

# FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

## MT. SINAI VILLAGE CENTRE

Change of Zone Application

Hamlet of Mt. Sinai, Town of Brookhaven

Suffolk County, New York



*Prepared for:*

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*For Submission to:*

Brookhaven Town Board  
c/o Dept. of Planning, Environment & Land Management  
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August 2011

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for  
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**Suffolk County, New York**

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c/o Department of Planning, Environment and Land  
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This document, together with the Draft EIS concerning this proposal, represents a Final EIS. Copies are available for public review and comment at the office of the Lead Agency. Comments on the Final EIS should be submitted to the Lead Agency listed above by \_\_\_\_\_ to be included in the public record and considered in the Findings Statement.

Date Final EIS Accepted: \_\_\_\_\_

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- B** Transcript of Public Hearing, Brookhaven Town Board, June 14, 2011
- C** Written Agency Comments
- D** Written Public Comments
- E** Traffic Correspondence

# SECTION 1.0

## INTRODUCTION

## 1.0 INTRODUCTION

### 1.1 Purpose of this Document

This document is a Final Environmental Impact Statement (Final EIS) for a proposed change of zone (COZ) application on 29.55 acres of land (or 30.32 acres when considering the proposed roadway abandonments) located on the south side of NYS Route 25A in Mt. Sinai, approximately 0.20 miles east of the intersection of NYS Route 25A and Crystal Brook Hollow Road., in Mt. Sinai. The project requests this rezone in order to establish a mixed-use village center project incorporating office, restaurant and retail shops in a walkable and aesthetically enhanced design, further supported by anchor and sub-anchor retail stores. The applicants are Mt. Sinai Industrial LLC and SWS Mt. Sinai, LLC. A petition for the Change of Zone has been submitted to the Town of Brookhaven (“Town”) Town Board, and the project is designed to conform to the zoning requirements for the J-2 zoning district as set forth in Chapter 85, Article XXXIIA of the Town of Brookhaven Zoning Code. The prior Draft EIS described the proposed project, catalogued site and area resources, discussed potential environmental impacts of the project, presented measures to mitigate adverse impacts, and examined alternatives to the proposed project.

This Final EIS represents the penultimate step in the New York State environmental review process, which provides the public and governmental review agencies with information regarding the proposal under review, as well as analyses of its potential environmental effects. This Final EIS incorporates the Draft EIS by reference, so that the combination of these two documents constitutes the entire Mt. Sinai Village Centre EIS. This document fulfills the New York State Environmental Quality Review Act (SEQRA) requirements for a Final EIS.

The Draft EIS was submitted to the Town Board in December 2011 and was accepted as complete by that agency (as lead agency under SEQRA) on February 15, 2011. However, the application was then modified to eliminate a previously proposed fueling station and associated J-5 change of zone request. A revised Draft EIS was then submitted to the Town Board on March 2, 2011 which was subsequently accepted as complete by that agency (as lead agency under SEQRA) on April 12, 2011. At the same time, the Town Board scheduled public hearings on the Draft EIS and on the change of zone application (see **Appendix A**). These actions were published in the April 27, 2011, NYSDEC Environmental Notice Bulletin. A public hearing on the Draft EIS and change of zone was held on June 14, 2011, and the lead agency accepted written public and agency comments through July 29, 2011. As required by SEQRA, this document addresses all substantive comments provided by the public and agencies during the hearing and comment period.

It is noteworthy that the descriptions and analyses contained in this document are based upon a slightly revised plan than was used for the Draft EIS (see Conceptual Plan last revised July 29, 2011, *in folder at end of document*). As discussed in greater detail below, the applicants have undertaken this plan revision in response to public and agency comments made during and after the public hearing noted above. **Section 1.3.1** provides a summary list of the plan revisions. All responses to comments contained in this document are based upon the revised project plan and overall concept.

The Mt. Sinai Village Centre project has not changed significantly from which was analyzed in the Draft EIS; it continues to provide a mix of office, restaurant and retail shops in a walkable and aesthetically enhanced design, further supported by anchor and sub-anchor retail stores. Generally, the plan revisions involve reducing the overall size of the building footprints, providing a greater buffer from the residences to the south and providing a greater amount of natural open space area on the site. The changes are in direct response to comments on the Draft EIS, reduce the impacts of the project, and address the recommendation of the Route 25A Mount Sinai to Wading River Community Visioning which was under preparation at the time the Draft EIS was accepted.

This revised proposal is described and discussed in **Section 1.3**. The combination of the revised plan and the response to comments (**Section 2.0**) provides the lead agency (and involved agencies) with substantial information to determine the potential impacts of the proposed and to weigh and balance social, environmental and economic factors in each agencies Statement of Findings.

After acceptance of the Final EIS by the lead agency, there will be a minimum 10-day period of consideration prior to the lead agencies adoption of a Statement of Findings, the decision on the COZ application and completion of SEQRA by other involved agencies in relation to their respective permit decisions.

## 1.2 Organization of this Document

**Section 1.0** provides background on SEQRA milestones, references comments received on the Draft EIS and presents the Final EIS project plan. **Section 2.0** of this document presents all of the substantive comments on the Draft EIS that were provided verbally at the hearing and/or in written form received by the lead agency, along with a response to each.

**Appendix B** contains the public hearing transcript and **Appendices C** and **D** contain the written comments received by the lead agency from government agencies and the public, respectively. All responses are provided in **Section 2.0**. Each substantive comment in these three appendices has been delineated and numbered sequentially. The numbering system includes a letter code that indicates the appendix in which the comment is located, followed by a number that is assigned to each consecutive comment from that source. As a result, the identity of the commenter can easily be determined. In addition, the subsection of **Section 2.0** where the response can be found (see explanation below) is provided adjacent to each comment.

There were a total of 98 separate comments; **Appendix B** contains comments **B-1** through **B-35**, **Appendix C** contains comments **C-1** to **C-10**, and **Appendix D** contains comments **D-1** through **D-53**. **Appendix E** contains letters from the applicant's traffic engineer that respond to the Town of Brookhaven's Division of Traffic Safety and Streetlighting memo from June 9, 2011 contained in **Appendix B**.

Because a number of the comments are similar to, closely related to and/or duplicate other comments, related comments are grouped together, so that only one response would be necessary for each grouping. As a result, only 28 different groups of comments were made. Each subsection of **Section 2.0** addresses one of these groups of comments referenced above. The comment numbers to which the response refers are listed in each subsection so that the reader may refer back to the appendix to review the comments in their original form.

Each response provides the information necessary for the Lead Agency (the Brookhaven Town Board) and other involved agencies to make informed decisions on the specific impacts of the project. This document fulfills the obligation of the Lead Agency in completing a Final EIS based upon Title 6, New York Code of Rules and Regulations Part 617.9 (b)(8).

## 1.3 The Revised Plan

### 1.3.1 Description of Plan Changes and Features

As indicated above, the SEQRA process anticipates that changes to the project may occur in response to comments and community input as the review process proceeds, and as updated information on site design, tenants, building configuration and architecture, and related evolutionary changes in the project are made. The stated goal of the applicant is to create a Village center that will be successful and an asset to the community. This goal reflects the nature of the changes that have occurred to the Mt. Sinai Village Centre since the Draft EIS was accepted. The basic concept of the project remains the same; it is a comprehensively planned, mixed-use development, featuring retail and office space as well as a restaurant that will create an attractive and desirable environment for its visitors and employees and will enhance the community at large. The following is a summary list of the changes to the plan (see also **Table 1-1**):

- The anchor retail store was reduced to 75,000 SF (from 90,000 SF).
- The smaller sub-anchor retail store was reduced to 50,000 SF (from 50,200 SF).
- The 1-story 22,260 SF retail building in the southwest portion of the site was split into two buildings: a 2-story retail and office building (9,480 SF footprint) is located north of the previous building and a 1-story 6,920 SF is located north of the 3-story building on the western portion of the site.
- A second 2-story retail and office building in the central portion of the site was added, both are 2-stories with 7,280 SF of retail on the first floor and 5,050 SF of office on the second floor.
- The proposed 3-story building will include 14,025 SF of retail space on the first floor and 9,857 SF of office space on the second and third stories. The 3-story building was previously proposed entirely for office use.
- The existing music store building along NYS Route 25A will remain to be used as a bank, including two drive-through lanes.
- The change in building configuration results in a decrease in the building footprints (194,363 SF compared to 208,294 SF) and a decrease in total gross floor area (231,667 SF compared to 233,058 SF).
- Increase in the width of the natural buffer and setback area to the south of the property. A 150-foot clearing line will be maintained along the southern property boundary and a portion of the western boundary, in the vicinity of the single family residences.

- Building setbacks from the southern property line are now 171.5 feet (for the 75,000 SF retail building) and 164.3 feet (for the 50,000 SF retail building) and 88.5 feet (3-story building) from the western property line, where 75 feet is required.
- Approximately 23.83% of the site will remain natural. However, when combined with the off-site natural area associated with the abandonment of Hancock Avenue, approximately 25.54% of natural area will be retained as a result of the proposed project.
- The amount of natural and landscaped area on the site is approximately 12.64 acres, or 41.67% is proposed.
- 1,056 parking stalls are proposed, including 43 landbanked stalls. Previously, 1,067 parking stalls including 133 landbanked stalls were proposed.
- The access roadway has been modified slightly to accommodate the relocation of buildings, including the addition of two roundabouts.

**TABLE 1-1  
COMPARISON OF PROJECT USES AND YIELDS  
PRIOR PLAN (DRAFT EIS) & REVISED PLAN (FINAL EIS)**

Use	Prior Plan, per Draft EIS	Revised Plan, per Final EIS
Bank	1-story 3,745 SF (new building)	1-story 3,041 SF (re-use of existing music store building)
Retail	1-story 14,820 SF	1-story 14,820 SF
Restaurant	1-story 4,902 SF 100 seats	1-story 4,902 SF 100 seats
Retail	--	1-story 6,920 SF
Retail/Office	3-story 33,739 SF (office only)	3-story 33,739 SF (1 <sup>st</sup> floor retail, 2 <sup>nd</sup> & 3 <sup>rd</sup> floor office)
Retail/Office	1-story 22,260 SF (retail only)	2-story 16,980 SF (1 <sup>st</sup> floor retail, 2 <sup>nd</sup> floor office)
Retail	1-story 50,200 SF	1-story 50,000 SF
Retail	1-story 90,000 SF	1-story 75,000 SF
Retail & Office	2-story 12,330 SF (1 <sup>st</sup> floor retail, 2 <sup>nd</sup> floor office)	2 identical buildings, both 2-stories 12,330 SF (1 <sup>st</sup> floor retail, 2 <sup>nd</sup> floor office)
Clocktower	250 SF	250 SF
Drive thru Porticos	812 SF	1,365 SF
<b>TOTALS:</b>	<b>233,058</b>	<b>231,677</b>
<b>Retail</b>	<b>184,560 SF</b>	<b>184,805 SF</b>
<b>Office</b>	<b>38,789 SF</b>	<b>37,314 SF</b>
<b>Bank</b>	<b>3,745 SF</b>	<b>3,041 SF</b>
<b>Restaurant</b>	<b>4,902 SF</b>	<b>4,902 SF</b>
<b>Clocktower/Porticos</b>	<b>1,062 SF</b>	<b>1,615 SF</b>

### 1.3.2 Overall Site Layout

The revised **Conceptual Plan** for the project, prepared by Hawkins Webb Jaeger (last revised July 29, 2011), is consistent with the Draft EIS project plan design which contemplates a village center type development with boulevard design, internal sense-of-place and walkability between retail, office and public outdoor use space. The design is intended to create an attractive and desirable environment for its visitors and employees and will enhance the community at large. Quality-of-life will be a focus of the development and will be evident in its architectural design, landscaping, public open spaces, attractive site entrance, walkability and bike lanes. **Table 1-2** provides a list of the coverages and physical characteristics of the subject site for the existing conditions, the project as originally proposed (in the Draft EIS) and conditions for the revised plan (as described in this Final EIS). In general, the layout of the revised plan is very similar to that of the prior plan.

Like the plan previously submitted, the revised plan features coordinated architectural styling for the structures, as well as for all street furniture and amenities (e.g., lighting fixtures, signage, benches, trash receptacles, etc.). The internal boulevard-style roadway (named Village Way) extends south through the site from NYS Route 25A and culminates at the southernmost boundary of the site in a truck route that extends east and then north along the eastern site boundary, servicing the two largest retail buildings for deliveries. Village Way will have a 76-foot wide median that can be used for public open space, including a portion with grass pavers that will be available to host such community events as a farmers market. An east-west road is proposed in the central portion of the site, intersecting with Village Way, which will also be a boulevard-style roadway with a 28-foot planted median. Bike lanes are proposed along both sides of this east-west roadway.

A critical element of the revised design includes retention of approximately 314,600 SF (23.82% of the overall site) of natural open space, all of which is located along the south and southwestern portion of the site in the vicinity of the single family residences. Open space will be permanently preserved through site plan approval and conservation easements. Part of the proposed project involves abandoning the Hancock Avenue “paper street” on the southern boundary of the site. Approximately 22,764 SF of off-site natural area will result from abandoning the Hancock Avenue “paper street” on the southern boundary of the site and the combined on-site and off-site natural area will total approximately 25.54% of the property area.

The revised Conceptual Plan includes the same three uses previously proposed which require Special Permits (approvable by the Town Planning Board), and the creative design achieved through conceptual plan development necessitates variances (under the purview of the Town Board of Zoning Appeals, ZBA) to achieve the flexibility needed to conform to the design goals of the project. In addition to the Town Board approval for the Change of Zone, the project will require three (3) Town Planning Board Special Permits:

**TABLE 1-2**  
**SITE AND PROJECT CHARACTERISTICS\***  
Existing Conditions & Proposed Project (per Draft GEIS and Final GEIS)

Parameter	Existing Conditions	Proposed Project per Draft EIS	Proposed Project per Final EIS
Zoning	A-1 (0.19 acres) J-2 (0.61 acres) L-1 (29.52 acres)	J-2 (30.32 acres)	J-2 (30.32 acres)
Uses & Yields	1 single-family residence, contractor storage yard, ±3,600 SF music store	184,560 SF retail, 38,789 office, 3,745 SF bank, 4,902 (100 seats) restaurant	184,805 SF retail, 37,314 SF office, 3,041 SF bank, 4,902 (100 seats) restaurant
<b>Coverages (acres):</b>	---	---	---
Forested	±28.37	±3.96	±7.22
Roads, buildings, paved surfaces	±0.45	±18.99	±17.69
Unvegetated	±0.55	0	0
Landscaped	±0.95	±7.37	±5.41
<b>Water Resources:</b>	---	---	---
Domestic Use (gpd) <sup>(1)</sup>	408	11,089	10,965
Sanitary Wastewater (gpd) <sup>(1)</sup>	408	9,089	8,966
Irrigation (gpd)	0	1,862	1,860
Total Water Use (gpd)	408	12,951	12,825
Recharge Volume (MGY)	15.84	28.89	28.17
Nitrogen Concentration. (mg/l)	0.47	3.10	3.14
Nitrogen Recharged (lbs/day)	62.31	747.35	737.69
<b>Peak Hour Trips (vph):</b>	---	---	---
Weekday AM	13	363	352
Weekday PM	24	982	963
Saturday Peak Hour	22	1,115	1097
<b>Miscellaneous:</b>	---	---	---
Residents	4	0	0
School-Age Children	1	0	0
Employees (FTE)	±22	359.7	357
Solid Waste (lbs/day)	61	3,225	3,206
Total Taxes (\$/yr)	35,713	1,081,810	1,072,842
School Taxes (\$/yr)	24,857	761,145	754,836
School Fiscal Impact (+/-\$/yr)	+14,418	+761,145	+754,836
Parking Required (spaces)	26	1,333	1,322
Parking Provided (spaces)	±26	1,067 <sup>(2)</sup>	1,056 <sup>(3)</sup>

\* MGY - million gallons per year; vph - vehicles per hour.

- (1) Per SCDHS design criteria for sanitary system engineering.
- (2) Of which 133 spaces will be landbanked.
- (3) Of which 43 spaces will be landbanked

- for a restaurant use in the J-2 district,
- for a drive-through as an accessory use to a bank, and
- for a drive-through as an accessory use to a pharmacy

and eight (8) ZBA variances for parking, setbacks and landscaping. As identified on the **Conceptual Plan**, the project requires the following variances:

1. the minimum lot width in the J-2 district;
2. the maximum permitted building height in the J-2 district;
3. the minimum natural area/landscaping in front yard;
4. the minimum front yard landscaping/natural area along roadway frontage;
5. the minimum depth of landscaped buffer between the site and the abutting residential zone;
6. the minimum number of off-street parking spaces;
7. the placement of parking spaces in the front yard; and
8. the minimum depth of the front yard setback.

The following briefly describes each requested variance.

1. *Minimum lot width in the J-2 district:* A minimum width of 300 feet is required for the J-2 district. However, the subject site is shaped such that it comes to a point, so that a minimum of 300 feet of width can not be provided. (No change from previous plan).
2. *Maximum permitted building height in the J-2 district:* A maximum of 35 feet or 2-1/2 stories are allowed, but, for the retail/office building, 3 full floors (42 feet) are necessary to provide for the amount of floor space that the applicant believes would be appropriate and rentable in this type of structure. (No change from previous plan).
3. *Minimum amount of front yard landscaping:* The Town Code requires that a minimum of 15% of the front yard be landscape/natural area. However, due to the configuration of the site and the need to provide parking spaces in proximity to the various commercial buildings, it is not practicable to provide a conforming amount of landscaping and/or natural area in the front yard. Approximately 6.02% is provided, requiring a 59.87% variance request.
4. *Minimum front yard landscaping/natural area along roadway frontage:* A 50-foot front yard buffer along a roadway frontage is required, however the proposed project would provide 10 feet along CR 111. (No change from previous plan).
5. *Minimum depth of landscaped buffer between the site and the abutting residential zone:* The Town Code requires a minimum 75-foot setback between non-residential development and residential zoning. The minimum depth of this buffer is 27 feet, at a point near the site's southwestern corner.
6. *Minimum number of off-street parking spaces:* As shown in the **Conceptual Plan**, the Town Code would require a minimum of 1,322 parking spaces, based on the individual uses and yields proposed. However, only 1,056 spaces are proposed (of which 43 spaces are to be landbanked unless and until actual usage makes them necessary). This is 266-spaces less than required.

7. *Placement of parking spaces in the front yard:* The Town Code prohibits parking spaces in the front yard; however the **Conceptual Plan** locates parking within this area. This is due to the nature of the project; it is intended to be a commercial center that is laid out to promote walkability within and between buildings, necessitating that parking areas be distributed as much as practicable among and between the structures. This is to be achieved by keeping the parking areas as small as possible while meeting Town Code and tenant requirements for the number of spaces provided and distance to the structure served by that parking. This necessitates that some parking is placed in the front yard. It is noted that most of the front yard is bordered by the CR 111 ROW which is not anticipated to be developed in the future. (No change from previous plan).
8. *Minimum depth of front yard setback:* The Town Code requires a front yard depth of at least 100 feet for a commercial center in the J-2 district; however the project proposes a 62.9-foot setback for the 1-story retail building in the northwestern portion of the site, until a requested abandonment of half the width of a bordering paper street here is approved, at which point the setback would be approximately 87.9 feet. Furthermore, the proposed bank in the northern portion of the site will utilize the existing music store building, which currently has a setback of 15 feet, requiring a variance.

The requested variances and special permits will be subject to further deliberation by the Zoning Board and Planning Board at the time of Site Plan review.

The applicant proposes to provide a well-planned development that has considered the significant visioning work the Mt. Sinai to Wading River Draft Land Use Plan conducted as well as comments made by the public. The development will create an attractive and desirable environment for its visitors and employees and will enhance the community at large. Quality-of-life will be a focus of the development and will be evident in its architectural design, landscaping, public open spaces, attractive site entrance, walkability and bike lanes.

### 1.3.3 Structures and Architecture

Layout of the buildings is proposed similar to that proposed in the Draft FEIS with the following exceptions:

- The anchor retail store was reduced to 75,000 SF (from 90,000 SF).
- The smaller sub-anchor retail store was reduced to 50,000 SF (from 50,200 SF).
- The 1-story 22,260 SF retail building in the southwest portion of the site was split into two buildings: a 2-story retail and office building (9,480 SF footprint) is located north of the previous building and a 1-story 6,920 SF is located north of the 3-story building on the western portion of the site.
- A second 2-story retail and office building in the central portion of the site was added, both 2-stories with 7,280 SF of retail on the first floor and 5,050 SF of office on the second floor.
- The existing music store building along NYS Route 25A will remain to be used as a bank, including two drive-through lanes.
- The proposed 3-story building will include 14,025 SF of retail space on the first floor and 9,857 SF of office space on the second and third stories. The 3-story building was previously proposed entirely for office use.

- The change in building configuration results in a decrease in the building footprints (194,363 SF compared to 208,294 SF) and a decrease in total gross floor area (231,667 SF compared to 233,058 SF).

It is proposed to construct the commercial buildings using a common architectural theme and use materials having appropriate colors and textures to support this theme.

#### 1.3.4 Clearing, Grading and Drainage System

##### Clearing

Based on the coverages listed in **Table 1-1** above, the total area required for clearing and grading of the site was reduced to 23.1 acres of the site (76.8%), compared with 26.3 acres (86.9%) of the total site previously proposed.

##### Grading

Grading operations will be similar to those presented in the Draft EIS. The Site Plan will undergo further review by the Town Planning Division and the Town Engineering office, along with Planning Board approval prior to implementation. Refer

##### Drainage System

Drainage will be handled on the site as presented in the Draft EIS. In conformance with Town of Brookhaven requirements, stormwater runoff generated from the proposed project will be retained on-site and recharged to groundwater. The drainage system will be designed for storage of stormwater generated from a five-inch rainfall event, via subsurface leaching pools for containment and recharge of stormwater. Innovative stormwater handling methods will be incorporated where possible, including rain gardens and bio-filtration areas in initial surface collection areas of the parking lots and surface detention will be used where possible prior to overflow to subsurface leaching structures. The system will be designed to comply with SPDES requirements under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP 0-10-001 or “General Permit”) and Chapter 86 of the Town Code.

The proposed locations, sizes, and lengths of each of the temporary erosion and sediment control practices planned during site construction activities, and the dimensions, material specifications, and installation details for all erosion and sediment control practices will also be provided on the Erosion Control Plan.

The drainage system and associated SWPPP will be fully designed for the Site Plan application (prepared subsequent to issuance of the change of zone), and will require the review and approval of Town engineering and the Planning Board. Evaluation of the drainage system through preparation of the SWPPP analysis required pursuant to Chapter 86 of the Town Code and the NYSDEC General Permit ensures there will be no net increase in stormwater runoff generated by the proposed project. Based on existing developments in the area, local geologic conditions, and adequate depth to groundwater, subsoils are expected to be of suitable quality to allow efficient recharge of stormwater, subject to further evaluation during subsequent project review.

The Town is currently in the process of amending its Wetlands ordinance, Chapter 81 of the Town Code. Discussions with the Town Division of Environmental Protection to date find that vegetated stormwater detention areas (i.e., rain gardens, vegetated swales, bio-filtration areas, etc.) are not expected to be regulated as wetlands through the revisions planned for Chapter 81. New York State stormwater design manuals encourage surface detention and biological uptake as part of stormwater systems, and these measures are consistent with LEED® design guidelines and best management practice as identified in the Nationwide Urban Runoff Program (NURP) report and intended in the Town's Chapter 86 dealing with stormwater design. As a result, innovative methods of stormwater collection, detention and recharge will be explored during site plan review, and would not be expected to result in regulated wetland areas which would restrict site use or future redevelopment.

### 1.3.5 Water Supply, Water Use and Sanitary Wastewater Disposal

#### Water Supply

Potable water is provided in the area by the SCWA. A 12-inch main is located beneath the north side of NYS Route 25A that crosses to the south side of the road, just west of the subject property. From there, a 12-inch main extends west along the south side of NYS Route 25A and an eight-inch main extends east to Myrtle Street which serves the existing music store and single-family residence. Any necessary connections, meters, easements and installations will be provided to ensure water supply connection for the proposed project.

#### Water Use

Assuming the wastewater generation rate values used by the SCDHS for design of wastewater systems (which yields a conservative estimate of water used), it is estimated that the proposed project will generate approximately 8,966 gpd of sewage flow, and will have an estimated domestic water usage of 10,965 gpd (see **Table 1-1**). Sanitary waste will be conveyed to individual on-site conventional sanitary systems. Total daily water use is expected to be approximately 12,825 gpd, which includes 1,860 gpd assumed for landscape irrigation, using a rate of 5.5 inches over the growing season. This can potentially be reduced using innovative irrigation techniques that will be considered in connection with site plan and building design.

#### Sanitary Wastewater Treatment

Article 6 of the SCSC addresses sewage facility requirements for realty subdivisions, and other construction projects, in order to limit the loading of nitrogen in various groundwater management zones as established by the SCDHS. As promulgated under Article 6, a Population Density Equivalent must be determined for the subject site in order to determine the type of sewage disposal system required for a proposed project. This equivalent (or total allowable flow) is then compared to the design sewage flow for the project. If the project's design sewage flow exceeds the Population Density Equivalent, a community sewerage system or on-lot sewage treatment plant is required. If the project's design sewage flow is less than the site's Population Density Equivalent, conventional subsurface sewage disposal systems (i.e., septic systems) may be used, provided individual systems comply with the current design standards and no community sewage system is available or accessible.

**Table 1-3  
DESIGN & SANITARY WASTEWATER GENERATION**

Use	Quantity	Design Rate	Design Flow	Sanitary Component*
Retail	184,805 SF	0.03 gpd/SF	5,544 gpd	5,544 gpd
Office (Non-Medical)	37,314 SF	0.06 gpd/SF	2,239 gpd	2,239 gpd
Restaurant	4,902 SF/100 seats	30 gpd/seat <sup>(1)</sup>	3,000 gpd	1,000 gpd
Bank	3,041 SF	0.06 gpd/SF	182 gpd	182 gpd
<b>TOTALS</b>	---	---	<b>10,965 gpd</b>	<b>8,966 gpd <sup>(2)</sup></b>

\* Maximum allowable sanitary flow with a septic system in Zone III is 300 gpd/acre, or 9,096 for the entire site.

- (1) Includes 10 gpd/seat (density load) and 20 gpd/seat (kitchen graywater load)
- (2) 8,966 gpd is sanitary component (nitrogen-bearing flow) of the Total Design Flow of 10,965 gpd. This value is compared with the Allowable Flow of 9,096 to determine conformance with Article 6.

The project site is located within Groundwater Management Zone III as defined by the SCDHS. Based on the requirements of Article 6, if an on-site septic system is proposed, no more than 300 gallons may be discharged per acre on a daily basis within this zone. The site acreage used for determining this Population Density Equivalent must not include wetlands, surface waters, or land in flood zones. The Population Density Equivalent (total allowable flow) on the subject site is calculated as:

$$30.32 \text{ acres} \times 300 \text{ gpd/acre} = 9,096 \text{ gpd}$$

This indicates that the proposed sanitary flow of 8,966 gpd is within the allowable flow for the site and, as a result, conforms to Article 6 of the SCSC. Therefore, the proposed project will conform to SCSC Article 6, and conventional on-site sanitary systems may be used.

### 1.3.6 Vehicle Access, Road Improvements and Parking

#### Vehicle Access

The main site access will be located on the current alignment of Myrtle Street, off NYS Route 25A in the form of a boulevard-style roadway to be renamed Village Way. Village Way will extend south through the site and culminate at the southernmost boundary of the site in a truck route that extends east and then north along the eastern site boundary, servicing the two largest retail buildings for deliveries. Village Way will have a 76-foot wide median that can be used for public open space, including a portion with grass pavers that will be available to host such community events as a farmers market. An east-west road is proposed in the central portion of the site, intersecting with Village Way, which will also be a boulevard-style roadway with a 28-foot planted median and three roundabouts. Bike lanes are proposed along both sides of this east-west roadway.

A secondary access will be located off the alignment of Vincent Street, approximately 350 feet west of Myrtle Street. A third access may be provided in the future through an internal easement to the King Kullen Shopping Center to the west.

The proposed project will be designed in accordance with the 2010 NYS Building and Fire Code, Chapter 5. All roadways within the site, as well as the multiple accesses into the site conform to Chapter 5. It is important to note that there will be no vehicular access to the subject site from the residential streets to the south, including Hickory Street, Savannah Drive or Tammy Drive due to the multiple entrances from the north and the site's conformance to Chapter 5.

### Road Improvements

Myrtle Street currently has a 50-foot right-of-way (ROW) in the north-central part of the site. The widening and extension of this road is proposed as the primary access to the site. Approximately 0.11 acres are proposed to be dedicated to the Town for the necessary widening to accommodate this road. Several "paper streets" exist on the subject property are proposed to be abandoned in connection with the proposed project.

In December 2010, Schneider Engineering, PLLC, of Holtsville, New York prepared a detailed Traffic Impact Study (TIS) for a previous version of the project. That prior design included:

- 169,740 SF of general retail space;
- 35,289 SF of office space;
- a 160-seat restaurant;
- a 3,500 SF bank with drive-through window; and
- a gas fueling station with 8 pump islands.

The mitigation, key findings, recommendations and planned improvements of that prior TIS, as well as the Addendum to the TIS which analyzed the project without a fueling station, remain valid as summarized in the Draft EIS.

### Parking

As required by Town Code, at least 1,322 parking spaces are needed for the revised project. However, a total of 1,056 parking stalls are provided, of which 43 spaces would be landbanked, to be available for installation if constructed parking proves to be insufficient for actual parking needs. Potential locations for landbanked parking are shown on the **Conceptual Plan**. It should be noted that the revised use breakdown reduces the number of required parking spaces and the current proposal includes a reduced amount of landbanked stalls, however the shortfall remains 266 spaces.

**TABLE 1-4**  
**PARKING**  
Required and Provided

<u>Land Use Type</u>	<u>Town Design Parking Rate</u>	<u>Spaces Required</u>	<u>Spaces Provided</u>
Retail	1 space/175 SF	1,056	---
Office		214	
Bank		18	
Restaurant		28	
Loading Required	1 for each additional 200,00 SF over 125,000 SF	6	
<b>TOTALS</b>	---	<b>1,322</b>	<b>1,056*</b>

\* Of which 43 spaces landbanked; will require a variance from the Town ZBA for 266-space shortfall.

It is expected that the 1,013 constructed spaces proposed will be more than sufficient for the proposed project particularly as the mixed-use nature of the project promotes shared parking, as well as the pedestrian and bicycle features of the design. Parking will be located throughout the property in strategic areas intended to serve each of the uses. Significant vegetation and landscaped islands are proposed throughout the site in order to enhance the aesthetic appearance of the parking lots. The 1,056 spaces proposed would be 266 spaces fewer than the minimum Town requirement; it is noted that a variance will be required.

### 1.3.7 Lighting and Landscaping

#### Landscaping

Based on the **Conceptual Plan**, the proposed project will include approximately 5.41 acres of landscaped area throughout the site. A conservative estimate of 15% of the total site to be fertilized would result in approximately 4.55 acres of fertilized landscaping. The Town Code provides minima for landscaped/natural area within the front yard (15% required, 6.02% proposed), landscaped/natural area for the total site (30% required, 41.67% proposed), and landscaped/natural area for commercial center road frontage (50 feet required, 10 feet proposed). In addition, the Town requires 400 SF of landscaping for each 25 parking spaces. Based on 1,013 spaces being constructed (an additional 43 stalls are proposed to be landbanked), 16,208 SF of parking area landscaping is required. Approximately 5.41 acres of landscaping are proposed throughout the subject site, with the majority located throughout the parking area. A full and detailed Landscape Plan will be contained in the Site Plan set, to be prepared and submitted should the Town Board act favorably on the rezone application. This plan will be subject to review by the Town Planning Division, along with Planning Board approval prior to implementation.

In addition to the landscaped areas, an estimated 7.22 acres along the southern and southwestern sides of the property will remain natural, preserving a 150-foot buffer between the proposed project and the existing residences.

Lighting

Proposed lighting will be similar to that presented in the Draft EIS. The exterior lighting system will be subject to the requirements of Town Zoning Code Article XXXIX (Exterior Lighting Standards). A full and detailed Lighting Plan will be contained in the Site Plan application materials that will be submitted for review and approval subsequent to the Change of Zone. In general, lighting will be provided to establish a safe and secure environment with illumination only in those areas where it is necessary. Illumination will not extend beyond the property boundaries and fugitive lighting will not occur.

## SECTION 2.0

# COMMENTS AND RESPONSES

## 2.0 COMMENTS AND RESPONSES

### 2.1 General Statements of Opposition

Comments B-1, B-16, B-28, D-13, D-19, D-24, D-28, D-38, D-41, D-43, D-53

*These comments generally oppose the proposed project.*

Response:

Comments acknowledged. No specific opposition was expressed in these comments; therefore, no response is necessary.

### 2.2 Adequacy of Proposed Buffer

Comments B-2, B-3, B-4, B-5, B-12, D-25, D-52

*These comments relate to the proposed buffers along the south and/or western portion of the site, adjacent to the single family residences.*

Response:

The site plan included in the Draft EIS provided buffers to the residences to the south and southwest. The retention of a natural wooded buffer on the south side of the site between the residential community and the proposed project has always been a feature of the project design. The 125-foot buffer provides setbacks and protection between the proposed commercial and residential land uses.

In the interim since the Draft EIS was accepted, the Town has completed a draft of the Mt. Sinai to Wading River Draft Land Use Plan (June 2011) (“Route 25A Corridor Study”). This plan recommends that a 150-foot natural buffer be provided between the proposed project and residences to the south. In response to concern over the adequacy of the proposed buffer and the Route 25A Corridor Study, the Conceptual Plan has been revised. The revised plan (as identified in **Section 1.0** of this document) will provide a natural buffer of 150-feet along the south and southwestern property lines, in the vicinity of single family residences (see below for further explanation of specific dimensions). This increase in buffer area combined with natural open space on the subject site will provide approximately 7.2 acres (or 23.82% of the overall site) of naturally vegetated land, which would continue to provide separation between the proposed development and residences. This buffer will limit views and noise between the project site and residences to the south. Furthermore, the nearest building setback in the vicinity of the proposed buffer will be 164.3 feet between the proposed 50,000 SF retail building and the rear property line providing further separation distance between the residences and proposed development. The three-story building is located well north along the western part of the property, and is approximately 86.5 feet from the property line; however, no single family residences are located within 360 feet of this building. It should be noted that there are some small areas where the natural buffer is less than 150-feet. Specifically, the roadway along the southern portion of the site will encroach within this buffer area in two places: Nine feet of the roadway will encroach

into the buffer at the southwestern corner of the proposed 50,000 SF retail building and 30 feet of the roadway will encroach into the buffer on the western portion of the site, just south of the three-story building. In summary, the change of zone will not increase the magnitude of potential impacts related to buffering the residences to the south since the site is zoned L-1 industrial which requires a 50 foot property line setback. The project will provide wooded buffers to ensure protection of the residences to the south. Final design will occur as a result of site plan review and approval by the Planning Board should the Town Board act favorably on the requested zone change.

### 2.3 Parking/Route 25A Corridor Study

Comment B-6

*“The land use plan also makes note of the location of the parking which will be to the rear of the buildings where this clearly is to the front of the buildings.”*

Response:

The subject site is comprised of nearly 25 acres and has minimal frontage directly on Route 25A. The site is designed with an entrance boulevard and an overall commercial village center design approach that will be walkable and provide a setting for shopping, dining and gathering. The site design evolved through a series of meetings, alternative designs, market testing and refinements that resulted in the current design.

The Route 25A Community Visioning Report makes the general statement that “to the maximum extent practicable, parking and service areas should be located to the side and/or rear of primary buildings.” However, this recommendation is a general recommendation for five Hamlet Center District overlay areas. The nature of the application and site design does not lend itself to locating all of the parking to the rear of the property, especially since the project has no effective frontage on Route 25A that would allow the project to comply this recommendation. Furthermore, the site was designed to be sensitive to the single family residences located to the south and southwest of the property, where parking would be inappropriate due to land use compatibility issues.

As identified in Figure 6-3 of the Community Visioning Report, the Conceptual Plan has been sited such that the site reflects principals identified by the community, such as smaller building footprints and passive open space open to the public, which locates parking throughout the site, and not limiting parking areas to the side and rear of the proposed buildings.

### 2.4 Scale of the Proposed Project

Comment B-8

*“...This makes the project grossly out of scale with the rest of the Mt. Sinai corridor and will inherently consume all of the retail in the local area leaving the rest of the corridor a ghost town of vacant stores.”*

Response:

A Commercial Market Analysis was prepared and presented in the DEIS (Appendix D-2 of that document), which sought to identify and quantify the need for additional commercial space that can be accommodated at both the proposed project and within the surrounding community. The Commercial Market Analysis found that significant retail demand exists for various retail, service businesses and restaurants at this location. Specifically, the study found that demand for retail purchases exceeds supply by seven (7) percent, or \$527 million in unmet purchases in the trade area. Overall, the “buying power” in this community is very strong and while the Village Centre will attract a certain small percentage of local spending, it will more likely attract purchases that would otherwise be made at shopping centers several miles away, known as “leakage”. A leakage indicates that consumer dollars are being made outside the area, at other retail centers, such as Lake Grove and Riverhead. It is noted that a market study was completed in connection with the Route 25A corridor study; however, this study only looked at the zip codes along Route 25A, from Mt. Sinai to Shoreham. This differed from the market study prepared by the applicant for Mt. Sinai Village Centre, which identified a trade-area for the proposed project using appropriate economic references and methodologies, thus defining the retail demand for the specific proposed project within its trade area. The results which are included in the Draft EIS, demonstrate demand for the project (also see **Section 2.6** of this Final EIS).

Specific efforts have been made to ensure that the Village Centre fulfills unmet purchasing demands and does not over-saturate the local market with goods and services already in sufficient supply. In an effort to ensure that Mt. Sinai Village Centre fulfills the existing consumer demand, and in an effort to not over-saturate the local market, specific business sectors – as evidenced by a strong demand among residents of the target market area – were recommended for consideration by the applicant.

## 2.5 Other Recommended Uses for the Site

Comments B-9, B-18, B-35, D-2, D-37, D-39

*These comments request the subject site to remain industrially-zoned similar to Supervisor Lesko’s Accelerate Long Island Initiative with development of the site for a high-tech industrial park, or similar.*

Response:

The Route 25A corridor study identifies the site as being appropriate as a gateway to the west end of Mt. Sinai along Route 25A, and recommends retail, village center type of use for the property. The applicant is seeking to provide a mix of synergistic uses (e.g., office, retail, restaurant) and benefits (e.g., green design and sustainable construction and significant economic benefits) that will conform to the goals and intent of the proposed zoning districts as implemented by the Town, and would complement the surrounding land uses while providing an economic return to the Town through increased tax revenues. The proposed project provides the

best balance of a compatible use, which has the potential to be economically viable, while conforming to the Route 25A corridor study recommendations.

Comment B-17

*“... I was also a member of the Hamlet Study, which we published along [sic] Lee Koppelman in 1996. We sent out over 2,000 surveys to the residents of Mt. Sinai. The first choice for this project was A1 residential, second choice was PRC, planned retirement community. A1 residential obviously is obsolete a choice as this shopping center. But a PRC, with our aging population, makes sense.”*

Response:

See response to Comments B-9, B-18, D-2, D-37, D-39, above. The site is zoned L-1 Industrial. Prior plans considered multiple family use; however, were rejected by the community. The vision plan for Mt. Sinai and the Route 25A corridor study are more recent documents based on current conditions and Town planning initiatives. The site has been identified as being appropriate as a gateway to the west end of Mt. Sinai along Route 25A, and recommends retail, village center type of use for the property.

Comment B-27

*“Find another alternative set of uses; a cultural center with a playhouse, something else that will bring money and people to the community that is not going to impact negatively with existing businesses that are there.”*

Response:

See response to Comments B-9, B-18, D-2, D-37, D-39, above. The Commercial Market Study identified significant excess commercial/retail buying potential within the study area, which would accommodate the proposed development with additional remaining demand. The applicant has indicated that uses identified in this comment are not financially viable for the site.

Comment C-3

*“The concept of a local service contractor/office park should be investigated as an alternative to the proposed action.”*

Response:

See response to Comments B-9, B-18, D-2, D-37, D-39, above.

## 2.6 Overdevelopment of Mt. Sinai

Comment B-10

*“Also watching Soundview Realty be allowed to recapture all of the potential profits from developing the entire 25A corridor in the smallest hamlet, Mt. Sinai, it seems unfair that the*

*other hamlets, namely Rocky Point, and the remaining eastern hamlets of Shoreham and Wading River will be able to enjoy the current look and feel of their respective communities while the residents of Mt. Sinai are adversely impacted.”*

Response:

This comment does not consider information contained in the Draft EIS with respect to retail demand in the vicinity of the proposed project. The Mt. Sinai Village Centre is not expected to capture all of the potential profits from developing the entire Route 25A corridor. In addition, this comment does not consider the Town’s draft Route 25A corridor study retail “gap” (leakage) analysis, which indicates that Mt. Sinai is a hamlet that warrants expanded retail activity. The following more specific information is provided in response to this comment.

Several market studies have been done for the Mt. Sinai area, and the results are consistent with and support the proposed Mt. Sinai Village Centre. The Draft EIS included a Commercial Market Analysis as Appendix B-2. This study used standard methodology for such studies by defining a target market area illustrated on the screen, analyzing the demand for goods and services in the market area, determining the market supply, and then performing a leakage analysis which compares the consumer demand with the supply of individual types of retail goods and services based on the North American Industry Classification System, or NAICS codes. The study then determined the gaps or opportunities, and surplus of retail supply and demand in the study area, and those industries that would have the highest likelihood of capturing local sales. This was further analyzed by determining the market absorption, or how much of the gap can be satisfied with new retail establishments. This was determined by the “buying power” of local households within the trade area, reduced by an extremely conservative “capture rate” of new commercial development, and converting this to square footage using per SF sales figures for the type of development proposed. A factor in determining buying power is the number of households in the market area; it is noted that the number of households in Mt. Sinai increased by more than 27 percent between 1990 and 2010, and is predicted to increase an additional 3.5 percent through 2015. The conclusion is that the trade area can sustain an additional 542,000 SF of new community shopping centers, of which the Mt. Sinai Village Centre represents 185,000 SF, or 1/3 of the demand, leaving an additional 358,000 SF of commercial space that could be absorbed elsewhere in the market area.

The Mt. Sinai to Wading River Draft Land Use Plan that was released in early June, 2011 includes a Market Assessment and Gaps Analysis that further validates the Mt. Sinai Village Centre analysis contained in the Draft EIS. This study used the same data sources and analysis methods, but was focused on the corridor, and all types of retail development, thus differing in its scope and approach. The Gap analysis in the land use plan defined a Mt. Sinai trade area based on just the 11766 zip code, which is a smaller area than would be served by the Mt. Sinai Village Centre. Nevertheless, the study identified the spending gaps for all hamlets along the corridor and found that Mt. Sinai had the greatest spending gap for both retail trade and restaurants of all of the hamlets between Mt. Sinai and Wading River. The study concluded that the 25A study area could support roughly 140,000 SF of retail and restaurant development and that this could be accommodated by the Mt. Sinai Village Centre (p. 64).

The specific market study for the Mt. Sinai Village Centre project differs from the land use plan gap study in that it is focused on the specific type of retail center that is proposed, and the specific trade area to be served by that center, while the land use plan analysis only looked at local zip codes for the trade area, which of course would have less “buying power” than the trade area that would be served by the proposed development. Both market studies conclude that there is an excess of retail demand, and the greatest retail potential is in Mt. Sinai. Specific to the Mt. Sinai Village Centre, there is significant excess demand for the retail goods and services that the proposed project will provide in the trade area.

The Mt. Sinai community is not expected to be adversely impacted by the proposed project in that the proposed project would provide a “gateway” at the entrance to the hamlet along Route 25A, a shopping, dining and gathering location with a sense of place, walkable and aesthetically pleasing design, and would provide significant tax revenue to the Mt. Sinai school district, all local benefits. The local benefits are in addition to regional benefits of Town and County tax revenue, sales tax benefit, permanent and construction job creation and retail shopping opportunities that fulfills a demand in the area as noted above.

## **2.7 Issues Associated With Truck Traffic and Noise**

Comments B-13, B-24 D-5 and D-26

*These comments relate to the impact of truck deliveries, hours of operation for truck deliveries and noise associated with trucks.*

Response:

The change of land use from the mostly vacant wooded area to a commercial development will change the character of the area and is expected to result in a moderate increase in ambient noise over the current noise environment in the immediate area, due to the increase in activity over the present (predominantly vacant) land use. However, in response to public concern, the Conceptual Plan has been revised to provide a 150-foot natural buffer along the south and southwestern property lines in the vicinity of single family residences. This buffer area should provide separation between the proposed development and residences and should limit views and noise. Furthermore, the closest building setback in the vicinity of the proposed buffer will be 164.3 feet between the proposed 50,000 SF retail building and the rear property line, providing further separation distance between the residences and proposed development. In addition, prior to 7 AM and after 10 PM, the majority of commercial uses will be closed and therefore are not expected to generate significant levels of noise. It is noted that the Mt. Sinai Village Centre site is zoned industrial and could be developed for light industrial use which could potentially have a greater impact with respect to truck activity and noise in the area.

## 2.8 Concerns Over Building Size

Comment B-14

*“I am also concerned about the size of the building. I think it was 90,000 SF, now we are talking 65,000 or 75,000 Sf. I think the room and the Mt. Sinai community would agree that the reduction of the size would appeal to a majority of the folks here.”*

Response:

The anchor store is proposed to be situated in the southeast part of the site and would not be visible from Route 25A, and would also be buffered from residences to the south by a wooded buffer/setback area. In response to the recommendations in the draft Route 25A corridor study and community concerns, the Conceptual Plan has been revised to decrease the size of the anchor building and increase the buffer to residences to the south. The 90,000 SF retail store has been reduced to 75,000 SF. The reduction in the size of the anchor store allows the proposed development to be more compatible with the community through an increase in natural buffer area to the rear of the buildings and conformance with the draft Mt. Sinai to Wading River Draft Land Use Plan.

## 2.9 Concern Over Tenants

Comment B-26

*“When he has to rent these stores, he has a dream list of high-end type businesses he would like to see. If he doesn’t rent them, he has construction costs to pay for, taxes to pay for, security and whatever else, and landscaping costs. He is going to rent to anybody willing to pay these rents. That means duplicating another pizzeria, another sandwich shop, we’ve got a coffee shop, we have a candy store, whatever, and that exists in the community already.”*

Response:

SEQRA is not intended to address competition between businesses. The findings of the Commercial Market Analysis show that there remains significant unmet demand in various industry sectors within the community. As a result, for the purpose of SEQRA and the EIS process, there is evidence that the proposed project should not cause widespread vacancies or blight.

It is also noted that the draft Route 25A corridor study recommends the change of zoning on the site from the existing industrial zoning to retail, and that the site is appropriate for a village center style development in a western gateway to Mt. Sinai along Route 25A. Once the Town Board acts on the change of zone, the applicant/owner will be in a position to seek tenants.

## 2.10 Connection to King Kullen

### Comment B-31

*“My other comment was going to be regarding the thoroughfare. We do receive numerous phone calls monthly regarding the cut-through and we are glad to hear that the developer feels it is not the most prudent means of developing.”*

### Response:

The main site access will be located on the current alignment of Myrtle Street, off NYS Route 25A in the form of a boulevard-style roadway (named “Village Way”). A secondary access is provided at Vincent Street, just west of Myrtle Street/Village Way. The applicant will seek site plan approval from the Planning Board should the Town Board act favorably on the change of zone, and final layout and design will be determined at that time including cross access to the King Kullen Shopping Center.

## 2.11 Impact on Per-Capita Retail Potential

### Comment C-1

*“Shopping Center vacancy rates for 2010 in Mount Sinai, Miller Place, Port Jefferson Station and Terryville were 13%, 8%, 12% and 14%, respectively. The impact on the per capita retail potential of Route 25A should be investigated.”*

### Response:

The Commercial Market Analysis prepared for the DEIS (Appendix B-2) examined the absorption potential, which is based upon an examination of demographic trends and projections, as well as per capita consumer expenditures/spending patterns among those residing within the community surrounding the Mt. Sinai Village Centre.

Consumer expenditures – in the form of the annual buying power among the average household located within the target market area – was applied to the households projected to reside within the community. As seen in the DEIS, consumer expenditures within the community average \$41,820 per household, on goods and services that could potentially be available for purchase at the proposed project. These per capita expenditures were applied to the projected number of households anticipated to reside within the community, in addition to a capture rate and median sales data, which resulted in the conclusion of the amount of commercial space that could be absorbed within the target market area. In an effort to ensure that the commercial space fulfills an existing consumer demand while targeting sales of those goods and services that are currently underserved in the community, specific business sectors were recommended for consideration by the applicant.

The Commercial Market Analysis prepared for the Draft EIS also conducted a survey of all of the other centers that are similar in size, type and designation to the proposed Mt. Sinai Village Centre, and found relatively low vacancies in these existing centers. Mt. Sinai Village Centre is deemed to be a “super community/community shopping center,” as determined by the proposed

size, type of tenants, amenities, and the pedestrian-friendly landscape proposed for the development. Existing market supply involved conducting an inventory of 23 similar centers within the trade area of the proposed project. The Commercial Market Analysis found the following with respect to this inventory:

“The majority of the shopping centers were fully occupied, and of those that aren’t fully occupied on the order of one vacant retailer was typically observed in these centers. Only a handful of shopping centers have a greater percentage of vacant retailers, based on observations made during an inventory conducted in October and November 2010. It was noted that many of the vacant retailers were being remodeled to accommodate future tenants, with “coming soon” signs indicating the arrival of a variety of new businesses. It is important to note that vacancies will inevitably occur as a result of business turnover, specific and local market considerations with respect to certain tenants, and specific and local factors with respect to a given shopping center, including business mix, signage, synergy of store types, parking, and accessibility, and related factors. Given the current economic situation facing Long Island, New York State and the nation as a whole, the minimal vacancies observed within super community/community shopping centers within the target market area may be indicative of the demand for additional commercial opportunities within comparable shopping centers.”

Vacancies that exist in the area may be more related to strip commercial centers, centers with poor access, poor signage, rent considerations and other factors. Based on the analysis that was completed, there is a need for the Village Center type of development proposed for the subject site, and there is adequate retail demand to support the project (also see **Section 2.6** of this Final EIS).

## 2.12 Loss of Industrially-Zoned Land

Comment C-2

*“There is some concern about the loss of light industrially zoned land in the Town of Brookhaven.”*

Response:

The Draft EIS provided extensive analysis with respect to this issue; refer to Section 4.1 of that document for detailed information which is also summarized herein. The proposed project will change the zoning of 29.52 acres of the site from L-1 to J-2, and 0.19 acres from A-1 to J-2. From a regional perspective, approval and implementation of the rezoning would incrementally decrease the amount of industrially-zoned land while simultaneously increasing the amount of business-zoned land in the NYS Route 25A commercial corridor. While the requested changes of zone will provide for a commercial center on a previously industrially-zoned property, it should be noted that the pattern of development in the area has been commercial (specifically, retail) use along NYS Route 25A, development under the prior industrial zoning would not have been in conformance with this trend. Low-density residential (with higher-density multi-family and senior residential sites and complementary institutional uses) development has occurred both north and south of the NYS Route 25A corridor.

Furthermore, the Draft EIS included analysis of the proposed rezoning of the subject site from L-1 to J-2 as related to reduction in the availability of land zoned for light industry use in favor of commercial development (see Section 4.1 Cumulative Impacts). The cumulative impact analysis provided an inventory of industrial zoning up to 10 miles from the site, an analysis of the information derived from the inventory, and a discussion of findings, as a basis for cumulative analysis of the requested zone change in consideration of the need for industrial zoned land.

The following summarizes some of the information gained from this inventory:

- There are a total of 44 areas of industrial zoning in the six (6) Zoning Maps inventoried.
- The total acreage of all parcels inventoried is 4,422.5 acres.
- Of the total, 1,952.3 acres or 44% of the industrial land may have potential for further development.
- The breakdown is as follows:
  - Map 1 – 7 Areas; 466.7 acres total; 209.6 (45%) may have growth potential.
  - Map 2 – 6 Areas; 283.4 acres total; 155.5 (55%) may have growth potential; subject parcel appears in this area; without subject parcel 44% may have growth potential.
  - Map 3 – 3 Areas; 201.8 acres total; 4.2 acres (2%) may have growth potential.
  - Map 5 – 2 Areas; 12.9 acres total; 2.4 acres (19%) may have growth potential.
  - Map 6 – 8 Areas; 566.9 acres total; 173.1 acres (31%) may have growth potential.
  - Map 7 – 18 Areas (19 are designated, but one is a repeat of Area 6-7); 2,890.8 acres; 1,407.6 acres (49%) may have growth potential.
- Industrial land is scattered around the northwest-central part of the Town except for the Yaphank area where this is a large concentration of industrial zoning and land potentially available for development.

The following discussion relates to the information gained from the inventory:

- There is some growth potential in each of the map areas studied, thus providing some opportunities to meet local industrial site needs.
- Industrial use needs can be served by more regional sites, located on convenient transportation corridors, such as in Yaphank.
- Sites that may not be available for further growth, can still serve local industrial land needs through turnover of businesses, tenant opportunities within existing buildings, and conversion of more temporary uses to more permanent uses over time.
- Office use is allowed in L-1, J-4 and J-2 districts, therefore the office component of industrial use has flexibility to locate in a number of zoning districts, and therefore has a greater potential to locate sites to serve needs when such needs occur.
- There is a wide variety of uses on L-1 zoned parcels from non-conforming outdoor storage, lumber yards, corporate parks, industrial parks, contractor yards, light manufacture, offices, junkyards, automotive uses, etc; at least one wholesale membership club use is located in an L-1 zone.

There are several considerations with respect to the subject site and the proposed zoning change from L-1 to J-2:

- The site is located at the west gateway to Mt. Sinai, and has been identified as a site for a village/hamlet center; industrial zoning would not allow this potential to be realized.
- It may be unwise to situate industrial use on land that presents opportunities for other uses that would benefit the community.
- The site adjoins residential zoning and use to the south; it may be unwise to situate industrial use on land that may present incompatibility issues with adjoining uses.
- Retail use typically provides greater tax revenue than industrial use; this benefit would be realized by the proposed project.
- Retail use provides comparable or greater job creation benefits as compared with industrial.
- At least one (1) industrial parcel inventoried is occupied by a member-based wholesale club; a member/wholesale club has the potential to occupy the 90,000 SF anchor store on the subject site under J-2 zoning.
- The proposed project includes 37,314 SF of office (broken up into several smaller buildings), which is a use that can occur within the L-1 district; this indicates that this L-1 use will be retained on the site, thereby reducing the magnitude of the land use conversion.

The analysis concluded that there is not a significant demand for industrial space in the hamlet of Mt. Sinai. The subject parcel is vacant and has been available for development as industrial land for decades, yet no such land use has been proposed. The Town IDA and business initiatives have resulted in success toward locating industrial use in Economic Development areas designated by the Town, such as Yaphank. The nature of industrial use is such that regional centers can serve the needs of the Town. More specifically, industrial use should be located where there is convenient transportation access, away from residential zoning/use, and within a general geographic region where an employee base is available from within a reasonable distance for commutation. Consequently, small pockets of industrial zoned land do not necessarily need to remain in each hamlet; nevertheless, there are existing scattered industrial zoned lands with existing uses and some growth potential. Based on this potential further growth in the existing smaller areas of industrial zoned land near Mt. Sinai (other than the subject site), coupled with the existing occupied industrial land that may provide tenancy opportunities or business locations due to turnover, it would appear that neither Mt. Sinai, nor the region would suffer from the land use conversion of the subject site to J-2 zoning.

The proposed commercial use would include 37,314 SF of office space, which can locate on business or industrial zoned lands, as well as a possible member/warehouse club, which in at least one case is situated on industrial zoned land in the Town. It should be noted that wholesale clubs are no longer permitted in the L-1 zoning district based on current Town Code provisions and any which exist within the district are pre-existing, non-conforming. The proposed commercial use provides a gateway, mixed-business use site with attractive architecture, gathering areas and synergy between businesses that is more compatible with surrounding uses, complements the site and conforms to the Vision for Mt. Sinai. It is noted that 30 acres of industrial development is not part of the Vision for Mt. Sinai. The project will provide shopping opportunities, jobs, tax revenue and a use that is needed in the hamlet.

## 2.13 Location of Septic Systems

Comment C-4

*“The location of the proposed on-site septic systems has yet to be identified. SCWA’s Crystal Brook Hollow Road well field has already seen impacts due to elevated levels of VOCs. This project has the potential to further affect water quality at the Crystal Brook Hollow Road well field by increasing the levels of nitrate contamination in groundwater.”*

Response:

The Draft EIS provided extensive analysis with respect to potential groundwater impacts; refer to Section 2.2.2 of that document for detailed information which is also summarized herein. It should be noted that the proposed project has been revised and that a gasoline service station is no longer part of the overall development plan, thereby mitigating concerns related to potential contributions of volatile organic contamination to the SCWA Crystal Brook Hollow Well Field.

The Crystal Brook Hollow Well Field is located approximately 1,800 feet to the north-northwest of the subject property which is cross-gradient of the regional direction of groundwater flow which is to the north.

As discussed in Section 2.2.2 of the Draft EIS, the SONIR model results for the conditions which will exist under the proposed project estimates that the concentration of nitrates (as nitrogen) generated on-site will be increased due primarily to the increased volume of nitrogen-bearing sanitary recharge. This anticipated value is calculated at 3.10 mg/l, representing an increase from the existing level of 0.47 mg/l. This anticipated concentration is less than the NYSDEC drinking water standard of 10 mg/l, and is within the target range of 6 mg/l of predicted nitrogen for this Groundwater Management Zone based on the 208 Study and SCSC Article 6. Therefore the proposed project is not expected to result in significant adverse effects to groundwater quality with regard to nitrogen loading and is not expected to create an additional impact to the Crystal Brook Hollow Well Field.

The design, installation and operation of the on-site sanitary system will be subject to review and approval of the SCDHS, ensuring that the proper level of groundwater protection is provided. In addition, the project will control all runoff in an on-site drainage system and will provide for proper sanitary system maintenance, as required by the SCDHS.

Based on the results presented above, it is anticipated that the proposed project will have not significant adverse impact on the quality of groundwater underlying the site and in the surrounding area.

## 2.14 Monitoring Wells

Comment C-5

*“As stated in our October 6, 2010 correspondence, it would be prudent to require up and down gradient monitoring wells as part of the approval. The wells should have a bi-annual testing*

*requirement with notice to SCWA and the SCDHS. SCWA would be happy to provide information concerning the location and depth of the monitoring wells.”*

Response:

Based on the discussion provided above for Comment C-4 (see **Section 2.13** above), during site plan review, comments from Suffolk County Water Authority will be solicited to determine if up and downgradient monitoring wells are still recommended.

## **2.15 Shift the Proposed Development**

Comment D-1

*“My thought is if you are going to build a retail location on 45+ acres of land, why would you want to stick it so far back in a residential neighborhood which is what they are doing. In my opinion, it should be kept on the main road where all other retail stores are.”*

Response:

The subject site is 29.55 acres (upon completion of proposed roadway abandonments an additional 0.77 acres of land will be obtained and the total site area will consist of 30.32-acres, as shown on the plan). ). As a result of similar comments, the proposed project has been revised to better conform to the Route 25A corridor study. Structure sizes have been reduced, buffers have been increased and more natural area retained. The revised project will now retain approximately 23.82 percent of the site as natural open space (25.54 percent when including the combined on-site and off-site natural area), and will provide internal green space in connection with the village center style development. The current plan will provide a 150-foot natural buffer along the south and southwestern property lines, in the vicinity of single family residences. This increase in buffer area will add to the significant natural buffer area comprising nearly 25 percent of the site, which would continue to provide separation between the proposed development and residences and will limit views and noise.

## **2.16 Concern With Developer Selling Property**

Comment D-4

*“I am very concerned about the change of zone in this area. I presently live behind this area. I worry since the owner of the property has not had anyone sign to open a store here if he will turn around to sell it when he gets his change in the zoning.”*

Response:

The applicant has indicated that while the applicant does own the land the applicant/owner is not able to sign leases, since the zoning is currently industrial and the project is proceeding through the change of zone process. Also see **Sections 2.6** and **2.11** of this Final EIS for further information on retail demand and potential vacancies.

## 2.17 Concern Over Potential Vacancies and Need for Project

Comments B-28, D-7, D-8, D-10, D-36, D-50

*These comments identify concern over the proposed project not being viable due to market conditions, and the possibility of storefronts becoming vacant.*

Response:

Vacancies within existing, comparable shopping centers were examined as part of an extensive Commercial Market Analysis contained in the Draft EIS. This analysis found few vacancies in 23 similarly-sized shopping centers within the trade area. The majority of the comparable shopping centers in the target market area were fully occupied and the majority of those that are not fully occupied had only one vacant retailer. A handful of shopping centers had a greater percentage of vacant retailers. Many of the vacant retailers were being remodeled to accommodate future tenants, with “coming soon” signs indicating the arrival of a variety of new businesses.

It is important to note that vacancies will inevitably occur as a result of business turnover, specific and local market considerations with respect to certain tenants, and specific and local factors with respect to a given shopping center, including business mix, signage, synergy of store types, parking, and accessibility, and related factors. Given the current economic situation facing Long Island, New York State and the nation as a whole, the minimal vacancies observed within super community/community shopping centers within the target market area may be indicative of the demand for additional commercial opportunities within comparable shopping centers.

## 2.18 Adequacy of Estimated Jobs

Comment D-11

*“Mr. Elliott says his project will supply 423 jobs, of which 287 are construction. These cannot be considered permanent jobs. That leaves 136 jobs. Will he guarantee that these are permanent, full-time jobs at a salary that needs to live in this area, currently at least \$40,000 a year?”*

Response:

The applicant can not guarantee a certain number of jobs. The applicant did retain professional service firms to conduct analyses to estimate job creation using methodology standard to the discipline of economic analysis. A Fiscal and Economic Impact Analysis was prepared as part of the Draft EIS (see Appendix B-1). This analysis examines and quantifies the fiscal and economic impacts that are anticipated to result from the development of Mt. Sinai Village Centre. As stated in this analysis, the proposed project is anticipated to generate approximately

287 full time equivalent (FTE)<sup>22</sup> employees during the short-term construction of the proposed project. The project will also generate approximately 360 FTE employees during the long-term operations of the proposed project. Of this, it is anticipated that 259 FTE jobs will be generated in the retail sector, 25 FTE jobs will be generated at the restaurant, and 76 FTE jobs will be generated at the bank and the professional office space. It is assumed that each employee will be paid the area standard wage specific to occupations within each industry. These employment opportunities – during both construction and operations – are anticipated to include a mix of entry-level, mid-level, and experienced positions.

## 2.19 Applicant’s Gift to the School District

Comment D-12

*“Mr. Elliott proposes giving \$761,000 to the Mt. Sinai School District. Is this in writing, no matter what the Centre’s profits are? Is this for every year or a one-shot deal?”*

Response:

The applicant is not proposing to give a monetary amount to the school district. Instead the development is assessed by the Town Tax Assessor, placed on the tax roles, and revenue is generated through payment of tax bills for the use that occurs on the subject site. The applicant retained professionals to use accepted economic study methods to assist in projecting tax revenue. The tax revenue projections are included in the Draft EIS; however, the final assessment is up to the Town Tax Assessor.

As stated in the Fiscal and Economic Impact Analysis in the Draft EIS, local taxing jurisdictions – including the Mt. Sinai Union Free School District – will greatly benefit from an increase in property tax revenues. The analysis projects the school district will generate \$761,145 in tax revenues upon full build-out of the proposed project. These increased revenues will be factored into annual budgets and dispersed as the school district sees appropriate.

The revenue will vary from year to year, depending on the annual tax rates, assessed valuation and equalization rates. Further, the final assessment and levy will be determined by the sole assessor at the time of occupancy. Projections included herein are as accurate as possible using fiscal impact methodologies, for the purpose of the planning and the land use approval process.

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<sup>22</sup> According to the Bureau of Economic Analysis, “full-time equivalent (or FTE) employees equal the number of employees on full-time schedules plus the number of employees on part-time schedules converted to a full-time basis.” The designation of FTE is an industry standard means to standardize the number of part-time and full-time employees so that they can be compared across the board. For example, an FTE of one (1) means that an employee works a total of 40 hours per week (or whatever the standard number of hours per work-week in a given occupation). If a company employs ten (10) part-time persons who each work 20 hours per week, this equates to five (5) FTE. This conversion allows for an accurate and clear projection as to the number of employees within a given location, and a benchmark in which to measure employment in other uses and/or locations.

## 2.20 Concern Over Gas Station's Impact on Groundwater

Comment D-15

*"I have seen the environmental impact study as well, but still have many concerns. The people who live behind this proposed land parcel still operate with well water to their homes, and Soundview is going to put a gas station in? If you look in our recent current events, you can easily see that certain situations occur when dealing with gas, oil and propane. Why put our residents and groundwater supply at unnecessary risk? There is an abandoned gas station on the corner of Crystal Brook Hollow Road, which is an entrance to this proposed shopping center. Why, when there is a plot of land zoned for this use at one of the access points to the shopping center would you permit a change of zone to allow for this? The answer from Soundview was "this should be a one-stop shopping center". I think a gas station at one of the entrances should qualify as "one-stop shopping".*

Response:

The Change of Zone application was amended in February 2011 to remove a fueling station as part of the proposed project. Furthermore, the project will be required to comply with the regulations and restrictions outlined in Articles 6, 7 and 12 of the Suffolk County Sanitary Code, which set density limitations as well as established regulations regarding the use, handling and storage of hazardous or toxic materials in a deep flow recharge area. Article 7 (Water Pollution Control) was designed and adopted by the Suffolk County Legislature, specifically to mitigate potential impact of development in deep recharge areas, and prohibits the storage of large quantities of restricted toxic or hazardous materials, as well as SPDES permitting of industrial discharge in this area (except under limited exceptions; see Article 7 of the SCSC).

The proposed project will conform to all of the requirements of Article 7. As the project no longer includes a fuel storage use (such as a filling station), Article 12 would not apply.

The design, installation and operation of the on-site sanitary system will be subject to review and approval of the SCDHS, ensuring that the proper level of groundwater protection is provided. In addition, the project will control all runoff in an on-site drainage system and will provide for proper sanitary system maintenance, as required by the SCDHS.

The proposed project is not expected to have an adverse impact on adjacent or nearby properties which utilize wells for drinking water, as the groundwater flow in the vicinity of the subject site is to the north (away from residential properties), and the project conforms to SCSC Article 6 with respect to sewage facility requirements. In addition, the site and area are served by public water from the Suffolk County Water Authority distribution system.

## 2.21 Concerns Over Loss of Wildlife

Comments D-16, D-20, D-27, D-48

*These comments relate to the loss and/or displacement of wildlife associated with the proposed project.*

Response:

The Draft EIS includes a detailed evaluation of the flora and fauna present on the site (see Draft EIS Section 2.3.2). It is noted that there were no critical habitat areas or rare, threatened or endangered species identified in association with the subject site. It is noted that approximately 25 percent of the site (over 7 acres) will remain as natural vegetation. In addition, there will be open space remaining in the area that would continue to provide refuge for wildlife. Habitat loss for wildlife will be partially mitigated by the establishment of native landscape plantings, where feasible, which will provide some additional habitat for wildlife currently utilizing the subject site. Additionally, there are two County owned areas in the immediate vicinity of the subject site that wildlife will be able to migrate to. These areas consists of a 1.71 acre parcel of land adjacent to the south of the subject property, and the C.R. 111 right-of-way (which will not be developed as roadway in the future due to its location and surrounding development) located adjacent to the east of the subject property which is contiguous with five parcels of County owned land totaling 4.58 acres in size. As such, there is existing public land in the immediate vicinity of the subject site in which wildlife could migrate to, minimizing the impacts from loss of habitat to wildlife as a direct result of on-site clearing. Figure 3-1 of the Draft EIS identifies surrounding land use and illustrates significant existing open space in the area that would be available for wildlife. In summary, the site itself will retain acreage for wildlife, many species will co-inhabit the landscaped portions of the site, mobile species will remain or relocate to nearby open space lands, and there is permanent public open space that will remain in the vicinity of the site. The Draft EIS addressed wildlife impacts, and no significant adverse impacts have been identified.

## 2.22 Concerns Over Site Clearing

Comment D-40

*“Developing these 30 acres as J-2 would be an environmental disaster for Mt. Sinai. This property is part of the Mt. Sinai groundwater protection area. Soundview Realty’s artful clock tower drawing is a far cry from the aerial view of this project. The aerial view shows large box-like structures surrounded by massive parking lots. In fact, over 1,000 parking spaces would be put in. They would defoliate almost 87% of the property. What a horrendous scenario for our groundwater, native plants, and all the animals and birds that inhabit this property. “*

Response:

The proposed project has been revised to better conform to the Town’s comprehensive planning efforts and specifically the Route 25A corridor study. Structure sizes have been reduced, buffer have been increased and more natural area retained, and renderings were prepared for as accurate a portrayal of the intended development as possible. The project will retain approximately 23.82 percent of the site as natural open space and will provide internal green space in connection with the village center style development. The proposed project will provide the required number of parking stalls appropriate for this development. During site plan review, when actual tenants are known, opportunities for shared parking will be analyzed to determine if additional reduction to required amounts of parking are warranted. Groundwater and wildlife impacts have been

addressed in the appropriate sections of the Draft EIS, and specific responses to groundwater impact concerns and wildlife concerns are addressed in this Final EIS, **Sections 2.13** and **2.21**, respectively.

### **2.23 Route 25A Market Analysis**

Comment D-35

*“Based on the Route 25A Market Analysis, “it is estimated that nearly \$24 million of retail sales and \$11 million of restaurant sales can be attracted along the 25A corridor. Averaging \$250 in sales per SF of area, the potential capture rate would support roughly 140,000 SF of retail and restaurant space. The proposed Mt. Sinai Village Center could entirely accommodate this with 185,000 SF of intended retail development, 35,000 SF office space, as well as a small bank and restaurant” (Route 25A Land Use Plan, Draft June 2011, page 64). However, this makes the project grossly out of scale with the rest of the Mt. Sinai corridor and will inevitably consume all of the retail in the local area, leaving the rest of the corridor a ghost town of vacant stores.”*

Response:

Comment acknowledged. See Final EIS responses to this topic in **Sections 2.4** and **2.6**, as well as the Draft EIS Appendix B-2.

### **2.24 Adequacy of DEIS**

Comment D-30

*“Also, the developer was unable or unwilling to address the impact on the environment that the “Centre” would have.”*

Response:

A Draft EIS was prepared for development on the subject parcel according the NYS Environmental Quality Review Act (SEQRA) to assist all agencies in rendering an informed decision on the application. The contents of the DEIS addressed the items specified in the Positive Declaration and Final Scope, and was prepared to fully disclose potential impacts and mitigation measures of the proposed project. The scoping process included opportunities for public input at a public scoping meeting as well written comment period to solicit environmental impact topics. All potential adverse environmental impacts from the public scoping process were disclosed and analyzed in the DEIS and potential mitigation identified.

### **2.25 Concerns Over the Nature of the Proposal**

Comment D-32

*“The fact that this project proposes the only two large retail buildings in this centre along the southern most border of the property, the location of three residential housing communities*

*along the site (Tammy Drive, Savanna Circle and Hickory Street) should raise some very serious concerns as to the very nature of this proposal.”*

Response:

The design of the center evolved with significant public input to what is currently proposed. If the buildings were located farther north, the parking would be south of the buildings thus resulting in more frequent vehicle movements and disturbance than what would be expected as a result of the current design. In addition and in response to public concern over building size for the two anchor tenants and the adequacy of the buffer in the rear of the property, the 50,200 SF retail store and 90,000 SF retail store have been reduced to 50,000 SF and 75,000 SF, respectively. The reduction in the size of the two buildings has resulted in an increase in natural buffer area to the rear of the buildings. The current plan will provide a 150-foot natural buffer along the south and southwestern property lines, in the vicinity of single family residences. This increase in buffer area will add to the significant natural buffer area comprising nearly 25 percent of the site, which would continue to provide separation between the proposed development and residences and should limit views and noise. Furthermore, the closest building setback in the vicinity of the proposed buffer will be 164.3 feet between the proposed 50,000 SF retail building and the rear property line providing further separation distance between the residences and proposed development.

## **2.26 Concerns Over the Proposed Yield**

Comment D-33

*“The study also stressed the “major concern that was expressed by participants... by the size of large scale retailers and the potential negative impacts that are often associated with the so called “big box stores”, recommending that the “maximum allowable building size for retail or other commercial uses within the hamlet centers be between 60,000 and 75,000 SF with a strong preference for the lower end of this range” (Route 25A Land Use Plan Draft, June 2011, page 11). The bulk requirements in the document also state that for parcels more than 10-acres are required to have a minimum of 25% of undisturbed open space as well as a 150 to 200 foot buffer from adjacent residential communities” (page 11) in addition to the design standards stating that parking should be located to the rear of buildings (page 12). In reviewing the applicant’s plan, 86.9% of the current 30 acre wooded parcel will be cleared, leaving only 13% left undisturbed, a “buffer between the proposed project and the existing residences ranging in width from 10 feet to 100 feet” (Mt. Sinai Village Centre EIS Study, page 3-9) and parking placed in the front of buildings, one of which is 90,000 SF, 15,000 SF larger than the maximum square footage recommended by the Land Use Study”*

Response:

The change to commercial zoning allows the site to be integrated into the Mt. Sinai corridor in a manner that is consistent with the Route 25A corridor study. In response to concerns expressed by the community, the Conceptual Plan has been revised to decrease the size of the two anchor buildings in the southeastern portion of the site. The 50,200 SF retail store and 90,000 SF retail store have been reduced to 50,000 SF and 75,000 SF, respectively. The proposed project has

been revised retain nearly 25 percent natural open space on the site, and average natural buffers on the south part of the site are in the range of 150 feet. These project changes directly address this comment and increased protection of the residences to the south and substantial conformance with the draft Route 25A corridor study recommendations.

## 2.27 Traffic Related Comments

### Comment C-6

*“In essence, the current submittal does not address our previous comments (December 3, 2010 and January 3, 2011, copies attached) and, as such, is unacceptable. A revised TIS and Site Plan addressing these prior comments should be submitted.”*

### Response:

Detailed technical response to the points of these two letters, is included in **Appendix E** of this document.

### Comments B-7, B-22, B-23, D-21, D-46, D-49

*These comments relate to concerns over traffic safety as a result of the proposed project.*

### Response:

This comment does not address a specific issue with respect to traffic safety. The Draft EIS includes a complete traffic impact study that addresses all intersections in a large study area as required by the Final Scope issued by the lead agency which determined the content of the Draft EIS. No significant adverse traffic impacts were identified in consideration of off-site road mitigation proposed as part of that study. As part of a further mitigation package, an analysis of the signalized intersections in the vicinity of the project will be performed to determine if there is a way to mitigate the incidence of accidents at the studied intersections as part of our signal design phase. As a result, site access and area-wide potential traffic impacts have been identified, studied, addressed and mitigated identified as part of the SEQRA process in consideration of the change of zone.

### Comment B-11

*“If you look at just the traffic study alone, it is inaccurate and it shows they do the research on Sunday and Monday during the summer, that’s where they get their numbers.”*

### Response:

The traffic study clearly states that all turning movement counts were performed throughout the months of September and October. Additionally, the traffic study clearly states that counts were performed during the peak AM and PM peak hours on a weekday and during the midday peak period on a Saturday, in accordance with industry standards. The scope of the Traffic Impact Study was determined through the SEQRA scoping process and all relevant issues with respect

to potential traffic impacts were addressed in conformance with the scope and accepted traffic engineering methodologies for preparation of traffic impact studies.

Comment D-34

*“In regard to the traffic studies associated with the project, these studies have predominantly accounted for access points along Route 25A (with the addition of one traffic light) with no access to local, residential neighborhoods. However, it seems that these studies were conflicting at first with a member of the applicant’s traffic team stating back in December that “right turns from 25A would not be allowed and drivers would be more likely to use an entrance from Crystal Brook Hollow Road” (Times Beacon Record, December 16, 2010). Furthermore, traffic flowing from County Road 83 and Canal Road through the residential Crystal Brook Hollow Road as to avoid the already existing traffic lights on Route 25A have not been discussed as any local resident can describe the current nature of cars speeding past playing children and students waiting at bus stops along the residential Crystal Brook Hollow Road. This will inevitably create safety concerns for our resident children and families.”*

Response:

As indicated in the Traffic Impact Study for this project, the applicant has not proposed to prevent right turns from NYS Route 25A entering the site. Additionally, the project does not have any frontage along Crystal Brook Hollow Road, and as such, does not propose an entrance onto Crystal Brook Hollow Road. The only proposed entrances to the subject property are on NYS Route 25A.

After many discussions with representatives from the New York State Department of Transportation and the Town of Brookhaven, it was determined that the only traffic analysis to be included in the Traffic Impact Study would be along the SR 347/SR 25A corridor between NYS Route 112 and CR 83, including the intersection of Crystal Brook Hollow Road and Route 25A.

As part of the analysis included in the submitted TIS, existing volumes were collected for each turning movement (left-turn, right-turn, through) at every approach for all of the studied intersections. This information was utilized to determine the current behavior of vehicles traversing the intersections, as well as the behavior of the additional vehicles that will be generated to the studied intersections. The analysis included in the TIS indicates that the proposed development will not adversely impact the intersections of Crystal Brook Hollow Road with SR 25A and SR 347.

Comments B-25, B-29, D-3, D-6, D-14, D-18, D-29, D-47, D-51

*These comments relate to concerns over traffic congestion as a result of the proposed project.*

Response:

This comment does not address a specific issue with respect to concerns over traffic congestion. The Draft EIS includes a complete traffic impact study that addresses all intersections in a large

study area as required by the Final Scope issued by the lead agency which determined the content of the Draft EIS. As indicated in the Traffic Impact Study, the Institute of Transportation Engineers (ITE) publishes the Trip Generation Handbook. This publication is the industry standard and presents nationally collected data on the behavior of vehicles on the roadway based on specific land uses. Appropriate ITE data for project generated traffic was used in the accepted Highway Capacity Analysis model, with additional data for the existing volume of traffic on the roads, and projected to a build year by applying NYSDOT assigned growth factors. The result is a Traffic Impact Study that analyzes traffic congestion, and based on the analysis recommends appropriate mitigation to maintain acceptable levels of service and/or to not adversely impact future conditions that would exist whether the project is built or not built. As part of a further mitigation package, an analysis of the signalized intersections in the vicinity of the project will be performed during the signal design phase to determine if there is a way to mitigate the progression of green lights to aid in the increased flow of traffic.

Comment B-30

*“Possibly, depending on the decision of the Board, there may be a way of trying to incorporate the mutual light on the east side of Mt. Sinai Shopping Center, aka King Kullen, which would possibly work for both centers.”*

Response:

The access point on the eastern end of the Mt. Sinai Shopping Center is located at the approximate location where SR 25A and SR 347 merge. The existing roadway geometry would not allow for northbound or eastbound traffic exiting from the shared access point, and would require those patrons wishing to travel northbound or eastbound to execute dangerous U-turns at another location along the SR 25A corridor. Additionally, there is not enough land available in the vicinity of the eastern access point to accommodate the multiple lanes that would be necessary to allow for entering and exiting traffic - the property located to the east of the Mt. Sinai Shopping Center is already developed with a building and is not a part of the subject property.

## 2.28 General Statements of Support

Comments B-15, B-19, B-20, B-21, B-32, B-33, B-34, C-7, C-8, C-9, C-10, D-9, D-17, D-22, D-23, D-31, D-42, D-44, D-45

*These comments provide support for the proposed project.*

Response:

Comments acknowledged.

# APPENDICES