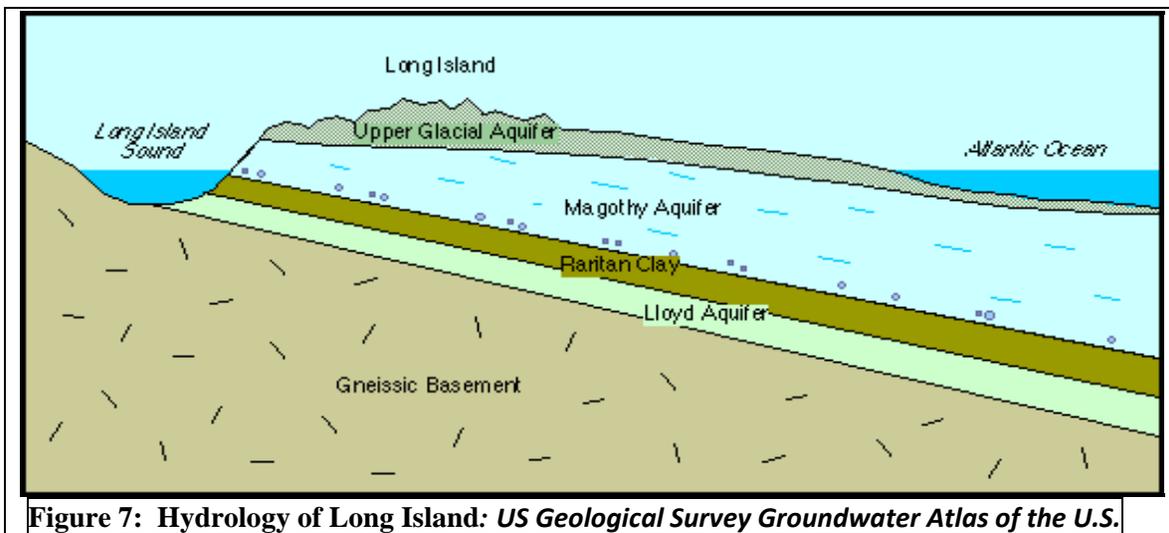
wooded with a small area (approximately 2.5 acres) in the northern section of the property devoid of vegetation due to past sand-mining practices. There is a pond, approximately one (1) acre in size located in the northern portion of the property, entirely within the bounds of a parcel containing a single-family dwelling (known as the “Flannery property”) as seen in (see parcel VII on the Base Map). This naturally occurring pond is a depression with a clay lens beneath. Groundwater is approximately 175’ - 200 feet below the surface.

5.6.2 Hydrology

The LA site is located in Hydrogeological Zone I requiring a minimum of 20,000 s.f. lots. It is not located in a Critical Environmental Area. The site is composed primarily of forested lands comprising approximately 125-acres or 80% of all lands, with 31-acres or 20% composed of roads, buildings and other impervious surfaces. Immediately south of the LIRR tracks are 2.75-acres which have been mechanically cleared of vegetation (see parcel VIII on base map). Approximately 350’ north of LA’s primary industrial parcels is a separate, privately owned 2.75-acre parcel (VII) with a private residence which hosts a pond, a Town-regulated freshwater wetland of approximately .71-acres mapped under the NYS Freshwater Wetlands Act.

The LA site is located upon the Harbor Hill moraine which is up to 70’ thick and composed primarily of sand and gravel with occasional lenses of silty sand and silt. This layer is about 30 to 40’ thick directly beneath the LA facility.

Groundwater is more than 100’ below the ground surface and flows north toward the Long Island Sound. Three (3) aquifers are present beneath the LA site: the Upper Glacial Aquifer, the Magothy Aquifer, and the Lloyd sand member of the Raritan Formation. (Source: Public Health Assessment for LA, ATSDR, 11/29/2005)



5.6.3 Soils

Predominant soil types include Carver & Plymouth sands (“CpE” 15-35% slopes), Haven & Plymouth loam (“HaA”/“PIB” zero-8% slopes), and Riverhead Sandy Loam (“RdB” 8–15% slopes). Approximate overall percentage distribution of slopes is as follows: 0-10%: 78%, 10-15%: 0, 15% or greater-22%). All soils are well drained. There are no dunes, bluffs, swales, kettleholes, strands or other geological formations on the site. Depth to bedrock is $\pm 1,185'$ with minimum depth to the water table $\pm 153'$. Additional information about on-site soils and soil descriptions can be found at the US Department of Agriculture Natural Resources Conservation Service Web Soil Survey website: <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

5.6.4 Topography

The LA site lies atop the Harbor Hill Moraine on a localized plateau. A high point immediately north of the site reaches an elevation of 271' above mean sea level (msl). From this location northward, the topography drops to sea level at Port Jefferson Harbor over a distance of approximately 1.1 -miles.

The site area is relatively hilly with rolling hills and valleys compared with the topography to the immediate west and south, which is predominantly flat. Ground surface elevations on site range from approximately 190' in the northwest corner of the LA property to 250' on the north central portion of the outlying parcels. The main industrial buildings at the southern end of the site (parcels I & II) are at an elevation of 225' (*source: US EPA, Record of Decision (ROD)*).

Figure 8, the Topography Map illustrates the considerable differences in the elevation of the site both within and between parcels which may impact future redevelopment options and costs. Parcels VI and VIII exhibit large grade changes that would require earth moving and leveling in order to develop the properties. The remainder of the properties appear to have been previously cleared for agricultural purposes in the 1940's.

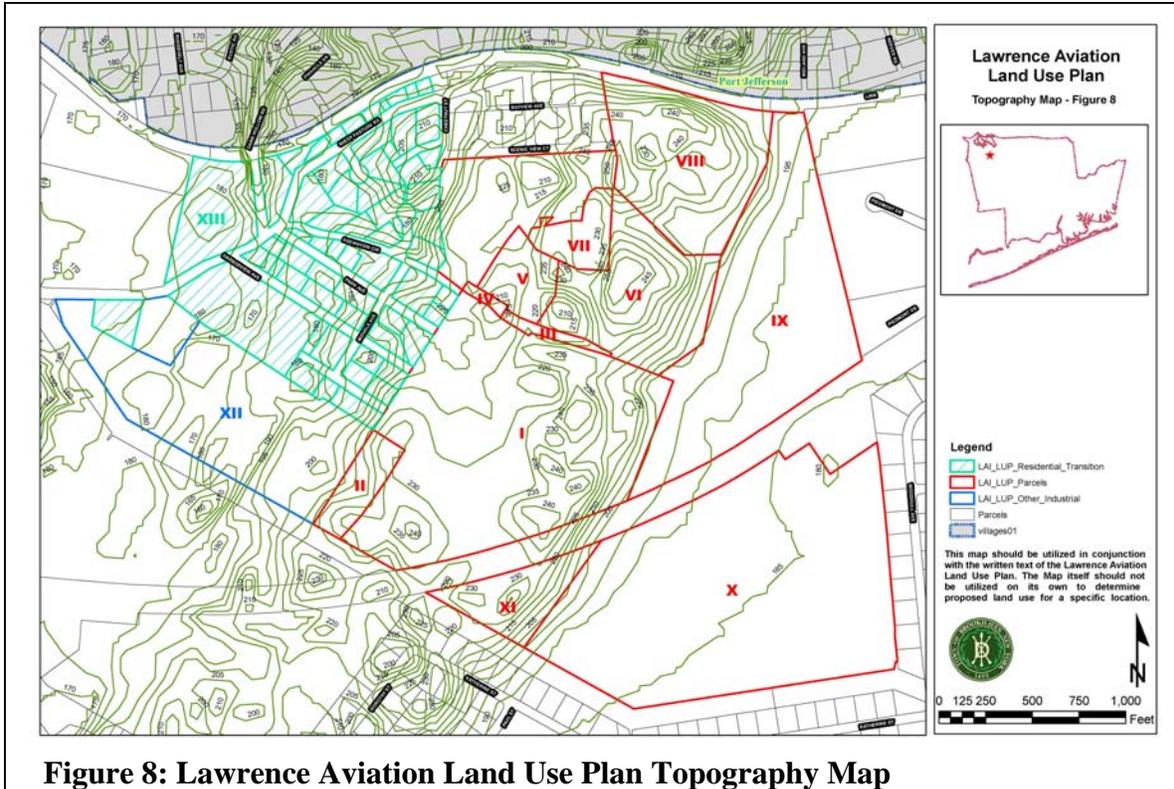


Figure 8: Lawrence Aviation Land Use Plan Topography Map

5.6.5 Distribution of Slopes

Approximate overall percentage distribution of slopes is as follows: 0-10%: 78%, 10-15%: 0, 15% or greater- 22%. (See Section 3.6 *Summary of Environmental Conditions* for more detail).

5.6.6 Surface Water and Wetlands

The land encompassing the LAI study area is all upland woodlands, with the exception of one pond totaling approximately .75 acres in size and located on the “Flannery property”, (see parcel VII on the Base Map). The pond is not connected to groundwater, which is greater than 175-feet below the surface. Instead, the pond exists due to a clay lens underlying the pond which prevents water from percolating through to the aquifer below. Reviews of historical aerial imagery indicate that the pond has been in existence in its current state since at least the early 1900’s, but it is inferred that the pond dates back much further.

Since the pond is not connected to groundwater or fed by a natural spring, the perched water originated from precipitation and runoff. As such, the pond is not impacted by the toxins that were dumped into the ground at the factory site, though testing of the pond water does indicate minor amounts of pesticides and herbicides, likely from past agricultural practices (and the resulting stormwater runoff), and from application of chemicals to the lawn located at the Flannery property. It is expected that the pond is

host to a wide variety of aquatic species (fish, amphibians, plant life) and animals that depend upon water for life cycles, thus making it a vital feature in the general area for wildlife.

No other sources of surface water or wetlands are present within the study area, again, due to topography and underlying soils. There is a small body of water typically present on the Suffolk county parkland to the west of the study area (SCTM # 0200 15800 0400 016000). This water body varies in size throughout the year and can disappear during long dry periods. It is underlined with mud and clay (which has been compacted by frequent off-road vehicle use) and thus is dependent upon precipitation. As the surrounding soils are porous sand, the area does not receive runoff from severe storm events. Additionally, since it is a relatively shallow basin, it supports little aquatic life (since it freezes solid in winter and can disappear in summer) though it is expected to be utilized by a variety of wildlife and may be a breeding pond for animals such as the Fowler's Toad (*Bufo fowleri*).and American Toad (*Anaxyrus americanus*).

5.6.7 Rare, Threatened and Endangered Species

The results of the 2003 ecological report as part of the EPA's investigation did not discover any plants or animals that are on either the New York State's list or the Federal Government's list for said species of flora and fauna. Due to previous disturbance activities (including agriculture activities) and the dumping which occurred as part of the industrial use, it is not expected that rare, threatened or endangered species would utilize the parcels within the study area with the exception of the two (2) species of birds described below. Furthermore, due to the subject parcel being nearly surrounded by roadways and residential/industrial development, it is not expected that animal species would colonize the site from other areas. However, it should be noted that the parcels are adjacent to two (2) distinct corridors that can facilitate movement of species throughout a wide geographic area. These corridors are the LIPA ROW which runs generally east/west, and the NYSDOT multi-use path which runs approximately 3.3 miles from Setauket to Port Jefferson Station. Additionally, Suffolk County owns a nearly 80 acre parcel of open space directly south of the study area, however this area has also been historically disturbed (including sand mining activities) and is not expected to contain rare, threatened and/or endangered species.

Due to the presence of over 100 acres of forest (approximately 40-50 years old based on historic aerials), it is likely that the property is regularly utilized by two (2) species of bird which are found on the NYSDEC's list of species of special concern⁷. These species are the Sharp-Shinned Hawk (*Accipiter striatus*) and the Cooper's Hawk (*Accipiter cooperii*)

Both species of hawk prefer wooded habitat near clearings as well as residential areas where they prey largely on small birds and rodents. It is likely that one or both of these species actively nest (or have historically nested) within the study area and utilizes the

⁷ <http://www.dec.ny.gov/animals/7494.html>

study area for food. It is important that some habitat be preserved for these species, which also would be expected to be found on the adjacent Suffolk County owned parcel.

5.6.8 Ecology

In 2003, an ecological reconnaissance was performed for the LA site as part of the EPA's Remedial Investigation. Numerous plants, shrubs, and trees were found to be present at the LA facility. Native plants and urban invasive species were observed within the wooded area along the LA perimeter. Wildlife, including numerous song birds, one species of hawk, and squirrels were observed in the vicinity of the site. The outlying parcels and their fringe exhibited characteristics of both maritime oak forest and pitch pine-oak ecological community categories. Wildlife observed in these areas included the eastern towhee, American robin, and red-bellied woodpecker.

Flannery Pond, located approximately 400' north of the LA main manufacturing parcels, is less than 1-acre in size, is a likely habitat for amphibian breeding, and may also be utilized by raccoons and turtles. Old Mill Pond, located approximately 1-mile down gradient in Port Jefferson Village is less than ½-acre in size and approximately 3' deep. Vegetation and song birds were observed around both ponds.

5.6.9 Cultural Resources

A Stage 1A Cultural Resources Survey of the site and surrounding area was conducted as part of the Lawrence Aviation Industries remediation by the US EPA. The site and the surrounding area are within a region designated in a Suffolk County Archaeological Association-sponsored study as sensitive for prehistoric archaeological resources. At least three (3) archaeological sites have been identified within the area, and over 100 historic properties in the Village of Port Jefferson are listed on the State and National Register of Historic Places.

The Stage 1A Cultural Resources Survey concluded that most of the LAI site, including all outlying parcels, should be considered moderately sensitive for prehistoric archaeological resources. The following parcels are considered not sensitive for archaeological resources: the main manufacturing parcels to the south (I, II and disturbed portions of XI), and disturbed portions of parcel VIII immediately south of the LIRR tracks which was reportedly sand-mined in the past and may have hosted an asphalt plant.

The Flannery home, located on parcel VII, is noted on a database prepared by the Society for the Preservation of Long Island Antiquities (SPLIA). If, in the future, the residential use is discontinued, it is recommended that the existing home be re-used or relocated.

5.6.10 Public Water Supply

The Suffolk County Water Authority provides and maintains the water mains that serve the study area. The public water supply wells and mains are indicated on Figure 4, along with the area of groundwater contribution to the public water wells which is indicated by the blue swath ending at the assemblage of public water wells. Through computerized modeling of the groundwater system, the New York State Department of Health and the Suffolk County Department of Health Services generally identified the area of groundwater contribution to each public water well in order to assess the potential of being impacted by various types of land use.



Figure 9: SCWA Public Well Groundwater Contribution Area. SC Department of Health Services

5.6.11 Toxic Plume

In June 2008, the US EPA published a contour map (*see Appendix I*) which depicts the sub-soil location of a toxic plume emanating from the Lawrence Aviation site. Caused by years of improper disposal of chemicals utilized in manufacturing at the site, the map illustrates the north-westerly pathway of the plume from its origins in parcels I & XI (the former drum crushing area), and parcel II (the former unlined lagoon) to its eventual terminus in Port Jefferson Harbor 1.1-miles down gradient. On its way, the plume passes under approximately



Figure 10: Groundwater treatment center, Lawrence Aviation (parcel II)

98% of contiguous light industrial parcel XIV to the immediate west of Lawrence Aviation, largely residential neighborhoods in Port Jefferson Station to the north of parcel XIV, and Port Jefferson Village where the plume rises with the water table as it approaches Port Jefferson harbor.

In September 2010, utilizing \$4.7-million in American Resource and Recovery Act (ARRA) funding, the EPA initiated an on-site ground water extraction and treatment system on parcel II (the former unlined lagoon) to cleanse the contaminated water table and help prevent further movement of plume contaminants down gradient of the site (see next page for photo of the on-site ground water extraction and treatment system structure).

In the summer of 2011, a second ground water extraction and treatment system was initiated down gradient of the site at the Old Mill Pond in Port Jefferson Village. This treatment system is designed to capture chemicals from the plume which escaped the Lawrence site, and to prevent them from entering Port Jefferson harbor.

5.6.12 Disturbed Soils

Exclusive of the main industrial parcels (I & II), there are approximately nine (9) acres of soils which have been documented as disturbed at the LA site as follows:

Approximately two (2)-acres in the north central portion of Outlying Parcel VIII was sand mined and contains fill from unknown locations (source: USEPA ROD). This site may have also hosted an asphalt plant as early as the 1940's (source: *Phase I Environmental Assessment, Vollmuth & Brush, 2/13/03*);

Approximately two (2)-acres in the north central portion of Outlying Parcel X was documented as being cleared by historical photographs but has since succeeded to natural vegetation;

As part of the EPA cleanup, contaminated topsoil was removed from a two (2)-acre+ site from adjacent portions of industrial parcel I, the NYS DOT right-of-way (now a pedestrian greenway), and Outlying Parcel XI and replaced with clean fill. This was the former drum crushing area (*see photo on next page*);

Again as part of the EPA cleanup, contaminated topsoil was removed from an approximately one (1) plus-acre site on Industrial Parcel II and replaced with clean fill. This was the former unlined lagoon area where dumping occurred; Approximately two (2) acres in the central portion of Outlying Parcel V, also known as Mandalay Gardens (a former landscaping business), hosts an abandoned residence, greenhouse, chicken coop and pool.

5.6.13 Soil Testing

During the 1970's and 1980's, Suffolk County Department of Health Services (SCDHS)

and the New York State Department of Environmental Conservation (NYSDEC) conducted several site visits and investigations which included the collection of surface soil samples at LA's main industrial parcels (parcels I & II). The results revealed high levels of fluoride, toluene, carbon tetrachloride, and heavy metals in all soil samples.

Adjacent private residential wells were found to be contaminated with fluoride, nitrates, TCE, dichloroethylene, PCE's, and heavy metals, and were remediated though the provision of public drinking water by the Suffolk County Water Authority.

In 2003, soil vapor testing was performed on outlying parcels V & VI to determine if VOC vapors from the LA plume were impacting the site of a proposed

affordable senior housing complex.



Former drum crushing area remediated by US EPA-Parcel II

The testing was required by the NYS Department of Housing and Community Renewal which was to provide funding for the project. Samples were taken from eleven (11) test locations including the proposed foundation areas of nine (9) residential buildings and one (1) community building which revealed no contamination. Additional testing was performed in and around existing structures which included an abandoned residence, greenhouse, tennis court, pool and chicken coop (Mandalay Gardens), and three (3) topographic low-lying areas of the site. The former revealed contamination with semi-volatile organic compounds, pesticides and metals above testing tolerances. The later revealed mildly elevated levels of heavy metals (*source: Wisdom Gardens II, Testing and Analysis Results of Proposed Work Plan and Addendum to Proposed Work Plan, Vollmuth & Brush, April 16, 2003*). In addition, a buried 1,000-gallon No. 2 fuel oil tank adjacent to the residence first failed during testing and subsequently passed after repairs. Three drums of fuel oil contaminated soil were removed from the area of the tank repair (*source: Phase I Environmental Assessment, Vollmuth & Brush, revised 2/13/03*).

In 2006, the USEPA conducted soil testing of the remaining outlying parcels (III, IV, VIII, IX, X, XI) at the LA site. A total of 136 samples were taken at various locations and soil levels (0 – 2", 1" – 12", 12" – 40") as follows:

- The NYS Department of Transportation Right-Of-Way transecting the site between parcels I & XI;

- The former drum crushing area in parcels I & XI, the disposal ditches between parcels X & XI and the NYS ROW and parcel X;
- The formally cleared area of parcel X;
- The sand pit area in parcel VIII;
- And other selected areas in parcels III, IV, VIII, and IX.

It is understood but unconfirmed that soil testing was not performed in 2006 on outlying parcels V & VI because these parcels were tested in 2003 (see above). Parcel VII was not tested as it is privately owned and hosts an existing residence (*note: this parcel has been in separate ownership since at least 1957*).

The 2006 testing results revealed high concentrations of a variety of metals in all of the soil samples. In general, surface soils showed the highest frequencies and magnitudes of screening criteria exceedances. Arsenic exceeded its screening criteria in nearly all of the surface and subsurface soil samples. There were frequent exceedances of screening criteria for iron, aluminum, manganese, and magnesium (*see Appendix XIX, Figure 1-3 which illustrates the locations of all outlying parcel soil borings, and Figures 3-2 and 3-3 which summarize findings which exceed screening criteria*).

5.6.14 On-Site Transformers & Asbestos/Soil Vapor Testing

In 2013, the US EPA investigated the presence of electrical transformers at LA and confirmed that 31-transformers remained on site, with 7-transformers documented to be leaking PCB's. Arrangements are currently being made to remove the 7-leaking transformers and to remediate the spillage. In addition, the EPA reported that there had been an asbestos release caused by workers who were removing scrap metals from one of the LA buildings in December 2013. The EPA reported that plans were currently underway to remediate the asbestos release (*source: US EPA, Lawrence Aviation Industries Citizens Advisory Committee Meeting, 3/19/14*).

On May 13, 2014, US EPA agents raided the LA site to further investigate the handling of hazardous materials, including asbestos, at the site and to begin a cleanup (*source: Newsday, May 14, 2014, p. A5*).

In February 2005, the US EPA began a soil vapor intrusion investigation down gradient of the Lawrence Aviation site in the Village of Port Jefferson. The study was jointly undertaken by the NYS Department of Health and the Agency for Toxic Substances and Disease Registry (ATSDR) of the US Department of Health and Human Services. Sub-slab (below building) samples from 56 nearby buildings and indoor air (inside building) samples from Port Jefferson High School, a daycare and six (6) residences were collected. Sub-slab depressurization systems were installed beneath four (4) residential buildings and the wrestling room of Port Jefferson High School, as these sites contained trichloroethene (TCE) and tetrachloroethene (PCE) "at levels of concern for impacts to indoor air." The study concluded that vapor traces in these five (5) buildings were "within the range typically found in residential buildings and below public health comparison values for cancer and non-cancer health effects." (*source: Health*

Consultation, Soil Vapor Intrusion Evaluation, Lawrence Aviation Industries, Port Jefferson Station, Suffolk County, New York, EPA Facility ID: NYD002041531.

5.6.15 EPA Superfund Record of Decision (ROD)

The EPA issued its Record of Decision in September 2006 which details the selected remedy to remediate the Lawrence Aviation Superfund site. The remedy was supported by the NYS DEC, the Town Of Brookhaven, and the Village of Port Jefferson. The cost of implementing the decision is estimated at \$24.2-million over a 30-year timeframe or until 2036 (*also see Record of Decision for more detail, Remedy S2, pp. 30 – 35*).

The selected remedy has the following major components:

1. Removal of contaminated surface soils and catch basin sediments;
2. Installation of onsite and down gradient groundwater extraction and treatment systems to remediate groundwater contamination caused by the LA toxic plume;
3. Ongoing monitoring of volatile organic compound (VOC) vapor emanating from the LA toxic plume;
4. Limitation of future uses for the main industrial parcels (I & II) to commercial and industrial, and a requirement that parcel owners place environmental easements/restrictive covenants on these parcels effectively prohibiting future residential use;
5. Future uses at the site must be protective of the above remedies, and must follow SC Department of Health Services institutional controls for water provision and waste water disposal or treatment.

5.6.16 Progress to Date: EPA Superfund Record of Decision

Contaminated surface soils and sediments have been removed from LA industrial parcels I, II, and portions of X & XI, and from the Old Mill Pond & Old Mill Creek down gradient in Port Jefferson Village (# 1 above).

Groundwater extraction and treatment systems have been installed on site and down gradient near the Old Mill Pond in Port Jefferson Village, and have been operational since September 2010 and the Summer of 2011 respectively (# 2 above).

Sub-slab samples were taken from 56-separate locations to test for VOC vapor. Ongoing VOC vapor monitoring of four (4)-residences and one (1) institution continues, with sub-slab depressurization systems installed at four (4) locations (# 3 above).

To date, the owners of parcels I & II (Lawrence Aviation Industries) have not complied with EPA's request to place environmental easements/restrictive covenants on these parcels limiting future uses to commercial or industrial only (# 4 above) (*source: telephone conversation with US EPA Region II, January 6, 2014*).

During the 1970's and 1980's, contaminated private drinking wells were discovered adjacent to the site by the SC Department of Health Services and the Town Of Brookhaven. This led to the installation of public water by the SC Water Authority with partial funding from the Town Of Brookhaven's Community Development program. Future uses at the site will need to utilize public water and comply with SC Department of Health Services regulations for waste water disposal or treatment (# 5 above).

In September 2014, the EPA released a Remedial Action Report to document the final construction activities at the LAI Superfund Site. The report documents the remedial activities that have occurred, including the excavation of PCB contaminated soils and associated backfill. The Remedial Action Location Map clearly denotes the areas where soil contaminants were remediated. Additional maps can be found in the report that reveal Post-excavation Sample Results. A copy of the document is available at the Town's Planning Dept and should be available shortly from the EPA's website.

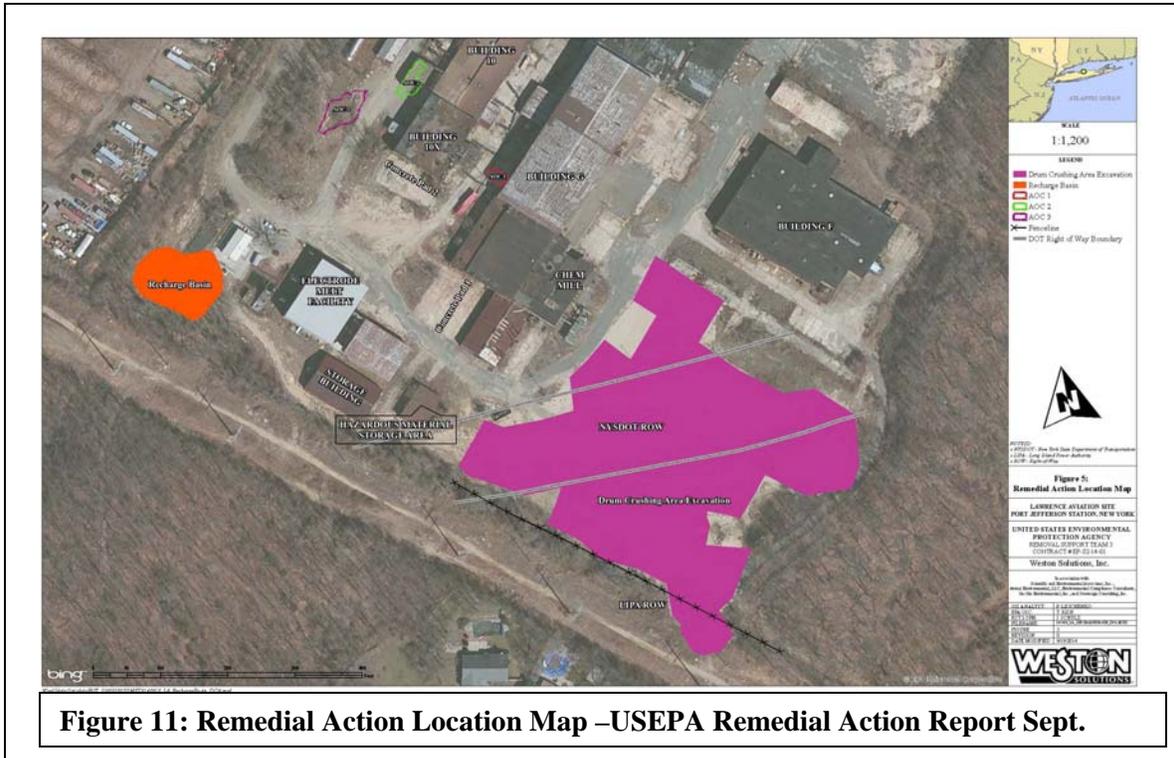


Figure 11: Remedial Action Location Map –USEPA Remedial Action Report Sept.

5.7 Economic Considerations

5.7.1 Tax Arrears- Lawrence Aviation Industries Entities

As of July 5, 2013, a total of \$11, 166,327 in accumulated back taxes and penalties is owed by three (3) separate entities associated with LA (see chart on next page).

It should be noted that parcels V, VI & VII at the LA site, and parcels XII, XIII and XIV on adjacent contiguous parcels are under separate ownership from LA entities, and are

not in tax arrears. As indicated previously, the contiguous parcels are included in the Plan as they present additional options for redevelopment or preservation contingent upon willing sellers.

PROPERTY TAXES IN ARREARS TO SUFFOLK COUNTY, NEW YORK*			
(All Lawrence Aviation Industries Entities)			
Parcel ID	SCTM #	Back Taxes & Penalties	Entity
I	159-2-19	\$8,303,333.36	Lawrence Aviation Industry
VIII	136 -2-22	618,359.08	“ ” ”
II	159-1-26	35,852.09	“ ” ”
X	180-4-2	\$1,388,292.66	Gerald Cohen
IX	159-2-20	765,450.68	” ”
XI	180-4-1	28,512.93	” ”
IV	159-2-22	\$16,797.19	Lawrence Foundation
III	159-2-8.1	9,729.43	” ”
Total Tax Liens – All LA Entities.....			\$11,166,327.42
* (Source: Suffolk County Treasurer’s Office)			

Table 4: Property Taxes is Arrears to Suffolk County, NY

5.7.2 Consolidated Remediation Lawsuits and Creditor Lawsuits

In addition to the above taxes in arrears to Suffolk County, the US EPA has launched a lawsuit as permitted by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA – the Superfund Law), to recover costs incurred in the removal of toxic chemicals and clean-up of polluted sites. A Federal Arbitrator has consolidated a host of separate law suits by numerous creditors into the CERCLA suit which is seeking to recover approximately \$40-million in claims. The parties have been meeting in Arbitration in an attempt to resolve these claims against Lawrence Aviation Industries, Inc. and principles of the firm.

The Lawrence Aviation Land Use Plan is designed to provide a clear roadmap for the future private redevelopment of the site once the above CERCLA lawsuit has been settled, and the Town of Brookhaven building moratorium on the site has ended January 18, 2015.

5.7.3 Suffolk County Land Bank Corporation (LBC)

On March 13, 2012, Suffolk County created a Land Bank Corporation (LBC), an independent not-for-profit corporation, to facilitate the redevelopment of environmentally contaminated properties (brownfields) which are tax delinquent. The LBC provides a mechanism for Suffolk County to sell the tax liens of selected brownfield properties to bidders for less than the tax lien amount, heretofore prohibited by the SC Tax Act. It additionally provides a mechanism to keep the County out of the change-of-title so it can avoid Liability for cleanup costs associated with previously undiscovered contamination.

On December 11, 2013, representatives of the LBC accepted an invitation to participate in a Lawrence Aviation Citizens Advisory Committee Meeting, made a presentation via telephone on its role and procedures, and answered Committee member’s questions.

The LBC has developed a series of criteria to evaluate the appropriateness of transferring brownfield properties to the land bank based upon the degree of contamination ranging from minimal contamination to the most contaminated. Based upon these criteria, the Lawrence Aviation parcels are eligible for transfer to the Land Bank, but the high degree of known prior contamination makes them low priority candidates for transfer to the land bank (*source: Suffolk County Land Bank Corporation, December 11, 2013*).

6.0 RECOMMENDATIONS

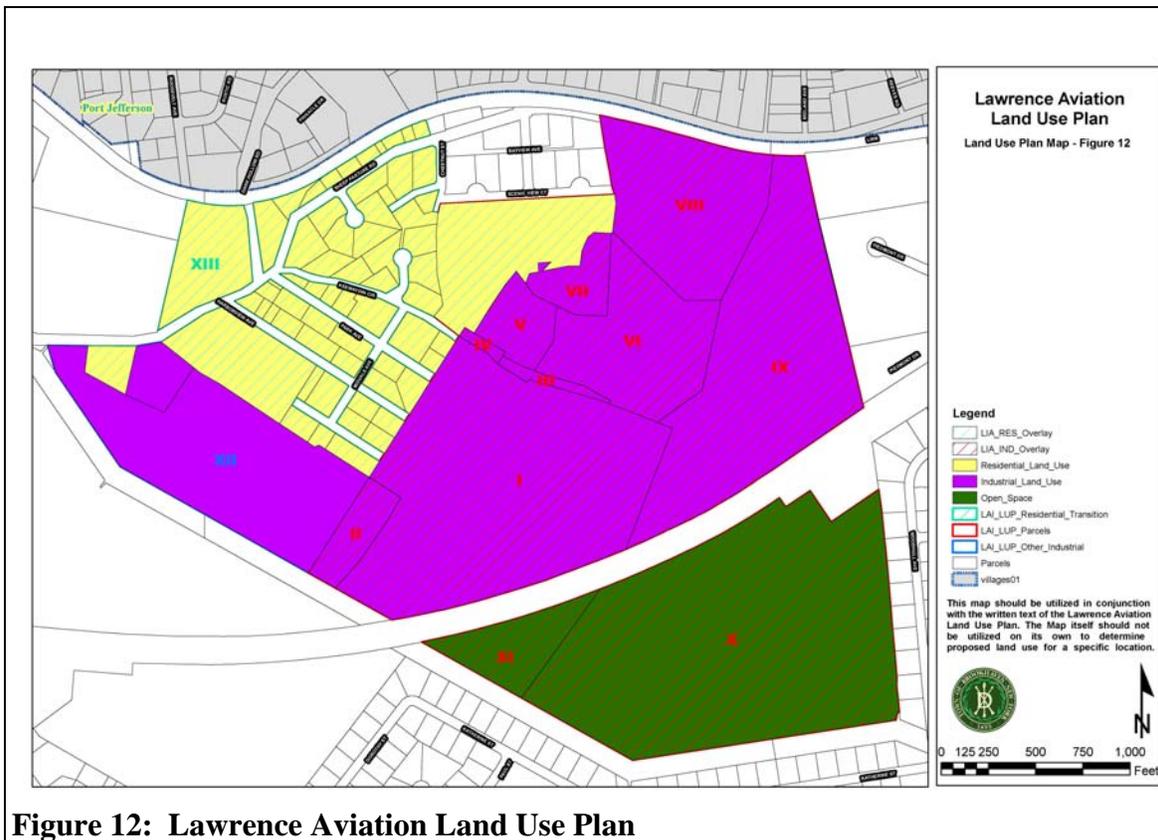


Figure 12: Lawrence Aviation Land Use Plan

6.1 Rezone Residential Parcels to L-Industrial-1

Rezone five (5) parcels (IV, V, VII, X and XI on the Base Map) totaling 58.53-acres to L Industrial 1 (Light Industry), thereby eliminating future residential uses from parcels associated with the Superfund site. These parcels are currently zoned B-1 Residence, or split-zoned L-1 Industrial/B-1 Residence which could permit up to 81-single family homes to be constructed.

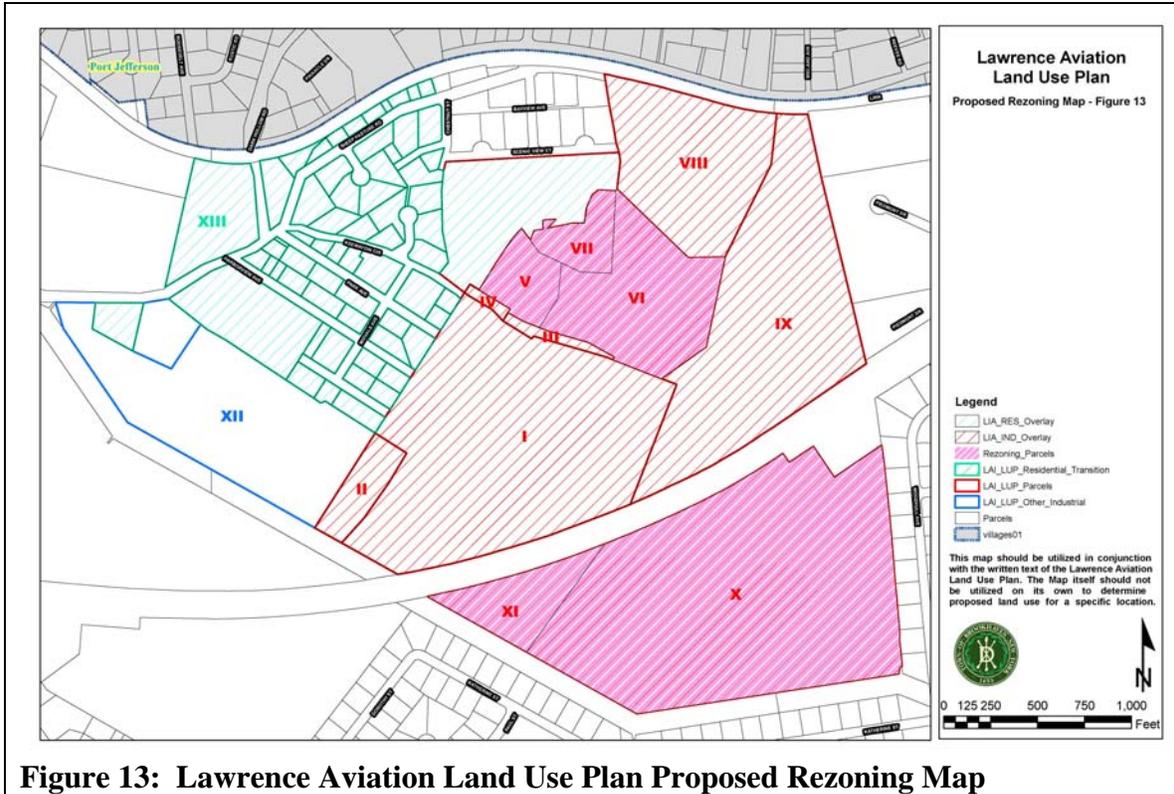


Figure 13: Lawrence Aviation Land Use Plan Proposed Rezoning Map

6.2 Develop and Adopt a Lawrence Aviation Overlay District

The Overlay District is a mechanism to control uses, encourage green energy uses, establish residential development standards for certain adjacent parcels, provide innovative planning tools to encourage both light-industrial redevelopment and substantial preservation of natural vegetation. The Overlay District would accomplish the following goals:

- A. Eliminate certain currently permitted uses in the L Industrial 1 District from the Lawrence Aviation site. The uses to be prohibited include:
 - Agricultural;
 - Church, or similar place of worship;
 - Day Care Facility;
 - Non-motorized Recreational Activities.

- B. Eliminate certain currently permitted Planning Board Special Permit uses in the L Industrial 1 District from the Lawrence Aviation site. The Special Permit uses to be eliminated include:
- Assembly and social recreation hall or dance hall;
 - Kennels;
 - Non-degree granting sports instruction/programs, including dance, gymnastics, self-defense, and swimming (*note: non-degree granting instruction/programs associated with manufacturing or professional driver training are permitted*);
 - Public, private school or parochial school;
 - University or College.
- C. Permit transfer-of-development yield, including both sanitary & clearing, between industrially-zoned parcels to encourage clustering and habitat preservation;
- D. Require significant vegetated buffers to all residentially zoned and used properties.
- E. Provide incentives for green energy production, particularly solar energy to include:
- Permitted with a Planning Board Special Permit at time of site plan review;
 - Increase security fence heights (from 6 to 10');
 - Allow unpaved areas as suitable for stormwater containment;
 - Expedited Environmental Review;
 - Environmental impacts analyzed in LA LUP GEIS;
 - Increased lot coverage limits (from 60% to 75%);
 - Decreased lot setback requirements (from 100' to residential uses to 50'),
 - Permit clearing of natural vegetation for solar arrays.
- E Create a LA Residential Transition Area with performance standards:
- Require advisory notices on Certificate of Occupancy's of residential property down gradient of the LA site.
 - Require at-grade construction for all new residential development.
- F. Require soil and volatile organic chemical (VOC) testing, and as warranted soil and/or VOC remediation to ensure safety at the site and require Soil Management Plans for each site if materials are proposed to be removed from the site or if significant grading is to occur. (Testing criteria to be utilized will be NYCRR,

Part 375-6.8 (a), (b): Restricted & Unrestricted Use Soil Cleanup Objectives (*see Appendix XX*.)

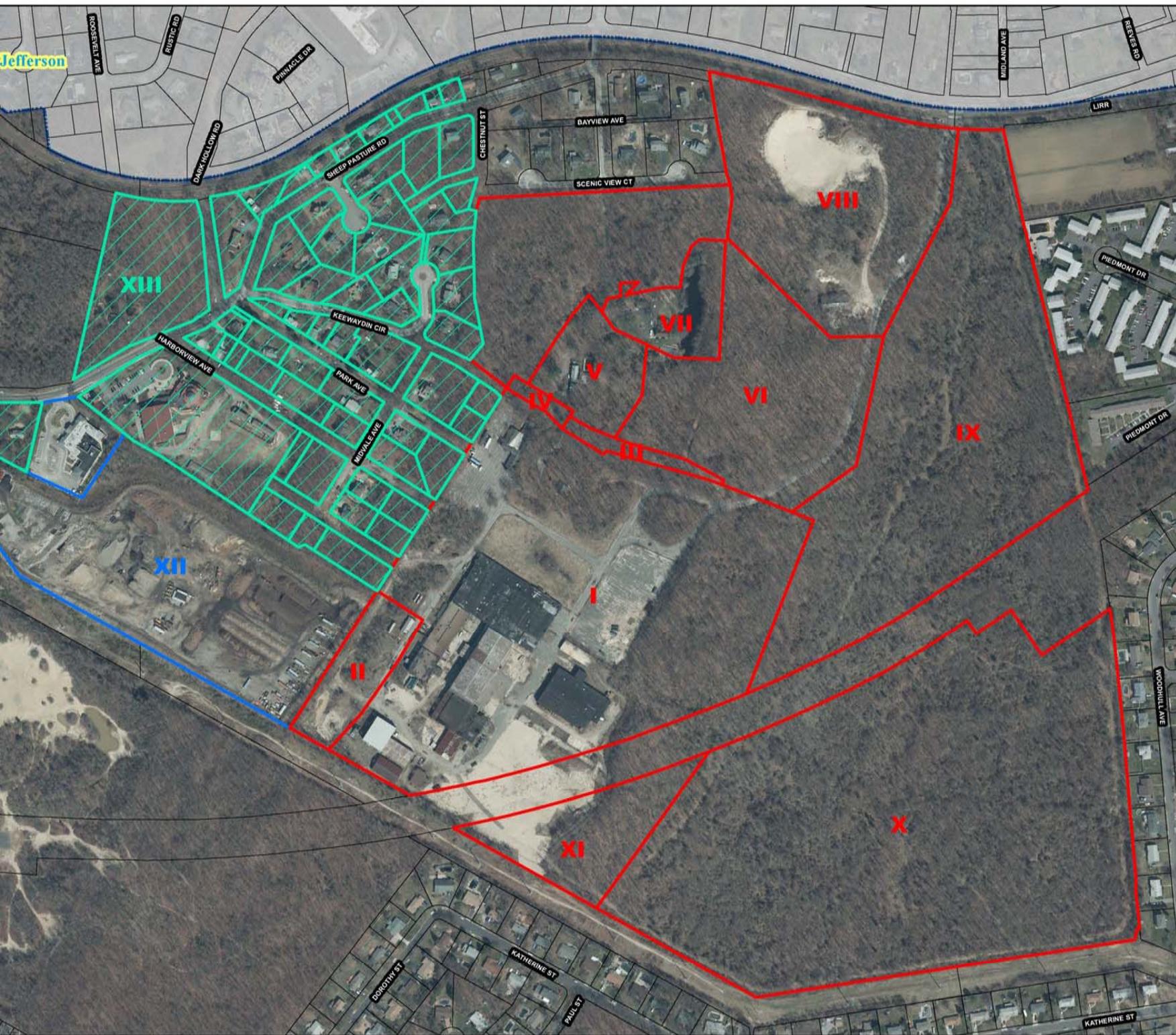
- G. Maintain B-1 & L-1 zoning on parcel VI and permit the residential portion to be developed residentially and the industrial portion to be developed industrially.
- H. Require 150' natural buffers from the existing surface water wetlands on Parcel VII, Flannery Pond.

6.3 Maintain L-Industrial-1 (Light Industrial) Zoning on Contiguous Parcel XII.

Given the presence of the Lawrence Aviation toxic plume under approximately 95% of this parcel, and the concern for future volatile organic vapor intrusion, it is recommended that the current L-I (Light Industrial) zoning remain intact. This would permit future light industrial use of the property.

6.4 Land Use Maps- Full size copies of each of the Land Use Plan Maps follow.

Land Use Plan Maps



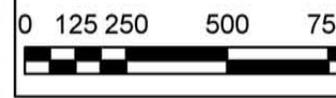
**Lawrenceville
Land Use Plan
Aerial Map - Figure**

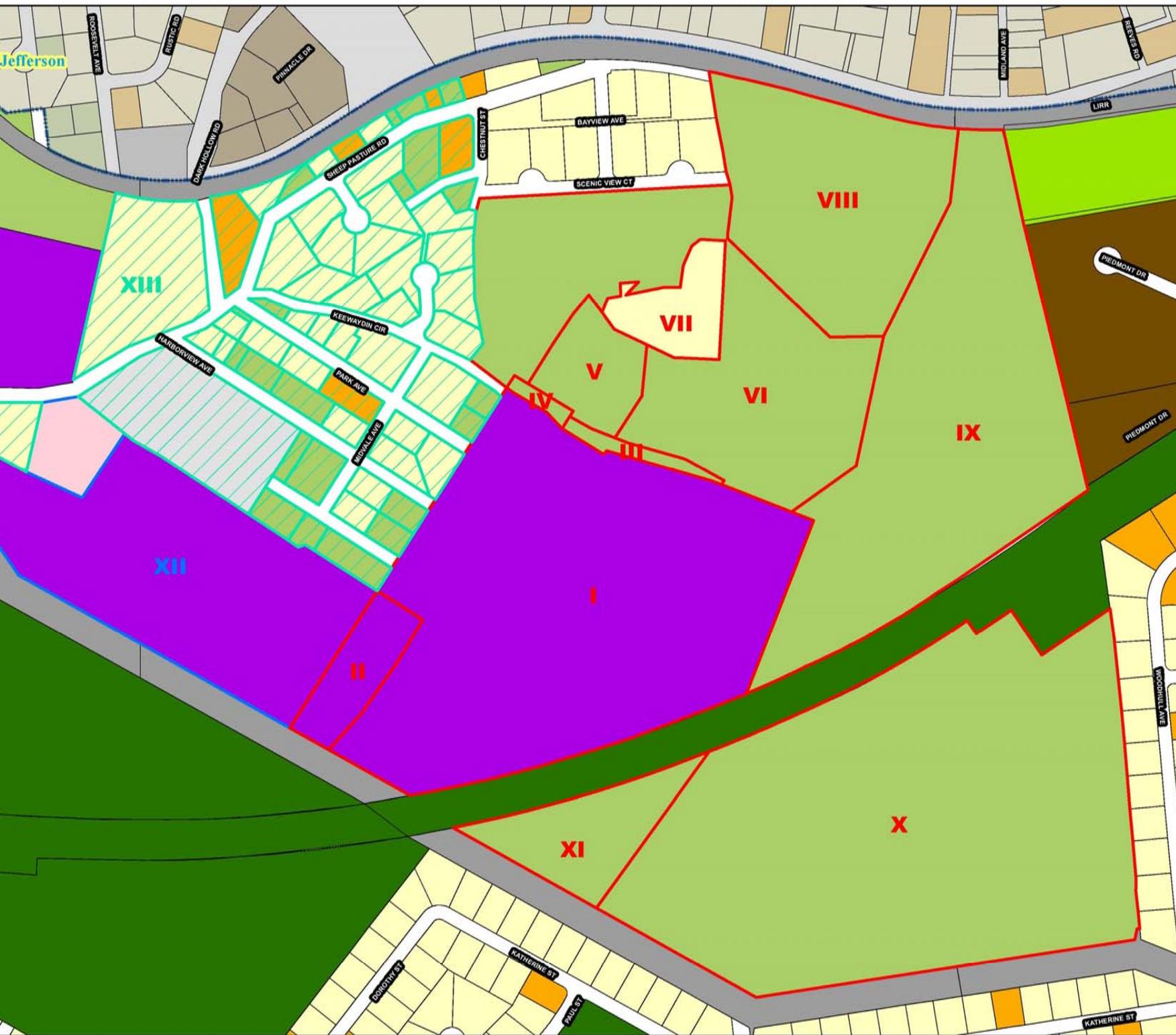


Legend

-  LAI_LUP_Residential_Transition
-  LAI_LUP_Parcels
-  LAI_LUP_Other_Industrial
-  Parcels
-  villages01

This map should be utilized in conjunction with the written text of the Lawrenceville Land Use Plan. The Map itself should not be utilized on its own to determine the proposed land use for a specific parcel.



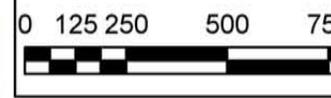


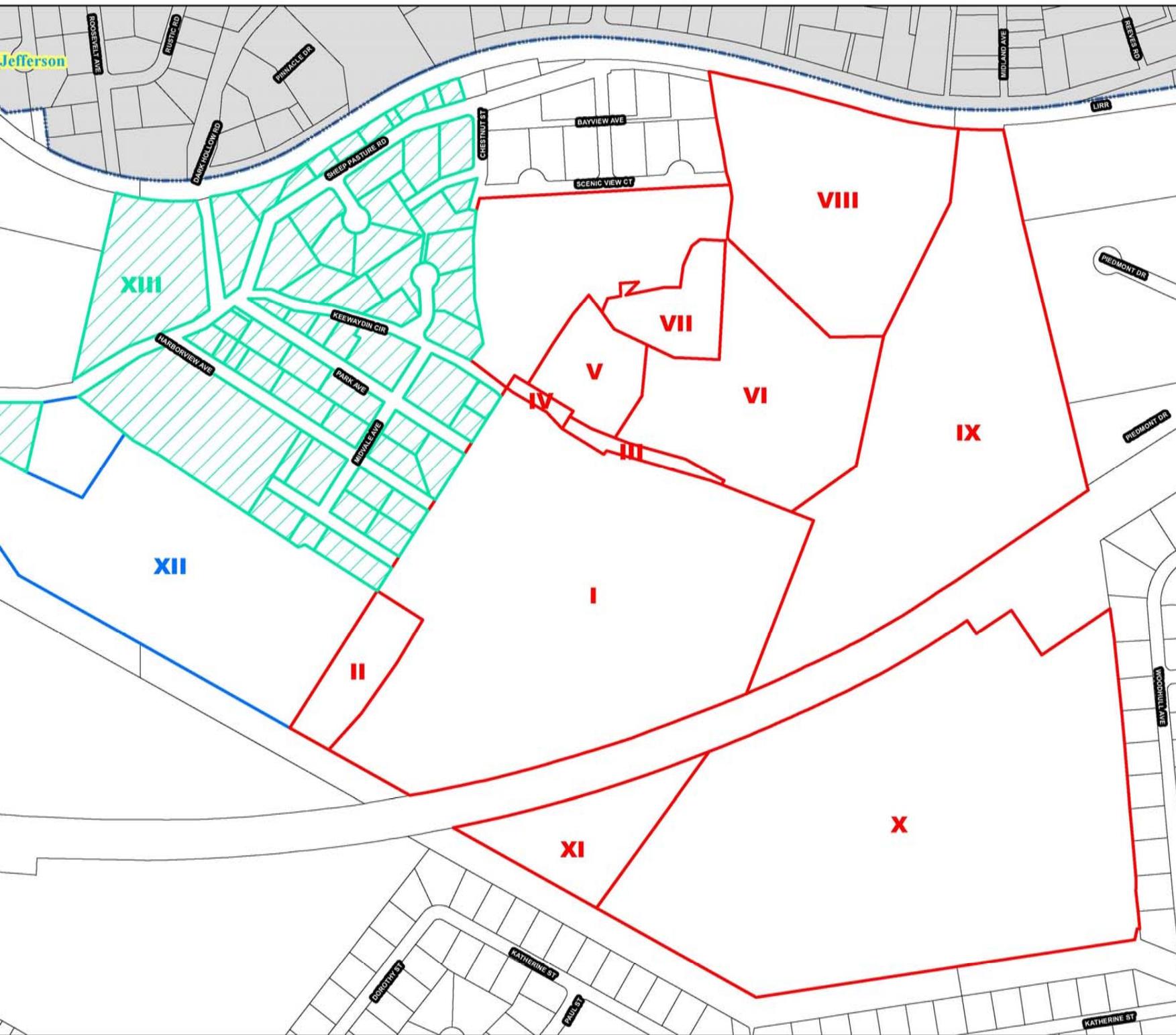
Lawrence Avia Land Use Plan

Existing Land Use Map

- Legend**
- LAI_LUP_Residential_Transition
 - LAI_LUP_Parcels
 - LAI_LUP_Other_Industrial
 - Parcels
 - villages01
 - AGRICULTURE
 - SINGLE FAMILY RESIDENTIAL
 - TWO FAMILY RESIDENTIAL
 - MULTI FAMILY RESIDENTIAL
 - DAY CARE
 - INDUSTRIAL
 - PLACE OF WORSHIP
 - MUNICIPAL
 - PARK, OPEN SPACE
 - VACANT
 - ROAD

This map should be utilized in conjunction with the written text of the Lawrence Avia Land Use Plan. The Map itself should not be utilized on its own to determine the proposed land use for a specific parcel.





Lawrenceville Land Use Plan

Base Map - Figure



Legend

- ▨ LAI_LUP_Residential_Transition
- ▭ LAI_LUP_Parcels
- ▭ LAI_LUP_Other_Industrial
- ▭ Parcels
- ▭ villages01

This map should be utilized in conjunction with the written text of the Lawrenceville Land Use Plan. The Map itself should not be utilized on its own to determine the proposed land use for a specific parcel.



0 125 250 500 750



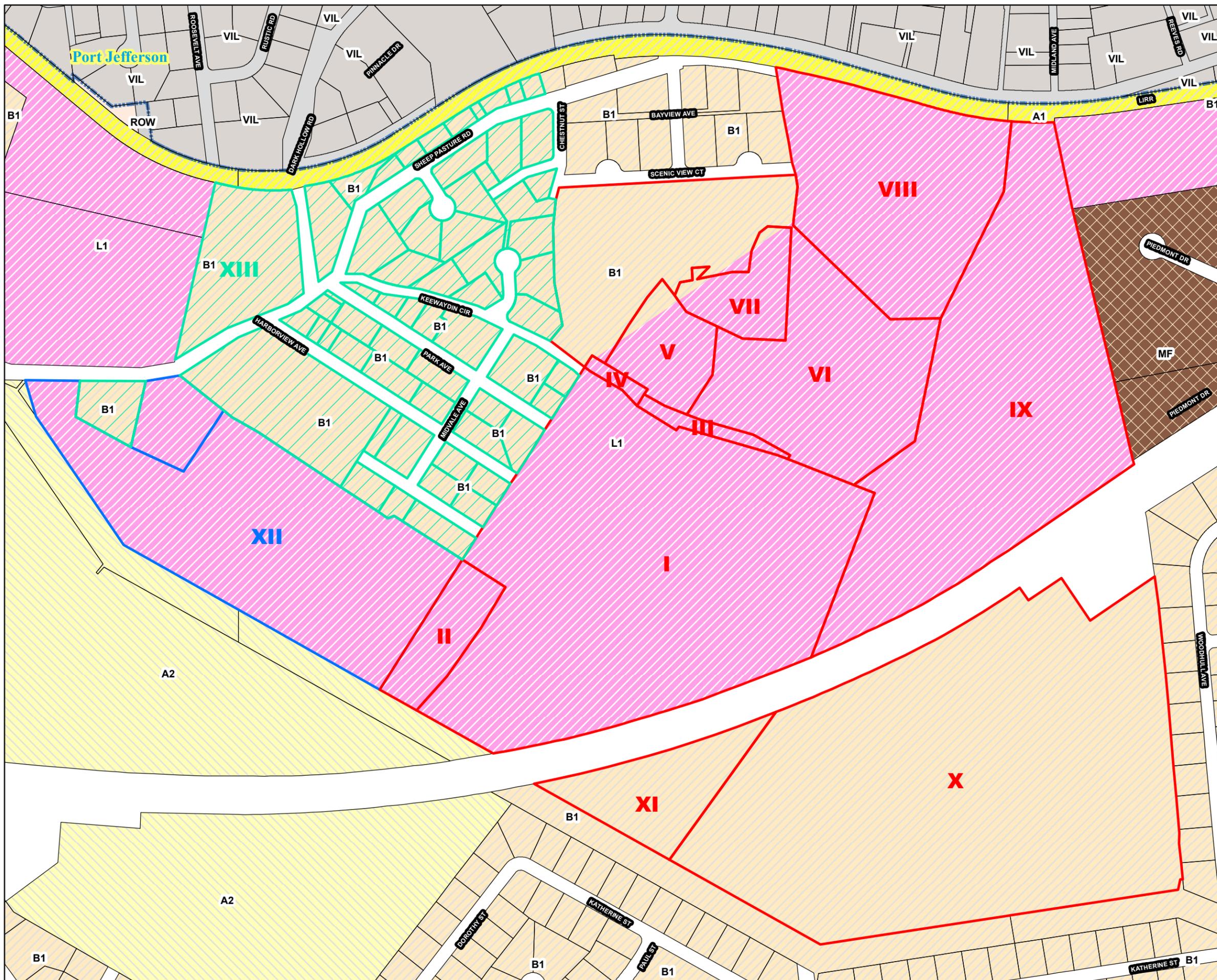
Lawrence Aviation Land Use Plan

Zoning Map - Figure 4

Legend

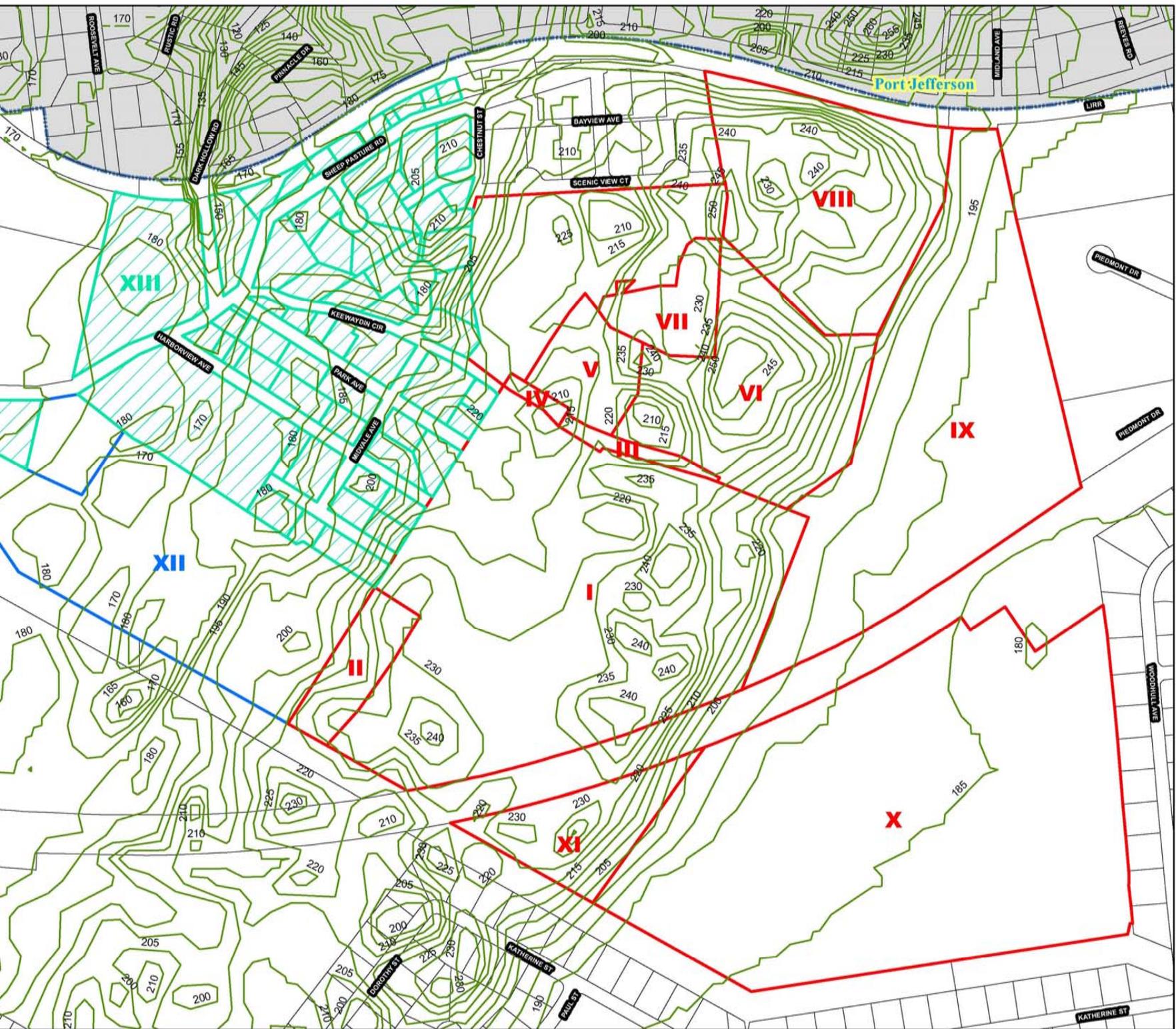
-  LAI_LUP_Residential_Transition
-  LAI_LUP_Parcels
-  LAI_LUP_Other_Industrial
-  Parcels
-  villages01
-  A10
-  A5
-  A2
-  A1
-  A
-  B1
-  B
-  C
-  D
-  HF
-  K
-  OF
-  RD
-  CD
-  J
-  J4
-  PRC
-  PRCHC
-  MF
-  NHH
-  L1
-  PC
-  CR
-  J2
-  J6
-  J8
-  L4
-  J5
-  L2
-  PDD
-  ROW
-  Village
-  UWL
-  Water

This map should be utilized in conjunction with the written text of the Lawrence Aviation Land Use Plan. The Map itself should not be utilized on its own to determine proposed land use for a specific location.



Lawrence Avia Land Use Plan

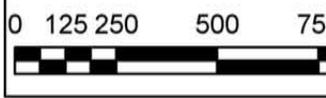
Topography Map - Final

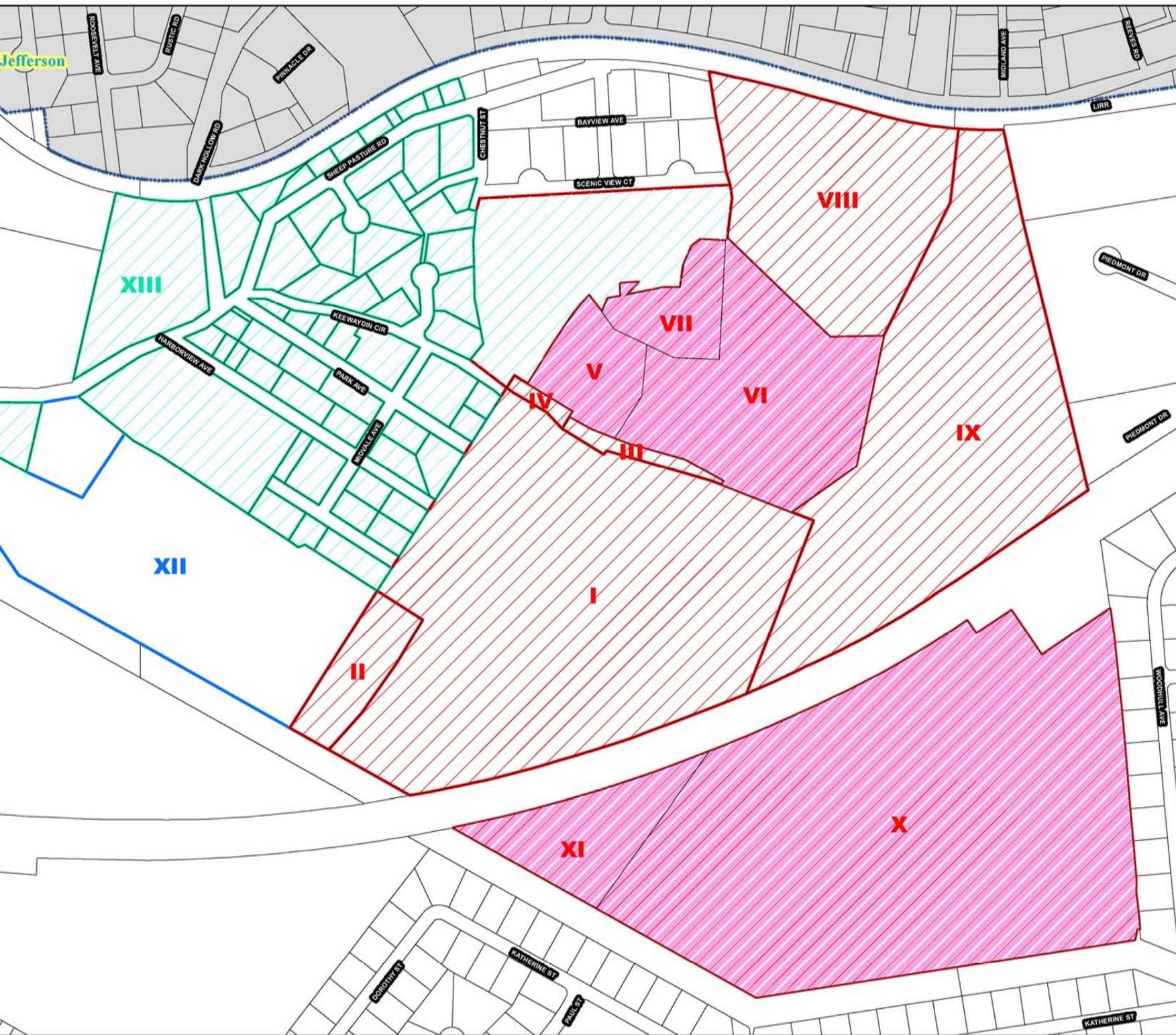


Legend

-  LAI_LUP_Residential_Tran
-  LAI_LUP_Parcels
-  LAI_LUP_Other_Industrial
-  Parcels
-  villages01

This map should be utilized in conjunction with the written text of the Lawrenceville Land Use Plan. The Map itself should not be utilized on its own to determine the proposed land use for a specific parcel.



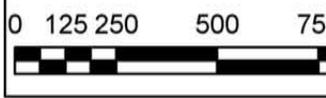


Lawrence Avenue Land Use Plan Proposed Rezoning Map

Legend

- LIA_RES_Overlay
- LIA_IND_Overlay
- Rezoning_Parcel
- LAI_LUP_Residential_Transition
- LAI_LUP_Parcel
- LAI_LUP_Other_Industrial
- Parcel
- villages01

This map should be utilized in conjunction with the written text of the Lawrence Avenue Land Use Plan. The Map itself should not be utilized on its own to determine the proposed land use for a specific parcel.



Land Use Category Legend



Medium Residential class refers to the current configuration of the single family residential development pattern of the area. The area is predominately developed pursuant to the B-1 Residential (22,500 sq.ft. lots) zoning category. Land uses identified in this category are proposed to be zoned and used for single family residential purposes.



Light Industrial uses include office buildings, health clubs, warehouses, manufacturing, and other light industrial land uses consistent with the L1 Industrial Zoning District.

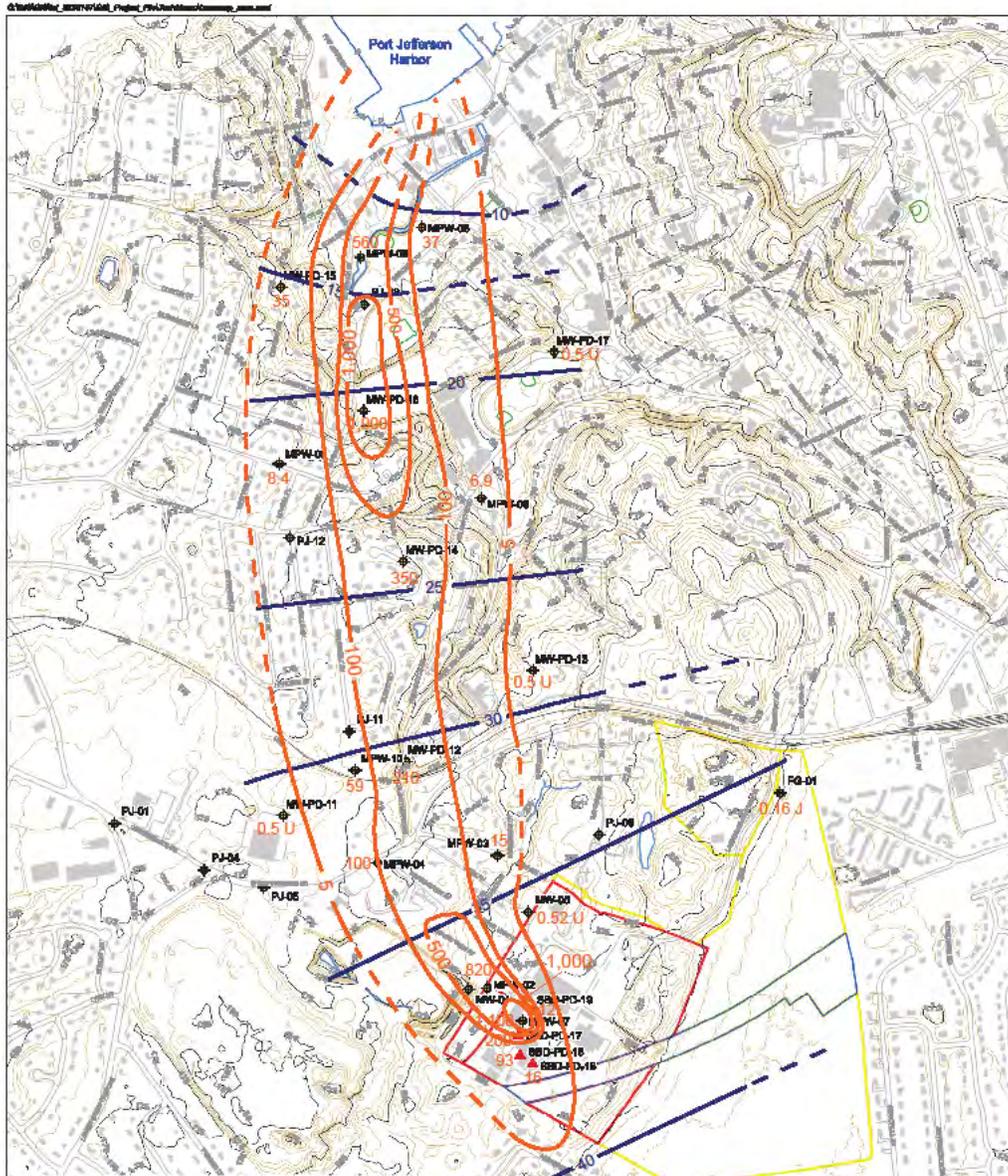


Open Spaces are areas retained as natural and undisturbed lands for preservation purposes. Open Space can be purchased or acquired through transfer of development rights. Passive recreation uses may also be included in this category.

APPENDICES

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APPENDIX I



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APPENDIX II

Overview – Lawrence Aviation Site History and Enforcement Actions

The Lawrence Aviation Industries (LAI) facility was previously part of a turkey farm owned by LAI's corporate predecessor Ledkote Products Company which moved from New York City to the site in 1951. Ledkote produced lead gutters and spouts for roof drains at the site. Since 1959, LAI produced a variety of products from titanium sheet metal, including golf clubs and various products for the aeronautics industry until production halted in March 2004. At its peak, LAI employed over 500 people.

There are ten (10) major buildings grouped on the southwestern portion of the site (159-1-26 and 159-2-19) with approximately 200,000 SF of manufacturing space occupying approximately thirty-six (36) acres of the 156-acre LIA site. All of the structures are derelict. The remainder of the site is composed of a series of outlying parcels which are largely or entirely vegetated. There is an existing inhabited private home located on a 2.75-acre out parcel (159-2-21). An adjacent parcel (159-2-8.3) also has a series of structures including an abandoned residence, pool, greenhouse and chicken coop which was previously a landscaping business (Mandalay Gardens).

Suffolk County Department of Health Services (SCDHS) records indicate that LAI had ten (10) above ground and twenty-one (21) below ground process tanks in service containing various acids, caustic compounds and rinse waters. There are also records of three (3) above ground and one (1) under ground No. 2 fuel oil storage tanks. Tanks containing industrial waste, gasoline and diesel fuel were removed from site between 1992 and 1995.

In the late seventies, the SCDHS became aware of the presence of some 10,000 improperly stored drums which were leaking caustic substances into the ground. In 1980, SCDHS ordered LAI to remove the drums. LAI collected the drums and discharged the liquid wastes into the ground surface. The empty drums were disposed of in an out-of-state landfill. A second major drum removal action occurred in 1991, this time supervised by NYS Department of Environmental Protection (DEC). A third major removal action occurred in March and April of 2004, supervised by the US Environmental Protection Administration (EPA). Some fourteen (14) open vats of chemicals were covered and repacked into approximately 1,600 drums and containers, and removed from the site.

In 1979, the Town Of Brookhaven sampled private water supply wells at four (4) homes near LAI and detected elevated levels of various chemicals in the water supply. Subsequent sampling in 1985, 1986, 1987, 1997, 1998 and 2004 found additional private

wells were contaminated with volatile organic compounds (VOC's) down gradient of LAI. The affected homes were hooked up to public water.

Between 1999 and 2000, NYS DEC conducted a preliminary remedial investigation of LAI. The DEC was denied access to the site by Lawrence Aviation, so the investigation was conducted from the NYS right-of-way adjacent to the site.

In April of 2000, the US EPA attempted to negotiate a settlement with the owners of the site. The negotiations were unsuccessful and the EPA utilized a Superfund contractor to assess the nature and extent of contamination at the site and alternatives to address it. By the end of the year, the EPA had proposed the inclusion of the site in the National Priorities List (Superfund List).

In 2003, the US EPA, this time with full access to the site, conducted a remedial investigation which resulted in approximately 1300 drums of waste material being removed and disposed of off site. In March 2003, the site was added to the National Priorities List.

In September 2006 the EPA issued a Record of Decision (ROD) which presented a complete analysis of the site and established a remediation plan. The ROD presented a multifaceted plan of action to remediate the site and the area beneath the plume, which extends approximately one (1) mile down gradient into the Village of Port Jefferson. The 2006 estimated cost of implementing the remediation plan was \$24.2 million over a 30-year period or until 2036.

In 2008, an EPA contractor produced a Potentiometric Surface Contour Map which depicted the location of the toxic plume emanating from the LAI site terminating at Port Jefferson Harbor.

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APPENDIX III**LAI Site and Off -Site Remediation**

Remediation activities have focused on implementation of four (4) strategies as follows:

1. Elimination of potential exposure or threat of exposure to contaminated drinking water. Eleven (11) contaminated private wells were detected between 1979 and 1997 and all were replaced with public water. Annual testing of public supply wells show them to be in compliance with Federal and State standards;
2. Excavation and removal of 16,000 tons of contaminated soil from the LAI site. This action was completed between February 2009 and November 2009 for all soils exceeding one (1) part per million of PCB contamination;
3. Installation of groundwater extraction and treatment systems on and off the LAI site to prevent future contamination from the site and remove contaminants from the groundwater. The LAI on-site system became operational effective September 2010, with the Old Mill Pond off-site system operational as of August 2011. An American Resource and Recovery Act (ARRA) grant award of \$4.7 million in FY was used to help fund these systems.
4. Monitoring of groundwater and soil above the contaminated plume to detect any possible vapor intrusion. Since February of 2006, the EPA has tested some 70 separate building locations, some multiple times. To date, all sampling results have indicated no public health issues related to indoor air quality. The EPA has installed vapor intrusion monitoring systems in three (3) homes and in Port Jefferson High School as a precautionary measure.

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APPENDIX IV

Town of Brookhaven, NY

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Town of Brookhaven, NY
Thursday, August 21, 2014

**Chapter 17I. MORATORIUM: GREATER PORT
JEFFERSON AND TERRYVILLE COMMUNITY**

[HISTORY: Adopted by the Town Board of the Town of Brookhaven 8-14-2007 by L.L. No. 16-2007, effective 8-20-2007. Amendments noted where applicable.]

0171a Study Area 

0171b attachment 2 

§ 17I-1. Purpose.

- A. In order to continue its update of its Comprehensive Plan, the Town Board hereby directs the Commissioner of Planning, Environment and Land Management to undertake to identify and study certain lands within the Greater Port Jefferson Station and Terryville area, generally, in order to identify and address present and future development needs of such study areas, with respect to the appropriateness of the existing zoning districts located therein, and, in particular, with respect to considerations of traffic congestion, existing surrounding development, visual and other environmental impacts, and the character of the neighborhoods in order to better provide for future growth and development appropriate to the study area and which will benefit those communities.
- B. Therefore, the Town Board of the Town of Brookhaven finds it prudent and necessary to enact a moratorium applicable to the Study Area as designated hereinbelow on the approval of certain kinds of land use applications and/or development pursuant to land use applications such as those for building permits, site plans, subdivisions, variances, special permits and change of zoning district classification petitions within the Study Area. This moratorium is intended to ensure that no approvals for such land use application(s), as aforesaid, including, but not limited to, said building permits, site plans, subdivision maps, land divisions, variances, special permits and change of zoning petitions, be granted until this Board may complete its planning studies in respect to said Study Area and have the opportunity to consider and enact comprehensive zoning changes, as appropriate, for the lands located within the Study Area.
- C. This moratorium also establishes certain exceptions and includes a procedure to obtain hardship relief from the moratorium under certain circumstances.

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08/21/2014

§ 17I-2. Definitions.

For purposes of this chapter, the following definitions shall apply:

APPROVED APPLICATION

A complete and approved application shall conform to and comply with all applicable requirements of Chapter 85 of the Code of the Town of Brookhaven, the Planning Board regulations contained in the Code of the Town of Brookhaven and all other applicable state and local laws, rules and regulations and shall have obtained final approval from the Town body, board or public official vested with jurisdiction over such application.

STUDY AREA

The Study Area subject of this moratorium is described as set forth in the attached moratorium.^[1]

[1]: *Editor's Note: The parcels included in the Study Area are listed at the end of this chapter.*

§ 17I-3. Prohibitions.

No new land use applications, including, but not limited to, those for building permits, site plans, subdivision maps, land division, variances, special permits and change of zone petitions, shall be accepted, reviewed and/or granted approval by the body, board or public official vested with jurisdiction over such application for all tracts and/or parcels of lands located within the Study Area, as defined and set forth hereinabove.

§ 17I-4. Exceptions.

The prohibition on land use applications shall not be applied with respect to the following:

- A. An existing valid building permit and substantial construction having commenced in reliance thereon; or
- B. The issuance of a building permit required in connection with the ordinary repairs, maintenance and/or interior renovations of a structure and minor exterior changes such as a replacement of signage and windows; or
- C. The issuance of a building permit in connection with the completion of a project, which obtained prior site plan or subdivision approval and building permits were issued therewith and substantial construction commenced; or
- D.

The use of a vacant parcel solely for sheds and other accessory uses to the principal use, which is in common ownership and merged with an adjoining parcel that is improved with a principal residence.

§ 17I-4.1. Exemptions.

Any and all existing built single-family dwelling and accessory buildings within a single-family residential zoning district that have a valid certificate of occupancy or certificate of existing use prior to the effective date of this moratorium.

§ 17I-5. Hardship.

- A. Should any owner of property affected by this moratorium suffer an unnecessary hardship in the way of carrying out the strict letter of this moratorium, then the owner of said property may apply to the Town Board in writing for relief from strict compliance with this moratorium upon submission of proof of such unnecessary hardship. For the purposes of this moratorium, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a building permit, site plan, subdivision, land division, variance, special permit, change of zone, or other approval during the period of the moratorium.
- B. Substantive requirements. No relief shall be granted hereunder unless the Town Board shall specifically find and determine and shall set forth in its resolution granting such exemption that:
- (1) Failure to grant an exemption to the petitioner will cause the petitioner unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the exemption; and
 - (2) The grant of the hardship, even if the project or activity for which exemption is sought is approved, will clearly have no adverse effects upon any of the Town's goals or objectives in undertaking the community planning effort or in adopting this moratorium, including but not limited to effects resulting from uses detrimental to the community's resources, from loss of potential open space, including areas important as wildlife habitat or from other adverse environmental impacts; and
 - (3) The project or activity for which the petitioner seeks an exemption is in harmony with the existing character of the community as a whole and the area of the community in which the property is located and the project or activity is consistent with any interim data, recommendations, or conclusions which may be drawn from the community planning effort then in progress.

- C. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking relief from this moratorium, the Town Board shall, within 30 days of receipt of said application, schedule a public hearing on said application upon five days' written notice in the official newspaper of the Town. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within 30 days of the close of said public hearing, render its decision either granting or denying the application for relief from the strict requirements of this moratorium. If the Town Board determines that a property owner will suffer an unnecessary hardship if this moratorium is strictly applied to a particular property, then the Town Board shall grant relief from the moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with this moratorium.

§ 17I-6. Term.

This local law shall expire 12 months after the effective date of this chapter.

§ 17I-7. Supersession of Town Law.

This chapter is hereby adopted pursuant to Municipal Home Rule Law § 10(1)(i) and § 10(1)(ii)(a)(14) and Statute of Local Governments § 10(6) of the State of New York. It is the intent of the Legislature, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3), to supersede the provisions of the Town Law, Chapter 16, § 264(1); § 265(1); § 267-a.(5), (8), (11), 13(b); § 274-a.(8), (10), 11, § 274-b.(6), (8); § 276(5), (6), (8); (and specific reference to any local laws incorporating relevant time limits) relating to time limits in connection with zoning and planning determinations.

§ 17I-8. Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be limited in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances, and the Town Board of the Town of Brookhaven hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

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APPENDIX V

Town of Brookhaven, NY

Page 1 of 4

*Town of Brookhaven, NY
Thursday, August 21, 2014*

**Chapter 17J. MORATORIUM: IMPLEMENTATION OF
PORT JEFFERSON STATION-TERRYVILLE HAMLET
STUDY/LAND USE PLAN**

[HISTORY: Adopted by the Town Board of the Town of Brookhaven 12-8-2009 by L.L. No. 25-2009, effective 12-15-2009. Amendments noted where applicable.]

017Ja Study Area Tax Map Numbers 

§ 17J-1. Purpose.

- A. In order to continue its update of its Comprehensive Plan, the Town Board on August 9, 2008, accepted the Port Jefferson Station-Terryville Comsewogue Community Hamlet Plan. The Board hereby directs the Commissioner of Planning, Environment and Land Management to complete the SEQRA analysis and review of possible change of zones recommended by the Hamlet Plan within the Greater Port Jefferson Station and Terryville area, generally, in order to identify and address present and future development needs of certain lands, with respect to the appropriateness of the existing zoning districts located therein, and, in particular, with respect to considerations of traffic congestion, existing surrounding development, visual and other environmental impacts, and the character of the neighborhoods in order to better provide for future growth and development appropriate of certain lands and which will benefit those communities.
- B. Therefore, the Town Board of the Town of Brookhaven finds it prudent and necessary to enact a moratorium tailored to applicable parcels within the Study Area as specifically called for in the Hamlet Plan and as designated hereinbelow on the approval of certain kinds of land use applications and/or development pursuant to land use applications such as those for building permits, site plans, subdivisions, variances, special permits and change of zoning district classification petitions within the Study Area. This moratorium is intended to ensure that no approvals for such land use application(s), as aforesaid, including, but not limited to, said building permits, site plans, subdivision maps, land divisions, variances, special permits and change of zoning petitions, be granted until this Board may complete its planning studies in respect to said Study Area and have the opportunity to consider and enact comprehensive zoning changes, as appropriate, for the lands located within the Study Area.

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Town of Brookhaven, NY

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- C. This moratorium also establishes certain exceptions and includes a procedure to obtain hardship relief from the moratorium under certain circumstances.

§ 17J-2. Definitions.

For purposes of this chapter, the following definitions shall apply:

APPROVED APPLICATION

A complete and approved application shall conform to and comply with all applicable requirements of Chapter 85 of the Code of the Town of Brookhaven, the Planning Board regulations contained in the Code of the Town of Brookhaven and all other applicable state and local laws, rules and regulations and shall have obtained final approval from the Town body, board or public official vested with jurisdiction over such application.

STUDY AREA

The Study Area subject of this moratorium is described as set forth in the attached moratorium.

§ 17J-3. Prohibitions.

No land use applications, including, but not limited to, those for building permits, site plans, subdivision maps, land division, variances, special permits and change of zone petitions, shall be accepted, reviewed and/or granted approval by the body, board or public official vested with jurisdiction over such application for all tracts and/or parcels of lands located within the Study Area, as defined and set forth hereinabove.

§ 17J-4. Exceptions.

The prohibition on land use applications shall not be applied with respect to the following:

- A. An existing valid building permit and substantial construction having commenced in reliance thereon; or
- B. The issuance of a building permit required in connection with the ordinary repairs and/or maintenance of a structure, for which there exists a valid certificate of occupancy; or
- C. The issuance of a building permit in connection with a project, which obtained prior site plan approval and for which building permits were issued in connection therewith and substantial construction commenced; or
- D.

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Town of Brookhaven, NY

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Any application that received Town Board approval prior to the effective date of this moratorium.

§ 17J-4.1. Exemptions.

Any and all existing built single-family dwelling and accessory buildings within a single-family residential zoning district that has a valid certificate of occupancy or certificate of existing use prior to the effective date of this moratorium.

§ 17J-5. Hardship.

- A. Should any owner of property affected by this moratorium suffer an unnecessary hardship in the way of carrying out the strict letter of this moratorium, then the owner of said property may apply to the Town Board in writing for relief from strict compliance with this moratorium upon submission of proof of such unnecessary hardship. For the purposes of this moratorium, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a building permit, site plan, subdivision, land division, variance, special permit, change of zone, or other approval during the period of the moratorium.
- B. Substantive requirements. No relief shall be granted hereunder unless the Town Board shall specifically find and determine and shall set forth in its resolution granting such exemption that:
- (1) Failure to grant an exemption to the petitioner will cause the petitioner unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the exemption; and
 - (2) The grant of the hardship, even if the project or activity for which exemption is sought is approved, will clearly have no adverse effects upon any of the Town's goals or objectives in undertaking the community planning effort or in adopting this moratorium, including but not limited to effects resulting from uses detrimental to the community's resources, from loss of potential open space, including areas important as wildlife habitat or from other adverse environmental impacts; and
 - (3) The project or activity for which the petitioner seeks an exemption is in harmony with the existing character of the community as a whole and the area of the community in which the property is located and the project or activity is consistent with any interim data, recommendations, or conclusions which may be drawn from the community planning effort then in progress.
- C.

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08/21/2014

Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking relief from this moratorium, the Town Board shall, within 30 days of receipt of said application, schedule a public hearing on said application upon five days' written notice in the official newspaper of the Town. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within 30 days of the close of said public hearing, render its decision either granting or denying the application for relief from the strict requirements of this moratorium. If the Town Board determines that a property owner will suffer an unnecessary hardship if this moratorium is strictly applied to a particular property, then the Town Board shall grant relief from the moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with this moratorium.

§ 17J-6. Term.

[Amended 11-23-2010 by L.L. No. 39-2010, effective 12-7-2010; 1-8-2013 by L.L. No. 2-2013, effective 1-18-2013]

This chapter shall expire on December 15, 2014.

§ 17J-7. Supersession of Town Law.

This chapter is hereby adopted pursuant to Municipal Home Rule Law § 10(1)(i) and § 10(1)(ii)(a)(14) and Statute of Local Governments § 10(6) of the State of New York. It is the intent of the Legislature, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3), to supersede the provisions of the Town Law, Chapter 16, § 264(1); § 265(1); § 267-a(5), (8), (11), 13(b); § 274-a(8), (10), (11), § 274-b(6), (8); § 276(5), (6), (8); [and specific reference to any local laws incorporating relevant time limits] relating to time limits in connection with zoning and planning determinations.

§ 17J-8. Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be limited in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances, and the Town Board of the Town of Brookhaven hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

MORATORIUM: IMPLEMENTATION OF PORT JEFFERSON
STATION-TERRYVILLE HAMLET STUDY/LAND USE PLAN

17J Attachment 1

STUDY AREA
POST JEFFERSON STATION TERRYVILLE HAMLET STUDY/LAND USE PLAN
[Amended 11-23-2010 by L.L. No. 39-2010, effective 12-7-2010]

Suffolk County Tax Map Numbers

200-159-02-008.003 (Global)
200-159-02-008.002 (Global)
200-159-02-021.000 (Flannery)
200-159-02-008.001 (Lawrence Foundation)
200-159-02-022.000 (Lawrence Aviation Industries)
200-136-02-022.000 (Lawrence Aviation Industries)
200-159-02-019.000 (Lawrence Aviation Industries)
200-159-01-026.000 (Lawrence Aviation Industries)
200-159-02-020.000 (Cohen)
200-180-04-001.000 (Cohen)
200-180-04-002.000 (Cohen)

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APPENDIX VI

Findings Statement – Proposed Port Jefferson Station/Terryville Moratorium

1. Historical Lack of Coordinated Community Planning – Hamlet Study Underway

The Port Jefferson Station/Terryville area has traditionally lacked a clear sense of place and community identity. Residential development has historically proceeded without provision for adequate recreational/cultural facilities and adequate road infrastructure. Two (2) major State highways, Routes 347 and 112, bisect the community north from south and east from west. The school district serving the community, the Comsewogue Union Free School District, does not share the community's name.

In order to address the issue of identity, and the need to elicit a vision for the community, the Town Board has authorized the first Hamlet Study of the area. Dr. Lee Koppleman has been hired to undertake the study with the full support of the Town's Department of Planning, Environment and Land Management.

It is essential that the proposed one (1) year Moratorium (see below) be approved to permit the requisite time out for community visioning and planning to occur.

2. Limited Scope and Time Frame of the Moratorium

Of the 8,557 parcels within the Port Jefferson Station/Terryville Study Area, 1,673 (20%) are covered by the proposed Moratorium, of this number, 937 parcels (56%) are vacant. The Moratorium is focusing upon these parcels, as well as parcels with redevelopment potential, as they are the most at-risk for unplanned and uncoordinated development. These parcels also hold the greatest promise for fruitful community planning efforts to reverse the haphazard growth of the past half-century.

The proposed *length of the Moratorium* is twelve (12) months. The initial six (6) month period is needed for outreach to the community, establishment of a Citizen Advisory Committee for the Hamlet Study, identification of critical issues/opportunities, and initial data collection and assessment of community conditions by the consultant. The subsequent six-month period is needed to develop and finalize Hamlet Study recommendations, and development of any needed rezonings/Code amendments, which may be necessary to facilitate Hamlet study recommendations.

**Findings Statement
Proposed Port Jefferson Station/Terryville Moratorium**

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3. Development Pressure

There are seventeen (17) recently approved or pending *Site Plans*, eight (8) *Change of Zone*, thirty-four (34) *Subdivision* applications, and three (3) pending *cell tower* (Development Pressure – continued) *applications* in the Port Jefferson Station/Terryville Study Area. Development and redevelopment pressure, especially upon vacant and oversized residential and commercial parcels, is expected to increase in the coming years as contiguous communities (Mount Sinai, Setauket, and Centereach/Selden) reach build-out before the Study Area. A time out is needed so the Hamlet Study (above) can proceed, and the Town can study the need for possible zone changes and Code amendments to ensure coordinated future growth in line with clearly defined community planning goals, and in relation to concurrent and future development in contiguous communities.

4. Preserve Open Space/Protect Groundwater Resources

The Town is at a critical juncture in acquiring the remaining parcels comprising the *Terryville Greenbelt*, located within the Port Jefferson Station/Terryville Study Area. Many of the parcels are small single and separate lots held by a handful of speculators.

The Moratorium will provide the necessary development relief enabling the Town of Brookhaven to study and prioritize acquisition of remaining greenbelt parcels together with the County.

Undeveloped residential parcels and developed residential parcels greater than 1.5 times the underlying zoning are included in the proposed Moratorium. A time out is needed to study whether future residential development, many parcels being undersized and subject to multiple variances, and future land divisions, will negatively affect the groundwater. This is a critical issue that current Town Codes do not adequately address. One major goal is to preserve vital groundwater resources for future generations. Another goal is to study the need to amend local Codes to achieve this essential result.

5. Plan for Sorely Needed Recreational and Cultural Resources

The Port Jefferson Station/Terryville Study Area is predominantly comprised of small lots with a dense residential and commercial pattern of development primarily, although not exclusively, along transportation routes. This unplanned

**Findings Statement
Proposed Port Jefferson Station/Terryville Moratorium**

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(Plan for Sorely Needed Recreational and Cultural Resources – continued)

and uncoordinated growth occurring largely in the 1960's and 1970's has resulted in a near total lack of active and passive recreational facilities in the community, excepting limited athletic fields at the Junior and High Schools, which are reportedly over utilized.

The 67-acre *Heatherwood Golf Course* and the 160-acre *Lawrence Aviation Industries* sites (see below) are the two single largest remaining under developed parcels in the community. Both parcels are under intense development pressure from the residential market. If the mistakes of the sixties and seventies are not to be repeated, a time out is needed to study the future use of these parcels, and their possible suitability for recreation and/or mixed-use development.

The community has identified the *Port Jefferson Station/Terryville Community Arts Center Park* at the southeast intersection of NYS Routes 112 and 347 as a needed community resource. This 7.6-acre tract is currently in multiple ownership (private, Town, and NYSDOT), and the Town is taking a leadership role in planning for this facility. A time out is needed to insure adequate time to complete planning, prioritize acquisition of the component parcels, and undertake design work on the site.

6. Study Alternatives for Lawrence Aviation Industries (LAI) Superfund Site

This 160-acre EPA superfund site, which is split zoned L-1 Industrial and B –1 Residential, has been the object of several subdivision applications, and much speculative commercial interest. There is a 30-year, \$23-million EPA mitigation plan for the site, which defines the long-term nature and challenges of redevelopment. Due to the degree of environmental degradation at the site, and the long-term nature of the remediation, a time-out is needed to study various redevelopment scenarios including possible rezonings, and the possible need for restrictive covenants depending upon the redevelopment direction recommended. The site also offers possible opportunities for recreational use and open space preservation, or some combination of the aforementioned scenarios.

7. Summary of Findings

a). Taken together, the above six (6) major Findings establishes the need and provides the rationale for the proposed one (1) year development moratorium in the Port Jefferson Station/Terryville area;

**Findings Statement
Proposed Port Jefferson Station/Terryville Moratorium****page 4.****(Summary of Findings – continued)**

b). The Findings establish clear community planning goals and benchmarks which cannot be achieved through use of existing Codes exclusively, and require a suspension of development pressure to effectuate;

c). The proposed one (1) year timeframe of the Moratorium is a reasonable period of time and is not unduly burdensome to property owners in the Study Area. Existing residential homes, excepting those with dividable lots, have been excluded to minimize inconvenience to local residents. A procedure is included in the proposed local law to enable appeals by property owners experiencing unnecessary hardship.

8. Request

Based upon the above findings, the Suffolk County Planning Commission issue a notification of local determination on the proposed Port Jefferson Station/Terryville Moratorium.

tjc
Findingsinsupportofmoratorium2

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APPENDIX VII**Lawrence Aviation Industries Land Use Plan & EIS
PROPOSED SEQR TIMELINE 2014**

- ACTION:** **Adopt Land Use Plan, EIS & TBOM**
- March-August:** **Prepare Land Use Plan & EIS**
- May 1:** **Begin 30-day Coordinated Review to Interested & Involved Agencies**
- July 15:** **Town Board Resolution:
Assume Lead Agency Status/Adopt Positive Declaration.
*Send Pos Dec Notice to ENB***
- Sept. 9:** **Accept LUP & DEIS** as complete;
Initiate 30-day Comment Period/Post Draft LUP & EIS on Town Website. Set joint Public Hearing for DEIS & Draft LUP Sept 30. GML 239-m Referral to SCPC & SEQRA to PJ Village
- Sept. 25:** **Town Board Work Session Presentation.**
- September 30:** **Public Hearing** on Draft LUP & DEIS.
- October 1:** Presentation of Draft LUP to SCPC
- Oct. 9:** Public comment ends. Close Hearings. Begin FEIS & Findings
- Nov. 13:** **Accept FEIS (Within 45-days of the close of Public Hearings)**

ENB: File Notice of Complete FGEIS for publication
- Dec. 2:** **Adopt Findings** for Land Use Plan. Send Final Plan to SCPC
Set Public Hearing for TBOM for Dec. 16.
- Dec. 16:** **Public Hearing on TBOM**

Last revised: 09/10/2014 3:02 PM

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APPENDIX VIIITown of Brookhaven
Citizens Advisory Committee (CAC)
Lawrence Aviation Land Use PlanSummaryCAC Meeting
10-9-2013Present:

Edward Garboski, PJS/Terryville Civic Association
William Faulk, rep. Brookhaven Supervisor Edward Romaine
Carolyn Fellrath, rep. Town Councilman Steve Fiore-Rosenfeld
Dr. Joseph Rella, Comsewogue School District
Amy Juchatz, Suffolk County Department of Health Services
Louis Antonello, PJS/Terryville Civic Association
Joan Nickeson, rep. Mike Eiremann, Cumsewogue Historical Society
Thomas O'Brien, Long Island Rail Road
Tara Scully, Brookhaven Law Department

Staff:

Dr. Lee Koppelman, Consultant
Tullio Bertoli, AICP
Brenda Prusinowski, AICP
Thomas Chawner, AICP

I. Introductions

The Meeting was called to order at 2:40 p.m. and Committee members introduced themselves.

Ms. Fellrath reported that Councilman Fiore-Rosenfeld would not be attending today's Meeting but that he wanted to thank the Committee for its input and participation which will ultimately be reflected in the Lawrence Aviation Land Use Plan.

II. Additional Agenda Items

Committee members were asked if there were any additional Agenda items for today's meeting. There were no additional items suggested, but Committee members were offered the opportunity to add items to the Agenda at any time before the end of the Meeting.

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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III. Committee Organization

Mr. Chawner reported that Councilman Fiore-Rosenfeld has requested that the Committee give consideration to the election of a Chairperson for the Lawrence Aviation Citizens Advisory Committee (CAC).

IV. Land Use Plan Overview

Dr. Koppelman provided an overview of the land use planning process and its applicability to the Committee's work on the Lawrence Aviation site from the perspective of more than twenty (20) years first-hand experience with the site.

The site represents the single largest undeveloped land in Port Jefferson Station, and as such presents an opportunity for creative redevelopment of clean, light industrial uses. The 2008 Comsewogue Hamlet Comprehensive Plan additionally recommended consideration of office uses at the site if needed, as well as open space as the community currently has a particularly low percentage of open space resources. Due to its status as a superfund site, future residential uses should be ruled-out.

There are a number of shortcomings at the site, including limited and constrained access off Sheep Pasture Road, remoteness from the LIE, and its general location in north central Suffolk. As SUNY Stony Brook has acquired the Gyrodyne property for future office and laboratory uses, this is not an alternative for the LIA site.

Dr. Koppelman continued that any future plan should include a provision for required soil and environmental testing of the site prior to Town approval of site plans for future redevelopment. The cost of such testing should be born by the developer with the selection of the environmental consultant performing the testing to be made by the Town. This would ensure impartial testing.

V. Overview – Land Use Alternatives Power Point

Mr. Chawner presented a power point presentation, a copy of which was provided to CAC Committee members.

Salient components of the presentation are as follows:

~ Both the 1996 Adopted and 2030 Draft Brookhaven Town Comprehensive Plans designated the Lawrence Aviation site for future light industrial use.

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Citizens Advisory Committee

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~ Portions of the Brookhaven Town Code describing permitted uses in the LI and BI Districts, and the as-of-right yield of the parcels, including the effective yield of split zoned LI/BI parcels, was reviewed with the Committee.

~ The Lawrence Aviation site is composed of eleven (11) parcels (see parcels I – XI on the Base Map) with the following distribution by zoning District:

<u>District</u>	<u>Acreage</u>	<u>Pct of Site</u>
L1 Light Industry	75.41	48%
BI Residential	52.72	34%
LI/BI Split-Zoned	<u>28.32</u>	18%
	156.45	

~ The estimated as-of-right yield for the eleven (11) Lawrence Aviation parcels (above) is 991,000 SF of light industrial space and 116-single family homes.

~ It is recommended that three (3) contiguous parcels currently zoned LI Industrial (see parcels XII - XIV on the Base Map) totaling 27.39-acres be included in the Land Use Plan. These parcels provide additional alternatives for access and, assuming a willing seller, for open space preservation. The distribution by zoning District inclusive of the contiguous parcels is as follows:

<u>District</u>	<u>Acreage</u>	<u>Pct of Site</u>
L1 Light Industry	102.80	56%
BI Residential	52.72	29%
LI/BI Split-Zoned	<u>28.32</u>	15%
	183.84	

~ The combined estimated as-of-right yield of the eleven (11) Lawrence Aviation parcels plus the three (3) contiguous parcels is 1.4-million SF of light industrial space and 116-single family homes.

~ The estimated as-of-right yield assuming all fourteen (14) parcels as LI is 2.2-million SF of light industrial space.

~ The estimated as-of-right yield assuming all fourteen (14) parcels as J4 is 1.6-million SF of office space.

~ Available planning tools to effectuate the desired outcome(s) of the Plan are: change of zone, conservation overlay district, incentive overlay, clustering, transfer of development

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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rights, industrial/commercial incentive plan, special district application, and planned development district. Regarding the industrial/commercial incentive plan, it was noted that the participation of the various taxing districts in the program was dependent upon their voluntary approval.

~ Next steps for the Lawrence Aviation Citizens Advisory Committee (CAC) include:

1. Achieve consensus on preferred future use(s) for the LAI. site.
2. Summarize preferred option in a Draft Plan.
3. Share Draft Plan with the CAC for comment and input.
4. Draft Plan to the Town Board for acceptance.
5. Initiate SEQRA review

~ The SEQRA timeline for the Land Use Plan is for the Town Board to assume lead agency status in April 2014 when the 30-day coordinated review will begin (see SEQRA Timeline for more detail).

~ The goal is for the CAC to complete its review of the Draft Plan by January 2014, allowing sufficient time for staff to complete the Plan in preparation for the April 2014 coordinated review. Thus three (3) additional meetings of the Lawrence Aviation CAC are anticipated in November, December and January.

~ Once SEQRA is initiated, the CAC's role will be to participate in the coordinated review and public hearings before the Town Board.

VI. Committee Discussion of Land Use Alternatives

There was Committee consensus that light industry appeared to be the best future use of the site, as recommended by the 1996 Adopted and 2030 Draft Brookhaven Town Comprehensive Plans. In addition, there was consensus that housing was not an appropriate future use for the site given its superfund status. There was also Committee consensus that future office use of the site was unlikely as there appeared to be insufficient demand for a large quantity of additional office space in the greater Port Jefferson area, although office use could be envisioned as ancillary to future light industrial use(s).

Several members of the Committee raised the issue of the adequacy of prior soil and environmental testing at the site inclusive of both the main industrial parcels and the outlying parcels, a number of the latter being precluded from prior comprehensive testing due to very dense existing undergrowth.

Dr. Koppelman responded that the Land Use Plan could address this valid concern through administrative remedy by requiring additional soil and environmental testing during the site planning process for future redevelopment.

A Committee member indicated that he hoped future redevelopment of the Lawrence site would be sustainable from the perspective of energy efficiency through possible use of solar panels on future structures, and/or construction of an array of solar panels to provide power to the entire site.

It was noted that a provision was included in the recent Route 25A Corridor Land Use Plan permitting commercial solar farming on two (2) existing sod farms in Miller Place and Shoreham. These sites were appropriate for possible commercial solar use as they were already cleared, whereas the Lawrence site is largely heavily wooded, except for the main industrial parcels (see I & II on the Base Map). When an incentive overlay district is drafted for the Lawrence site, however, the Town will examine whether additional incentives are needed beyond those already included in the Town Code for LEED compliant structures.

A Committee member raised the issue of whether, given the access and locational shortcomings of the site, it could or should be redeveloped in the future.

It was pointed out that a second means of access from Sheep Pasture Road could be provided to the site through one of the contiguous parcels (see parcel XIV on the Base Map), and a third access point is theoretically possible from Route 112 via the greenway trail route although it was noted that this idea might not be embraced by the community and would require NYS DOT and US Department of Transportation approval.

There was discussion about the possible need for additional waste water treatment facilities given the ongoing planning for the Port Jefferson Station Commercial HUB, Port Jefferson Village's Upper Port revitalization efforts, and future light industrial uses at the Lawrence Aviation site once the building moratorium has expired in January 2015. The discussion acknowledged the limited availability of excess waste water treatment capacity at Suffolk County Sewer District # 1 in lower Port Jefferson, and the substantial excess capacity at the Talmadge Sewer District in Miller Place which unfortunately is too far from the site to provide service. It was acknowledged this issue would need to be addressed over time as redevelopment proceeds perhaps through the creation of a new regional waste water treatment system if demand is projected to be sufficient. Suffolk County is on the record as favoring regional waste water treatment options for the future rather than a smaller, single user options.

It was acknowledged that the Lawrence Aviation location was not comparable to the Hauppauge Industrial Park in Smithtown or the Route 110 corridor in Huntington, but

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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that possible freight rail service to the site could help attract light clean industry.

VII. Next Meeting

It was tentatively agreed that the next Lawrence Aviation CAC Meeting would be held Wednesday, November 13th at 1:30 pm. A notice will be sent to Committee members confirming.

The Agenda will include a presentation and Committee discussion of alternatives for implementing the recommended light industry (L-I) future use of the Lawrence Aviation site.

VIII. Adjournment

The meeting was adjourned at 4:00 p.m.

Town Of Brookhaven
Citizens Advisory Committee (CAC)
Lawrence Aviation Land Use Plan

Summary

CAC Meeting
11-13-2013

Present:

Carolyn Fellrath, rep. Town Councilman Steve Fiore-Rosenfeld
Seth Squicciarino, rep. Suffolk County Legislator Kara Hahn
Joan Nickeson, Port Jefferson Station-Terryville Civic Association
Amy Juchatz, Suffolk County Department of Health Services
Tara Scully, Brookhaven Law Department
Joe Berendowski, North Brookhaven Chamber of Commerce
Eileen Antignano, Terryville Fire District

Excused:

Edward Garboski, Port Jefferson Station-Terryville Civic Association
Thomas O'Brian, Long Island Railroad
Dr. Joseph Rella, Comsewogue School District
William Faulk, rep. Brookhaven Supervisor Edward P. Romaine
Louis Antoniello, Port Jefferson Station-Terryville Civic Association
Maria Hoffman, rep. Assemblyman Steve Englebright

Staff:

Dr. Lee Koppelman, Consultant
Brenda Prusinowski, AICP
Thomas Chawner, AICP

I. Introductions

The Meeting was called to order at 1:45 p.m. and Committee members introduced themselves.

Ms. Fellrath reported that Councilman Fiore-Rosenfeld would not be attending today's Meeting but that he wanted to thank the Committee for its input and participation which will ultimately be reflected in the Lawrence Aviation Land Use Plan.

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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II. Additional Agenda Items

Committee members were asked if there were any additional Agenda items for today's meeting. No additional items were suggested.

III. Committee Organization

Mr. Chawner raised the point of whether the Committee desired to elect a Chairperson. There was no interest expressed in electing a Chairperson.

IV. Introduction – Land Use Alternatives

Dr. Koppelman indicated the site presented an opportunity for the development of light, clean industrial uses, although access to the site off Sheep Pasture Road was limited. He reiterated that use of the site for residential purposes was not appropriate due to its status as a Superfund site.

Dr. Koppelman indicated that there was need for additional public outreach to the immediate area to increase awareness that a land use plan was being compiled, and to ensure that once public hearings are held, the plan is supported by the community. He suggested that a community forum be held sometime in January or February, and that Town staff be utilized to prepare and make the presentation. Publicity for the event could be coordinated with the Port Jefferson Station-Terryville Civic, the Comsewogue School District, and other local community organizations.

Dr. Koppelman suggested that the newly elected Councilmember from the 1st District, Valerie M. Cartright, Esq., be invited to the next CAC meeting so she can be kept abreast of the Committee's work on the land use plan. (Ms. Fellrath indicated that her office would reach out to the Councilmember-elect).

V. Power Point - Land Use Alternatives

Mr. Chawner gave a power point presentation, a copy of which was provided to CAC members.

Four (4) future land use alternatives were presented for CAC consideration. The alternatives were drawn from CAC input and suggestions to date, the 2008 Comsewogue Hamlet Comprehensive Plan, and the 1996 Adopted and 2030 Draft Town Comprehensive Plans.

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Citizens Advisory Committee

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(power point - land use alternatives – continued)

Land use alternatives included the following:

Alternative # 1. - As-of-Right Development

Alternative # 2. -100% Preservation

Alternative # 3. - Light Industry, Substantial Preservation, and Active Recreation

Alternative # 4. - Office Park, Substantial Preservation, and Active Recreation

A detailed description of each Alternative was provided, as was a listing of the challenges confronting each Alternative (see power point handout for details, especially slides # 12 – 22).

It was pointed out that the above Alternatives did not preclude the combination of elements from Alternatives # 3 & # 4 which could, for example, include both light industrial and office uses together with substantial preservation and active recreation. A list of changes of zone totaling 78.31-acres was provided to implement these alternatives (see slide #17).

Included in the presentation was a description of the newly formed Suffolk County Land Bank Corporation, which was created to receive selected brownfield sites throughout Suffolk County and facilitate their return to productive use. As of this date, it was understood that the County may have designated the Lawrence Aviation parcels for transfer to the Suffolk County Land Bank Corporation. The implications of such a transfer were reviewed (see slides #9 & 10).

Also included in the presentation was a draft concept of what a possible Overlay District could look like to facilitate implementation of the land use plan (see slide # 23).

VI. Discussion of Land Use Alternatives & Methods for Achieving Desired Outcome

There was a wide ranging discussion of the land use alternatives, the Suffolk County Land Bank Corporation, and an Overlay District to help implement the goals of the land use plan.

A Summary of the discussions is as follows:

- There was consensus that the alternatives presented accurately reflected the range of possible land use options for the site, and that Alternatives # 3 & 4 reflected the balanced land use approach sought at the site. Resources did not currently exist for 100% preservation (Alternative # 1), and as-of-right development (Alternative # 2)

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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(discussion of land use alternatives & methods for achieving desired outcome- continued)

did not provide for the balanced, planned land use approach desired. It is envisioned that a Generic Environmental Impact Statement (GEIS) would be needed for the Land Use Plan per SEQRA, and that benchmarks would be incorporated in the GEIS indicating when Supplemental Environment Impact Statements (SEIS) would be required when re-development occurs in the future.

- It was recognized that that the Suffolk County Land Bank Corporation had just initiated operations, and that its procedures were still evolving. It was agreed that Town staff would be in touch with the Land Bank Corporation to invite representatives to make a brief presentation at the next CAC meeting. (Note: after the meeting, Ms. Juchatz contacted the Land Bank, briefed them on the CAC's work, and arranged for the Director, Mr. Tom Kelly, to be in touch with Town Planning staff).
- Regarding the implications of the Suffolk County Land Bank Corporation upon the Town's ability to plan for the re-use of the Lawrence Aviation site, it was agreed that it might facilitate the reuse if developer interest increases, but it could frustrate the goals of the Land Use Plan if a checkerboard ownership pattern results (see slide # 10).
- It was agreed that regardless of the ownership pattern which results at the Lawrence Aviation site, that SEQRA must still be accomplished on the site as a whole, as it had been in common ownership for 50+ years.
- It was agreed that a community forum is a good idea to help inform the community about the land use plan, and that the Port Jefferson Station-Terryville Civic, the Comsewogue School District and other community organizations would be enlisted to help get out the word once a date is selected.
- It was recommended that once the Land Use Plan is adopted, the recommended c changes of zone should be adopted by the Town Board's own motion. This will protect the Town from possible unplanned, as-of-right development once the LAI building moratorium expires on January 18, 2015.

VII. Next Meeting

It was agreed that the next Lawrence Aviation CAC Meeting would be held Wednesday, December 11th at 1:30 pm. A notice will be sent to Committee members confirming.

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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The Agenda will include a presentation and Committee discussion of a draft Overlay District for the Lawrence Aviation site which would help achieve the goals of the plan. Staff will invite Mr. Thomas Kelly of the Suffolk County Land Bank Corporation to make a brief presentation and to answer any questions the CAC may have.

VIII. Adjournment

The meeting was adjourned at approximately 3:00 p.m.

Town Of Brookhaven
Citizens Advisory Committee (CAC)
Lawrence Aviation Land Use Plan

Summary

CAC Meeting
12-11-2013

Present:

Steve Fiore-Rosenfeld, Councilman 1st District
Carolyn Fellrath, Staff, Office of Town Councilman Steve Fiore-Rosenfeld
Seth Squicciarino, rep. Suffolk County Legislator Kara Hahn
Joan Nickeson, Cumsewogue Historical Society & Port Jefferson Station-Terryville
Civic Association
Amy Juchatz, Suffolk County Department of Health Services
Tara Scully, Brookhaven Law Department
Joe Berendowski, North Brookhaven Chamber of Commerce
Thomas O'Brian, Long Island Railroad
Maria Hoffman, rep. Assemblyman Steve Englebright

Invited Guests: (via telephone)

Thomas Kelly, Commercial Development Director, Suffolk County Department of
Economic Development and Planning
Sarah Lansdale, Director, Suffolk County Planning Division

Excused:

Edward Garboski, Port Jefferson Station-Terryville Civic Association
William Faulk, rep. Brookhaven Supervisor Edward P. Romaine
Dr. Lee Koppelman, Consultant

Staff:

Brenda Prusinowski, AICP
Thomas Chawner, AICP

I. Introductions

The Meeting was called to order at 1:35 p.m. and Committee members introduced themselves.

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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II. Additional Agenda Items

Committee members were asked if there were any additional Agenda items for today's meeting. No additional items were suggested.

III. SC Land Bank Presentation

Due to an unavoidable change in schedule, Mr. Kelly arranged to make his presentation via Telephone. Sarah Lansdale, Director, Suffolk County Planning Division, joined in the presentation.

Ms. Lansdale commended the Town Of Brookhaven for undertaking the Lawrence Aviation Land Use Plan, and offered the assistance of the SC Department of Economic Development and Planning on an as needed basis. She indicated that the Department had prepared a number of economic impact analyses and could provide technical assistance if the Town decided to undertake such a study for the Lawrence Aviation site.

Mr. Kelly made his presentation which mirrored a hard copy of the power point provided in today's meeting packet. Highlights of Mr. Kelly's presentation were as follows:

- The Suffolk County Real Estate and Treasurer's Offices identifies properties which have failed to pay property taxes and refers them to the Brownfield Inter Agency Task Force for review. Parcels which have environmental concerns and constraints of selling tax liens at full value are identified. These become "Do Not Take" parcels and no further action is taken.

- The SC Land Bank Corporation provides a mechanism for Suffolk County to sell the tax liens of the above "Do Not Take" parcels to bidders for less than the lien amount and keeps the County out of the change-of-title.

- After Land Bank evaluation and input from local municipalities, NYS DEC, US EPA, and Suffolk County, the liens of "Do Not Take" parcels are transferred from the County to the non-profit Land Bank through resolution by the SC Legislature, taking the tax liens off the tax roles. They are posted on the Land Bank website for potential purchase.

- A series of criteria have been developed to evaluate the appropriateness of "Do Not Take" parcels for transfer to the Land Bank around the degree of contamination from unknown or minimal contamination to the most contaminated. The Lawrence Aviation parcels are eligible for transfer to the Land Bank, but the high degree of known contamination makes them low priority candidates for transfer

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

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(SC Land Bank Presentation – continued)

- Suffolk has received \$675,000 in funding from NYS to perform environmental reviews of selected brownfield parcels to facilitate their return to active use. This will fund work on 18-parcels.

IV. Draft Lawrence Aviation Overlay District

Mr. Chawner gave a power point presentation on a Draft Overlay District for the Lawrence Aviation site, a copy of which was provided to CAC members.

Highlights of presentation are as follows:

- Objectives

1. Encourage appropriate & balanced redevelopment of the site as a whole (light industry, open space, & passive recreation).
2. Provide a range of economic and administrative incentives to stimulate redevelopment.
3. Protect the quality of life of adjacent residential Districts.
4. Preserve and protect vital habitat and wetlands.
5. Ensure redevelopment is in concert with adopted plans and studies (1996 Town Comprehensive Plan, 2008 Comsewogue Comprehensive Plan & PJS Commercial HUB Study (in process)).

- Unified Redevelopment vs. Segmented Redevelopment

One of the key elements of the Overlay District is to encourage comprehensive and balanced redevelopment of the site through provision of incentives

- Summary of Key Overlay District Features

- Includes 10 of 11 Lawrence parcels totaling 153± acres (note: the existing single family home (parcel VII) is excluded from the District but may elect to join the District at any time in the future).
- Provides for increasing FAR bonuses for site plans 60-acres & above up to a maximum 20% bonus for 170-acres and above (see slide # 20 for full range of bonuses).
- Permits 3-contiguous parcels to petition the Town Board to enter the District increasing to potential District size to 183-acres
- Permits transfer of development yields from contiguous open space to industrial parcels.

(summary of key overlay district features – continued)

- Proposes to increase the height limit to 5-stories/75' vs. 3-stories/50' and requires a viewshed analysis from adjacent residential parcels.
- Provides for no-fee, accelerated 60-day site plan review
- Requires 45% open space, clustering, viewshed analysis, and environmental testing.

V. Discussion - Draft Lawrence Aviation Overlay District

Regarding the proposal to possibly increase the height limit, it was suggested that the Town reach out to the Terryville Fire District to receive their input, and to ascertain that the Fire District had equipment to service the higher height limit.

Regarding the uneven topography at the site and the viewshed from neighboring residentially zoned parcels, it was agreed that the proposed viewshed analysis was an important feature of the draft Overlay District.

There was a general discussion about cleanup standards and the criteria utilized by NYS DEC and the US EPA to clear brownfields for future uses, including recreational, industrial, and open space uses which will be permitted at the Lawrence Aviation site.

VII. Next Meeting

It was agreed that the next Lawrence Aviation CAC Meeting would be held Wednesday, January 8th at 1:30 pm. A notice will be sent from the Council office confirming.

It was agreed that the US EPA would be invited to make a short presentation/answer questions the Committee had around the issue of clean-up standards for various future uses at the site, specifically light industrial, office and recreational uses.

VIII. Adjournment

The meeting was adjourned at approximately 3:15 p.m.

Town Of Brookhaven
Citizens Advisory Committee (CAC)
Lawrence Aviation Land Use Plan

Summary

CAC Meeting
1-29-2014

Present:

Valerie M. Cartright, Council Member 1st District
Joseph Berendowski, North Brookhaven Chamber of Commerce
Michael Eiermann, Cumsewogue Historical Society
Carolyn Fellrath, Staff, Office of Town Council Member Valerie Cartright
Amy Juchatz, Suffolk County Department of Health Services
Joan Nickeson, Port Jefferson Station-Terryville Civic Association
Thomas O'Brian, Long Island Railroad
Adam Santiago, rep. Congressman Tim Bishop
Peter Scully, NYS Department of Environmental Conservation
Tara Scully, Brookhaven Law Department
Seth Squicciarino, rep. Suffolk County Legislator Kara Hahn

Excused:

William Faulk, rep. Brookhaven Supervisor Edward P. Romaine
Edward Garboski, Port Jefferson Station-Terryville Civic Association

Staff:

Dr. Lee Koppelman, Consultant
Tullio Bertoli, AICP
Brenda Prusinowski, AICP
Thomas Chawner, AICP

I. Introductions

The Meeting was called to order at approximately 1:40 p.m. and Committee members introduced themselves. Council Member Cartright introduced herself to the Committee and indicated her strong support for citizen involvement and participation in community planning.

II. Additional Agenda Items

Committee members had no additional items for the Agenda.

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

page 2.

III. Acceptance of CAC Meeting Summary

The Summary of the 12/11/13 CAC Meeting was accepted without additions or corrections.

IV. US EPA Invitation & Comments

Mr. Chawner reported that per CAC request he had written to the EPA to invite them to participate in today's meeting to answer questions raised at the December CAC meeting around possible future uses at the Lawrence Aviation site. In a subsequent telephone conversation, Mr. Salvatore Badalamenti indicated that EPA representatives usually do not participate in advisory committees, and since EPA was exempt from State SEQRA laws, did not provide comments on draft plans. Mr. Chawner indicated that the Town would nonetheless appreciate the EPA's input on a Preliminary Draft Land Use Plan it had compiled, and subsequently during SEQRA, so long as Federal rules did not prohibit such participation. The idea was to ensure that the final Plan was protective of the EPA's remediation efforts at the site, and the Town and the EPA are on the same page.

Based upon Committee discussion, it was decided that the EPA would be invited to participate at a CAC Meeting in either February or March to summarize the Record of Decision (ROD), report on any current or future clean-up efforts at the site, and answer questions CAC members may have. Mr. Adam Santiago, District Director, Congressman Tim Bishop's Office, offered to contact the EPA to arrange the visit.

V. Power Point – Preliminary Draft, Lawrence Aviation Land Use Plan

Mr. Chawner gave a short power point presentation on the Preliminary Draft Lawrence Aviation Land Use Plan. A copy of both the Preliminary Draft Plan and power point was provided to CAC members in their Meeting packets.

The power point presentation summarized major findings of the Preliminary Draft Plan, major recommendations for Plan implementation, key components of the proposed Lawrence Aviation Overlay District needed to effectuate balanced redevelopment, and the SEQRA timeline (see power point handout for details).

Major points of Committee discussion are summarized as follows:

It was suggested that the redevelopment scenarios be presented as alternatives for policy-maker decision making *subject to the availability of funding*. This is important as conditions and resource availability change over time thereby impacting the feasibility of

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

page 3.

(power point – continued)

each alternative.

A question was raised of whether a full Environmental Impact Statement (EIS) was needed, or if a Part III or Generic would suffice for the land use plan. If an EIS was needed it would need to be completed by an outside firm and additional resources would be needed.

Between this CAC Meeting and the next, staff would schedule a meeting with the Law Department to coordinate efforts around the land use plan and preparation of an EIS, Part III, or Generic.

Regarding the Land Use Plan's recommendation that all parcels be rezoned to L-1, it was noted that this was in concert with the Adopted 1996 Town Comprehensive Plan and the EPA ROD, which recommended only industrial or commercial future uses for the major industrial parcels (I & II). Lastly, the 2008 Hamlet Comprehensive Plan envisioned commercial uses like an office park for the site, not housing. It was noted that offices were an approved use in the L-1 District.

VI. CAC Comments – Preliminary Draft Land Use Plan

Committee members are requested to make written comments by February 15th on the Preliminary Draft Lawrence Aviation Land Use Plan. E-mailed comments would be fine.

VII. Community Forum

It was decided to delay the planned Community Forum on the Land Use Plan until March to a date to be decided and coordinated with local community & civic organizations.

VIII. Revised SEQRA Calendar

The Committee's attention was called to a slightly revised SEQRA Calendar included in today's Meeting packet. A change was necessary to separate-out the public hearing and adoption of the Plan from the public hearing and adoption of changes of zone and code amendments. The Calendar concludes at the same time, however, in December 2014 when the Plan is scheduled for adoption. It was noted that the Lawrence Aviation building moratorium concludes January 18, 2015.

Lawrence Aviation Industries Land Use Plan
Citizens Advisory Committee

page 4.

IX. Next Meeting

It was decided that the next CAC Meeting would be scheduled for either February or March depending upon the EPA's availability.

X. Adjournment

The meeting was adjourned at approximately 3:20 p.m.

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APPENDIX IX

Port Jefferson Station-Terryville Shopping Centers

<u>SCTM #</u>	<u>Shopping Center</u>	<u>Anchor</u>	<u>Location</u>	<u>Footage</u>	<u># Stores</u>	<u>Acreage</u>
137-2-35.1	Cinema Plaza	-----	W/25A, Opposite Bergen Pl			1.6
160-6-5.1	Jefferson Plaza	Rite Aid	W/112, S Cherub Ln	118,000	26	9.2
161-3-7.1	Jefferson Park		W/112, NW Jayne	24,000	11	2.8
182-2-2.5	next to Jiffy Lube	-----	E/Jayne, N/347	3,500	4	0.45
182-3-1	Station Plaza	PathMark	S/347, N/Canal	100,000	3	10.59
182-4-20.2	Station Plaza		E/112, Opposite Joline Rd	7,000	5	0.81
182-4-33.1	Three Roads Plaza	Meat Farms	S/Canal, E/112	58,000	15	6.72
206-5-42.1	Port Plaza	Uncle Giuseppe's	W/112, NW Bicycle Path	122,000	22	14.1
205-6-5	Nesconset Shopping Center	Home Goods	N/347, W/Terryville Rd	123,000	27	11.66
205-7-7.1	Commons		S/347, W/Terryville Rd	45,000	23	6.4
227-2-4	Brookhaven Locksmiths		N/347, E/Woodhull	10,000	4	1
311-2-9.1	Terryville Shopping Center	Fitness Plus	NE/OTR, W/Jayne Blvd	53,000	12	6.3
	Totals			663,500	152	71.63

Source: Town of Brookhaven & Suffolk County Planning Division

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APPENDIX X

Port Jefferson Station, Terryville and Port Jefferson Village Apartment Complexes, Condominiums & Cooperatives

Hamlet/Village	Development	Location	# Units	Type	Summary	
Port Jefferson Station	Heatherwood House at Port Jeff	39-61 Piedmont Drive	272	Unrestricted rental	Rentals - 1,397 331-senior 256-senior affordable 810-unrestricted rental	
	Plaza Garden Apartments	125 Terryville Road	50	Unrestricted rental		
	Sylvan Meadows	Sylvan Lane and Route 347	54	Unrestricted rental		
	Wisdom Gardens	115 Terryville Road	40	Rental-senior afford.		
			416			Condominiums- 1,380 44%
		Stony Hollow	460 Old Town Road	376	Cooperative	Cooperatives - 376 12%
		Stonington	Old Town Road & Route 347	160	Condominium	
		Piedmont Manor	30 Piedmont Drive	20	Condominium	
		Sagamore Hills	Route 112	292	Condominium	
		Sterling Ponds	Route 112 & Washington Ave.	61	Condominium	Total - 3,153
	The Ranches at Long Lake Estates	Boyle Road & Old Town Road	176	Condominium		
			1085			
Terryville	Fairfield Knolls North	Village Green Drive & Route 347	291	Rental-senior		
	Woodcrest Estates	Woodcrest Drive & Route 347	256	Rental-senior afford.		
			547			
	Fox Meadow	Sara Circle & Route 347	133	Condominium		
			133			
Port Jefferson Village	Barnum House	Route 112 & Barnum Avenue	30	Unrestricted rental	Proposed MF - Upper Port Jefferson Village Location Units 1 Main Street(E) & Perry St(N) 72 2 Main St(E) & Perry St(S) 62 3 1605 Main St @LIRR 60 4 Texaco & Linden 80* Total 274 (Numbers 1 - 3 (above) also include first floor commercial space totalling 17,544 s.f.) *Amended proposal, previously 55-units	
	Fairfield at Port Jefferson	655 Belle Terre Road & Myrtle Ave.	92	Unrestricted rental		
	Fairfield Falls	1, 2 Dark Hollow Road	64	Unrestricted rental		
	Fairfield Landmark	Dark Hollow Road	66	Unrestricted rental		
	Harbour Heights Country Club	646 Belle Terre Road	96	Unrestricted rental		
	Jefferson Woods Apts	150 North Country Road	42	Unrestricted rental		
	Jefferson Woods Apts	84 North Country Road	44	Unrestricted rental		
			434			
		The Highlands	Windward Court & Highland Blvd	231		Condominium
		202 Regency	202 Main Street	26		Condominium
		Belle Harbor Mews	515 High Street	18		Condominium
		Canyon Creek	Inwood Road & Myrtle Avenue	19		Condominium
		Harbor View at Port Jefferson	Vantage Court & Hillcrest Ave.	40		Condominium
	Riviera at Harbor Hills	Lookout Ridge & Oadwood Rd.	95	Condominium		
	Terraces at Belle Terre	Princess Tree Ct & Belle Terre Rd.	27	Condominium		
	Town and Country	Sea Court Lane & N Country Rd.	39	Condominium		
	Village Vistas(under construction)	Liberty Avenue	43	Senior Condominium		
			538			
			3,153			

Sources: Suffolk County & Town of Brookhaven Divisions of Planning, Upper Port Jefferson Revitalization Study (11/28/12)

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APPENDIX XI

BLIGHTED PARCELS - PORT JEFFERSON STATION REVITALIZATION AREA

<u>SCTM #</u>	<u>Address</u>	<u>Zoning</u>	<u>Acreage</u>	<u>Use</u>
137-2-11	108 Pat/PJ Road	J-2/B-1	0.6	Vacant - Former Chemical Bank Building
137-2-9	7 Dayton Avenue	J-2	0.11	Vacant - Former residence(Boarded-up)
137-2-10	104 Main Street	J-2	0.12	Vacant - Former Tavern (Boarded-up)
137-3-1	Main Street	J-2/L-1	0.5	Multi-use Offices vacant/auto collision rear
137-3-2	105 Main Street	J-2	0.15	Offices (largely vacant)
137-3-3	109 Patchogue Road	J-2	0.31	Vacant - Former auto repair (vacant)
137-2-35.1	Route 112	J-2	1.6	Mostly vacant first floor retail (Cinema Plaza)
138-1-1	38 Maple Avenue	B-1	0.19	Vacant second floor offices (Cinema Plaza)
138-1-8	149 Hallock Avenue	J-2	0.17	Fire damaged three-family home
138-1-20.2	Route 25A	J-2	1.23	Former retail (Boarded-up)
160-6-8	403 Patchogue Road	J-2	0.24	Vacant - Former Karl's Equipment
			5.22-acres	Vacant - Former KFC (SC owned)

Blighted Parcels - Just Outside Immediate Port Jefferson LIRR Area

182-1-7	5148 Nesconset Highway	J-2	1.93	Former King-O'Rourke Auto Dealership
182-1-12	Nesconset Highway	J-2	1.05	"
182-1-15.2	0 Nesconset Highway	J-2	0.15	"
182-1-15.1	5184 Nesconset Highway	J-2	2.25	"
Total Blighted			5.38	
161-5-42	5316 Nesconset Highway	J-2	2	Former Lincoln-Mercury Auto Dealership
Total Blighted			7.38-acres	
Grand Total				12.6-acres

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APPENDIX XII

Local Law Filing	A: 05/22/14	New York State Department of State
	E: 06/05/14	41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Brookhaven

Local Law No. 10 of the year 2014

A local Law amending Chapter 16 of the Code of the Town Of Brookhaven entitled "Building Construction Administration" amending Section 16-4 entitled "Certificates of Occupancy"

Be enacted by the Town Board of the Town of Brookhaven as follows:

Section 1. Legislative Intent. Protecting the health and safety of those residing in homes which are built or are altered after environmental contamination occurs is paramount. The Town of Brookhaven is desirous of advising future homeowners of contamination as well as protecting existing residents from harmful volatile organic compounds. This code amendment will require advisory notices on Certificates of Occupancy, testing of property impacted by environmental contamination and remediation and/or mitigation if volatile organic compounds are found.

Section 2. Text Amendment. To require advisory notices and testing for environmentally contaminated parcels and parcels impacted by contamination from volatile organic compounds is hereby amended as follows:

§ 16-4 Certificates of occupancy.

E. For all parcels of land identified as a Superfund site, including but not limited to parcels located adjacent to said identified parcels and parcels which are located over plumes or other contamination originating from a Superfund site parcels, the Chief Building Inspector shall place an advisory notice on all Certificates of Occupancy, or its equivalent, issued for such parcels. In addition, the Chief Building Inspector shall require certification from a certified testing laboratory as to the presence or absence of soil vapor intrusion from volatile organic compound and the levels of same. In the event the certification from the certified testing laboratory indicates volatile organic compound levels in excess of Federal, State or County government standards, the Chief Building Inspector shall require mitigation and/or remediation in accordance with said government standards before the issuance of Certificate(s) of Occupancy.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

DOS-239 (Rev. 11/99)

A 0151422 New York State Department of State

Section 3 Authority The Town Board is vested with the **authority** to make these amendments **by** focal law pursuant to Town Law 1130 13a3011350 and in accordance with **Municipal Home Rule Law 20**

Section 4 This local law shall become effective **immediately** upon **filing** with the **Secretary** of State of the State of New York

Dated **May 22** 2014

Farmingville New York

DONNA LENT TOWN CLERK
TOWN OF BROOKHAVEN

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APPENDIX XIII

***LAWRENCE AVIATION
INDUSTRIES***

***TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK***

TRAFFIC IMPACT STUDY

AUGUST 2014



***L.K. McLean Associates, P.C.
437 S. Country Road, Brookhaven, NY 11719***

There is on-street parking allowed north of the LIRR to Sheep Pasture Road, and a two-way left turn lane south of the LIRR to Hallock Road. The frequency of vehicles entering and leaving parking spaces in trying to find acceptable gaps in traffic might cause vehicles already in the traffic stream to cause some of these accidents. Based on the *Village of Port Jefferson Upper Port Traffic Study*, on-street parking north of the LIRR will be eliminated in the future. Observations from this study indicate that the overall supply of on-street parking and municipal off-street parking far exceeds current demand. Limiting the on-street parking to certain times of the day or prohibiting parking altogether should also be considered for the west side of Main Street as a mitigation measure in reducing the number of rear end accidents occurring.

The accident rate at Sheep Pasture Road and Comsewogue Road was 0.24 accidents per million entering vehicles compared to 0.45 accidents per million entering vehicles, the NYSDOT average accident rate. There was an average of 0.67 accidents per year at this intersection. Based on these rates and a thorough analysis of the accident data, it is anticipated that there is no mitigation that is necessary at this moment in time.

The accident data is located in Appendix E at the end of this report. Please note that the Accident Location Information System (ALIS) data obtained from the NYSDOT is not enclosed in the Appendix due to the magnitude of paper, but has been analyzed and tabulated in its entirety, as shown.

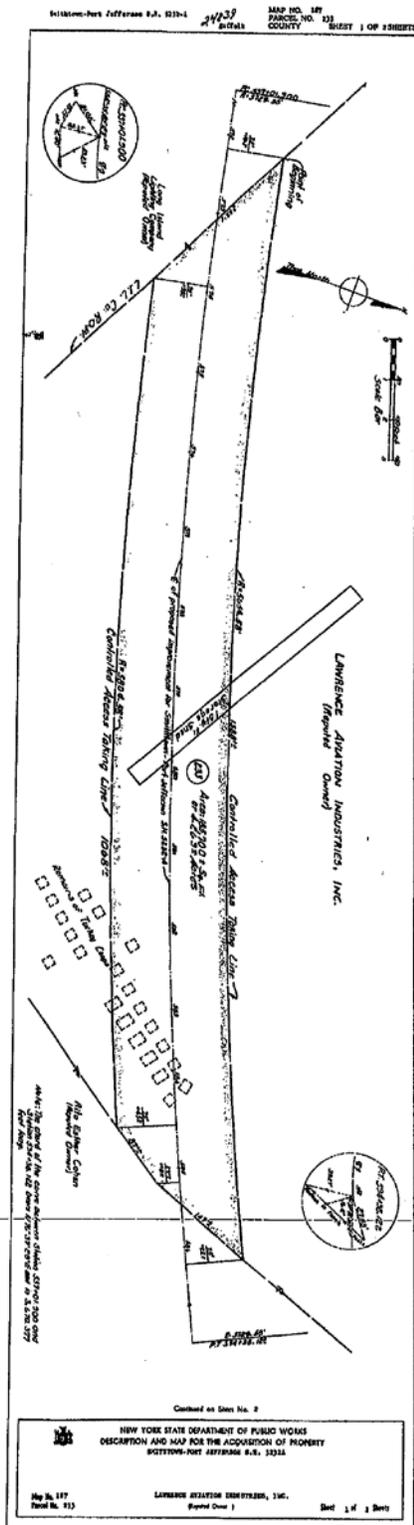
8.0 RECOMMENDATIONS

1. Based on the analyses performed in this study, the traffic generated by this proposed industrial park will create additional delays at multiple key intersections, however, by implementing the proposed mitigation improvements described earlier in this report, the LOS and overall delays will not be significantly impacted in the design year.
2. Alternative A will be problematic, in terms of routing truck traffic through the intersection of NYS Route 25A and Sheep Pasture Road due to the tight roadway geometry. Alternative B will impact the residents along Sheep Pasture Road west of the LIRR bridge, and those with backyards abutting Spruce Street. It is in our opinion that Alternative C would provide the best option for access to the proposed site.

3. The Town should make arrangements with the existing “Chip it All” site, or with LIPA/PSEG, if feasible, in order to construct an access road extending to Sheep Pasture Road. If the LIPA/PSEG ROW is used, the access road could be made into a 4-way intersection with Comsewogue Road depending on the alignment of the access road.
4. The Town in conjunction with the NYSDOT should work together in order to get intersection improvements put onto the Transportation Improvement Program (TIP) in the next 5 to 10 years at the intersection of Nesconset-Port Jefferson Highway (NYS Route 347) and Old Town Road, similar to the intersection improvement project currently being constructed on NYS 347 at the NYS 112 intersection.
5. As the proposed site is developed, Suffolk County Transit could extend one or more of the existing bus routes to the site, to facilitate access by employees. Route S62 seems like the best option for extension onto the site. Upon development of the industrial park, a shuttle bus service for employees to the Port Jefferson train station by employers should also be considered. There would also be a need for direct access for both pedestrians and bicyclists from the Greenway Trail, for potential employee use.
6. The intersection at NYS Route 25A and Sheep Pasture Road showed excessive delays on the eastbound approach once the proposed generated trips were added. Changing the eastbound lane configuration from a left turn lane and a shared thru/right turn lane to a left turn/thru lane and an exclusive right turn lane, yield results comparable to the “No Build” condition in the design year.
7. The intersection at Old Town Road and Sheep Pasture Road showed excessive delays in the eastbound and westbound directions once the proposed generated trips were added. A splitter island was added on the westbound approach, thus providing for dedicated left and right turn lanes. Property takings would be required from the owners on the northwest and southwest quadrants in order to incorporate the geometric changes. A potential property taking might be required on the southeast quadrant as well. The proposed curbs would be a minimum of 30 feet from the existing homes. The LOS for both the AM and PM peak periods improved from a LOS “E” in the “No Build” condition to a LOS “C/D”, respectively.

8. The intersection at Sheep Pasture Road and Hulse Road showed significant delays on the westbound approach on Sheep Pasture Road once the proposed generated trips were added. The southbound approach on Hulse Road was made stop controlled, and westbound Sheep Pasture Road became a free movement. The pavement markings at this intersection would be revised in order to improve the sight distance for the southbound traffic. All work would be accomplished utilizing the existing ROW. The LOS for both the AM and PM peak periods either remained the same or slightly improved from a LOS "C" in the "No Build" condition to a LOS "C/B", respectively.

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Survey done on file in New York State Department of Public Works
 Orange County No. 10 Survey
 at Suffern, New York
 1981
 CC 3 1, 436 p 80

111.161 acres of parcels of property hereinafter designated as Parcel No. 213, situated
 in the Town of Brookhaven, County of Suffolk, State of New York, as shown on the accompanying
 map and described as follows:

111.161 acres of parcels of property hereinafter designated as Parcel No. 213, situated
 in the Town of Brookhaven, County of Suffolk, State of New York, as shown on the accompanying
 map and described as follows:

The above-mentioned number 111.161 acres on the accompanying map is a portion of the
 parcel described in the accompanying map as Parcel No. 213, situated in the Town of Brookhaven,
 County of Suffolk, State of New York, as shown on the accompanying map and described as follows:

Beginning at Station 212+00.000 meters on the left having a radius of
 1700.00 meters to Station 212+00.000 meters on the right having a radius of
 1700.00 meters and a 3600.00 meter line;

All bearings referred to True North.

I hereby certify that this is an accurate description and map made from an accurate survey prepared under
 my direction.

Done at Suffern, N.Y. this 11th day of September, 1981.

J.R. Moore, Engineer, District No. 10
 Westport, N.Y.

NEW YORK STATE DEPARTMENT OF PUBLIC WORKS
 DESCRIPTION AND MAP FOR THE ACQUISITION OF PROPERTY
 SUFFERN-PART 1073886 S.N. 10, 14221 SUFFOLK COUNTY

Map No. 187
 Parcel No. 213
 LAYBROOK AVIATION INDUSTRIES, INC.
 Parcel One 1

111.161 acres
 111.161 acres

Description and map of property which the possession of public works deemed necessary to
 be acquired by appropriation in the name of the people of the State of New York for the
 purpose of constructing and operating and maintaining a highway for the purpose of
 carrying out the provisions of the State Highway Law.

There is accepted from this appropriation all the right, title and interest, if any, of the United States of
 America in or to said property.

Permit to possess said land, and in accordance with the official order of the superintendent of
 public works, its plans, description and map as hereby officially approved, and well described, and the original
 copies of this map are hereby officially filed in the office of the department of public works.

Done at Albany, N.Y. this 11th day of September, 1981.

Director, Bureau of Rights of Way and Claims

I have compared the foregoing copy of description and map with the original thereof, as filed in the office
 of the department of public works and I do hereby certify the same to be a true and correct copy of said original
 and of the whole thereof.

Director, Bureau of Rights of Way and Claims

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APPENDIX XV

Port Jefferson LIRR Parking

	<u>SCIM #</u>	<u>Location</u>	<u>Acreage</u>	<u>Ownership</u>	<u># Spots</u>
<u>Northside:</u>					
	06-21-6-10	Main Street	1	MTA	109
	06-21-6-5	Perry Street	0.49	PJV	54
	06-21-4-31	Linden Place	0.23	PJV	22
<u>Totals - Northside</u>			1.72		185
<u>Southside:</u>					
	137-3-15.3	Railroad Avenue	2.34	MTA	260
	137-3-15.1	Maple Avenue	0.42	MTA)
	137-3-15.2	Maple Avenue	0.06	MTA)
	137-3-14.1	Maple Avenue	0.27	MTA)
	138-1-16	Union Street	0.62	MTA	70
<u>Totals - Southside</u>			3.71		330
<u>Grand Totals</u>			5.43		515

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APPENDIX XVI

Suffolk County Bus Routes Transecting Port Jefferson LIRR Station

Route	Wkday Transect	Saturday Transects	Origin	Destination	Route
5 A	17	17	Port Jefferson Shop Plaza	KK Shopping Ctr, Middle Island	Rte 112/NCR/Echo/Randall/LeisureVIII/MCR
S 60	25	25	SH Mall	Coram Hlth Ctr/Gordon Hgts	Route 25A/Terryville Road/Old Town Road
S 61	40	23	Patchogue LIRR Station	Port Jeff LIRR Station	Route 112
S 62	28	24	Hauppauge/IndusPk/CtyCtr	Riverhead County Center	347/OTR/25A/N. CountryRd/Echo/25A/25/Tanger/CtyCtr
S 69	2	2 *	SH Mall/Stony Brook	Port Jeff LIRR Station	347/25A/N. Country Road
S 76	45	45	Main Street, Stony Brook	Port Jeff LIRR Station	Route 25A
Daily	157	136			
Weekly	785	136			

* Night Loop

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APPENDIX XVII

2012 SCT MONTHLY PASSENGER STATISTICS FOR COUNTY SPONSORED BUS ROUTES SERVICING THE PORT JEFFERSON LIRR STATION

ROUTE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
S-60	15,101	18,975	20,738	19,630	17,748	14,591	14,060	18,446	18,004	20,228	19,746	17,172	214,439
S-61	14,576	15,745	17,616	17,676	16,904	16,385	16,082	17,765	16,437	16,844	15,616	15,443	197,089
S-62	11,582	12,470	13,907	13,676	13,304	13,780	13,165	16,202	13,492	12,923	13,156	12,632	160,289
S-69	592	1,087	1,299	301	172	191	427	600	743	1,248	819	789	8,268
S-76	1,661	1,940	2,021	1,949	1,761	1,765	1,665	1,774	1,743	2,003	1,775	1,676	21,733
5A	1,771	1,843	2,213	1,933	1,948	2,051	1,892	1,973	2,018	2,010	1,953	1,866	23,471
Grand Total	45,283	52,060	57,794	55,165	51,837	48,763	47,291	56,760	52,437	55,256	53,065	49,578	625,289

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APPENDIX XVIII

Figure 1 – Port Jefferson Station Sewer Study Area

Figure 3 – Existing Sewer Districts – Port Jefferson Station
And Contiguous Areas

Table 1 (a) – STP's Within One (1) Mile

Table 2 (a) – Existing STP's Within One (1) Mile – Unutilized Capacity

Table 1 (b) – STP's Beyond One (1) Mile

Table 2 (b) – Existing STP's Beyond One (1) Mile – Unutilized Capacity

Town Of Brookhaven
Department of Planning, Environment & Land Management
1 Independence Hill
Farmingville, New York 11738

Port Jefferson Station TOD Study Area

Sanitary Options*

There are nine (9) existing STP's providing sanitary options for future development in the TOD Study Area - five (5) STP's are within one (1) mile of the Study Area and four (4) are beyond one (1) mile (*see Figure 3 attached*).

The closest STP's are all small systems with capacities between 9,400 – 40,000 gpd. They serve single users such as individual condominium developments, apartment complexes, and a nursing home (*see attached Table 1(a) for detail*). Very little additional flow (46,000 gpd) is available from these systems without significant expansion (*Table 2(a)*).

The four (4) STP's beyond one (1) mile offer more promise for future sanitary for the Study Area (*see attached Table 1(b) for detail*). Collectively these STP's have permitted flow of 1.4 million gpd and offer unutilized capacity of some 357,000gpd or the equivalent of 1,222 residences (*Table 2 (b)*). The two most promising STP's are SCSD #1 (Port Jefferson) and SCSD # 2 (Tallmadge Woods-Miller Place), with the latter furthest from the Study Area at 1.9 miles.

Suffolk County prefers the development of regional waste water collection and processing systems and would likely prefer expansion of their Districts # 1 & #2 as opposed to a more piecemeal approach of creating a separate STP for the Study Area or expanding one or more of the existing smaller facilities.

Even if redevelopment in Port Jefferson Village produces 500 apartment units, and redevelopment in the Study Area produces an additional 500 units, there would still be sufficient unused capacity in SCSD's # 1 & # 2 to accommodate this expansion, although some improvements would probably be needed to the STP's.

Source: Brookhaven Town-Wide Sewer Study, Port Jefferson Station Study Area,
December 2011

October 1, 2012

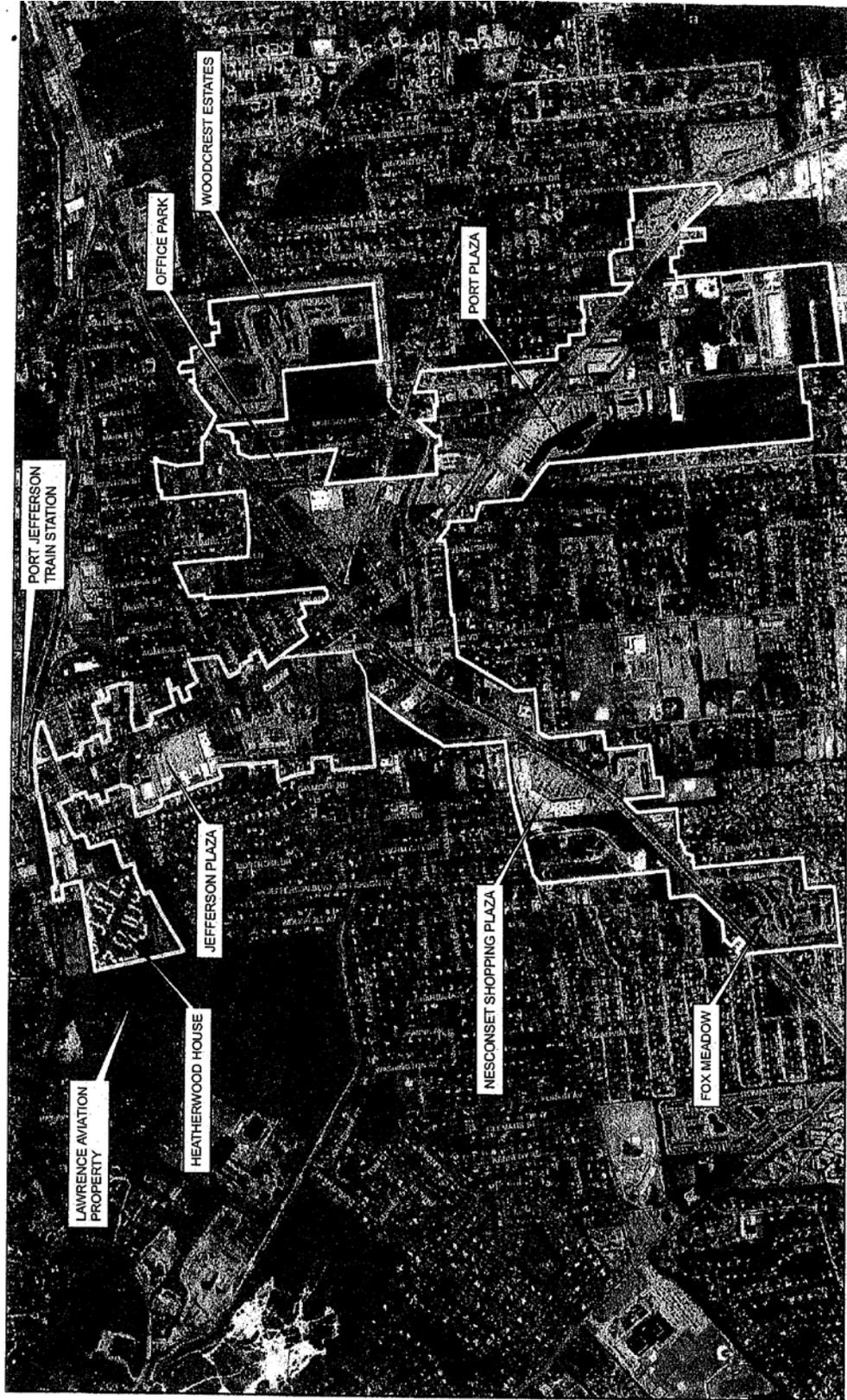
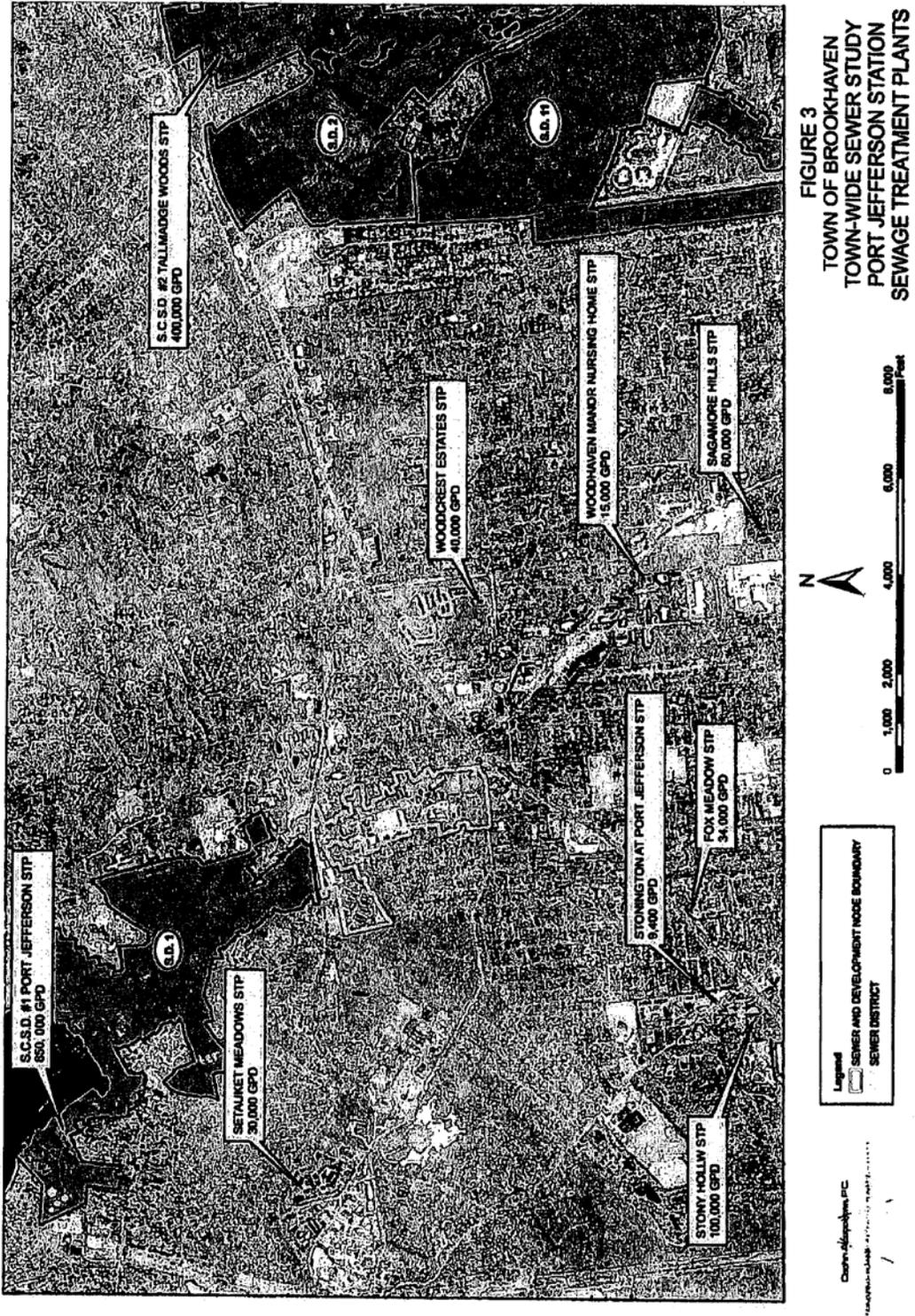


FIGURE 1
TOWN OF BROOKHAVEN
TOWN-WIDE SEWER STUDY
PORT JEFFERSON STATION
STUDY AREA



**Brookhaven Town-Wide Sewer Study
Port Jefferson Station Study Area**

**Table 1(a)
STPs within One (1) Mile of Node Boundaries**

STP Name	SPDES #	Coordinates	Treatment Process	Permitted Flow (1) gpd	Comment (2)
Facilities Located within One (1) Mile of Node Boundaries					
Fox Meadow	NY-0196339	40.912861, -73.058944	Influent Pump Station; Comminutor/Bar Screen; Equalization Tank; Aeration Tank; Clarifiers; Denitrification Filters	34,000	Satisfactory operations
Stonington at Port Jeff	NY-0210161	40.911528, -73.066639	Pump Station; Equalization Tank; Dual Train SBR Units (3)	9,400	Satisfactory operations
Woodcrest Estates	NY-0210684	40.924833, -73.037278	Pump Station; Equalization Tank; Dual Train SBR Units (3)	40,000	Satisfactory operations
Woodhaven Manor	NY-0068144	40.914861, -73.035444	Two Influent Pump Stations; Bar Screen/Comminutor; Dual Aeration Tanks; Clarifiers	15,000	Marginal operations
Setauket Meadows	NY-0254517	40.935867, -73.069200	Not available	30,000	Satisfactory operations
Total				128,400	

(1) gpd - gallons per day

(2) Based upon 2010 SCDHIS and USEPA data for 2010.

(3) SBR - Sequential Batch Reactor

**Brookhaven Town-Wide Sewer Study
Port Jefferson Station Study Area**

**Table 1(b)
STPs beyond One (1) Mile of Node Boundaries**

STP Name	SPDES #	Coordinates	Treatment Process	Permitted Flow (1) gpd	Comment (2)
Facilities Located beyond One (1) Mile of Node Boundaries					
Port Jefferson S.C.S.D. #1	NY-0021750	40.948583, -73.075639	Influent Pump Station; Four RBC Units (4); Dual Clarifiers	850,000	Satisfactory operations
Sagamore Hills	NY-0065455	40.908083, -73.032361	Equalization Tank; Fine Screen; Dual Train SBR Units (3)	60,000	Satisfactory operations
Stony Hollow	NY-0079529	40.909222, -73.067583	Automatic Bar Screen; Dual Train SBR Units (3)	100,000	Satisfactory operations
Tallmadge Woods S.C.S.D. #2	NY-0221678	40.932950, -72.995050	Equalization Tank; Fine Screen; Four Train, Tertiary SBR Units (3); Sand Filters; Leaching Pools	400,000	Satisfactory operations
Total				1,410,000	

(1) gpd - gallons per day

(2) Based upon 2010 SCDHS and USEPA data for 2010.

(3) SBR - Sequential Batch Reactor

(4) RBC - Rotating Biological Contactors

Per 2010 SCHDS reports, the majority of these facilities are performing within satisfactory parameters. A review of permitted and average daily flow records generated for these facilities, the unutilized capacity (Tables 2 (a), (b) and (c) below) at each facility was calculated. What portion, if any, of this capacity would be available to support the development of parcels within the developmental node or overall Study Area would require further evaluation to determine the feasibility of such opportunities. Connecting properties within the node to these STPs would require the construction of interceptor/sewer systems which economically may make their use as an interim or short term wastewater treatment solution infeasible. However, as part of a long term

**Brookhaven Town-Wide Sewer Study
Port Jefferson Station Study Area**

**Table 2(a)
Existing STPs within One (1) Mile of Node Boundaries
Current Unutilized Capacity**

STP Name	Permitted Flow gpd	Average Daily Flow 2010 gpd (1)	Unutilized Capacity gpd	Equivalent Development Opportunities
				Residential @ 300 gpd/DU
Fox Meadow	34,000	24,000	10,000	33
Stonington at Port Jeff	9,400	20,000	(-)	(-)
Woodcrest Estates	40,000	16,000	24,000	80
Woodhaven Manor	15,000	21,000	(-)	(-)
Setauket Meadows	30,000	18,000	12,000	40
TOTAL	128,400	99,000	46,000	155

(1) Based upon 2010 SCDHS and USEPA data for 2010

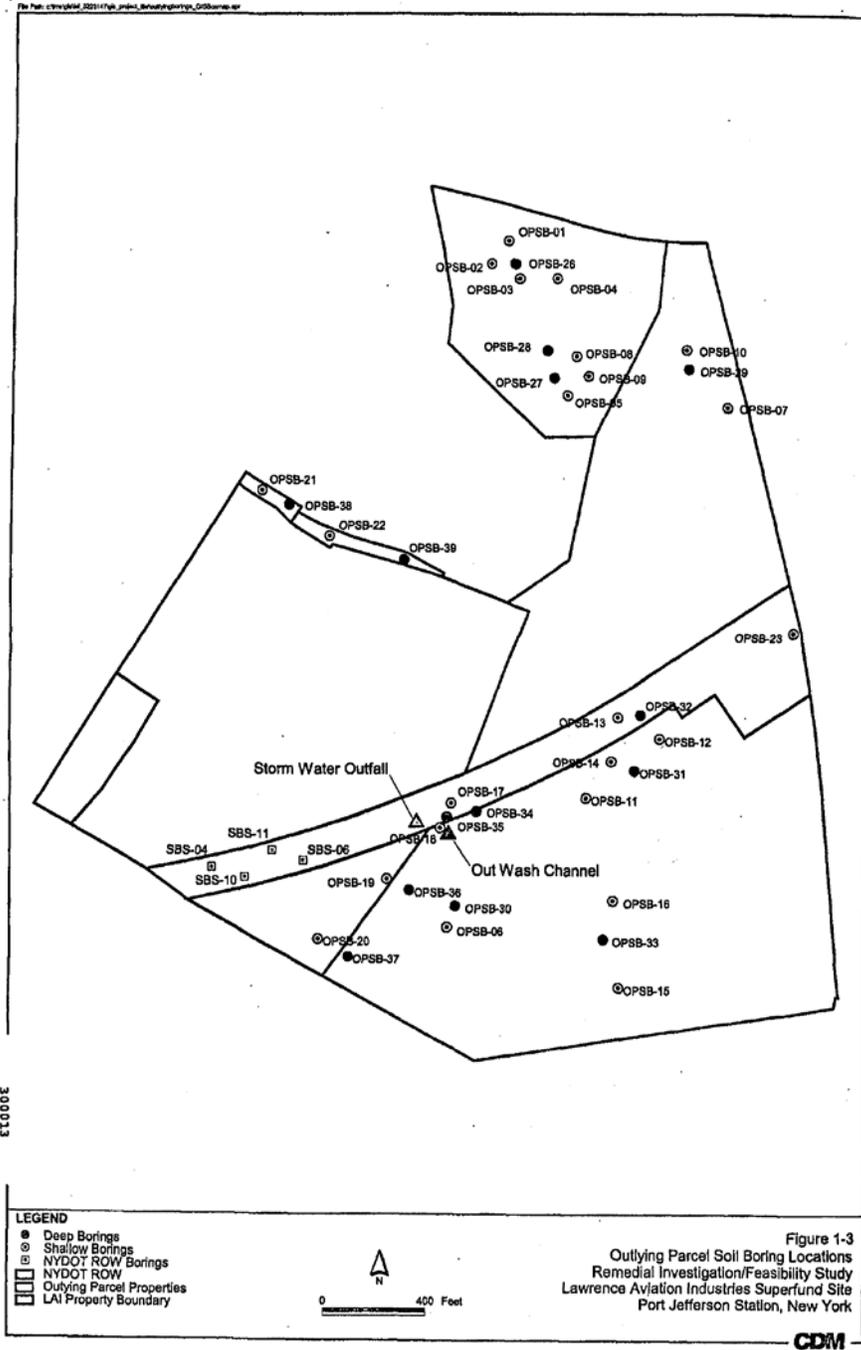
**Table 2(b)
Existing STPs beyond One (1) Mile of Node Boundaries
Current Unutilized Capacity**

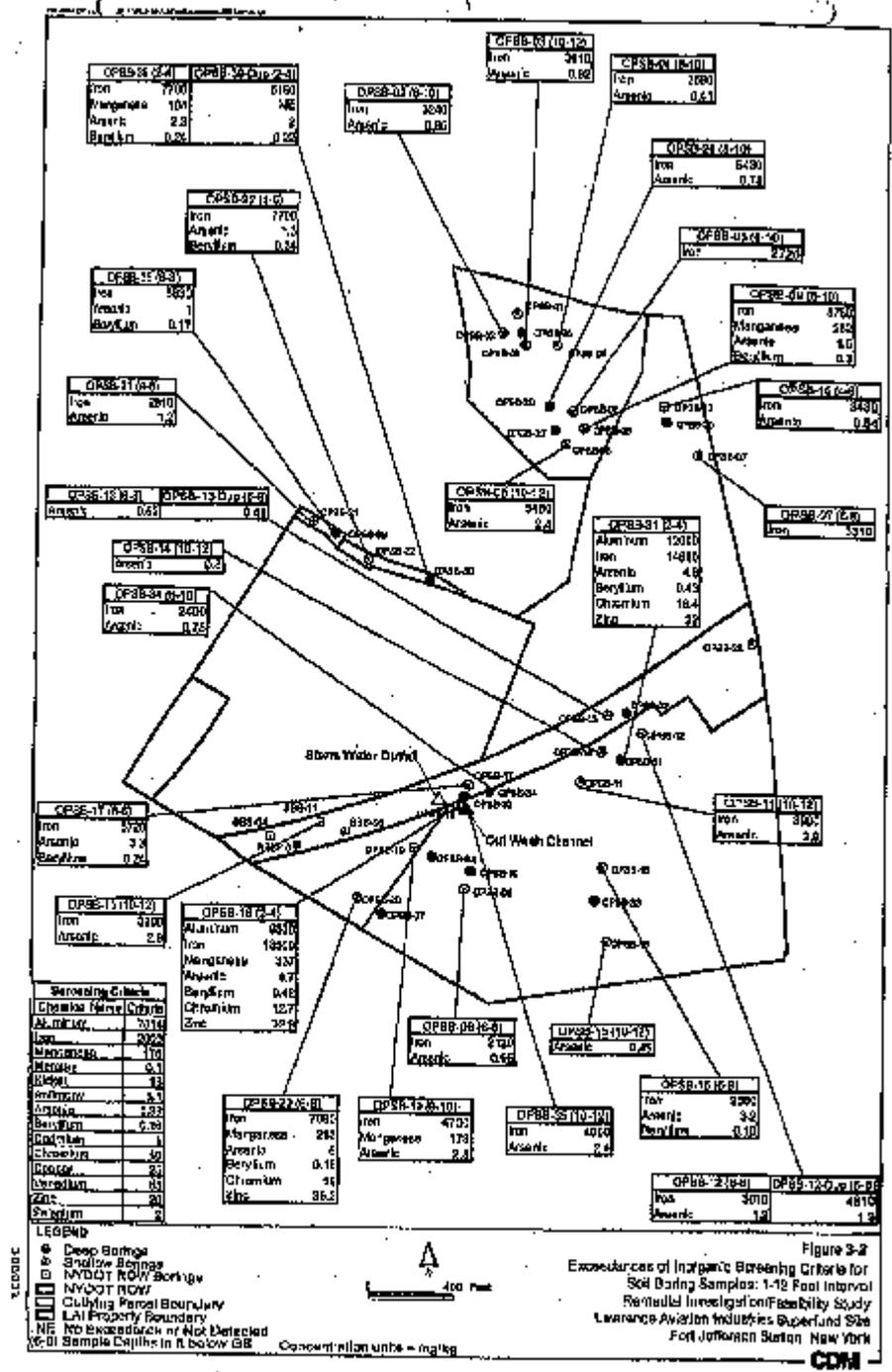
STP Name	Permitted Flow gpd	Average Daily Flow 2010 gpd (1)	Unutilized Capacity gpd	Equivalent Development Opportunities
				Residential @ 300 gpd/DU
Port Jefferson S.C.S.D. #1	850,000	779,000	71,000	236
Sagamore Hills	60,000	38,000	22,000	73
Stony Hollow	100,000	57,000	43,000	143
Tallmadge Woods S.C.S.D. #2	400,000	169,000	231,000	770
TOTAL	1,410,000	1,043,000	357,000	1222

(1) Based upon 2010 SCDHS and USEPA data for 2010

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APPENDIX XIX





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APPENDIX XX

RESTRICTED & UNRESTRICTED USE SOIL CLEANUP OBJECTIVES
(per 6 NYCRR, Part 375-6.8 (a),

Table 11-1. Final Unrestricted Use SCOs as Presented in 6 NYCRR Part 375-6.8(a).

Unrestricted Use Soil Cleanup Objectives		
Contaminant	CAS Number	Unrestricted Use
Metals		
Arsenic	7440-38-2	13 ^c
Barium	7440-39-3	350 ^c
Beryllium	7440-41-7	7.2
Cadmium	7440-43-9	2.5 ^c
Chromium, hexavalent ^e	18540-29-9	1 ^b
Chromium, trivalent ^e	16065-83-1	30 ^c
Copper	7440-50-8	50
Total Cyanide ^{ef}		27
Lead	7439-92-1	63 ^c
Manganese	7439-96-5	1600 ^c
Total Mercury		0.18 ^c
Nickel	7440-02-0	30
Selenium	7782-49-2	3.9 ^c
Silver	7440-22-4	2
Zinc	7440-66-6	109 ^c
PCBs/Pesticides		
2,4,5-TP Acid (Silvex) ^f	93-72-1	3.8
4,4'-DDE	72-55-9	0.0033 ^b
4,4'-DDT	50-29-3	0.0033 ^b
4,4'-DDD	72-54-8	0.0033 ^b
Aldrin	309-00-2	0.005 ^c
alpha-BHC	319-84-6	0.02
beta-BHC	319-85-7	0.036

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Unrestricted Use Soil Cleanup Objectives		
Contaminant	CAS Number	Unrestricted Use
Chlordane (alpha)	5103-71-9	0.094
delta-BHC	319-86-8	0.04
Dibenzofuran ^f	132-64-9	7
Dieldrin	60-57-1	0.005 ^e
Endosulfan I ^{d,f}	959-98-8	2.4
Endosulfan II ^{d,f}	33213-65-9	2.4
Endosulfan sulfate ^{d,f}	1031-07-8	2.4
Endrin	72-20-8	0.014
Heptachlor	76-44-8	0.042
Lindane	58-89-9	0.1
Polychlorinated biphenyls	1336-36-3	0.1
Semivolatile organic compounds		
Acenaphthene	83-32-9	20
Acenaphthylene ^f	208-96-8	100 ^a
Anthracene ^f	120-12-7	100 ^a
Benz(a)anthracene ^f	56-55-3	1 ^c
Benzo(a)pyrene	50-32-8	1 ^c
Benzo(b)fluoranthene ^f	205-99-2	1 ^c
Benzo(g,h,i)perylene ^f	191-24-2	100
Benzo(k)fluoranthene ^f	207-08-9	0.8 ^c
Chrysene ^f	218-01-9	1 ^c
Dibenz(a,h)anthracene ^f	53-70-3	0.33 ^b
Fluoranthene ^f	206-44-0	100 ^a
Fluorene	86-73-7	30
Indeno(1,2,3-cd)pyrene ^f	193-39-5	0.5 ^c
m-Cresol ^f	108-39-4	0.33 ^b

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Unrestricted Use Soil Cleanup Objectives		
Contaminant	CAS Number	Unrestricted Use
Naphthalene ^f	91-20-3	12
o-Cresol ^f	95-48-7	0.33 ^b
p-Cresol ^f	106-44-5	0.33 ^b
Pentachlorophenol	87-86-5	0.8 ^b
Phenanthrene ^f	85-01-8	100
Phenol	108-95-2	0.33 ^b
Pyrene ^f	129-00-0	100
Volatile organic compounds		
1,1,1-Trichloroethane ^f	71-55-6	0.68
1,1-Dichloroethane ^f	75-34-3	0.27
1,1-Dichloroethene ^f	75-35-4	0.33
1,2-Dichlorobenzene ^f	95-50-1	1.1
1,2-Dichloroethane	107-06-2	0.02 ^c
cis-1,2-Dichloroethene ^f	156-59-2	0.25
trans-1,2-Dichloroethene ^f	156-60-5	0.19
1,3-Dichlorobenzene ^f	541-73-1	2.4
1,4-Dichlorobenzene	106-46-7	1.8
1,4-Dioxane	123-91-1	0.1 ^b
Acetone	67-64-1	0.05
Benzene	71-43-2	0.06
n-Butylbenzene ^f	104-51-8	12
Carbon tetrachloride ^f	56-23-5	0.76
Chlorobenzene	108-90-7	1.1
Chloroform	67-66-3	0.37
Ethylbenzene ^f	100-41-4	1
Hexachlorobenzene ^f	118-74-1	0.33 ^b

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Unrestricted Use Soil Cleanup Objectives		
Contaminant	CAS Number	Unrestricted Use
Methyl ethyl ketone	78-93-3	0.12
Methyl tert-butyl ether ^f	1634-04-4	0.93
Methylene chloride	75-09-2	0.05
n-Propylbenzene ^f	103-65-1	3.9
sec-Butylbenzene ^f	135-98-8	11
tert-Butylbenzene ^f	98-06-6	5.9
Tetrachloroethene	127-18-4	1.3
Toluene	108-88-3	0.7
Trichloroethene	79-01-6	0.47
1,2,4-Trimethylbenzene ^f	95-63-6	3.6
1,3,5-Trimethylbenzene ^f	108-67-8	8.4
Vinyl chloride ^f	75-01-4	0.02
Xylene (mixed)	1330-20-7	0.26

All Soil clean up objectives (SCOs) are in parts per million (ppm).

Footnotes:

^a The SCOs for unrestricted use were capped at a maximum value of 100 ppm, as discussed in the TSD.

^b For constituents where the calculated SCO was lower than the Contract Required Quantitation Limit (CRQL), the CRQL is used as the Track 1 SCO value.

^c For constituents where the calculated SCO was lower than the rural soil background concentration as determined by the DEC/DOH rural soil survey, the rural soil background concentration is used as the Track 1 SCO value for this use of the site.

^d SCO is the sum of Endosulfan I, Endosulfan II and Endosulfan Sulfate.

^e The SCO for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific SCO.

^f Protection of ecological resources soil cleanup objectives were not developed for contaminants identified in Table 375-6.7(b) with "NS". Where such contaminants appear in Table 375-6.7(a), the applicant may be required by the Department to calculate a protection of ecological resources soil cleanup objective according to the Technical Support Document.

Table 11-2. Final Restricted Use SCOs as Presented in 6 NYCRR Part 375-6.8(b).

Restricted Use Soil Cleanup Objectives							
Contaminant	CAS Number	Protection of Public Health				Protection of Ecological Resources	Protection of Groundwater
		Residential	Restricted-Residential	Commercial	Industrial		
Metals							
Arsenic	7440-38-2	16 ^f	16 ^f	16 ^f	16 ^f	13 ^f	16 ^f
Barium	7440-39-3	350 ^f	400	400	10,000 ^d	433	820
Beryllium	7440-41-7	14	72	590	2,700	10	47
Cadmium	7440-43-9	2.5 ^f	4.3	9.3	60	4	7.5
Chromium, hexavalent ^h	18540-29-9	22	110	400	800	1 ^e	19
Chromium, trivalent ^h	16065-83-1	36	180	1,500	6,800	41	NS
Copper	7440-50-8	270	270	270	10,000 ^d	50	1,720
Total Cyanide ^h		27	27	27	10,000 ^d	NS	40
Lead	7439-92-1	400	400	1,000	3,900	63 ^f	450
Manganese	7439-96-5	2,000 ^f	2,000 ^f	10,000 ^d	10,000 ^d	1600 ^f	2,000 ^f
Total Mercury		0.81 ^j	0.81 ^j	2.8 ^j	5.7 ^j	0.18 ^f	0.73
Nickel	7440-02-0	140	310	310	10,000 ^d	30	130
Selenium	7782-49-2	36	180	1,500	6,800	3.9 ^f	4 ^f
Silver	7440-22-4	36	180	1,500	6,800	2	8.3
Zinc	7440-66-6	2200	10,000 ^d	10,000 ^d	10,000 ^d	109 ^f	2,480
PCBs/Pesticides							
2,4,5-TP Acid (Silvex)	93-72-1	58	100 ^a	500 ^b	1,000 ^c	NS	3.8
4,4'-DDE	72-55-9	1.8	8.9	62	120	0.0033 ^{e1}	17
4,4'-DDT	50-29-3	1.7	7.9	47	94	0.0033 ^{e1}	136
4,4'-DDD	72-54-8	2.6	13	92	180	0.0033 ^{e1}	14

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Restricted Use Soil Cleanup Objectives							
Contaminant	CAS Number	Protection of Public Health				Protection of Ecological Resources	Protection of Ground-water
		Residential	Restricted-Residential	Commercial	Industrial		
Aldrin	309-00-2	0.019	0.097	0.68	1.4	0.14	0.19
alpha-BHC	319-84-6	0.097	0.48	3.4	6.8	0.04 ^k	0.02
beta-BHC	319-85-7	0.072	0.36	3	14	0.6	0.09
Chlordane (alpha)	5103-71-9	0.91	4.2	24	47	1.3	2.9
delta-BHC	319-86-8	100 ^a	100 ^a	500 ^b	1,000 ^e	0.04 ^k	0.25
Dibenzofuran	132-64-9	14	59	350	1,000 ^e	NS	210
Dieldrin	60-57-1	0.039	0.2	1.4	2.8	0.006	0.1
Endosulfan I	959-98-8	4.8 ⁱ	24 ⁱ	200 ⁱ	920 ⁱ	NS	102
Endosulfan II	33213-65-9	4.8 ⁱ	24 ⁱ	200 ⁱ	920 ⁱ	NS	102
Endosulfan sulfate	1031-07-8	4.8 ⁱ	24 ⁱ	200 ⁱ	920 ⁱ	NS	1,000 ^e
Endrin	72-20-8	2.2	11	89	410	0.014	0.06
Heptachlor	76-44-8	0.42	2.1	15	29	0.14	0.38
Lindane	58-89-9	0.28	1.3	9.2	23	6	0.1
Polychlorinated biphenyls	1336-36-3	1	1	1	25	1	3.2
Semivolatiles							
Acenaphthene	83-32-9	100 ^a	100 ^a	500 ^b	1,000 ^e	20	98
Acenaphthylene	208-96-8	100 ^a	100 ^a	500 ^b	1,000 ^e	NS	107
Anthracene	120-12-7	100 ^a	100 ^a	500 ^b	1,000 ^e	NS	1,000 ^e
Benz(a)anthracene	56-55-3	1 ^f	1 ^f	5.6	11	NS	1 ^f
Benzo(a)pyrene	50-32-8	1 ^f	1 ^f	1 ^f	1.1	2.6	22
Benzo(b)fluoranthene	205-99-2	1 ^f	1 ^f	5.6	11	NS	1.7
Benzo(g,h,i)perylene	191-24-2	100 ^a	100 ^a	500 ^b	1,000 ^e	NS	1,000 ^e
Benzo(k)fluoranthene	207-08-9	1	3.9	56	110	NS	1.7

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Restricted Use Soil Cleanup Objectives							
Contaminant	CAS Number	Protection of Public Health				Protection of Ecological Resources	Protection of Groundwater
		Residential	Restricted-Residential	Commercial	Industrial		
Chrysene	218-01-9	1 ^f	3.9	56	110	NS	1 ^f
Dibenz(a,h)anthracene	53-70-3	0.33 ^o	0.33 ^o	0.56	1.1	NS	1,000 ^o
Fluoranthene	206-44-0	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	1,000 ^o
Fluorene	86-73-7	100 ^a	100 ^a	500 ^b	1,000 ^c	30	386
Indeno(1,2,3-cd)pyrene	193-39-5	0.5 ^f	0.5 ^f	5.6	11	NS	8.2
m-Cresol	108-39-4	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	0.33 ^o
Naphthalene	91-20-3	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	12
o-Cresol	95-48-7	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	0.33 ^o
p-Cresol	106-44-5	34	100 ^a	500 ^b	1,000 ^c	NS	0.33 ^o
Pentachlorophenol	87-86-5	2.4	6.7	6.7	55	0.8 ^o	0.8 ^o
Phenanthrene	85-01-8	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	1,000 ^o
Phenol	108-95-2	100 ^a	100 ^a	500 ^b	1,000 ^c	30	0.33 ^o
Pyrene	129-00-0	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	1,000 ^o
Volatiles							
1,1,1-Trichloroethane	71-55-6	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	0.68
1,1-Dichloroethane	75-34-3	19	26	240	480	NS	0.27
1,1-Dichloroethene	75-35-4	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	0.33
1,2-Dichlorobenzene	95-50-1	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	1.1
1,2-Dichloroethane	107-06-2	2.3	3.1	30	60	10	0.02 ^f
cis-1,2-Dichloroethene	156-59-2	59	100 ^a	500 ^b	1,000 ^c	NS	0.25
trans-1,2-Dichloroethene	156-60-5	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	0.19
1,3-Dichlorobenzene	541-73-1	17	49	280	560	NS	2.4

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Restricted Use Soil Cleanup Objectives							
Contaminant	CAS Number	Protection of Public Health				Protection of Ecological Resources	Protection of Ground-water
		Residential	Restricted-Residential	Commercial	Industrial		
1,4-Dichlorobenzene	106-46-7	9.8	13	130	250	20	1.8
1,4-Dioxane	123-91-1	9.8	13	130	250	0.1 ^c	0.1 ^c
Acetone	67-64-1	100 ^a	100 ^b	500 ^b	1,000 ^c	2.2	0.05
Benzene	71-43-2	2.9	4.8	44	89	70	0.06
n-Butylbenzene	104-51-8	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	12
Carbon tetrachloride	56-23-5	1.4	2.4	22	44	NS	0.76
Chlorobenzene	108-90-7	100 ^a	100 ^a	500 ^b	1,000 ^c	40	1.1
Chloroform	67-66-3	10	49	350	700	12	0.37
Ethylbenzene	100-41-4	30	41	390	780	NS	1
Hexachlorobenzene	118-74-1	0.33 ^c	1.2	6	12	NS	3.2
Methyl ethyl ketone	78-93-3	100 ^a	100 ^a	500 ^b	1,000 ^c	100 ^a	0.12
Methyl tert-butyl ether	1634-04-4	62	100 ^a	500 ^b	1,000 ^c	NS	0.93
Methylene chloride	75-09-2	51	100 ^a	500 ^b	1,000 ^c	12	0.05
n-Propylbenzene	103-65-1	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	3.9
sec-Butylbenzene	135-98-8	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	11
tert-Butylbenzene	98-06-6	100 ^a	100 ^a	500 ^b	1,000 ^c	NS	5.9
Tetrachloroethene	127-18-4	5.5	19	150	300	2	1.3
Toluene	108-88-3	100 ^a	100 ^a	500 ^b	1,000 ^c	36	0.7
Trichloroethene	79-01-6	10	21	200	400	2	0.47
1,2,4-Trimethylbenzene	95-63-6	47	52	190	380	NS	3.6
1,3,5-Trimethylbenzene	108-67-8	47	52	190	380	NS	8.4
Vinyl chloride	75-01-4	0.21	0.9	13	27	NS	0.02
Xylene (mixed)	1330-20-7	100 ^a	100 ^a	500 ^b	1,000 ^c	0.26	1.6

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All Soil clean up objectives (SCOs) are in parts per million (ppm).

NS=Not specified. See Technical Support Document (TSD).

Footnotes:

- ^a The SCOs for residential, restricted-residential and ecological resources use were capped at a maximum value of 100 ppm, see TSD Section 9.3.
- ^b The SCOs for commercial use were capped at a maximum value of 500 ppm, see TSD Section 9.3.
- ^c The SCOs for industrial use and the protection of groundwater were capped at a maximum value of 1000 ppm, see TSD Section 9.3.
- ^d The SCOs for metals were capped at a maximum value of 10,000 ppm, see TSD Section 9.3.
- ^e For constituents where the calculated SCO was lower than the Contract Required Quantitation Limit (CRQL), the CRQL is used as the SCO value.
- ^f For constituents where the calculated SCO was lower than the rural soil background concentration as determined by the DEC/DOH rural soil survey, the rural soil background concentration is used as the Track 2 SCO value for this use of the site.
- ^g SCO is the sum of DDD, DDE and DDT.
- ^h The SCO for this specific compound (or family of compounds) is considered to be met if the analysis for the total species of this contaminant is below the specific SCO.
- ⁱ This SCO is for the sum of Endosulfan I, Endosulfan II and Endosulfan Sulfate.
- ^j This SCO is the lower of the values for mercury (elemental) or mercury (inorganic salts), see TSD table 5.6-1.
- ^k This SCO is derived from data on mixed isomers of BHC.
- ^l This SCO is for the sum of DDD, DDE and DDT.

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APPENDIX XXI**§ 85-647 MODEL DRAFT Lawrence Aviation Overlay District**

§ 85-648 Purpose, Intent and Objectives

A. Purpose and Intent

The purpose of this legislation is to create and implement a Lawrence Aviation Overlay District, consistent with the recommendations of the Lawrence Aviation Land Use Plan. This legislation is specifically enacted to affect the District, which will regulate the site and parcels described herein.

The intent of the Lawrence Aviation Overlay District is to be more protective of the environment and residents, while returning the 156-acre site to productive industrial use.

The Lawrence Aviation Overlay District is intended to encourage appropriate redevelopment of the Lawrence Aviation Superfund site which is compatible with adjacent community uses, protects the health, safety and welfare of residents, and provides for preservation of natural habitat.

The Lawrence Aviation Overlay District regulations are intended to supplement the regulations of the underlying zoning district(s). All development/redevelopment within this Overlay District shall be subject to the requirements, procedures and guidelines specified in the following sections, in addition to those standards pertaining to the particular base zoning district in which the development occurs. When there is a conflict, the standards of this section will apply.

The Lawrence Aviation Residential Transition Overlay District regulations are intended to protect the quality of life of the residential districts and ensure the districts are protected from the impacts of past and future industrial uses at the Lawrence Aviation site.

B. The specific objectives of the Lawrence Aviation Overlay District are to:

- (1) Encourage responsible redevelopment and preservation of the former site of Lawrence Aviation Industries, an EPA designated superfund site, and contiguous properties;
- (2) Provide incentives to encourage green energy production, particularly solar energy;
- (3) Provide guidelines for the transfer-of-development yield, both sanitary density & percentage of clearing, among industrially-zoned parcels to encourage clustering and habitat preservation;

(4) Eliminate certain currently permitted uses that do not comply with the EPA use designation in the L-1 Industrial District from the Lawrence Aviation associated properties.

(5) Create a residential transition area to regulate new construction and require advisory deed notices.

§ 85-649 Designation of Lawrence Aviation Overlay District

A. The District encompasses 153.7-acres and includes ten (10) of the eleven (11) EPA-designated Lawrence Aviation Industry superfund parcels identified on the Base Map with roman numerals as follows:

Lawrence Aviation Overlay District Parcels
Base Map Location, Tax Map Number, Acreage & Zoning,

<u>Base Map</u>	<u>SCTM</u>	<u>Acreage</u>	<u>Zoning</u>
I	159-2-19	33.67-acres	L1
II	159-1-26	2.50	L1
III	159-2-8.1	.69	L1
IV	159-2-22	.32	L1
V	159-2-8.3	3.06	L1/B1
VI	159-2-8.2	22.51	L1/B1
VIII	136-2-22	13.61	L1
IX	159-2-20	24.62	L1
X	180-4-2	47.51	B1
XI	180-4-1	5.21	B1
Total		153.7-acres	

§ 85-650 Permitted Uses

A. In the Lawrence Aviation Overlay District all uses permitted within the L Industrial 1 District shall be permitted. The following uses shall be prohibited:

1. Agricultural or nursery use including the retail sale of products raised on the premises.
2. Church or similar place of worship.
3. Day-care facility.
4. Nonmotorized recreational activities

B. In the Lawrence Aviation Overlay District all Planning Board Special Permitted uses permitted within the L Industrial 1 District shall be permitted. The following uses shall be prohibited:

1. Assembly and social recreation hall or dance hall
2. Kennels, provided that all activities are contained within the building.
3. Public, private school or parochial school with or without dormitory facilities.
4. University or college

C. In the Lawrence Aviation Overlay District the following special permit uses, when authorized by the Planning Board, shall be subject to the criteria as set forth in Article VIA, § [85-107](#), in addition to the criteria contained herein:

1. Solar energy production facility
 - a. Solar energy production facility shall be permitted subject to the special permit criteria contained in § 85-815.

§ 85-651 Designation of Lawrence Aviation Residential Transitional Overlay District.

A. The District encompasses 35.39-acres and includes 62- parcels identified on the Base Map as XIII as follows:

**Lawrence Aviation Land Use Plan
Residential Overlay District Parcels**

<u>Base Map Location</u>	<u>Tax Map Number</u>	<u>Acreage</u>	<u>Zoning</u>
1	0200 15800 0400 014000	1.50	B-1
2	0200 13600 0100 001001	5.50	B-1
3	0200 15900 0100 035002	5.69	B-1
4	0200 15900 0100 033000	0.42	B-1
5	0200 15900 0100 034000	0.25	B-1
6	0200 15900 0100 009000	0.64	B-1
7	0200 15900 0200 018002	0.35	B-1
8	0200 15900 0200 017000	0.35	B-1
9	0200 15900 0200 016000	0.35	B-1
10	0200 15900 0200 018001	0.35	B-1
11	0200 15900 0100 025000	0.70	B-1
12	0200 15900 0100 029010	0.22	B-1
13	0200 15900 0200 023001	0.35	B-1

14	0200 15900 0200 023002	0.35	B-1
15	0200 15900 0200 014000	0.35	B-1
16	0200 15900 0100 018000	0.35	B-1
17	0200 15900 0100 006000	0.52	B-1
18	0200 15900 0100 017000	0.52	B-1
19	0200 15900 0100 008001	0.41	B-1
20	0200 15900 0100 016000	0.35	B-1
21	0200 15900 0100 010000	0.40	B-1
22	0200 15900 0100 015000	0.11	B-1
23	0200 15900 0100 014000	0.11	B-1
24	0200 15900 0100 013000	0.23	B-1
25	0200 15900 0100 012002	0.18	B-1
26	0200 15900 0100 012001	0.04	B-1
27	0200 15900 0100 001000	0.12	B-1
28	0200 15900 0100 002000	0.17	B-1
29	0200 15900 0100 003000	0.20	B-1
30	0200 15900 0100 004000	0.31	B-1
31	0200 15900 0100 005000	0.86	B-1
32	0200 15900 0200 011001	0.94	B-1
33	0200 15900 0200 012000	0.23	B-1
34	0200 15900 0200 009000	0.23	B-1
35	0200 15900 0200 007004	0.54	B-1
36	0200 15900 0200 007003	0.59	B-1
37	0200 13600 0100 048005	0.57	B-1
38	0200 15900 0200 001002	0.33	B-1
39	0200 13600 0100 040001	0.31	B-1
40	0200 13600 0100 039007	0.52	B-1
41	0200 13600 0100 023002	0.82	B-1
42	0200 13600 0100 039009	0.52	B-1
43	0200 13600 0100 039008	0.52	B-1
44	0200 13600 0100 039006	0.60	B-1
45	0200 13600 0100 048003	0.64	B-1
46	0200 13600 0100 039005	0.55	B-1
47	0200 13600 0100 039004	0.52	B-1
48	0200 13600 0100 039003	0.62	B-1
49	0200 13600 0100 027000	0.14	B-1
50	0200 13600 0100 048004	0.55	B-1
51	0200 13600 0100 029000	0.20	B-1
52	0200 13600 0100 039002	0.57	B-1
53	0200 13600 0100 012000	0.12	B-1
54	0200 13600 0100 011000	0.12	B-1
55	0200 13600 0100 010000	0.20	B-1

56	0200 13600 0100 009000	0.08	B-1
57	0200 13600 0100 008000	0.24	B-1
58	0200 13600 0100 007000	0.20	B-1
59	0200 13600 0100 006001	0.20	B-1
60	0200 13600 0100 004000	0.24	B-1
61	0200 13600 0100 003001	0.43	B-1
62	0200 13600 0100 002001	0.80	B-1
		35.39	

- B. New construction within this area shall be subject to Local Law No. 10 of year 2014; Chapter 16 of the Code of the Town Of Brookhaven entitled “Building Construction Administration” Section 16-4 entitled “Certificates of Occupancy”.

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