
FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

FOR

PROPOSED WAL-MART STORE #4587

Project Location:

Intersection of Hospital Road and the North Service Road of Sunrise Highway (NYS Rt. 27)
In the Hamlet of East Patchogue, NY

Lead Agency:

Town of Brookhaven Planning Board
One Independence Hill
Farmingville, NY 11738

Agency Contact: Michael J. Albano, Environmental Analyst
631.451.6455

Applicant:

Wal-Mart Stores East, L.P.
2001 SE 10th Street
Bentonville, AR 72716

FEIS Preparation and Coordination:

Barry S. Porter & Associates, Inc.
400 Franklin Street, Suite 202
Braintree, MA 02184

October 4, 2013

The following consultants contributed to the preparation of this report:

Architectural Services:

BRR Architecture, Inc.
6700 Antioch Plaza, Suite 300
Merriam, KS 66204

Civil Engineering:

Bohler Engineering, P.C.
2929 Expressway Drive North, Suite 120
Hauppauge, NY 11749

Planning Consultant:

Compliance Solutions Services, LLC
434 West 20th Street, Suite 8
New York, NY 10011

Environmental and Geotechnical Engineering:

Sandstone Environmental Associates, Inc.
505 Main Street
Metuchen, NJ 08840

Whitestone Associates, Inc.
35 Technology Drive
Warren, NJ 07059

Legal Services:

Certilman Balin Adler & Hyman, LLP
100 Motor Parkway, Suite 156
Hauppauge, NY 11788

Traffic Engineering:

Atlantic Traffic & Design Engineers, Inc.
35 Technology Drive
Warren, NJ 07059

TABLE OF CONTENTS

	PAGE
SECTION 1: EXECUTIVE SUMMARY	1
SECTION 2: REVISED SEPTEMBER 21, 2011 DRAFT ENVIRONMENTAL IMPACT STATEMENT	9
SECTION 3: COMMENTS AND RESPONSES	183
3.1 General Statements Regarding DEIS	183
3.2 Traffic Related Comments	185
3.3 Location/Suffolk County Corridor Study	198
3.4 Hospital Road Bridge/Traffic	201
3.5 Brookhaven Memorial Hospital/Traffic	202
3.6 Local Roads/Traffic	205
3.7 Traffic/Other Projects	209
3.8 Trucks	209
3.9 Neighborhood Center Category	212
3.10 Area of Study	212
3.11 Land Use Goals/Studies	213
3.12 Other Projects	215
3.13 Villages	216
3.14 Other Suggestions/Impacts to Downtown	223
3.15 Alternatives	224
3.16 Location	226
3.17 900sf Office Building/Parking	229
3.18 Stormwater	236
3.19 Environmental Impacts	237
3.20 Sewer Capacity	239
3.21 Water	240
3.22 Ecology	242

3.23 Climate Change	244
3.24 EMS Impacts	244
3.25 Cumulative Lighting	244
3.26 Jobs	245
3.27 Wages	246
3.28 Sales Tax	247
3.29 Property Value	247
3.30 Quality of Life	248
3.31 Litter	249
3.32 Supplemental DEIS	249

LIST OF EXHIBITS

FOLLOWING PAGE:

Exhibit 1-1	Site Plan	13
Exhibit 1-2	Zoning Map	13
Exhibit 1-3	500' Radius Map	13
Exhibit 3-1	Site Circulation Plan	26
Exhibit 3-2	Lighting Plan	26
Exhibits 3-3, 3-4, 3-5	Elevations	26
Exhibit 6-1	Grading and Drainage Plan	35
Exhibit 11-1	Utility and Sanitary Plan	74
Exhibit 12-1	Aerial Map	85
Exhibit 13-1	Additional Traffic Figures and Tables	145
Exhibit 22-1	Site Plan 2	182
Exhibit 22-2	Concept Plan B	182
Exhibit 22-3	Concept Plan D	182
Exhibit 22-4	Site Plan 3	182

Exhibit 22-5	Site Plan 4	182
Exhibit 22-6	Site Plan 5	182

LIST OF TABLES

ON OR FOLLOWING PAGE:

Table 3-1:	Comparison Table of Existing and Proposed Site Conditions	22
Table 3-2:	Town of Brookhaven Table I - Maximum Permissible A-Weighted Sound Pressure Levels by Receiving Property Category, in dBA	24
Table 5-1:	Required Permits, Reviews, and Approvals	29
Table 5-2:	Environmental Review Process and Timeline	30
Table 6-1:	Slope Modification on the Subject Property	33
Table 6-2:	Earthwork Cut and Fill Volumes in Cubic Yards	33
Table 8-1:	Pre and Post Development On-Site Runoff	39
Table 9-1:	Roadside Area Vegetation	42
Table 9-2:	Interior Area Vegetation	44
Table 9-3:	Existing Wildlife and Habitats	45
Table 10-1:	Principal J2 and J4 Zone Dimensional Criteria Requirements and Project Compliance	50
Table 12-1:	Village of Bellport, Existing Business and Other Uses Inventory	77
Table 12-2:	Village of Patchogue, Existing Business and Other Uses Inventory	80
Table 13-1:	Seasonal Adjustment Factors for 2008 Traffic Count Adjustment	96
Table 13-2:	Weekday Evening Peak Hour HCS/Synchro Analyses	145
Table 13-3:	Saturday Midday Peak Hour HCS/Synchro Analyses	145
Table 13-4:	Weekday Evening Peak Hour 95 th Percentile Vehicular Queuing	145
Table 13-5:	Saturday Midday Peak Hour 95 th Percentile Vehicular Queuing	145
Table 13-6:	Other Planned Projects	100
Table 13-7:	ITE Trip Generation – 98,000 S.F. Free-Standing Discount Superstore and 900 S.F. Medical-Dental Office Building	106

Table 13-8:	New and Pass-By Traffic	107
Table 13-9:	Trip Generation Comparison Table (Trip Ends Per Hour)	108
Table 13-10:	ITE Trip Generation 75-Employee General Light Industrial	110
Table 13-11:	Weekday Evening Peak Hour HCS/Synchro Analyses	145
Table 13-12:	Saturday Midday Peak Hour HCS/Synchro Analyses	145
Table 13-13:	2011 Construction Analyses	145
Table 13-14:	Weekday Evening Peak Hour Vehicle Queuing	145
Table 13-15:	Saturday Midday Peak Hour Vehicular Queuing	145
Table 13-16:	Capacity Comparison: 2011 No-Build vs 2016 Build With Mitigation [VPH] Hospital Road & NSR	125
Table 13-17:	Summary of Accident Research Data - Hospital Road & Woodside Avenue (CR 99) - May 2005 – February 2009	130
Table 13-18:	Summary of Accident Research Data - Hospital Road & Gerri Lane – May 2005 – February 2009	131
Table 13-19:	Summary of Accident Research Data - Hospital Road & La Bonne Vie Drive West - May 2005 – February 2009	132
Table 13-20:	Summary of Accident Research Data - Hospital Road & Fish Thicket Road - May 2005 – February 2009	133
Table 13-21:	Summary of Accident Research Data - Hospital Road & The North Service Road - May 2005 – February 2009	134
Table 13-22:	Summary of Accident Research Data - Hospital Road & The South Service Road - May 2005 – February 2009	136
Table 13-23:	Summary of Accident Research Data - Hospital Road & Pondview Drive - May 2005 – February 2009	138
Table 13-24:	Summary of Accident Research Data - Westbound Route 27 (Sunrise Highway) & The Exit Ramp at Interchange 54 (Hospital Road Exit) - May 2005 – February 2009	139
Table 13-25:	Summary of Accident Research Data - Eastbound Route 27 (Sunrise Highway) & The Exit Ramp at Interchange 55 (CR 101 Exit) - May 2005 – February 2009	140
Table 13-26:	Summary of Accident Research Data - Sills Road (CR 101) & The North Service Road - May 2005 – February 2009	141

Table 13-27:	Summary of Accident Research Data - Sills Road (CR 101) & The South Service Road - May 2005 – February 2009	142
Table 13-28:	Summary of Accident Research Data - Waverly Avenue & The South Service Road - May 2005 – February 2009	143
Table 15-1:	Adverse Impacts that Cannot be Avoided	151
Table 22-1:	Alternatives – Comparison of Major Features and Primary Quantifiable Impacts	171

APPENDICES

A: DEIS Comment Compilation Reference List	A
B: Hearing Transcript – January 9, 2012	B
C: Public Comment Period Written Comments through January 19, 2012.	C
D: Letter from Thomas Ockers, President and CEO, Brookhaven Memorial Hospital Medical Center, dated July 13, 2012 and Comment Correspondence with the Town of Brookhaven’s Division of Traffic Safety through August 29, 2013.	D
E: Air Quality Technical Report	E
F: Water and Sewer Availability Letters	F
G: Transportation: Existing and No-Build Conditions	G
H: Transportation: Build and Build with Mitigation	H
I: Transportation: Accident Data	I
J: Professional Qualifications of FEIS Authors/Contributors	J

SECTION 1: EXECUTIVE SUMMARY

Introduction

This document is the Final Environmental Impact Statement (FEIS) for the **Wal-Mart at East Patchogue** project. This FEIS has been prepared as required by the Brookhaven Planning Board, as Lead Agency for administration of the Site Plan application, and as required by the New York State Environmental Quality Review Act (SEQRA). It has been prepared in accordance with 6 NYCRR § 617.

The Draft Environmental Impact Statement (DEIS), dated September 21, 2011, found that the proposed project, with the incorporation of the proposed mitigation measures, would not result in a significant adverse impact on the environment. Revisions to the DEIS are detailed at the end of this summary.

Project Description

The proposed action involves the development of a 98,000 square foot Wal-Mart store and 900 square foot office building on an approximately 16.64-acre parcel at the northeast corner of Hospital Road and the North Service Road of Sunrise Highway (NYS Rt. 27) in East Patchogue, NY. The construction of the site would be phased with the Wal-Mart store and all site parking being constructed during “Phase I” and the 900 square foot office building being constructed during “Phase II.” This parcel of land is currently undeveloped and is bordered by residential uses to the north and east, an existing recharge basin to the east, Hospital Road to the west, and Sunrise Highway to the south. This parcel of land is also bordered by a vacant lot, formerly a fuel station, to the southwest. The applicant does not presently own the site, but has entered into a contract to lease the property subject to approval of the Site Plan.

The property is under the jurisdiction of the Town of Brookhaven and is, according to the Town, currently zoned J Business 2 District – Neighborhood Business (J2), J Business 4 District – Professional and Business Offices (J4), and A – Residence 1 District (A1). The Wal-Mart store would be constructed on the J2 portion of the site, while the office building would be constructed on the J4 portion. No development is proposed on the A1 portion of the site.

The J2 and J4 portions of the site are each separate tax parcels and would be owned by separate entities. Off-street parking for the Wal-Mart store and office building would be provided on the J2 and J4 parcels in a total amount sufficient to comply with the Town’s parking requirements for the Wal-Mart store and office building. To facilitate the proposed shared parking, a cross-access and parking easement would be executed to benefit and burden both the J2 and J4 parcels. In addition, because the lot has split zoning classifications, relief would be sought from the Planning Board, as needed, pursuant to Town Code Section 85-52, to facilitate the shared parking arrangement set forth above.

Chapter 85, Article XXI, § 85-226, of the Town of Brookhaven's Zoning Regulations presents uses permitted in the J2 district. Per § 85-226, the J2 district expressly allows the proposed project as a "commercial center," which is defined as "a retail use(s), which exceeds a gross floor area of 100,000 square feet and/or occupies a site of five or more acres." Although the proposed 98,000 square foot Wal-Mart retail center would not exceed a gross floor area of 100,000 square feet, it would occupy a site of five or more acres (12.27 acres). The J2 district also allows "shops and stores for the sale at retail of consumer merchandise and services", banks and pharmacies without drive-through facilities, offices, personal service shops, and take-out restaurants, among other uses. The project would be consistent with the uses permitted in the J2 zoning district. Chapter 85, Article XXIII, § 85-247, of the Town of Brookhaven's Zoning Regulations lists administrative, financial, business, and professional offices as allowed uses in the J4 zone. Therefore, the proposed office building would be consistent with the uses permitted in the J4 zoning district. In addition, the site plan for the proposed project has been designed to meet the overall lot coverage, floor area ratio, setback, parking, loading, lighting standards, and other requirements as specified in the zoning regulations for the J2 and J4 districts. The proposed Wal-Mart retail store would meet or exceed all the dimensional and other requirements of the J2 and J4 zones.

Approvals

Concurrent with and following SEQRA review, the project would require a number of local and State approvals prior to the start of construction. The site plan approval process would proceed through the Town of Brookhaven Planning Board and take place concurrently with the SEQRA review process. Following site plan review, building plans would be submitted to the Town of Brookhaven's Division of Fire Prevention and Building Department for permit reviews and a Stormwater Pollution Prevention Plan (SWPPP) would be submitted to the Town for review for compliance with erosion and sediment control requirements. Subsequent to the Town's review and acceptance of the SWPPP, a Notice of Intent (NOI) would be filed with the New York State Department of Environmental Conservation (NYSDEC) for coverage under the Stormwater General Permit. On the County level, approvals would be required from the Suffolk County Department of Health Services and the Suffolk County Department of Public Works for sanitary sewer and water connections. State approvals would be required from the New York State Department of Environmental Conservation for stormwater management and the New York State Department of Transportation (NYSDOT) for off-site roadway improvements. NYSDOT approval would also be sought for the designation of westbound Sunrise Highway between Sills Road and Medford Road and the section of Hospital Road between Sunrise Highway and the proposed site driveway as an Access Highway.

Project History

Regarding the history of the subject project site, while most of the property had been historically zoned J3, approximately 3.0 acres of the site were zoned J4 (office use) prior to 1997. At that time, the current landowner asked the Town Board to consider rezoning those 3.0 acres from J4 to J3 so that a portion of the site could be used for retail or commercial development. This

application was granted by a Town Board resolution in September 1997 thus rezoning the 3.0 acre portion of the site to J3 to be consistent with the remainder of the site's zoning designation. In 2003, the Town made significant changes to its zoning code and in the use classifications of almost a thousand properties within the Town. The aforementioned parcel, as well as two (2) adjacent parcels owned by the current land owner and zoned J3, were included in the lists of properties that were rezoned on the Town Board's own motion from J3 to J2. The development restrictions for J2 property, when taken together with other 2003 Code amendments, in general, are more restrictive, permitting less density and requiring larger buffer areas and setbacks than those required under the old J3 zoning classification.

On August 13, 2008, the applicant submitted a Site Plan Application document for this project to the Brookhaven Planning Board. This submission included a Part I Environmental Assessment Form (EAF). The Planning Board, which declared itself lead agency under SEQRA, issued its Positive Declaration on March 23, 2009 requiring preparation of a DEIS as part of SEQRA review. In accordance with SEQRA regulations, the Board determined the proposed Wal-Mart project to be a Type I action. In their review, the Board noted potential impacts to include those to the natural environment through the clearing of twelve acres of natural wooded property for non-residential purposes, potential impacts to the existing transportation system as the site is expected to add significant traffic burdens to primary adjacent roads, and potential impacts on the growth and character of the community including nearby downtown areas such as the Bellport Village downtown and the Patchogue Village downtown. Pursuant to SEQRA regulations, the contents of the DEIS were determined through a process known as "scoping." The Draft Scope was issued on June 6, 2009 and the Final Scope was issued on September 8, 2009. To inform the community of the proposed project, following the issuance of the Positive Declaration, the Wal-Mart project team held a Community Open House on March 23, 2009. This meeting was well attended by the community and allowed the project team to present the scope of the project.

On March 12, 2010, a DEIS was submitted to the Town of Brookhaven for a 120,000 Wal-Mart store. On June 15, 2010, the Brookhaven Town Board voted to change the subject property's zoning from J2, to J2, J4, and A1. Subsequently, the proposed action was changed from a 120,000 square foot retail store to a 98,000 square foot retail store with a 900 square foot office building to be consistent with the uses allowed within parcels to be developed per the zoning regulations.

On June 6, 2011, the Brookhaven Planning Board issued a Positive Declaration for the preparation of a DEIS based on the revised proposed action. A public scoping meeting was held on June 23, 2011. This meeting was followed by a public comment period which ended on July 5, 2011. The Brookhaven Planning Board issued the final scoping document for the DEIS on August 8, 2011. The applicant submitted the DEIS for the revised proposed action, a 98,000 square foot retail store with a 900 square foot office building, on September 21, 2011.

The Brookhaven Planning Board held a public hearing on the DEIS on January 9, 2012. The public comment period on the DEIS ended on January 19, 2012. Comments received during that time period, both written comments and oral testimony, have been categorized and responded to in Section 3 of this FEIS.

Air Quality Technical Report

After reviewing the DEIS, the New York State Department of Transportation (NYSDOT) requested a microscale and mesoscale air quality analysis. An air quality technical report has been prepared by Sandstone Environmental Associates, Inc. This report, contained in **Appendix E** of this FEIS, analyzes future air quality both with and without the proposed action for microscale and mesoscale traffic emissions and greenhouse gases. Air emissions of carbon monoxide and carbon dioxide were analyzed for traffic sources. For stationary sources, carbon dioxide emissions were evaluated for electrical uses as well as natural gas and fuel for heating and hot water. Traffic air quality was evaluated based on the NYSDOT *Environmental Procedures Manual*. Greenhouse gas (GHG) emissions of CO₂ were evaluated based on guidance in *Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements* by the New York State Department of Environmental Conservation (NYSDEC), July 15, 2009. Information on emission factors was obtained from formulas provided by the EPA for converting energy use into greenhouse gas emissions. Based on the analyses contained in the air quality technical report, no significant adverse air quality impacts associated with traffic air quality or greenhouse gases were projected as a result of the Proposed Action.

October 2012 Site Plan Revision

Since the September 21, 2011 DEIS submission, the project site plan has been revised by the applicant resulting in a more efficient and economic layout within the same 98,000 square foot footprint. Changes to the plan include moving the northerly building wall by approximately 35 feet south, shifting the front entrance approximately 30 feet north, reducing the front drive aisle to a 30 foot width with a 24 foot minimum width at the entrance, reducing the front sidewalk area from 25 feet to 17 feet south of the entrance, increasing the front sidewalk area to approximately 39 feet to the north of the entrance, and moving the loading spaces south to face the South Service Road. Additional changes to the site plan include increasing the size of the landscape islands in the parking field to approximately 10 feet in width, omitting the 2 foot hatching on the end parking spaces and providing two bio-swales in two of the main east west islands in the front parking area. ADA parking spaces have been shifted to the north for better alignment with the new entrance location. A sanitary lift station is anticipated being needed for sanitary flow produced by the proposed project. The proposed location for this lift station is in the large island near the J-2/J-4 boundary. As of result of the altered building footprint and related site plan changes, there would be modifications made to the grading and drywell systems in the front and rear of the Wal-Mart building. The revised plan includes four loading spaces for the Wal-Mart building, scaled back from five as shown on the previous site plan. This configuration includes three spaces with dock doors for truck deliveries and one space with a man-door that would utilize a ramp for smaller vendor deliveries. As shown on the previous plan, the office building layout would include one loading space. The number of parking spaces

on the revised plan has changed from 572 spaces to 581 spaces, a net increase of nine parking spaces. The revised site plan meets all Town of Brookhaven zoning requirements.

Revisions to the Draft Environmental Impact Statement

As a result of the changes to the site plan and updates to traffic data, several sections of the DEIS submitted to the Town on September 21, 2011 have been updated. For ease of review, the DEIS, including all referenced exhibits, is provided in its entirety in Section 2 of this FEIS document.

The changes to the related Chapters are as follows:

Chapter 1: Project Location and Overview

No changes proposed.

Chapter 2: Project Need and Purpose

This Chapter has been updated to reflect updated wage, tax, and supplier data.

Chapter 3: Project Design and Layout

Based on the site plan revisions, updates have been made to setback, parking, loading, stormwater, disturbed surface area, and landscaping data contained within this Chapter.

Chapter 4: Construction Process and Operations

No changes proposed.

Chapter 5: Permits and Approvals Required

Text updates have been made to the permits required as well as the current status of the Site Plan approval process and SEQRA.

Chapter 6: Topography

Based on the site plan revisions, updates have been made to mean sea level and cut and fill data contained within this Chapter.

Chapter 7: Soils

No changes proposed.

Chapter 8: Drainage

Based on the site plan revisions, updates have been made to stormwater, disturbed surface area, and landscaping data contained within this Chapter.

Chapter 9: Ecology

Based on the site plan revisions, updates have been made to disturbed surface area and landscaping data contained within this Chapter. Updates have also been made to the wetlands text.

Chapter 10: Land Use, Zoning, and Community Plans

Based on the site plan revisions, Table 10-1: *Principal J2 and J4 Zone Dimensional Criteria Requirements and Project Compliance* has been updated to reflect changes to setback, parking, loading, and landscaping data. Additional updates to stormwater, disturbed surface area, and landscaping data are contained within the text of this Chapter.

Chapter 11: Community Facilities and Services

No changes proposed.

Chapter 12: Analysis of Potential Impacts of Project on Downtown Areas of Bellport Village and Patchogue Village

No changes proposed.

Chapter 13: Transportation

The Transportation Chapter has been updated to include additional analysis of construction peak hour traffic as well as a review of the *Hospital Road Corridor Study* that was issued in June, 2012. The *Hospital Road Corridor Study* was prepared by Nelson & Pope for the Town of Brookhaven Division of Public Safety to identify strategies to improve traffic flow and capacity along the Hospital Road Corridor and to improve safety for pedestrians and drivers. Additional revisions to Chapter 13 include updates to the parking data for the proposed action and modifications to the signal timing at the North Service Road/South Service Road/Hospital Road intersections and the proposed extension of the existing eastbound South Service Road right-turn lane, at the eastbound approach to the signalized intersection, by approximately 300 feet. Updates to the Existing and No-Build Conditions, Build and Build with Mitigation, and Accident data are included in Appendices G-I of this document.

Chapter 14: Short Term, Long Term, and Cumulative Impacts

Based on the site plan revisions, updates have been made to cut and fill, disturbed surface area, and landscaping data contained within this Chapter. Updates have also been made to Wal-Mart's solid waste generation data.

Chapter 15: Adverse Impacts that Cannot be Avoided

Based on the site plan revisions, updates have been made to cut and fill and disturbed surface area data contained within this Chapter. Updates have also been made to Wal-Mart's solid waste generation data.

Chapter 16: Irreversible and Irretrievable Commitment of Resources

No changes proposed.

Chapter 17: Growth Inducing Impacts

No changes proposed.

Chapter 18: Effect on the Use and Conservation of Energy Resources

No changes proposed.

Chapter 19: Solid Waste Management

This Chapter has been updated to reflect Wal-Mart's latest solid waste management initiatives.

Chapter 20: Ground Water Protection Area Program

No changes proposed.

Chapter 21: Proposed Mitigation Measures

Based on the site plan revisions, updates have been made to cut and fill, stormwater, disturbed surface area, landscaping, and setback data contained within this Chapter.

Chapter 22: Alternatives

Based on the site plan revisions, updates have been made to the parking and landscaping data for the proposed action within this Chapter. Updates have also been made to Wal-Mart's solid waste generation data.

The DEIS contains five alternatives to the proposed action. Those alternatives are as follows:

- **Alternative 1** – No Action
- **Alternative 2** - Small scale neighborhood shopping center similar to Concept Plan B or D as presented to the Town Board in 1996
- **Alternative 3** - Development of a 120,000 square foot Wal-Mart store with a 900 square foot office building
- **Alternative 4** - Development of a 120,000 square foot Wal-Mart store
- **Alternative 5** - Development of a 133,592 square foot medical office park

The September 21, 2011 DEIS identified Alternative 5 as requiring the issuance of a floor area variance by the Town of Brookhaven Zoning Board of Appeals. Upon further review of the alternative plan, this is incorrect. Alternative 5 meets the zoning thresholds for floor area and a variance is not required. This plan is an as of right approval as it meets all requirements of Chapter 85 – Zoning of the Brookhaven Town Code.

Organization of this Document

The FEIS is divided into 3 sections. This Section, the Executive Summary, comprises Section 1. Section 2 includes the DEIS and the revisions discussed above. Section 3 of this document presents all of the substantive comments on the DEIS that were provided in verbal testimony at the January 9, 2012 public hearing as well as in written form through the January 19, 2012 public comment period. The comments in Section 3 have been grouped by category and responded to accordingly. In order to organize the comments received, the applicant created a spreadsheet that assigns each comment a number, lists the name of the commenter, lists the method of comment delivery (oral testimony/written comments), and lists the primary comment topic(s). This spreadsheet is contained in **Appendix A** and serves as a reference key to the numbered comments in Section 3. A copy of the January 9, 2012 hearing transcript is provided in **Appendix B**. **Appendix C** contains copies of all written comments received by the Town of Brookhaven from both government agencies and the public through the January 19, 2012 public comment period. **Appendix D** contains a copy of a letter from Thomas Ockers, President and

CEO, of Brookhaven Memorial Hospital Medical Center, dated July 13, 2012, regarding Wal-Mart's revised traffic mitigation plans and comment correspondence with the Town of Brookhaven's Division of Traffic Safety through August 29, 2013. **Appendix E** contains the air quality technical report that has been prepared by Sandstone Environmental Associates, Inc in response to comments. **Appendix F** contains the water and sewer availability letters related to adequacy of the site's system. The appendices of this FEIS also contain updated versions of the transportation data provided in the September 21, 2011 DEIS's appendices. **Appendix G** contains updates to the Existing and No-Build Conditions data that was included in Appendix I of the DEIS. **Appendix H** contains updates to the Build and Build with Mitigation data that was included in Appendix J of the DEIS. **Appendix I** contains updates to the Accident data that was included in Appendix K of the DEIS. **Appendix J** contains updates to the Professional Qualifications of the FEIS Authors and Contributors that was included in Appendix L of the DEIS.

**SECTION 2: REVISED SEPTEMBER 21, 2011 DRAFT
ENVIRONMENTAL IMPACT STATEMENT**

CHAPTER 1: PROJECT LOCATION AND OVERVIEW

The subject project site is a 16.64-acre wooded parcel situated at the northeast corner of Hospital Road and the North Service Road of Sunrise Highway (NYS Route. 27) in the Hamlet of East Patchogue, Town of Brookhaven, New York. The proposed project is to develop a 98,000 square foot Wal-Mart retail store and a 900 square foot office building on this property. (See Site Plan, Exhibit 1-1) The project site consists of four (4) lots and is shown on the Suffolk County Tax Map as parcel nos. 0200-926-03-27.2 & 24 (District 2, Section 926, Block 3, Lots 27.2 and 24) and 0200-927-01-36.2 & 37 (District 2, Section 927, Block 1, Lots 36.2 and 37). The site has not previously been developed and provides no vehicular access. The property is located along the westbound approach of the North Service Road, and is bounded by the North Service Road to the south and Hospital Road to the west. The property is adjacent to the La Bonne Vie apartment complex to the north and east, an existing recharge basin to the east, and a vacant lot, formerly a fuel station, to the southwest at the corner of Hospital Road and North Service Road. The applicant, Wal-Mart Stores Inc., does not presently own the site, but has entered into a contract to lease the property subject to approval of the Site Plan.

The project site is irregularly configured with frontage of approximately 750 +/- feet on Hospital Road and approximately 1,300 +/- feet along the North Service Road. The North Service Road frontage of this site includes a long narrow rectangular parcel (lot 37) that extends to Sipp Avenue and contains approximately one-acre of land. At the intersection of the North Service Road and Hospital Road there is a separate parcel of land (the aforementioned vacant lot, formerly a fuel station) containing approximately 1.1 +/- acres which is not part of the proposed development (Tax Map 0200-926-03-23.1). The proposed main access to the development would be on Hospital Road, approximately 700 +/- feet from the intersection of Hospital Road and the North Service Road (opposite the entrance to the North Patchogue Fire House). A secondary right turn egress from the site to Hospital Road is also proposed near the north end of the project site.

In the immediate vicinity of the site, the North Service Road is a two-way roadway providing one (1) lane to accommodate each direction of travel and having a general east/west orientation parallel to Sunrise Highway. Hospital Road provides general north/south mobility in the site vicinity. North of the site, Hospital Road provides one (1) lane and an alternating center two-way left-turn lane for each direction of travel. To the south of the subject property, Hospital Road provides one (1) lane to accommodate each direction of travel. Hospital Road intersects the North Service Road to form a four-leg intersection under a three-phase traffic signal control. The westbound Sunrise Highway exit-ramp intersects the North Service Road to form a three-leg unsignalized intersection.

The project site is currently vacant. Soils formations on the property are fine to medium loamy sand and gravel and well drained. The landscapes hydric soils support a Pine/Oak forest. The landscape resembles a regional Pine/Oak forest with a slight coastal influence. Evidence of human interference (open trails and dumping) is evident, as well as indications of forest burning. Residential dwellings cluster around the site on two sides (north and east). The forest is composed of multi-aged stands of Pitch Pine, Black Pine, and Oak, and to a lesser degree is spotted with Eastern Red Cedar, White Cedar, Black Cherry, Smooth Alder, Crabapple, Hackberry, and White Poplar. A dense multi-layered thicket of Multi-flora Rose, Bittersweet, Wild Violet, Highbush Blueberry, and re-sprouting Oak surround the exterior perimeters of the site. Lowbush Blueberry, Huckleberry, Inkberry, Common Moss, and Sweet-fern sporadically occupy the forest floor (Bohler Engineering, Inc., Flora and Fauna Analysis, dated May 16, 2007). Approximately 0.6 acres of the 16.64-acre project site consists of disturbed and unvegetated land.

The 16.64-acre (725,030 square foot) property is under the jurisdiction of the Town of Brookhaven and is currently zoned J Business 2 District – Neighborhood Business (J2), J Business 4 District – Professional and Business Offices (J4), and A – Residence 1 District (A1) (per decision issued by the Brookhaven Town Board on June 15, 2010). The J2 portion of the project site totals approximately 12.27 acres in size (534,625 square feet); the J4 zoned portion contains approximately 3.0 acres (130,671 square feet); and the A1 zoned portion consists of approximately 1.37 acres (59,734 square feet) of land area. Within a 500 foot radius of the project site are a mixture of commercial, community facility, and residential uses, and vacant and/or undeveloped lands. These properties have various zoning classifications including PRC Residence (Planned Retirement Community) and MF Residence (Multi-Family) to the north and east of the project site, and A1 Residence/B Residence to the west and the south of the site. Small areas zoned for business use, the J Business 5 (J5) zone, are mapped to the south of the site. (See Zoning Map, Exhibit 1-2 and 500' Radius Map, Exhibit 1-3)

Regulations for the J Business 2 District are detailed in the Town of Brookhaven's Town Code, Chapter 85 Zoning, Article XXI. Per § 85-226, the J2 district expressly allows the proposed Wal-Mart store as a "commercial center," which is defined as "a retail use(s), which exceeds a gross floor area of 100,000 square feet and/or occupies a site of five or more acres". Although the proposed 98,000 square foot Wal-Mart retail center would not exceed a gross floor area of 100,000 square feet, it would occupy a site of five or more acres (12.27 acres). The J2 district also allows "shops and stores for the sale at retail of consumer merchandise and services", banks and pharmacies without drive-through facilities, offices, personal service shops, and take-out restaurants among other uses. The proposed Wal-Mart store would be consistent with the uses permitted in the J2 zoning district.

Per § 85-229, the J2 district regulations detail site dimensional criteria for commercial centers. In J2, the minimum required lot area is five (5) acres and the minimum required lot width is 300 feet. The minimum setbacks are as follows: front yard setback is 100 feet, side yard setback is 50 feet, and rear yard setback is 75 feet. The maximum permitted floor area ratio (FAR) for a commercial center such as the subject proposal is 20%. The maximum permitted height for all structures is 35 feet.

Regulations for the J Business 4 District are detailed in the Town of Brookhaven's Town Code, Chapter 85 Zoning, Article XXIII. Per § 85-247, the J4 district expressly allows buildings to be used as administrative, financial, business, and professional offices. The proposed office building would be consistent with the uses permitted in the J4 zoning district. Per § 85-251, the J4 district regulations detail site dimensional criteria. In J4, the minimum required lot area is 10,000 square feet and the minimum required lot width is 75 feet. The minimum setbacks are as follows: front yard setback is 40 feet, side yard setback is 10 feet, and rear yard setback is 25 feet. The maximum permitted floor area ratio (FAR) is 25%. The maximum permitted height for all structures is 35 feet.

Article XXXIV of the Town Code details off-street parking and loading requirements. Buildings with a floor area between 40,000 and 100,000 square feet require four (4) loading spaces. Parking requirements for commercial centers are calculated at one (1) space per 175 square feet of gross floor area. Buildings with a floor area under 8,000 square feet require one (1) loading space. Parking requirements for office uses are calculated at one (1) space per 150 square feet of gross floor area.

Article VI, § 85-50 describes the land development standards for site plan approval. For commercial centers, 30% of the site shall be maintained as landscaped or natural area per the Town's standards and guidelines. A minimum of 50 feet of landscaped or natural area shall be maintained along all street frontages. Street trees with a minimum of four inches caliper shall be planted or maintained adjacent to all road frontages a minimum of 30 feet on center. The proposal is also in compliance with the 100-foot Arterial Setback and Buffer requirement set forth in Chapter 85 of the Brookhaven Town Code.

Pursuant to Article VI, § 85-50, parking areas are to be screened according to Town standards. Large parking areas are to be divided into smaller parking fields of 50 cars with landscaping to reduce the visual impact of large expanses of pavement, direct vehicular traffic through the parking lot, and to provide a location for pedestrian walks. Landscape aisles or strips shall include trees with a minimum caliper of four inches at a minimum of one tree for every 30 feet. Irrigation is also required. Code dictates that there should be a minimum perimeter buffer area of 75 feet adjacent to any residential use or zone for commercial centers. The density of the buffer

and quality of the plantings should be equal to five rows of evergreens seven feet high and five feet on center.

The J2 zoned portion of the project site could be developed with up to approximately 106,925 square feet of floor area based on the permitted FAR of 20%. The proposed Wal-Mart store would have an FAR of 18.3%. The J4 zoned portion project site could be developed with up to approximately 32,667 square feet of floor area based on the permitted FAR of 25%. The proposed office building would have an FAR of 0.7 %. As discussed in Chapter 3 and shown on the Site Plan, the proposed Wal-Mart retail store would meet or exceed all the dimensional and other requirements of the J2 zone and the office building would meet those of the J4 zone. As no development is planned on the A1 Residence zoned parcel, the regulations of this District are not relevant to the proposed project.

CHAPTER 2: PROJECT NEED AND PURPOSE

Wal-Mart stores offer customers the convenience of shopping for a wide range of retail and grocery products and services at competitive prices at one location and under one roof. Wal-Mart's intent to develop a store at the site at Hospital Road and the North Service Road of the Sunrise Highway in East Patchogue stems from its goal to better serve the community in this area. Wal-Mart has thoroughly reviewed this site and the surrounding area, considering the existing zoning and commercial uses in the area. Wal-Mart selected this site based on its accessibility, availability of utilities, and the suitability of the land for development.

Wal-Mart offers its consumers a wide variety of goods at affordable prices. Shopping at Wal-Mart enables consumers to save money without sacrificing quality or selection. Beyond consumer benefits, Wal-Mart stores also benefit the community. Wal-Mart stores generate considerable tax revenues which are vital for local schools and town services. In fiscal year 2013, on behalf of the State of New York, Wal-Mart collected more than \$375.8 million in sales taxes and paid more than \$108.1 million in state and local taxes. Wal-Mart stores bring significant job opportunities to the areas in which they are located and the proposed East Patchogue store is expected to create approximately 200-250 jobs. Wal-Mart offers its employees competitive wages and benefits. As of July 2013, the average wage for regular, full-time hourly associates in New York is \$13.07 per hour. The majority of Wal-Mart associates are full time. Associates are eligible for performance-based bonuses as well as Profit Sharing and 401(k) Plans.

Wal-Mart also supports suppliers in the community. In fiscal year 2013, Wal-Mart spent over \$10.8 billion with suppliers, supporting 100,691 supplier jobs.

Wal-Mart believes that a store in East Patchogue would bring tremendous benefits to the community. Wal-Mart maintains that its retail offerings and services would enhance the supply and choice of retail goods and services in the local area. The proposed 98,000 square foot Wal-Mart store would offer one-stop family shopping by combining a full grocery selection and general merchandise sales under one roof. Grocery offerings would include a full service bakery, deli, and produce department, as well as frozen foods, dry goods, and household supplies. General merchandise offerings would include apparel, health and beauty supplies, electronics, toys, housewares and home furnishings, as well as automotive supplies.

Wal-Mart believes that the subject site at Hospital Road and the North Service Road of Sunrise Highway would be the best location in this community to accomplish its consumer goals. As this

proposed Wal-Mart retail store is allowed by zoning in the J2 district, Wal-Mart also believes that a store at this location would comply with the Town's vision for the area.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. These operating hours would provide shopping opportunities not typically offered by other stores in the area. This would be particularly convenient for local hospital workers and emergency service personnel who have non-traditional work shifts as they would be able to complete their shopping during off peak hours. The proposed office building would typically operate during normal business hours Monday through Friday with limited employee activity after hours and on weekends on an as-needed basis.

As discussed in greater detail in Chapters 3 and 10 of this EIS and shown on the Site Plan, the proposed Wal-Mart retail store and office building would be consistent with the uses permitted in the J2 and J4 zoning districts, respectively, and would meet or exceed all the dimensional and other requirements of the J2 and J4 zones. The project site is zoned for business use and is therefore considered to be part of the overall blueprint for planned economic growth of the Town of Brookhaven which would lead to the creation of jobs and economic opportunities.

The Town of Brookhaven Final 1996 Comprehensive Land Use Plan (The Plan) also includes several recommendations relevant to the proposed project as further discussed in Chapter 10 of the EIS and summarized below.

The Plan specifically addresses existing, proposed, and potential future commercial development along Sunrise Highway-New York State Route 27. The proposed development would be located at the intersection of Hospital Road and Sunrise Highway. The Plan states that "at the interchange (of Sunrise Highway/Route 27) with Hospital Road there are vacant business properties on the northeast and southwest. The northeast corner, which is zoned J-3 and J-4, has been proposed for a shopping center." At the time The Plan was written, the project site was being considered for a shopping center development. This development plan was approved by the Town Board but, ultimately, the project did not proceed. The proposed Wal-Mart retail store development would therefore be in accordance with previous commercial proposals for the project site.

The Plan discusses several improvements underway or planned to Hospital Road and to the Hospital Road bridge over Sunrise Highway. As detailed in the Transportation chapter of this EIS, several intersections that would be affected by this proposed development are proposed to be improved. In addition, the owner of the subject project site has made a proportionate contribution to the overall costs of bridge reconstruction proposed on Hospital Road spanning

the Sunrise Highway. These improvements and contributions are consistent with general discussions in The Plan relating to improvements to the existing roadway network within the Town.

The proposed project would meet The Plan's goal to create strong economic activity to provide jobs and an adequate tax base in the Town. In addition, the property owner's contribution to the costs of bridge reconstruction on Hospital Road spanning the Sunrise Highway would meet The Plan's goal to support appropriate roadway improvements to adequately serve adjacent land use.

Regarding the history of the subject project site, while most of the property had been historically zoned J3, approximately 3.0 acres of the site were zoned J4 (office use) prior to 1997. At that time, the current landowner asked the Town Board to consider rezoning those 3.0 acres from J4 to J3 so that a portion of the site could be used for retail or commercial development. This application was granted by a Town Board resolution in September 1997 thus rezoning the 3.0 acre portion of the site to J3 to be consistent with the remainder of the site's zoning designation. In 2003, the Town made significant changes to its zoning code and in the use classifications of almost a thousand properties within the Town. The aforementioned parcel, as well as two (2) adjacent parcels owned by the current land owner and zoned J3, were included in the lists of properties that were rezoned on the Town Board's own motion from J3 to J2. The development restrictions for J2 property, when taken together with other 2003 Code amendments, in general, are more restrictive, permitting less density and requiring larger buffer areas and setbacks than that required under the old J3 zoning classification.

On August 13, 2008, the applicant submitted a Site Plan Application document for this project to the Brookhaven Planning Board. This submission included a Part I Environmental Assessment Form (EAF). The Planning Board, which declared itself lead agency under SEQRA, issued its Positive Declaration on March 23, 2009 requiring preparation of a DEIS as part of SEQRA review. In accordance with SEQRA regulations, the Board determined the proposed Wal-Mart project to be a Type I action. In their review, the Board noted potential impacts to include those to the natural environment through the clearing of twelve acres of natural wooded property for non-residential purposes, potential impacts to the existing transportation system as the site is expected to add significant traffic burdens to primary adjacent roads, and potential impacts on the growth and character of the community including nearby downtown areas such as the Bellport Village downtown and the Patchogue Village downtown. Pursuant to SEQRA regulations, the contents of the DEIS were determined through a process known as "scoping." The Draft Scope was issued on June 6, 2009 and the Final Scope was issued on September 8, 2009. To inform the community of the proposed project, following the issuance of the Positive Declaration, the Wal-Mart project team held a Community Open House on March 23, 2009. This meeting was well attended by the community and allowed the project team to present the scope of the project.

On March 12, 2010, a Draft EIS was submitted to the Town of Brookhaven for a 120,000 Wal-Mart store. On June 15, 2010, the Brookhaven Planning Board voted to change the subject property's zoning from J2, to J2, J4, and A1. Subsequently, the proposed action was changed from a 120,000 square foot retail store to a 98,000 square foot retail store with a 900 square foot office building to be consistent with the uses allowed within parcels to be developed per the zoning regulations. This Draft EIS reflects the changes to the proposed action.

On June 6, 2011, the Brookhaven Planning Board issued a Positive Declaration for the preparation of a DEIS based on the revised proposed action. A Public Scoping Meeting was held on June 23, 2011. This Meeting was followed by a public comment period which ended on July 5, 2011. The DEIS has been prepared in conformance with the requirements of the New York State Environmental Quality Review Act (SEQRA) and is based on the final scoping document issued by the Brookhaven Planning Board on August 8, 2011.

CHAPTER 3: PROJECT DESIGN AND LAYOUT

The proposed project is a 98,000 square foot Wal-Mart retail store on the J2 zoned portion of the property with a 900 square foot office building on the J4 zoned portion of the property, the latter to be constructed during “Phase 2” of the project (See Site Plan, Exhibit 1-1). The Wal-Mart building would be situated in the southeast portion of the lot, facing west towards Hospital Road. Primary access to the site would be provided via a new full movement signalized driveway opposite the existing Fire Station along Hospital Road with a secondary right turn egress to Hospital Road near the office building at the north end of the project site (See Site Circulation Plan, Exhibit 3-1). The Wal-Mart retail store building would have a minimum setback of approximately 104’ from the North Service Road and approximately 446’ from Hospital Road. The proposed office building would be set back approximately 163’ from Hospital Road and 64’ from the adjacent La Bonne Vie apartment complex property line. All setbacks are in accordance with Town requirements. As shown on the Site Plan, the proposed project would meet or exceed all requirements of the J2 and J4 Business zones.

The proposed project would provide parking for 581 vehicles including 16 handicap spaces and 15 land banked spaces. Parking areas would be located on both sides of the on-site driveway to the north and west of the building, separating the building from Hospital Road. Main drive aisles would be a minimum of 30 feet wide. Parking aisles would measure 24 feet in width and individual parking stalls would measure 9 feet by 20 feet in accordance with Town standards. The development would also include five (5) loading spaces, four (4) for Wal-Mart and one (1) for the office building. New curbs and sidewalks are proposed along both the Hospital Road and North Service Road frontages of the site. In addition, new storm water drywells would be provided along the Hospital Road frontage.

Per the Brookhaven Town Code’s Table of Off-Street Parking Requirements (§85-353) a parking ratio of one (1) space per 175 square feet of building gross floor area is required for commercial centers. The proposed 98,000 square foot Wal-Mart store would require 560 parking spaces. The parking ratio for office uses is one (1) space per 150 square feet of building gross floor area. The proposed 900 square foot office building would require 6 parking spaces. Therefore, the total parking required for the project is 566 parking spaces. Per the Site Plan, the proposed Wal-Mart parcel provides 419 spaces while the proposed office building parcel provides 162 spaces, resulting in a total parking supply of 581 spaces. A cross-access and parking easement would be executed as the parking would be shared between the Wal-Mart store and office building, thus providing a sufficient number of spaces to comply with the parking requirements. In addition, because the lot has split zoning classifications, relief would be sought from the Planning Board, as needed, pursuant to Town Code Section 85-52, to facilitate the shared parking arrangement set forth above.

The parking area lighting would involve fixtures with a 20' mounting height. This would be provided by 17' high poles mounted on 3' bases. The lights would include shielding to prevent spillover to adjacent properties. The lighting configuration is consistent with Illuminating Engineering Society of North America (IESNA) standards for safety and is compliant with IESNA "Dark Sky" guidelines and Article XXXIX (§ 85-463 - § 85-475) of the Brookhaven Town Code, which details the Town of Brookhaven's exterior lighting standards. Site lighting would be designed with dark sky compliant lighting fixtures so that the potential for adverse impacts from fugitive lighting, both on wildlife as well as on adjacent properties, would be minimized. Photometric analyses would be performed to ensure that there would be no lighting impacts to adjacent properties or wildlife. The proposed photometric plan shows no light trespass at the property lines. As shown on the Lighting Plan (See Exhibit 3-2), the proposed project would meet or exceed all requirements, including all minimum, maximum and average foot-candles, of the Town lighting standards.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. These operating hours would provide shopping opportunities not typically offered by other stores in the area. This would be particularly convenient for local hospital workers from the nearby Brookhaven Memorial Hospital and emergency service personnel who have non-traditional work shifts as they would be able to complete their shopping during off-peak hours. Parking lot lighting during late night hours would typically be limited to store entrances and paths to the front door from the most preferred parking stalls. All other areas not in use would be lit according to the safety conditions set forth in the IESNA standards.

The proposed project would be serviced by public water and sanitary sewer facilities. An existing water main along Sipp Avenue to the east would be extended along the North Service Road to the subject property. Arrangements have previously been made to connect the subject property to the public sewer system via the adjacent La Bonne Vie apartment complex's sanitary sewer and pump station, notwithstanding the project's compliance with Article 6 of the Suffolk County Sanitary Code permitting the use of septic systems. According to record maps and availability letters from the Suffolk County Department of Public Works (SCDPW), there is currently 20,000 GPD reserved for the subject site in SCSD # 7 - Twelve Pines Sewage Treatment Plant (See Appendix F). When La Bonne Vie apartment complex was built, the developer constructed an additional sanitary manhole for the subject site to tie into, which is located just north of the northern property line of the subject site on the southern portion of La Bonne Vie's grounds.

The proposed project would connect to existing electric, gas, and telephone utilities located within the adjacent R.O.W.s. The developed areas of the subject site would be graded to achieve a maximum 1.0-2.5% slope across the paved parking lot and a maximum 5% slope along entrance driveways. Stormwater runoff generated from on-site pavement, roof surfaces, and

landscaped areas shall be directed toward catch basins and collected in a system of drywells so that there would be no overland runoff from the developed area onto adjacent properties or roadways.

It is estimated that sanitary waste water from the proposed project would total approximately 5,202 gallons per day (gpd). Stormwater runoff is anticipated at 177,078 cubic feet (cf) with generation based on a 5" rainfall runoff event per Town of Brookhaven requirements. The proposed project would be designed with an on-site storage capacity of 71,422 cf (2.0" of runoff) via drywells and an additional 143,819 cf (4.0" of runoff) would be accounted for in surface storage in the main parking areas and bio-swales on-site per Town of Brookhaven requirements.

Runoff from the roads and parking areas may carry contaminants such as metals, petroleum, hydrocarbons, sand, salt, and/or other compounds. Runoff from non-vehicle areas, such as roofs or sidewalks, would be relatively clean. Any such contaminants would be filtered through natural Long Island sandy soils once directed into the proposed drywells and bio-swales. Further detail on the infiltration stormwater management process is provided in the later sections of this DEIS.

The proposed design would include 77 drywells scattered throughout the site to disperse the runoff from multiple tributary areas. The storm runoff from these drywells would percolate through the underlying sandy soils and would be naturally filtered before entering groundwater. As further detailed in Chapter 20 of this DEIS, the Long Island segment of the National Urban Runoff Program (NURP) concluded that, with regard to recharge basins, infiltration through the soil is an effective mechanism for eliminating most of the inorganic chemical constituents for which analysis is performed. NURP further recommends, as is the case with the project site, that storage leaching drainage systems should also be considered for use where the installation of recharge basins is not feasible.

In addition, two bio-swales would be provided in the main parking lot as a measure to manage and treat small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow, vegetated, depression.

Nearby environmentally sensitive areas would not be affected by the proposed project. Swan River is located approximately 4,000 linear feet (lf) or 0.75 miles from the project site. The NYSDEC provides a Wetland Check Zone of a 100 foot buffer surrounding the river. The project site is well outside this boundary. Additionally, Fish Thicket Preserve is located approximately 1,500 lf or 0.28 miles from the project site and will not be impacted by the proposed development. There are local water wells located along Hospital Road to the north of the site. As indicated on the Suffolk County Groundwater Contour Map, the underlying groundwater table

flows to the south; therefore, the stormwater that infiltrates into the ground will not impact the wells.

Clearing the subject site for construction of this project would not cause local flooding. Development of the site may actually decrease the chances of flooding in this area since the development is proposing to retain the runoff on-site and leach it through the ground with the use of drywells. The current project also proposes to install curbs and drainage along the Hospital Road frontage. These systems would decrease the chances of flooding. Additionally, these practices would also reduce storm water flows into the adjacent recharge basin from the subject site. This, in turn, would provide greater storage capacity for runoff from the public roadways and adjacent areas. Overall, the development of the grading and drainage systems for the proposed project would reduce the amount of runoff leaving the site which would help decrease the chances of local flooding in the nearby vicinity.

Solid waste generated by the Wal-Mart store would be processed on-site in a compactor. This compactor would be screened to minimize visual impacts to the public while also maintaining accessibility for removal. The waste would be removed by a private carter for transfer to a landfill or recycling facility. Cardboard and pallets would be stored in a bale and pallet enclosure for pick-up and offsite recycling. As part of general store operations, the Wal-Mart store manager and site maintenance staff inspect the parking areas on a daily basis to keep them clear of litter. Solid waste generated by the proposed office building would be held in a trash enclosure for pick-up and be taken off-site for disposal.

The proposed development would include clearing of approximately 11.21 acres of existing vegetation, leaving approximately 32.6% natural vegetation on the site. This includes a 60'-75' wide natural buffer to the adjacent La Bonne Vie apartment complex, a 65' wide natural buffer to North Service Road, and a 50'-60' wide natural buffer to Hospital Road. The subject property also includes a +/-70' wide wooded strip of land that extends easterly along the North Service Road to Sipp Avenue that would remain undisturbed. The total building and land area to be developed is approximately 9.16 acres. The building would cover approximately 2.27 acres or 13.6% of the site and an additional approximately 7.10 acres or 42.7% of the site would be paved. A total of approximately 5.43 acres of the property would remain undisturbed.

Approximately 1.84 acres of new landscaping would be added to the site within parking lot islands and to supplement existing vegetation within the perimeter buffer areas. Landscaping would include the addition of approximately 56 deciduous trees, approximately 41 evergreen trees, approximately 407 deciduous and evergreen shrubs, approximately 173 groundcover plantings, and approximately 24 ornamental grass plantings. Upon completion of the project, approximately 7.27 acres (43.7%) of the property would be vegetated with natural and

supplemental plantings and approximately 9.37 acres (56.3%) of the property would be covered by the building, parking areas, and other paved surfaces. Below is a table which compares existing and proposed site conditions.

Table 3-1: Comparison Table of Existing and Proposed Site Conditions

Site Condition	Current	Proposed
Vegetated Area	16.04 Acres (96.4%)	
Existing Vegetated Area to Remain		+/- 5.43 Acres (32.6%)
Newly Landscaped Area		+/- 1.84 Acres (11.1%)
Total		+/- 7.27 Acres (43.7%)
Disturbed (Existing)/Building and Paved Areas (Proposed)	0.6 Acres (3.6%)	+/- 9.37 Acres (56.3%)
Buffer adjacent to the La Bonne Vie apartment complex	N/A – site is undeveloped	60’-75’ wide natural buffer
Buffer adjacent to Hospital Road	N/A – site is undeveloped	50’-60’ wide natural buffer
Buffer adjacent to the North Service Road	N/A – site is undeveloped	65’ wide natural buffer

The Wal-Mart building would be designed in the International Style. The store would be constructed on a concrete foundation and footings with a concrete floor slab and erected with a steel grid frame with reinforced concrete masonry unit exterior wall construction. The elevations, as seen in Exhibits 3-3, 3-4, and 3-5, would consist of materials including painted CMU, EIFS, and Trespa panels in a neutral color palette. The store would have one main entry vestibule. The size of the retail store would be approximately 98,000 square feet divided between a grocery component and a soft/hard goods retail component. Four (4) loading spaces would be provided for the Wal-Mart building. This configuration would include three spaces with dock doors for truck deliveries and one space with a man-door that would utilize a ramp for smaller vendor deliveries. The loading area would face south, away from La Bonne Vie apartments, and be screened from view. There would also be one (1) loading space provided for the office building on its west side. All rooftop and ground mounted equipment would be screened from view.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. Truck delivery of vendor stocked merchandise would typically take place in the morning prior to 9:00 AM or in the evening after 9:00 PM in order to avoid conflict with store customers. These deliveries would usually consist of between eight and eleven small- to medium-sized commercial truck trips per day, Monday through Saturday. Following delivery to the store, these vendor deliveries would continue on to service other stores which carry their products within the community. Approximately three to five large truck deliveries would take place during the day to coincide with restocking times as needed. Trucks would not be allowed to idle or use the radio during deliveries if they will be unloading for more than fifteen minutes. Refrigerated trucks utilize internal generators that power internal truck components and utilize trailer refrigeration to reduce engine noise.

It is anticipated that the proposed office building would typically operate during normal business hours Monday through Friday with limited employee activity after hours and on weekends on an as-needed basis. Due to the small size of the proposed office building, deliveries of supplies would be minimal, probably totaling on average one small truck delivery per week.

In order to mitigate potential noise or lighting impacts on adjacent residential uses, the Wal-Mart and office building design would include vegetated buffers to the north and east along the property line. Screening would also be used to mitigate noise from trucks docks and mechanical equipment. The parking area lighting would be designed with dark sky lighting fixtures and include shielding to prevent spillover to adjacent properties.

Sound levels are regulated under Chapter 50 of the Brookhaven Town Code based upon the land use of both the receiving property and the sound source property. The Code states, "No person shall cause, suffer, allow, or permit the operation of any source of sound on a particular category of property or any public land or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth in Table I." Table 3-2 below illustrates the maximum permissible A-weighted sound pressure levels by receiving property category contained in Table I of the Town Code.

Table 3-2: Town of Brookhaven Table I - Maximum Permissible A-Weighted Sound Pressure Levels by Receiving Property Category, in dBA

Town of Brookhaven Table I Maximum Permissible A-Weighted Sound Pressure Levels by Receiving Property Category, in dBA						
Receiving Property Category						
	Another Apartment Within Multi-dwelling Building		Residential			
Sound Source Property Category	7:00 AM to 10:00 PM	10:00 PM to 7:00 AM	7:00 AM to 10:00 PM	10:00 PM to 7:00 AM	Commercial All Times	Industrial All Times
Apartment within multi-dwelling building	45	40	55	50	65	75
Residential	--	--	55	50	65	75
Commercial or public lands or rights-of-way	--	--	65	50	65	75
Industrial	--	--	65	50	65	75

The Town Code, under §50-5 (C), provides the following exemption to Table I with respect to construction.

(3) Noise from construction activity, except as provided in §50-6B(7).

Town Code §50-6B(7) prohibits:

(7) Construction: operating or permitting the operation of any tools or equipment used in construction, drilling, earth moving, excavating or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on weekends or legal holidays, except:

(a) For emergency work.

(b) By special variance issued pursuant to § 50-3.

(c) (Reserved)

(d) When the result of the operation of any of said equipment by or for any municipal agency.

Based on Table I and its related exemptions, the maximum sound levels generated by the subject property at the nearest residential property line must be 50 dBA at night and 65 dBA during the day, and construction activities are limited to the hours of 7:00 AM through 6:00 PM, Monday through Friday.

A review of several sources, including the *Handbook of Environmental Acoustics* (Cowan, 1994) and materials from the California Department of Transportation, indicate that the ambient sound level associated with commercial areas typically falls between 60 and 65 dBA. As the proposed project would be separate from other commercial areas, it is expected that the sound levels would be towards the lower end of the range found. The proposed Wal-Mart will be designed with roof-top HVAC systems. These systems, when installed according to the manufacturer's installation standards, are rarely a problem with respect to noise generation. The systems will be screened to minimize both visual and noise impacts.

The primary source of noise generated by the proposed project is expected to derive from vehicular traffic entering and exiting the project site as well as from on-site delivery trucks. Vehicular traffic will circulate through the site at low speeds and should not cause a perceptible increase above the current sources of ambient noise, based on the site's proximity to NYS Route 27 (Sunrise Highway) and Hospital Road.

Truck delivery of vendor-stocked merchandise would typically take place in the morning prior to 9:00 AM or in the evening after 9:00 PM in order to avoid conflict with store customers. These deliveries would usually consist of between eight and eleven small- to medium- sized commercial truck trips per day, Monday through Saturday. Approximately three to five large truck deliveries would take place during the day to coincide with restocking times as needed. Trucks would not be allowed to idle or use the radio during deliveries if they will be unloading for more than fifteen minutes. Refrigerated trucks utilize internal generators that

power internal truck components and utilize trailer refrigeration to reduce engine noise. It is anticipated that the proposed office building would typically operate during normal business hours Monday through Friday with limited employee activity after hours and on weekends on an as-needed basis. Due to the small size of the proposed office building, deliveries of supplies would be minimal, probably totaling on average one small truck delivery per week. In order to mitigate potential noise impacts on adjacent residential uses, the Wal-Mart and office building design would included screening at the truck docks as well as vegetated buffering to the north and east along the property line.

CHAPTER 4: CONSTRUCTION PROCESS AND OPERATIONS

The construction of the proposed development would be phased with the Wal-Mart store and all site parking being constructed during “Phase I” and the 900 square foot office building being constructed during “Phase II.” Relative to Phase I and upon receiving final Town and State agency approvals and the finalization of utility agreements, Wal-Mart would proceed with the construction process. After bidding the project, Wal-Mart would select a general contractor who would establish the construction process and schedule. Wal-Mart stores typically have a 12-month construction schedule from the start of site work to the grand opening of the store. The construction phasing schedule flows from mass grading, to utility work, to pad construction, and to footing and building construction. Following these steps are fine grading, paving, finish flat work, and landscaping. Off-site improvements are constructed contemporaneously with the site work.

The number of construction workers on the project site would vary from day to day depending on the construction activity. However, the total number of full- and part-time construction workers is typically anticipated to be about 150-225 for the full construction of Phase I of the project. Per the Town’s noise ordinance, construction activities would be limited to the hours of 7:00 AM through 6:00 PM, Monday through Friday. The general contractor typically requests that deliveries be made at specific times of day in order to avoid conflicts with peak period traffic volumes on the surrounding roadways. Some deliveries, like those for concrete, are scheduled very early in the morning so the concrete does not set-up in the truck. Trucks continually deliver throughout the day as materials are needed on-site because storage of materials on-site may lead to possible conflicts and safety risks resulting from theft. Trucks would travel on roadways marked as truck routes and typically utilize numbered highways and the most direct route allowed by ordinance.

In an effort to minimize potential adverse environmental impacts from the construction of the proposed project, a Stormwater Pollution Prevention Plan (SWPPP) is being developed. (See Preliminary Stormwater Plans, Appendix B, DEIS dated September 21, 2011) A SWPPP would be developed and implemented prior to construction activities at the site and prior to the start of activities requiring authorization under a State Pollutant Discharge Elimination System (SPDES) permit. The SWPPP identifies potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges on and off the site. In addition, the SWPPP describes and ensures the implementation of practices which would be used to reduce the pollutants in stormwater discharges and to assure compliance with the terms and conditions of a SPDES permit. All SWPPPs must include erosion and sediment controls.

Approval of the relevant construction activities can be obtained under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit GP-0-10-001 by submitting a Notice of Intent (NOI) and MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form to the NYSDEC. SWPPPs must present fully designed and engineered stormwater management practices with all necessary maps, plans, and construction drawings prior to submission for approval. To obtain the MS4 acceptance form, the fully designed SWPPP binder, containing the aforementioned maps, plans, and construction drawings, must be reviewed and approved by the local municipality, in this case the Town of Brookhaven. Once the MS4 form is signed by the Town, it can be sent to the NYSDEC with an executed State NOI application to obtain the SPDES permit. With the implementation of these procedures, no construction period impacts from stormwater discharges on the site would be anticipated.

Erosion and sedimentation control measures would be installed prior to the start of any construction activities on the project site. Such erosion and sedimentation control measures would include the strategic placement of silt fences and temporary berms and trenches to prevent overland runoff, stockpile protection measures, storm drain silt control measures, and the installation of foundations, pavement, and/or landscaping as soon as possible following soil disturbance in order to effectively limit the extent of soil erosion.

All erosion and sediment control measures would be installed and certified by the project's civil engineer and Wal-Mart construction manager prior to the start of any construction activities, would be maintained daily to ensure their proper functioning, and would remain in place until disturbed areas are stabilized. After site clearing, the area would be paved, planted, or stabilized to minimize the amount of time that soils are exposed. All topsoil and/or sub grade material that can be stockpiled during construction would be used in areas to be replanted and re-graded. All areas to remain undisturbed would be separated from those areas to be developed with the use of fencing or other methods to visually mark boundaries. Sediment traps and swales would be used to direct stormwater flows to designated areas and keep runoff from exiting the construction site. This would keep sediment from washing into the streets and ultimately any waterways.

The construction of the Phase II office building would proceed after the completion of the construction of Phase I and the opening of the proposed Wal-Mart store. Specific elements of the construction process for the office building would be determined at a future date as the project moves forward.

CHAPTER 5: PERMITS AND APPROVALS REQUIRED

The proposed project would require several permits and approvals from local and state agencies. These approvals are summarized in the following table.

Table 5-1: Required Permits, Reviews, and Approvals

Agency	Permits and Approvals	Administrative Status
Town of Brookhaven Planning Board	<ul style="list-style-type: none"> • SEQRA Review as Lead Agency • Site Plan Approval • Relief to facilitate shared parking between J2 and J4 parcels. 	<ul style="list-style-type: none"> • DEIS prepared per SEQRA requirements. • Plans were filed with the Town on March 8, 2011 and were reviewed concurrently with the DEIS. All comments were addressed. Per the latest plan revisions, the Site Plan package will be resubmitted to the Town for review. • May be filed, as needed, following SEQRA process.
Town of Brookhaven Building Department and Division of Fire Prevention	<ul style="list-style-type: none"> • Building Permits 	<ul style="list-style-type: none"> • To be filed following site plan approval.
Town of Brookhaven Division of Environmental Protection	<ul style="list-style-type: none"> • Wetlands Permit 	<ul style="list-style-type: none"> • To be filed following site plan approval.
Suffolk County Department of Health Services	<ul style="list-style-type: none"> • Suffolk County Sanitary Code Article 6 (Realty Subdivision) and Article 4 (Water Supply) 	<ul style="list-style-type: none"> • To be filed following SEQRA process.

Suffolk County Department of Public Works	<ul style="list-style-type: none"> • Sewer Connection Permit 	<ul style="list-style-type: none"> • To be filed following SEQRA process.
New York State Department of Environmental Conservation	<ul style="list-style-type: none"> • General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001) 	<ul style="list-style-type: none"> • To be filed prior to construction.
New York State Department of Transportation	<ul style="list-style-type: none"> • Roadway Work Permit and Signal Modifications • Access Highway Designation 	<ul style="list-style-type: none"> • Traffic Study and Plans are under review. • To be filed following SEQRA process.

The following table provides an overview of the SEQRA process and the review stages for the proposed project as well as an estimated timeline for the preparation of the EIS documents and agency review of the EIS pursuant to SEQRA.

Table 5-2: Environmental Review Process and Timeline

	Item	Item Time (unless extended by agreement)
1	Brookhaven Planning Board issues Positive Declaration	Completed on 6/6/11
2	Project Sponsor Submits Draft Scope for Draft EIS (DEIS)	Completed on 6/8/11
3	Planning Board holds Public Scoping Meeting.	Completed on 6/23/11
4	Planning Board issues/distributes Final Scope for DEIS	Completed on 8/8/11
5	Applicant prepares Draft EIS (DEIS) and submits same to Planning Board	Completed on 9/21/11
6	Planning Board reviews DEIS for adequacy for public review	Within 45 days of receipt of initial DEIS and within 30 days of each subsequent revision/resubmission

7	Planning Board prepares, files, and publishes Notice of Completion of DEIS	When DEIS deemed adequate for public review
8	Public comment period for DEIS	At least 30 days
9	Planning Board issues Notice of Public Hearing (if it decides to hold a hearing)	At least 14 days before public hearing
10	Planning Board conducts public hearing on DEIS (if hearing is held)	Completed on 1/9/12
11	Planning Board accepts comments on DEIS	Completed on 1/19/12
12	Planning Board prepares and files a Final EIS (FEIS) and files and publishes a Notice of Completion of FEIS	The latter of either 45 days following public hearing or 60 days after filing of DEIS
13	Public consideration period for FEIS	Minimum 10 days after filing of FEIS
14	Planning Board issues/files Statement of Findings and approves/disapproves project	Within 30 days following filing of FEIS

CHAPTER 6: TOPOGRAPHY

Implementation of the proposed action would require the clearing of woodlands and re-grading of the site. According to an ALTA/ACSM Land Title Survey, dated September 15, 2006, prepared by Control Point Associates, Inc. (See ALTA/ACSM Land Title Survey, Appendix C, DEIS dated September 21, 2011), the elevation of the subject site ranges from +/-43 feet to +/-57 feet above mean sea level (msl) with the bulk of the developed portion lying between elevations +/- 54 feet to +/-57 feet above msl. There is a small depression at the southeasterly portion of the subject site just south of an existing recharge basin on the adjacent property to the east. This depression appears to serve as a stormwater overflow relief point for the recharge basin as it contains a concrete inlet structure with an underground pipe leading southward across the North Service Road. From the aforementioned depression, the site gradually rises to elevation +/-57 feet along the northerly and westerly boundaries of the site adjacent to the La Bonne Vie apartment complex. There are a few man-made piles of soil, up to 6 feet high, in the northerly portion of the site that extends up to an elevation of +/-62 feet above msl. There is also a narrow, man-made, +/- 3 foot deep depression running parallel with Hospital Road at the south-westerly side of the site that appears to serve as a drainage overflow area for an inlet located along the roadbed opposite it.

Elevations in the parking area to the west of the proposed Wal-Mart store and to the south of the proposed entrance driveway would be modified from the current elevation of +/-56 to +/-55 feet above msl to a proposed elevation of +/-57 to +/-53 feet above msl. Elevations for the office building and in the parking area to the north of the proposed entrance driveway would be modified from the current elevation of +/-57 to +/-56 feet above msl to a proposed elevation of +/-58 to +/-54 feet above msl. Also, the areas in which the proposed Wal-Mart store and adjacent loading areas would be situated would be re-graded. Currently, elevations in this area range from +/-56 to +/-53 feet above msl. The proposed Wal-Mart store's finished floor would be situated at 57.5 feet above msl and loading and parking areas on the north and east sides would range from +/-56 to +/-53 feet above msl.

As depicted on the grading and drainage plans (See Grading and Drainage Plan, Exhibit 6-1), the proposed action includes modification of grades and the installation of curbs to define the paved areas and provide a stabilized edge for adjoining vegetated areas and slopes. The site slopes gently toward the south and southeast at slopes between 0.5% and 4% with some minor undulations. Other than the man-made features described below, maximum natural slopes do not generally exceed 3%. Slopes up to 33% are present along the man-made drainage depression and piles of soil. Slopes on the subject property would be modified as outlined in the following table.

As indicated in this table, the existing slopes would be minimally altered as part of the proposed action. Thus, no significant adverse impacts relating to topographic character are expected.

Table 6-1: Slope Modification on the Subject Property

Slopes	Existing Conditions (% of Site)	Post-Development Conditions (% of Site)
0 to 10 percent	94.6	96.2
10 to 15 percent	2.5	1.6
15 to 25 percent	1.8	1.3
Greater than 25 percent	1.1	0.9

Development of the proposed project, in accordance with the Site Plan documents submitted as part of the subject application would yield maximum depths of cut of approximately 3.5' over the existing ground and up to 5' in areas of existing stockpiles and berms at the north parking area of the parcel, 3' of cut located at the center of the Wal-Mart front parking sections where the proposed storm drainage would be installed, and approximately 2' to 3' of fill for the proposed Wal-Mart building pad. The office building pad is at the approximate existing grade. Approximate earthwork quantities are outlined in the following table.

Table 6-2: Earthwork Cut and Fill Volumes in Cubic Yards

Total Cut Volume:	23,500 Cu. Yd.
Total Fill Volume:	21,500 Cu. Yd.
Net Total Volume:	2,000 Cu. Yd. Cut Material

As indicated in the table above, the grading and stormwater system construction for the project would generate a net cut or excess of approximately 2,000 cubic yards of soil material. It is assumed excess material would be exported off-site. Implementation of the proposed action would result in the disturbance of soils on the subject site for foundation excavation, utility

installation, grading, paving and landscaping. This disturbance however would be entirely contained within the boundaries of the subject site.

The disturbance of soils for construction and re-grading activities increases the potential for erosion and sedimentation. As indicated in the *New York Guidelines for Urban Erosion and Sediment Control*, the erosion potential of a site is determined by five factors: soil erodibility, vegetative cover, topography, climate, and season. Soil erodibility is dependent on the structure, texture, and percentage of organic matter in the soil. The presence of vegetation on a site protects soils from the erosive forces of precipitation and overland flow, as top growth vegetation shields the soil surface from precipitation while the root mass holds soil particles in place. Also, grasses limit the speed of runoff and help to maintain the infiltration capacity of the soil. The topography of a site, including slope length and steepness, influences the volume and velocity of surface runoff. Long slopes carry more volume to the base of the slope, and steep slopes increase runoff velocity. Climatic factors and change in seasons include the amount and intensity of precipitation, the average temperature, the typical temperature range, and seasonality, as well as the wind speed, and storm frequency. In general, given similar vegetation and ecosystems, areas with high-intensity precipitation, more frequent rainfall, more wind, or more storms, are expected to have more erosion and are subject to variation based on the seasons.

In accordance with NYSDEC SPDES and Town Code Chapter 86 Stormwater Management and Erosion Control Requirements, a Stormwater Pollution Prevention Plan (SWPPP), including Erosion and Sediment Control Plans, is being developed. The SWPPP identifies potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges. In addition, the SWPPP describes and ensures the implementation of practices which would be used to reduce the pollutants in stormwater discharges and to assure compliance with the terms and conditions of a SPDES permit. All SWPPPs must include erosion and sediment controls.

Coverage for such activities can be obtained under the NYSDEC SPDES General Permit GP-0-10-001 by submitting a Notice of Intent (NOI) and Municipal Separate Storm Sewer System (MS4) acceptance letter to the NYSDEC.

SWPPPs must present fully designed and engineered stormwater management practices with all necessary maps, plans, and construction drawings in a binder prior to submission for coverage. To obtain the MS4 acceptance letter, the fully designed SWPPP binder must be reviewed and approved by the local municipality. Once the MS4 form is signed it can be sent to the NYSDEC with an executed State NOI application to obtain permit coverage. With the implementation of these procedures, no construction period impacts from stormwater discharges would be anticipated.

As part of the proposed action, specific erosion and sediment control measures would be implemented prior to and during construction. Included would be strategic placement of silt fences, temporary berms, and trenches to prevent overland runoff as well stockpile protection, and storm drain silt control measures. Foundations, pavement and/or landscaping would be installed as soon as possible after soil disturbance in order to effectively limit the extent of soil erosion. Additionally, the installation of drywells and re-grading activities would control and direct the routes of water flow on-site to minimize the impacts associated with overland flow.

All erosion and sediment control measures would be routinely maintained to ensure their proper functioning and would remain in place until disturbed areas are stabilized. After site clearing, the disturbed area would be paved and/or planted to minimize the amount of time that soils are exposed. All topsoil and/or subgrade material would be stockpiled during construction and would be used in areas to be replanted and re-graded. All areas to remain undisturbed would be separated from those areas to be developed by the use of fencing, or other method, to visually mark the boundaries of same. Sediment traps and swales would be used to direct stormwater flow to designated areas and keep runoff from exiting the construction site. This would keep sediment from washing into the streets and ultimately any waterways.

CHAPTER 7: SOILS

According to the *Soil Survey of Suffolk County, New York (USDA, 1975)*, soils are classified according to distinct characteristics and placed accordingly into “series” and “mapping units” (See Soils Map, Appendix E, DEIS dated September 21, 2011). A “series” is a group of mapping units formed from particular disintegrated and partly weathered rocks that lie approximately parallel to the surface and that are similar in arrangement and differentiating characteristics such as color, structure, reaction consistency, mineralogical composition and chemical composition. “Mapping units” differ from each other according to slope, and may differ according to characteristics such as texture.

The subject property is comprised wholly of Riverhead Sandy Loam, 0-3percent slopes (“RdA”). The relevant excerpts from the *Soil Survey of Suffolk County, New York (USDA, 1975)*, relating to soil series and mapping units, are presented below.

Riverhead Series

The Riverhead Series consists of deep, well drained, moderately coarse textured soils that formed in a mantle of sandy loam over thick layers of coarse sand and gravel. These soils occur throughout the County in rolling to steep areas on moraines and in level to gently sloping areas on outwash plains. These soils range from nearly level to steep; however, they generally are nearly level to gently sloping. Native vegetation consists of black oak, white oak, red oak, and scrub oak.

In a representative profile, the surface layer is brown to dark brown sandy loam about 12 inches thick. The upper part of the subsoil, to a depth of 27 inches is strong brown, friable sandy loam. The lower part of the subsoil is yellowish-brown, very friable loamy sand to a depth of about 32 inches. Below is yellowish-brown, friable gravelly loamy sand to a depth of about 35 inches. The substratum is very pale brown and brown loose sand and gravel to a depth of 65 inches.

Riverhead soils have a moderate to high available moisture capacity. Internal drainage is good. Permeability is moderately rapid in the surface layer and in the subsoil and very rapid in the substratum. Natural fertility is low. Reaction is strongly acid to very strongly acid throughout. The root zone is mainly in the upper 25 to 35 inches.

In many places where these soils have been farmed, a plow pan is in the lower part of the surface layer and in the upper part of the subsoil. A plow pan is a subsurface horizon or soil layer having

a high bulk density and a lower total porosity than the soil directly above or below it as a result of pressure applied by normal tillage operations through the use of plows, discs, and other tillage implements. Plow pans may also be called pressure pans, tillage pans, or traffic pans. Plow pans are not cemented by organic matter or chemicals. Plow pans are the result of pressure exerted by humans, whereas hard pans occur naturally.

Riverhead Sandy Loam, 0 to 3 percent slopes (“RdA”)

This soil has the profile described as representative of the series. It generally is on outwash plains, and the areas are large and uniform. Where this soil occurs on outwash plains, it generally has slope characteristics of this landform. Slopes are undulating in places. A few small irregular areas are on the moraines.

Included with this soil mapping are small areas of Sudbury soils that are less than 1 to 2 acres in size. Also included are areas of solids near Bridgehampton that have a profile similar to that of this soil, except that at a depth of about 30 inches they have layers of gray and strong brown silt loam 1 to 2 feet thick. Also included are areas of Haven and Plymouth soils that have a loam or fine sandy loam surface layer and a sandy loam subsoil. Areas of Montauk soils on moraines that have a very weak fragipan formed in loose sandy till are included. Fragipan is a diagnostic horizon in USDA soil taxonomy. They are altered subsurface soil layers that restrict water flow and root penetration. In soil descriptions, they are commonly denoted by a Bx or Btx symbol.

The hazard of erosion is slight on this Riverhead soil. This soil is limited only by moderate droughtiness, especially during dry months, in the moderately coarse textured solum consisting of surface and subsoil layers that have undergone the same soil forming conditions. Erosion tends to develop a plow pan if it is intensively farmed.

On-Site Soil Investigations

In August of 2007, preliminary subsurface investigations were performed by Whitestone Associates (Whitestone) to determine any geotechnical issues pertinent to the design and construction of the proposed Wal-Mart building (a 120,000 square foot store at that time) and its associated pavements, stormwater basins, and earthwork. As indicated in Whitestone’s August 31, 2007 report (See Preliminary Geotechnical Investigation and Stormwater Management Evaluation, Appendix F, DEIS dated September 21, 2011), a total of 10 borings were drilled to depths ranging from 10 to 24 feet. In addition, 3 in situ percolation tests were performed at 3 of the boring locations situated within proposed stormwater management areas.

In general, results of Whitestone's preliminary investigation indicate conditions suitable for shallow foundation design. However, due to the presence of very loose to loose upper sands, some over excavation and/or recompaction may be necessary to provide a suitable subgrade for foundations, floor slabs, and pavements. It further appears that a majority of the site soils would be suitable for reuse as compacted fill or backfill in structural areas with proper moisture control.

Static groundwater was not encountered to depths explored of up to 24 feet below ground surface (fbgs). Evidence of seasonal high groundwater was not encountered in the anticipated stormwater management areas to depth of up to 10 fbgs. Percolation rates in the majority of the site soils were a minimum of 19 inches per hour.

CHAPTER 8: DRAINAGE

The Town of Brookhaven requires that all site drainage facilities be designed to store a minimum 2 inch rainfall event. The Site Plan is designed to handle a 5 inch rainfall event. The Town also provides runoff coefficients to use when calculating runoff volumes in order to account for losses that occur as runoff is absorbed by various types of surfaces. Runoff from pavement and roof areas is calculated at 100% since these impervious surfaces would not absorb water. Runoff from low sloped vegetated or landscaped areas is calculated at 15% since the vegetation and surrounding soils would typically absorb 85% of the runoff. The following chart provides the volumes of runoff that are expected to be generated on the project site during pre- and post-development conditions, based on the Town of Brookhaven requirements:

Table 8-1: Pre and Post Development On-Site Runoff

	Site Area	Rainfall Amount	Runoff Coefficient	Runoff Volume
Pre-Development Conditions	Vegetated: 725,030 SF	5 Inches	0.15	45,314 CF
Post-Development Conditions	Vegetated: 131,047 SF	5 Inches	0.15	8,737 CF
	Paved: 305,117 SF	5 Inches	1.00	127,133 CF
	Roof: 98,900 SF	5 Inches	1.00	<u>41,208 CF</u>
	Total 535,064 SF or 12.28-acres		Total	177,078 CF

The Pre- and Post- Development drainage areas include 189,920 SF (4.36- acres) of natural undisturbed landscape areas to remain that are not captured or stored on-site. Therefore, the total drainage area stored on-site in the proposed drywells equates to a contributing area of 535,064 SF (12.28- acres).

Currently during pre-development conditions, stormwater runoff generated on-site flows in a southeasterly direction toward the Sunrise Highway North Service Road and an existing recharge basin located adjacent to the easterly property line. Runoff flowing into the North Service Road is directed toward a drainage inlet that discharges to an on-site depression, located just south of

the aforementioned recharge basin. Runoff flowing into this depression and the adjacent recharge basin percolates into the underlying soils where it ultimately recharges to the groundwater table.

There are two existing man-made depressions on site that appear to serve as a drainage retention basins since they are connected to storm water inlets located along Hospital Road and North Service Road. The depression and inlet along Hospital Road would be removed and new drainage improvements would be provided in accordance with the plans. The North Service Road depression and inlet would remain. There is also an existing recharge basin located off site adjacent to the easterly property line. This recharge basin serves the adjacent La Bonne Vie II Development and is to remain.

During post-development conditions, stormwater runoff generated from on-site pavement, roof surfaces, and landscaped areas would be directed toward and collected in a system of drywells that would then allow the stormwater to infiltrate into the underlying soils and recharge the groundwater table underlying the site. As indicated on the Grading and Drainage Plan (See Grading and Drainage Plan, Exhibit 6-1), the proposed development on the subject site would include the provision of 77, 12-foot diameter drywells, having an overall capacity of 71,422 CF. This capacity is more than sufficient to handle the anticipated quantity of stormwater runoff that would be generated from the proposed development on the subject site. Except for a de minimus area at the end of each of the drives, there would be no overland runoff from the developed area onto adjacent properties or roadways in the vicinity of the subject site. The ends of the drives would run into the proposed storm systems on Hospital Road.

The New York State (NYS) Stormwater Design Manual was updated in August of 2010 to include Green Infrastructure Planning. Per Chapter 3, Table 3.1 - Green Infrastructure Planning General Categories and Specific Practices and Table 3.2 – Green Infrastructure Techniques Acceptable for Runoff Reduction, the proposed site will include practices from the groups listed below:

Preservation of Natural Resources:

- Preservation of Undisturbed Areas
- Preservation of Buffers
- Reduction of Clearing and Grading
- Locating Development in Less Sensitive Areas – J-2 and J-4 Business Districts

Reduction of Impervious Cover:

- Parking Reduction – Land banked Stalls

Runoff Reduction Techniques:

- Conservation of Natural Areas
- Tree Planting
- Rain Garden

Additionally, the subject site's stormwater management program will exceed the New York State Department of Environmental Conservation (NYSDEC)'s 90% requirement for Water Quality Volume (WQv). Per Chapter 4 of the NYS Stormwater Design Manual, Figure 4.1, Long Island's 90% rainfall event number is equivalent to 1.2". Due to strict Town requirements, the proposed 77 drywells are designed to provide 2" of storage for the subject site. As outlined in Chapter 3 of the NYS Stormwater Design Manual, Table 3.3, drywells (practice I-3) under the infiltration group are a standard Stormwater Management Practice (SMP) for treatment. This standard SMP, along with the Town's required 2" rainfall event, allows this site to treat 100% of the WQv and, therefore, also meet the Runoff Reduction Volume (RRv) criteria.

Since it is anticipated that in both pre-development and post-development conditions rainwater falling on the site would ultimately percolate back into the groundwater table underlying the property, it is expected that the proposed Wal-Mart and office building development would have minimal impacts on groundwater.

CHAPTER 9: ECOLOGY

Bohler Engineering, Inc. prepared a Flora and Fauna Analysis report for the project site dated May 16, 2007 (See Flora and Fauna Analysis, Appendix G, DEIS dated September 21, 2011) which is summarized below.

Existing Vegetation

The landscape resembles a regional pine/oak forest with a slight coastal influence. Evidence of human interference (open trails and dumping) was present, as well as indications of forest burning. Residential dwellings cluster around the site on two sides. The forest is composed of Pitch Pine, Black Pine, Oak, and to a lesser degree is spotted with Eastern Red Cedar, White Cedar, Black Cherry, Smooth Alder, Crabapple, Hackberry, and White Poplar. These lesser trees are not indicative of the site. A dense multi-layered thicket of Multiflora Rose, Bittersweet, Wild Violet, Highbush Blueberry, and re-sprouting Oak surround the perimeter of the site. Lowbush Blueberry, Huckleberry, Inkberry, Common Moss, and Sweet-fern sporadically occupy the forest floor. The project site does not include any rare, endangered, or unusual species of vegetation.

On May 10, 2007, the site was walked by a Registered Landscape Architect. The site was broken down into two main areas for delineation purposes. The “Roadside Area” is the northwest area along Hospital Road and the southern area along the North Service Road of Sunrise Highway, Route 27; generally also including those areas outside the subject property and within the public Rights-of-Ways. The “Interior Area” is the bulk of the subject project site, surrounded on two sides by the Roadside Area.

Visible vegetation types are noted in Table 9-1 and 9-2 below:

Table 9-1: Roadside Area Vegetation

<u>Woody Vegetation</u>	
Pinus rigida	Pitch Pine
Pinus thunbergii	Black Pine
Quercus alba	White Oak
Juniperus virginiana	Eastern Red Cedar

Morus alba	White Mulberry
Rosa multiflora	Multiflora Rose
Celastrus orbiculata	Oriental Bittersweet
Rhodotypos scandens	Black Jetbead
Viburnum lentago	Nannyberry
Rhus typhina	Staghorn Sumac
Prunus serotina	Black Cherry
Vaccinium corymbosum	Highbush Blueberry
Vaccinium angustifolium	Lowbush Blueberry
Gaultheria procumbens	Wintergreen
Average caliper of trees: 10” – 16”	

<u>Herbaceous Vegetation</u>	
Aegopodium podagaria	Bishops Weed
Artemesia	Mugwort
Viola species	Wild Violet
Sinapsis arvensis	Wild Mustard
Duchesnea indica	Mock Strawberry

<u>Grasses</u>	
Andropogon virginicus	Broomsedge
Danthonia spicata	Spike grass

Panicum virgatum	Switch grass
Sisyrinchium albidium	Blue-eyed grass

<u>Miscellaneous</u>	
Trifolium pretense	Wild Clover
Vetch angustifolia	Common Vetch
Taraxacum officinale	Dandelion
Plantago major	Broadleaf Plantain
Bryum argenteum	Common Moss

Table 9-2: Interior Area Vegetation

<u>Woody Vegetation</u>	
Pinus rigida	Pitch Pine
Quercus alba	White Oak
Quercus coccinea	Scarlet Oak
Malus species	Crabapple
Alnus serrulata	Smooth Alder
Celtis laevigata	Hackberry
Elaeagnus angustifolia	Russian Olive
Vaccinium corymbosum	Highbush Blueberry
Vaccinium angustifolium	Lowbush Blueberry
Gaylussacia frondosa	Huckleberry

Prunus virginiana	Chokecherry
Lonicera japonica	Hall's Honeysuckle
Philadelphus species	Mockorange
Average caliper of trees: 10" – 16"	

<u>Herbaceous Vegetation</u>	
Euphorbia species	Common Spurge
Viola species	Wild Violet
Comptonia peregrine	Sweet Fern

<u>Miscellaneous</u>	
Bryum argenteum	Common Moss
Lichen	Lichen

Existing Wildlife and Habitats

The following table is a list of wildlife species that were observed to be present, or are expected to be present based on the size of the subject parcel and its surrounding woodlands as well as the existing vegetation habitats as inventoried on May 10, 2007. The project site does not include any rare, endangered, or unusual wildlife species or any high quality wildlife habitat.

Table 9-3: Existing Wildlife and Habitats

Procyon lotor	Raccoon
Tamias striatus	Eastern Chipmunk
Vireo olivaceus	Red Eyed Vireo

Myotis lucifugus	Little Brown Bat
Passerella flacca	Fox Sparrow
Peromyscus leucopus	White Footed Mouse
Picoides villosus	Hairy Woodpecker
Picoides pubescens	Downy Woodpecker
Parus bicolor	Tufted Titmouse
Dendroica pinus	Pine Warbler
Chipping Sparrow	Chipping Sparrow
Icterus galbula	Baltimore Oriole
Contopus virens	Eastern Wood Pewee
Poecile atricapilla	Black-capped Chickadee
Melospiza malodia	Song Sparrow
Zonotrichia albicottis	White Throated Sparrow

As indicated in Chapter 3 of this DEIS, and as depicted on the Site Plan drawings, approximately 11.21 acres of existing vegetation would be cleared for the development of the proposed Wal-Mart retail store and its associated improvements. Most of the existing vegetation to be removed is located in the interior portion of the project site. Upon completion of the project, approximately 7.27 acres (43.7%) of the property would be vegetated with natural and supplemental plantings and approximately 9.37 acres (56.3%) of the property would be covered by the building, parking areas, and other paved surfaces. Approximately 5.43 acres of the vegetated portion of the property would remain undisturbed and approximately 1.84 acres of the vegetated portion of the property would consist of new landscaping.

Preserved areas on the project site would include a 60'-75' wide natural and undisturbed buffer to the adjacent La Bonne Vie II apartment development, a 50'-60' wide natural and undisturbed buffer along Hospital Road, and a 65' wide natural and undisturbed buffer along the North Service Road. These buffers would generally adjoin additional naturally vegetated areas on the

adjacent properties. The +/-70' wide strip of the subject property that extends easterly along the North Service Road to Sipp Avenue would also be preserved as undisturbed vegetated area.

Approximately 1.84 acres of new landscaping would be added to the site within parking lot islands and to supplement existing vegetation within the perimeter buffer areas. Landscaping would include the addition of approximately 56 deciduous trees, approximately 41 evergreen trees, approximately 407 deciduous and evergreen shrubs, approximately 173 groundcover plantings, and approximately 24 ornamental grass plantings. In areas near or adjacent to the natural areas to remain undisturbed, the plans propose seeding with Showy Northeast Wildflower Mix to provide revegetation back to natural conditions.

Although the clearing of the central portion of the property would result in the loss of some existing habitat on the project site, remaining on-site and contiguous woodlands would provide suitable, similar habitats. Furthermore, the proposed plan is in compliance with the Town of Brookhaven's clearing and buffering requirements. Upon completion of the proposed development, a significant amount of contiguous woodlands would remain on-site. As such, no significant adverse impacts are expected to on-site vegetative communities or habitats. During the clearing and construction phases of the proposed action, some existing wildlife would likely be displaced from portions of the subject property. As such, it is expected that these forest inhabitants would relocate to areas towards the perimeter of the subject site or to other adjacent and nearby wooded sites.

As the project site does not contain any rare, endangered, or unusual flora or fauna and does not contain any environmentally sensitive habitats, the removal of these materials would not be considered significant and the proposed development would not result in any significant adverse impacts to vegetation or wildlife.

As discussed in Chapter 3, the proposed parking area lighting would involve fixtures with a 20' mounting height. This would be provided by 17' high poles mounted on 3' bases. The lights would include shielding to prevent spillover to adjacent properties. The lighting configuration is consistent with Illuminating Engineering Society of North America (IESNA) standards for safety and is compliant with IESNA "Dark Sky" guidelines and Article XXXIX (§ 85-463 - § 85-475) of the Brookhaven Town Code, which details the Town of Brookhaven's exterior lighting standards. Site lighting would be designed with dark sky compliant lighting fixtures so that the potential for adverse impacts from fugitive lighting, both on wildlife as well as on adjacent properties, would be minimized. Photometric analyses would be performed to ensure that there would be no lighting impacts to adjacent properties or wildlife. The proposed photometric plan shows no light trespass at the property lines. As shown on the Lighting Plan (See Exhibit 3-2),

the proposed project would meet or exceed all requirements, including all minimum, maximum and average foot-candles, of the Town lighting standards.

There is an existing recharge basin located to the east of the project site. The recharge basin is well drained and dry, however, the underlying soil may become saturated intermittently from the surface due to heavy rains. As a result, vegetation associated with freshwater wetlands has been identified in the area of the recharge basin by the Town. In accordance with Chapter 81 of the Town Code, a wetlands permit from the Town would be required for activities within 150 feet of the wetlands. As a result of the proposed project, there would be no related construction activities on the recharge basin site and on-site construction activities would be restricted by a 60 foot natural buffer that abuts the recharge basin. The wetlands, therefore, would not be disturbed.

CHAPTER 10: LAND USE, ZONING, AND COMMUNITY PLANS

Brookhaven Town Code

The subject property is under the jurisdiction of the Town of Brookhaven and is currently zoned J Business 2 District – Neighborhood Business (J2), J Business 4 District – Professional and Business Offices (J4), and A – Residence 1 District (A1) (per decision issued by the Brookhaven Town Board on June 15, 2010). Within a 500 foot radius of the project site are a mixture of commercial, community facility, and residential uses, and vacant and/or undeveloped lands. These properties have various zoning classifications including PRC Residence (Planned Retirement Community) and MF Residence (Multi-Family) to the north and east of the project site, and A1 Residence/B Residence to the west and the south of the site. Small areas zoned for business use, the J Business 5 (J5) zone, are mapped to the south of the site. (See Zoning Map, Exhibit 1-2 and 500’ Radius Map, Exhibit 1-3)

Per the Town of Brookhaven’s Town Code, Chapter 85 Zoning, Article XXI, § 85-226, the J2 district expressly allows the proposed project as a “commercial center”, which is defined as “a retail use(s), which exceeds a gross floor area of 100,000 square feet and/or occupies a site of five or more acres”. Although the proposed 98,000 square foot Wal-Mart retail center would not exceed a gross floor area of 100,000 square feet, it would occupy a site of five or more acres (12.27 acres). The J2 district also allows “shops and stores for the sale at retail of consumer merchandise and services”, banks and pharmacies without drive-through facilities, offices, personal service shops, and take-out restaurant among other uses. The proposed Wal-Mart store would be consistent with the other uses permitted in the J2 zoning district.

Regulations for the J Business 4 District are detailed in the Town of Brookhaven’s Town Code, Chapter 85 Zoning, Article XXIII. Per § 85-247, the J4 district expressly allows buildings to be used as administrative, financial, business, and professional offices. The proposed office building is therefore consistent with the uses permitted in the J4 zoning district.

The following chart illustrates Town Code zoning dimensional criteria requirements for the J2 and J4 zones and the compliance of the proposed project with these requirements. Additional zoning requirements and the compliance of the proposed project with those requirements are illustrated on the Proposed Site Plan (See Site Plan, Exhibit 1-1). The proposed Wal-Mart retail store and office building would meet or exceed all of the dimensional and other requirements of the J2 zone and J4 zones, respectively.

Table 10-1: Principal J2 and J4 Zone Dimensional Criteria Requirements and Project Compliance

Category	J2 Code Requirements	Proposed Wal-Mart	J4 Code Requirements	Proposed Office Building	Proposed Combined Development
Minimum Lot Area	5 Acres	12.27 Acres*	10,000 Square Feet	3 Acres*	16.64 Acres
Minimum Lot Width	300 Feet	403 Feet	75 Feet	353 Feet	353 Feet
Minimum Front Setback -Arterial Setback/Buffer Requirement along Sunrise Highway	100 Feet	104.8 Feet	40 Feet	162.6 Feet	104.8 Feet
Minimum Side Setback	50 Feet	141.8 Feet	10 Feet	63.6 Feet	63.6 Feet
Minimum Rear Setback	75 Feet	120.1 Feet	25 Feet	155 Feet	120.1 Feet
Maximum FAR	20%	18.3%	25%	.7%	13.6%
Maximum Building Height	35 Feet	35 Feet	35 Feet	20 Feet	35Feet/ 20 Feet
Minimum Landscape Area	30%	36.3%	20%	48%	43.7%
Minimum Parking**	560	419	6	162	581
Minimum Loading	4 Spaces	4Spaces (incl. on grade at compactor)	1	1	6
Maximum Site Lighting Mounting Height	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet

*Note that the A1 zoned parcel is 1.37- acres. Adding this to the J2 and J4 parcels, the site total of 16.64- acres is reached.

** Parking would be shared between the Wal-Mart store and office building, and a cross-access and parking easement will be executed thus providing a sufficient number of spaces to comply with the Town’s parking requirements. In addition, because the lot has split zoning classifications, relief would be sought from the Planning Board, as needed, pursuant to Town Code Section 85-52, to facilitate the shared parking arrangement.

Land Use

The project site is a 16.64-acre wooded parcel that has not previously been developed and provides no vehicular access. The property is located along the westbound approach of the North Service Road, and is bounded by the North Service Road to the south and Hospital Road to the west. The property is adjacent to the La Bonne Vie apartment complex to the north and east, an existing recharge basin to the east, and a vacant lot, formerly a fuel station, to the southwest at the corner of Hospital Road and the North Service Road. Other land uses within 500 feet of the project site include the North Patchogue Fire District station house across Hospital Road from the site to the west, Suffolk County water supply property and several single-family homes to the east, and large amounts of vacant residentially and commercially zoned land.

The proposed Wal-Mart retail store and office building would be appropriate uses at the subject location given the eclectic nature of the surrounding land uses and zoning districts as well as the property's location at a major roadway intersection with excellent transportation access to other areas of Long Island and the larger region.

Final 1996 Comprehensive Land Use Plan

Since the mid-1960s, three general land use plans have been prepared for the Town, dated 1966, 1975, and 1987. The Town of Brookhaven (Town) initiated an intensive three year planning effort which culminated in the publishing of the *Final 1996 Comprehensive Land Use Plan* in May of 1996 (The Plan). The basis of the document involved the compilation of eight hamlet studies covering twenty-three individual hamlets of the Town. The hamlet data was analyzed and organized by consultants to the Town as well as by Brookhaven planning staff. These hamlet studies have been incorporated into the 1996 Plan and are considered an important part of the overall Plan. The hamlet studies include the following:

- Brookhaven/South Haven Hamlet Study
- Longwood Mini-Master Plan
- Hamlet Study of Manorville
- Mastics Tri-Hamlet Comprehensive Plan
- Medford Mini-Master Plan
- Mt. Sinai Hamlet Study
- Miller Place Hamlet Study
- The Moriches Four Hamlet Comprehensive Plan

The Plan details land use planning issues and presents a land use plan that is intended to serve as a guide for the future growth and development of the Town. The Plan analyzes existing conditions, present zoning, existing codes, and community character, and provides land use solutions/recommendations and outlines goals for the future. The Plan is intended to be a blueprint for economic growth with the objective of creating jobs and opportunities while preserving the unique character and historic nature of the neighborhoods.

The goals for The Plan are as follows:

- Create strong economic activity to provide jobs and an adequate tax base.
- Establish a spatial relationship between land use, population, and transportation.
- Develop appropriate zoning regulations to insure proper development.
- Bring existing zoning into compliance with the Comprehensive Land Use Plan including the elimination of excess commercial zoning and addressing existing and future commercial and industrial zoning problems and needs.
- Develop innovative land development techniques to insure maintenance of open space.
- Provide receiving sites for the transfer of developed rights for the core areas.
- Provide open space and recreational facilities throughout the Town.
- Concentrate activity whenever possible to encourage public transportation usage.
- Support appropriate roadway improvements to adequately serve adjacent land use.

In addition to the sections summarizing the recommendations submitted by the hamlet studies and the goals referenced above, The Plan includes a discussion of existing demographic conditions and trends in the Town. The remaining sections of The Plan include a discussion of existing conditions, problems and needs, and recommendations related to environmental resources, historic preservation, transportation, and land use and zoning. The environmental resources section includes a discussion and analysis of environmentally sensitive lands, special environmental areas, open space, land restoration/remediation, and coastal waters. The transportation section discusses and analyzes the existing road system in the Town, work patterns as related to transportation, transportation centers, bicycle routes, bus transportation, rail transportation, ferry transportation, and airports. It also includes a discussion of future planned roadway improvements. The land use and zoning section presents a discussion and analysis of existing residential, commercial, industrial, mixed-use use, open space, and institutional land uses and zoning as well as a discussion of the Central Pine Barrens Comprehensive Land Use Plan and Zoning. (It should be noted that the project site is not located within the Central Pine Barrens Zone.)

The relevance of The Plan to the project site and the proposed development is further detailed below. The site is located within the Brookhaven/South Haven Hamlet Study area and therefore the specific recommendations relating to the other seven hamlets are not relevant to the project site or the proposed development. The recommendations of The Plan relevant to the Brookhaven/South Haven Hamlet relate to commercial and residential land uses and zoning, environmental protection and open space, landfills, and transportation improvements. However, none of these discussions or recommendations relate to the subject project site or the proposed project.

In the subject areas of transportation and commercial land use and zoning, The Plan acknowledges that commercial development is most likely to occur along the major highway systems in the Town, and it is estimated that these areas would most likely produce the growth the Town is anticipating. This site does not impact any of the transportation centers, bicycle routes, rail and ferry transportation routes, or airport plans or recommendations.

The Plan specifically addresses existing, proposed, and potential future commercial development along Sunrise Highway-New York State Route 27. The proposed development would be located at the intersection of Hospital Road and Sunrise Highway. The Plan states that “at the interchange (of Sunrise Highway/Route 27) with Hospital Road there are vacant business properties on the northeast and southwest. The northeast corner, which is zoned J-3 and J-4, has been proposed for a shopping center.” At the time The Plan was written, the project site was being considered for a shopping center development, but this development never moved forward. The proposed Wal-Mart development would therefore be in accordance with previous proposals for the project site. The plans for the previously proposed development consisted of two different concept plans, concept plans B and D. During the scoping process for the proposed Wal-Mart retail store, the Town of Brookhaven recommended that these plans be considered in the Alternatives section of this DEIS. Those plans are compared to the proposed Wal-Mart retail store and office building in Chapter 22 of this DEIS.

The Plan discusses several improvements underway or planned to Hospital Road and to the Hospital Road bridge over Sunrise Highway. As detailed in the Transportation chapter of this DEIS, several intersections that would be affected by this proposed development are projected to be improved. In addition, the property owner of the subject project site made a proportionate contribution to the overall costs of bridge reconstruction proposed on Hospital Road spanning the Sunrise Highway. These improvements and contributions are consistent with general discussions in The Plan relating to improvements to the existing roadway network within the Town.

The proposed project would meet The Plan's goal to create strong economic activity to provide jobs and an adequate tax base in the Town. In addition, the property owner's contribution to the costs of bridge reconstruction on Hospital Road spanning the Sunrise Highway would meet The Plan's goal to support appropriate roadway improvements to adequately serve adjacent land use.

In summary, the *Final 1996 Comprehensive Land Use Plan* contains numerous recommendations related to all aspects of land use planning which are intended to enhance the growth and development of the Town of Brookhaven. The proposed land development in this DEIS is comparable to development that had been proposed for the project site at the time The Plan was written. The project site is zoned for business use and therefore considered to be part of the overall blueprint for planned economic growth of the Town of Brookhaven which would lead to the creation of jobs and economic opportunities.

Additional Public Policy Documents Relevant to the Proposed Project

Several public policy documents have been issued by and/or for New York State, Suffolk County, the Town of Brookhaven, the Greater Bellport community, and the hamlet of East Patchogue. These documents contain recommendations pertaining to land use, transportation, utilities, natural resources, and other concerns, some of which are relevant to the proposed development. These documents and their relevance to the proposed project are discussed below.

A. Town of Brookhaven

1. Brookhaven 2030 Plan

As the Brookhaven 2030 Plan has not yet been completed, it is not addressed in the context of the proposed Wal-Mart project. The 1996 Comprehensive Land Use Plan discussed above remains the relevant plan pertaining to the proposed action.

2. Brookhaven's Blight to Light Initiative

Brookhaven's Blight to Light Initiative was launched in April of 2010 and was implemented through code amendments in October of 2010 to address the presence of vacant and deteriorating big box stores throughout the Town. The Blight to Light Initiative is not addressed in the EIS as the applicant for the proposed project does not control any of the vacant properties addressed in the Initiative but rather seeks to develop the subject project site. In addition, SEQRA does not require this type of economic analysis for the proposed action.

3. Revitalization Plan for East Patchogue

The Revitalization Plan for East Patchogue (officially titled “A Revitalization Plan for the Montauk Highway Corridor, East Patchogue”), dated June 2010, was prepared by the Town of Brookhaven Division of Planning with input from the Town of Brookhaven Town and Planning Boards. The goal of the Plan is to revitalize the downtown of East Patchogue. The Plan summarizes the demographic, marketing, and land use studies that were completed over the prior five years and recommends strategies to solicit investment in and redevelopment of the downtown.

The Plan’s study area extends along Montauk Highway/Route 27A/East Main Street in the hamlet of East Patchogue roughly between its intersection with South Country Road/Lake Street/Chapel Avenue on the east and the hamlet boundary east of Bay Avenue on the west. The study area extends to a depth of less than one block on either side of Montauk Highway/Route 27A/East Main Street including parcels along Evergreen, Case, Grove, Avery, and Conklin Avenues and Phyllis Drive.

The proposed Wal-Mart project site lies outside of the boundaries of the Plan’s study area, and is located approximately 2.5 miles to the northeast of the eastern boundary of the East Patchogue downtown at Lake Street. The Revitalization Plan for East Patchogue is therefore not directly relevant to the proposed project. However, the Revitalization Plan does include the following statement that is relevant to the proposed project:

- The Plan states that *“larger downtowns are more likely to be retail oriented and smaller downtowns are more likely to be non-retail (service based) oriented. Considering that the East Patchogue downtown is geographically small, it is logical that it will primarily serve the needs of the local community (convenience shoppers) and not the needs of the competitive shoppers.”*

This statement indicates that the proposed Wal-Mart, as a destination for ‘competitive shoppers’, is not likely to compete with the businesses in the East Patchogue downtown.

4. Greater Bellport Sustainable Community Plan

The Greater Bellport Sustainable Community Plan, dated January 22, 2009, was prepared by Sustainable Long Island with input from local Town, County, and State officials. The Plan seeks to establish a foundation for guiding change in the community to ensure it is responsive and beneficial to the residents of Greater Bellport. It includes goals and implementation strategies for the next 30 years related to Bellport’s housing, commercial center, public safety, recreation, transportation, walkability, beautification, and government.

The Plan's study area is the Hamlet of Greater Bellport, located in the Town of Brookhaven, which is a conglomeration of hamlets that share a geographic location but historically have been referred to by a variety of names including North Bellport, Bellport, East Patchogue, Hagerman, and Pace Park (not including the Village of Bellport). The official boundaries of the study area are Head-of-the-Neck Road to the south, Sills Road (County Road 101)/Mud Creek to the west, Beaver Dam Creek to the east, and the intersection of Sills Road/County Road 101 and Station Road to the north.

The Wal-Mart project site lies outside of the boundaries of the Plan's study area and is located more than one-half mile to the west. The Greater Bellport Plan is therefore not directly relevant to the proposed project. However, there are areas of overlap between the Greater Bellport Plan and the proposed project including the following:

- Brookhaven Memorial Hospital - The Greater Bellport Plan states that Brookhaven Memorial Hospital is relied upon by many residents of the Greater Bellport study area. Impacts of the proposed project on Brookhaven Memorial Hospital primarily relate to transportation. The implementation of traffic mitigation measures with the proposed project are calculated to significantly reduce existing delay on the Hospital Road Bridge over Sunrise Highway approaches, and therefore would improve access to and from the hospital for residents of The Greater Bellport Study Area.
- Greater Bellport Hamlet Center – The Plan states that *“central to the redevelopment efforts of Greater Bellport is the creation of a Hamlet Center at the intersection of Montauk Highway and Station Road. The Hamlet Center will serve as a traditional mixed-use downtown for the Hamlet of North Bellport and support the Village of Bellport’s downtown offerings, without creating undue competition for downtowns in the Villages of Bellport and Patchogue. The Hamlet Center will feature mixed-use buildings with retail uses on the ground floor and residential uses on the second and third floors.”*

The Plan envisions the Hamlet Center being developed as an entertainment and dining destination for Suffolk County, and the study indicates that there is a significant demand for food-service businesses. The Plan also recommends the development of other entertainment-oriented businesses in the Hamlet Center. The Plan states that general merchandise and department stores are also in demand but may be more appropriately located at the northeast corner of Station Road and Sunrise Highway. Legislation would be required for the Hamlet Center plan to proceed.

The proposed Wal-Mart project would not compete with a Greater Bellport Hamlet Center as the Hamlet Center would have a fundamentally different character akin to a traditional mixed-use downtown similar to the downtowns of the Villages of Bellport and Patchogue. In addition, the proposed location of the Hamlet Center is approximately 2.5 miles from the subject project site.

The proposed Wal-Mart would not be a food or entertainment oriented business and would therefore not compete with any such businesses in the Hamlet Center. However, the proposed Wal-Mart would meet the Plan's stated need for general merchandise and department stores at another location away from the Hamlet Center.

- BDG Property – The Bellport Plan identifies the BDG Property at the northeast corner of Sunrise Highway and Station Road as one of the largest remaining parcels in the community. The Plan states that *“early negotiations with the developer revealed the difficulty in attracting industrial tenants, and the community’s preference for an alternate development. This area should be developed as a mixed-use property incorporating office space and minimal levels of residential units. Retail offerings should be targeted to neighborhood commercial sites and may accommodate the significant demand in the community for a warehouse store such as Costco. This type of store would meet some needs of local residents and draw people from outside communities. More traditional big box stores like Wal-Mart would not be appropriate on this site because of the likelihood of increased competition it would create with businesses in the Hamlet Center. Other businesses should serve the needs of the surrounding community for general merchandise and services and not compete with businesses targeted for the Hamlet Center.”* This action would require rezoning the property to J-2 or utilizing a Planned Development District.

The BDG property is located less than one mile and in a direct line along Station Road from the proposed location of the Greater Bellport Hamlet Center. The proposed Wal-Mart is approximately 2.5 miles from the Hamlet Center location. Development of the BDG property is more likely than the proposed Wal-Mart development to compete with businesses in the Hamlet Center due to its closer proximity and direct access. In addition, as stated above, the proposed Wal-Mart would not compete with businesses in a Hamlet Center as the Hamlet Center would have a fundamentally different character akin to a traditional mixed-use downtown similar to the downtowns in the Villages of Bellport and Patchogue.

- Walkability – The proposed Wal-Mart project is consistent with the walkability goals of the Bellport Plan insofar as possible for this type of project. While the project location is outside The Greater Bellport Study Area, it would provide additional sidewalks and enhance pedestrian and bicycle transportation opportunities.
- Public Transit – The proposed Wal-Mart project is consistent with the Public Transit goals of the Bellport Plan. While the project location is outside The Greater Bellport Study Area, it proposes to accommodate a new bus stop along the site frontage.

5. East Patchogue Sewer Improvement Area Report

The East Patchogue Sewer Improvement Area Report was prepared for the Town of Brookhaven in January 2009 by Frank Russo, P.E. This report relates to sewer service for the East Main Street area of downtown East Patchogue. The proposed Wal-Mart project has its own sewer availability and the East Patchogue Sewer Improvement Area Report therefore has no relevance to the proposal.

6. Brookhaven's "Dark Skies" Lighting Code

The project's lighting configuration is consistent with Illuminating Engineering Society of North America (IESNA) standards for safety and is compliant with IESNA "Dark Sky" guidelines and Article XXXIX (§85-463 through §85-475) of the Brookhaven Town Code, which details the Town of Brookhaven's exterior lighting standards. Site lighting would be designed with dark sky compliant lighting fixtures so that the potential for adverse impacts from fugitive lighting, both on wildlife as well as on adjacent properties, would be minimized. Photometric analyses would be performed to ensure that there would be no lighting impacts to adjacent properties or wildlife. The proposed photometric plan shows no light trespass at the property lines. As shown on the Lighting Plan (See Exhibit 3-2), the proposed project would meet or exceed all requirements, including all minimum, maximum and average foot-candles, of the Town lighting standards.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. Parking lot lighting during late night hours would typically be limited to store entrances and paths to the front door from the most preferred parking stalls. All other areas not in use would be lit according to the safety conditions set forth in the IESNA standards.

7. Brookhaven's Complete Streets policies

Brookhaven's Complete Streets policies, dated December 2009, presents a discussion of how developments could control traffic, enhance pedestrian and bicyclist access and safety, and enhance aesthetics around a property. The proposed project would enhance pedestrian and bicycle transportation through measures such as the construction of new sidewalks, the construction of a new traffic signal with pedestrian crossing amenities, the provision of sidewalk connections to Hospital Road and La Bonne Vie Drive, and the accommodation of a new bus stop. The site would be landscaped and improved in an aesthetic manner consistent with the Complete Streets policies.

8. South Shore Estuary Reserve Plan

The South Shore Estuary Reserve Comprehensive Management Plan was prepared by the South Shore Estuary Reserve Council and officially adopted in April 2001. The Reserve Council

consists of the New York State Secretary of State, the County Executives of Nassau and Suffolk Counties, and the Mayors, Supervisors and City Managers of the towns and cities in Nassau and Suffolk Counties as well as representatives of numerous environmental, sportsmen's, business, academic, and other citizen's groups.

The Long Island South Shore Estuary Reserve encompasses a 326 square mile watershed in Nassau and Suffolk counties. The Reserve extends from the Nassau County/New York City line eastward about 75 miles, to the Village of Southampton in Suffolk County. From south to north, the Reserve extends from the mean high tide line on the ocean side of the barrier island to the inland limits of the drainage areas. The Plan provides a blueprint for the long-term health of the Reserve's bays and tributaries, its tidal wetlands and wildlife, and its tourism and economy.

The proposed Wal-Mart project site lies within the drainage area for the Great South Bay portion of the Estuary Reserve. The project site is located approximately 2.5 miles north of the waters of the Great South Bay at its nearest point. According to the Plan, the Great South Bay is the largest shallow estuarine bay in New York State, with extensive back barrier and tidal creek salt marshes, eelgrass beds, and intertidal flats. The Plan indicates that the Great South Bay has extensive impervious surfaces in its watershed, and for this reason, nonpoint source pollution from storm water runoff is the primary concern.

The Plan contains the following five major goals:

- *Improve and Maintain Water Quality*
- *Protect and Restore Living Resources of the Reserve*
- *Expand Public Use and Enjoyment of the Estuary*
- *Sustain and Expand Estuary-related Economy*
- *Increase Education, Outreach and Stewardship*

The only goal of the Plan that relates directly to the proposed action is the goal to "*improve and maintain water quality*" largely through the control of nonpoint source pollution. The proposed project would include the following measures to control nonpoint source pollution of the Great South Bay.

Construction Phase

The following measures would be implemented during the construction phase of the project in accordance with the Plan's recommendation to reduce and control nonpoint source pollution by adopting "*best management practices to control drainage, erosion and sedimentation prior to and during construction.*"

- In an effort to minimize potential adverse environmental impacts from the construction of the proposed project, a Storm Water Pollution Prevention Plan (SWPPP) is being developed. A SWPPP would be developed and implemented prior to construction activities at the site and prior to the start of activities requiring authorization under a State Pollutant Discharge Elimination System (SPDES) permit. The SWPPP identifies potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges on and off the site. In addition, the SWPPP describes and ensures the implementation of practices which would be used to reduce the pollutants in storm water discharges and to assure compliance with the terms and conditions of a SPDES permit. All SWPPPs must include erosion and sediment controls.
- Erosion and sedimentation control measures would be installed prior to the start of any construction activities on the project site. Such erosion and sedimentation control measures would include the strategic placement of silt fences and temporary berms and trenches to prevent overland runoff, stockpile protection measures, storm drain silt control measures, and the installation of foundations, pavement, and/or landscaping as soon as possible following soil disturbance in order to effectively limit the extent of soil erosion. Additionally, the installation of drywells and re-grading activities would control and direct the routes of water flow on-site to minimize the impacts associated with overland flow.
- All erosion and sediment control measures would be installed and certified by the project's civil engineer and Wal-Mart construction manager prior to the start of any construction activities, would be maintained daily to ensure their proper functioning, and would remain in place until disturbed areas are stabilized. After site clearing, the area would be paved, planted, or stabilized to minimize the amount of time that soils are exposed. All topsoil and/or sub-grade material that can be stockpiled during construction would be used in areas to be replanted and re-graded. All areas to remain undisturbed would be separated from those areas to be developed with the use of fencing or other methods to visually mark boundaries. Sediment traps and swales would be used to direct storm water flows to designated areas and keep runoff from exiting the construction site. This would keep sediment from washing into the streets and ultimately any waterways.

Post-Construction/Operations Phase

The following measures would be components of the post-construction/operations phase of the project and would meet the Plan's recommendation to reduce and control nonpoint source pollution.

- During post-development conditions, storm water runoff generated from on-site pavement, roof surfaces, and landscaped areas would be directed toward and collected in a system of drywells that would then allow the storm water to infiltrate into the

underlying soils and recharge the groundwater table underlying the site. The proposed development on the subject site would include the provision of 77, 12-foot diameter drywells, having an overall capacity of 71,422 CF. This capacity is more than sufficient to handle the anticipated quantity of storm water runoff that would be generated from the proposed development on the subject site. There would be no overland runoff from the developed area onto adjacent properties or roadways in the vicinity of the subject site.

- Approximately 11.21 acres of existing vegetation would be cleared for the development of the proposed Wal-Mart retail store and its associated improvements. Most of the existing vegetation to be removed is located in the interior portion of the project site. Upon completion of the project, approximately 7.27 acres (43.7%) of the property would be vegetated with natural and supplemental plantings and approximately 9.37 acres (56.3%) of the property would be covered by the building, parking areas, and other paved surfaces. Approximately 5.43 acres of the vegetated portion of the property would remain undisturbed and approximately 1.84 acres of the vegetated portion of the property would consist of new landscaping.
- Areas to be preserved on the project site would include a 60'-75' wide natural and undisturbed buffer to the adjacent La Bonne Vie II apartment development, a 50' -60' wide natural and undisturbed buffer along Hospital Road, and a 65' wide natural and undisturbed buffer along the North Service Road. These buffers would generally adjoin additional naturally vegetated areas on the adjacent properties. The +/-70' wide strip of the subject property that extends easterly along the North Service Road to Sipp Avenue would also be preserved as undisturbed vegetated area.
- Approximately 1.84 acres of new landscaping would be added to the site within parking lot islands and to supplement existing vegetation within the perimeter buffer areas. Landscaping would include the addition of approximately 56 deciduous trees, approximately 41 evergreen trees, approximately 407 deciduous and evergreen shrubs, approximately 173 groundcover plantings, and approximately 24 ornamental grass plantings. In areas near or adjacent to the natural areas to remain undisturbed, the plans propose seeding with Showy Northeast Wildflower Mix to provide re-vegetation back to natural conditions.

B. Suffolk County

1. Suffolk County Comprehensive Plan

As the Suffolk County Comprehensive Plan has not yet been completed, it is not addressed in the context of the proposed project.

2. Suffolk County Comprehensive Water Management Plan

As the Suffolk County Comprehensive Water Management Plan has not yet been completed, it is not addressed in the context of the proposed project.

3. Smart Growth Policy Plan for Suffolk County

The Smart Growth Policy Plan for Suffolk County was prepared by the Suffolk County Planning Department in October 2000. The Suffolk County Legislature and the County Executive passed a bill on March 30, 2000 requiring the Planning Department to prepare a written master plan for smart growth in Suffolk County. The Policy Plan states that the purpose of this document is “*to highlight and concentrate on some of the various laws, regulations, policies and programs of Suffolk County which might be examined and measured against smart growth principles and to recommend changes to encourage smart growth.*” The Policy Plan also states that “*it is not the purpose of this document to recommend a preferred land use for each and every one of the half-million parcels in Suffolk County. Rather, smart growth is a process; a planning process which can be applied to situations involving the location of various land uses, transportation and community facilities. Because so much of smart growth has to do with reuse of already built land and buildings, approaching a land use plan in the traditional way would be futile and presumptive*”.

Smart growth according to the Policy Plan can be defined as “*anticipating and providing for sensible growth, balancing jobs and economic development with the preservation of the natural environment and the historical community fabric.*” Smart growth principles and recommendations included in the Policy Plan fall under the eight basic policies listed below. The relevance of each of these policies to the proposed action is discussed under each policy.

- *Encourage consultation and collaboration among communities.*

This policy is not relevant to the proposed action as it relates to government support and funding of community planning initiatives.

- *Direct development to strengthen existing communities.*

This policy is not relevant to the proposed action as it relates to promoting development in existing downtowns.

- *Preserve open spaces, natural areas, groundwater and surface water resources, historic resources and working farms.*

This policy relates to County land preservation programs, acquisition of open land, farmland preservation, coastline protection, and historic preservation efforts. This policy is not relevant to the proposed action as the subject property, which consists of undeveloped and unused wooded land, is not designated nor would it be appropriate for designation for preservation as open space. The property has been specifically zoned to accommodate commercial development.

- *Encourage compact and orderly development.*

This policy relates to the redevelopment of previously developed properties, downtown development, and planned public works projects and as such is not relevant to the proposed action. However, this policy also notes that “*zoning codes tend to guide commercial and industrial development and leave low-density residential development to fill in everywhere else.*” The proposed Wal-Mart project would comply with this policy in that it is proposed to be developed on land that has been specifically zoned to accommodate such a development.

- *Provide for transportation choices.*

While the proposed project is not located along a County Road, it would accommodate non-motorized and transit options through measures such as the construction of new sidewalks, the construction of a new traffic signal with pedestrian crossing amenities, the provision of sidewalk connections to Hospital Road and La Bonne Vie Drive, and the accommodation of a new bus stop.

- *Provide for a variety of housing choices.*

This policy is not relevant to the proposed action as the project site is not zoned for the development of housing.

- *Encourage permitting processes which are predictable, certain, efficient and final.*

This policy is not relevant to the proposed action as it relates to government actions to facilitate development.

- *Ensure consistency of governmental policies and programs.*

This policy is not relevant to the proposed action as it relates to coordination of government actions. However, this policy also notes that “*all public and private development proposals must currently undergo environmental reviews pursuant to State*

Environmental Quality Review (SEQRA)” and notes other coordinated regional governmental initiatives. The proposed Wal-Mart development is currently being reviewed by the relevant Town, County, and State boards and agencies under SEQRA and therefore complies with this policy.

4. Smart Growth Committee Report Analysis and Prioritization of the Recommendations of the Smart Growth Policy Plan for Suffolk County

The Smart Growth Committee Report Analysis and Prioritization of the Recommendations of the Smart Growth Policy Plan for Suffolk County was prepared by the Suffolk County Planning Department in November 2003. The Suffolk County Legislature convened the Smart Growth Committee to review and prioritize the recommendations of the Smart Growth Policy Plan of Suffolk County discussed in item B.3 above. The Committee includes representatives appointed by the County Executive and the Suffolk County Legislature as well as representatives of municipal governments, community and professional organizations, and several County departments.

Although all of the recommendations of the Policy Plan are important, the Committee was charged with establishing priorities so that a focused and directed effort can be put into effect. The Committee endorses the following as overall priority recommendations derived from the Policy Plan. The relevance of each of these policies to the proposed action is discussed under each policy.

- *Encourage the development of area-wide or sub-regional Smart Growth plans that address the protection of drinking water resources as well as provide a plan for a reallocation of density to permit compact centers of development and open space. This action would incorporate a number of the recommendations of the Smart Growth Policy Plan.*

This policy is not relevant to the proposed action as it relates to funding for public participation, restriction of new sewer districts (discussed under the third bullet below), coastline studies, redevelopment of properties, downtown development, government-sponsored planned public works and roadway improvements, and expediting review of permits in smart growth areas.

- *In accordance with General Municipal Law Section 239-c.3.(h), all County road projects should be submitted to the Suffolk County Planning Commission for review. While the Planning Commission's review is not binding, it can provide an opportunity for important input from the perspective of this important regional planning entity. It also noted that*

GML 239-c.3.(h) also requires that all state highway projects also be referred to the Suffolk County Planning Commission.

This policy is not relevant to the proposed action as it only applies to projects for which either the County or the State is the sponsor.

- *Allow the transfer of development rights from surplus County-owned parcels and possible future open space acquisition programs. This could also include areas that were subject to priority recommendation one, area-wide and sub-regional plans.*

This policy is not relevant to the proposed action as it relates to government-sponsored land use actions.

- *Where appropriate, encourage the establishment of new sewer districts and extensions of public water in Smart Growth areas.*

This policy is not relevant to the proposed action as explained below:

- A new sewer district would not be created to accommodate the proposed Wal-Mart store. The subject property is located within the existing Suffolk County Sewer District #7 which has an available capacity of 20,000 gpd. Arrangements have previously been made to connect the subject property to the public sewer system via the adjacent La Bonne Vie apartment complex's sewer and pump station. During the permitting and construction of the La Bonne Vie apartment complex's sanitary sewer system, the property owner envisioned future development for his adjacent vacant land to the south (subject property). As such, a sanitary manhole was installed near the subject property's northeast property corner on the apartment complex's parcel in order to facilitate connection of any future development that may occur on the subject property. The proposed Wal-Mart retail store and the office building's sanitary sewer would be connected to the said manhole via a single lateral from the project site. Sewage capacity for the subject site was included in the design for the La Bonne Vie apartment complex's sanitary system which is connected to a sewage treatment plant owned by Suffolk County. To be precise, per an existing sanitary as-built drawing by Norton Brothers Consulting Engineers and Land Surveyors, dated 10/20/75 and revised 5/18/76, a total of 16,000 gpd sanitary sewer capacity was provided for future development on the subject site. Suffolk County reviewed and approved these plans. As documented on record drawings, sufficient capacity in the sewer district for the proposed Wal-Mart retail store and proposed offices' wastewater was accounted for and is available. Therefore, there would be no adverse impacts to sanitary sewer services from the development of the subject site.

- The subject project site lies within the boundaries of the Suffolk County Water Authority (SCWA). In response to the applicant's request for connection to their public water facilities, the SCWA has advised that their nearest water main capable of serving the subject property lies within the Sipp Avenue R.O.W. This main terminates at the North Service Road, and in order to serve the subject property, a water main extension of approximately 1,096 feet would be required. Wal-Mart would be required to pay the estimated \$65,000 cost of said water main extension by the SCWA. Upon completion of the water main extension, the SCWA has indicated they would have sufficient capacity to serve the proposed development and therefore there would be no adverse impacts to water supply services. It would not be appropriate to restrict the extension of this water line to the project site as the property has been zoned for and anticipates commercial development of the type currently proposed.
- *Enable the purchase of non-farm development rights and the creation of a land acquisition installment purchase program.*

This policy is not relevant to the proposed action as it relates to government-sponsored land use acquisition.

- *Encourage the provision of a variety of housing choices.*

This policy is not relevant to the proposed action as the project site is not zoned for the development of housing.

- *The County Departments of Planning and Public Works should meet with the State Departments of State and Transportation to review the Smart Growth goal of early collaboration with affected communities and find ways to improve upon the state directives to include community input in highway design and planning.*

This policy is not relevant to the proposed action as it only applies to the design and planning of projects for which either the County or State is the sponsor.

C. Local & Regional

1. Village of Patchogue Downtown Business District Study

The Village of Patchogue Downtown Business District Study, dated November 2002, was prepared by the Suffolk County Department of Planning. The purpose of the Study was to prepare a plan that would improve and protect the viability of the existing businesses in the downtown district and improve the overall condition and attractiveness of the area for Village residents, merchants, and visitors. The Department undertook a field survey of the downtown district and analyzed existing development patterns and the status of the stores and commercial development along Main Street and Ocean Avenue in order to develop the Study's recommendations.

The downtown business district study area is approximately one mile long, including the Village of Patchogue business district along Main Street from Waverly Avenue on the west to the Patchogue Village border on the east. The study area includes lands approximately one block north and one block south of Main Street. The properties along Ocean Avenue approximately 1-½ blocks north and 1-½ blocks south of Main Street are also included in the study area.

The project site lies outside of the boundaries of the downtown business district study area and is located an approximately 3.1 mile drive northeast of the Village center intersection of Ocean Road and Main Street. The Patchogue Downtown Business District Study is therefore not directly relevant to the proposed project. However, there are areas of policy overlap between the Patchogue Downtown Business District Study and the proposed project including the following:

The Study contains the following statements:

- *“As the local economy continued to improve during the late 1990s and some CBDs underwent aesthetic improvements and became more boutique and service oriented, vacancy rates in CBDs improved despite continued construction of new large shopping centers. CBDs have begun to accommodate more non-retail uses, many of which are not found in larger shopping centers. These non-retail uses can help keep vacancy rates down in CBDs. Some CBDs have reverted to serving the smaller communities that surround them instead of larger regions”.*

The Study goes on to detail the types of businesses located in downtown Patchogue and verifies that the number of non-retail uses have been increasing in the downtown area over recent years relative to the number of retail uses. Non-retail uses include eating and drinking establishments, small food stores, and cultural activity centers. The proposed Wal-Mart project is a retail use of a fundamentally different nature than those located in

downtown Patchogue and it would not compete with the retail and non-retail uses located in the downtown.

- *“Patchogue is no longer a regional retail center, but the new District Court and the Brookhaven Hospital facility are examples that illustrate a new and significant service economy taking root in the Village.”*

Again, the proposed Wal-Mart project is a retail use of a fundamentally different nature than the types of businesses and uses that are increasingly locating in downtown Patchogue and it would not compete with these downtown uses.

- The Study recommends that the Village of Patchogue *“encourage retail and destination uses in the downtown core focused on arts, entertainment, and restaurant uses and encourage non-retail uses outside of the core business area including office, service and institutional uses.”* As part of its recommendations pertaining to areas outside of the core, the Study states that the Village should *“discourage the construction of shopping centers within a mile of downtown Patchogue.”*

The proposed Wal-Mart store would not be the type of use that the Study recommends for location in the downtown area. In addition, as stated above, at a distance of 3.1 miles from downtown Patchogue, the subject Wal-Mart location is well in excess of the one-mile recommendation.

2. Sustainable East End Development Study (SEEDS)

The Sustainable East End Development Study (SEEDS), dated June 2006, was prepared by the Mayors and Supervisors of Long Island’s East End communities and the East End Transportation Council/SEEDS Steering Committee. The purpose of the SEEDS study was to evaluate the East End’s transportation system in relation to its land use policies and practices through a 2025 horizon year, in order to plan future development patterns and transportation solutions that could sustain one another in the long term.

The SEEDS project study area encompasses a region that covers approximately 360 square miles, and consists of the five towns of East Hampton, Riverhead, Shelter Island, Southampton, and Southold, and the 10 villages of Dering Harbor, East Hampton, Greenport, North Haven, Quogue, Sag Harbor, Sagaponack, Southampton, Westhampton Beach, and Westhampton Dunes. The project site lies outside of the boundaries of the SEEDS project study area and is located more than 12 miles west of the westerly edge of the SEEDS study area at the joint borders of the Towns of Brookhaven, Riverhead, and Southampton. Therefore, the SEEDS study is not directly relevant to the proposed project.

The SEEDS report presents the following preferred land use and transportation scenarios for future development on the East End.

- *New land use development should be focused in and around a series of hamlet centers in the form of new mixed-use development and by encouraging infill development opportunities.*
- *Efforts to protect agricultural and open space should continue. Towns and villages should incorporate this vision into their land use plans by delineating large tracts within the East End where future development should be strictly limited.*
- *The towns and villages should reduce the overall future development potential in their communities.*
- *Transportation management strategies should be employed by all agencies and levels of government to maximize the efficiency, safety, and accessibility of the existing roadway system, rather than significantly expanding its physical capacity.*
- *In coordination with improved rail service, the region should pursue implementation of an intermodal hub system that would accommodate and integrate expanded rail, bus, and demand responsive feeder/distributor services, shuttle bus service, park-and-ride facilities, bicycle parking, and a range of passenger amenities.*

None of the above policies are relevant to the proposed action as the proposed Wal-Mart project would have no impact on future land uses or transportation infrastructure within the SEEDS project study area boundaries.

D. New York State

1. August 2010 update to the New York State Stormwater Management Design Manual

The New York State (NYS) Stormwater Design Manual was updated in August of 2010 to include Green Infrastructure Planning. Per Chapter 3, Table 3.1 - Green Infrastructure Planning General Categories and Specific Practices and Table 3.2 – Green Infrastructure Techniques Acceptable for Runoff Reduction, the proposed site will include practices from the groups listed below:

Preservation of Natural Resources:

- Preservation of Undisturbed Areas
- Preservation of Buffers

- Reduction of Clearing and Grading
- Locating Development in Less Sensitive Areas – J-2 and J-4 Business Districts

Reduction of Impervious Cover:

- Parking Reduction – Land banked Stalls

Runoff Reduction Techniques:

- Conservation of Natural Areas
- Tree Planting
- Rain Garden

Additionally, the subject site’s stormwater management program will exceed the New York State Department of Environmental Conservation (NYSDEC)’s 90% requirement for Water Quality Volume (WQv). Per Chapter 4 of the NYS Stormwater Design Manual, Figure 4.1, Long Island’s 90% rainfall event number is equivalent to 1.2”. Due to strict Town requirements, the proposed 77 drywells are designed to provide 2” of storage for the subject site. As outlined in Chapter 3 of the NYS Stormwater Design Manual, Table 3.3, drywells (practice I-3) under the infiltration group are a standard Stormwater Management Practice (SMP) for treatment. This standard SMP, along with the Town’s required 2” rainfall event, allows this site to treat 100% of the WQv and, therefore, also meet the Runoff Reduction Volume (RRv) criteria.

2. NYS Complete Streets policies

New York State’s Complete Streets policy supports the development of a system of facilities that are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and bus riders of all ages and abilities. The proposed action would support non-motorized and transit options through measures such as the construction of new sidewalks, the construction of a new traffic signal with pedestrian crossing amenities, the provision of sidewalk connections to Hospital Road and La Bonne Vie Drive, and the accommodation of a new bus stop.

Other Relevant Analyses

As detailed in Chapter 12 of the DEIS, the proposed development would have an insignificant impact upon the existing businesses in and the overall character of the downtown areas of the Village of Bellport and the Village of Patchogue.

CHAPTER 11: COMMUNITY FACILITIES AND SERVICES

The proposed Wal-Mart retail store and office building would be serviced by public water facilities through the Suffolk County Water Authority (SCWA). An existing water main along Sipp Avenue to the east would be extended along the North Service Road to the subject property. In addition, arrangements have previously been made to connect the subject property, to the public sewer system via the adjacent La Bonne Vie apartment complex's sewer and pump station. The property would also connect to existing electric, gas, and telephone utilities located within the adjacent R.O.W.s.

The subject project site lies within the boundaries of the SCWA. In response to the applicant's request for connection to their public water facilities, the SCWA has advised that their nearest water main capable of serving the subject property lies within the Sipp Avenue R.O.W. This main terminates at the North Service Road, and in order to serve the subject property, a water main extension of approximately 1,096 feet would be required. Wal-Mart would be required to pay the estimated \$65,000 cost of said water main extension by the SCWA. Upon completion of the water main extension, the SCWA has indicated they would have sufficient capacity to serve the proposed development and therefore there would be no adverse impacts to water supply services. Copies of all correspondence relating to water availability are included in Appendix F.

Based on Suffolk County Department of Health Services (SCDHS) sanitary design flow standards, the proposed development is expected to have a domestic wastewater and domestic water usage load of approximately 5,722 gallons per day (gpd) and sanitary sewage generation of approximately 5,202 gpd. The irrigation load for on-site landscaping, hosing operations, etc. is estimated at approximately 500 gpd during the watering season. According to a letter from Mr. Ben Wright, P.E., Chief Engineer of the Division of Sanitation of the Suffolk County Department of Public Works (copy in Appendix F), the subject property is within Suffolk County Sewer District #7 which has an available capacity of 20,000 gpd.

During the permitting and construction of the La Bonne Vie apartment complex's sanitary sewer system, the property owner envisioned future development for his adjacent vacant land to the south (subject property). As such, a sanitary manhole was installed near the subject property's northeast property corner on the apartment complex's parcel in order to facilitate connection of any future development that may occur on the subject property. As depicted on the Utility and Sanitary Plan (See Utility and Sanitary Plan, Exhibit 11-1), the proposed Wal-Mart retail store and the office building's sanitary sewer would be connected to the above said manhole via a single lateral from the project site. Sewage capacity for the subject site was included in the design for the La Bonne Vie apartment complex's sanitary system which is connected to a sewer treatment plant owned by Suffolk County. To be precise, per an existing sanitary as-built

drawing by Norton Brothers Consulting Engineers and Land Surveyors, dated 10/20/75 and revised 5/18/76, a total of 16,000 gpd sanitary sewer capacity was provided for future development on the subject site. Suffolk County reviewed and approved these plans. As documented on record drawings, sufficient capacity in the sewer district for the proposed Wal-Mart retail store and the proposed offices' wastewater was accounted for and is available. Therefore, there would be no adverse impacts to sanitary sewer services from the development of the subject site.

Electric service would be provided to the subject property by the Long Island Power Authority (LIPA). Copies of all correspondence relating to electric service availability are included in Appendix H, DEIS dated September 21, 2011. Natural gas service would be provided to the subject property by National Grid, formerly Keyspan Energy. Telephone service would be provided by Verizon. Based on research and discussions with the local utility companies, gas, electric and telephone utility services are available in the R.O.W.s fronting the subject project site with sufficient capacity to serve the proposed Wal-Mart retail store and office building. As such, no significant adverse impacts are expected with regard to these utility services.

Solid waste generated by the proposed Wal-Mart retail store would be stored on-site in a compactor in the bale and pallet recycle area. The compactor as well as super sandwich bales, a method of bundling loose items for recycling between two stacks of cardboard, and pallets would be screened to minimize visibility to the public while maintaining accessibility for removal. Solid waste generated by the proposed office building would be held in a refuse bin for pick-up and be taken off-site for disposal. The collection and disposal of solid waste for commercial venues in East Patchogue is typically performed by privately retained carters. Wal-Mart and the proposed office building would retain the services of licensed private carters to be determined at a later date. Waste materials would be separated for recycling and disposal and transported to a local transfer station for distribution to either a landfill or a solid waste management system center for recycling. The ultimate waste disposal locations are at the discretion of the carter.

With its central position along the North Service Road of Sunrise Highway/Route 27 and close proximity to Brookhaven Memorial Hospital, the project site is ideally located in the event that emergency services are required. The project site is located less than three miles from the Hagerman Fire Department, less than five minutes travel time, and is directly across Hospital Road from the North Patchogue Fire Department sub-station. The Suffolk County Police Department, Fifth Precinct, is located less than three and a half miles away with a six minute travel time to the project site. The proposed project would generate significant annual tax revenues to the County and Town. It is assumed that the distribution of this tax revenue would be apportioned to these municipal services.

The Hagerman Fire Department has 100 volunteer members and provides fire protection services to approximately 15 square miles of residential and commercial property, including Brookhaven Memorial Hospital and several adult living facilities. The Fire Department owns ten pieces of equipment including ladder trucks, rescue trucks, ambulances, and brush trucks.

The Suffolk County Police Department consists of seven precincts serving the westerly five Towns of Suffolk County, including the Town of Brookhaven. The Fifth Precinct renders patrol and other police services to the political subdivisions of the towns of Brookhaven (south) and Islip (east) and the incorporated villages of Patchogue and Bellport. The Suffolk County Police Department is supported by an auxiliary volunteer police force. Other specialized units include emergency services, an identity theft division, a detective division, and a highway patrol bureau. The Suffolk County Police Department's 2006 annual report showed that the Fifth Precinct served a population of 170,775 persons and was involved in 12.7% of the overall service calls on Long Island.

The subject property is situated within the South Country Ambulance District. South Country Ambulance has five active ambulances in the district, responding from headquarters in East Patchogue, Bellport, and Brookhaven. The strategic placement of these ambulances throughout the district enables them to respond to calls in five minutes on average.

As discussed in greater detail in Chapter 13, significant roadway improvements are proposed along Hospital Road at its intersections with the North Service Road and the South Service Road of the Sunrise Highway. The proposed project and its related mitigation under the 2011 Build Condition would significantly improve the expediency with which emergency vehicles can travel to and from Brookhaven Memorial Hospital and the North Patchogue Fire Department in peak periods. The proposed traffic signal at the site driveway along Hospital Road would be hard wired to the North Patchogue Fire Department for emergency pre-emption of the signal phasing. The traffic signal would also be equipped with standard wireless pre-emption equipment to facilitate northbound and southbound emergency vehicle movement on Hospital Road. In addition, the proposed widening of the Hospital Road Bridge approaches would provide a pull-over area in portions of the bridge where there are none today. The widened areas would allow some drivers to pull out of the way of emergency vehicles. As a result of these improvements, the progression of vehicular traffic through this area would be significantly enhanced and it is expected that the provision of police, fire, and ambulance emergency services along the Hospital Road corridor would not be adversely impacted by the development program. In addition, the apportionment of new tax revenues generated by the proposed development to the provision of these emergency services would mitigate any significant adverse impacts to the supply of these services.

The subject property is situated within the South Country Central School District. No residential uses are proposed as part of the proposed development on the subject property. Therefore, the proposed development would not increase the population of school-aged children in the District.

The existing community services provided to the downtown areas of the Village of Bellport and the Village of Patchogue, including fire, police, ambulance, water, sewer, and solid waste handling services, and the provision of electricity, natural gas, and telephone services, would not be affected by the proposed Wal-Mart store and office building as the project site is too far from the Village downtown areas to affect these services.

Wal-Mart believes that a store in East Patchogue would bring tremendous benefits to the community. Wal-Mart maintains that its retail offerings and services would enhance the supply and choice of retail goods and services in the local area. Wal-Mart believes that the subject site at Hospital Road and the North Service Road of Sunrise Highway would be the best location in this community to accomplish its consumer goals. As this proposed Wal-Mart retail store is allowed by zoning in the J2 district mapped on the project site, Wal-Mart also believes that a store at this location would comply with the Town's vision for the area. Similarly, as the proposed office building is allowed by zoning in the J4 district mapped on the property, an office use at this location would comply with the Town's plan for the area.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. These operating hours would provide shopping opportunities not typically offered by other stores in the area. This would be particularly convenient for local hospital workers from the nearby Brookhaven Memorial Hospital and emergency service personnel who have non-traditional work shifts as they would be able to complete their shopping during off peak hours. The proposed office building would typically operate during normal business hours Monday through Friday with limited employee activity after hours and on weekends on an as-needed basis.

Wal-Mart is committed to the security of its stores, providing safe shopping and work environments for its customers and employees. Wal-Mart stores are designed so that all egress doors are activated from the inside out. Buildings have 360° camera surveillance inside the store, on all exterior walls, and in the parking lot. Cameras are monitored inside the store's security room which is staffed 24 hours, 7 days a week. Security staff also conducts regular foot patrols through the store and in the parking lot.

CHAPTER 12: ANALYSIS OF POTENTIAL IMPACTS OF PROJECT ON DOWNTOWN AREAS OF BELLPORT VILLAGE AND PATCHOGUE VILLAGE

Introduction

This chapter contains an analysis of the potential impacts of the proposed Wal-Mart store in East Patchogue on the businesses located in the downtown areas of the Village of Bellport and the Village of Patchogue and on the overall character of these downtown areas. The 900 square foot office building proposed to be developed on the project site is too small to have any potential adverse impacts on businesses located in these areas and would have no impact on the overall character of these downtown areas. Compliance Solutions Services, LLC conducted a survey of the businesses and other uses in the downtown areas of the Village of Bellport and the Village of Patchogue on Wednesday, January 13, 2010. The survey was conducted on foot and all businesses were recorded by business name, address, and type of business, except for buildings containing multiple offices where only the type of business was recorded. This section presents the following information and analyses:

- A general description of the downtown areas of the Village of Bellport and the Village of Patchogue including their retail history, their location relative to the proposed Wal-Mart site, their general size, and the approximate boundaries of each downtown area.
- A tabular overview of the business types and other uses existing in the downtown areas.
- A summary of the business character of the downtown areas.
- A discussion of the potential impact of the proposed Wal-Mart store on the growth and character of the Village downtown areas based on the analyses above.

Village of Bellport

Retail History of Village

The Village of Bellport was founded by Captains Thomas and John Bell in the early 1800s and was originally designed to be a seaport centered around the Great South Bay. Bellport is a quaint, bucolic, seaside village similar to the Hamptons or small town New England, and the downtown retail center is quite compact, extending over only a four block area. The Village's retail center serves year round residents as well as day visitors and summer residents. Bellport Village was one of the earliest summer destinations established in Suffolk County, and the Village has served as a summer haven for a succession of writers, artists, scientists, intellectuals, and the rich and

influential. The Village downtown is not an area-wide or regional shopping destination since it primarily services these local residents and visitors and contains few chain stores or stores of substantial size. Businesses in the Village downtown consist of local services, with a large percentage of high-end restaurants and specialty shops designed to attract vacationers as well as the relatively affluent residents of the surrounding area.

Much of the downtown retail area of the Village is located within the Bellport Village Historic District, which was designated in 1980 and is roughly bounded by South Country Road, Bellport Lane, Brown's Lane, Brewster Lane, and Bell Street. Many businesses are located in historic structures, and some of the more prominent businesses, such as Wallen's IGA supermarket, have occupied their storefronts for decades (Wallen's was established in 1949). The appearance of the buildings in the original center of the Village has changed little since the 1920s. In more recent years, retail uses have gradually expanded adjacent to the periphery of the original historic center in several newer low-rise buildings that have largely been designed to be compatible with the Village downtown's historic character. The downtown retail environment in the Village of Bellport has been remarkably successful and stable and is on what appears to be a sustainable path into the future.

General Description of Village Downtown Area

The downtown area of the Village of Bellport, as measured in a straight line ('as the crow flies') to the Village center at the intersection of South Country Road and Station Road, is located approximately 2.8 miles southeast of the proposed Wal-Mart site. The downtown area of Bellport Village is most directly accessed from the project site via Route 27/Sunrise Highway eastbound to Station Road southbound, a distance of approximately 4 miles (See Aerial Map, Exhibit 12-1).

The downtown area of the Village of Bellport extends over an approximately four block area including South Country Road between Station Road and Academy Lane to the west; South Country Road between Station Road and Woodruff Avenue to the east; Station Road between South Country Road and Cottage Place to the north; and Bellport Lane between South Country Road and Osborn Lane to the south.

Inventory of Existing Businesses

Table 12-1 provides an overview of the types of businesses and other uses that are located in the downtown area of the Village of Bellport. A summary of the character of the Village downtown area is also provided.

Table 12-1: Village of Bellport, Existing Business and Other Uses Overview

Type of Business or Other Use	Number of Similar Businesses/Other Uses
Fire Station House	1
Public Library	1
Post Office	1
Art Gallery	2
Office Building – Mixed Use	2
Offices (Medical, Legal, Financial, Real Estate, Insurance, Professional)	7
Clinic, Pharmacy	1
Opticians, Eyeglass Sales	1
Bank	1
Gasoline Sales, Auto Service/Repair	2
Restaurant/Take-Out/Ice Cream/Cafe	4
Restaurant	5
Grocery Store/Supermarket	2
Natural Foods Store	1
Variety Store	1
Liquor Store	1
Travel Agency	1
Misc. Retail: Florist Shop, Framing Store, Antiques Store, Candle Shop, Gift Shop, Paint & Supplies Store	8
Dry Cleaners, Tailor	2

Photo Studio	1
Women's Clothing Store	1
Barber Shop/Hair Salon/Spa	5
Dog Groomer	1
Vacant	4

Summary

The Village of Bellport downtown is quite compact extending over only a four block area. Bellport is a small seaside village similar to the Hamptons with a preponderance of restaurants, antique stores, local service establishments, and real estate offices. This is not an area-wide or regional shopping destination since it primarily services local residents. Businesses in this area consist of local services including real estate, financial, medical, and other professional offices, restaurants, small groceries and specialty food stores, dry cleaning establishments, small clothing stores, art and antiques stores, gift shops, florists, home design stores, personal care businesses (hair and nail salons, spas, exercise studios), banks, gas stations, and small auto service facilities as well as public services including a post office, a public library, and a fire station house. The downtown includes few vacant stores. Most of the parking for these businesses is on-street although several businesses, including the shopping plaza at 107 South Country Road, provide off-street parking.

Village of Patchogue

Retail History of Village

In the 1950s and 1960s, the downtown area of the Village of Patchogue was one of the four or five major shopping areas in Suffolk County. The Village contained a department store (Swezeys), three movie theaters, two haberdashers, four or five shoe stores, and an A&P supermarket, among other retail uses. The retail environment of the downtown Village area began to change with the construction of Sunrise Highway immediately adjacent to the Village. At this time, the Town Board rezoned a number of sites for shopping centers on this highway less than one mile from the Village boundary. The subsequent opening of Smithhaven Mall, Bellport Outlets, and Tanger Outlets, as well as the construction of additional retail development centers offering grocery uses, provided new shopping alternatives near the Village area. Swezeys department store, which had additional stores elsewhere in Suffolk County, remained in business and was a mainstay and anchor for the Village. Ultimately, however, about 10 years ago, Swezeys closed all its stores and went out of business. This closing could have resulted in the

death knell for the Village, but due to the Village Board's vision in approving several transit-oriented residential developments, and taking advantage of its ample waterfront, the Village retail component has changed from destination shopping to local restaurants, boutiques, etc.

General Description of Village Downtown Area

The downtown area of the Village of Patchogue, as measured in a straight line ('as the crow flies') to the Village center at the intersection of Ocean Road and Main Street, is located approximately 2.7 miles southwest of the proposed Wal-Mart site. The downtown area of Patchogue Village is most directly accessed from the project site via Route 27/Sunrise Highway westbound to North Ocean Avenue southbound, a distance of approximately 3.1 miles (See Aerial Map, Exhibit 12-1).

The commercial area of the Village of Patchogue is relatively large, especially in relation to that of the Village of Bellport, and includes numerous blocks developed with small shopping centers and strip malls, particularly along East Main Street east of the original town center. It also includes a long stretch of former residential buildings now primarily converted to offices for medical practitioners, attorneys, accountants, and other professionals along Route 112/Medford Avenue north of East Main Street. Similar offices are located along North Ocean Avenue extending to the north from an area between Lake Street and Thorne Street. These areas, which have a very different character from the downtown, are not considered part of the original downtown area of the Village of Patchogue and the businesses in these areas were not inventoried as part of the survey.

The downtown area of Patchogue Village extends over an approximately eleven block area including West Main Street between Ocean Avenue and Atlantic Avenue to the west; East Main Street between Ocean Avenue and Bay Avenue to the east; North Ocean Avenue between Main Street and Lake Street to the north; and South Ocean Avenue between Main Street and the LIRR to the south.

Inventory of Existing Businesses

Table 12-2 provides an overview of the types of businesses and other uses that are located in the downtown area of the Village of Patchogue. A summary of the character of the Village downtown area is also provided.

Table 12-2: Village of Patchogue, Existing Business and Other Uses Overview

Type of Business or Other Use	Number of Similar Businesses/Other Uses
Courthouse	1
Public Library	1
Post Office	1
School, College	2
Church	3
Social Hall	1
Theater, Art Gallery/Museum	3
Motel	1
Offices (Medical, Legal, Financial, Real Estate, Insurance, Professional, Government)	31
Multi-Tenant Office Space	2
Residential Apartment Complex	6
Single-Family Residence	3
Restaurant, Bar, Catering	28
Restaurant, Take-Out, Deli, Bagels, Ice Cream	6
Supermarket	2
Natural Foods Store	1
Variety/Discount Store	4
Butcher Shop	2
Liquor Store	1

Drug Store/Pharmacy	2
Bank	3
Hair Salon, Barber Shop	7
Nails Spa, Tanning Salon	4
Gym, Fitness Center, Martial Arts, Yoga, Dance	5
Dry Cleaners, Laundromat, Tailor	4
CD, DVD, Video Store/Movie Rentals	3
Shoe Store	4
Clothing Stores: Women's, Children's, Sportswear	6
Wedding Gown Store, Formal Wear Rentals	2
Consignment Shop, Pawn Shop	3
Mall Arcade	1
Misc. Retail: Gift Shop, Antiques, Jewelry, Musical Instruments, Framing, Bookstore, Cameras, Phones, Furniture, Bait and Tackle, Boating Supplies, Auto Parts, Auto Audio, Roofing & Building Supplies, Kitchen, Bath Supply Store, Painting Supplies, Pet Supplies/Grooming	23
Misc. Services: Welding, Exterminator, Travel Agent, Carpet Cleaning, Printing, Upholstery/Furniture Repair, Computer Repair & Service/Sales, Vacuum Cleaner Sales, Service	9
Auto Service Centers: Tires, Repair, Glass, Fuel, Car Wash, Parts, Sales	19

Vacant	16
--------	----

Summary

The downtown area of the Village of Patchogue is relatively large and its boundaries are not clearly defined as numerous small retail strips and small shopping centers have been developed extending out from the edges of the downtown. In addition, many formerly residential homes at the edge of the downtown have been converted to professional offices. Therefore, for the purposes of this analysis, the downtown has been defined as an approximately eleven block area extending several blocks from the intersection of Main Street and Ocean Avenue.

Businesses in the downtown area of the Village of Patchogue consist of local services including real estate, financial, medical, and other professional offices, restaurants, small groceries and specialty food stores, dry cleaning establishments, electronics and phone stores, small to mid-size furniture stores, small to mid-size clothing stores, art and antiques stores, gift, jewelry, discount, and pawn shops, florists, home design and repair stores, personal care businesses (hair and nail salons, health clubs), banks, and small auto service facilities as well as public services including a post office, a theater, a public library, a courthouse, government offices, a college, and several churches. The area also includes some single-family residences and residential apartments. Approximately 15 percent of the retail space in the downtown area is either vacant or undergoing renovation and not currently occupied. Most of the parking for these businesses is either on-street or provided in municipal parking facilities. The banks, auto service stations, the college, the larger restaurants, and some of the residential developments also provide on-site parking.

Potential Impacts of Proposed Wal-Mart on Village Downtown Areas

It is expected that the Wal-Mart and office building development proposed to be constructed at Hospital Road and the North Service Road of Sunrise Highway/Route 27 would have minimal and insignificant impacts on the downtown areas of the Village of Bellport and the Village of Patchogue as further described below.

- The proposed Wal-Mart and office building development would be located several miles from the Village downtown areas of concern. The center of the downtown area of the Village of Bellport is approximately 4 miles and an estimated 9 minute drive from the project site. The center of the downtown area of the Village of Patchogue is approximately 3.1 miles and an estimated 8 minute drive from the site. The downtown area of the Village of Bellport is most directly accessed from the proposed Wal-Mart site via Route 27/Sunrise Highway to Station Road, a two lane roadway (one lane in each

direction), while the downtown area of the Village of Patchogue is most directly accessed from the proposed Wal-Mart site via Route 27/Sunrise Highway to North Ocean Avenue, a two lane roadway within the Village (one lane in each direction). As travel between the proposed Wal-Mart and the Villages would be via local streets, motorists would experience interruptions in travel flow from stop lights and stop signs, turning movements of vehicles entering and exiting these streets via intersecting roadways, and traffic entering and exiting curb cuts for shopping centers and other uses along the streets.

- As detailed in the Traffic Impact Analysis presented in Chapter 13, primary access to the proposed Wal-Mart store would be provided via a limited access highway exit with secondary access from local streets. A portion of the site-generated traffic is expected to be comprised of existing traffic volumes traveling through the Hospital Road and Sunrise Highway corridor, also known as “pass-by” trips. Also, the proposed improvements to the Hospital Road interchange would create improved driving conditions for motorists and provide additional capacity to efficiently accommodate regional traffic demand that would utilize the interchange to travel to and from the site. Based on a comprehensive review of existing travel patterns in the area of the site and the expected trip distribution given the site access management plan, a small percentage of the site-generated traffic would be expected from the local roadway network. As such, the development program would not be expected to impact the traffic operations within the Village areas.
- The Wal-Mart store would not provide most of the local services and many of the goods available in the Village downtowns including real estate, financial, medical, and other professional services, specialty restaurants, dry cleaning services, previously used merchandise (pawn and consignment shops), art and antiques, or public services including post offices, libraries, government offices, and churches. Shopping at a Wal-Mart store and in the Village downtown areas are fundamentally different experiences not only in relation to the range of goods and services offered as noted above but also relative to the location of said goods and services (all in one location vs. in many different shops), the time required to access said goods and services resulting from these differences in location, protection from the elements (all indoors vs. required outdoor travel between various shops), and ease of access to parking (close and plentiful vs. scattered and limited), among others. The proposed Wal-Mart retail center would essentially be a large department store with a grocery component akin to a supermarket. As the Villages no longer contain a major supermarket, the proposed Wal-Mart would not compete with many remaining retailers within these downtown areas. Therefore, due to the significant differences in the goods and services offered and the fundamentally different type of shopping experience associated with each option, it is concluded that the proposed Wal-Mart store would not significantly impact businesses in the downtown areas of the Villages of Bellport or Patchogue.

- The existing community services provided to the downtown areas of the Village of Bellport and the Village of Patchogue, including fire, water, sewer, and solid waste handling services, and the provision of electricity, natural gas, and telephone services, would not be affected by the proposed Wal-Mart store and office building development as the project site is too far from the Village downtown areas to affect these services. The project site is located in an area served by the Hagerman Fire Department while the Village areas of Bellport and Patchogue are served by the Bellport Fire Department and Patchogue Fire Department, respectively. Although the site and the Villages share the services of the Suffolk County Police Department, 5th Precinct, the Precinct has adequate capacity to service the proposed development. Therefore, the proposed Wal-Mart store and office building would have no impact upon fire services and minimal impact on police services in the Villages. Similarly, the water and sewer lines and the wastewater treatment facilities that would serve the proposed Wal-Mart store do not serve either downtown Village area and would have no impact upon the provision of water and sewer services in the Village areas of either Bellport or Patchogue. In addition, the Suffolk County Water Authority and the Suffolk County Department of Public Works have confirmed that there is adequate capacity in their service areas to provide for the water and sanitary needs of the proposed Wal-Mart store. Based on research and discussions with the local utility companies, gas, electric and telephone utility services are available in the roadways fronting the proposed Wal-Mart site with sufficient capacity to serve the proposed Wal-Mart retail store. Therefore, no impacts to the provision of these services in the downtown areas of Bellport or Patchogue would be anticipated. Wal-Mart would retain the services of licensed private carters to provide for solid waste removal as do other commercial solid waste generators in the Village downtowns and no impact to the provision of these services would be anticipated.

Conclusion

The potential impacts of the proposed Wal-Mart and office building development on the downtown areas of the Village of Bellport and the Village of Patchogue would be minimal and not significant as summarized below.

- Shoppers patronizing the proposed Wal-Mart store and shoppers destined for the Village downtown areas would follow fundamentally different travel patterns and routes to access each area. Primary access would be available to the proposed Wal-Mart from a limited access highway exit with secondary access from local streets. The downtown Villages would primarily be accessed via local streets with secondary access available from Route 27/Sunrise Highway connecting into these local streets.

- Although most site-generated traffic would utilize Sunrise Highway and Hospital Road to access the facility, a small percentage of the site-generated traffic would be expected from the local roadway network resulting in a small and insignificant increase in traffic volumes on local roadways.
- Due to the significant differences in the goods and services offered and the fundamentally different type of shopping experience associated with each option, it is concluded that the proposed Wal-Mart store would not significantly impact businesses in the downtown areas of the Villages of Bellport or Patchogue.
- A different customer base would exist for the proposed Wal-Mart and the Village downtowns due to the different travel patterns and routes that would be utilized by shoppers and the differences in the goods and services offered as well as the different type of shopping experience associated with each option. The proposed Wal-Mart location would be likely to primarily attract shoppers from the larger region, rather than the local area, and would compete with other similar big-box retailers. In contrast, the downtown Villages primarily draw shoppers from the surrounding communities who are seeking local small scale goods and services not available at Wal-Mart.
- As the service areas for the proposed Wal-Mart and the two Village downtown areas relative to the provision of fire, police, water, sewer, and solid waste handling services, and the provision of electricity, natural gas, and telephone services either do not overlap and/or have sufficient capacity to service both areas, the proposed Wal-Mart store would not significantly impact the provision of community services to the downtown areas of the Village of Bellport and the Village of Patchogue.

Based on the above, this analysis concludes that the establishment and operation of the proposed Wal-Mart store and office building at Hospital Road and the North Service Road of Sunrise Highway/Route 27 would not have a significant impact upon the existing businesses in and the overall character of the downtown areas of the Village of Bellport and the Village of Patchogue.

CHAPTER 13 - TRANSPORTATION

Atlantic Traffic & Design Engineers, Inc. (ATDE) has prepared the following Transportation Chapter of this EIS to support the application to the Town of Brookhaven for the construction of a Wal-Mart Retail Center and an office building.

This section is supplemented by materials that can be found in the following appendices of this FEIS:

- Appendix G – 2008 Existing and 2011 No-Build HCS and Synchro Analyses
- Appendix H – 2011 Build, 2011 Build with Mitigation and 2016 Build with Mitigation HCS and Synchro Analyses
- Appendix I – Accident Reports, Summary Tables and Diagrams

Unless otherwise noted, Figures and Tables referred to in Chapter 13 are compiled at the end of the narrative text of this section.

The subject site is located northeast of the Sunrise Highway North Service Road (NSR) and Hospital Road intersection in East Patchogue, Town of Brookhaven, Suffolk County, New York, as shown on Figure 13.01. The property lies within the Business J-2, Business J-4 and Residence A-1 Zoning Districts. The site is currently undeveloped, with no access provided.

An initial Wal-Mart development proposal included the construction of an approximately 120,000 square foot Wal-Mart retail center. Access to the subject property had been proposed via one (1) signalized full-movement driveway along Hospital Road, opposite the currently unsignalized North Patchogue Fire Department egress driveway, and one (1) unsignalized right-turn egress-only driveway along the NSR for departing delivery vehicles.

The current proposal includes the construction of a smaller, 98,000 square foot, Wal-Mart retail center (a.k.a. Phase 1) and a 900 square foot non-medical office building (a.k.a. Phase 2). Phase 1 includes the construction of all paved parking stalls depicted on the Site Plan, as well as two site access points on Hospital Road.

Access is proposed via one (1) signalized full-movement driveway along Hospital Road, opposite the currently unsignalized North Patchogue Fire Department egress driveway, and an unsignalized right-turn egress-only driveway along the Hospital Road frontage, at the north end of the property. A northbound deceleration and dedicated right turn lane of approximately 200 feet in length would be provided at the Hospital Road site driveway, allowing vehicles to slow down prior to entering the site without impeding the northbound progression of through traffic. No access is proposed on the NSR frontage, which lies entirely within a residential zone.

The applicant also proposes a cross-access link with a proposed gasoline station (a.k.a. 435 Realty) at the northeast corner of Sunrise Highway North Service Road and Hospital Road. This property is designated as Suffolk County Tax Map Number 0200-926-3-23.1. The applicant has issued a letter to the owner of the gas station property to initiate negotiations. It is expected that the second development to go under construction would be required to physically construct the cross-access. It is proposed that the cross-access would operate one-way, into Wal-Mart from the gas station. This arrangement would prevent cut-thru traffic movements from the southwest quadrant of the main Wal-Mart parking field to Hospital Road.

The current proposal exceeds the Town of Brookhaven's parking requirement of 566 parking stalls for the overall development, offering 581 spaces, 15 of which are proposed to be landbanked. The proposed Wal-Mart building footprint of 98,000 square feet requires 560 parking stalls and the 900 square foot office building requires 6 parking stalls. As the proposed Site Plan shows, 141 of the 560 required Wal-Mart stalls (25%) are located on the office building portion of the overall site (Block 3, Lot 24, zoned J-4 Business). To facilitate the proposed shared parking, a cross-access and parking easement would be executed to benefit and burden both the J2 and J4 parcels. In addition, due to the fact that the Town has rezoned the property and split the lot, relief would be sought from the Planning Board, as needed, pursuant to Town Code Section 85-52, to facilitate the shared parking arrangement set forth above. Cross-access and a parking easement would enable the use of parking on the J-4 zoned lot by Wal-Mart patrons and would likewise enable users of the proposed office building to enter and exit via the proposed signalized driveway intersection.

For the purposes of this document, both the currently proposed 98,900 SF development and the previously proposed 120,000 SF alternative have been fully analyzed from a traffic and transportation standpoint. Therefore, the 2011 Build condition includes two separate analyses.

This study has been performed to evaluate potential traffic impacts associated with the proposed development program. Accordingly, this analysis includes:

- A review of existing roadway and traffic conditions in the vicinity of the site, including roadway geometrics and traffic volumes;
- A review of alternative transportation facilities in the vicinity of the site, including pedestrian, bicyclist, and transit facilities;
- Projection of the volume of peak hour traffic expected to be generated by the Wal-Mart and office building development and assignment of the site-generated peak hour traffic onto the adjacent roadway network based on existing travel patterns;
- Projection of construction-generated peak hour traffic of the proposed action and assignment onto the adjacent roadway network;
- An analysis of existing, 2011 and 2016 roadway and site driveway operations;
- A queuing assessment of the studied intersections;
- Review of tractor-trailer accessibility of the site;
- A review of the Site Plan focusing on access design, alternative modes of transportation, on-site circulation and parking supply, and compliance with the Town Code;
- An Accident Analysis investigating the accident history within the study network; and
- Recommendations and conclusions.

These analyses meet or exceed the EIS Scope that was finalized by the Lead Agency, Town of Brookhaven Planning Board, on August 8, 2011.

EXISTING CONDITIONS

The subject property is located along the westbound approach of the NSR, northeast of its intersection with Hospital Road in East Patchogue, Town of Brookhaven, Suffolk County, New York. The subject property is bound by the NSR to the south and Hospital Road to the west, and is located within the Business J-2, Business J-4, and Residence A-1 zoning districts. A vacant lot, formerly a fuel station, currently occupies the northeast corner of the NSR/Hospital Road intersection with approximately 200 feet of frontage on both roadways.

The subject property is currently undeveloped with no access provided and is designated as Suffolk County Tax Map 0200-926-03-27.2 & 24 and 0200-927-01-036.02 & 37. The parcel has approximately 750 feet of frontage along Hospital Road and 1300 feet of frontage along the NSR.

STUDY AREA

A Transportation Study Area was developed for the proposed project and includes: the intersections along Hospital Road, between the Sunrise Highway South Service Road (SSR) and Woodside Avenue (CR 99); the westbound Sunrise Highway exit 54 intersection with the NSR; the Sills Road intersections with the NSR and SSR at interchange 55; and the Sunrise Highway eastbound exit and westbound entrance ramp intersections with the SSR and NSR, respectively (See Figure 13.02).

These intersections were identified in coordination with the Town of Brookhaven's professional staff and traffic consultant as locations where traffic impacts may potentially result from the proposed project.

In addition, preliminary analyses were prepared to calculate the maximum number of new trips entering/leaving the study area via any one link. The Institute of Transportation Engineers (ITE) identifies a peak hour increase of 100 or more new trips as "significant." It was determined that the study area covers all intersections where more than 65 new peak hour trips would occur due to the proposed project, and where more than 77 new peak hour trips would occur due to the 120,000 SF Alternative.

EXISTING ROADWAY CONDITIONS

The NSR is under Town of Brookhaven's maintenance jurisdiction, but is also part of the Sunrise Highway Freeway System, which is owned by the NYSDOT. As such, both agencies exercise

jurisdiction over the roadway. In the immediate vicinity of the site, the roadway provides one (1) lane to accommodate each direction of travel with a posted speed of 30 miles per hour and has a general east/west orientation. The pavement and striping appear to be in fair condition. The two-way operation in the vicinity of the site is atypical of Sunrise Highway service roads; generally service roads to the north of the mainline highway are one way westbound, and service roads to the south of the mainline are one-way eastbound. The section of the NSR that intersects with Hospital Road meets its easterly terminus approximately 1,600 feet east of Hospital Road, at Sipp Avenue, and meets its westerly terminus approximately 2,500 feet west of Hospital Road at Hewlett Avenue. In the vicinity of the site, the NSR primarily provides access to residential uses, as well as to and from Sunrise Highway (NYS Route 27).

The Sunrise Highway South Service Road (SSR) is under Town of Brookhaven's maintenance jurisdiction, and is also part of the Sunrise Highway Freeway System, which is owned by the NYSDOT. Similar to the NSR, both jurisdictional agencies review operations and access along the roadway. The SSR has a general east/west orientation parallel to Sunrise Highway. To the west of Hospital Road, the SSR is a continuous one-way roadway in the eastbound direction providing access to/from various Sunrise Highway interchanges. East of Hospital Road, the SSR is a two-way roadway that provides access to eastbound Sunrise Highway. This section of the SSR terminates at Gazzola Drive, approximately 1,700 feet east of Hospital Road.

Hospital Road is a municipal roadway under Town of Brookhaven jurisdiction, providing general north/south mobility in the site vicinity. Hospital Road reaches its northerly terminus approximately 0.8 miles north of Sunrise Highway, at its intersection with Woodside Avenue (CR 99). Hospital Road reaches its southerly terminus approximately 0.6 miles to the south of Sunrise Highway, at its intersection with Sills Road (CR 101). Hospital Road functions as a collector road, providing mobility between Sunrise Highway via interchange 54 and the adjacent residential and commercial uses, including Brookhaven Memorial Hospital. Hospital Road bridges over Sunrise Highway. The nearest crossings over Sunrise Highway are at Sills Road to the east and Medford Road to the west. North of the subject site, Hospital Road provides one (1) lane and an alternating two-way center left-turn lane for each direction of travel. To the south of the subject property, Hospital Road provides one (1) lane to accommodate each direction of travel. The posted speed limit is 30 miles per hour and the pavement and striping appear to be in fair condition.

Sills Road, also known as County Route 101, and to the west of Hospital Road as Patchogue-Yaphank Road, is under Suffolk County jurisdiction and generally provides two (2) lanes and a shoulder to accommodate each direction of travel, separated by a grass median along certain sections of the roadway. The pavement and striping appear to be in good condition and sidewalks are not provided along the roadway. Sills Road is oriented diagonal to the overall

street grid, generally running southwest/northeast. Sills Road crosses Sunrise Highway at grade-separated interchange 55, east of the Hospital Road interchange.

Woodside Avenue, also known as County Route 99, is an east/west roadway under the jurisdiction of Suffolk County. Woodside Avenue provides one (1) lane and a shoulder to accommodate each direction of travel, with a two-way left-turn lane available at various portions of the roadway. A designated bike lane is marked along each side of the roadway. Woodside Avenue provides mobility to State Route 112 and County Routes 19 and 83, west of Hospital Road, and to County Routes 16 and 101 to the east. Residential uses and Twelve Pines Park are accessible via Woodside Avenue and the posted speed limit is 50 miles per hour in the immediate vicinity of the subject property.

Suffolk County Highway Planning and Permits reviewed the proposed project in 2008 (the 120,000 SF alternative) and issued a letter dated October 2, 2008, acknowledging that the proposed project would have minimal impact on Sills Road and Woodside Avenue and indicating that the County does not require a Traffic Impact Fee from the proposed project. A copy of the letter is included in Appendix H.

Fish Thicket Road is a local roadway under Town of Brookhaven jurisdiction with a general east/west orientation. The roadway provides one (1) lane to accommodate each direction of travel with no shoulders provided, and the pavement and striping appear to be in fair condition. Fish Thicket Road primarily provides access to residential homes, does not provide sidewalks along its length, and meets its easterly terminus at its intersection with Hospital Road. Further to the west, Fish Thicket Road becomes Barton Avenue.

La Bonne Vie Drive is a local roadway under Town of Brookhaven jurisdiction with a general east/west orientation and provides one (1) lane to accommodate each direction of travel with existing striping that is in poor condition. This roadway traverses through a residential community providing direct access to the La Bonne Vie apartment complex, the residential community's public parking areas, and recreational facilities, with sidewalks provided throughout the neighborhood. La Bonne Vie Drive continues west of Hospital Road and provides access to another residential complex.

Club Road is a local roadway under Town of Brookhaven jurisdiction with a general east/west orientation. The roadway provides one (1) lane in each direction of travel, divided by a grass median, and serves as a direct connection between La Bonne Vie Drive and Hospital Road. This short connector roadway serves as the main entrance/exit for the residential community northeast of the subject property.

Hospital Road intersects the NSR to form a four-leg intersection under semi-actuated three-phase traffic signal control with emergency preemption. Hospital Road forms the northbound and southbound approaches to the intersection with the northbound approach providing one (1) lane for all turning movements and the southbound approach providing one (1) shared through/left-turn lane and one (1) exclusive right-turn lane. The NSR forms the eastbound and westbound approaches providing one (1) lane for all turning movements. Crosswalks are currently provided across each approach with the exception of the northbound Hospital Road approach.

Hospital Road intersects the SSR to form a four-leg signalized intersection with emergency preemption. Hospital Road forms the northbound and southbound approaches providing one (1) lane for all turning movements. The SSR forms the eastbound approach to the intersection providing one (1) exclusive left-turn lane, one (1) exclusive through lane, and one (1) exclusive right-turn lane. The westbound approach provides one (1) shared left-turn/right-turn lane.

Hospital Road intersects Woodside Avenue to form a three-leg signalized intersection, controlled by a semi-actuated, coordinated traffic signal with emergency preemption. Hospital Road forms the northbound approach, providing one (1) exclusive left-turn lane and one (1) exclusive right-turn lane. Woodside Avenue forms the eastbound approach, providing one (1) exclusive through lane and one (1) exclusive right-turn lane. The westbound approach provides one (1) exclusive through lane and one (1) exclusive left-turn lane. Pedestrian pushbuttons are available although crosswalks are not present.

Fish Thicket Road intersects Hospital Road to form a three-leg unsignalized intersection with no crosswalks provided. The intersection is STOP-controlled at the eastbound Fish Thicket Road approach to the intersection, which is marked to provide one (1) shared left-turn/right-turn lane, although motorists commonly utilize the additional approach width to create de-facto exclusive turn lanes for both movements. The northbound Hospital Road approach provides one (1) exclusive left-turn lane and one (1) exclusive through lane; and the southbound Hospital Road approach to the intersection provides one (1) shared through/right-turn lane.

La Bonne Vie Drive West intersects Hospital Road to form a three-leg unsignalized intersection, with a crosswalk provided across the southbound Hospital Road approach. The intersection is STOP-controlled at the eastbound La Bonne Vie Drive West approach to the intersection, providing one (1) shared left-turn/right-turn lane. The northbound Hospital Road approach provides one (1) exclusive left-turn lane and one (1) exclusive through lane, and the southbound approach to the intersection provides one (1) shared through/right-turn lane.

Club Road intersects Hospital Road from the east to form a three-leg unsignalized intersection that is STOP-controlled at the westbound Club Road approach. At the intersection, the westbound Club Road approach provides one (1) shared left-turn/right-turn lane, the northbound Hospital Road approach provides one (1) shared through/right-turn lane, and the southbound Hospital Road approach to the intersection provides one (1) exclusive left-turn lane and one (1) exclusive through lane.

The westbound Sunrise Highway interchange 54 exit-ramp intersects the NSR to form a three-leg unsignalized intersection with no crosswalks provided. The intersection is STOP-controlled at the exit-ramp approach to the intersection, requiring vehicles exiting westbound Sunrise Highway to stop prior to continuing to Hospital Road or Sipp Avenue. The NSR eastbound and westbound approaches each provide one (1) exclusive through lane and the northbound off-ramp approach provides one (1) shared left-turn/right-turn lane.

At the adjacent Sunrise Highway interchange 55, the NSR intersects the Sunrise Highway westbound on-ramp to form a three-leg unsignalized intersection. The intersection is uncontrolled on all approaches and, as such, vehicles must yield the right-of-way based on arrival at the intersection. The eastbound NSR approach provides one (1) shared through/right-turn lane and the westbound approach provides one (1) shared through/left-turn lane.

The NSR intersects Sills Road to form a four-leg signalized intersection. Sills Road forms the northbound and southbound approaches, and NSR approach forms the eastbound and westbound approaches to the intersection. The northbound approach provides one (1) channelized left-turn lane, one (1) exclusive through lane, and one (1) shared through/right-turn lane; the southbound approach provides one (1) channelized left-turn lane, two (2) exclusive through lanes, and one (1) exclusive right-turn lane. The eastbound and westbound approaches each provide one (1) channelized right-turn lane and one (1) shared through/left-turn lane.

The SSR intersects Sills Road to form a four-leg signalized intersection. Sills Road forms the northbound and southbound approaches and the SSR provides the eastbound and westbound approaches to the intersection. The northbound approach provides two (2) exclusive through lanes and one (1) exclusive right-turn lane; the southbound approach provides one (1) channelized left-turn lane and two (2) exclusive through lanes. At the eastbound SSR approach to the intersection, one (1) channelized right-turn lane and one (1) shared through/left-turn lane are provided for travel, and the westbound approach provides one (1) channelized right-turn lane and one (1) exclusive left-turn lane.

EXISTING PEDESTRIAN AND BICYCLE CONDITIONS

Sidewalks are currently provided along the Hospital Road site frontage and continue to the south along the frontage of the former gas station at the intersection of the NSR and Hospital Road. The site sidewalk also extends north to Club Drive, where it ends. To the north of the NSR there are no sidewalks along the westerly side of Hospital Road. To the south of the NSR, including the Hospital Road Bridge over Sunrise Highway, there are sidewalks provided on both sides of the roadway.

The site frontage along the NSR does not currently provide sidewalks. Sidewalks are provided on the NSR along the frontage of the former gas station at the intersection of the NSR and Hospital Road.

As previously noted, designated bike lanes are marked in both directions on Woodside Avenue (CR 99). Bicycle access between Woodside Avenue and the subject property is available via existing shoulders on Hospital Road, which range from 5 to 6 feet in width. In general, 5 feet accommodates bikes in one direction, although 6 feet is preferred where roads are curbed and/or there are inlets. The Woodside Avenue (CR 99) bike lanes link to NYSDOT designated bikeways to the east and west, at Station Road and at Medford Road, respectively.

EXISTING TRANSIT CONDITIONS

The subject section of Hospital Road is located along the Suffolk County Transit 7B bus route, which provides service from the LIRR Patchogue Railroad Station on the Montauk Branch to Medford and Bellport. Bus stops for the 7B route are located on both sides of Hospital Road at Club Drive.

There are ten (10) 7B trips in each direction Monday through Saturday, with six (6) of them providing service to the Medford route terminus at Medford Plaza and the other four (4) providing service to the Bellport route terminus at the LIRR Bellport Railroad Station on the Montauk branch. The 7B route has connecting service to the 7A, S40, S54, S63 and S66 bus routes in Patchogue and to the S61 and S71 routes in Medford.

EXISTING TRACTOR-TRAILER ACCESS

Whereas tractor-trailer access for 48-foot trailers is generally not limited, access for 53-foot trailers is limited to designated National, Qualifying, and Access Highways per 17 NYCRR Chapter VII Highways Designated for Use by Trucks, Tandem Trailers and Other Special Dimension Vehicles. Wal-Mart, like other retailers, generally uses 53-foot trailers to transport

goods to its stores. The project site vicinity is bordered by the following designated Access Highways: the Long Island Expressway (I-495); Patchogue-Yaphank Road/Sills Road (CR 101); Montauk Highway (CR 80); and Medford Avenue (NYS Route 112).

2008 EXISTING TRAFFIC VOLUMES

To examine the existing traffic conditions in the vicinity of the subject property, manual turning movement counts were conducted during peak weekday evening and Saturday midday periods. The weekday evening and Saturday midday are the times of day when peak roadway activity and peak retail traffic demand generally coincide, and therefore are the focus of traffic impact analysis for retail uses. At other times of the week, retail demand traffic volume is generally lower than during the peak periods studied, as is general roadway traffic as a result of the “work-to-home” commuting trips made during the weekday evening peak period and shopping trips made during the Saturday peak periods. Due to the higher traffic volumes on the roadway system during peak traffic hours, available excess capacity is generally at a minimum. As a result, these time periods are the appropriate focus of a Traffic Impact Analysis for retail development projects.

The manual counts were conducted at the following intersections that were previously identified as within the Study Area, and are shown on Figure 13.02:

- Sills Road (C.R. 101) and NSR (Sunrise Highway Interchange 55)
- Sills Road (C.R. 101) and SSR (Sunrise Highway Interchange 55)
- Sunrise Highway NSR and Westbound On-Ramp (Sunrise Highway Interchange 55)
- Hospital Road and NSR (Sunrise Highway Interchange 54)
- Hospital Road and SSR (Sunrise Highway Interchange 54)
- Sunrise Highway NSR and Westbound Off-Ramp (Sunrise Highway Interchange 54)
- Hospital Road and Woodside Avenue (C.R. 99)
- Hospital Road and Fish Thicket Road
- Hospital Road and La Bonne Vie Drive West
- Hospital Road and Club Road
- Hospital Road and Fire Department North Driveway
- Hospital Road and Fire Department South Driveway

Specifically, manual turning movement counts were conducted at the previously mentioned locations on the following dates and during the following time periods:

- Tuesday, October 30, 2007 from 4:00 p.m. to 7:00 p.m.
- Saturday, November 3, 2007 from 11:00 a.m. to 3:00 p.m.
- Thursday, February 7, 2008 from 4:30 p.m. to 6:30 p.m.
- Saturday, February 9, 2008 from 12:00 p.m. to 2:00 p.m.
- Thursday, May 8, 2008 from 4:00 p.m. to 7:00 p.m.
- Saturday, May 17, 2008 from 11:00 a.m. to 2:00 p.m.

As traffic volumes can fluctuate seasonally and monthly, the existing traffic volumes were adjusted per seasonal adjustment factors published in the NYSDOT Traffic Data Report, which are shown in Table 13-1, below.

TABLE 13-1

SEASONAL ADJUSTMENT FACTORS FOR 2008 TRAFFIC COUNT ADJUSTMENT

MONTH	SEASONAL ADJUSTMENT FACTOR
February	0.843
May	1.049
October	1.015
November	0.940

Seasonal Adjustment Factors obtained from the NYSDOT Traffic Data Report Chapter 6, pg. 28

The traffic volumes were then balanced throughout the network and the appropriate heavy vehicle percentages were included in the analysis for each roadway per the NYSDOT Heavy Vehicle Percentages 2008 to analyze the traffic patterns during the respective peak hours. The heavy vehicle percentages are as follows:

- Hospital Road - 7%
- NYS Route 27 NSR - 7%

- NYS Route 27 SSR - 7%
- Sills Road - 7%
- Woodside Avenue - 7%

The seasonally-adjusted weekday evening and Saturday midday peak hour traffic volumes of the roadway network are summarized in Figure 13.03.

ANALYSIS OF 2008 EXISTING TRAFFIC VOLUMES

A Volume/Capacity, Delay and Level of Service analysis was conducted for the subject intersections using Highway Capacity Software Plus (HCS+).¹ This analysis tool is used to gauge the operational state of traffic activity, identify areas of traffic congestion, and assess the effect of roadway improvement measures. The results of this analysis are presented, along with other analyses, in Tables 13-2 and 13-3 for the weekday evening and Saturday midday peak hours, respectively.

Evaluation of the existing traffic conditions during the peak hours indicates that all movements at the subject signalized intersections operate at Level of Service E or better with the following exceptions: the northbound Hospital Road approach at the NSR is currently calculated to operate under Level of Service F during the weekday evening and Saturday midday peak hours and the eastbound SSR approach at Sills Road is also calculated to operate at Level of Service F during the weekday evening peak hour. The unsignalized intersection study locations are currently operating at Level of Service C or better during each of the study peak hours.

EXISTING EMERGENCY VEHICLE CIRCULATION

Brookhaven Memorial Hospital is located along Hospital Road to the south of the subject property and to the south of Sunrise Highway. The subject property is also located directly across Hospital Road from the North Patchogue Fire Department, which responds to approximately 2,300 emergency calls per year, on an average of 6 to 7 per day. Emergency vehicles serving both of these facilities travel on Hospital Road. While the traffic signals at the NSR and SSR are outfitted with preemption equipment, anecdotal observations indicate that emergency vehicle travel can be delayed by traffic on Hospital Road Bridge, particularly in the peak hours.

¹ See Appendix G for Level of Service description.

EXISTING VEHICULAR QUEUING ASSESSMENT

Our office has also analyzed the existing vehicle queuing operations at the study intersections. The results of this analysis are presented, along with other analyses, in Tables 13-4 and 13-5 for the weekday evening and Saturday midday peak hours, respectively.

Excessive queuing, generally in excess of 600 feet, occurs at several locations in the evening peak hour existing condition. Specifically, excessive queuing occurs on the northbound approach of Hospital Road at the NSR, and on the eastbound approach of the SSR at Sills Road. The locations where excessive queuing is calculated to occur coincide with locations where failing Levels of Service and high volume/capacity (v/c) ratios were calculated.

2011 TRAFFIC CONDITIONS WITHOUT THE PROJECT

2011 BASE TRAFFIC VOLUMES

It is recognized that traffic routinely fluctuates along various State and County roadways, as well as on local streets, and varies not only day-to-day, but also on a monthly and yearly basis. It is expected that, as development continues in the vicinity of the site, traffic may be expected to increase, although nominally, on a regular basis.

It is expected that the construction and occupancy of the proposed Wal-Mart (Phase 1) would be completed within three (3) years of the data collection effort. The construction and occupancy of the office building (Phase 2) is expected to occur after Phase 1, but for an analysis perspective the two phases are assumed to occur simultaneously. To conduct a conservative analysis, the existing traffic volumes were increased by 2% per year, in accordance with the NYSDOT's growth rate for the Town of Brookhaven and generally accepted engineering standards, to develop the 2011 Base traffic volumes. The 2011 Base weekday evening and Saturday midday peak hour volumes are shown in Figure 13.04.

AREA DEVELOPMENTS

The NYSDOT, Town of Brookhaven, and Suffolk County Department of Public Works, were contacted to determine if there were any recent development approvals that would contribute to traffic growth along the subject roadway system. According to the respective Departments, there were six (6) proposed developments in the vicinity of the Wal-Mart at the time of the data collection effort.

The proposed developments include Lowe's Home Improvement, 435 Realty Corporation, Ashley Estates, Peak Plaza, St. Joseph's College, and Calvary Family Assembly of God Church. With the exception of the Church, the peak trip generation of which occurs outside the PM and Saturday study periods, these developments would affect the studied roadway network and therefore were included in our analysis. To accurately determine the trip generation and corresponding trip distribution of each proposed development, we have utilized the traffic studies prepared for the projects, the trip generation information provided through consultations with the Town, and guidelines contained within ITE's Trip Generation Manual and Trip Generation Handbook. An overall summary of the area development trip generation is provided in the following Table 13-6.

**TABLE 13-6
OTHER PLANNED PROJECTS**

PROJECT	LOCATION	PEAK HOUR TRIP GENERATION		TRIP GENERATION SOURCE
		Evening	Saturday	
Lowe's Home Improvement Warehouse 144,404 square feet	NE Corner Sills Road/Montauk Highway	375	827	Mulryan Engineering, P.C.
435 Realty Corporation Gasoline station with 12 fueling positions, 1,500 square foot convenience store	NE Corner NYS Rt.27/ Hospital Road	229	120	ITE Land Use Code 853: Convenience Market with Gasoline Pumps
Ashley Estates Residential, 80 units	SW Corner Fish Thicket Road/Hospital Road	50	42	ITE Land Use Code 220: Apartments
Peak Plaza Office, 26,510 square feet	SW Corner NYS Rt. 27/Hospital Road	92	96	ITE Land Use Code 720: Medical-Dental Office Building
Calvary Family Assembly of God 558 seat Church	Sipp Avenue North of NSR	n/a	n/a	Not concurrent with analysis Peak Hours
St. Joseph's College Athletic Fields Expansion	South of SSR, west of Hewlett Avenue	90	103	Cameron Engineering & Associates, LLP

The total area development trip generation was distributed throughout the studied roadway network and is shown in Figure 13.05.

PLANNED ROADWAY IMPROVEMENTS

Various highway improvements in the vicinity of the proposed project are in the planning and/or design stages. These are discussed below.

Sunrise Highway Corridor Sustainable Transportation Study

The NYSDOT is currently working with Suffolk County agencies and local municipalities in developing the *Sunrise Highway Corridor Sustainable Transportation Study*, which aims to provide a more “appealing and modernized Sunrise Highway corridor” throughout Islip and Brookhaven towns. The section of Sunrise Highway (NYS Rt. 27) of specific importance to the proposed Wal-Mart application is situated between Medford Avenue (NYS Rt. 112) and Wading River Road.

NYSDOT released its DRAFT study at the end of June 2011. The DRAFT considers several alternatives for the Sunrise Highway Corridor. These include alternatives that would add lanes to the Sunrise Highway main line, construct unbuilt sections of the North Service Road and South Service Road, and make existing two-way sections of the North Service Road and/or South Service Road one-way, to be consistent with most of Sunrise Highway.

The NYSDOT recognizes that the Hospital Road Bridge over Sunrise Highway is proposed to be widened by the Town of Brookhaven, but stresses that the bridge widening project is independent of the DOT’s Sunrise Highway corridor study. Analyses conducted by NYSDOT find that the northbound queue on the Hospital Road Bridge over Sunrise Highway will extend over the bridge and to the South Service Road under future conditions. The existing and future operations at the intersection of Hospital Road and the NSR are likewise addressed herein.

Consultations with NYSDOT and the Town of Brookhaven have resulted in development of the proposed Wal-Mart site plan such that site access for customers as well as deliveries occurs in the same manner regardless of whether the NSR is made one-way westbound or the SSR is made one-way eastbound.

Hospital Road Bridge Improvements

The Town of Brookhaven has been working to widen the bridge overpass on Hospital Road spanning Sunrise Highway (NYS Rt. 27) proper. This Town project was the subject of a public information meeting on November 19, 2009. The owner of the property in question has committed \$357,730.00 to the Town of Brookhaven for use in the Hospital Road Bridge widening effort.

While the Design Report for the bridge widening is not yet finalized, it is presently beyond the DRAFT stage and the Town project has advanced Design Plans. The Town project proposes to widen the existing two-lane structure to accommodate 4 lanes of traffic plus shoulders and sidewalks, including two lanes northbound, one lane southbound, plus dedicated left-turn lanes at both the NSR and SSR. Additional widening of Hospital Road is proposed south of the SSR and north of the NSR, to tie into the widened bridge.

While the Design stage of the Hospital Road Bridge widening is funded, the construction and right-of-way acquisitions, if any, are not funded. The Town is actively seeking funding for the project.

Hospital Road Corridor Study

Nelson & Pope has prepared a report entitled *Hospital Road Corridor Study*, dated June 2012, for the Town of Brookhaven Division of Traffic Safety. This report was prepared to identify strategies to improve traffic flow and capacity along the Hospital Road Corridor and to improve safety for pedestrians and drivers.

The Corridor Study identifies short and long term improvements along the Hospital Road Corridor. Long term improvements include widening of the Hospital Road Bridge over Sunrise Highway. Short term improvements, specifically Nelson & Pope's Hospital Road corridor improvement Alternative 2, include: the widening of the Hospital Road Bridge approaches to the Sunrise Highway North Service Road and South Service Road; the addition of dedicated left-turn lanes on the northbound approach to the North Service Road and the southbound approach to the South Service Road; and related traffic signal phasing and timing modifications. Alternative 2 is consistent with the Hospital Road improvements at the North Service Road and at the South Service Road that were developed for this EIS and are presented later in this chapter. This report assumes that the improvements will be implemented by the Wal-Mart project, under the "Build" condition.

The Nelson & Pope study analyzes weekday morning and weekday evening peak hour traffic. This EIS focuses on weekday evening and Saturday peak hour traffic, as these are the times during which the trip generation of retail uses would be greatest. The 2011 weekday morning peak hour data presented in the Nelson & Pope report is utilized later in this chapter for construction period traffic analysis for the proposed project.

NO-BUILD PEDESTRIAN AND BICYCLE CONDITIONS

There are no changes to bicycle and pedestrian conditions anticipated in 2011 without the project.

NO-BUILD TRANSIT CONDITIONS

There are no changes to Transit operations anticipated in 2011 without the project.

NO-BUILD TRACTOR-TRAILER ACCESS

There are no changes to tractor-trailer access anticipated in 2011 without the project.

2011 NO-BUILD TRAFFIC VOLUMES

The 2011 Base traffic volumes were added to the other area planned development trips to develop the 2011 traffic volumes without the proposed project, or 2011 No-Build conditions. The resulting 2011 No-Build traffic volumes are summarized in Figure 13.06.

Note, for the purpose of comparing conditions with and without construction-related site traffic, the weekday morning (AM) peak hour is of interest. Therefore, the 2011 traffic network presented in the *Hospital Road Corridor Study* prepared by Nelson & Pope, dated June 2012, is used later in this chapter for 2011 No-Build traffic volumes.

ANALYSIS OF 2011 NO-BUILD TRAFFIC VOLUMES

A Volume/Capacity and Level of Service analysis was conducted for the 2011 No-Build weekday evening and Saturday midday peak hour traffic volumes at the study intersections. At the request of the Town of Brookhaven, the Synchro/Sim Traffic software was utilized in the 2011 conditions to analyze a portion of the Hospital Road corridor included in this study. The primary reason for using Synchro/Sim Traffic is that it more accurately evaluates the performance of a signalized network. Version 8 of the software was used for the analyses pertaining to the Current Proposal and Version 6 was used for analyses pertaining to Alternative 4. Generally, the interaction between the intersections along Hospital Road from the SSR to the proposed Wal-Mart access driveway was analyzed in terms of Level of Service (LOS), delay, queuing, and progression. The following study intersections were analyzed using Synchro/Sim Traffic in the 2011 No-Build condition (and 2011/2016 Build conditions as discussed in later sections of this document):

- Hospital Road and SSR
- Hospital Road and NSR

- NSR and Westbound Off-Ramp (Interchange 54)
- Hospital Road and Fish Thicket Road
- Hospital Road and Fire Department South Driveway
- Hospital Road and Fire Department North Driveway/Wal-Mart Main Access

The following study intersections were analyzed using HCS+ in the No-Build condition (and Build condition as discussed in later sections of this document):

- Hospital Road and Wal-Mart Northerly Access
- Hospital Road and La Bonne Vie Drive West
- Hospital Road and Club Road
- Hospital Road and Woodside Avenue
- Sills Road and SSR
- Sills Road and NSR
- NSR and Westbound On-Ramp (Interchange 55)

Results of all intersection capacity/Levels of Service analyses are provided in Tables 13-2 and 13-3 for the weekday evening and Saturday midday peak hours, respectively.

The studied signalized intersections are calculated to operate at Levels of Service E or better during each of the studied peak periods with the following exceptions: the northbound Hospital Road approach at the NSR, the eastbound SSR approach at Sills Road, and the westbound left turn from Woodside Avenue to Hospital Road would continue to operate at existing F Levels of Service during the weekday evening peak hours; the southbound Hospital Road approach to the SSR is calculated to degrade to Levels of Service F during the weekday evening peak hour; and the Sills Road westbound approach and northbound left-turn movement at the NSR are calculated to degrade to Levels of Service F during the weekday evening peak hour.

The unsignalized study intersections are calculated to operate at Level of Service B or better during each of the study peak hours.

2011 NO-BUILD EMERGENCY VEHICLE CIRCULATION

In 2011 without the project, background traffic volume growth will increase delays for emergency vehicles accessing Hospital Road to and from Brookhaven Memorial Hospital and the North Patchogue Fire Department.

2011 NO-BUILD VEHICULAR QUEUING ASSESSMENT

Results of all 2011 No-Build intersection queuing analyses are provided in Tables 13-4 and 13-5 for the weekday evening and Saturday midday peak hours, respectively. Excessive queuing would continue to occur at the northbound Hospital Road approach to the NSR and the eastbound SSR approach to Sills Road.

**TRANSPORTATION CHARACTERISTICS
OF THE PROPOSED PROJECT**

TRIP GENERATION

The next step in the analysis procedure is to project the traffic volume that would be generated as a result of the development proposal. Trip generation projections for the proposed Wal-Mart retail center (Phase 1) and office building (Phase 2) were developed by utilizing the Eighth Edition of Trip Generation published by the Institute of Transportation Engineers (ITE) in 2008. Based on the type of land use proposed, trip rates for a “Free-Standing Discount Superstore” (Land Use 813) and “Medical-Dental Office Building” (Land Use 720) were utilized.² The 98,000 square foot store will house a grocery department, and therefore the Superstore rates are applicable. It is noted that there are presently no Superstore-type Wal-Mart stores on Long Island.

Table 13-7, below, displays the projected trip generation for the proposed development for the weekday evening (PM) and Saturday midday (SAT) peak hours. Please note that the quantitative analysis herein assumes that the development project would occur at once rather than in separate phases.

**TABLE 13-7
ITE TRIP GENERATION
98,000 S.F. FREE-STANDING DISCOUNT SUPERSTORE AND
900 S.F. MEDICAL-DENTAL OFFICE BUILDING**

PEAK HOUR	ENTER	EXIT	TOTAL
PM	223	233	456
SAT	279	278	557

It is accepted that a certain percentage of traffic attracted to retail and other land uses generally relates to the volume of traffic passing by the site. Specifically, a certain percentage of trips are

² The trip generation rates for ITE Land Use 720 are higher than ITE Land Use 710 “General Office Building” and therefore yield a more conservative traffic analysis. It is noted that the proposed 900 square foot office building is specifically designated as a “non-medical” office.

diverted from the adjacent passing travel stream, which upon exiting the site, continue along the original trip path. Such trips are known as pass-by trips, and are made as a matter of convenience, as they are linked to some other primary purpose trips. Such trips are not considered new to the area, but rather are already passing by the site on the adjacent public roadways.

Based on ITE data contained in the June 2004 Trip Generation Handbook, the pass-by demand for a retail development of the type and size proposed would be 17% of total demand during the weekday evening peak hour and 23% of total demand during the Saturday midday peak hour. No pass-by credit was applied to the portion of the trips generated by the office building. Table 13-8, below, summarizes the new and pass-by traffic components comprising the total projected site traffic.

**TABLE 13-8
NEW AND PASS-BY TRAFFIC**

TRIP TYPE	PM PEAK HOUR			SAT PEAK HOUR		
	Enter	Exit	Total	Enter	Exit	Total
NEW	184	194	378	215	214	429
PASS-BY	39	39	78	64	64	128
TOTAL	223	233	456	279	278	557

TRIP GENERATION COMPARISON

Several alternatives have been considered in connection with the current application. These include other mixes and intensities of retail and office space. A comprehensive trip generation comparison has been prepared to evaluate six (6) potential scenarios, including a No-Build alternative and the current proposal. The following Table 13-9 presents the comparison using ITE trip generation calculations:

TABLE 13-9
TRIP GENERATION COMPARISON TABLE
(Trip Ends Per Hour)

ALTERNATIVE	PM Peak Hour			SAT Peak Hour		
	New	Pass-By	Total	New	Pass-By	Total
1. No-Build	0	0	0	0	0	0
2. 100,900 SF Retail ⁽¹⁾ 10,000 SF Restaurant ⁽²⁾ 5,000 SF Drive-In Bank ⁽³⁾	390	229	619	606	161	767
3. 900 SF Office ⁽⁴⁾ 120,000 SF Wal-Mart ⁽⁵⁾	462	94	556	524	156	680
4. 120,000 SF Wal-Mart ⁽⁵⁾	459	94	553	521	156	677
5. 133,592 SF Medical Office ⁽⁴⁾	474	0	474	497	0	497
Current Proposal: 98,000 SF Wal-Mart ⁽⁵⁾ 900 SF Office ⁽⁴⁾	378	78	456	429	128	557

Reference: *Trip Generation*, 8th Edition, Institute of Transportation Engineers (ITE), 2008

¹ITE Land Use 820 Shopping Center

²ITE Land Use 932 High Turnover (Sit-Down) Restaurant

³ITE Land Use 912 Drive-In Bank

⁴ITE Land Use 720 Medical-Dental Office

⁵ITE Land Use 813 Free-Standing Discount Superstore

The total of new and pass-by trips would enter and exit the site at the proposed Hospital Road driveway. At all other locations, only new trips would be added to the network. As shown, with the exception of the No-Build Alternative, the current proposal would generate less new traffic than the other alternatives, including potential as-of-right development for a Medical Office use. For the purpose of comparison, traffic capacity/Level of Service analyses have been prepared for Alternative 4, a 120,000 square foot Wal-Mart.

CONSTRUCTION GENERATED PROJECT TRIPS

The construction of the proposed action involves several stages, as described in the EIS. Generally, work would start with site clearing, excavation, and other earthwork. Following the installation of underground utilities and drainage structures the building would be erected. Site finishes and building fit-out and finishes would then be installed. Construction-related trips would occur throughout the workday. The greatest concern for potential construction-related traffic impacts would be in the weekday morning and weekday evening peak hours, when construction worker trips to and from the site, respectively, would coincide with peak vehicular commuter trip activity on the adjacent roadways.

The overall construction project is projected to create between 200 and 250 full and part-time jobs. However, not all of these jobs are construction jobs that require the employees to be physically on-site and, furthermore, different trades would be engaged on the site at different times. It is anticipated that relatively few workers would be on-site on a daily basis during the earthwork and building erection phases of the construction project. The greatest number of workers would be expected to be on site in the later stages of construction when multiple trades would be on hand to advance the site finishes and building fit-out. Based on other projects of similar size and scope, it is conservatively estimated that a maximum of 75 workers would be on-site during the period of peak site construction trip generation.

There are no generally accepted traffic engineering standards for estimating construction-related traffic. There is, however, precedent for calculating construction trip generation using ITE trip generation rates for Land Use Code (LUC) 110 General Light Industrial. Trip generation characteristics of a construction site are similar to those of a light industrial use. Data published by the ITE in the 8th edition of Trip Generation, 2008, includes peak hour General Light Industrial trip generation rates for weekday morning and weekday evening based on number of employees. Table 13-10, below, displays the projected trip generation for a 75-employee light industrial use in the weekday morning (AM) and weekday evening (PM) peak hours. The construction of the proposed action, therefore, would be projected to generate a relatively low number of new vehicular trips in the weekday AM and PM peak hours.

TABLE 13-10
ITE TRIP GENERATION
75-EMPLOYEE GENERAL LIGHT INDUSTRIAL

PEAK HOUR	ENTER	EXIT	TOTAL
WEEKDAY AM	28	5	33
WEEKDAY PM	7	25	32

SITE CIRCULATION

The proposed project has been laid out to accommodate different modes of transportation demand. These are illustrated in Figure 13.07. As shown, conflicts between pedestrian and vehicular routes are minimized. Delivery and service vehicles share the single signalized site driveway with site generated customer traffic, but the delivery and service activity is minimal during periods of peak customer demand. Service and delivery vehicles circulate to the rear of the proposed Wal-Mart building where all unloading activity would occur away from customer circulation.

TRIP DISTRIBUTION

The trip distribution for the site-generated traffic was developed based upon the existing travel patterns identified from the collected traffic data and the anticipated peak hour utilization of the roadway network in the vicinity of each driveway. The new site-generated traffic percentile distribution is shown in Figure 13.08. The Pass-By site-generated traffic percentile distribution is shown in Figure 13.09.

The primary routes to/from the site are Hospital Road via Woodside Avenue from the north, and Hospital Road via Sunrise Highway and/or Sills Road from the south. Some local demand will get to/from Hospital Road via Fish Thicket Road, Club Road, or La Bonne Vie Drive West. Site-generated traffic is not expected to arrive and depart Club Drive or La Bonne Vie Drive unless the drivers are travelling to/from the residential neighborhood. Travel between Woodside Avenue and the site via La Bonne Vie Drive takes about 3 minutes, while travel via Hospital Road only takes about 2 minutes. Drivers will therefore elect to use Woodside Avenue and Hospital Road, which is the more appropriate route.

CONSTRUCTION TRIP DISTRIBUTION

Weekday AM and PM peak hour distribution of construction-generated traffic was developed based upon existing travel patterns identified from collected traffic data and traffic patterns presented in the report prepared by Nelson & Pope entitled *Hospital Road Corridor Study* dated June 2012. It is assumed that 60% of construction traffic would come and go via Sunrise Highway (Route 27), with 20% travelling via Hospital Road to the north and 20% travelling via Hospital Road to the south. The construction-generated traffic distribution is shown in Figure 13.10.

2011 BUILD PEDESTRIAN AND BICYCLE CONDITIONS

The proposed project would result in the implementation of additional pedestrian amenities. The reconstruction of the Hospital Road frontage would include sidewalks to replace the existing sidewalks there, and new sidewalks would be constructed on the entire site NSR frontage, from the abutting former gas station property to Sipp Avenue.

In addition, the proposed project includes a new traffic signal to be located along Hospital Road at the site driveway and the North Patchogue Fire Department's northerly driveway. This signal would be equipped with pedestrian amenities, including pedestrian signal heads and push buttons and ADA-compliant pedestrian curb ramps. The signal would facilitate and improve the safety of pedestrian activity between La Bonne Vie Drive West and Club Road. The proposed project will also help facilitate and foster bicycle usage by offering on-site bike racks for use by employees and customers.

2011 BUILD TRANSIT CONDITIONS

In planning the proposed project, coordination has taken place with Suffolk County Transit. As a result, the proposed project includes the construction of a wider, 8-foot shoulder along the site frontage to the north of the proposed signalized site driveway. The proposed 8-foot width was requested by Suffolk County Transit so that a potential bus stop could be accommodated in this area if needed. Suffolk County Transit has reviewed the proposed layout and found it acceptable (See letter from Gary Lenberger, dated August 5, 2011, in Appendix H).

It is noted that there are bus stops provided in both the northbound and southbound directions on Hospital Road for the 7B line at Club Road. The operation of an additional bus stop at the site driveway will be at Suffolk County Transit's discretion.

The proposed traffic signal along Hospital Road at the site driveway will also enhance Transit availability by providing a protected crossing for pedestrians at a striped crosswalk. The new crosswalk will improve the ability for bus riders to access the northbound buses from the west side of the road and vice versa.

2011 BUILD TRACTOR-TRAILER ACCESS

The property in question is not currently served by any National, Qualifying, or Access Highways on which the transport of 53-foot trailers is permitted. The applicant is seeking NYSDOT's approval for the designation of Sunrise Highway between Sills Road and Medford Road as an Access Highway, as well as the section of Hospital Road between Sunrise Highway and the site driveway.

The access route for 53-foot trailers would be eastbound on the Long Island Expressway (I-495) to Sills Road; southbound on Sills Road to Sunrise Highway; westbound on Sunrise Highway to Hospital Road; and northbound on Hospital Road to the site. Return trips would be made as follows: southbound on Hospital Road to Sunrise Highway; westbound on Sunrise Highway to Medford Road; northbound on Medford Road to the Long Island Expressway.

2011 BUILD TRAFFIC VOLUMES

The new and pass-by site traffic were assigned to the network based on the new and pass-by distributions. The new, pass-by, and total site-generated traffic networks are presented in Figures 13.11.a, 13.12.a and 13.13.a, respectively, for the Current Proposal and in Figures 13.11.B, 13.12.B and 13.13.B, respectively, for Alternative 4.

The 2011 Build traffic volumes were then established by surcharging the total site-generated traffic volumes onto the 2011 No-Build traffic volumes. The resulting 2011 Build traffic volumes are shown in Figure 13.14.a for the Current Proposal and in Figure 13.17.B for Alternative 4.

2011 CONSTRUCTION TRAFFIC VOLUMES

As previously noted, for the purpose of preparing the analysis of construction-related traffic, the EIS relies on the 2011 Weekday AM traffic data presented in the report *Hospital Road Corridor Study*, June 2012, prepared by Nelson & Pope for the Town of Brookhaven Traffic Division. Weekday PM 2011 traffic volumes were developed based on the data collection and methodology presented earlier in this Chapter.

The construction-generated site traffic was assigned to the network based on the construction-generated traffic distribution. The construction-generated traffic volumes are presented in Figure 13.15. These volumes were added to the AM and PM weekday peak hour networks described above. The resulting 2011 Construction traffic volumes are shown in Figure 13.16. Note, as the number of construction-generated trips is relatively low and is expected to primarily come from and return to Sunrise Highway, the study area for construction period traffic impacts is limited to Hospital Road between the main site driveway and the SSR.

ANALYSIS OF 2011 BUILD TRAFFIC VOLUMES

A Volume/Capacity and Level of Service analysis was conducted for the 2011 Build weekday evening and Saturday midday peak hour traffic volumes at the subject intersections and proposed site driveways. The results for the Current Proposal are presented in Tables 13-2 and 13-3 for the weekday evening peak hour and Saturday midday peak hour, respectively. The results for Alternative 4 are presented in Tables 13-11 and 13-12 for the weekday evening peak hour and Saturday midday peak hour, respectively. In comparison to the Current Proposal, Alternative 4 in all cases results in poorer traffic operations. Therefore, only the Current Proposal is discussed in detail.

Under the Current Proposal, the increase in network traffic is for the most part attributed to the Wal-Mart retail center, as opposed to the office building which is expected to generate a negligible amount of traffic - less than four (4) peak hour trips - and have no significant impact on the study intersections. As previously discussed in the No-Build section of this document, Version 8 of the Synchro/Sim Traffic software was used to evaluate a key portion of the Hospital Road corridor for the proposed action and Version 6 was used to evaluate the same locations for Alternative 4. HCS+ was used for all remaining study intersections. The following subsections contain a discussion of the projected intersection traffic operations once the proposed project is occupied.

NSR and Hospital Road

In the 2011 Build condition, the northbound approach would continue to fail in the weekday evening peak hour, and the delay in the 2011 Build condition would increase substantially compared to the 2011 No-Build condition. The Level of Service on the westbound approach to the intersection would degrade to F in the Saturday midday peak hour.

SSR and Hospital Road

In the weekday evening peak hour, the eastbound left turn movement at the SSR intersection with Hospital Road would degrade from Level of Service E in the 2011 No-Build condition to

Level of Service E in the 2011 Build condition. In the Saturday midday peak hour, the southbound left and through movement would degrade from Level of Service D in the 2011 No-Build condition to Level of Service F in the 2011 Build condition.

NSR and Sills Road

The northbound left-turn Level of Service which in the evening peak hour is F in the 2011 No-Build condition would continue to degrade in the 2011 Build condition. In the Saturday peak hour, this same approach would degrade from a Level of Service E in the 2011 No-Build condition to a Level of Service F in the 2011 Build condition.

SSR and Sills Road

In the evening peak hour, the eastbound left and through movement would continue to operate at F and the delay would continue to increase. In the Saturday peak hour, 2011 No-Build Levels of Service are maintained in the 2011 Build condition.

Hospital Road and Woodside Avenue

The F Level of Service for the westbound left-turn in the evening peak hour would continue with increased delay in the 2011 Build condition.

Hospital Road and Site Driveway/Fire Department Driveway

The introduction of the proposed signalized site driveway at this location will operate at good Levels of Service during both the evening and Saturday peak hours. The westbound left turn leaving the site is calculated to operate at Level of Service D.

Unsignalized Study Intersections

The remaining unsignalized intersection study locations, including the proposed right-turn egress driveway along Hospital Road, would operate at Level of Service C or better during each of the study peak hours with the following exception: the Fish Thicket Road eastbound approach is calculated to operate at Level of Service D during the weekday evening peak hour.

ANALYSIS OF 2011 CONSTRUCTION TRAFFIC VOLUMES

A Volume/Capacity and Level of Service analysis was conducted for the 2011 Construction traffic volumes at the main proposed site driveway and the intersections of Hospital Road with Fish Thicket Road, the NSR and the SSR. The results are presented in Tables 13-13.

The analyses indicated slight increases in delay at the study locations in the weekday morning and weekday evening peak hours during the busiest period of site construction.

2011 BUILD EMERGENCY VEHICLE OPERATION

The 2011 Build analysis of the Hospital Road corridor shows significant increase in vehicular delay at the Hospital Road intersections with the NSR and the SSR. Therefore, unless the increased delays are mitigated, the proposed project would degrade the expediency with which emergency vehicles can travel to and from Brookhaven Memorial Hospital and the North Patchogue Fire Department.

The proposed traffic signal at the site driveway along Hospital Road would also serve the northerly North Patchogue Fire Department egress driveway. The signal would be hard wired to the fire house for emergency pre-emption of the signal phasing. The traffic signal would also be equipped with standard wireless pre-emption equipment to facilitate northbound and southbound emergency vehicle movement on Hospital Road.

2011 BUILD VEHICULAR QUEUING ASSESSMENT

Excessive queues that were calculated for the northbound approach of Hospital Road at the NSR and on the eastbound approach of Sills Road at the SSR would continue to be problematic in the 2011 Build condition. These queues are tabulated in Tables 13-4 and 13-5 for the weekday evening and Saturday midday peak hours, respectively.

PROPOSED MITIGATION

To address the project's anticipated impact on the adjacent roadway network, the applicant proposes to implement roadway improvement measures throughout the study area. Specifically, the development would implement the following measures, in addition to the construction of a Wal-Mart retail center, an office building, and a new traffic signal at the site driveway:

NSR and Hospital Road

The northbound Hospital Road left turn operates at Level of Service F in the existing PM and SAT peak hours, and is calculated to operate with progressively increased delays in the No-Build and Build conditions.

Currently, the signal at this location operates with a "leading northbound left," meaning the northbound left turn and through movement start to flow before the southbound movements flow. After the southbound flow starts, the northbound lefts can only move on gaps in the southbound flow and otherwise block the northbound through movement from advancing. The capacity at this location can be significantly increased with the following proposed mitigation measures:

- The northbound Hospital Road approach at the NSR would be widened to provide an exclusive left-turn lane. The exclusive left-turn lane would provide 140 feet of vehicle storage to accommodate queuing demand (See Figure 13.17).
- The bridge approach would be widened on its easterly side and the existing sidewalk relocated accordingly. The proposed improvements would not require any work on the bridge structure.
- The northeast intersection corner radius would be substantially increased to improve vehicular maneuverability, especially for large vehicles such as trucks. Where the right-on-red turns are currently prohibited at this location, the proposed widening on the northbound approach would improve the sight lines in the southbound direction for right-turning drivers and right-on-red movement would be permitted.
- The southbound Hospital Road approach to the intersection would also be modified to increase the radius at the northwest corner to accommodate southbound right-turns by tractor-trailers.
- The existing traffic signal would be significantly modified and upgraded to implement a modified phasing. The phasing would allow the northbound movement, off of the bridge, to operate as a lead phase, without any southbound traffic conflicting with the northbound left turn. A cycle length of 85 seconds is proposed.

- The provision of the northbound left-turn bay with a lead left-turn signal phase will also benefit traffic safety at this intersection. The addition of turn lanes and exclusive turn phases are measures that help mitigate rear-end collisions at signalized intersections.

SSR and Hospital Road

The eastbound left turn and northbound through and right turn operations are calculated to degrade due to the proposed project. Like the NSR intersection with Hospital Road, the SSR intersection is also inefficiently run under a split phase. The following mitigation measures would increase capacity at the intersection:

- The southbound bridge approach would be widened to add a southbound exclusive left-turn lane. The exclusive left-turn lane would provide 100 feet of vehicle storage to accommodate queuing demand.
- The bridge approach would be widened on its easterly side and the existing sidewalk relocated accordingly. The proposed improvements would not require any work on the bridge structure.
- The existing traffic signal would be significantly modified and upgraded to implement a modified phasing. The phasing would allow the southbound movement, off the bridge to operate as a lead phase, without any southbound traffic conflicting with the northbound left turn. A cycle length of 85 seconds is proposed.
- In addition, while it is not mitigation of an impact, the project proposes to improve queuing and to facilitate lane selection at the eastbound approach to the signalized intersection by extending the existing eastbound right-turn lane by approximately 300 feet.

NSR and Sills Road

The westbound left and through movement and the northbound left turn are calculated to operate at F Levels of Service in the No-Build PM peak hour. The northbound left turn would further degrade in the Build condition, with a minor increase of 5.9 seconds of delay. During the SAT peak hour, the northbound left turn would degrade from Level of Service E in the No-Build to F in the Build. These operations would be improved to better than No-Build conditions with minor measures:

- In the PM and SAT peak periods, the signal timing for the NSR/Sills Road intersection would be modified with an increased cycle length and the additional green time would be allocated as necessary.

SSR and Sills Road

At this intersection, there is no calculated degradation in Level of Service during the SAT peak hour. In the PM peak hour, the eastbound left and through movements are already Level of Service F in the existing condition. These operations would be improved to better than No-Build conditions with minor measures:

- During the PM peak period, only the signal timing for the NSR/Sills Road intersection would be modified with an increased cycle length and the additional green time would be allocated as necessary.

Hospital Road and Woodside Avenue (CR 99)

At this intersection, the westbound left turn fails in the PM peak hour and delay would increase under No-Build and Build conditions. The westbound left turn is calculated to improve with minor measures:

- In the PM peak period, only the signal timing for the Hospital Road/Woodside Avenue intersection would be modified to reallocate green time.

Hospital Road Corridor

Efficient operation along the corridor would be maximized by the following measures:

- Traffic signal timing at the proposed signal at the site driveway intersection with Hospital Road and the Fire Department driveway would be wireless interconnected and coordinated with the NSR and SSR/Hospital Road intersections. Wireless interconnection would maintain optimal offsets between traffic signal cycles.
- The coordination of the signals will also benefit traffic safety. The implementation of proper progression between corridor signals is a measure that helps mitigate rear-end collisions at signalized intersections.

North Service Road

In the vicinity of the site, the NSR is two-way, while Sunrise Highway service roads are generally one-way (NSR westbound and SSR eastbound). It is therefore proposed to implement signing and striping with the proposed Wal-Mart project to heighten awareness of the two-way operation. Measures will be developed in consultation with Town technical staff and NYSDOT and may include: a W1-7 (large, two-direction horizontal arrow) sign; a W4-4aP (Traffic From Left Does Not Stop) sign; pavement markings; and/or reflective markers.

Fish Thicket Road

Additional traffic volume on Hospital Road is calculated to degrade the Level of Service on the STOP-controlled Fish Thicket Road approach to the intersection in the PM peak hour.

- The installation of a vehicle calling detector on Fish Thicket Road, interconnected to the adjacent traffic signals to the north and south, would improve the eastbound operation.

- Based on discussions with the Town technical staff and traffic consultant, the call detector would be implemented by the Town of Brookhaven after Wal-Mart has opened, if deemed necessary at that time.
- The proposed project would bond the value of the call detector and interconnection to guarantee its construction if deemed necessary after project occupancy.

Hospital Road Bridge

The Town of Brookhaven intends to widen Hospital Road Bridge. The proposed Wal-Mart project would not directly implement any structural changes to the bridge, but indirectly supports the Town project.

- A contribution to the reconstruction of the Hospital Road Bridge structure has been made by the owner of the subject property in the amount of \$357,730.00.
- The traffic mitigation described above is consistent with the Hospital Road Bridge improvements proposed by the Town of Brookhaven and its consultants, LK McLean Associates and Dunn Engineering. In addition, the mitigation measures are consistent with Alternative 2 presented in the *Hospital Road Corridor Study* prepared by Nelson & Pope, dated June 2012. The mitigation measures do not preclude or conflict with potential bridge widening improvements, which are considered as part of the long-term improvements proposed in the Nelson & Pope report.

2011 BUILD WITH MITIGATION PEDESTRIAN AND BICYCLE CONDITIONS

The proposed mitigation measures would result in the implementation of additional and upgraded pedestrian amenities, which would be implemented along with the modification of the traffic signals at the intersections of Hospital Road at the NSR and the SSR.

2011 BUILD WITH MITIGATION TRANSIT CONDITIONS

Mitigation improvements to Hospital Road traffic operations will, by reducing delay and congestion, also facilitate transit operations on the Suffolk County Transit 7B line.

2011 BUILD WITH MITIGATION TRACTOR-TRAILER ACCESS

The 2011 Build with Mitigation condition, compared to the 2011 Build condition, is not expected to result in any change in tractor-trailer access.

ANALYSIS OF 2011 BUILD WITH MITIGATION

A Volume/Capacity and Level of Service analysis was conducted for the 2011 Build with Mitigation weekday evening and Saturday midday peak hour traffic volumes at the subject intersections and proposed site driveways. The results for the Current Proposal are presented in Tables 13-2 and 13-3 for the weekday evening and Saturday midday peak hours, respectively. The results for Alternative 4 are presented in Tables 13-11 and 13-12 for the weekday evening and Saturday midday peak hours, respectively. Alternative 4 in all cases results in poorer traffic operations. Therefore only the Current Proposal is discussed in detail.

NSR and Hospital Road

The proposed mitigation at this location would significantly improve operations where, in the 2011 Build condition, the northbound approach fails in the weekday evening peak hour and the westbound approach fails in the Saturday midday peak hour. In the 2011 Build with Mitigation condition, the northbound Hospital Road approach at the NSR is calculated to operate at Level of Service A for the through and right-turn movements and Level of Service B or better for the left turn movement. All approaches in both analyzed peak hours are calculated to operate at Level of Service C or better, with the exception of the westbound approach to the intersection, which would operate at Level of Service D.

SSR and Hospital Road

Mitigation measures at this location would improve operations on the eastbound left-turn approach, which was found to operate at Level of Service F in the 2011 No-Build and Build conditions. In the 2011 Build with Mitigation condition, this approach is calculated to operate at Level of Service D. All other approaches in both peak hours studied are calculated to operate at Level of Service C or better.

NSR and Sills Road

In the evening peak hour, the F Level of Service on the westbound left and through movement and the northbound left-turn movement is calculated to improve to Level of Service E, or improve to the existing condition. In the Saturday peak hour, the failing northbound left-turn movement is calculated to improve to a Level of Service C. All other approaches are calculated to operate at Level of Service C or better, with the exception of the southbound right-turn in the

evening peak hour, which is calculated to operate at Level of Service E in the 2011 Build with Mitigation condition, as it does in the Existing, 2011 No-Build and 2011 Build conditions.

SSR and Sills Road

No mitigation is proposed in the Saturday peak hour. In the evening peak hour, the eastbound left and through movement is calculated to operate at Level of Service E in the 2011 Build with Mitigation condition, where it is calculated as F in the Existing, 2011 No-Build and 2011 Build conditions. All other approaches are calculated to operate at Level of Service D or better in the evening peak hour.

Hospital Road and Woodside Avenue

The westbound left-turn in the evening peak hour is calculated to improve from Level of Service F to C in the 2011 Build with Mitigation condition. All other approaches are calculated to operate at Level of Service C or better in both peak hours.

Unsignalized Study Intersections

The remaining unsignalized intersection study locations, including the proposed right-turn egress driveway along Hospital Road, would operate at Level of Service C or better during each of the study peak hours with the exception of the Fish Thicket Road eastbound approach. Based on the proximity of two (2) traffic signals to this subject intersection and the improvements proposed at the NSR, the Level of Service and delay at Fish Thicket Road are calculated to improve to Level of Service C. In addition, the Town of Brookhaven may consider installing a queuing indicator on Fish Thicket Road after Wal-Mart has opened in an effort to improve the progression of vehicles onto Hospital Road as needed.

2011 BUILD WITH MITIGATION EMERGENCY VEHICLE OPERATION

The 2011 Build with Mitigation analysis of the Hospital Road corridor shows significant decreases in vehicular delay at the Hospital Road intersections with the NSR and the SSR. Levels of Service would improve to No-Build levels or better. In particular, the northbound and southbound Levels of Service at both intersections and in both peak hours studied would improve to better than existing conditions. Therefore, the proposed project with mitigation would significantly improve the expediency with which emergency vehicles can travel to and from Brookhaven Memorial Hospital and the North Patchogue Fire Department in peak periods.

In addition, the proposed widening of the Hospital Road Bridge approaches would provide a pull-over area in portions of the bridge where there are none today. The widened areas would allow some drivers to pull out of the way of emergency vehicles.

2011 BUILD WITH MITIGATION VEHICULAR QUEUING ASSESSMENT

Results of the 2011 Build with Mitigation intersection queuing analyses are provided in Tables 13-4 and 13-5 for the weekday evening and Saturday midday peak hours, respectively. The data shows a significant reduction in the queue length on the eastbound left and through movement at the SSR and Sills Road, to 1,044 feet, where, in the existing condition, the queue was calculated to be 1,838 feet and, in the No-Build condition, was calculated to be 2,060 feet.

At the NSR and Hospital Road intersection, the northbound left-turn lane is calculated to operate with a 95th percentile queue of 110 feet. At the southbound left-turn lane at the intersection of the SSR and Hospital Road, the 95th percentile queue is calculated to be 31 feet. These weekday evening peak queue lengths would be accommodated in the proposed turn lanes created by widening of the Hospital Road Bridge approaches.

2016 BUILD WITH MITIGATION ANALYSIS

To calculate how the roadway network would be expected to operate five (5) years beyond the Build year, a conservative 2.0% growth rate was applied to the 2011 Build volumes and compounded annually to generate the 2016 Build with Mitigation volumes.

A reduced growth factor is typically utilized when attempting to identify longer term growth. However, to be conservative, the NYSDOT recommended growth rate has been utilized. The resulting 2016 Build traffic volumes are shown in Figure 13.18.A for the Current Proposal and in Figure 13.18.B for Alternative 4.

ANALYSIS OF 2016 BUILD WITH MITIGATION TRAFFIC VOLUMES

A Volume/Capacity and Level of Service analysis was conducted for the 2016 Build with Mitigation weekday evening and Saturday midday peak hour traffic volumes at the subject intersections and proposed site driveways. The 2016 Build with Mitigation analysis includes the mitigation developed for the 2011 Build network. No additional mitigation, aside from the improvements proposed in the 2011 Build with Mitigation condition, was analyzed.

The proposed mitigation measures at the Hospital Road signalized intersection with the NSR, including the northbound left-turn lane and phasing modifications, will significantly increase the capacity at the signal, as shown in the following Table 13-16. The table shows that the proposed improvements increase the capacity at the signal by 406 vehicles per hour (vph) in the PM peak hour and 391 vph in the SAT peak hour. This is an increase of about 12 percent in the PM peak hour and in the SAT peak hour. The increase in capacity at this intersection is greater than the number of new trips calculated to be generated by the proposed development at the intersection.

TABLE 13-16
CAPACITY COMPARISON: 2011 NO-BUILD VS 2016 BUILD WITH MITIGATION [VPH]
HOSPITAL ROAD & NSR

Peak Hour	Lane Group	2011 No-Build	2016 Build	Increase
PM	EB – LTR	350	350	0
	WB – LTR	267	360	+93
	NB – LTR	782		-782
	NB – L		654	+654
	NB – TR		1129	+1129
	SB – LT	996	629	-367
	SB – R	860	539	-321
	TOTAL	3255	3661	+406
SAT	EB – LTR	333	333	0
	WB – LTR	266	381	+115
	NB – LTR	802		-802
	NB – L		628	+628
	NB – TR		1170	+1170
	SB – LT	946	605	-341
	SB – R	790	511	-279
	TOTAL	3137	3528	+391

The 2016 Build with Mitigation analysis results for the Current Proposal are presented in Tables 13-2 and 13-3 for the weekday evening peak hour and Saturday midday peak hour, respectively. The results for Alternative 4 are presented in Tables 13-11 and 13-12 for the weekday evening peak hour and Saturday midday peak hour, respectively. In comparison to the Current Proposal, Alternative 4 in all cases results in poorer traffic operations. Therefore, only the Current Proposal is discussed in detail.

As shown in Tables 13-2 and 13-3, the vehicular delays at the signalized intersections would generally increase in the 2016 Build with Mitigation condition. However, these higher delays are solely attributed to the 2.0% growth rate compounded for an additional five (5) years beyond project Build. The critical northbound and southbound Hospital Road corridor movements would continue to operate well with the proposed mitigation.

The unsignalized intersections are calculated to operate at 2011 Build with Mitigation Levels of Service with the exception of the weekday evening peak hour only. The eastbound Fish Thicket Road approach at Hospital Road would degrade to Level of Service D in the 2016 condition due to the additional growth in background traffic.

Increases in delay or reduced Levels of Service between the 2011 Build with Mitigation and 2016 Build with Mitigation are not impacts of the proposed project. The 2016 Build analysis is conducted for planning and design purposes.

2016 BUILD WITH MITIGATION EMERGENCY VEHICLE OPERATION

The 2016 Build with Mitigation analysis of the Hospital Road corridor shows good Levels of Service maintained in the northbound and southbound directions at the NSR and SSR. Specifically, when comparing to the 2011 Build with Mitigation condition, there is no change in Level of Service.

Overall intersection Levels of Service on the corridor are calculated to be C or better in the 2016 Build with Mitigation condition, whereas in the 2011 No Build condition, with no mitigation improvements, there are Levels of Service F in the northbound and southbound directions in the weekday evening and peak hours. Therefore, conditions for emergency vehicle accessibility are significantly improved in the 2016 Build with Mitigation condition compared to the 2011 No Build Condition.

2016 BUILD WITH MITIGATION VEHICULAR QUEUING ASSESSMENT

The proposed Hospital Road northbound left-turn lane at the NSR and southbound left turn lane at the SSR are calculated to accommodate the 95th percentile queue lengths in the 2016 Build condition during both study periods (See Tables 13-4 and 13-5). The maximum calculated northbound left turn queue at the NSR is 129 feet and the maximum southbound left turn queue calculated at the SSR is 53 feet. The accommodation of these turn lane queues on the bridge indicates that the turning-vehicle queues would not block through vehicles.

SITE PARKING

The Current Proposal provides 581 parking stalls, which exceeds the Town of Brookhaven's parking requirement of 566 parking stalls for the overall development. The Wal-Mart building footprint of 98,000 square feet requires 560 parking stalls and the 900 square foot office building requires 6 parking stalls. The proposed Site Plan shows 141 of the 560 required Wal-Mart stalls (25%) located on the office building portion of the overall site (Block 3, Lot 24, zoned J-4 Business).

It is proposed to landbank 15 parking stalls, which would include 3 stalls on the J-2 Business zoned parcel (Block 1, Lot 36.2) and 12 stalls on the J-4 Business zoned parcel (Block 3, Lot 24). Subtraction of the 15 landbanked stalls from the total 581-stall supply results in 566 parking stalls to be implemented exclusive of landbanking, which meets the 566 stall requirement for the overall development.

To facilitate the proposed shared parking, a cross-access and parking easement would be executed to benefit and burden both the J2 and J4 parcels. In addition, due to the fact that the Town has rezoned the property and split the lot, relief would be sought from the Planning Board, as needed, pursuant to Town Code Section 85-52, to facilitate the shared parking arrangement set forth above. Cross-access and a parking easement would enable the use of parking on the J-4 zoned lot by Wal-Mart patrons and would likewise enable users of the proposed office building to enter and exit via the proposed signalized driveway intersection.

ACCIDENT ANALYSIS

Atlantic Traffic and Design Engineers, Inc. (ATDE) has conducted an Accident Analysis to identify the types and number of accidents that have occurred within the study area, to identify patterns or clusters of accident types and to identify mitigation. Specifically, ATDE has conducted an accident review for the following intersections:

- Hospital Road and Woodside Avenue (CR 99)
- Hospital Road and Gerri Lane
- Hospital Road and La Bonne Vie Drive West
- Hospital Road and Club Road
- Hospital Road and the Fire Department North Driveway
- Hospital Road and Fish Thicket Road
- Hospital Road and the North Service Road
- Hospital Road and the South Service Road
- Hospital Road and Pondview Drive
- Westbound Route 27 (Sunrise Highway) and the Exit Ramp at Interchange 54 (Hospital Road Exit)
- Eastbound Route 27 (Sunrise Highway) and the Exit Ramp at Interchange 55 (CR 101 Exit)
- Sills Road (CR 101) and the North Service Road
- Sills Road (CR 101) and the South Service Road
- Waverly Avenue and the South Service Road

Please note that all Figures referenced in the text that follows can be found in the Traffic Accident Analysis located in Appendix I of the FEIS.

The Suffolk County Police Department was contacted to determine the number of accidents that have occurred at the above referenced intersections spanning from May 2005 to February 2009. Tables summarizing the total number of accidents by type and location are provided in the following narrative. Accident collision diagrams depicting the incidents that have occurred at and within the studied intersections are included in Appendix I of this report. In addition, copies of the accident reports obtained from the Suffolk County Police Department are included in Appendix I.

ACCIDENT SUMMARY

Hospital Road and Woodside Avenue (CR 99)

Table 13-17 below summarizes the accident data retrieved for the incidents that occurred at or within the Hospital Road intersection with Woodside Avenue (CR 99). Figures 13.19 through 13.23 in Appendix I depict the accident collision diagrams from the respective study years.

**TABLE 13-17
SUMMARY OF ACCIDENT RESEARCH DATA
HOSPITAL ROAD & WOODSIDE AVENUE (CR 99)
MAY 2005 – February 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	3	27%
Right Angle	1	9%
Rear End	5	46%
Side-Swipe	0	0%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	1	9%
Parked Vehicle	0	0%
Pedestrian	1	9%
Fixed Object/Animal	0	0%
Total	11	100%

Based on the data, a total of eleven (11) accidents were recorded at or within the vicinity of the Hospital Road and Woodside Avenue (CR 99) intersection during the approximately four (4) year study period. Note that approximately 50% of these accidents were rear-end incidents and approximately 30% of these accidents were left-turn incidents.

The rear-end collisions occurred at various approaches and locations within the intersection. Rear-end collisions are typical at signalized intersections. Left-turn accidents involved the westbound left and eastbound through movements.

It is noted that, since the time that the accident data was collected, the intersection has been reconfigured. As a result, dedicated turn lanes are now provided for the eastbound right and the westbound left-turning movements. The provision of exclusive turn lanes is a measure that

reduces the types of accidents that have occurred at this location. **Hospital Road and Gerri Lane**

Table 13-18 below summarizes the accident data retrieved for the incidents that occurred at or within the Hospital Road intersection with Gerri Lane. Appended Figures 13.24 and 13.25 depict the accident collision diagrams for the incidents that occurred at the Hospital Road intersection with Gerri Lane from January 2007 to December 2007 and from June 2008 to December 2008. Note that there were no accidents reported by the Suffolk County Police Department for the other study periods.

**TABLE 13-18
SUMMARY OF ACCIDENT RESEARCH DATA
HOSPITAL ROAD & GERRI LANE
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	2	100%
Rear End	0	0%
Side-Swipe	0	0%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	0	0%
Parked Vehicle	0	0%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	2	100%

Based on the data, only two (2) accidents were recorded at or within the vicinity of the Hospital Road and Gerri Lane intersection during the four (4) year study period. The proposed Wal-Mart site-generated traffic is not projected to utilize Gerri Lane during peak hours. Should vehicles utilize this roadway, the number of trips would be minimal and would not alter the pre-existing traffic patterns.

The obtained accident history data, revealing only two (2) accidents during the entire study period, does not appear to represent a pattern. As such, improvements to mitigate accidents are not proposed at this intersection.

Hospital Road and La Bonne Vie Drive West

Table 13-19 below summarizes the accident data retrieved for the incidents that occurred at or within the Hospital Road and La Bonne Vie Drive West intersection. Appended Figure 13.26 depicts the accident collision diagrams for the Hospital Road and La Bonne Vie Drive West intersection for the incidents that occurred from January 2007 to December 2007. Note that there were no incidents recorded by the Suffolk County Police Department during the other study years.

**TABLE 13-19
SUMMARY OF ACCIDENT RESEARCH DATA
HOSPITAL ROAD & LA BONNE VIE DRIVE WEST
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	0	0%
Rear End	1	50%
Side-Swipe	1	50%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	0	0%
Parked Vehicle	0	0%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	2	100%

Based on the data, only two (2) accidents were recorded at or within the vicinity of the Hospital Road and La Bonne Vie Drive West intersection during the four (4) year study period.

Since there is no apparent trend in the type of accidents that occurred and since there are very few incidents that occurred within the study period, intersection improvements are not proposed.

Hospital Road and Club Road

Zero (0) accidents were recorded at or within the Hospital Road and Club Road intersection during the approximately four (4) year study period. As such, no intersection improvements are proposed.

Hospital Road and the Fire Department North Driveway

Zero (0) accidents were recorded at or within the Hospital Road and the Fire Department North Driveway during the approximately four (4) year study period. As such, no intersection improvements are proposed.

Hospital Road and Fish Thicket Road

Table 13-20 below summarizes the accident data retrieved for the incidents that occurred at or within the Hospital Road intersection with Fish Thicket Road. Figures 13.27 and 13.28 in Appendix I illustrate the accident collision diagrams at the Hospital Road and Fish Thicket Road intersection for the incidents that occurred from January 2007 to May 2008. Note that there were no incidents recorded by the Suffolk County Police Department during the other study periods.

**TABLE 13-20
SUMMARY OF ACCIDENT RESEARCH DATA
HOSPITAL ROAD & FISH THICKET ROAD
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	1	50%
Right Angle	0	0%
Rear End	1	50%
Side-Swipe	0	0%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	0	0%
Parked Vehicle	0	0%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	2	100%

Based on the data, a total of only two (2) accidents occurred at or within the vicinity of the Hospital Road and Fish Thicket Road intersection during the approximately four (4) year study period.

Since there is no apparent trend in the type of accidents that occurred and since there are very few incidents that occurred within the study period, intersection improvements are not proposed. Furthermore, the provision of a traffic signal at the Wal-Mart site driveway would be expected to create gaps in traffic to better facilitate movements to and from Fish Thicket Road.

Hospital Road and the North Service Road

Table 13-21 below summarizes the accident data retrieved for the incidents that occurred at or within the Hospital Road and the North Service Road intersection. Figures 13.29 through 13.35 in Appendix I depict the accident collision diagrams for the incidents that occurred at the Hospital Road and North Service Road intersection from May 2005 to February 2009.

**TABLE 13-21
SUMMARY OF ACCIDENT RESEARCH DATA
HOSPITAL ROAD & THE NORTH SERVICE ROAD
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	0	0%
Rear End	14	79%
Side-Swipe	2	11%
Head-On	1	5%
Backing-Up	0	0%
Out Of Control Vehicle	1	5%
Parked Vehicle	0	0%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	18	100%

Based on the data, a total of eighteen (18) accidents were recorded at or within the vicinity of the Hospital Road and the North Service Road intersection during the study period. Note that approximately 80% of the accidents were rear-end incidents which are common at signalized intersections. The majority of the rear-end incidents, noted to occur at this intersection were found to take place along the northbound Hospital Road approach, which is a significant and identifiable pattern.

In addition to the eighteen (18) recorded incidents, there was one (1) additional rear-end accident recorded at the Hospital Road and the North Service Road intersection at an unknown location. Based on the limited information provided on this report, it has been assumed that this rear-end incident involved a vehicle traveling northbound along Hospital Road.

Further, there were four (4) additional incidents in the vicinity of the Hospital Road and North Service Road intersection recorded on Suffolk County Police Department field reports. Due to

the limited information provided on these field reports, the exact location of where each incident occurred cannot be determined. However, based on the provided information, it can be concluded that one (1) of the incidents was a rear-end accident along Hospital Road. These four (4) incidents are also not included in Table 13-21.

Significant physical roadway improvements are proposed as part of the Wal-Mart retail center project at the subject intersection. The existing northbound Hospital Road approach would be modified to provide an exclusive left-turn lane. This additional left-turn lane would allow vehicles to travel northbound along Hospital Road without having to stop abruptly for vehicles waiting to execute a left-turn movement onto the North Service Road. The provision of exclusive turn lanes is a measure that reduces the rear-end type of accidents that have occurred at this location.

In addition, overall congestion contributes to rear-end accidents. Revisions to the existing phasing and signal timing at the northbound and southbound Hospital Road approaches are also proposed and would decrease delays and minimize queue lengths along the approach. These improvements would improve operation at the intersection, would reduce queue lengths, and would be expected to minimize the occurrence of rear-end accidents.

To further alleviate incidents at this intersection, it is proposed that a “BE PREPARED TO STOP” sign (W3-4) as well as a “SIGNAL AHEAD” sign (W3-3) be installed along the northbound Hospital Road approach upstream of the stop-line.

Hospital Road and the South Service Road

Table 13-22 below summarizes the accident data retrieved for the incidents that occurred at or within the Hospital Road and the South Service Road intersection. Appended Figures 13.36 through 13.41 illustrate the accident collision diagrams for the incidents that occurred at the Hospital Road and South Service Road intersection from May 2005 to February 2009.

**TABLE 13-22
SUMMARY OF ACCIDENT RESEARCH DATA
HOSPITAL ROAD & THE SOUTH SERVICE ROAD
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	2	9%
Right Angle	3	14%
Rear End	9	41%
Side-Swipe	3	14%
Head-On	0	0%
Backing-Up	4	18%
Out Of Control Vehicle	0	0%
Parked Vehicle	0	0%
Pedestrian	1	4%
Fixed Object/Animal	0	0%
Total	21	100%

Based on the data, a total of twenty-one (21) accidents were recorded at or within the vicinity of the Hospital Road and the South Service Road intersection during the approximately four (4) year study period, of which 41% were rear-end incidents and 18% were backing-up incidents. A significant pattern of the rear-end accidents occurred along the northbound Hospital Road approach to the intersection. As previously stated, rear-end collisions are common at signalized intersections. Note, all of the backing-up incidents took place within private property outside of the public right-of-way.

In addition to the 21 recorded accidents, 13 more incidents were reported at or within the vicinity of the Hospital Road intersection with the South Service Road. These 13 additional accidents are not included in the collision diagrams since the provided information within those reports did not indicate the exact location of each incident. It should be noted that two (2) of the 13 accidents were recorded to be rear-end incidents. Also, seven (7) of the 13 accidents were reported to take place within the private properties in the immediate vicinity of the intersection.

Significant physical roadway improvements are proposed as part of the Wal-Mart retail center project at the subject intersection. The existing southbound Hospital Road approach would be modified to provide an exclusive left-turn lane. The provision of exclusive turn lanes is a measure that reduces the rear-end type of accidents that have occurred at this location.

In addition, overall congestion contributes to rear-end accidents. Revisions to the existing phasing and signal timing at the northbound and southbound Hospital Road approaches are also proposed and would decrease delays and minimize queue lengths along the approach. These improvements would improve operation at the intersection, would reduce queue lengths, and would be expected to minimize the occurrence of rear-end accidents.

Hospital Road and Pondview Drive

Table 13-23 below summarizes the accident data retrieved for the incidents that occurred at or within the Hospital Road and Pondview Drive intersection. Appended Figures 13.42 depict the accident collision diagrams for the incidents that occurred at the Hospital Road and Pondview Drive intersection from January 2007 to February 2009. Note that there were zero (0) incidents recorded at the Hospital Road and Pondview Drive intersection during the other study periods.

**TABLE 13-23
SUMMARY OF ACCIDENT RESEARCH DATA
HOSPITAL ROAD & PONDVIEW DRIVE
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	1	14%
Rear End	0	0%
Side-Swipe	1 *	14%
Head-On	0	0%
Backing-Up	2 *	29%
Out Of Control Vehicle	0	0%
Parked Vehicle	2 *	43%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	6	100%

*Adjacent Parking Lots

Based on the data, only six (6) accidents were recorded at or within the vicinity of the Hospital Road and Pondview Drive intersection during the approximately four (4) year study period. Note, the backing-up accidents as well as the parked vehicle accidents (5 total) all took place within private parking lots located adjacent to the intersection.

As only one (1) on-street accident did occur at this intersection, it does not indicate a clear pattern of incidents. Further, the site-generated traffic associated with the proposed Wal-Mart retail center would not significantly impact the intersection. As such, no improvements are proposed.

Westbound Route 27 (Sunrise Highway) and the Exit Ramp at Interchange 54 (Hospital Road Exit)

Table 13-24 below summarizes the accident data retrieved for the incidents that occurred at or within the Westbound Route 27 (Sunrise Highway) intersection with the exit ramp at Interchange 54 (Hospital Road Exit). Appended Figure 13.43 contains the accident collision diagram for the single incident that occurred at the westbound Route 27 (Sunrise Highway) intersection with the exit ramp at Interchange 54 (Hospital Road Exit) from January 2007 to December 2007. Note that there were zero (0) accidents reported at this intersection during the other study periods.

**TABLE 13-24
SUMMARY OF ACCIDENT RESEARCH DATA
WESTBOUND ROUTE 27 (SUNRISE HIGHWAY) & THE EXIT RAMP AT
INTERCHANGE 54 (HOSPITAL ROAD EXIT)
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	0	0%
Rear End	1	100%
Side-Swipe	0	0%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	0	0%
Parked Vehicle	0	0%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	1	100%

Based on the data, only one (1) accident was recorded at or within the vicinity of the Westbound Route 27 (Sunrise Highway) intersection with Interchange 54 (Hospital Road Exit) during the approximately four (4) year study period.

Since only one (1) incident was recorded over a four (4) year period, no pattern is identified and no improvements are proposed at this intersection.

Eastbound Route 27 (Sunrise Highway) and the Exit Ramp at Interchange 55 (CR 101 Exit)

Table 13-25 below summarizes the accident data retrieved for the incidents that occurred at or within the Eastbound Route 27 (Sunrise Highway) intersection with Interchange 55 (CR 101 Exit). Appended Figure 13.44 contains the accident collision diagram for the single incident that occurred at the Eastbound Route 27 (Sunrise Highway) intersection with the exit ramp at Interchange 55 (CR 101 Exit) from January 2008 to May 2008. Note that there were no other accidents reported at this intersection during the other study periods.

**TABLE 13-25
SUMMARY OF ACCIDENT RESEARCH DATA
EASTBOUND ROUTE 27 (SUNRISE HIGHWAY)
& THE EXIT RAMP AT INTERCHANGE 55 (CR 101 EXIT)
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	0	0%
Rear End	0	0%
Side-Swipe	0	0%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	1	100%
Parked Vehicle	0	0%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	1	100%

Based on the data, only one (1) accident was recorded at or within the vicinity of the Eastbound Route 27 (Sunrise Highway) intersection with Interchange 55 (CR 101 Exit) during the approximately four (4) year study period. The one (1) recorded incident involved slick road conditions caused by inclement weather.

Since only one (1) incident was recorded over a four (4) year period, no pattern is identified and no improvements are proposed at this intersection.

Sills Road (CR 101) and the North Service Road

Table 13-26 below summarizes the accident data retrieved for the incidents that occurred at or within the Sills Road (CR 101) and the North Service Road intersection. Appended Figures 13.45 through 13.48 depict the accident collision diagrams for the incidents that occurred at the Sills Road and North Service Road intersection from May 2005 to February 2009.

**TABLE 13-26
SUMMARY OF ACCIDENT RESEARCH DATA
SILLS ROAD (CR 101) & THE NORTH SERVICE ROAD
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	0	0%
Rear End	3	39%
Side-Swipe	2	25%
Head-On	0	0%
Backing-Up	1	12%
Out Of Control Vehicle	1	12%
Parked Vehicle	1	12%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	8	100%

Based on the data, a total of eight (8) accidents were recorded at or within the vicinity of the Sills Road (CR 101) and the North Service Road intersection during the approximately four (4) year study period. Note that 39% of the accidents were rear-end incidents, which are common at signalized intersections. In addition to the eight (8) recorded accidents, three (3) more incidents were reported at or within the vicinity of the Sills Road (CR 101) and the North Service Road intersection. These three (3) accidents were not included on the collision diagrams as the provided information within those reports did not indicate the exact location of each incident. One (1) of those accidents was recorded to be a rear-end incident, one (1) of those accidents was recorded to involve an out-of-control vehicle, and one (1) of those accidents was recorded to involve a pedestrian.

Signal timing modifications are proposed at this intersection as part of the Wal-Mart retail center project. These modifications would decrease the overall intersection delay and improve operation at this location, which may aid in reducing the occurrence of accidents. The volume of site-generated traffic at the intersection is low and, therefore, no further improvements are proposed as part of the project.

Sills Road (CR 101) and the South Service Road

Table 13-27 below summarizes the accident data retrieved for the incidents that occurred at or within the Sills Road (CR 101) and the South Service Road intersection. Figures 13.49 through 13.54 in Appendix I depict the accident collision diagrams for the incidents that occurred at the Sills Road (CR 101) and the South Service Road intersection from May 2005 to February 2009.

**TABLE 13-27
SUMMARY OF ACCIDENT RESEARCH DATA
SILLS ROAD (CR 101) & THE SOUTH SERVICE ROAD
MAY 2005 – FEBRUARY 2009**

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	1	11%
Right Angle	2	22%
Rear End	4	45%
Side-Swipe	1	11%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	0	0%
Parked Vehicle	0	0%
Pedestrian	0	0%
Fixed Object/Animal	1	11%
Total	9	100%

Based on the data, a total of nine (9) accidents were recorded at or within the vicinity of the Sills Road (CR 101) and the South Service Road intersection during the approximately four (4) year study period. Note that 45% of the accidents were rear-end incidents, which are common at signalized intersections.

Signal timing modifications are proposed at this intersection as part of the Wal-Mart retail center project. These modifications would decrease the overall intersection delay and improve operation at this location, which may aid in reducing the occurrence of accidents. The volume of site-generated traffic at the intersection is low and, therefore, no further improvements are proposed as part of the project.

Waverly Avenue and the South Service Road

Table 13-28 below summarizes the accident data retrieved for the incidents that occurred at or within the Waverly Avenue and the South Service Road intersection. Appended Figure 13.55 depicts the accident collision diagram for the single incident that occurred within the vicinity of the Waverly Avenue intersection with the South Service Road from January 2006 to December 2006. Note that there were no other incidents recorded at the subject intersection during the other study years.

TABLE 13-28
SUMMARY OF ACCIDENT RESEARCH DATA
WAVERLY AVENUE & THE SOUTH SERVICE ROAD
MAY 2005 – FEBRUARY 2009

Type of Accident	Number of Accidents	Percent of Total
Left-Turn	0	0%
Right Angle	0	0%
Rear End	0	0%
Side-Swipe	0	0%
Head-On	0	0%
Backing-Up	0	0%
Out Of Control Vehicle	0	0%
Parked Vehicle	1	100%
Pedestrian	0	0%
Fixed Object/Animal	0	0%
Total	1	100%

Based on the data, only one (1) accident was recorded at or within the vicinity of the Waverly Avenue and the South Service Road intersection during the approximately four (4) year study period. The incident recorded took place within a private parking lot and, therefore, no pattern is identified and no improvements are proposed at this intersection.

CONCLUSIONS

Based on the analysis performed, it is anticipated that the proposed Wal-Mart and office building development would not significantly impact the adjacent roadway network operation as a number of mitigation measures are proposed as part of the development program.

The intersection capacity analysis results are based on conservative, generally-recommended analysis guidelines applied to the critical peak hour traffic volumes on the adjacent roadway network. The potential roadway/intersection improvement measures include but are not limited to the following:

- Installation of a traffic signal at the proposed site driveway and Hospital Road intersection.
- Implementation of physical roadway and traffic signal improvements at the Hospital Road/NSR signalized intersection.
- Implementation of physical roadway and traffic signal improvements at the Hospital Road/SSR signalized intersection.
- General signal timing and phasing plan modifications to improve the operation levels and vehicle progression throughout the roadway network
- Construction of pedestrian-related improvements to foster alternative transportation means (walking and public transportation) by which to patronize the site.

These improvement measures would not only mitigate the potential impacts of the proposed development plan, but also benefit the existing traveling public on the roadway system. The proposed mitigation measures are calculated to significantly improve traffic operations at locations in the vicinity of the project, where F Levels of Service currently occur in peak hours.

The site access management plan has been designed to effectively accommodate vehicular traffic to and from the site and is consistent with generally-accepted Traffic Engineering design standards. The size of the proposed parking spaces and aisle widths would provide for convenient and effective passenger vehicle circulation throughout the site. In addition, the current Site Plan is code-compliant in terms of the total amount of off-street parking to be provided.

The site has also been designed to accommodate pedestrian and bicycle traffic safely and efficiently by minimizing the potential for conflicts with vehicles on-site and providing clearly-delineated regions of the parking lot to help motorists identify areas of pedestrian activity. The

site is positioned along a transit route and proposes improvements to Hospital Road that will facilitate transit usage.

The proposed Build action would generate almost 20% less traffic than the previous development proposal (Alternative 4). The proposed action is less intense with respect to traffic than build-out of the site as an as-of-right Medical Office use. As a use, Medical Office would not only generate a greater number of new trips in the PM and SAT peak hours, but would also generate a significant volume of traffic in the AM peak period, where a retail use would not.

Based on the results of the accident analysis, the Hospital Road intersections with the North Service Road and the South Service Road were identified as high-accident locations during the approximately four (4) year study period.

Significant physical roadway modifications are proposed at the Hospital Road and North Service Road intersection as part of the Wal-Mart retail center development. The existing northbound Hospital Road approach would be modified to provide an exclusive left-turn lane. This additional left-turn lane would allow vehicles to complete a left-turn without impeding through traffic. In addition, revisions to the signal timing and phasing along the northbound and southbound Hospital Road approaches would decrease delays and minimize queue lengths, which would be expected to reduce the occurrence of accidents. To further alleviate incidents at this intersection, it is proposed that additional warning signs be installed along the northbound Hospital Road approach.

A total of twenty-one (21) accidents were recorded at or within the vicinity of the Hospital Road and South Service Road intersection. A significant amount of the rear-end incidents at this intersection occurred along the northbound Hospital Road approach. The implementation of an exclusive left-turn lane along the southbound Hospital Road approach to the South Service Road intersection as well as modifications to the existing signal timing and phasing are proposed as part of the Wal-Mart retail center project. These proposed modifications would improve the overall intersection delay as well as minimize queue lengths, which may aid in reducing the occurrence of accidents. In addition, the exclusive left-turn lane would allow vehicles to travel southbound along Hospital Road without being impeded by vehicles waiting to execute a left-turn movement onto the South Service Road, which would help improve vehicle progression.

CHAPTER 14: SHORT TERM, LONG TERM, AND CUMULATIVE IMPACTS

Development of the proposed project would result in a number of impacts to the project site and the surrounding area. Some of these would be temporary or short-term impacts associated with construction of the project, while others would be long term impacts associated with the alteration and occupation of the site. Cumulative impacts are the potential impacts of a proposed action taken in conjunction with those of other active or anticipated nearby development projects.

Short-Term Impacts

Potential short-term impacts from the proposed project would be caused by construction activities. The construction process for commercial construction projects generally occurs in the following sequence: ground clearing, excavation, installation of foundations, building construction, exterior finishing, and clean-up. Impacts related to construction activities include the generation of noise, dust, and vibration, as well as construction related traffic. These impacts are unavoidable but can be minimized through proper planning of construction activities. Although the construction of the proposed project will be phased with the Wal-Mart store and parking being completed in Phase I and the office building being completed in Phase II, all construction activities would be monitored to ensure that all activities are performed in accordance with all applicable standards and regulations as well as any specific criteria imposed for the project by the approving authorities.

Noise and vibration generated by construction activities would not be expected to be significant. Construction vehicles and equipment would adhere to local and Federal requirements for noise emission control. Per the Town's noise ordinance, construction activities would be limited to weekdays between the hours of 7:00 AM and 6:00 PM. Construction activities would therefore not result in a significant noise impact upon the residential buildings in the surrounding area.

In conformance with the SPDES General Permit for Stormwater Discharges from Construction Activity, disturbance of land resulting in soil exposure shall be minimized. Land would be cleared, graded, and stabilized in accordance with NYSDEC regulations. Prior to commencing earthwork operations, erosion and sediment control measures would be installed. Limits of the disturbed area would be protected to prevent erosion and sediment from being conveyed off-site. Fugitive dust emissions would be controlled with water spray and covering of material stockpiles.

It is not anticipated that construction of the project would result in any significant traffic impacts as most construction traffic would not occur during the peak traffic generation hours in the surrounding area, and volumes would be less than traffic generated during operation of the facility. A detailed analysis of traffic during the construction period is included in Chapter 13.

Construction of the proposed development would result in the clearing of approximately 11.21 acres of existing vegetation on the site as well as the removal of approximately 2,000 cubic yards of cut material. It is assumed excess material will be exported off site. As the project site does not contain any rare or endangered flora or fauna and does not contain any environmentally sensitive habitats, the removal of these materials would not be considered significant. In addition, 7.27 acres of the 16.64-acre project study area would consist of existing and newly planted vegetation following completion of the project.

Long-Term Impacts

The long-term impacts of the proposed project would include changes to the project site's current natural environment and impacts resulting from the operation of the proposed retail center and office building as described below. The impacts described are unavoidable but none would be considered significant.

The proposed project would result in the development of the currently undeveloped 16.64-acre wooded parcel. The project would change approximately 9.37 acres of the site to developed area consisting of the proposed buildings and paved parking areas, driveways, and walkways. The remaining approximately 7.27 acres of the site would consist of approximately 5.43 acres of existing vegetation to remain, primarily around the periphery of the property, and approximately 1.84 acres of new landscaping which would be installed throughout the property. As the project site does not contain any rare, endangered, or unusual flora or fauna and does not contain any environmentally sensitive habitats, the removal of these materials would not be considered significant and the proposed development would not result in any significant adverse impacts to vegetation or wildlife.

The soils on-site were found to be suitable for a shallow foundation design, however, due to the presence of very loose to loose upper sands, some over excavation and/or recompaction may be necessary to provide a suitable subgrade for foundations, floor slabs, and pavements. It should be noted that a majority of the site soils would be suitable for reuse as compacted fill or backfill in structural areas with proper moisture control. Field studies of the project site found indications of human interference including forest burning and dumping. Development of this site would eliminate these activities in the future and would mitigate this environmental and safety concern.

The proposed project would alter the current views from adjacent properties as the appearance of the project site would change from an undeveloped and vegetated area to a development consisting of a Wal-Mart retail center and office building. To minimize impacts on adjacent properties, the Wal-Mart and office building's design would incorporate buffering and screening to enhance views and minimize noise. In addition, parking lot light poles would be installed with proper shielding to prevent spillover to adjacent properties while also ensuring pedestrian safety in the parking lot area.

The generation of new traffic on the area roadways resulting from the proposed development is unavoidable and is projected to result in the addition of 456 weekday PM peak hour trips and 557 Saturday peak hour trips. However, any impacts resulting from this additional traffic would be controlled and mitigated by the proposed roadway, signalization, and other improvements discussed in the traffic chapter above.

The proposed development would result in an unavoidable use of water, discharge of sewage, and generation of solid waste. It would also utilize electricity, natural gas, and telephone services. Water usage would be approximately 5,722 gpd domestic with an additional 500 gpd for irrigation during the watering season. Sanitary flows would be approximately 5,202 gpd. The proposed development is expected to generate approximately four tons of solid waste per week. There is adequate infrastructure in the surrounding area to handle these demands, and the impacts of the proposed development on these utilities and services would not be significant.

Development of the proposed action would change stormwater flows and patterns on the project site. During post-development conditions, stormwater runoff generated from on-site pavement, roof surfaces, and landscaped areas would be directed toward and collected in a system of drywells so that there would be no overland runoff from the developed area onto adjacent properties or roadways in the vicinity of the subject site. The drywell system would allow the stormwater to leach into the underlying soils and recharge the groundwater table beneath the property.

The proposed project would potentially increase the demand for police and fire protection and ambulance services. However, as the project would generate significant annual tax revenues to the County and Town, it is assumed that the distribution of this tax revenue would be apportioned to the provision of these municipal services, thus mitigating potential impacts. No residential uses are proposed as part of the proposed development on the subject property. Therefore, the proposed development would not increase the population of school-aged children in the South Country Central School District.

Relative to positive long-term impacts of the proposed development, Wal-Mart believes that a store in East Patchogue would bring tremendous benefits to the community. Wal-Mart maintains that its retail offerings and services would enhance the supply and choice of retail goods and services in the local area. Wal-Mart believes that the subject site at Hospital Road and the North Service Road of Sunrise Highway would be the best location in this community to accomplish its consumer goals. As this proposed Wal-Mart retail store is allowed by zoning in the J2 district, Wal-Mart also believes that a store at this location would comply with the Town's vision for the area.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. These operating hours would provide shopping opportunities not typically offered by other stores in the area. This would be particularly convenient for local hospital workers from the nearby Brookhaven Memorial Hospital and emergency service personnel who have non-traditional work shifts as they would be able to complete their shopping during off peak hours.

The proposed office building is consistent with the uses allowed in the J4 district and is consistent with the Town of Brookhaven's goals for generating jobs and increased economic opportunities. The proposed office building would typically operate during normal business hours Monday through Friday with limited employee activity after hours and on weekends on an as-needed basis.

Cumulative Impacts

As stated above, cumulative impacts are the potential impacts of a proposed action taken in conjunction with those of other active or anticipated nearby development projects. This analysis of cumulative impacts is based on other pending applications in the immediate study area as provided by the Town of Brookhaven Planning office, NYSDOT, and the Suffolk County Department of Public Works. According to the respective Departments, there are six proposed developments in the vicinity of the proposed Wal-Mart. The proposed developments include the following:

- Lowe's Home Improvement Warehouse, a 144,404 square foot store proposed at the northeast corner of Sills Road and Montauk Highway.
- 435 Realty Corporation, a gasoline filling station and 1,500 square foot convenience store proposed at the northeast corner of NYS Route 27 and Hospital Road adjacent to the project site.
- Ashley Estates, an 80-unit apartment development proposed at the southwest corner of Fish Thicket Road and Hospital Road.

- Peak Plaza, a 26,510 square foot medical/dental office development proposed at the southwest corner of NYS Route 27 and Hospital Road.
- St. Joseph's College Athletic Fields Expansion, proposed at a location south of the South Service Road west of Hewlett Avenue.
- Calvary Family Assembly of God, a 558-seat church proposed along Sipp Avenue north of the Sunrise Highway North Service Road.

Although the seven proposed development projects, including the subject Wal-Mart retail store and office building project, would result in an increase in overall development in the surrounding area, and the conversion of undeveloped lands to new residential and commercial use, this development is anticipated and allowed by existing zoning. In addition, the resulting increase in the demand for utility services, including water and sewer, electricity, natural gas, and telephone, and solid waste collection services can be accommodated by the extension of the existing infrastructure of the area and would not be significant. The proposed projects would generate significant annual tax revenues to the County and Town, and it is therefore assumed that the distribution of this tax revenue would be apportioned to the provision of municipal services including police and fire protection and ambulance services.

The only potentially significant cumulative impact resulting from the proposed Wal-Mart retail center and office building and the six proposed area developments noted above would relate to traffic. Based on the traffic analysis presented above, the six proposed area developments are anticipated to result in the generation of approximately 836 weekday PM peak hour trips and approximately 1,188 Saturday peak hour trips. Adding these trips to Wal-Mart's projected 456 weekday PM peak hour trips and 557 Saturday peak hour trips would result in a total increase of 1,292 weekday PM peak hour trips and 1,745 Saturday peak hour trips on the surrounding roadways. Note that these total peak hour trips are inclusive of pass-by traffic which are vehicles already traveling on the roadway system. This increase in peak hour traffic volume would not be considered significant as any impacts resulting from this traffic would be controlled and mitigated by the proposed roadway, signalization, and other improvements discussed in the traffic chapter above.

CHAPTER 15: ADVERSE IMPACTS THAT CANNOT BE AVOIDED

The following summarizes adverse impacts that are unavoidable as a result of the proposed development.

Table 15-1: Adverse Impacts that Cannot be Avoided

Area of Impact	Description of Adverse Impact
Natural Environment	<ul style="list-style-type: none"> • Development of a currently undeveloped 16.64-acre wooded parcel would result in the removal of 11.21 acres of existing vegetation from the site. The project would create 9.37 acres of building and paved areas on the site. • Development of the proposed project would alter the current views from adjacent properties. • Some over excavation and/or recompaction of site soils may be necessary to provide suitable subgrade for foundations, floor slabs, and pavements. • It is estimated that there will be 2,000 cubic yards of cut material. It is assumed excess material will be exported off site.
Construction	<ul style="list-style-type: none"> • Consumption of gasoline, oil, and electricity for the operation and maintenance of construction equipment and operation of the proposed store and office building. • Consumption of materials, such as steel, brick, and glass for the construction of the project.
Utilities/Operations	<ul style="list-style-type: none"> • Proposed development would result in an unavoidable use of water and discharge of sewage as well as the use

	<p>of electricity and natural gas.</p> <ul style="list-style-type: none"> • It is estimated that the proposed project would use 5,722 gpd of domestic water and generate 5,202 gpd of wastewater. • It is estimated that the proposed project would generate approximately four tons of solid waste per week.
Traffic	<ul style="list-style-type: none"> • Generation of new traffic on the area roadways resulting from the proposed development is projected to result in the addition of 456 weekday PM peak hour trips and 557 Saturday peak hour trips.

CHAPTER 16: IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Nonrenewable resources would be consumed during the design, construction, and operation of the proposed project. Since the reuse of these resources is impossible, they must be considered irreversibly and irretrievably committed to the development of the project.

The finite resources that would be irretrievably committed by the implementation of the proposed action include the expendable materials, such as steel, brick, and glass, and fuel and energy utilized during construction of the project. They also include the supplies and energy resources necessary to operate and maintain the facility after construction.

The proposed action constitutes an irreversible and irretrievable commitment of the project site as a land resource.

Private funds committed to the design, construction, and operation of the proposed project would not be available for the development and operation of other projects.

The human labor expended for the development and operation of the proposed project must also be considered an irretrievable resource.

CHAPTER 17: GROWTH INDUCING ASPECTS

Growth-inducing aspects of a project include those direct and indirect effects of the project that promote additional development in the area. The proposed development would transform an undeveloped wooded parcel into a new Wal-Mart retail store and commercial office building. As discussed in the transportation chapter, several other commercial developments, as well as residential and institutional projects, are proposed for the area surrounding the project site. The development of the project site with the proposed retail center and office building would potentially provide encouragement for the construction of new commercial and residential developments on vacant and underutilized land in the surrounding area. The changes outside of the project site and the other proposed developments in the area would likely occur slowly over an extended period of time.

As detailed in Chapter 12 of the DEIS, due to the distance of the project site and its location and accessibility relative to the downtown areas of the Village of Bellport and the Village of Patchogue, as well as the nature of the proposed project relative to the existing development in these downtown areas, the proposed Wal-Mart retail center and office development would not be expected to have any significant impact upon the future growth of the downtown areas of these villages.

CHAPTER 18: EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

All new structures requiring heating and cooling are subject to the requirements of the New York State Energy Conservation Code, which sets minimum standards for the design and construction of all new buildings. As the proposed development would be subject to these requirements, it would not create adverse energy impacts, and would not require a detailed energy assessment. However, Wal-Mart provides energy conservation measures in its stores that exceed those required under New York State law.

Wal-Mart employs a centralized Energy Management System at its corporate headquarters in Bentonville, AR to continuously monitor and control energy usage, analyze refrigeration temperatures, observe HVAC and lighting performance, and adjust system levels at its stores. Wal-Mart utilizes one of the industry's most efficient HVAC units available. Per ASHRAE 90.1-2004, a retail store's HVAC equipment is required to achieve an overall minimum Energy Efficiency Ratio (EER) value of 10.3. Wal-Mart's HVAC equipment has an overall EER value of 12.7, well above the standard.

The proposed retail store would reflect Wal-Mart's on-going commitment to innovations in sustainable design through a program called "Sustainability 360." Elements of this program include renewable energy and zero waste initiatives. The proposed store would also feature Wal-Mart's current energy and resource conservation standards. These standards include daylight harvesting through the extensive use of rooftop skylights. Daylight harvesting, when used in a store of the proposed size, can reduce up to 75% of the electric lighting energy used during daylight hours, saving an average of 800,000 kWh per year.

Electrical energy conservation through the use of LED technology in exterior lighting, building signage, and grocery food cases is also part of Wal-Mart's sustainable design program. More energy efficient than traditional fluorescent lighting, LED technology improves light distribution, reduces glare, increases visual acuity, improves light trespass, and provides better vertical illumination. Occupancy sensors would be installed in most non-sales areas such as break rooms and offices, automatically turning the lights off when the space is unoccupied. Freezer cases would utilize LED lighting and would be constructed with special film coated glass doors to control condensation, enhancing the freezer's operating efficiencies and saving energy. Wal-Mart reclaims waste heat from on-site refrigeration equipment. It is anticipated, for the store size proposed, this practice would supply 70% of the store's hot water needs. In the restrooms, Wal-Mart would utilize high efficiency plumbing fixtures and sensor-activated hand sinks to reduce water usage.

Interior finishes include extensive use of recycled materials, including base and wall cabinets made from sawmill waste products, as well as recycled plastics in baseboards and counters. The floors would be of polished concrete to reduce surface-applied flooring materials, thus eliminating the need for most chemical cleaners, including wax strippers and propane-powered buffing.

The exterior walls will be constructed with a panel system by Trespa. These low maintenance panels consist of approximately 70% softwood fiber from the industrial processing of softwoods and 30% thermosetting resin. The wood comes from fast-growing pine wood from European production forests. The thermosetting resin or binder consists of 50% residual industrial materials and 50% of 'new' material. There are no heavy metals, biocides, plasticizers, inorganic fibers, halogens, or ozone-depleting products or preservatives used in the production process. The proposed store would be constructed with a white roof. With higher reflectivity and emissivity, white roofs help reduce building energy consumption in this climate and have a lower heat island effect than a darker roof color.

The project site would be landscaped based on Xeriscape design methods. This design encourages water conservation through the use of native plants appropriate to the local climate which have reduced water requirements. Xeriscape also involves a series of design principles which work together to achieve the goal of saving water in the landscape. This design method was created by the Front Range Xeriscape Task Force initiated by the Denver Colorado Water Department in 1978. The Xeriscape principle was developed in Colorado but has been adapted across the nation. The benefits of designing a Xeriscape are immediate and measurable in terms of preserving our natural resources. Native drought tolerant plants can and should be substituted in commercial designs for their ability to withstand long periods of drought and reduced need for overall maintenance. As with energy saving methods in buildings, this method helps create a more sustainable landscape.

Construction of the proposed store and office building would have some impact on energy resources. Gasoline, oil, and electricity would be consumed in the operation and maintenance of construction equipment. Once construction is completed local energy companies would provide water, electricity, and natural gas for building operations. Site-generated vehicular traffic would result in the consumption of fossil fuels. These draws on energy resources are typical for commercial retail projects and Wal-Mart would work to lower the energy use through their building design and conservation initiatives discussed above.

CHAPTER 19: SOLID WASTE MANAGEMENT

Wal-Mart's sustainability goals regarding waste focus on the three "R's" - Reduce, Reuse, and Recycle. Wal-Mart is working with suppliers to reduce the amount of packaging and waste entering their stores. Wal-Mart has undertaken the "Plastic Bag Initiative" in order to reduce shopping bag waste at their stores worldwide. Their goal is to reduce plastic bag waste by an average of 33% by the year 2013. Wal-Mart is working with suppliers to reuse by integrating recyclable materials into new projects and offering reusable, recyclable, shopping bags for consumer purchase at their stores.

Wal-Mart has recycling programs in place at its stores to reduce the amount of waste sent to landfills. Products recycled include tires and car batteries as well as plastics bags, bottles, hangers, office paper, and aluminum cans. These materials are collected, stored in environmentally safe containments, and removed from the site by licensed transporters for recycling. Wal-Mart is developing a closed loop program to send recyclable materials to their suppliers who in turn can use those products to manufacture new products for Wal-Mart's shelves or operations. Wal-Mart also utilizes the Super Sandwich Bale. This bale bundles unruly items like cans, hangers, and paper between stacks of cardboard for ease in transportation. Recyclable and non-recyclable solid waste is removed by private vendors and transported to a local transfer station for distribution to either a landfill or solid waste management center for recycling.

Wal-Mart stores typically generate four tons of solid waste per week via produce recycling and pre-stale diversion programs. Approximately 70-80 percent of Wal-Mart's waste is placed on a "Super Sandwich Bale" for recycling. For a store of the size proposed, additional recycled waste counts for another fifteen to twenty tons per week. This number includes pallets that are returned to the distribution center to be reused. In partnership with Feeding America, Wal-Mart will further reduce solid waste 33% by 2013, over a 2005 baseline, through diverting perishable food items prior to their expiration date to local end user organizations, like Meals on Wheels. Wal-Mart will divert perished food, where users are available, for agricultural use in either animal feed or compost prior to the last resort of compacting for disposal.

The Town of Brookhaven's Town Code, Chapter 46 (Recycling), § 46-2 states the following:

The Town Board of the Town of Brookhaven finds that the reduction of the amount of solid waste and the conservation of recyclable materials are important public concerns. The separation and collection of newspaper, paper, cardboard, glass, cans, plastic containers, vegetative yard waste and other materials for recycling from the residential, commercial, industrial and institutional establishments in the Town will protect and

enhance the Town's physical and visual environment as well as promote the health, safety and well-being of persons and property within the Town by minimizing the potential adverse effects of landfilling through reduction of the need for landfills and conservation of existing landfill capacity, facilitating the implementation and operation of other forms of solid waste management, conserving natural resources, assisting the Town in complying with the mandates of the Long Island Landfill Law, codified in New York State Environmental Conservation Law § 27-0704, ensuring conformance with the New York State Solid Waste Management Plan and facilitating the development and implementation of a solid waste management plan for the Town. The promotion and use of recyclable materials, goods produced from recyclable materials and goods which facilitate recycling will further serve the same purposes by encouraging and facilitating recycling.

Section 46-9 of the Recycling chapter of the Code requires the mandatory separation of various recyclable materials from the waste stream of commercial, industrial, and institutional uses. Wal-Mart will continue to add materials beyond those listed in the Code to their recycling program to include all plastics and foam as recycling centers expand to accept additional materials.

The New York State Department of Environmental Conservation (NYSDEC) is charged by § 27-0103 of the Environmental Conservation Law (ECL) to develop the New York State Solid Waste Management Plan (SWMP) and biennial updates. The SWMP identifies the roles and responsibilities of various entities in the State including the private sector. The SWMP requires that the private sector:

- *Provide solid waste management services (e.g., collection and disposal) in an environmentally sound manner;*
- *Be responsible for managing the solid waste it generates; and*
- *Participate in waste reduction/reuse/recycling programs (e.g., packaging reduction initiatives, municipal programs).*

The proposed Wal-Mart retail center would comply with the above noted State and Town solid waste management provisions through its “Reduce, Reuse, and Recycle” program described above. In addition to this initiative, the Wal-Mart store manager and site maintenance staff, as part of routine store operations, inspect the parking areas on a daily basis to keep them clear of litter.

Due to the small size of the proposed office building, it is estimated that its impacts on the development’s overall solid waste generation would be minimal. Solid waste generated by the proposed office building would be held in a refuse bin for pick-up and be taken off-site for

disposal. The proposed office building would comply with the above noted State and Town solid waste management provisions as required by law.

CHAPTER 20: GROUNDWATER PROTECTION AREA PROGRAM

Article 55 of the New York State Conservation Law designates certain areas on Long Island as Special Groundwater Protection Areas (SGPAs). The Long Island Comprehensive Special Groundwater Protection Area Plan was issued in 1992. This document, prepared under the direction of the Long Island Regional Planning Board (LIRPB), identifies nine SGPAs in the Nassau and Suffolk County regions. These SGPAs are watershed recharge areas important for the maintenance of large volumes of high-quality groundwater. As the project site is not located within one of the SGPAs, the proposed development would not have an impact on any SGPA.

The Long Island segment of the National Urban Runoff Program (NURP) concluded that, with regard to recharge basins, infiltration through the soil is an effective mechanism for eliminating most of the inorganic chemical constituents for which analysis were performed, and further recommends that storage leaching drainage systems should also be considered for use where the installation of recharge basins is not feasible.

The proposed Wal-Mart retail center and office building would not utilize any groundwater for their operations. In addition, stormwater runoff generated from on-site pavement, roof surfaces, and landscaped areas would be directed toward and collected in a system of drywells that would allow the stormwater to leach into the underlying soils and recharge the groundwater table beneath the site. These measures would minimize any groundwater impacts from the proposed action.

CHAPTER 21: PROPOSED MITIGATION MEASURES

Introduction

For several of the analysis categories addressed in this document, potential impacts were identified and proposed mitigation measures were discussed. This chapter briefly reiterates the nature of each potential impact and the measures that would be implemented to successfully mitigate the impact.

Topography and Soils

The proposed action includes modification of grades and the installation of curb walls to stabilize slopes at specific areas along the north and east sides of the parking areas and to minimize disturbance of natural vegetation within the proposed buffer areas beyond. Implementation of the proposed action would result in the disturbance of soils on the subject site for foundation excavation, utility installation, grading, paving and landscaping. This disturbance, however, would be entirely contained within the boundaries of the subject site. It is estimated that approximately 23,500 cubic yards of material would be cut on the site, approximately 21,500 cubic yards of material would be used as fill, and there will be an excess of approximately 2,000 cubic yards of cut material. It is assumed excess material will be exported off site.

The site slopes gently toward the south and southeast at slopes between 0.5% and 4% with some minor undulations. Other than some small areas of man-made features on the site, maximum natural slopes do not generally exceed 3%. The existing slopes would be minimally altered as part of the proposed action. Thus, no significant adverse impacts relating to topographic character are expected.

The soil on-site was found to be suitable for a shallow foundation design however, due to the presence of very loose to loose upper sands, some over excavation and/or recompaction may be necessary to provide a suitable subgrade for foundations, floor slabs, and pavements. It should be noted that a majority of the site soils would be suitable for reuse as compacted fill or backfill in structural areas with proper moisture control. Field studies of the project site found indications of human interference including forest burning and dumping. Development of this site would eliminate these activities in the future and thereby mitigate this environmental and safety concern.

The disturbance of soils for construction and re-grading activities increases the potential for erosion and sedimentation. In accordance with NYSDEC SPDES and Town Code Chapter 86

Stormwater Management and Erosion Control Requirements, a Stormwater Pollution Prevention Plan (SWPPP), including Erosion and Sediment Control Plans, is being developed. The SWPPP would identify potential sources of pollution and outline practices to reduce the pollutants in stormwater discharges to assure compliance with the terms and conditions of the NYSDEC SPDES General Permit GP-0-10-001.

All erosion and sediment control measures, including silt fences, sediment traps, and temporary berms, would be installed and certified by the project's civil engineer and Wal-Mart construction manager prior to the start of any construction activities. These measures would be maintained daily to ensure their proper functioning and would remain in place until disturbed areas are stabilized. After site clearing, the area would be paved, planted, or stabilized to minimize the amount of time that soils are exposed. All topsoil and/or sub grade material that can be stockpiled during construction would be used in areas to be replanted and re-graded. All areas to remain undisturbed would be separated from those areas to be developed with the use of fencing or other methods to visually mark boundaries. Sediment traps and swales would be used to direct stormwater flows to designated areas and keep runoff from exiting the construction site. This would keep sediment from washing into the streets and ultimately any waterways. Fugitive dust emissions would be controlled with water spray and covering of material stockpiles.

The construction of the proposed action will be broken up into two phases. Phase I would involve the construction of the proposed Wal-Mart store and parking. Wal-Mart stores typically have a 12 month construction schedule from the start of site work to the grand opening of the store. Trucks would travel on roadways marked as truck routes and typically utilize numbered highways and the most direct route allowed by ordinance. The construction of the Phase II office building would proceed after the completion of the construction of Phase I and the opening of the proposed Wal-Mart store. Specific elements of the construction process for the office building would be determined at a future date as the project moves forward, however, all construction would comply with NYSDEC SPDES and Town Code Chapter 86 Stormwater Management and Erosion Control Requirements.

Water Resources

The Town of Brookhaven requires that all site drainage facilities be designed to store a minimum 2 inch rainfall event. The Town also provides runoff coefficients to use when calculating runoff volumes in order to account for losses that occur as runoff is absorbed by various types of surfaces. Runoff from pavement and roof areas is calculated at 100% since these impervious surfaces would not absorb water. Runoff from low sloped vegetated or landscaped areas is calculated at 15% since the vegetation and surrounding soils would typically absorb 85% of the runoff.

During post-development conditions, stormwater runoff generated from on-site pavement, roof surfaces, and landscaped areas would be directed toward and collected in a system of drywells that would allow the stormwater to leach into the underlying soils and recharge the groundwater table underlying the site. The proposed development on the subject site would include the provision of 77, 12-foot diameter drywells, having an overall capacity of 71,422 CF. This capacity is more than sufficient to handle the anticipated quantity of stormwater runoff that would be generated from the proposed development on the subject site. There would be no overland runoff from the developed area onto adjacent properties or roadways in the vicinity of the subject site. In addition, it is expected that the proposed development would have minimal impact on groundwater as rainwater falling on the site would ultimately percolate back into the groundwater table.

The New York State (NYS) Stormwater Design Manual was updated in August of 2010 to include Green Infrastructure Planning. The proposed site will include practices from all of the major groups listed in Chapter 3 under Table 3.1 - Green Infrastructure Planning General Categories and Specific Practices and Table 3.2 – Green Infrastructure Techniques Acceptable for Runoff Reduction. These groups are Preservation of Natural Resources, Reduction of Impervious Cover, and Runoff Reduction Techniques. Additionally, the subject site's stormwater management program will exceed the New York State Department of Environmental Conservation (NYSDEC)'s 90% requirement for Water Quality Volume (WQv) as well as Town of Brookhaven requirements for a 2" rainfall event. See Chapter 8 for further details.

As the proposed stormwater management system would retain on the project site all new stormwater flows resulting from the proposed development, fertilization of naturally landscaped areas both on and off the site would be prevented. The proposed stormwater management system and the SWPPP discussed in the Topography and Soils sections above would assure that the quality of surface waters in the vicinity of the project site would be maintained in their current condition.

The SWPPP for the proposed project would be in accordance with the 1982 Long Island Regional Planning Board's (LIRPB) review of the Long Island segment of the Nationwide Urban Runoff Program (NURP Study). The purpose of the NURP Study, carried out by the U. S. Geological Survey (USGS), was to determine the source, type, quantity, and fate of pollutants in stormwater runoff routed to recharge basins and the extent to which these pollutants are, or are not, attenuated as they percolate through the ground. In general, during construction, stormwater runoff would be generated from impervious surfaces such as abutting roadways and pervious areas such as the construction site. Runoff may carry such pollutants as heavy metals, petroleum hydrocarbons, bacteria, and nitrogen as well as soil sediment. Extensive monitoring associated with the NURP Study found that direct discharge of stormwater to surface water caused significant water quality impairment, however, it also determined that on-site stormwater

discharge utilizing infiltration facilities, as are proposed for the subject site, significantly reduce such impacts.

Ecology

Approximately 11.21 acres of existing vegetation would be cleared for the development of the proposed Wal-Mart retail store, office building, and their associated improvements. The loss of habitat on the property would be mitigated by the addition of extensive new landscaping. New trees, shrubs, groundcovers, and grasses would be the dominant vegetation surrounding the proposed structures and parking areas and in the landscaped islands. Native or landscape species common to the area would be used to supplement the existing woodland buffers to remain on the site.

No significant vegetation would be removed from the site as the property does not include any rare, endangered, or unusual vegetation species. Removal of existing vegetation would be mitigated through the planting of numerous new trees, shrubs, groundcovers, and grasses throughout the site. Newly planted vegetation would consist of non-invasive landscaping species that would be non-fertilizer dependent. Native plantings would be utilized where practical.

Upon completion of the project, approximately 7.27 acres (43.7%) of the property would be vegetated with natural and supplemental plantings and approximately 9.37 acres (56.3%) of the property would be covered by the buildings, parking areas, and other paved surfaces. Approximately 5.43 acres of the vegetated portion of the property would remain undisturbed and approximately 1.84 acres of the vegetated portion of the property would consist of new landscaping. This landscaping would be added to the site within parking lot islands and to supplement existing vegetation within the perimeter buffer areas. Landscaping would include the addition of approximately 56 deciduous trees, approximately 41 evergreen trees, approximately 407 deciduous and evergreen shrubs, approximately 173 groundcover plantings, and approximately 24 ornamental grass plantings.

The proposed development would include a minimum 60'-75' wide natural vegetated buffer to the adjacent La Bonne Vie apartment complex, a 65' wide natural vegetated buffer to the North Service Road, and a 50'-60' wide natural vegetated buffer to Hospital Road. The subject property also includes a +/-70' wide wooded strip of land that extends easterly along the North Service Road to Sipp Avenue that would remain undisturbed.

Although the clearing of the central portion of the property would result in the loss of some existing habitat on the project site, remaining on-site and contiguous woodlands would provide

suitable, similar habitats. Furthermore, the proposed plan is in compliance with the Town of Brookhaven's clearing and buffering requirements. Upon completion of the proposed development, a significant amount of contiguous woodlands would remain on-site. As such, no significant adverse impacts are expected to on-site vegetative communities or habitats. During the clearing and construction phases of the proposed action, some existing wildlife would likely be displaced from portions of the subject property. As such, it is expected that these forest inhabitants would relocate to areas towards the perimeter of the subject site or to other adjacent and nearby wooded sites.

As the project site does not contain any rare, endangered, or unusual flora or fauna and does not contain any environmentally-sensitive habitats, the removal of these materials would not be considered significant and the proposed development would not result in any significant adverse impacts to vegetation or wildlife.

Land Use, Zoning, and Community Plans

The project site is under the jurisdiction of the Town of Brookhaven and is currently zoned J Business 2 District – Neighborhood Business (J2), J Business 4 District – Professional and Business Offices (J4), and A – Residence 1 District (A1). The Wal-Mart store would be constructed on the J2 portion of the site while the office building would be constructed on the J4 portion. The parking for the two uses will be provided on both parcels in a sufficient amount to comply with the parking code of the Town. The J-business 2 and J-business 4 parcels are separate tax lots, will be held in separate entities, and a cross access and parking easement will be executed benefitting and burdening both parcels. Parking would be shared between the Wal-Mart store and office building. No development is planned on the A1 portion. Both the proposed Wal-Mart store and office building are permitted uses within their respective zones and both would meet or exceed the overall dimensional, parking, and other requirements of their respective zones. The proposed Wal-Mart retail store and proposed office building are also considered to be part of the overall blueprint for planned economic growth of the Town of Brookhaven as outlined in the Town's *Final 1996 Comprehensive Land Use Plan*.

Several public policy documents have been issued by and/or for New York State, Suffolk County, the Town of Brookhaven, the Greater Bellport community, and the Village of East Patchogue. These documents contain recommendations pertaining to land use, transportation, utilities, natural resources, and other concerns, some of which are relevant to the proposed project. As detailed in Chapter 10, the proposed Wal-Mart retail center and office building development would be in compliance with all of the relevant provisions of these documents.

Within a 500-foot radius of the project site are a mixture of commercial, community facility, and residential uses, and vacant and/or undeveloped lands having various residential and business zoning classifications. Local environmentally-sensitive areas such as the Swan River, Harris Creek, and Fish Thicket Preserve would not be impacted by the proposed development due to their distance from the site. There are local water wells located along Hospital Road to the north of the site. As indicated on the Suffolk County Groundwater Contour Map, the underlying groundwater table flows to the south; therefore, the stormwater that infiltrates into the ground will not impact the wells. The proposed development project has been designed to minimize impacts to surrounding uses by maintaining extensive buffers around the periphery of the property, by incorporating extensive new landscaping into the proposed development, and by incorporating screening, lighting, and appropriate building design and site placement to minimize impacts to the adjacent and nearby uses.

Wal-Mart's retail offerings and services would enhance the supply and choice of retail goods and services in the local area. The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. These operating hours would provide shopping opportunities not typically offered by other stores in the area. This would be particularly convenient for local hospital workers from the nearby Brookhaven Memorial Hospital and emergency service personnel who have non-traditional work shifts as they would be able to complete their shopping during off peak hours. The proposed office building would typically operate during normal business hours Monday through Friday with limited employee activity after hours and on weekends on an as-needed basis.

Community Character

The proposed development has been designed to minimize impacts to the character of the surrounding community. The proposed Wal-Mart retail store building would be situated in the southeast corner of the lot, facing west towards Hospital Road, and would be set back approximately 104' from the North Service Road and approximately 446' from Hospital Road. The proposed office building would be set back approximately 163' from Hospital Road and 64' from the adjacent La Bonne Vie apartment complex property. All rooftop and ground mounted equipment for the project would be screened from view.

The proposed development would include a minimum 60'-75' wide natural buffer to the adjacent La Bonne Vie apartment complex, a 65' wide natural buffer to the North Service Road, and a 50'-60' wide natural buffer to Hospital Road. The subject property also includes a +/-70' wide wooded strip of land that extends easterly along the North Service Road to Sipp Avenue that would remain undisturbed. In addition, a total of approximately 5.43 acres of the property would remain undisturbed.

Approximately 1.84 acres of new landscaping would be added to the site within parking lot islands and to supplement existing vegetation within the perimeter buffer areas. Landscaping would include the addition of approximately 56 deciduous trees, approximately 41 evergreen trees, approximately 407 deciduous and evergreen shrubs, approximately 173 groundcover plantings, and approximately 24 ornamental grass plantings. Upon completion of the project, approximately 7.27 acres (43.7%) of the property would be vegetated with natural and supplemental plantings.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. Truck delivery of vendor stocked merchandise would typically take place in the morning prior to 9:00 AM or in the evening after 9:00 PM in order to avoid conflict with store customers. These deliveries would usually consist of between eight and eleven small- to medium- sized commercial truck trips per day, Monday through Saturday. Following delivery to the store, these vendor deliveries would continue on to service other stores which carry their products within the community. Approximately three to five large truck deliveries would take place during the day to coincide with restocking times as needed. Trucks would not be allowed to idle or use the radio during deliveries if they will be unloading for more than fifteen minutes. Refrigerated trucks utilize internal generators that power internal truck components and utilize trailer refrigeration to reduce engine noise.

The proposed office building would typically operate during normal business hours Monday through Friday with limited employee activity after hours and on weekends on an as-needed basis. Due to the small size of the proposed office building, deliveries of supplies would be minimal, probably totaling on average one small truck delivery per week.

In order to mitigate potential noise or lighting impacts on adjacent residential uses, the Wal-Mart and office building design would include vegetated buffers to the north and east along the property line. Screening would also be used to mitigate noise from truck docks and mechanical equipment. The parking area lighting would involve fixtures mounted on 20' high poles that would include dark sky lighting fixtures and shielding to prevent spillover to adjacent properties.

The primary source of noise generated by the proposed project is expected to derive from vehicular traffic entering and exiting the project site as well as from on-site delivery trucks. Vehicular traffic will circulate through the site at low speeds and should not cause a perceptible increase above the current sources of ambient noise, based on the site's proximity to NYS Route 27 (Sunrise Highway) and Hospital Road. Per the Town's noise ordinance, construction activities would be limited to weekdays between the hours of 7:00 AM and 6:00 PM.

A review of several sources, including the *Handbook of Environmental Acoustics* (Cowan, 1994) and materials from the California Department of Transportation, indicate that the ambient sound level associated with commercial areas typically falls between 60 and 65 dBA. As the proposed project would be separate from other commercial areas, it is expected that the sound levels would be towards the lower end of the range found. The proposed Wal-Mart will be designed with roof-top HVAC systems. These systems, when installed according to the manufacturer's installation standards, are rarely a problem with respect to noise generation. The systems will be screened to minimize both visual and noise impacts. To ensure customer and employee safety, Wal-Mart stores are designed with 360° camera surveillance, monitored by full-time security staff. Cameras are located inside the store, on all exterior walls, and in the parking lot. Foot patrols are regularly conducted in the store and parking lot area.

Transportation

Based on the analysis performed, it is anticipated that the proposed development would not significantly impact the adjacent roadway network operation as a number of mitigation measures have been proposed as part of the development program. The intersection capacity analysis results have been based on conservative, generally recommended analysis guidelines applied to the critical peak hour traffic volumes on the adjacent roadway network. The potential roadway/intersection improvement measures include but are not limited to the following:

- Installation of a traffic signal at the proposed main site driveway and Hospital Road intersection.
- Implementation of physical roadway and traffic signal improvements at the Hospital Road/NSR signalized intersection.
- Implementation of physical roadway and traffic signal improvements at the Hospital Road/SSR signalized intersection.
- General signal timing and phasing plan modifications to improve the operation levels and vehicle progression throughout the roadway network.
- Construction of pedestrian-related improvements to foster alternative transportation means (walking and public transportation) by which to patronize the site.

These improvement measures would not only mitigate the potential impacts of the proposed development plan, but also benefit the existing traveling public on the roadway system.

Significant physical roadway modifications are proposed at the Hospital Road intersections with the North Service Road (NSR) and the South Service Road (SSR) as part of the Wal-Mart retail center and office building application. The existing northbound Hospital Road approach to the NSR and the southbound approach to the SSR would be modified to provide exclusive left-turn

lanes. The additional left-turn lanes would allow vehicles to complete a left-turn without impeding through traffic. The implementation of exclusive turn lanes, left-turn phasing, and coordination of signal progression along the corridor are all measures that would help mitigate rear-end collisions that occur at the signalized intersections.

To further alleviate incidents at these intersections, it is proposed that additional warning signs be installed along the northbound Hospital Road approach, and that signs and pavement markings be provided at the westbound Sunrise Highway Exit 54 intersection with the NSR to emphasize the two-way operation of the NSR at this location.

The site access management plan has been designed to effectively accommodate vehicular traffic to and from the site and is consistent with generally accepted traffic engineering design standards. The size of the proposed parking spaces and aisle widths would provide for convenient and effective passenger vehicle circulation throughout the site. The site has also been designed to accommodate pedestrian and bicycle traffic safely and efficiently by minimizing the potential for conflicts with vehicles on-site through the provision of clearly delineated regions of the parking lot to help motorists identify areas of pedestrian activity.

CHAPTER 22: ALTERNATIVES

Introduction

This section of the DEIS presents an analysis of reasonable alternatives to the proposed action that are feasible, considering the objectives and capabilities of the project sponsor, as well as a No-Action alternative. Alternatives are presented at a level of detail appropriate to permit analysis and comparison of impacts between alternatives and the proposed project, sufficient to allow the Town to make a comparative assessment of potential impacts. The assessment is based on a concept plan for each alternative and a table comparing the key quantifiable development characteristics and impacts of each alternative. The five alternatives, which have been requested by the Town and revised for the current proposal, include the following:

- Alternative 1: No-Action
- Alternative 2: Small scale neighborhood shopping center similar to Concept Plan B or D as presented to the Town Board in 1996
- Alternative 3 - Development of a 120,000 square foot Wal-Mart store with a 900 square foot office building
- Alternative 4 - Development of a 120,000 square foot Wal-Mart store
- Alternative 5 - Development of a 133,592 square foot medical office park

The alternatives have been analyzed with respect to their potential environmental impacts, including areas of disturbance, traffic generation, and water and sewer utilization. Table 22-1 compares the major features and the potential environmental impacts of each alternative which is followed by a narrative discussion of the alternatives.

Table 22-1: Alternatives – Comparison of Major Features and Primary Quantifiable Impacts

Development Item	Proposed Action	Alternative 1: No Action	Alternative 2: (Site Plan 2) Small Scale Neighborhood Shopping Center	Alternative 3: (Site Plan 3) Development J2/J4/A1 Scenario	Alternative 4: (Site Plan 4) Development J2 Scenario	Alternative 5: (Site Plan 5) Medical Office Park
Parcel Size	+/- 16.64 acres	+/- 16.64 acres	+/- 16.64 acres	+/- 16.64 acres	+/- 16.64 acres	+/- 16.64 acres
Area Developed	+/- 16.64 acres	0 acres	+/- 16.64 acres	+/- 16.64 acres	+/-16.64 acres	+/- 16.64 acres
Building Size	98,900 sf	0 sf	115,900 sf	120,900 sf	120,000 sf	133,592 sf
Floor Area Ratio (FAR)	18.3% for 98,000 sf store; 0.7% for 900 sf office	N/A	16%	22.4% for 120,000 sf store; 0.7% for 900 sf medical office	16.6%	20.2% for 107,951 sf med. office; 19.6% for 25,641 sf med. Office
Parking	581	0 spaces	504 spaces	531 spaces	516 spaces	891 spaces
Natural Vegetated Area to Remain	32.6%	96.4%	31.6%	30%	33.4%	30.0%
Residential Buffer	60'	N/A	75'	75'	75'	50'
Hospital Road Buffer	50'-60'	N/A	57.2'	55.8'	60'	43.1'
Sunrise Hwy Buffer	100'	N/A	100'	100.5'	100.5'	100'
Landscaped & Natural Area/Percent	316,763 square feet/43.7%	698,705 square feet/96.4%	312,688 square feet/43.1%	308,645 square feet/42.6%	320,293 square feet/44.2%	301,488 square feet/41.6%
Domestic Water Usage*	5,722 gpd	N/A	16,860 gpd	6,508 gpd	6,071 gpd	14,696 gpd
Sanitary Sewer Generation	5,202 gpd	N/A	15,327 gpd	5,916 gpd	5,519 gpd	13,360 gpd
New, Pass-By**, & Total Trip Generation - Weekday PM Peak	New = 378 Pass-By = 78 Total = 456	0	New = 390 Pass-By = 229 Total = 619	New = 462 Pass-By = 94 Total = 556	New = 459 Pass-By = 94 Total = 553	New = 474 Pass-By = 0 Total = 474
New, Pass-By**, & Total Trip Generation - Saturday Peak	New = 429 Pass-By = 128 Total = 557	0	New = 606 Pass-By = 161 Total = 767	New = 524 Pass-By = 156 Total = 680	New = 521 Pass-By = 156 Total = 677	New = 497 Pass-By = 0 Total = 497

* Domestic water usage does not include seasonal irrigation which may contribute approximately 500 gpd.

**It is accepted that a certain percentage of traffic attracted to retail and other land uses generally relates to the volume of traffic passing by the site. Specifically, a certain percentage of trips are diverted from the adjacent passing travel stream, which, upon exiting the site, continue along the original trip path. Such trips are known as pass-by trips, and are made as a matter of convenience, as they are linked to some other primary purpose trips. Such trips are not considered new to the area, but rather are already passing by the site on the adjacent public roadways.

Alternative 1: No Action

SEQRA requires that the No-Action or No-Build alternative be examined. This alternative assumes that no discretionary approvals would be requested and that the project site would not be developed. This alternative presents uses and conditions anticipated to exist in the future without the project and essentially describes the future baseline conditions in 2011, a situation in which the current status quo would continue on the project site and the surrounding area would experience changes in accordance with existing plans and ongoing trends.

Relative to land use, zoning, and community plans, under the No-Action alternative, the project site would continue in its current unutilized state. However, this would not be in accordance with the property's J4/J2/A1 zoning, which anticipates development of the property. The Town of Brookhaven Final 1996 Comprehensive Land Use Plan (The Plan) includes several statements and recommendations relevant to the project site and surrounding area, including prior proposals for commercial development of the property as well as recommendations for roadway improvements, such as the widening of the Hospital Road bridge, that would be assisted by the proposed project. Unlike the proposed project, the No-Action alternative would not meet The Plan's goal to create strong economic activity to provide jobs and an adequate tax base in the Town. The proposed project is anticipated to create 200 to 250 jobs on the project site and would generate significant annual tax revenues to the Town and County.

Relative to natural resources, under the No-Action alternative, the project site would remain predominantly wooded as it is currently. The No-Action alternative would not require the clearing and grading of approximately 11.21 acres of vegetated areas on the site to accommodate the proposed development and would not result in the addition of any new impervious areas on the property. Therefore, under the No-Action alternative, there would be no impacts to the vegetation, soils, topography, drainage, or other existing natural features of the site. However, the property does not contain any ecologically sensitive or rare or unique flora or fauna or other natural features that would be disturbed by the proposed project, and the proposed development would preserve more than 30% of the existing vegetative cover of the site in its current state. In addition, under the No-Action alternative, the property would not experience any of the proposed landscaping improvements, resulting in approximately 43.7% of the site being comprised of existing vegetation or new landscaping, or the ongoing maintenance and oversight of the property that would occur under the proposed action.

Under the No-Action alternative there would be no change to the existing character and use of the site relative to surrounding uses. However, the proposed development project has been designed to minimize impacts to surrounding uses by maintaining extensive buffers around the periphery of the property, by incorporating extensive new landscaping into the proposed

development, and by incorporating screening, lighting, and appropriate building design and site placement to minimize impacts to the adjacent and nearby uses.

Relative to water usage and waste water generation as well as other utility needs including electricity, natural gas, and telephone services and solid waste removal, under the No-Action alternative, no new demands would be made on the utility infrastructure of the surrounding area. In comparison, the proposed development project would utilize approximately 5,722 gpd of domestic water, generate approximately 5,202 gpd of sanitary sewage, and would generate additional stormwater flows on the site relative to the No-Action condition. The proposed development would also require the provision of electricity, natural gas, and telephone services to the property, and would generate approximately four tons of solid waste per week. However, as explained in previous chapters of this document, the necessary utilities and services are available to be extended to the proposed development and would not adversely affect the supply of these services to the surrounding community.

The No-Action alternative would not result in any additional demand on existing community services, including fire and police protection and ambulance services that could be generated by the proposed development. However, as explained above, the proposed development project would generate significant annual tax revenues to the County and Town, and it is assumed that the distribution of this tax revenue would be apportioned to these municipal services.

Under the No-Action alternative, no additional traffic would be generated from uses on the project site. However, an increase of 123 weekday PM peak hour vehicle trips and 122 Saturday peak hour vehicle trips would occur in northbound and southbound Hospital Road traffic passing the project site between the existing 2008 condition and the No-Build 2011 condition. Although these traffic volumes are significantly less than what would be generated by the proposed development, traffic generated by the proposed project would be adequately handled by the proposed improvements to the roadway network, including signalization improvements, lane changes, and the project's contribution to the proposed widening of the Hospital Road bridge, among other measures.

Under the No-Action alternative, construction impacts associated with the proposed project would not occur. However, as explained above, the construction process for the proposed development project would be managed to avoid adverse impacts on the project site and the surrounding areas relative to noise, dust control, traffic flow, stormwater management, sedimentation and erosion, etc.

In summary, although the No-Action alternative would not result in any potentially significant adverse impacts on the environment, it is not considered feasible since it would not meet the property owner's or the applicant's need for development and future use of the site. In addition, the No-Action alternative would not meet the Town's objectives relative to the zoning of the property and the recommendations contained in The Plan for the site and surrounding area. The No-Action alternative would not provide any new jobs or increase tax revenues to the Town nor would it create any new shopping opportunities for the surrounding community.

Alternative 2: Small scale neighborhood shopping center similar to Concept Plan B or D as presented to the Town Board in 1996. (See Site Plan 2, Exhibit 22-1, Concept Plan B, Exhibit 22-2, and Concept Plan D, Exhibit 22-3)

Alternative 2, as captioned above and illustrated in Site Plan 2, is a small scale neighborhood shopping center similar to Concept Plans B and D that were presented to the Town Board in 1996. These shopping center plans, which were presented to the Town Board by a local developer, were approved by the Town but did not move forward. In considering the proposed Wal-Mart project, the Town suggested a review of Concept Plans B and D as alternatives. Concept Plans B and D involved development plans for a shopping center with a 69,500 square foot retail anchor and two adjacent 10,000 square foot retail stores. The current Site Plan 2 as presented herein includes the development of 115,900 square feet of commercial retail space including three retail stores of 52,300 square feet, 25,200 square feet, and 23,400 square feet, respectively, a 5,000 square foot bank, and two 5,000 square foot/200 seat restaurants. This development would be serviced by 504 parking spaces. As the total amount of parking provided under Alternative 2 would be deficient by 134 stalls, development of Alternative 2 would require the issuance of a variance by the Town of Brookhaven Planning Board.

Relative to the proposed Wal-Mart retail center and office development and as shown in Table 22-1 above, Alternative 2 would have somewhat more floor area and somewhat fewer parking spaces than the proposed development. Alternative 2 would result in a similar amount of disturbance to the site as the proposed development.

A major difference in potential environmental impacts between Alternative 2 and the proposed action would relate to utility demands. Alternative 2 would result in domestic water usage of approximately 16,860 gpd, relative to the proposal's 5,722 gpd water demand, and would generate approximately 15,327 gpd of sanitary sewage compared to the project's estimated sewage generation of approximately 5,202 gpd. Alternative 2 would result in an increase of approximately 11,138 gpd of water usage and approximately 10,125 gpd of sanitary sewage generation relative to the proposed action. The difference between the two plans represents a significant increase in demand on the local utility infrastructure for Alternative 2. The increased demands of Alternative 2 relative to the proposed development on other utilities, including

electricity, natural gas, telephone, and solid waste collection services would be of a similar magnitude. Relative to the proposed action, Alternative 2 would also potentially increase the demand for emergency services, including police and fire protection and ambulance services.

A second major difference in potential environmental impacts between Alternative 2 and the proposed action would relate to traffic generation. Alternative 2 would result in a weekday PM peak generation of approximately 619 vehicle trips (comprised of 390 new and 229 pass-by trips) compared to 456 vehicle trips (comprised of 378 new and 78 pass-by trips) for the proposed development project. This represents a 163-vehicle trip increase (comprised of 12 new and 151 pass-by trips) or an approximately 35.7% increase (comprised of 3.2% additional new and 194% additional pass-by trips) for Alternative 2 over the proposed action. Similarly, Alternative 2 would result in a Saturday peak generation of approximately 767 vehicle trips (comprised of 606 new and 161 pass-by trips) compared to 557 vehicle trips (comprised of 429 new and 128 pass-by trips) for the proposed development. This represents a 210-vehicle trip increase (comprised of 177 new and 33 pass-by trips) or an approximately 37.7% increase (comprised of 41.3% additional new and 25.8% additional pass-by trips) for Alternative 2 over the proposed action.

The trip generation for Alternative 2 has been based on the industry standard method of estimating new traffic associated with proposed development projects as contained within the Institute of Transportation Engineers Trip Generation Manual. As noted above, this alternative involves the development of 115,900 square feet of commercial retail space including three retail stores of 52,300 square feet, 25,200 square feet, and 23,400 square feet, as well as a 5,000 square foot bank, and two 5,000 square foot/200 seat restaurants. The traffic analysis assumes that the 25,200 square foot and 23,400 square foot spaces would be occupied by discount retailers and the 52,300 square foot space would be occupied by a supermarket. The average rate of Saturday peak hour trip generation for a Free-Standing Discount Superstore is 5.64 trips per 1,000 square feet of Gross Floor Area (GFA). For a Supermarket, the average rate of Saturday peak hour trip generation is 10.85 trips per 1,000 square feet of GFA which is approximately double the trip generation rate of a Discount Superstore. The two main components of Alternative 2 are the Supermarket and the Retail uses which together are significant generators of traffic which have been estimated in accordance with accepted standards.

In summary, Alternative 2 would result in a similar level of disturbance to the site and a similar amount of landscaped area as the proposed project. However, Alternative 2 would result in a significant increase in demand on the local utility infrastructure relative to the proposed action, as well as potentially generating an increase in the demand for emergency services, including police and fire protection and ambulance services, for the site. Relative to traffic generation, Alternative 2 would result in an approximately 35.7% increase (comprised of 3.2% additional new and 194% additional pass-by trips) in weekday PM peak vehicle trip generation and an approximately 37.7% increase (comprised of 41.3% additional new and 25.8% additional pass-

by trips) in Saturday peak vehicle trips relative to the proposed action. Alternative 2 is not considered feasible as Wal-Mart's business model is to develop an individual stand-alone store and this alternative does not fit within its development goals. In addition, as the total amount of parking provided under Alternative 2 would be deficient by 134 stalls, development of Alternative 2 would require the issuance of a variance by the Town of Brookhaven Planning Board.

Alternative 3: Development J2/J4/A1 scenario (See Site Plan 3, Exhibit 22-4)

Alternative 3, as captioned above and illustrated in Site Plan 3, is the development of a 120,000 square foot Wal-Mart retail center on a portion of the site and the utilization of a separate portion of the property for a 900 square foot medical office building for a total development of 120,900 square feet of floor area. Alternative 3 was developed based on a plan put forth by several members of the Town Board at their meeting on May 28, 2009. This plan involved rezoning three (3) acres of the parcel to the J4 district (Professional and Business Offices) while keeping 12.27 acres of the site as the J2 district and 1.37 acres as A1. Although this plan would still allow for a 120,000 square foot Wal-Mart retail center to be built, at the time that this alternative was proposed, it was assumed that analysis pursuant to SEQRA would need to be undertaken by the Town on the portion of property that would be rezoned. In developing the scope for the proposed Wal-Mart retail project, Brookhaven Planning staff proposed that the J2/J4/A1 scenario be included in the study of alternatives.

The Alternative 3 development would be serviced by 531 parking spaces. A parking variance would be required from the Town of Brookhaven Planning Board as the plan shows an overall deficit of 161 parking stalls relative to the required 692 stalls. As the total floor area of the 120,000 square foot store under Alternative 3 would exceed the 20% floor area ratio permitted on the portion of the site on which this building would be developed, development of Alternative 3 would also require the issuance of a floor area variance by the Town of Brookhaven Zoning Board of Appeals.

Relative to the proposed development project and as shown in Table 22-1 above, Alternative 3 would have somewhat more floor area and 50 fewer parking spaces than the proposed development. Both projects would result in the development of two separate buildings; however, Alternative 3 would result in a somewhat greater disturbance to the site than the proposed project due to the larger size of the retail store. This would result in less landscaped area on the site and less remaining natural vegetated area as well as a slightly narrower buffer strip along Hospital Road. However, these differences would not be significant.

Utility demands related to water usage and sanitary sewage generation would be approximately 14% higher for Alternative 3 relative to the proposed project. Stormwater flows and demands for electricity, natural gas, telephone, and solid waste collection services would be similarly higher for Alternative 3 relative to the proposed project but would not be significantly greater. Relative to the proposed action, Alternative 3 would also potentially increase the demand for emergency services, including police and fire protection and ambulance services, but not by a significant amount.

Alternative 3 would result in a weekday PM peak generation of approximately 556 vehicles trips (comprised of 462 new and 94 pass-by trips) compared to 456 vehicle trips (comprised of 378 new and 78 pass-by trips) for the proposed development project, for a 100-vehicle trip increase (comprised of 84 new and 16 pass-by trips) for Alternative 3 over the proposed action. This represents an approximately 21.9% increase (comprised of 22.2% additional new and 20.5% additional pass-by trips) for Alternative 3 over the proposed action. Similarly, Alternative 3 would result in a Saturday peak generation of approximately 680 vehicles trips (comprised of 524 new and 156 pass-by trips) compared to 557 vehicle trips (comprised of 429 new and 128 pass-by trips) for the proposed development, for a 123-vehicle trip increase for Alternative 3 over the proposed action. This represents an approximately 22.1% increase (comprised of 22.1% additional new and 21.9% additional pass-by trips) for Alternative 3 over the proposed action.

In summary, the potential environmental impacts from Alternative 3 relative to the proposed project would be comparable. As Alternative 3 would result in a somewhat greater amount of development on the property relative to the proposed action, both the negative and positive impacts of this additional development would accrue to Alternative 3. Relative to traffic generation, Alternative 3 would result in an approximately 21.9% increase (comprised of 22.2% additional new and 20.5% additional pass-by trips) in weekday PM peak vehicle trip generation and an approximately 22.1% increase (comprised of 22.1% additional new and 21.9% additional pass-by trips) in Saturday peak vehicle trips relative to the proposed action. In addition, as explained above, development of Alternative 3 would require the issuance of both a floor area variance by the Town of Brookhaven Zoning Board of Appeals and a parking variance by the Town of Brookhaven Planning Board for the shortfall in the overall number of parking spaces provided. Alternative 3 is not considered feasible for Wal-Mart.

Alternative 4: Development J2 scenario (See Site Plan 4, Exhibit 22-5)

Alternative 4 would involve the development of a 120,000 square foot store as shown on Site Plan 4. This plan was submitted as the proposed action of the prior Draft EIS for this site on March 12, 2010. On June 15, 2010, the Brookhaven Planning Board voted to change the subject property's zoning from J2 to J2, J4, and A1. Subsequently, the proposed action was changed from a 120,000 square foot retail store to a 98,000 square foot retail store with a 900 square foot

office building to be consistent with the uses allowed within parcels to be developed per the zoning regulations. The plan for development of a 120,000 square foot store is now shown as Alternative 4. In order for this alternative to be viable, a rezoning of the site back to the previously mapped J2 zoning would be required. This development would require the provision of 686 parking stalls but would be provided with only 516 parking spaces and would therefore require a parking variance from the Town of Brookhaven Planning Board for the overall shortfall in parking.

If a rezoning of the property and a parking variance were to be granted, in relation to the proposed action and as shown in Table 22-1 above, Alternative 4 would contain 21,100 more square feet of floor area than the proposed development project. Alternative 4 would propose similar sized buffers to the residential neighbors of the site, as well as to Hospital Road and along Sunrise Highway. The plan for Alternative 4 offers slightly more landscaping on-site. Differences in the environmental impacts to the physical character of the project site would not be significant.

Relative to utility demands, Alternative 4 would generate a somewhat greater demand on the infrastructure in the surrounding area. Alternative 4 would result in water usage of approximately 6,071 gpd, relative to the proposal's 5,722 gpd water demand, and would generate approximately 5,519 gpd of sanitary sewage compared to the project's estimated sewage generation of approximately 5,202 gpd. Alternative 4 would result in an increase of approximately 349 gpd of water usage and 317 gpd of sanitary sewage generation relative to the proposed action, which represents a modest increase in demand on the local utility infrastructure. The slightly higher demands of Alternative 4 relative to the proposed development project on other utilities, including electricity, natural gas, telephone, and solid waste collection services would be of a similar magnitude. Relative to the proposed action, Alternative 4 would not be likely to significantly increase the potential demand for emergency services, including police and fire protection and ambulance services.

Relative to traffic generation, Alternative 4 would generate somewhat higher peak hour vehicle trips than the proposed action. Alternative 4 would result in a weekday PM peak generation of approximately 553 vehicle trips (comprised of 459 new and 94 pass-by trips) compared to 456 vehicle trips (comprised of 378 new and 78 pass-by trips) for the proposed development, for a 97-vehicle trip increase (comprised of 81 new and 16 pass-by trips). This represents an approximately 21.3% increase (comprised of 21.4% additional new and 20.5% additional pass-by trips) for Alternative 4 relative to the proposed action. Similarly, Alternative 4 would result in a Saturday peak generation of approximately 677 vehicle trips (comprised of 521 new and 156 pass-by trips) compared to 557 vehicle trips (comprised of 429 new and 128 pass-by trips) for the proposed development, for a 120-vehicle trip increase (comprised of 92 new and 28 pass-by

trips). This represents an approximately 21.5% increase (comprised of 21.4% additional new and 21.9 % additional pass-by trips) for Alternative 4 relative to the proposed action.

In summary, the potential environmental impacts from Alternative 4 relative to the proposed development project would be comparable. Alternative 4 would result in somewhat higher levels of demand on utilities and community services than the proposed project. Relative to traffic generation, Alternative 4 would result in an approximately 21.3% increase (comprised of 21.4% additional new and 20.5% additional pass-by trips) in weekday PM peak vehicle trip generation and an approximately 21.5% increase (comprised of 21.4% additional new and 21.9% additional pass-by trips) in Saturday peak vehicle trips relative to the proposed action. This project would require both a rezoning of the project site and the issuance of a parking variance for the overall shortfall in the number of parking spaces provided. Therefore, Alternative 4 would not be considered a viable alternative for Wal-Mart to pursue.

Alternative 5: Medical Office Park (See Site Plan 5, Exhibit 22-6)

Alternative 5, as captioned above and illustrated in Site Plan 5, is the development of a two-story 107,951 square foot medical office building on a portion of the site and the utilization of a separate portion of the property for a two-story 25,641 square foot medical office building for a total development of 133,592 square feet of floor area. Alternative 5 was developed based on comments from Planning Board Staff during the Public Scoping Process. This plan is based on the current zoning of the project site as J2 (12.27 acres), J4 (3.0 acres), and A1 (1.37 acres).

Relative to the proposed development project and as shown in Table 22-1, above, Alternative 5 would contain an additional 34,692 square feet of floor area as well as an additional 319 parking spaces. Both projects would result in the development of two separate buildings; however, Alternative 5 would result in a somewhat greater disturbance to the site than the proposed project due to the larger building footprint. This would result in less landscaped area on the site and less remaining natural vegetated area as well as narrower buffer strips along Hospital Road and adjacent to the MF-1 residential district boundary.

A major difference in potential environmental impacts between Alternative 5 and the proposed action would relate to utility demands. Alternative 5 would result in domestic water usage of approximately 14,696 gpd, relative to the proposed action's 5,722-gpd water demand, and would generate approximately 13,360 gpd of sanitary sewage compared to the proposed action's estimated sewage generation of approximately 5,202 gpd. Alternative 5 would therefore result in an increase of approximately 8,974 gpd of water usage and approximately 8,158 gpd of sanitary sewage generation relative to the proposed action. The difference between the two plans represents a significant increase in demand on the local utility infrastructure for Alternative 5. Relative to the proposed action, Alternative 5 would also potentially increase the demand for emergency services, especially ambulance services.

Total vehicular trip generation volumes for Alternative 5 relative to the proposed action would be much higher during the peak morning period, slightly higher during the peak evening period, and significantly lower during peak weekend hours. However, all of the vehicle trips generated by Alternative 5 would be comprised of new trips as medical offices do not typically generate pass-by trips. In contrast, traffic generated by the proposed Wal-Mart development is projected to consist of a substantial percentage of pass-by trips, representing vehicles that are already on the road travelling past the site. As further detailed below, when pass-by trips are subtracted out and only new trips are considered, the medical office alternative is a higher traffic generator than the proposed action in all peak hours.

Alternative 5 would result in a weekday PM peak generation of approximately 474 vehicle trips (comprised entirely of new trips with no pass-by trips) compared to 456 vehicle trips (comprised of 378 new and 78 pass-by trips) for the proposed development, for an 18-vehicle trip increase (comprised entirely of new trips) under Alternative 5. This represents an approximately 3.9% increase (comprised of 25.4% additional new trips and a 100% decrease in pass-by trips) for Alternative 5 relative to the proposed action. Alternative 5 would result in a Saturday peak generation of approximately 497 vehicle trips (comprised entirely of new trips with no pass-by trips) compared to 557 vehicle trips (comprised of 429 new and 128 pass-by trips) for the proposed development, for a 60-vehicle trip decrease under Alternative 5 (comprised entirely of new trips). This represents an approximately 10.8% decrease (comprised of 15.9% additional new trips and a 100% decrease in pass-by trips) for Alternative 5 relative to the proposed action. Without the inclusion of pass-by trips, the proposed action would generate 378 new weekday PM peak trips and 429 Saturday peak hour trips compared to 474 weekday PM peak trips and 497 Saturday peak hour trips for Alternative 5. Therefore, without the inclusion of pass-by trips, the proposed action would generate 96 or 20.3% fewer weekday PM peak trips and 68 or 13.7% fewer Saturday peak hour trips than Alternative 5.

In summary, Alternative 5 would result in a somewhat greater level of disturbance to the site and a smaller amount of landscaped area relative to the proposed action. However, Alternative 2 would result in a significant increase in demand on the local utility infrastructure relative to the proposed action. Relative to traffic generation, Alternative 5 would result in a similar increase in weekday PM peak vehicle trip generation and a decrease in Saturday peak vehicle trips relative to the proposed action. If pass-by trips are not included, the proposed action would generate 96 or 20.3% fewer weekday PM peak trips and 68 or 13.7% fewer Saturday peak hour trips than Alternative 5. In addition, Wal-Mart is a retailer and its objective for the proposed action is to construct retail space for its retail business operations, as well as office space. Wal-Mart is not a developer of medical office space, and has no need for such space. Accordingly, Alternative 5 is not feasible, considering the objectives and capabilities of the project sponsor, Wal-Mart.

Conclusion

In conclusion, after analyzing the five alternatives above and their respective potential environmental impacts, Wal-Mart strongly believes that the proposed development project, consisting of a 98,000 square foot Wal-Mart retail center and a 900 square foot office building, would be the most suitable development for the site and for the community of East Patchogue as summarized below.

Alternative 1, the No-Action alternative, would not result in any potentially significant adverse impacts on the environment, but it is not considered feasible since it would not meet the property owner's or the applicant's need for development and future use of the site. In addition, the No-Action alternative would not meet the Town's objectives relative to the zoning of the property and the recommendations contained in The Plan for the site and surrounding area. The No-Action alternative would not provide any new jobs or increased tax revenues to the Town nor would it create any new shopping opportunities for the surrounding community.

Alternative 2 would have somewhat more floor area and somewhat fewer parking spaces than the proposed development, and would result in a similar level of disturbance to the site and a similar amount of landscaping as the proposed project. Alternative 2 would result in a significant increase in demand on the local utility infrastructure relative to the proposed action, as well as potentially generating an increase in the demand for emergency services, including police and fire protection and ambulance services. Relative to traffic generation, Alternative 2 would result in an approximately 35.1% increase in weekday PM peak vehicle trip generation and an approximately 37.7% increase in Saturday peak vehicle trips relative to the proposed action. Alternative 2 is not considered feasible as Wal-Mart's business model is to develop a single stand-alone store and this alternative does not fit within their development goals. In addition, as the total amount of parking provided under Alternative 2 would be deficient by 134 stalls, development of Alternative 2 would require the issuance of a variance by the Town of Brookhaven Planning Board.

Alternative 3 would have somewhat more floor area and somewhat fewer parking spaces than the proposed development. Alternative 3 and the proposed action would both result in the development of two separate buildings; however, Alternative 3 would result in somewhat greater disturbance to the site and somewhat less landscaping than the proposed project. Utility demands and the potential demand for emergency services would be somewhat higher for Alternative 3 relative to the proposed project. Relative to traffic generation, Alternative 3 would result in an approximately 21.9% increase in weekday PM peak vehicle trip generation and an approximately 22.1% increase in Saturday peak vehicle trips relative to the proposed action. The potential environmental impacts from Alternative 3, relative to the proposed action, would therefore be somewhat greater. However, as explained above, development of Alternative 3 would require the

issuance of both a floor area variance by the Town of Brookhaven Zoning Board of Appeals and a parking variance by the Town of Brookhaven Planning Board for a shortfall in the overall number of parking spaces to be provided. Alternative 3 is therefore not considered to be a feasible alternative for Wal-Mart.

Relative to Alternative 4, the project site's zoning was changed from J2 on June 15, 2010 and the subject parcel is now divided between J4, J2, and A1 zones. Alternative 4 involves the development of a 120,000 square foot retail store on the subject parcel and would require a rezoning back to J2 as well as the issuance of a parking variance in order for the development to proceed. If both of these actions were approved, Alternative 4 would contain 21,100 square feet more floor area and result in slightly less site disturbance than the proposed development. Relative to utility demands and needs for community services, Alternative 4 would generate a similar demand on the infrastructure in the surrounding area as compared to the proposed action. Relative to traffic generation, Alternative 4 would result in an approximately 21.3% increase in weekday PM and an approximately 21.5% increase in Saturday peak vehicle trip generation relative to the proposed action. The potential environmental impacts from Alternative 4 relative to the proposed action would therefore be somewhat greater. However, Alternative 4 is not considered feasible as it would require both a rezoning of the project site and the issuance of a parking variance by the Town of Brookhaven Planning Board for the shortfall in the overall number of parking spaces to be provided.

Alternative 5 would have 34,692 square feet more floor area and 310 more parking spaces than the proposed action, and would result in a somewhat greater level of disturbance to the site and less landscaped area than the proposed action. Alternative 5 would result in a significant increase in demand on the local utility infrastructure relative to the proposed action. Vehicle trip generation volumes for Alternative 5 relative to the proposed action would be much higher during the peak morning period, slightly higher during the peak evening period, and lower during peak weekend hours. However, if pass-by trips are not included, the proposed action would generate 96 or 20.3% fewer weekday PM peak trips and 68 or 13.7% fewer Saturday peak hour trips than Alternative 5. In general, the potential environmental impacts from Alternative 5 relative to the proposed action would be somewhat greater and significantly greater relative to utility demand. In addition, Wal-Mart is a retailer and its objective for the proposed action is to construct retail space for its retail business operations, as well as office space. Wal-Mart is not a developer of medical office space, and has no need for such space. Accordingly, Alternative 5 is not feasible, considering the objectives and capabilities of the project sponsor, Wal-Mart.

SECTION 3: COMMENTS AND RESPONSES

This section addresses comments received on the DEIS during the SEQRA public hearing which was held on January 9, 2012 and during the public comment period which ended on January 19, 2012. Please note that excerpts from the transcript are printed as received and the spelling of names, etc, have not been corrected. The comments are grouped by subject matter, excerpted in some cases, and referenced to the original source. Comments will be addressed by numbers below and can be referenced in the compilation list which is located in **Appendix A**. A copy of the January 9, 2012 Hearing Transcript is provided in **Appendix B**. **Appendix C** contains copies of all written comments received by the Town of Brookhaven from both government agencies and the public through the January 19, 2012 public comment period.

3.1 General Statements Regarding DEIS

Comment 15: *The proposed Wal-mart project in East Patchogue should be stopped as the current DEIS is flawed.*

Comment 16: *I have considerable experience with SEQRA and DEIS analysis, and the current DEIS for the Walmart application is seriously flawed, and the Town of Brookhaven should not allow this project to happen.*

Comment 17: *Please vote down the Walmart in E Patchogue as the DEIS is Flawed.*

Comment 18: *The DEIS is flawed....*

Comment 19: *...CURRENT DEIS IS FLAWED.*

Comment 20: *THE DEIS IS FLAWED.*

Response: Comments acknowledged. No specific reasons were given as to why the DEIS is flawed. The DEIS was prepared in conformance with the requirements of the New York State Environmental Quality Review Act (SEQRA) and the SEQRA implementing regulations. The contents of the DEIS are based on a final scoping document issued by the Brookhaven Planning Board on August 8, 2011.

Comment 21:

a. "The DEIS is very flawed in that: 1. it was written by Walmart: extreme conflict of interest,"

Response: The NYS Environmental Quality Review Law §617.9 (a) (1) of the SEQRA implementing regulations states that "The project sponsor or the lead agency, at the project sponsor's option, will prepare the draft EIS." Project sponsors typically prepare the draft EIS for their projects. The lead agency is responsible for assuring that the draft EIS addresses the environmental concerns associated with a project.

b. *“The DEIS is very flawed in that: 2.doesn't address the traffic concerns,”*

Response: The applicant disagrees with this statement. See Chapter 13 of the DEIS.

c. *“The DEIS is very flawed in that: 3. doesn't potential ground water concerns,”*

Response: The applicant disagrees with this statement. See Chapters 8 and 20 of the DEIS.

d. *“The DEIS is very flawed in that: 4.doesn't address the "phase 2 " building.”*

Response: The applicant disagrees with this statement. The DEIS discusses the Phase 2 office building throughout the document in connection with the proposed Wal-Mart store.

Comment 22: *There may be some serious flaws in the DEIS evaluation form submitted by the property owners on behalf of their client; the WalMart Corporation, Fayetteville, Arkansas.*

a. *“Issues of ecology, wildlife and groundwater were no analysis was completed.”*

Response: The applicant disagrees with this statement. See Chapters 8, 9, and 20 of the DEIS.

b. *“A thrid party traffic engineer should have been consulted”*

Response: All traffic studies presented in the DEIS were prepared by engineers who have spent their careers exclusively in the field of traffic and transportation engineering and are licensed Professional Engineers in the State of New York. A third party traffic consultant was not required by the Town per the final scoping document issued by the Brookhaven Planning Board on August 8, 2011.

c. *“the Environment Impact Study does not include climate change analysis which is now rquied.”*

Response: An air quality technical report has been prepared by Sandstone Environmental Associates, Inc. and is included in Appendix E of this Final EIS.

d. *“While on a technical basis, the DEIS meet basic SEQR requirements there are too many serious items left out of the DEIS. A supplemental Environmental Impact Statement should be demanded to address all the missing items left out of their analysis.”*

Response: The applicant disagrees with this statement. Any additional items required, such as the greenhouse gas analysis, have been included in the Final EIS.

Comment 23: *I could go on for a number of pages about the flawed and misleading information in this document. I hope the town planning board has enough common sense to realize that the information pro-vided in the DEIS is only a biased opinion of Walmart and its engineers and not factual or backed by actual studies. I ask that this document not be accepted and the project proposal be stopped immediately and that the Town of Brookhaven as well as Suffolk County and New York State conduct a full and comprehensive study.*

Response: The applicant disagrees with these comments. See responses above. Also, the lead agency Planning Board, not the County or the State, is responsible for evaluating the environmental impacts of the project.

Comment 24: *The DEIS that I read is not only flawed but one sided at seems to be the opinions of Walmart and it engineers and not based on any current data and studies. I ask that this document not be accepted and the project proposal be stopped immediately and that the Town of Brookhaven as well as Suffolk County and New York State conduct a full and comprehensive study and take into consider the tax paying residents concerns as well.*

Response: The applicant disagrees with these comments. See responses above.

Comment 62: *The..DEIS..I read, not only flawed, but seems one sided, and only the opinion of Walmart and its engineers, and not based on any current data and studies.*

Response: The applicant disagrees with these comments. See responses above.

3.2 Traffic Related Comments

Comment 1:

1. The intersection of Sunrise Highway North Service Road and CR 101, Sills Road has an unacceptable level of service for the northbound left turn movement in the build condition. In addition the queuing exceeds the lane storage.

Response: Comparison of the Build with Mitigation Level of Service for the northbound left-turn movement from CR 101 (Sills Road) to the Sunrise Highway North Service Road with the No-Build 2011 condition indicates that the proposed mitigation measures will improve Level of Service from F to E in the weekday evening peak hour and from E to C in the Saturday peak hour. The proposed cycle length is calculated to increase the No-Build 2011 queue length from 306 feet in the weekday evening peak hour to 324 feet; and to decrease the northbound left queue length from 288 feet in the Saturday midday peak hour to 214 feet. The queuing exceeds the approximate 190-foot lane storage for the northbound left in existing and No-Build conditions. Note, Suffolk County Highway Planning and Permits reviewed the proposed project in 2008, for a more traffic-intensive alternative. A letter was issued by the County, dated October 2, 2008, acknowledging that the proposed project would have minimal impact on Sills Road and Woodside Avenue and indicating that the County does not require a Traffic Impact Fee for the proposed project. It is noted that the proposed project anticipates generating 6 peak hour trips at the northbound left-turn from Sills Road to the North Service Road compared to a No-Build 2011 volume of 256 vehicles in the weekday evening peak hour and 259 vehicles in the Saturday peak hour.

2. *The DEIS states the mitigation would be "In the PM peak period only the signal timing for the NSR/Sills Road intersection would be modified with an increased cycle length and the additional green time would be allocated as necessary."*

Response: Acknowledged.

3. *Suffolk County does not believe the proposed increased cycle length will mitigate the situation. The increased cycle length may in fact cause additional queuing. This intersection will require additional mitigation prior to the approval of the project.*

Response: As discussed above, minimal additional queuing is anticipated in the weekday evening peak hour due to the proposed mitigation measure outlined above.

Comment 2:

Brookhaven Memorial Hospital Medical Center is a voluntary, not-for-profit community hospital located on Hospital Road, just south of the proposed Walmart store. As the only hospital located in central Suffolk County, our facility provides quality medical care to the residents of the Town of Brookhaven as well as many other areas of Suffolk County. Our Emergency Department, which is a New York State certified Level II Trauma Center treats over 68,000 patients annually. To meet the area's growing medical needs, the Hospital currently has an application pending before the Town of Brookhaven for the construction of a new Cardiac Care Center and Operating Rooms on the north side of its campus. We have reviewed the pending Walmart application and have serious concerns about the potential of that development to negatively impact the Hospital's ability to address the general medical and critical health care needs of the people it serves. We have also reviewed the Draft Environmental Impact Statement (DEIS) for

the Walmart application, and due to the proximity of the proposed development to Brookhaven Memorial Hospital Medical Center, are particularly concerned about the traffic impacts from the Walmart and how persons destined to and leaving from the Hospital (including those arriving by emergency vehicles) may be impacted. It appears from the information provided at the public hearing on the DEIS that once the Walmart project is completed, the remaining capacity of the existing Hospital Road bridge will be fully depleted.

Response: The statement that “*once the Walmart project is completed, the remaining capacity of the existing Hospital Road bridge will be fully depleted*” is incorrect. The DEIS shows that the increased capacity at the Hospital Road intersection with the North Service Road is more than the number of new peak hour trips calculated to be generated by the proposed development at the intersection.

Since Brookhaven Memorial Hospital Medical Center serves a large population that resides north of Sunrise Highway and who access the Hospital (including emergency vehicles) using the Hospital Road bridge, it is essential that the Walmart project does not cause delays that would impede access to the Hospital. Thus, the Final Environmental Impact Statement must, at a minimum, demonstrate that the mitigation measures proposed by Walmart will be sufficient for the safe and efficient transport of persons to and from the Hospital.

Response: Based on the analysis contained in the DEIS, traffic operations on Hospital Road would be significantly improved by the mitigation measures proposed, thereby improving accessibility to and from Brookhaven Memorial Hospital.

Hospital Road falls under the jurisdiction of the Town of Brookhaven. The State Highway Service Roads are under the maintenance jurisdiction of the Town of Brookhaven and are part of the Sunrise Highway Freeway system, which is owned by the New York State Department of Transportation. Thus, it is imperative that, as part of the Final Environmental Impact Statement, the Town receives confirmation from all of these entities that the traffic analyses prepared and mitigation proposed by Walmart is acceptable and in the best interest of all roadway users. The Hospital has an application pending for various improvements, and there are also other proximate properties that are likely to be developed in coordination with the Hospital with additional health care related facilities. In order to ensure that the construction of the Walmart project will not result in a condition which eliminates entirely the remaining capacity on the Hospital Road bridge, the Final Environmental Impact Statement must assess the cumulative impacts of the Hospital's proposed expansion, as well as the as-of-right development of nearby properties, as indicated on the attached aerial photograph.

Response: The Town of Brookhaven has involved NYSDOT in the SEQRA process including scoping and review. No formal application has been made to the Town of Brookhaven for expansion or improvements to the Brookhaven Memorial Hospital. The Planning Division of the Town of Brookhaven did not request the inclusion of any known/unknown Hospital projects in

the DEIS. A Public Scoping Hearing was held on June 23, 2011 and the scope of the DEIS was finalized and accepted on August 8, 2011. In addition to the staff traffic experts at the Town Department of Highways, the Town retains a traffic engineering consultant for the review of traffic analyses.

The traffic study in the DEIS indicates that the intersection of Fish Thicket Road and Hospital Road will perform poorly and that the proposed mitigation will be implemented by the Town of Brookhaven after Walmart has opened, If deemed necessary. This is not appropriate, because it defers the analysis of a potential Significant adverse impact and the corresponding need for mitigation until after the development has been approved (and, in this ease, constructed) in contravention of the requirements of the State Environmental Quality Review Act (SEQRA) and its implementing regulations. SEQRA requires that the potential significant adverse impacts associated with the project (like the impact to the intersection of Fish Thicket Road and Hospital Road) must be identified, evaluated, and avoided or mitigated to the maximum extent practicable before an agency approves an action. Accordingly, a proper evaluation of this intersection and any required mitigation must be presented in the Final Environmental Impact Statement, and not deferred until after the Walmart has opened.

Response: The “deferral” of the Fish Thicket Road improvements would allow the Town of Brookhaven to observe the nature of traffic impacts, if any, at this location prior to implementation. The applicant has agreed to put the funds necessary to implement the proposed mitigation into an escrow account to cover its obligation. Rather than a contravention of the requirements of SEQRA, the deferment of the improvement is intended to address a situation in which the likelihood of an impact is in question.

It is our understanding that, as explained at the public hearing held before your Board on January 9, 2012, the Town's Traffic Safety staff and its consultant, L.K Mclean Associates, P.C., had previously requested additional analyses reflecting longer cycle lengths at the North and South Service Road traffic signals. It was pointed out at the hearing that the longer cycle length could negatively impact the already serious queuing situation on the bridge. Based on statements made at the DEIS hearing, the Town's traffic consultant seems to disagree with the applicant as to the length of the required left turn lane. If the analyses submitted by the applicant indicate that queuing has indeed worsened, the Final Environmental Impact Statement must include a revised mitigation proposal that reflects an increase in vehicle storage space on the bridge.

Response: The applicant is working with the Town’s Traffic Safety staff and its consultant L.K. McLean Associates, P.C. to finalize the length of the required left-turn lane. L.K. McLean Associates, P.C. has indicated that 140 feet of vehicle storage will be necessary, based on the analysis of 85-second cycle lengths, with which the applicant agrees. The DEIS analysis has been updated to use a cycle length of 85 seconds. Please refer to the revised version of DEIS Chapter 13 contained in Section 2 of this FEIS for the updated analysis.

The traffic impact study prepared indicates that Walmart intends to pay \$357,730.00 toward improvements to the Hospital Road bridge. At the DEIS public hearing, it was mentioned that a sidewalk could be removed from the east side of the bridge to gain some additional area for a left turn lane to combine with the roadway improvements. We believe that the costs of removing the sidewalk and making the roadway improvements will far exceed the amount Walmart currently intends to pay. Our position is that the Final Environmental Impact Study must include all of the estimated costs associated with the roadway improvements and sidewalk removal.

Response: A Public Scoping Hearing was held on June 23, 2011 and the scope of the DEIS was finalized on August 8, 2011. It is not within the scope of the DEIS to estimate and disclose costs, including costs associated with theoretical mitigation measures that are not being considered for the project.

Furthermore, the Town should mandate that all of these improvements are to be completed by Walmart prior to issuing a Certificate of Occupancy. As Brookhaven Memorial Hospital Medical Center provides critical care to many residents of the Town of Brookhaven and other areas of the region, it is imperative that the Planning Board ensure that the Walmart project does not hinder the ability of persons in need of medical care to access the Hospital particularly those in need of emergency care where even a short delay can have tragic consequences. Moreover, it is incumbent on the Planning Board to ensure that the traffic generated by the Walmart does not utilize all of the remaining capacity on the Hospital Road bridge, as it would then leave the Hospital, and all others with development potential on their respective sites, with the obligation to expand capacity of the bridge in order to address traffic impacts that were primarily caused by Walmart.

Response: The amount of traffic that can be processed by the Hospital Road Bridge is controlled by the traffic signals located at the North Service Road and South Service Road. The proposed mitigation measures are calculated to increase the capacity at the traffic signal at the North Service Road in excess of the number of new peak hour trips generated at the intersection by the proposed Wal-Mart. The proposed mitigation measures are calculated to significantly reduce delay and queuing.

On July 13, 2012, Thomas Ockers, President and CEO, of Brookhaven Memorial Hospital Medical Center issued a letter to the Brookhaven Planning Board regarding the revised traffic mitigation plans proposed by the applicant. The letter reads in part, "We have received copies of Walmart's proposed alterations to their original traffic plans. While we will always remain concerned about traffic on Hospital Road and the Services Roads until such time as the bridge is expanded, we are satisfied with the proposed traffic impact plans which have been revised. However, we believe any approval from the Brookhaven Planning Board should be contingent upon the completion of the traffic remediation prior to the issuance of any Certificate of Occupancy." A copy of this letter is located in Appendix D of this FEIS.

Comment 3:

The 85 second analysis (2016 PM Build condition) results in the following conditions, which should be addressed by the applicant. Addressing these comments could result in the need for a longer northbound left turn lane.

1. We ran a Synchro 7 analysis of the intersection and note a 126' lane (95%-ile). We also ran a separate queue analysis, which indicated a 95%-ile queue of 139 feet; therefore, the minimum lane length should be 140 feet.

Response: A 140-foot northbound left-turn bay will be provided at the intersection of Hospital Road with the Sunrise Highway North Service Road, with a 120-foot lane taper which meets the recommended length for the 30 mile per hour posted speed limit. The DEIS analysis has been updated to use a cycle length of 85 seconds. Please refer to the revised version of DEIS Chapter 13 contained in Section 2 of this FEIS for the updated analysis.

2. The northbound thru vehicle queue is longer than the left turn lane, meaning that some left turning vehicles will not be able to enter the left turn lane until the thru queue starts moving on a green signal, i.e. some will be blocked from the left turn lane during the advance green phase.

Response: The northbound advance gives a green indication to the northbound left and through movement. As the northbound left and through movements are simultaneously released, left-turning vehicles will be able to shift into the left-turn lane. It is not unusual for through queues to be longer than turn lane queues.

3. The southbound through band width is 15 seconds, or less than 20% of the signal cycle. A band width of at least 25% of the cycle, or 21 seconds, is desirable.

Response: Revised signal timing and coordination offsets improve the weekday evening northbound arterial bandwidth to 22 seconds and southbound arterial bandwidth to 27 seconds, or 26% and 32% of the cycle length, respectively. In the Saturday peak hour, the arterial bandwidths are improved to 24 seconds northbound and 27 seconds southbound, or 28% and 32% of the cycle length, respectively.

4. The westbound Service Road queue increases, when compared with the No Build scenario. The PM results indicate a 95%-ile queue length of 258 feet, but the Synchro print-out indicates that the volume exceeds capacity, and therefore the queue could be longer. The westbound NY 27 exit ramp intersects the North Service Road about 450' east of Hospital Road.

Response: Where Synchro indicates “volume exceeds capacity” but the v/c ratio is below 1.0, the methods used to calculate the 95th percentile queue are valid.

5. The proposed signal timing also causes long queue lengths at the proposed signal at the firehouse Walmart access on Hospital Road that extend onto the Walmart site. While not as critical as queuing on Hospital Road, the queue lengths (165' in the PM and 208' on Saturday-again, volume exceeds capacity so the actual queues could be longer) will cause operational problems on the site itself. The westernmost main aisle on the site intersects the main access road about 150' east of Hospital Road, and that intersection could be frequently blocked on Saturday. A solution could be to allow left turns in the right lane exiting the site onto Hospital Road, and modify the proposed pavement markings for a second southbound receiving lane on Hospital Road, in lieu of a northbound left turn lane for the fire house.

Response: The revised analyses show 95th percentile queues of 144 feet and 167 feet in the weekday evening and Saturday midday peak hours at the Hospital Road/Fire House/Wal-Mart intersection, respectively. Synchro shows an average westbound queue of 92 feet in the evening and 108 feet on Saturday. Some Saturday midday peak hour queues will extend beyond the 150 feet of storage between the proposed traffic signal and the first interior site intersection. Most queues will be accommodated within the 150 feet. Where Synchro indicates “volume exceeds capacity” but the v/c ratio is below 1.0, the methods used to calculate the 95th percentile queue are valid. A double left-turn has its own complexities and safety issues, and therefore is not recommended where unnecessary.

Comment 4:

1. The State Environmental Quality Review Completion of Draft Environmental Impact Statement and Notice of Public Hearing, issued by the Town of Brookhaven on November 21, 2011, listed potential environmental impacts to be addressed in the DEIS. The list included air quality as one of the parameters to be addressed. The discussion in the document was limited to suppression of road dust during construction. The following air quality items will also need to be addressed in the DEIS:

a. A microscale screening for potential mobile source carbon monoxide local impacts should be conducted and documented for the intersections of Hospital Road with the NY 27 North Service Road and South Service Road. The screening methodology to be followed is provided in the NYSDOT Environmental Procedures Manual (EPM) Chapter 1.1.

b. An additional microscale screening for carbon monoxide should be conducted and documented at the proposed new signalized intersection near the Fire House, because this new intersection will be less than 1,000 feet from the intersection of Hospital Road and the NY 27 North Service Road.

c. Because NYSDOT approval would be needed for the intersection improvements in a nonattainment area, this work would be subject to the Federal Transportation Conformity Regulation for Fine Particulate Matter (PM_{2.5}) hot spot analysis. Guidance for complying with this regulation was issued by FHWA and EPA on March 29, 2006, in the document

Transportation Conformity Guidance for Qualitative Hot-spot Analysis in PM2.5 and PM10 Nonattainment and Maintenance Areas.

d. The DEIS should document whether this project meets the criteria to justify making a statement in the DEIS that the project is not of air quality concern for PM2.5 and therefore would not need a qualitative hot-spot analysis for this pollutant.

Response: A detailed air quality analysis addressing the items noted above has been prepared and is included in Appendix E of this Final EIS.

2. The proposed utility line along north Service Road from Sipp Avenue to this Hospital Road site will need to be installed within the northern shoulder of NY27 North Service Road behind the curbline. Clearing of trees and installation of sidewalk over these disturbed areas will be required along the entire North Service Road from Sipp Ave. to Hospital Road.

Response: It is acknowledged that areas on the north side of the North Service Road between Sipp Avenue and Hospital Road may be disturbed by the proposed utility line. Clearing of trees is not anticipated.

3. The plans for "Significant physical roadway improvements" mentioned in page 142 of the DEIS (as well as in the applicant's 1/10/12 response to NYSDOT) briefly discuss the widening of the Hospital Road north and south approaches. No plans have been developed, nor have the proposed limits of widening been defined. Some notable improvements that should be included in DEIS are listed below:

a. Intersection improvements would include work elements for roadway realignment, roadway widening for increasing of lane widths, improvements to radii, the installation of turn lanes, tree clearing to improve Sight Distance, installation of guide rail, and installation of pedestrian accommodations.

b. The westbound NY27 exit ramp at Hospital Road will likely need to be improved by the developer to mitigate increased traffic and correct deficiencies.

c. The southerly Hospital Road approach is approximately 360 l.f. and the north approach is 260 l.f.. It is estimated that improvements will require that these existing approaches would need to be widened by more than 20 l.f. The widening will require tree clearing, embankment construction, potential retaining wall construction, utility relocation, drainage structures and other highway elements. In order to meet the State Environmental Quality Review Act, the impacts of ALL work, including scope of all OFF- SITE mitigation, must be studied and included in the Impact Statement.

Response: Plans for off-site improvements are provided with this FEIS. Please refer to the revised version of DEIS Chapter 13 contained in Section 2 of this FEIS for this information.

4. *The Roadway Design Criteria has not been identified. NYSDOT standard design criteria for Hospital Road and the Service Roads should be 14' travel lanes, with 12' Turn lanes, 5' striped shoulders, 5' sidewalk, 5' snow storage strip and 3' utility strip. The design vehicles for the improvements should include 53' tractor trailers.*

Response: Plans for off-site improvements are provided with this FEIS. Please refer to the revised version of DEIS Chapter 13 contained in Section 2 of this FEIS for this information.

5. *Site generated truck traffic is briefly discussed in DEIS. National chain stores, including WALMART Stores, use Special Dimension 53' tractor trailer combinations. In order to authorize access for these Special Dimension trucks to deliver products, WALMART will need to have connecting roadways designated as Access Highways. On page 123, WALMART indicates it seeks designation of surrounding State, County, and Town roadways as Access Highways in order to supply the new store with Special Dimension trucks. The 1982 Federal Surface Transportation Assistance Act (STAA) and the State 1990 Truck Safety Bill provided regulations concerning a system of reasonable access routes for special dimension vehicles. Truck access plan templates need to be developed and show sufficient details to determine if additional off site mitigation is needed.*

Response: It is acknowledged that the designation of roadways as access highways will require NYSDOT review and approval. Plans for off-site improvements are provided with this FEIS. Please refer to the revised version of DEIS Chapter 13 contained in Section 2 of this FEIS for this information.

6. *The short term impact of construction related vehicle trips are not calculated, nor is the impact of these trips within study area evaluated. The only mitigation provided for in the DEIS is for Stormwater Pollution. The study of construction related impacts need to be developed further. Mitigation for adverse short-term construction related impacts to roadways will be necessary if level of service or motorist safety is diminished.*

Response: A quantitative analysis of short term construction-related traffic is provided in the revised version of DEIS Chapter 13 contained in Section 2 of this FEIS.

7. *The accident study does not provide sufficient information to determine appropriate countermeasures. The accident analysis should identify specific locations of accident clusters, (which is defined as an abnormal occurrence of similar accident types occurring at approximately the same location or involving the same geometric features). A history of accidents is an indication that further analysis is required to determine the cause(s) of the accident(s) and to identify what actions could be taken to mitigate the accidents.*

Response: Clarification and expansion of the accident study is included in the revised version of DEIS Chapter 13 contained in Section 2 of this FEIS. Accident Data is included in Appendix I.

8. The pedestrian crossing of intersections of North and South NY27 Service Roads should be provided on the east side of intersections (in addition to the west side), as the Hospital, 7-11, and WALMART are all located on the east side of Hospital Road. Pedestrian Heads with countdown timers are typical requirements of intersection improvements with pedestrian facilities.

Response: It is acknowledged that pedestrian crossings of the intersections of the North and South Route 27 Service Roads should be provided on the east side of the intersections, in addition to the west side, and that pedestrian heads with countdown timers should be included in the pedestrian facilities at the 2 signalized intersections. These items will be included in the proposed off-site mitigation. The applicant agrees that provision of sidewalks on both sides of the Hospital Road Bridge is an important element of Hospital Road pedestrian circulation.

9. The existing traffic signals, traffic control signs and pavement markings are not compliant with the MUTCD and will require complete rebuilds to meet new intersection design.

Response: It is agreed that existing traffic signals, traffic control signs and pavement markings that are not compliant with the MUTCD will be upgraded to meet the MUTCD.

10. Bus turnout(s) should be provided along Hospital Road to reduce potential for auto/bus conflicts with a bus stopping in a travel lane and impeding traffic flow.

Response: As noted in the DEIS, an 8-foot wide shoulder has been coordinated with Suffolk County Transit and will be provided to accommodate buses without the buses stopping in a travel lane and impeding traffic flow on Hospital Road.

11. Elimination of all On-Street Parking throughout the mitigation area should be provided for.

Response: It does not appear that on street parking is permitted anywhere within the mitigation area.

Comment 35: *The biggest bone of contention here is probably the last thing that was part of the traffic testimony. It is the length of that northbound left-turn storage lane at the North Service Road intersection. That lane does not exist now. You've heard the testimony that right now there's one lane of traffic. And the left turn is through traffic and the right turns are all mixed into that lane. So there is excessive back up at that point. In order to mitigate the traffic impact*

at that intersection, Walmart has proposed adding a left-turn lane, and also -- also a left-turn phase, or a leading arrow, so that each time the signal cycles around, if there's cars in that left-turn lane, a left-turn arrow will come up. Since we reviewed the original traffic impact study back in 2010, we've recommended that that lane should be about 185 feet long. The revised DEIS, in September, came in. Again, that was September of 11. We made the same comments in November of '11, that that lane should be -- should be that -- that length. The applicant has attempted to change the signal timing and phasing, using the shorter cycle length as -- as you've heard described, and change the -- the actual phasing of the signal. We've made some -- we've made some recommendations on that also. And they've determined that the storage is adequate at a hundred feet. A hundred feet keeps the impact off the bridge and mitigates the need for a bridge widening. Once you get to the 185 foot length, 185 foot long lane, you get into the widening of the bridge, which could be accomplished by removing sidewalk on one side of the bridge, as was done at Station Road for the Bellport Outlets development. That was a similar situation. So we -- we did essentially have some agreement based upon our comments back in November on the length of that storage lane. And that's the crux of the traffic impact. We don't really have a -- a disagreement in terms of the trip generation. The track work is fine, and it really all comes down to the length of that storage lane. You've heard them say that the -- the consultant for the applicant say that the lane, the hundred foot lane is adequate 50 percent of the time. Basically, the 50 percent of the time the queuing in that lane will not extend out of the lane. That's just not a good design practice. You really should, if you're going to put a left-turn lane in, you want to make sure that 85 to 95 percent of the time, that lane is -- that lane's length is not going to be exceeded, so that cars are spilling out of the lane and blocking the through traffic. And I might add although Walmart is not adding to the left-turn volume at that location, because traffic, Walmart traffic is not -- is -- is at -- is -- that particular traffic is headed away from the site, Walmart traffic going to the site will be in that through lane. So in effect, at times, that left-turn lane will block the through lane coming over the bridge. And those are actually people destined for the Walmart store. We had a -- a brief meeting with the applicant last week to discuss this, our comments on the -- the latest DEIS. And the applicant indicated that they were going to provide analysis with the shorter cycle length, or actually increasing the shorter cycle length that they proposed at our suggestion, increasing that 65 second cycle to go to 70 -- 70 seconds, and 85 second cycle. In addition to changing the left-turn phase -- they had the left turn as a lagging left to come up after the green, and then the normal green came up. We asked them to make that an advanced left-turn phase. So they've done the analysis. The analysis came to us after the close of business on Friday, so we have not had a chance to review it. I will say that judging by the issues that we've had up to this time, and the changes that we asked them to make by increasing the cycle length, and changing the phasing, that would normally tend to make your left-turn queuing longer. So that being said, we'll reserve judgment on the newer submission until we've had a chance to review it. It's quite extensive for review, because it involves looking at the traffic simulation going through by cycle by cycle, in the peak hour, how many cars are -- are in that lane. So that will take us a few days to -- to go through that..... In -- in order to get 185 feet of storage for that lane, the least expensive way to do that is to remove the sidewalk on one side of the road. And that -- that was what was done on Station Road for the Bellport Outlets to development. I should also mention that State DOT has not weighed in yet on the latest DEIS, and their comments are going to be important as well. And they -- they'll be weighing in on the traffic impact studies as well, because it's their right-of-way, the North Service Road....The Town

is also conducting an independent study of the corridor, from Woodside Avenue to 101, which were about 60 percent completed at this point.

Response: L.K. McLean Associates, P.C. has indicated that 140 feet of vehicle storage will be necessary, based on the analysis of an 85-second cycle length alternate cycle length, with which the applicant agrees. It is noted that the proposed improvements and mitigation measures, which do not include removing the bridge sidewalk or other modifications to the structure, are consistent with the Alternative 2 improvements recommended in the *Hospital Road Corridor Study*, prepared for the Town by Nelson & Pope, date June 2012.

Comment 34/38: *Page 111, Hospital Road and the North Service Road operates at a level of service F weekdays and Saturdays. Midday peak hours, emergency vehicles using the Hospital Road bridge can be delayed, particularly in peak hours. 112, excessive queuing, generally in excess of 600 feet during peak hours, as noted on the DEIS. (114) Other planned projects show the peak-hour generation, evenings, 836 vehicles week -- weekday, and 1,188 on Saturday. This is all in the DEIS. Page 115 of Sunrise – Sunrise Highway Corridor Study, New York State Department of Transportation find that the northbound queuing will extend over the bridge and to the South Service Road under future conditions. Page 118, 2011 No Build traffic volume of growth will increase the lanes for emergency vehicles to the hospital, and also the North Patchogue Fire Department, in which using the Hospital Road bridge. Page 119, trip generation of the build option projects a total of 456 weekday and 557 Saturday trips.... Page 125, the following roadways would operate under service level F, south Sunrise Service Road, Hospital Road, North Service Road, Sills Road, Hospital Road, and Woodside Avenue. And Fish Thicket Road eastbound will operate at a service level E. Page 126, the 2011 build, emergency vehicle operation shows significant increase in vehicular delay on Hospital Road, North Service Road, and South Service Road. Page 127, proposed mitigation of the northbound Hospital Road are required to provide exclusive left-turn lanes. This was kind of explained away by the previous Walmart people. This left-turn lane would be a hundred feet and provide space for 6.6 15 foot vehicles, bumper to bumper.*

Response: The DEIS acknowledges congestion and delay at the Hospital Road intersections with the Sunrise Highway North Service Road and South Service Road in the existing, No-Build and Build conditions. The DEIS also presents proposed traffic mitigation measures that are calculated to significantly improve traffic operations and reduce delay and queuing in the Build with Mitigation analysis. These improvements would benefit the general traveling public by reducing peak hour delays and queuing and would also improve Level of Service and emergency response operations along Hospital Road.

Comment 44: *Four, traffic. A certified traffic engineer should have been consulted -- consulted, not a civil engineer.*

Response: Chapter 13, the traffic chapter of the DEIS, was prepared by civil engineers specializing in traffic engineering. Traffic engineering is a branch of civil engineering. These engineers have spent their careers exclusively in the field of traffic and transportation engineering and are licensed Professional Engineers in the State of New York.

Comment 56: *They talk about the bridge as one lane in each direction built in 1959. It's only two lanes total. You have Route 112, that's six lanes, and that was built in 1992. One of the findings, specific examples you have here, they talk about travel speed. This is another thing I wanted to get into. There's a lot to take in, because I'm also a local resident. I am also trying to - - to take on the role of explaining the transportation matters at hand. It specifically states the streets here, and on Montauk Highway and Sunrise Highway. And how the miles per hour in the morning and afternoon peak times go down significantly. Now, no one goes to Walmart's at seven o'clock in the morning. If you compare the amount of traffic, it's seven o'clock at night and five o'clock at night. Sunrise Highway actually shows that the miles per hour significantly drops off once you hit 112, at that Suffolk end once you go past Hospital Road -- or 101.*

Response: It is acknowledged that the Hospital Road Bridge over Sunrise Highway provides 1 travel lane in each direction. The Route 112 (Medford Avenue) Bridge over Sunrise Highway as well as travel speeds on Sunrise Highway and Montauk Highway, were not included in the approved DEIS scope and, therefore, were not discussed in the DEIS.

Comment 34/38: *Again, with the DEIS page 128, likewise Hospital Road southbound traffic lane would have an exclusive 80 foot lane accommodating a 5.3, 58 (15 in letter) foot vehicles, bumper to bumper. I really don't see how this (these) exclusive left-turn lanes will do much to mitigate the traffic problem. On page 134, tables 13-14 lists capacity comparisons -- comparisons for the 2011 No Build versus the 2016 Build with mitigation traffic numbers. For the 2011 No Build, afternoon traffic 2,175. On Saturday it's 2,134. In the Build conditions in the afternoon it's 4,117 vehicles and on Saturday 3,705. This is their own numbers....To summarize, local retail will be effected negatively within a ten mile radius, as proven by independent studies. The proposed bridge tapers will have minimal impact on north (south) Hospital Road traffic, residential roadways, et cetera. Fish Thicket Road, Barton Avenue and Woodside Avenue will experience significant traffic increase if this proposal is allowed. This is a residential neighborhood. Let's keep it that way.*

Response: The mitigation measures presented in the DEIS are calculated to significantly improve traffic operations and reduce queuing and delay at the Hospital Road intersections with the Sunrise Highway North Service Road and South Service Road. It is acknowledged that the addition of a northbound left-turn lane at the North Service Road intersection with Hospital Road and a southbound left-turn lane at the South Service Road intersection with Hospital Road is calculated to significantly increase capacity at these locations and also to have a significant beneficial effect on traffic. As indicated in the DEIS, eastbound operation at the intersection of Hospital Road and Fish Thicket Road is calculated to change from a Level of Service B in the No-Build condition to a D in the 2016 Build with Mitigation condition in the weekday evening

peak hour; and to change from No-Build Level of Service B to 2016 Build with Mitigation Level of Service C in the Saturday midday peak hour. The applicant has proposed to install traffic signal equipment to mitigate the eastbound Fish Thicket Road approach. The applicant has agreed to put the funds necessary to implement the proposed mitigation into an escrow account to cover its obligation, and to implement the mitigation at the direction of the Town of Brookhaven. The proposed mitigation at the intersection of Hospital Road and Woodside Avenue (CR 99) would improve the calculated Build Level of Service D to better than the No-Build condition in the weekday evening peak hour. This location is not calculated to experience any traffic impacts in the Saturday midday peak hour. The proposed use is permitted on the property in question, which is in a commercial zone.

3.3 Location/Suffolk County Corridor Study

Comment 5: *I am opposed to this project first and foremost because of potential issues linked to the proposed location. While economic growth and development are certainly important, it must be well thought out and appropriately situated. Before considering clearing an undisturbed property for new construction, the redevelopment of abandoned properties must be fully explored. As I'm sure you're aware, the Suffolk County Planning Commission's Sunrise Highway Corridor Study has tried to lay out a development plan for Sunrise Highway. It recommends growth specifically at Route 112 in Patchogue and Station Road in Bellport and discourages commercial development at Hospital Road. I urge you to consider the recommendations put forward in that important report.*

Response: The development of abandoned properties is not relevant to the proposed action as the Applicant has no control over these properties but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway. The Suffolk County Planning Commission's Sunrise Highway Corridor Study, dated August 2009, states the following about the project site:

"The northeast corner of Hospital Road and the north service road consists of a now vacant former gas station. This area also has a large vacant tract zoned J-2 Business District. It is recommended that the J-2 Business District zoning be reduced to allow limited neighborhood business uses to serve the existing multi-family and office developments with services and convenience retail. The remaining lands in this area should be rezoned to J-4 Business District in order to allow for the future expansion of this office node surrounding the hospital. Consideration should also be given to the development of a Planned Development District (PDD) in order to allow for the development of a mixed-use office/residential development. Significant additional retail development at this location, outside of an established retail node, is unwarranted and would serve to exacerbate existing and future traffic impacts in the vicinity of Hospital Road."

On June 15, 2010, the Brookhaven Town Board voted to change the subject property's zoning from J2, to J2, J4, and A1. The J2 portion of the project site totals approximately 12.27 acres;

the J4 zoned portion contains approximately 3.0 acres; and the A1 zoned portion consists of approximately 1.37 acres of land area. The proposed Wal-Mart store would be constructed in compliance with the J2 zoning provisions applicable to that portion of the property. It should be noted that the proposed project would include off-site mitigation that will improve the existing traffic conditions along Hospital Road at Sunrise Highway.

The Final NYS Sunrise Highway Corridor Sustainable Transportation Study, dated August 2011, states the following about the area of the project site:

Page 6-5: “More important is the compliance with the Town’s objective to limit commercial/retail development along the corridor especially east of Station Road. In fact, the existing limited commercial/retail development potential at Station Road, Hospital Road and Sills Road (CR 101) will be managed by the Town in accordance with its adopted plans. We recognize that the local Township’s do control the zoning and development along the corridor.

We further recognize that commercial/industrial uses may be valuable at select/appropriate locations along the corridor as new infrastructure may provide direct connection with the Sunrise Highway system. Such development may provide the opportunity for economic growth and serve as a buffer/separation between the Highway and adjacent residential zones or uses.”

The proposed Wal-Mart store would comply with the recommendations of the Final Sunrise Highway Corridor Sustainable Transportation Study in that it would be built in compliance with the zoning regulations and Town Plan recommendations applicable to the property. It would also meet the Study’s goal of generating economic growth and serving as a buffer/separation between the Highway and the adjacent residential zones and uses.

Comment 23: *The document mentions the 1996 Comprehensive Land use Plan for economic, traffic, job growth etc. This is 2012.*

Response: A new Town Comprehensive Plan is not yet completed so the Town of Brookhaven Final 1996 Comprehensive Land Use Plan is the relevant Plan to discuss in the DEIS.

Comment 56: *And as I said before, the traffic is a major factor in this project. And the Town has already gone above and beyond, I feel, what they're required to do. I think that they're not certainly constituents that live in this direct area to the fullest, by applying for those TIGER funds to try to get that bridge built when it was being proposed after Walmart wanted to build there in their benefit, and we had needed a bridge for years. In fact, that was supposed to be dramatic construction in that area along the Sunrise Highway corridor. Now, this corridor, I*

don't know if you are adopting the Suffolk County study, but there is a Suffolk County study, there is a State study, there's a Town study, with the Brookhaven twenty.If Walmart is 10 miles away, and they want to have this and say it's 10 miles too far, that means someone from five miles away is going to drive here. That's further than Route 112. That encompasses a large radius. And that's traffic that'll go through. ...

Response: The average trip length to a Wal-Mart store is estimated to be in the range of 5 miles. Some customers will travel much shorter distances and some will travel longer distances. Some customers would have otherwise gone to a different Wal-Mart store, and to the degree that they select the proposed store because it results in a shorter trip for them, then that represents a net reduction in total number of vehicle miles driven on the greater roadway network, which is a benefit to the travelling public.

Comment 61: *I'd also like to...remind you that although it's a draft, you guys signed on with Suffolk County and Islip to do the Sunrise Highway Corridor Study. There is numerous references about this site, and about any projects along Sunrise Highway, that this does not conform to what the county, the towns want in these areas. I urge you, again, to read this and adopt it. The fact that it's a draft does not make this information in here any less valid.*

Response: See response to comment 5 above.

Comment 62: *The document also mentions this intersection is a high-accident intersection, and adding a turning lane, and several signs will leave you with a problem. In 2001, a resident at 228 Hospital Road was rear ended -- rear ended. And also, at 210 Hospital Road, in 2010. Both involved in a near fatal accident pulling into their driveways. I, myself --was also involved in an accident recently as last Tuesday, creating almost \$15,000 worth of damage pulling into my driveway. And we want to add 5,000 more vehicles to this already dangerous roadway, to me, is a fatality. The document states that, and I quote, the project, the proposed project would meet the plan goal to create strong economic activity. The Suffolk County Corridor Study, based in 2009, does not want any other retail development east of Route 112. Page 76 states that there isn't even a Suffolk County study. I just want to – I ask that this document not be accepted, and the project proposal be stopped immediately, and that the Town of Brookhaven, as well as Suffolk County, and New York State, conduct a full and comprehensive study, positive and negative, and take into consideration the taxpaying residents' concerns as well.*

Response: The project proposes to implement measures to address accident rates in the study area, as discussed in the DEIS. The DEIS indicates that the proposed project is calculated to generate 378 new peak hour vehicle trips in the weekday evening period and 429 new peak hour vehicle trips in the Saturday midday period. It is estimated that 30% of the new trips will utilize the section of Hospital Road lying to the north of the property in question in traveling to and from the proposed development. The increase in vehicular activity, while modest, suggests that drivers would be travelling at slower speeds rather than faster. A discussion of the 2009 Suffolk

County Planning Commission's Sunrise Highway Corridor Study was inadvertently omitted from the DEIS. The recommendations of this Study as relevant to the proposed project are addressed in the response to comment 5 above.

3.4 Hospital Road Bridge/Traffic

Comment 5: *Additionally, the two-lane bridge crossing at Hospital Road which serves the location of the proposed Wal-Mart is already inundated by current traffic. The Draft Environmental Impact Statement estimates 378 new weekday evening peak hour trips to be generated by this project; the Hospital Road Bridge cannot handle that additional incredible volume without causing major traffic problems. I am especially concerned about these traffic issues because of the proximity to Brookhaven Memorial Hospital Medical Center and the potential for delaying ambulances, medical personnel or people seeking medical attention.*

Response: Traffic mitigation measures are proposed in the DEIS that would significantly improve traffic operations and reduce queuing and delay at the North Service Road intersection with Hospital Road and the South Service Road intersection with Hospital Road. It is acknowledged that in its existing condition, as well as in the future with the project condition, that these locations would be congested without the proposed mitigation.

Comment 18: *The DEIS...does not address important issues such as the Hospital Road over pass.*

Response: In accordance with the Scoping Document approved for the proposed project, the DEIS investigates traffic operations at the North Service Road intersection with Hospital Road and South Service Road intersection with Hospital Road. The analysis includes comparison of existing, future without the project and future with the project conditions as well as development and analysis of mitigation measures.

Comment 56: *There is also something in here that I wanted to bring up regarding the widening of the bridge, which should not be the only thing looked at when it comes to approving this project, because of the road infrastructure around it. Now, we have this bridge, the Town of Brookhaven after Walmart was brought up as being an applicant -- or the applicant was submitted to the Town, that the Town of Brookhaven actually applied for the American Recovery Reinvestment Act of 2009. They were applying for TIGER funds, which would then be necessary to widen the bridge. I don't know why it took them so long to find the routes of making this bridge larger, until Walmart asked them to. And if Walmart feels that you are slighting them in any which way, because this doesn't approve the application, I think the Town of Brookhaven took a tremendous step in trying to get funds. These are our taxpayers' dollars.*

Response: It is acknowledged that the Town of Brookhaven applied for TIGER Funds to make improvements to the Hospital Road Bridge over Sunrise Highway. The efforts of the Town of Brookhaven in this regard were not requested by Wal-Mart.

Comment 57: *...I do travel on Hospital Road bridge every single day.... I probably cross over the bridge 10 or 15 times a week, at a minimum. I've been in the traffic on that bridge. I can attest personally that the bridge is outdated and cannot handle the current traffic that's on it now. So to add a large box store of that size in that location, would be an absolute nightmare to - - to the residents of that area. One of the gentleman earlier tonight mentioned also that one of the things they could do to mitigate for the bridge was to eliminate the sidewalks on either end. And that's just a terrible idea, because there's a lot of people that depend on those sidewalks to get back and forth. There are kids that go back and forth on that bridge. There's only a few ways that you could get across Sunrise Highway in that area. My son is a 15-year-old, and many of his friends go back and forth over that bridge, using those sidewalks with their bikes. And it's, you know, it's not the safest, but it's safer than using 112. So I just don't think that would be a very good mitigating circumstance.*

Response: It is agreed that the existing sidewalks on either side of the Hospital Road Bridge over Sunrise Highway are an important part of the transportation infrastructure. The analyses in the DEIS show that traffic operations can be significantly improved and delay and queuing significantly decreased at the intersection of the North Service Road and Hospital Road and the intersection of the South Service Road and Hospital Road without eliminating the existing sidewalks on either side of the Hospital Road Bridge.

Comment 61: *It's funny that the Walmart expands upon its proximity of those who need to walk to the store and how it's friendly to the community. Then, in the next breath, they want to rip out the sidewalks -- to those who would walk there. And I guess it's cheaper than spending the \$20 million for a new bridge. That, they'll leave to the taxpayer.*

Response: The project does not propose the removal of sidewalks from the Hospital Road Bridge and this is well-documented in the DEIS. It is agreed that the existing sidewalks on either side of the Hospital Road Bridge over Sunrise Highway are an important part of the transportation infrastructure. The analyses in the DEIS shows that traffic operations can be significantly improved and delay and queuing significantly decreased at the intersection of the North Service Road and Hospital Road and the intersection of the South Service Road and Hospital Road without eliminating the existing sidewalks on either side of the Hospital Road bridge.

3.5 Brookhaven Memorial Hospital/Traffic

Comment 5: *Brookhaven Memorial Hospital Medical Center and the potential for delaying ambulances, medical personnel or people seeking medical attention.*

Response: The analyses in the DEIS indicate that proposed mitigation measures will significantly improve traffic operations and significantly reduce queuing and delay at the North Service Road and South Service Road intersections with Hospital Road. The improved traffic operation would benefit the traveling public and also specifically benefit ambulances, medical personnel, and people seeking medical attention at the Brookhaven Memorial Hospital.

Comment 9: *The existence of the store would...cause excessive congestion in the Hospital road area as well as impede access to the hospital.*

Response: As stated in the DEIS, proposed mitigation measures at the intersections of the North Service Road and South Service Road with Hospital Road will improve accessibility to the Brookhaven Memorial Hospital by significantly improving traffic operations and significantly reducing queuing and delay.

Comment 12: *Should there be a Medical emergency and a resident needs to reach Brookhaven hospital, traffic in this area will be a major problem.*

Response: The analyses in the DEIS acknowledge that traffic operations are currently problematic along Hospital Road, and particularly at the signalized intersections with the North Service Road and South Service Road of Sunrise Highway. Proposed mitigation measures described in the DEIS are calculated to significantly improve traffic operations and significantly reduce queuing and delay which would benefit the general travelling public. These mitigation measures would also improve Level of Service and benefit residents who may be traveling to Brookhaven Memorial Hospital due to a medical emergency.

Comment 13: *And what about emergency services from the North Patchogue Fire Department. How much longer will it take them to respond due to the increase traffic?*

Response: Proposed mitigation measures described in the DEIS are calculated to improve traffic operations and reduce queuing and delay along Hospital Road, which will benefit the general travelling public and also benefit the North Patchogue Fire Department. Therefore emergency response times are expected to be reduced, particularly if responding to an event occurring to the south of Sunrise Highway. In addition, a new traffic signal is proposed at the main access driveway to the proposed development, which driveway lies opposite the egress driveway from the North Patchogue Fire Department. It is proposed to hardwire pre-emption equipment at the signal to the fire station which will allow the Fire Department to pre-empt or override the traffic signal operation when responding to emergency calls. The proposed project would also widen Hospital Road in the vicinity of the site frontage and thereby provide additional roadway width to allow drivers to pull over out of the way of emergency responders.

Comment 14: *The hospital is across a narrow bridge, in need of repair. The traffic for the hospital will be imperiled by this STUPID location of this store.*

Response: The analyses and investigations performed for the DEIS have not specifically indicated that the Hospital Road Bridge over Sunrise Highway is presently in need of repair. The proposed mitigation measures described in the DEIS are calculated to improve traffic operations and reduce queuing and delay at the Hospital Road intersections with the North Service Road and South Service Road, which will improve accessibility to the Brookhaven Memorial Hospital.

Comment 36: *...Brookhaven Memorial Hospital...is the only hospital on the South Shore between Southside Hospital and Southampton Hospital. And there's a huge area that is covered. If you're in an accident at 112 in Medford, Medford ambulance company comes to take you. The suggestion is that they get off at 101. That's a difference of almost three minutes. If you've had a heart attack or if you are bleeding to death, that seems to be a real inconvenience.*

Response: It is acknowledged in the DEIS that there is congestion and excessive queuing along Hospital Road at the intersections with the North Service Road and South Service Road in the existing condition. The implementation of the mitigation measures described in the DEIS is calculated to improve traffic operations and to reduce queuing and delay at these locations. As a result, accessibility to Brookhaven Memorial Hospital via the Hospital Road interchange would be improved. The approval and implementation of the proposed project, including mitigation measures, may therefore lead to a reassessment of suggested emergency response routes to Brookhaven Memorial Hospital; however the development and implementation of suggested emergency response routes is clearly outside the scope of the proposed project and DEIS.

Comment 37: *...I don't have a remote button that changes the light. They're add, they're going to give that to the fire department. But when I went to the hospital 25 times with my six -- six in our family, and my -- and my mother. Not once did we ever go in an ambulance, except for the last time for my mother who was over a hundred years old. That's the only time. But the individual person doesn't have that luxury.*

Response: Overall review/assessment of traffic signal preemption policies is outside scope of the DEIS. It does seem that pre-emption could not be effective if all drivers were able to implement it.

Comment 46: *...You must direct your attention to the flawed DEIS, which does nothing to address the concerns brought forward from the community and legal experts. I stated earlier that over 3,000 members of Local 1500 live and work in the Town of Brookhaven. One of the major hospitals in the Town of Brookhaven is Memorial Hospital. Many of my members use this hospital. In fact, our welfare fund,...which is the medical benefit fund for the benefits has paid*

out millions of dollars to the hospital on the members' behalf. My members are concerned with this project. Anyone who has traveled Hospital Road knows that -- knows the traffic nightmare that exists. They're...concerned that applicants can't simply put a turning lane in and try to deal with the major increase in traffic by putting in some traffic lights....my members tells me that sometimes it takes three or four cycles of lights to get through the bridge. They're concerned that if they have a medical emergency, they could be stuck behind a traffic light trying to get through Walmart.

Response: The DEIS acknowledges poor operating conditions, queuing and delays in the existing condition. Mitigation measures are proposed in the DEIS and are calculated to significantly improve traffic operations and reduce queuing and delay. Improved traffic operation and reduced queuing and delay at the North Service Road and South Service Road intersections with Hospital Road would improve accessibility to Brookhaven Memorial Hospital and reduce travel times to get there in peak hours.

Comment 52: *I have strong feelings against the project being moved forward, and would like to voice my concerns as a taxpaying family resident of the road in which they're building of a 24-hour box store will impact my young children, family, and neighbors. First, the Walmart project should be stopped because the current DEIS is flawed. We currently have a small two-lane bridge that will not be able to handle the increased traffic that a box store will bring to our road. Currently, just with daily traffic, the bridge is backed up with commuters, sometimes taking three and four traffic cycles to get over the bridge. We are concerned with the access of emergency vehicles responding quickly to those in need, not only to and from the hospital, but from the fire department as well. Walmart is to built directly across from the fire department and next to Brookhaven Hospital. A box store of this size will create an increase in traffic confusion that could negatively effect our emergency services*

Response: The DEIS acknowledges poor operating conditions, queuing and delays at the Service Road intersections with Hospital Road in the existing condition. Mitigation measures are proposed in the DEIS and are calculated to significantly improve traffic operations and reduce queuing and delay. Improved traffic operation and reduced queuing and delay at the North Service Road and South Service Road intersections with Hospital Road would improve accessibility to Brookhaven Memorial Hospital and reduce travel times to get there in peak hours.

3.6 Local Roads/Traffic

Comments 7: *Traffic will be horrendous and I live on Barton Ave.*

Response: Traffic mitigation measures proposed in the DEIS are calculated to improve traffic operations and reduce queuing and delay along Hospital Road.

Comment 11: *It will also bring further, eastward, expansion along Sunrise Highway, increasing traffic congestion and urban blight.*

Response: The property in question is zoned for the proposed use and intensity and is therefore an appropriate and anticipated development. The project proposes traffic mitigation measures that are calculated to improve operations and reduce delay and queuing.

Comment 12: *Please save our pristine, quite neighborhood.*

Response: The portion of the subject site on which the Wal-Mart store is proposed is zoned Business 2 District–Neighborhood Business (J2). The proposed Wal-Mart store is a permitted use in the J2 district. The proposed 900 square foot office building would be constructed on a portion of the site zoned J Business 4 District–Professional and Business Offices (J4). The office is an allowed use in the J4 district. Buffering and screening are proposed in the site design to minimize noise impacts and to improve views from adjacent areas.

Comment 13: *I have heard that Walmart is going to widen Hospital Road to accomodate the increased traffic. That in its self is an indication of what is yet to come to the peaceful neighborhood that they are about to destroy. What about Woodside Avenue that only recently became a two lane road with the creation of a Bicycle lane. That will need to be undone, you will need to widen that as well and a Bicycle Lane would be unsafe because of all the traffic Walmart will create. And what about the traffic that will use Barton Avenue as a shortcut from Rt 112? It will be a disaster and the safety of the children attending Barton Avenue School will be compromised.*

Response: It is proposed to widen Hospital Road in the vicinity of the proposed project in order to provide turn lanes and thereby minimize the effect of the proposed project on existing traffic at this location. The analyses of Woodside Avenue included in the DEIS reflect the current configuration of Woodside Avenue. The DEIS projects approximately 20 new project-generated peak hour trips in each direction along Fish Thicket Road/Barton Avenue, which is an average of 1 vehicle in each direction every 3 minutes.

Comment 20: *IT CLAIMS THERE WILL BE NO IMPACT ON TRAFFIC OR THE DOWNTOWNS OF PATCHOGUE AND BELLPORT! I'VE LIVED 2 BLOCKS WEST OF HOSPITAL RD FOR 35 YEARS AND HAVE SEEN TRAFFIC INCREASE WITHOUT A GIANT RETAIL STORE. HOW COULD A WAL-MART NOT DANGEROUSLY IMPACT TRAFFIC?*

Response: The DEIS does not claim “there will be no impact on traffic.” Without mitigation measures, the proposed project would result in traffic impacts, and these are disclosed in the DEIS. The DEIS additionally proposes traffic improvements to mitigate the impacts disclosed in

the Build condition. The mitigation measures are calculated to significantly improve traffic operations and reduce queuing and delay.

Comment 23: *The document states “the properties location at a major roadway intersection with excellent transportation access” Who are they trying to kid?*

Response: The property in question is located just north of a grade separated interchange with a major arterial highway.

Comment 36: *The area that they studied really doesn't look at what really happens, which is that people take shortcuts to get where they are. They are proposing to convert a community of residential homes and schools into shortcuts, from 112 and Ocean Avenue, through Fish Thicket and Barton Avenue, to get there. That's in addition to what they're doing on Hospital Road.*

Response: The DEIS traffic analysis assigns new project generated trips to the side streets as well as the Hospital Road corridor and Sunrise Highway. The DEIS therefore acknowledges and reflects the effects of new traffic along the side streets.

Comment 34/38: *Page 99 states that the local roadway network would result in a small and insignificant increase in traffic volume on local roadways. Barton Avenue is -- is an east, west residential roadway from Route 112 to Fish Thicket Road. Barton Avenue roadway is service -- servicing the Patchogue Medford School, and Barton Avenue Elementary School. Barton Avenue is now used as an easy access to Sunrise Highway eastbound to Fish Thicket Road, and vice versa westbound to Route 112.*

Response: The traffic analysis in the DEIS assigns approximately 20 new project-generated peak hour trips in each direction to Fish Thicket Road/Barton Avenue. This is an average of 1 vehicle in each direction every 3 minutes.

Comment 34/38: *Page 105, as previously noted, on Barton Avenue, Fish Thicket Road are now highly traveled, as they are used as a convenient access to Sunrise Highway east and westbound.*

Response: The traffic analysis in the DEIS assigns approximately 20 new project-generated peak hour trips in each direction to Fish Thicket Road/Barton Avenue. This is an average of 1 vehicle in each direction every 3 minutes.

Comment 49: *The traffic there, it doesn't take rocket science, it actually doesn't take a big engineering study. Just go look at it in the afternoon, and watch the traffic flow across that very limited old bridge. And it's easy to tell what's going to happen there later, despite what any other*

additional studies might say to the contrary. Also, the Fish Thicket Road that goes onto Barton -- onto Woodside Avenue, I'm sorry, onto Hospital Road, just putting a stop sign there, there is no way that's going to work for the local traffic. I -- I travel that road every day. It's bad enough as it is today. We walk out there, we ride bikes out there. That's going to be a nightmare making a left turn going off Fish Thicket and making a north onto Hospital Road. So in the end, I just want to -- I think there were lots of great points made against this. This is not an ill-conceived project. We don't want it to have to look like that. We want it to stay green like it is right now. That will work fine for the community. And you get a chance to visit it when you go home, picture the end of your road with a Walmart on the end, and imagine what that would do to your quality of life.

Response: The traffic analysis included in the DEIS indicates that the proposed mitigation measures would significantly improve traffic operations and significantly reduce queuing and delay at the Hospital Road intersections with the North Service Road and South Service Road of Sunrise Highway. The installation of additional signal equipment at Fish Thicket Road with Hospital Road has been considered. However, based on the recommendation of the Town of Brookhaven, the implementation at this location would be deferred. The applicant has agreed to put the funds necessary to implement the proposed mitigation in escrow to cover its obligation.

Comment 52: *In addition, as stated, traffic is a major concern, also with the school bus situation on our road. My child, as well as the neighbor's child, are taken to and from school on mini buses due to special needs. As a parent, I painfully watch and fear each day as cars speed down Hospital Road, and pass not only our mini buses filled with special needs children, but pass the large buses that pick up the other children on our block as well. Traffic congestion leads to many accidents. It is our understanding that the intersection of Hospital Road and the Service Road of Sunrise Highway is a sight of the second largest occurrence of accidents in Suffolk County, where Walmart is to be built. That -- we got that from the Suffolk County Corridor Study.*

Response: The introduction of a new traffic signal along Hospital Road at the main driveway to the proposed development and the North Patchogue Fire Department may lead to traffic calming along Hospital Road and a reduction in speeds. The Sunrise Highway Corridor Study prepared by the Suffolk County Department of Planning does not include any indication of the rate or number of accidents at the intersection of Hospital Road and the Sunrise Highway Service Roads, and makes no statement comparing this location to any other location(s) in Suffolk County.

Comment 56: *I also believe that this DEIS is flawed. I also want to mention -- because I'm going to primarily concentrate on transportation matters. Woodside Avenue has gone from two to one lane; okay? It was two lanes, now it's one. There's also a bike lane, all right. There's been multiple fatalities on that road, including people that I went to high school with. And Sunrise Highway has always been three to two lanes. That Service Road that pretty much ends at Hospital Road, that opened up to my street on Hewlett Avenue when I was six years old. Montauk Highway has also gone from two to one lanes in a relatively recent amount of time. So*

those are the three main roads that run east and west. North to south, you have Route 112, which is obviously to the west of this project. And it's the furthestest [sic] that this DEIS really pays attention to. Then you have Hospital Road, which is basically a residential street- one lane in each direction. If they built a six-lane bridge on the thing, it's still a road that has one lane in each direction, the south and west side. It's a residential road, with a major hospital that is beneficial to the community. And I feel that we would rather have something medical, where you have jobs that come in that are -- you know, people that go to college, have outstanding debt, and they can't pay that right now...

Response: The proposed project does not contemplate building a 6-lane bridge at the Hospital Road Bridge over Sunrise Highway. As noted, a major hospital is located along Hospital Road, which is not a residential use. The commercial zoning of the property in question permits the proposed use.

3.7 Traffic/Other Projects

Comment 54: *But that having been said, I would add that the parcel on the -- on the southeast corner of the -- the roadway north of -- of Hospital Road and the -- the North Service Road is a vacant service station that is pointed out and admitted in the DEIS is the applicant at present. But is under the -- under contract to lease by the applicant or someone it controls. Take a look at that 7-11 parking lot where you got a service station right now on the other side of the bridge, and add that to the traffic control that we're going to be getting, if this whole thing goes through. That's what's going -- that's what we're going to be faced with.*

Response: The vacant service station along Hospital Road at the northeast corner of the intersection with North Service Road is not part of the application before the Planning Board. The applicant does not control the adjacent vacant service station parcel but is in negotiations with the owner of this parcel to provide a cross-access link between the two parcels.

3.8 Trucks

Comment 23: *The proposed entrance is to be on Hospital Rd. yet trucks are not allowed (legally) on this residential roadway. How will deliveries be made?*

Response: Trucks are generally allowed legally on Hospital Road to make local deliveries. Delivery to the site using 53-foot trailers would require NYSDOT approval for the designation of Sunrise Highway between Sills Road and Medford Road as an Access Highway, as well as designation of the section of Hospital Road between Sunrise Highway and the site driveway. The applicant intends to seek such approval.

Comment 34/38: *In 2011 on page 123 of the 2011 build, tractor trailer access requires New York State DOT approval for Sunrise Highway usage between Sills Road and 112. This access is currently denied for 53-foot trailers.*

Response: Trucks are generally allowed legally on Hospital Road to make local deliveries. Delivery to the site using 53-foot trailers would require NYSDOT approval for the designation of Sunrise Highway between Sills Road and Medford Road as an Access Highway, as well as designation of the section of Hospital Road between Sunrise Highway and the site driveway. The applicant intends to seek such approval.

Comment 53: *But one point that was never brought up, what about the trucks? The trucks coming, they have to gain access to the Service Road, as you can see in your picture, the Service Road on the right. What if they are coming off of Sunrise Highway? How are they going to make the turn? The bridge only has two lanes. You're saying, oh, well, we'll remove a sidewalk. That -- a sidewalk isn't as wide as a car. You're going to -- it just will not work; okay?*

Response: Trucks are generally allowed legally on Hospital Road to make local deliveries. Delivery to the site using 53-foot trailers would require NYSDOT approval for the designation of Sunrise Highway between Sills Road and Medford Road as an Access Highway, as well as designation of the section of Hospital Road between Sunrise Highway and the site driveway. The applicant intends to seek such approval. It is not proposed to utilize the Hospital Road Bridge over Sunrise Highway as a truck route to service the proposed project with 53-foot trailers or any other tractor-trailers. The applicant is not seeking the designation of the Hospital Road Bridge over Sunrise Highway as an Access Highway.

Comment 59: *...I go over that bridge on a daily basis. And one thing that occurred to me as I made an extra sharp turn in my little tiny pick up is, how does a large scale truck make that turn. I started looking at the different roads, starting from Woodside coming down to Hospital Road, the different entrances. Then I started studying what is required. What is required is a 45-foot turn radius for a WB-50, which is what the DEC says is the typical Walmart truck. That's the only one they define by the way. They -- they reference earlier on that they were only going to use small and medium, but there's no definition of what that is. There is no 45-foot way currently. Even under their new plans, you won't find that. Even with the expansion of adding a lane on it, it's still a single lane turning onto a single lane. With regards to the South Service Road turning onto the Hospital Road bridge, it measures out at about 24 feet. Now, that's significant, not for the trucks. I'll come back to that in a little bit. That's significant in the buses that are going to be delivering the teams to the athletic field at St. Joseph's College. So when that sport's field let's out, there will be the 1,500 seat capacity stadium exiting, with the school buses, onto a place where they are trying to do a 'U-ey' over the bridge, and back, where the bus won't make the turn. It'll get jammed up and cause grid lock. If the board approves this, and one of those things occurs, and -- and, or whether a truck does that doing delivery, because they are only taking the recommended route, there's going to become a question of who approved this, and thought that that was possible? I don't want us all to be in that position and have to deal*

with that. I'm -- I'm going to get back to the DEC, because, as I said, the 1,500 seat stadium, plus the athletes, plus the support staff, they came out with a trip increase of 103. That's some incredible car pooling. And I am not sure which stadiums you've seen -- but when a stadium lets out, when the game's over, within an hour the entire stadium is emptied. The other item they decided to leave out on the table was the -- the church that's going to be built, that was just about completed. 558 seats. They were unable to make any determination what that traffic increase would be right at that intersection. Nothing. Most churches I know have nice set hours. You come and go. 500 seat capacity is very significant. That's going to be 200 cars and change, trying to get through in an hour. Nothing. I currently live on the northern end of Sipp Avenue just below Woodside. I am challenged to get out of my driveway on occasions. There is a lot of traffic that comes through there. I'm not sure what times I'm here. The other item that I'm going to say is the DEIS makes comment about the deliveries for the construction and the deliveries for the Walmart, will only be on authorized truck routes.

Response: Trucks are generally allowed legally on Hospital Road to make local deliveries. Delivery to the site using 53-foot trailers would require NYSDOT approval for the designation of Sunrise Highway between Sills Road and Medford Road as an Access Highway, as well as designation of the section of Hospital Road between Sunrise Highway and the site driveway. The applicant intends to seek such approval. It is not proposed to utilize the Hospital Road Bridge over Sunrise Highway as a truck route to service the proposed project with 53-foot trailers or any other tractor-trailers. The applicant is not seeking the designation of the Hospital Road Bridge over Sunrise Highway as an Access Highway. As indicated in the DEIS, the source of trip generation numbers for the St. Joseph College Athletic Field expansion was a traffic study prepared for the project by Cameron Engineering and Associates. The Calvary Assembly of God Church is reflected in the DEIS as an “Other Planned Project.” Review of the church operations and schedule indicated that the weekday evening peak hour and Saturday midday peak hour analyzed for the proposed project do not overlap with periods of trip activity for the church.

Comment 62: *The proposed entrance is to be on Hospital Road. Yet, on Hospital Road there are signs that say no trucks, at least legally, on this residential roadway. How will these deliveries be made? There is no mention of this in the DEIS. And the document states that the property located -- and I quote, the property located at a roadway intersection with excellent transportation access. I don't see this at all.*

Response: Trucks are generally allowed legally on Hospital Road to make local deliveries. Delivery to the site using 53-foot trailers would require NYSDOT approval for the designation of Sunrise Highway between Sills Road and Medford Road as an Access Highway, as well as designation of the section of Hospital Road between Sunrise Highway and the site driveway. The applicant intends to seek such approval. In addition, the subject property is located just north of a grade separated interchange with a major arterial highway.

3.9 Neighborhood Center Category

Comment 36: *The last thing that I wanted to say is I think it's kind of ludicrous to put Walmart into a neighborhood center category. ...The -- the present traffic is, anyone heading east knows that when you hit a little bit east of Phyllis Drive, Sunrise Highway narrows from a through lane -- two -- three lanes to two lanes. It is bumper to bumper, any time from four o'clock in the afternoon until 6:30 at night bumper to bumper.*

Response: The categorization of the proposed retail center is in accordance with the definitions published by the Urban Land Institute (ULI), which indicates the neighborhood category applies for up to 100,000 square feet. In addition, the “neighborhood center” categorization of the proposed Wal-Mart store was based on the store’s classification per the Town of Brookhaven Town Code. According to the Town Code, the portion of the project site on which the proposed Wal-Mart store would be constructed is zoned J Business 2 District – Neighborhood Business (J2). The proposed store would be considered to be a commercial center which is a permitted use in the Neighborhood Business (J2) district. According to Chapter 85, Article XXI, § 85-226, of the Town of Brookhaven’s Zoning Regulations, the J2 district expressly allows the proposed project as a “commercial center,” which is defined as “a retail use(s), which exceeds a gross floor area of 100,000 square feet and/or occupies a site of five or more acres.” Although the proposed 98,000 square foot Wal-Mart retail center would not exceed a gross floor area of 100,000 square feet, it would occupy a site of five or more acres (12.27 acres).

3.10 Area of Study:

Comment 37: *And the current applications of Walmart need be initiated. Past approvals, current applications, existing zonings, all studies within a substantial distance from the application, need be initiated. And I would say that it would be including Coram to the north, to the west to Holtsville and Holbrook [sic] -- I mean Holtsville and Farmingville. Okay. They've all had gold master studies for their communities. What does this do to the Kmart thing on hold? What does it do to the Stop and Shop? We just had major supermarkets, brand new ones, two new ones come in, C-Town and now ShopRite. What do we do? What are the impacts to them? But Medford isn't -- it's left out. You do all the stores in Bellport and -- and Patchogue Village. You didn't mention the glass places, the opticians, the medical centers, Target, even Sam's Club on Horseblock Road. What is the impact to them? This is -- it's incomplete. Completely, we have real estate people, we have businesses along 112 that are probably larger than Bellport Village and -- and -- and the -- and the Patchogue combined. They're not addressed. Okay? They're simply not addressed.*

Response: Comment acknowledged. The study area was assigned by the Town per the final scoping document issued by the Brookhaven Planning Board on August 8, 2011.

Comment 34/38: *Referring to page 63, which states that within a 500 foot radius, a mixture of commercial, community facility, and residential uses are, et cetera. In fact, no commercial facility is within this 500 foot radius, as shown on the radius map. This land is either vacant or*

used for residential purposes. This site is within 500 feet, but within approximately 900 feet of the Fish Thicket Preserve, where turkey and deer are present, and also on residential areas which I have witnessed on Fish Thicket Road and the North Sunrise Service Road.

Response: The former gas station located at the corner of Hospital Road and the North Service Road adjacent to the subject project site is a commercial use, albeit a vacant one. The remaining comments are acknowledged.

Comment 37: *I just wanted to mention, too, that in their traffic study, it was a micro area, where they did a study around it. They didn't incorporate the roads that go to the Patchogue-Medford High School, Buffalo Avenue, Pennsylvania Avenue, Route 112. I mean people do not take 112. We take the side roads like Pennsylvania or Medford, who live here. When 250 workers, they want to get to work, they're going to do the same thing, into completely residential areas. And that was not discussed. That -- that scope needs to be really figured out and expanded, let's go for that.*

Response: A Public Scoping Hearing was held on June 23, 2011 and the scope of the DEIS was finalized and accepted on August 8, 2011. The DEIS was prepared in accordance with the approved scope.

3.11 Land Use Goals/Studies:

Comment 34/38: *Page 65 and 66 of the DEIS refer to land use listing several goals. One of these goals is to build -- to develop appropriate zoning regulations to ensure proper development. Another is to provide open space throughout the Town. This site may not be the simple Pine Barrens, but it's still the Pine Barrens.*

Response: Zoning regulations to ensure proper development have been developed by the Town of Brookhaven for the project site and the immediately surrounding area. The project site is not located within the Central Pine Barrens Zone and the Central Pine Barrens Comprehensive Land Use Plan and Zoning have no relevance to the proposed action.

Comment 55: *In addition, there is mention in the DEIS currently, that the property, and just to quote, the property owner's contribution to the costs of the bridge reconstruction on Hospital Road spanning the Sunrise Highway, would meet the plans, which they're actually referring to the 19 -- I apologize, 1996 Brookhaven plan's -- they call it the plans -- goal to support appropriate roadway improvements and adequately serve adjacent land uses. Currently, from what I have seen Mr. Wolowitz has given approximately 300,000 to the Town for these improvements. On the DEIS, there are proposed lights, entrance, exits, there is also sidewalks. He may be correct for proper J-4. Proper J-4 and J-2 build according to that 1996 comprehensive land plan. Which the 1996 land plan, which was the document used for this portion of the DEIS, would take into account the unlawful variance which Walmart seeks. As an*

aside, the 1996 -- the land plan should be updated by the Town, because I'm most sure that two decades later, the costs have significantly risen.

Response: The proposed Wal-Mart project is seeking relief from the Planning Board, pursuant to Town Code Section 85-52, to facilitate shared parking between the J2 and J4 split zoning classifications of the subject property. Off-street parking for the proposed Wal-Mart store and office building would be provided on the J2 and J4 parcels in a total amount sufficient to comply with the Town's parking requirements for the Wal-Mart store and office building. The proposed Wal-Mart retail store development would be in accordance with previous commercial proposals for the project site as detailed in the Town of Brookhaven *Final 1996 Comprehensive Land Use Plan (The Plan)*. The project site is zoned for business use and therefore considered to be part of the overall blueprint for planned economic growth of the Town of Brookhaven. The proposed update to the 1996 Plan, the Brookhaven 2030 Plan, has not yet been completed and is therefore not addressed in the context of the proposed Wal-Mart project. The 1996 Comprehensive Land Use Plan remains the relevant plan pertaining to the proposed action.

The owner of the subject property agreed to make a contribution of \$357,730.00 to the Town of Brookhaven, as required in a Declaration of Covenants and Restrictions, recorded on September 1, 2006, between the Town and the owner of the property, AW Realty Associates, Inc. This Declaration was a condition of the approval of a rezoning granted on September 18, 1997 and was intended to pay for part of the planned improvement of the Hospital Road Bridge. As stated in the Declaration, "The applicant shall be responsible to pay for part of the planned improvement of the Hospital Road Bridge. The cost to the applicant is \$357,730.00. Prior to the effective date, and as a condition of this change of zone application, the applicant shall pay \$250,000.00 to the Town of Brookhaven. At the time of final site plan approval for the commercial center, the applicant shall pay the balance of \$107,730.00 to the Town of Brookhaven regardless of whether or not the bridge improvements have been completed."

Comment 56: *I also went to the Brookhaven 2030 multiple times. Brookhaven Town does have lengthy documentation to show, that this is not something that should be built in this location. There's also a Suffolk County Corridor Study that says this location should not have any building whatsoever on it. In addition to that, New York State also came out with their own transportation project for it in August of 2011. And it specifically says Suffolk Highway corridor sustainability - - sustainable transportation study in the Town of Brookhaven, and it encompasses the length of Sunrise Highway in the Town of Brookhaven. This is 11.5 miles. And you know what, half of the deficiencies on the -- that are bulleted in their outline segment actually are between Route 112 and 101, specifically the Hospital Road corridor. And a lot of information I have does not add up to what is being presented to you this evening. The NY27 sustainable highway corridor goals are goals that measured effectiveness. They have a list of goals that they want this to basically amount to. One is providing a safe, efficient transportation system. Another is reduce the cars and vehicle miles traveling through the corridor. In short no community, including any minority or low-income neighborhood is disproportionately impacted by those proposed projects. We have a new 99¢ Store that just opened up right before that Hospital Road exit on the Service Road south side. We also have a Dollar Tree on the north side. And someone that spoke in favor*

of this application this evening even pointed out that Patchogue Village has multiple stores that are dollar stores. And they're not -- they're not choosing our neighborhood because we have 3,000 square foot houses and white-picket fences. And someone for this application actually told me they chose us because of the demographics. They also wanted to help the local community development goals, consisting of land divisions, adopted zoning municipal plans. That is something that we through in Brookhaven 2030.

Response: As stated in the response to Comment 55 above, the proposed Wal-Mart retail store development would be in accordance with previous commercial proposals for the project site as detailed in the Town of Brookhaven *Final 1996 Comprehensive Land Use Plan (The Plan)*. The project site is zoned for business use and therefore considered to be part of the overall blueprint for planned economic growth of the Town of Brookhaven. The proposed update to the 1996 Plan, the Brookhaven 2030 Plan, has not yet been completed and is therefore not addressed in the context of the proposed Wal-Mart project. The 1996 Comprehensive Land Use Plan remains the relevant plan pertaining to the proposed action. The provisions of the Suffolk County Corridor Study, as related to the proposed project, are discussed in the response to Comment 5 under Section 3.3 above. The provisions of the Final NYS Sunrise Highway Corridor Sustainable Transportation Study, as related to the proposed project, are also discussed in the response to Comment 5 under Section 3.3 above.

Comment 62: *The document also mentions that they used a 1996 comprehensive land use plan for economic, traffic, job growth, et cetera. But this is 2012.*

Response: As stated in the responses to Comments 55 and 56 above, the proposed Wal-Mart retail store development would be in accordance with previous commercial proposals for the project site as detailed in the Town of Brookhaven *Final 1996 Comprehensive Land Use Plan (The Plan)*. The project site is zoned for business use and therefore considered to be part of the overall blueprint for planned economic growth of the Town of Brookhaven. The proposed update to the 1996 Plan, the Brookhaven 2030 Plan, has not yet been completed and is therefore not addressed in the context of the proposed Wal-Mart project. The 1996 Comprehensive Land Use Plan remains the relevant plan pertaining to the proposed action.

3.12 Other Projects

Comment 55: *The DEIS acknowledges, the current DEIS acknowledges six development projects, plus the subject Walmart and office buildings would result in an increase in overall development in this surrounding area, as well as conversion of undeveloped lands to new residential and commercial use.*

Response: Comments acknowledged.

Comment 56: *This parking situation where you have this 900 square foot building, and as someone had mentioned it, I think they said about 26 or 2700 percent more parking spots than were required. I just want to state my family has three acres on Hewlett Avenue. That's a residential street. It goes down from the Sunrise Service Road down to 101. Now, St. Joseph's College built an athletic complex behind that. Previously, that was going to be -- it was a proposed shopping mall pretty much, with the same sized building. That was denied by the Town in 1999, 2000. That was something that 18 -- was not conducive [sic] to the area, because of the vision plans and the traffic congestion. St. Joseph's College built that -- that project now that's there. What I am trying to figure out is, if you have a parcel that directly abuts up to another parcel that's a different zoning, does that mean that my family, because we have the only property on Hewlett Avenue that touches St. Joseph's College, could sell it to St. Joseph's College. And they could change the zoning, and they could go through, and pave it, and put a ridiculous amount of parking spots there, and connect it to Hewlett Avenue? It sets a very dangerous precedent to be able to do this, because you can do this anywhere in any residential neighborhood, because this is pretty crafty. I mean it's borderline criminal.*

Response: On June 15, 2010, the Brookhaven Planning Board voted to change the subject property's zoning from J2 to J2/J4/A1. Because the property now has split zoning classifications, relief is required from the Planning Board pursuant to Town Code Section 85-52 to facilitate shared parking between the portion of the site to be developed with the Wal-Mart store and the portion to be developed with an office building. The required relief would not set a precedent for other areas of the Town as the relief is only required due to the Town's rezoning of the property.

3.13 Villages

Comment 5: *Finally, constructing a Wal-Mart at the intended location will have a sizeable negative impact on nearby downtown business districts. Tremendous investments have been made in these downtown areas over the last several years to help them flourish, and as our economy continues to struggle in this recession, local shopkeepers cannot afford to lose large amounts of their business to a national retail giant like Wal-Mart.*

Response: The DEIS addresses the issue of the potential impacts of the proposed Wal-Mart store on the nearby downtown business districts of the Village of Bellport and the Village of Patchogue. The relevant portions of these analyses are summarized below.

1. Chapter 12 of the DEIS finds that the proposed Wal-Mart store would not have significant adverse impacts on the nearby downtown business districts of the Village of Bellport and the Village of Patchogue for the following reasons:

- The Wal-Mart store would not provide most of the local services and many of the goods available in the Village downtowns, including real estate, financial, medical, and, other professional services, specialty restaurants, dry cleaning services, previously used merchandise (pawn and consignment shops), art and antiques, or public services

such as post offices, libraries, government offices, and churches. Shopping at a Wal-Mart store and in the Village downtown areas are fundamentally different experiences not only in relation to the range of goods and services offered, as noted above, but also relative to the location of said goods and services (all in one location vs. in many different shops), the time required to access said goods and services resulting from these differences in location, protection from the elements (all indoors vs. required outdoor travel between various shops), and ease of access to parking (close and plentiful vs. scattered and limited), among others. The proposed Wal-Mart retail center would essentially be a large department store with a grocery component akin to a supermarket. As the Villages no longer contain a major supermarket, the proposed Wal-Mart would not compete with many remaining retailers within these downtown areas. Therefore, due to the significant differences in the goods and services offered and the fundamentally different type of shopping experience associated with each option, it is concluded that the proposed Wal-Mart store would not significantly impact the downtown areas of the Villages of Bellport or Patchogue.

- The proposed Wal-Mart development would be located between 3 and 4 miles from the Village downtown areas of concern. Due to the distance of the project site and its location and accessibility relative to the downtown areas of the Village of Bellport and the Village of Patchogue, the proposed Wal-Mart would have minimal and insignificant impacts on the downtown areas of these Villages.
- A different customer base would exist for the proposed Wal-Mart and the Village downtowns due to the different travel patterns and routes that would be utilized by shoppers and the differences in the goods and services offered as well as the different type of shopping experience associated with each option. The proposed Wal-Mart location would be likely to primarily attract shoppers from the larger region, rather than the local area, and would compete with other similar big-box retailers. In contrast, the downtown Villages primarily draw shoppers from the surrounding communities who are seeking local small scale goods and services not available at Wal-Mart.

2. The Revitalization Plan for East Patchogue (officially titled “A Revitalization Plan for the Montauk Highway Corridor, East Patchogue”), June 2010, prepared by the Town of Brookhaven Division of Planning, states the following:

“larger downtowns are more likely to be retail oriented and smaller downtowns are more likely to be non-retail (service based) oriented. Considering that the East Patchogue downtown is geographically small, it is logical that it will primarily serve the needs of the local community (convenience shoppers) and not the needs of the competitive shoppers.”

This statement indicates that the proposed Wal-Mart, as a destination for ‘competitive shoppers’, is not likely to compete with the businesses in the East Patchogue downtown.

3. The Village of Patchogue Downtown Business District Study, November 2002, prepared by the Suffolk County Department of Planning, states the following:

- *“As the local economy continued to improve during the late 1990s and some CBDs underwent aesthetic improvements and became more boutique and service oriented, vacancy rates in CBDs improved despite continued construction of new large shopping centers. CBDs have begun to accommodate more non-retail uses, many of which are not found in larger shopping centers. These non-retail uses can help keep vacancy rates down in CBDs. Some CBDs have reverted to serving the smaller communities that surround them instead of larger regions”.*

The Study goes on to detail the types of businesses located in downtown Patchogue and verifies that the number of non-retail uses have been increasing in the downtown area over recent years relative to the number of retail uses. Non-retail uses include eating and drinking establishments, small food stores, and cultural activity centers. The proposed Wal-Mart project is a retail use of a fundamentally different nature than those located in downtown Patchogue and it would not compete with the retail and non-retail uses located in the downtown.

- *“Patchogue is no longer a regional retail center, but the new District Court and the Brookhaven Hospital facility are examples that illustrate a new and significant service economy taking root in the Village.”*

Again, the proposed Wal-Mart project is a retail use of a fundamentally different nature than the types of businesses and uses that are increasingly locating in downtown Patchogue and it would not compete with these downtown uses.

- The Study recommends that the Village of Patchogue *“encourage retail and destination uses in the downtown core focused on arts, entertainment, and restaurant uses and encourage non-retail uses outside of the core business area including office, service and institutional uses.”* As part of its recommendations pertaining to areas outside of the core, the Study states that the Village should *“discourage the construction of shopping centers within a mile of downtown Patchogue.”*

The proposed Wal-Mart store would not be the type of use that the Study recommends for location in the downtown area. In addition, as stated above, at a distance of 3.1 miles from downtown Patchogue, the subject Wal-Mart location is well in excess of the one-mile recommendation.

Comment 9: *The existence of the store would hurt local business....*

Response: See response to Comment 5 above.

Comment 10: *if you people allow this than their is something wrong with suffolk county politics to let this happen. its injustice to people who have been in business like us for 85yrs.three generations and we have seen the up and down many times in these 85 yrs that my family which is owned by the same family over eight genations of blums in patchogue.*

Response: Comment noted. See also the response to Comment 5 above.

Comment 11: *While there might be some short term benefits to it's being built I believe that it will cause the further decay of our local towns (Patchogue in this case) and our efforts to make them hubs where people can shop, dine, work, and live.*

Response: See response to Comment 5 above.

Comment 12: *Please do not hamper the neighboring village merchants who work so hard to keep the villages thriving.*

Response: See response to Comment 5 above.

Comment 25: *Let them find a more suitable and safe location... We have enough competitive retail stores in our area that Walmart would do zero for us. Do some price comparing and you may discover that Walmart is not the end all of low prices. Remember the saying, "The quality is remembered long after the price is forgotten?" In this case, the blight and destruction of our area will be remembered long after Walmart pulls out when their numbers do not meet their board's expectations. It's all about money and power, not community or people.*

Response: Comment noted. See also the response to Comment 5 above.

Comment 34/38: *Page 96 deals with potential impacts with the Village of Bellport and the Village of Patchogue. The DEIS states the minimum impact will -- will occur. Independent studies have shown that a Walmart store effects businesses within a 10-mile radius. The Middle Island Walmart effected retail business on Route 25 as far west as 112.*

Response: SEQRA does not require this type of economic analysis for the proposed action.

Comment 39: *The Village of Patchogue is undergoing the revitalization act of our Downtown business district and have made in part every effort to attract new customers and new businesses that will provided a boost to our local economy. Patchogue has felt the negative impact of malls, shopping centers, and big box stores that have drained dollars from our Main Street businesses. We are currently at a very critical time in our revitalization efforts. Many of our retail stores are struggling through a down economy, and we continue to have empty store fronts throughout the village. The last thing we need is another big box store in our backyard that will siphon dollars and jobs out of Patchogue and place in jeopardy successful results we have seen over the past eight years. Shoppers from the community already have many options to take them out of our village to spend their dollars north of Sunrise Highway. Adding one more big box store so close could create a severe decline in local business. Not just in Patchogue, but Bellport, Medford and other surrounding communities as well. I ask that when making your decision, you strongly consider the negative effect that Walmart will have on these communities whose livelihood is hanging in the balance, and the severe detrimental impact it would have economic future of the development of Patchogue Village.*

Response: See response to Comment 5 above.

Comment 43:

a. Comment: *“Are we supersaturated with big box stores in Patchogue?”*

Response: The proposed Wal-Mart retail store development would be in accordance with previous commercial proposals for the project site as detailed in the Town of Brookhaven *Final 1996 Comprehensive Land Use Plan (The Plan)*. The project site is zoned for business use and therefore considered to be part of the overall blueprint for planned economic growth of the Town of Brookhaven.

b. Comment: *“what will it do to Patchogue, Bellport, Medford Chambers of Commerce, small business people...”*

Response: See response to Comment 5 above.

c. Comment: *“Are they sharing with the communities? Are they helping the communities? The last thing we need is another big box store to siphon jobs. But what can they do for us? What can they do to us?”*

Response: As stated in the DEIS, a Wal-Mart store in East Patchogue would benefit the community by generating tax revenues which could be used to support local schools and town services. A Wal-Mart store would bring job opportunities to the area, attracting employees with

competitive wages and benefits. Wal-Mart would also benefit area suppliers through local contracts for merchandise and services. Wal-Mart believes that a store at Hospital Road and the North Service Road of Sunrise Highway would be a superior location to serve the community and offer its customers the convenience of shopping for a wide range of retail and grocery products and services at competitive prices.

More specifically, in fiscal year 2013, on behalf of the State of New York, Wal-Mart collected more than \$375.8 million in sales taxes and paid more than \$108.1 million in state and local taxes. Wal-Mart stores bring significant job opportunities to the areas in which they are located and the proposed East Patchogue store is expected to create approximately 200-250 jobs. Wal-Mart offers its employees competitive wages and benefits. As of July 2013, the average wage for regular, full-time hourly associates in New York is \$13.07 per hour. The majority of Wal-Mart associates are full time. Associates are eligible for performance-based bonuses as well as Profit Sharing and 401(k) Plans. Wal-Mart also supports suppliers in the community. In fiscal year 2013, Wal-Mart spent over \$10.8 billion with suppliers, supporting 100,691 supplier jobs.

Comment 44: *...we completely disagree with the finding in chapter twelve of the DEIS, that states that it will not have any impact on the Village of Bellport or the Village of Patchogue.*

Response: Comment acknowledged. See response to Comment 5 above.

Comment 45: *As Bellport Village residents and trustees, we are opposed to the plan to develop a Walmart in East Patchogue. We support the efforts of the Bellport Chamber of Commerce to stop construction on this particular store. We have a small main street where our residents shop for groceries, pharmacy supplies, clothing, gift items, et cetera. The additional competition of a big box store would draw business away from our community, as well as surrounding areas such as Brookhaven and East Patchogue, who also support our retailers. In these trying economic times, we believe further stress placed on our businesses will cause irreparable damages to our village. There are three Walmarts within ten miles of Bellport already. There is also a Target in Medford, two Kmart's within ten miles, and other big merchandiser such as Costco, Sam's, ShopRite, Stop and Shop, and King Kullen nearby. We want to preserve our small village. And the addition of this Walmart will, in our opinion, create unneeded traffic congestion, noise, litter and potential increase in criminal activity.*

Response: The following response is tailored to address the potential impact of the proposed Wal-Mart store on the downtown business district of the Village of Bellport and is largely excerpted from Chapter 12 of the DEIS and the response to Comment 5 above. These items conclude that the proposed Wal-Mart store would not have significant adverse impacts on the downtown business district of the Village of Bellport for the following reasons:

- The Wal-Mart store would not provide most of the local services and many of the goods available in the Village downtown, including real estate, financial, medical, and other professional services, specialty restaurants, dry cleaning services, art and antiques, or

public services such as post offices, libraries, government offices, and churches. Although some of the items noted above, including groceries, pharmacy supplies, clothing, and gift items, would be sold at the proposed Wal-Mart, they are generally not of the specialty and boutique character of those sold in the downtown Village of Bellport.

- Shopping at the proposed Wal-Mart store and in the Bellport Village downtown area are fundamentally different experiences not only in relation to the range of goods and services offered, as noted above, but also relative to the location of said goods and services (all in one location vs. in many different shops), the time required to access said goods and services resulting from these differences in location, protection from the elements (all indoors vs. required outdoor travel between various shops), and ease of access to parking (close and plentiful vs. scattered and limited), among others. The proposed Wal-Mart retail center would essentially be a large department store with a grocery component akin to a supermarket. As Bellport Village does not contain a major regional supermarket, the proposed Wal-Mart would not compete with the existing markets within the Village downtown which primarily serve local area customers. Therefore, due to the significant differences in the goods and services offered and the fundamentally different type of shopping experience associated with each option, it is concluded that the proposed Wal-Mart store would not significantly impact the downtown area of the Village of Bellport.
- The proposed Wal-Mart development would be located approximately 4 miles from the downtown Village of Bellport. Due to the distance of the project site and its location and accessibility relative to the downtown area, the proposed Wal-Mart would have a minimal and insignificant impact on the downtown area of the Village.
- A different customer base would exist for the proposed Wal-Mart and the Village downtown due to the different travel patterns and routes that would be utilized by shoppers and the differences in the goods and services offered, as well as the different type of shopping experience associated with each option. The proposed Wal-Mart location would be likely to primarily attract shoppers from the larger region, rather than the local area, and would compete with other similar big-box retailers. In contrast, the downtown Village primarily draws shoppers from the surrounding communities who are seeking local small scale goods and services not available at Wal-Mart.
- The comment that the proposed Wal-Mart would “*create unneeded traffic congestion, noise, litter and potential increase in criminal activity*” is not relevant to the proposed project for the following reasons:
 - It is not anticipated that Wal-Mart shoppers would simultaneously be shoppers in the downtown area of the Village of Bellport.
 - Any increase in the unneeded impacts identified above resulting from the proposed Wal-Mart would be limited to the vicinity of the project site approximately 4 miles from the downtown Village of Bellport.
 - The identified impacts would be controlled and mitigated so that they do not have a significant adverse effect on the area in the vicinity of the project site.

Comment 48: *I lived all my life in Bellport Village, and never before have I seen so many stores that are vacant and closed. There are more stores now, ever before, that are for sale in Bellport Village. There is a family-operated grocery store that is presently going out of business and will be closed at the end of this month, that employs a number of people who -- who now will be out of a job. That has been attributed to a number of box stores in the area. We are saturated with box stores in this area. I should think that the board here would listen to the majority of the people in the surrounding areas as to their wishes, when it comes to deciding on a Walmart. Our -- our quality of life has definitely been effected by what's developed around the area.*

Response: See response to Comment 45 above.

Comment 54: *As to the economic activity that they say that they've accounted for, I would submit that both Medford, Patchogue, and Bellport is what will be severely, adversely effected. Nobody -- nobody more than Mr. Sloane knows, that there is another 45,000 feet of retail space slated for Patchogue. And all we're going to do is take one big box, and leave another big hole in our Village.*

Response: See response to Comments 5 and 45 above.

3.14 Other Suggestions/Impacts to Downtown

Comment 63: *But what of mom and pop? How can they compete in this market? I don't believe you consider that.... I'd like to say that I think that there should be a more competent transportation system, instead of building a Walmart that depletes the economy of the working people, and adds an excess of traffic in an area that should be expedient for the purposes of medical care.*

Response: See response to Comment 5 above. Regarding traffic, the analyses in the DEIS indicate that proposed mitigation measures will significantly improve traffic operations and significantly reduce queuing and delay at the North Service Road and South Service Road intersection with Hospital Road. The improved traffic operation would benefit the traveling public and also specifically benefit ambulances, medical personnel, and people seeking medical attention at the Brookhaven Memorial Hospital.

Comment 64: *To say Walmart -- will not impact downtown Bellport or Patchogue is a joke, a very sad joke. My family has a greenhouse business, has employed two generations of neighborhood boys and girls in the 48 years that we've been one block north of Main Street. And we've been proud to teach those boys and girls a heck of lot more than how to scan a bar code on something made in China. It has been proven that Walmart's -- turned downtowns into ghost towns. Also proven, Walmart pays their employees far less than small businesses, like mine. We've seen -- we've seen -- the young people we've seen grow up can't afford to live here anymore and work for Walmart. There are three other Walmarts within an average of seven*

miles away, for those people who have to stretch the buying power. Let us not reverse all the revitalization that is occurring in Bellport and Patchogue, by putting another huge nail in our small family business coffin. Put that -- put that medical complex there. That won't kill our downtown small businesses. And bring something that will -- employ all those fine young people we helped raise. Pay them enough to stay here, and continue the revitalization that's occurring. They will be able to afford the seven-mile trip, should they chose, to the -- to the nearest Walmart. Besides, don't the facts indicate that we have a glut of box stores on Long Island and an ever-rising need for better medical services? I am all about nature, and greening, and land preservation, and growing plants for food, and fun. But I'm a realist and know there is a need, especially near major highways, for services for us all. My question tonight is, do we really need another Goliath goods store overshadowing our hospital?

Response: See responses to Comments 5, 43a, and 43c above.

3.15 Alternatives

Comment 37: *I also want the alternatives. I don't think the alternatives meant by SEQRA was meant should I have a 90,000 square foot Walmart, should I have a 110,000 square foot Walmart, should I have a 130,000 square foot Walmart? That's not what SEQRA intended. They intended real alternatives in the property. Not that, oh, maybe there was one there that was a worthwhile alternative. Of course, there were two. One was no action. That was a -- that, I think we all agreed was the most worthwhile. But I -- but I think that that's a part.*

Response: The five alternatives analyzed in the DEIS were requested by the Town and are included in the final scoping document issued by the Brookhaven Planning Board on August 8, 2011.

In addition, as put forth in §617.9(v) of the regulations for the New York State Environmental Quality Review Act, the alternatives to be considered in an EIS may include, as relevant to the subject proposed action:

“a range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The range of alternatives may also include, as appropriate, alternative scale or magnitude; design; and use.”

The alternatives included in the DEIS conform with the provisions of §617.9(v) in that they include alternative scale or magnitude (size), design (building design and site layout), and use.

Comment 50: *Among the specific requests made by the union back in -- in June, were a number of additions to the alternatives to be considered as part of the DEIS. It's standard practice to include an as-of-right scenario. This DEIS does not evaluate the simple development proposal of*

what the site would like developed under the existing zoning, without any variances. And that we would really want -- want to be included.

Response: Alternative 5, presented in the DEIS, proposed the development of a 133,592 square foot medical office park. The DEIS identified this alternative as requiring the issuance of a floor area variance by the Town of Brookhaven Zoning Board of Appeals. Upon further review of the alternative plan, this is incorrect. Alternative 5 meets the zoning thresholds for floor area and a variance is not required. This plan is an as of right approval as it meets all requirements of Chapter 85- Zoning of the Brookhaven Town Code. Wal-Mart, however, is a retailer and its objective for the proposed action is to construct retail space for its retail business operations, as well as office space. Wal-Mart is not a developer of medical office space, and has no need for such space. Accordingly, Alternative 5 is not feasible, considering the objectives and capabilities of the project sponsor, Wal-Mart.

Comment 55: *The alternatives that they list in numbers -- as they mentioned numbers before in numbers one through five, include no action and a small-scale neighborhood shopping center – which we know wouldn't fit the Walmart. And number three, four and five are a 120,000 foot square buildings, as well as a 133,000 square foot building. They just gave you this in their current DEIS as alternatives, in which you requested five alternatives, excuse me, five alternatives. These are not viable alternatives. We deserve true alternatives.*

Response: See response to Comment 37 above.

Comment 34/38: *Page 180, there are alternatives in the DEIS. I would suggest that the Planning Board adopt the alternative number one, a no action.*

Response: Comment acknowledged. Alternative 1, the No-Action alternative, would not result in any potentially significant adverse impacts on the environment, but it is not considered feasible since it would not meet the property owner's or the applicant's need for development and future use of the site. In addition, the No-Action alternative would not meet the Town's objectives relative to the zoning of the property and the recommendations contained in The Plan for the site and surrounding area. The No-Action alternative would not provide any new jobs or increased tax revenues to the Town nor would it create any new shopping opportunities for the surrounding community.

3.16 Location

Comment 7: *Go to Bellport outlets!!!!*

Response: This is not relevant to the proposed action as the Applicant has no control over the Bellport Outlets properties, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 8: *PLEASE do not build a new Wal-Mart on Hospital Rd. Build it where the south Bellport outlets are, all those stores are dead. Or where the movie theatre was on Sunrise highway! Those areas are all ready for traffic and parking!*

Response: This is not relevant to the proposed action as the Applicant has no control over the Bellport Outlets or the Sunrise highway movie theatre properties, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 10: *please do not let walmart build a brand new building when one exit down their is a empty bunch of stores on station road exit with easy access from sunrise hywy.*

Response: This is not relevant to the proposed action as the Applicant has no control over the empty stores near the Station Road exit, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 13: *There is no need to destroy the wooded area in question, not with the abandoned property 2 miles down the road at the former Bellport Outlet center.*

Response: See response to Comment 7.

Comment 14: *In the town of Brookhaven there is an abandoned discount mall right off Sunrise Highway in Bellport. This is in a zone for commercial development, and probably could get grants and tax relief for restoration of this area. Does anyone have any guts to stand up to Walmart and tell them that if they must build in this area, this is the place the people want it to go.*

Response: This is not relevant to the proposed action as the Applicant has no control over the abandoned discount mall property off Sunrise Highway in Bellport, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 18: *This is a residential area that a huge department store like Wal-Mart has no business to be in.*

Response: Note that 12.27 acres of the 16.64-acre property is zoned J Business 2 District–Neighborhood Business (J2) where the proposed Wal-Mart store use is permitted as a “commercial center,” which is defined as “a retail use(s), which exceeds a gross floor area of 100,000 square feet and/or occupies a site of five or more acres”. Although the proposed 98,000 square foot Wal-Mart retail center would not exceed a gross floor area of 100,000 square feet, it would occupy a site of five or more acres. The proposed Wal-Mart store would be consistent with the uses permitted in the J2 zoning district. Approximately 3.0 acres of the site is zoned J Business 4 District–Professional and Business Offices (J4) on which the proposed 900 square foot office building would be built. The A–Residence 1 District (A1) zoned portion of the property consists of approximately 1.37 acres of land area which would remain undeveloped.

Comment 23: *The document says there is a need for a store like Walmart yet the old Waldbaums shopping center and the old outlet centers have been vacant for years.*

Response: This is not relevant to the proposed action as the Applicant has no control over the old Waldbaums shopping center and the old outlet center properties, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 36: *And this is not a conducive site. Mr. Sloane said something about, you know, the Station Road bridge having already received these accommodations. Well, we have a really blighted property on the south side of Sunrise Highway at Station Road. So I'm just curious, in all of this time and through all of this process, I have never had an explanation from why Walmart wants this site, and will not accommodate the initiatives – our blighted properties into lighted properties. They don't want to do that, they don't need to build on green. We need to adopt a policy in this Town, we're not going to build on green. He talked about underutilized and vacant property, as if such a thing was a disgraceful thing to maintain. We have a comprehensive plan that says we have a commitment to maintain open space, and I'd like to see you keep it.*

Response: Note that 15.27 acres of the 16.64-acre property is zoned for development with commercial retail and office uses and has never been designated for preservation as open space. In addition, the Applicant has no control over the property on the south side of Sunrise Highway at Station Road, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 37: *A brief review of the Walmart prepared application appears utterly lacking many major impacts and considerations, that we thought were earlier presented and were to be included. The following are crucial considerations, and they involve...economic, environmental,*

quality of life, and safety considerations -- meaning no Walmart or any huge commercial development is compatible with a residential area. ... They have 112 corridor, a wall of commercial, you have Sunrise Highway, you have the whole Horseblock Road, all the areas surrounding that are encompassing a residential area, and impacting the quality of their life. ... A 24-hour-a-day, 7-day-a-week operation, with 20-foot light stands, that's not residential quality of life.

Response: Note that 15.27 acres of the 16.64-acre property is zoned for development with commercial retail and office uses and 1.37 acres of the subject property is zoned for residential use and would remain undeveloped. Potential impacts from the proposed project on the surrounding residential areas related to hours of operation, lighting, and economic, environmental, quality of life, and safety considerations are discussed in detail in the DEIS.

Comment 52: *We do not oppose the Walmart company, but oppose the site in which they would like to build a 24-hour box store. Our Town is supposed to be committed to helping urban sprawl. There are remaining sites that are sitting unoccupied that can be taken into consideration, before yet another site is cleared.*

Response: Note that 15.27 acres of the 16.64-acre property is zoned for development with commercial retail and office uses. The Applicant has no control over other vacant properties, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 54: *My backyard is the headwaters of the Swan River. I'd start by pointing out that contrary to what is stated in the DEIS, this area is not some eclectic area. They recite that there is a Service Road, and the residences, and the multi-families nearby, and because there's a substation for the North Patchogue Fire Department, that this is some strange hybrid. This is my home. This is our community. And it consists of residences surrounding the entire site. And it should be treated accordingly.*

Response: Note that 15.27 acres of the 16.64-acre property is zoned for development with commercial retail and office uses and 1.37 acres of the subject property is zoned for residential use and would remain undeveloped. A mixture of commercial, community facility, and single- and multi-family residential uses, and vacant and/or undeveloped lands comprise the land uses within a 500-foot radius of the project site.

Comment 57: *I'd just like to read that there was a press release in 2008. Walmart applied for a location in Rocky Point, and this is from the Town of Brookhaven press release. And this is from Councilwoman Bonner. And this is her quote: Walmart's decision not to build a new store here is a victory for the residents of Rocky Point, and the surrounding community, and a victory for good planning in Brookhaven, said Councilwoman Bonner. We need to encourage businesses to*

maximize floor space in existing buildings and develop existing empty stores, instead of building on large vacant parcels, which is what Walmart agreed to do. Literally, less than a year later Walmart put in a proposal to build on a brand new green site again in the Town.

Response: Comment acknowledged. However, this is not relevant to the proposed action as the Applicant has no control over the properties containing existing buildings and empty stores, but rather is seeking to develop the subject property at Hospital Road and the NSR of Sunrise Highway.

Comment 62: *The proposed Walmart is located in a residential neighborhood with residential property on all four sides. No other Walmart in Suffolk County has been built with residential property on all four sides.*

Response: Residential properties border the proposed Wal-Mart site on only two sides. The property is adjacent to the La Bonne Vie apartment complex to the north and east. A small strip of land zoned A-1 borders the property to the southeast. This strip is not used for residential purposes. The North Service Road borders the property to the south and Hospital Road borders it to the west. An existing recharge basin also borders the site to the east, and a vacant lot, formerly a fuel station, borders the property to the southwest at the corner of Hospital Road and the North Service Road. The 500-foot radius area surrounding the project site can best be described as a mixed-use neighborhood comprised of a mixture of commercial, community facility, and single- and multi-family residential uses, and vacant and/or undeveloped lands.

3.17 900 sf Office Building/Parking

Comment 23: *The proposal of a 900 sq. ft. building on the 3 plus acre adjacent property just gain to additional parking is ridiculous and unacceptable. The building will never be habitable.*

Response: The proposed Wal-Mart project is seeking relief from the Planning Board, pursuant to Town Code Section 85-52, to facilitate shared parking between the J2 and J4 split zoning classifications of the subject property. Off-street parking for the proposed Wal-Mart store and office building would be provided on the J2 and J4 parcels in a total amount sufficient to comply with the Town's parking requirements for the Wal-Mart store and office building. The proposed 900 square foot building would be built in compliance with applicable zoning regulations and would be habitable.

Comment 36: *He says parking variance is not technical. We don't think so. I note with the DEIS that -- that New York State is not really a big part of this. It really is important.*

Response: NYSDOT is an Involved Agency under SEQRA. NYSDOT approval is required for the issuance of Work Permits for off-site mitigation. NYSDOT approval is also necessary to permit 53-foot tractor-trailer access to the site.

Comment 34/38: *I was present at the 1/4/2012 work session in regarding the Walmart application of the Planning Board. It appeared that the board was unaware that the J-2 parcel and the J-4 parcel were (not) one parcel. It's apparent to me that they are separate parcels. It was also brought to my attention that when the initial zoning took place, Regina Seltzer (phonetic) was part of the Town government, that this zoning was never to be joined together. It would always remain separate. The J-4 parcel is to add a 900 square foot office building as a phase two construction, at some time in the future. Walmart does not have sufficient parking stalls, unless the wooded acreage on the J-4 parcel is cleared and paved over. By your own numbers, they were over by approximately 27 percent. I, therefore, ask you then to deny the variance on the J-4 parcel. I would suggest that before a decision is made on this proposal, that the members of the Planning Board visit the site individually, or as a group, to get a real picture of this location and the surrounding area, rather than maps and screen projections.*

Response: From 2003 to 2010, the subject property was zoned J2. On June 15, 2010, the Brookhaven Planning Board voted to change the subject property's zoning from J2 to J2/J4/A1. Subsequently, the proposed action was changed from a 120,000 square foot retail store to a 98,000 square foot retail store with a 900 square foot office building to be consistent with the uses allowed within parcels to be developed per the zoning regulations. Because the property now has split zoning classifications, relief is required from the Planning Board pursuant to Town Code Section 85-52 to facilitate shared parking between the portion of the site to be developed with the Wal-Mart store and the portion to be developed with an office building. This relief is only required due to the Town's rezoning of the property.

Comment 34/38: *On page 101 of the DEIS it states that the cross access through the proposed gas station property would be necessary. This wasn't mentioned tonight by your Walmart people. Cross access and parking easement wouldn't enable the use of parking to the J-4 zoned lot. The J-4 zoned parcel from this parking variance was never rescheduled for a public hearing after the first hearing was cancelled. The proposed site plan shows 156 and a 560, which you all heard tonight. Therefore, the Walmart does not have the required parking, unless the Planning Board allows the acreage for the 156 stalls to be cleared on the J-4 parcels.*

Response: As stated on page 101 of the DEIS (page 87 of the revised DEIS contained in Section 2 of this FEIS), the applicant is seeking to establish a cross-access link with a proposed gasoline station at the northeast corner of the Sunrise Highway North Service Road and Hospital Road. This cross-access link has no relation to the proposed parking on the J4 portion of the property. Per the Site Plan, the proposed Wal-Mart parcel provides 419 spaces while the proposed office building parcel provides 162 spaces (147 required spaces), resulting in a total parking supply of 581 spaces. A cross-access and parking easement would be executed as the parking would be shared between the Wal-Mart store (J2 parcel) and the office

building (J4 parcel), thus providing a sufficient number of spaces to comply with the parking requirements. In addition, because the lot has split zoning classifications, relief would be sought from the Planning Board, as needed, pursuant to Town Code Section 85-52, to facilitate the shared parking arrangement set forth above.

Comment 34/38: *Page 136 site parking again notes that shared parking and cross access and the need for a parking easement from the Planning Board. Again, since the J-4 parcel only requires six parking spaces, let's not clear the additional acreage to accommodate this proposal.*

Response: See responses to Comments 34/38 above.

Comment 50: *The proposed site plans features a 98,000 square foot big box retail building, and a 900 square foot office building. The retail use has 26.7 percent parking deficit of 150 spaces, while the office use's parking surplus of 156 spaces -- which is a parking surplus of not 26.7 percent, but 2,600 percent. The numbers suggests that what is proposed is not an arrangement for shared parking, but a mechanism for circumventing restrictions imposed by existing zoning. Page 77 of the DEIS states that the proposed Walmart is proposed to be developed on land that has been specifically zoned to accommodate such a development. I'd like to highlight that the fact that it requires such a dramatic proposal for parking sharing -- and I would put those words in quotes -- indicates that the land has been specifically been zoned to accommodate such development. It does not accommodate the parking. The pairing of the 98,000 square foot retail building with an office building one percent of that size violates one of the most basic principals of land use planning and the function of bulk dimensional zoning regulations, which is to promote the development of the buildings of a compatible scale. You're looking here at a ratio of one to one hundred, in terms of scale for the two different developments on -- on the adjacent sites here. The phasing of the project with the office parking built under phase one, yet, the office building to follow it, phase two, highlights the transparency of these tactics. It's parking, not offices, that is the primary use proposed for the J-4 site.*

Response: From 2003 to 2010, the subject property was zoned J2. On March 12, 2010, a Draft EIS was submitted to the Town of Brookhaven for a 120,000 Wal-Mart store. On June 15, 2010, the Brookhaven Town Board voted to change the subject property's zoning from J2 to J2/J4/A1. Subsequently, the proposed action was changed from a 120,000 square foot retail store to a 98,000 square foot retail store with a 900 square foot office building to be consistent with the uses allowed within parcels to be developed per the zoning regulations. Because the property now has split zoning classifications, relief is required from the Planning Board pursuant to Town Code Section 85-52 to facilitate shared parking between the portion of the site to be developed with the Wal-Mart store and the portion to be developed with an office building. The parking relief is only required due to the Town's rezoning of the property. There is precedent for the Planning Board to grant a parking variance for a parcel with insufficient parking, based upon provision of a cross-access and parking agreement allowing the parcel with insufficient parking to use excess parking spaces on an adjoining parcel (see, for example, the

Planning Board's February 10, 2011 grant of approval for the Site Plan/Variance application of Tom Ryzuk @ Centereach).

Comment 51:

a. Comment: *I don't believe that the Planning Board actually has the authority to approve this application. The proposed Walmart store with 98,000 square feet is clearly in excess of what is permitted in a J-2 district. The Planning Board does not have the authority pursuant to Town Code Section 8552, nor any other section of the Town Code, nor Town law, to permit such a huge parking variance, variance that this application would necessitate. The site plan also proposes to allow parking for a Walmart on a portion of the subject parcel which is zoned J-4. A large retail center such as the proposed Walmart is not a permitted use in a J-4 district. The Town board would have to rezone this section of the property, for this proposed retail use and the parking for it to be permitted. In effect, I believe that this application actually clearly violates the intent of the recent decision of the Town board to rezone this property. If the Planning Board does adopt the site plan under -- under this existing zoning, I believe a very dangerous precedent would be set that could become a nightmare for the Town of Brookhaven. Throughout the Town, undersized commercial lots could be developed into large retail centers everywhere, shopping complexes or other intensive uses, by expanding the parking in the surrounding areas that are zoned for the less intensive purposes. Commercially-zoned properties bordering on residential districts could use surrounding residential parcels for commercial parking. This could significantly impact the characters of these neighborhoods, and eliminate important buffers which protect residential - residential communities from commercial - nearby commercial. The - - the proposed retail on the J-2 site would have to be significantly reduced, to allow for the necessary parking within the J-2 portion of the site only. The proposed building would also have to be reduced in size, so that the proper buffers are in place. For example, part of the property which abuts Sunrise Highway is zoned A-1 residential. The Town Code details setbacks, landscaping and other requirements, whenever there's a transition between residential and commercial property. The within -- within application totally ignores these requirements. And in effect, treats the A-1 residentially-zoned portion of the property as if it -- if it were zoned J-4. Simply agreeing not to develop the residential portion of the site, does not eliminate the applicant's requirement to provide proper buffers and other protections established within the Code. While most of the land use defects of this application can only be cured by the Town board with a change of zone, other aspects of it clearly require, under law, permission from the Zoning Board. And this includes the fact that the variance for the use of parking, the northern section would -- is really not an area variance request. It's a use variance request. While it's our position that this board does not have the authority to approve any of these variances -- but we would like to point out for the record that if you did, and I was wrong, you could -- it clearly does not meet the criteria that is established with such a variance. Again, it would not be considered a reasonable area variance. It is -- it is quite substantial. And again, I believe it's technically a use variance.*

Response: See the response to Comment 50 above. As described in such response, the requested parking relief is only required because the Town split zoned the subject property after a Draft EIS for the project had been submitted while the subject property was uniformly zoned J-2.

Approval by the Planning Board would address this unique circumstance – the split zoning of property during a pending development application and ongoing SEQRA review process. Moreover, as noted in the response to Comment 50 above, there is precedent for the Planning Board to grant a parking variance for a parcel with insufficient parking, based upon provision of a cross-access and parking agreement allowing the parcel with insufficient parking to use excess parking spaces on an adjoining parcel. Also, while the subject property was uniformly zoned J-2, the DEIS presented as Alternative 5, a 133,592 sf as of right development, which included the development of a 25,641 sf medical office building on the J-4 parcel and the development of a 107,951 sf medical office building on the J-2 parcel. This development would involve 34,692 sf more building area than the proposed action and, thus, generate more traffic, water and sewage usage, and utility demands than those that would be related to the proposed action.

The building setback to the A-1 Residence parcel is approximately 64 feet which exceeds the minimum rear and side yard requirements for that zone. Brookhaven Town Code §85-10 states the following as related to the transition between residential and business districts:

A. Lots in business or industrial districts adjacent to a residential district. Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district. In addition, in order to screen and protect nearby residential uses, the Planning Board of the Town of Brookhaven may require the construction and maintenance of a planting strip of evergreens or other plants or the construction and maintenance of a substantial sightly fence not less than four feet high in such location as the Planning Board directs.

Also, Brookhaven Town Code §85-50 states that “A minimum perimeter buffer area of 75 feet adjacent to any residential use or zone, with a density and quality of plantings equal to five rows of evergreen plantings seven feet high and five feet on center shall be required in connection with a commercial center occupying a site of five acres or more.”

The proposed J-2 parcel complies with the required 75 foot buffers in accordance with the applicable conditions and restrictions. The Town has reviewed and accepted the buffers. An additional row of plantings would also be provided as shown on the Site Plan.

Brookhaven Town Code §85-10 further provides:

D. Parking areas and driveways abutting a residence district. Whenever an off-street parking area or a driveway to an off-street parking area is hereafter established in other than a residence district so as to abut the side or rear line of a lot in a residence district, a solid evergreen planting strip or a substantial sightly stockade-type fence not less than four feet high and not more than six feet high shall be constructed and maintained along

said side or rear lot line up to but not beyond the setback building line; provided, however, that where any use or district regulation requires a greater requirement, the greater requirement shall govern. In all districts, the lighting, including any permitted illuminated sign, on any off-street parking area or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or residence districts.

In lieu of a stockade fence or single solid row evergreen planting strip, the 50 foot and 60 foot buffers provided in the J-4 parcel and the 75 foot buffer provided on the J-2 parcel provide screening that exceeds the requirement. The site lighting complies with Town requirements and there would not be any glare or light trespass onto the residential property.

b. Comment: *This application will be a detriment to the health, safety, and welfare of the neighborhood. It would put a big box store that would operate, according to what I've read, 24 hours, seven days a week, next to a large residential area. It will have a major impact on the nearby hospital emergency services, and as well as fire services. The proposed site plan will clearly be an undesirable change that will be a detriment to the surrounding properties in the neighborhood.*

Response: Potential impacts from the proposed project on the surrounding residential areas related to hours of operation, lighting, and economic, environmental, quality of life, emergency services, and safety considerations are discussed in detail in the DEIS. Due to the numerous mitigation measures incorporated into the design of the project, it would not result in any significant adverse impacts on the surrounding residential areas or on the provision of hospital emergency or fire services.

c. Comment: *Clearly, there are other methods in the applicant could employ to reasonably develop the property in accordance with the existing zoning. A commercial use and an office use could be made for the subject property, which would meet all criteria of the existing zoning, and be accomplished by any variance relief necessary. And finally, I just want to say, as Ms. Eisenberg pointed out, they have not looked in terms of alternative developments of – of building the site in conformance with the existing zoning. And I think they have an obligation to do that. Again, they could build a smaller retail, some -- some office. And I think the result of that would probably allow them to have their access through Sunrise -- through Sunrise Highway, which would take the traffic off of Hospital Road all together, and not impact the hospital, and the fire station, and the residents, as much as this does.*

Response: Alternative 5, presented in the DEIS, proposed the development of a 133,592 square foot medical office park. The DEIS identified this alternative as requiring the issuance of a floor area variance by the Town of Brookhaven Zoning Board of Appeals. Upon further review of the alternative plan, this is incorrect. Alternative 5 meets the zoning thresholds for floor area and a variance is not required. This plan is an as of right approval as it meets all requirements of

Chapter 85 – Zoning of the Brookhaven Town Code. Wal-Mart, however, is a retailer and its objective for the proposed action is to construct retail space for its retail business operations, as well as office space. Wal-Mart is not a developer of medical office space, and has no need for such space. Accordingly, Alternative 5 is not feasible, considering the objectives and capabilities of the project sponsor, Wal-Mart.

Comment 54: *I point out that the -- that this 900 foot office building is nothing but a parking subterfuge, as has been pointed out before. And I would I ask the board to deny this on that basis alone.*

Response: See response to Comments 23 and 34/38 above.

Comment 55: *This development -- and this is quoted from the DEIS -- is anticipated and allowed by existing zoning. That statement is incorrect, as right here we are sitting here and J-2 and J-4 zoning is not existed zoning for the 500 and something parking spaces that they need. They need the variance. So their statements, many of the statements in the DEIS, are simply false. They have an obligation, when they write that DEIS, to not only you, but the residents in the community as well as the business owners, to provide accurate and realistic information. As far as the – as far as the J-2 and J-4, J-4 zoning for the 900 square foot building would require, as code – from what I've read -- zoning, would require nine parking spaces. It's approximately one parking space to every 150 square feet of gross building floor for office use. They have slated 162 spaces for that lot. So I just simply don't understand. That's a huge difference in parking. And again, they need the variance from the Planning Board, and from you -- from you guys, to have this go through. That Walmart simply, on the J-2 parcel, cannot be built without this variance and approval for 162 parking spaces on the J-4. So I again ask that – that they're saying this is the existing. And they -- they have as-of-right, that -- that's not -- that's not an existing zoning. They need the variance.*

Response: See response to Comments 34/38 above.

Comment 57: *The way I look at it is that the proposed J-2 parcel is short 150 parking spaces. And, you know, according to Brookhaven Town Code that's what they need to be able to put that size store in that location. So to me it's pretty simple that this board can deny the request and the variance to the parking. According to Article 8552 of the Brookhaven Town Code, I quote, the Planning Board is hereby authorized to grant a reasonable area variances in connection with the site plan application. In my humble opinion, I do not think that the applicant's request for a variance is reasonable at this time. And I ask the board to deny their request.*

Response: See response to Comments 34/38 above.

Comment 62: *First one, the 900 square foot building on -- on three-plus acres just to gain additional parking is ridiculous, and to me unacceptable. The Town board rescinded this original zoning, so that this could not be done.*

Response: See response to Comments 23 and 34/38 above.

3.18 Stormwater

Comment 6: *Based on my review of the above referenced document, I find the proposed plan to treat and retain post-construction stormwater runoff to be insufficient. The proposed plan fails to take a holistic approach to stormwater management which must include detention, infiltration, treatment and runoff reduction. The proposed plan indicates that 89, 12-foot diameter drywells will be used to store stormwater runoff on site, with a piped system of catch basins overflowing into these drywells. The required containment, as calculated in the report is 183,027 CF. Drywells will provide 85,041 CF of storage with catch basins providing 117,406 CF in pooling. The use of drywells by themselves as an infiltration practice may be adequate for storage and containment, but they do not provide for reduction or filtration of pollutants such as those generated from a commercial parking lot. The report references the use of green practices as stated in the New York State Design Manual, but no specific practices were identified. Infiltration practices combined with treatment devices should be considered for a project of this size and scope. The applicant is advised to consider the following practices in development of this site: an underground stormwater detention system below the parking lot area; bio-filter tree boxes in the landscaped areas of the parking lot; pervious asphalt in the parking lot, or in select sections of the parking lot; permeable pavers along all walkways; rain gardens for the capture and treatment of stormwater overflow; a green roof to minimize roof runoff; downspout filters for the treatment of roof runoff on all roof drains; and rain barrels for use in irrigation. Any combination of these practices will satisfy the need to keep all runoff on site and provide adequate protection to groundwater and the Mud Creek watershed. If the applicant chooses not to use any of the suggested practices, then documentation should be submitted to the Town indicating from an engineering perspective, why these are not viable options for this site. The applicant should also be advised that this project will require a full SWPPP, and under SWPPP regulations, no more than ten acres may be disturbed at any one time.*

Response: The proposed drywell system would perform as a retention system for stormwater in accordance with Town requirements. Detention systems typically have a restricted discharge to a municipal storm system that abuts a property being developed. This is not feasible for this site as there is no such system available. Chapter 3 of the NYS Stormwater Management Design Manual indicates that drywells are an acceptable green infrastructure practice for infiltrating runoff when designed in accordance with Chapters 4 and 6 of the Manual. The drywells are used to infiltrate runoff from the building roof and the parking lot. The parking lot runoff is collected in catch basins to separate out impurities prior to going into the drywells. In addition, rain gardens appear to be feasible and would be provided in two of the long islands in the front parking area. Also, Chapter 8 of the DEIS lists the Stormwater Management Practices

implemented in reducing runoff generated by the project. As indicated in Chapter 4 of the DEIS, a SWPPP that meets applicable regulations would be provided.

Comment 54: *The DEIS acknowledges that there's a depression on the property that's going to be developed, that -- and I -- I've got to quote this -- it serves as a recharge -- I'm sorry. It serves as a relief point for the recharge basin that is located on an adjacent property. They're talking about this adjacent property like it's some place in Mars. It's their property that they control -- and they're going to let the runoff -- it's now going to go into this depression, to then spill over onto the North Service Road, and should not be permitted.*

Response: The adjacent property is to remain in its existing state. Runoff generated by the areas of proposed development on the site would be retained on site thereby reducing the runoff that goes onto the North Service Road. A portion of the rear buffer area that currently runs off towards the North Service Road will continue to function in this manner.

As stated on page 3 of the DEIS:

“Stormwater runoff generated from on-site pavement, roof surfaces, and landscaped areas would be directed toward and collected in a system of drywells on the property so that there would be no overland runoff from the developed area onto adjacent properties or roadways in the vicinity of the subject site.”

3.19 Environmental Impacts

Comments 9: *The existence of the store would...eliminate pristine environment....*

Response: Comment acknowledged. Approximately 11.21 acres of existing vegetation on the project site would be cleared for the development of the proposed Wal-Mart retail store and office building. Approximately 5.43 acres of the vegetated portion of the property would remain undisturbed. Upon completion of the project, approximately 7.27 acres (43.7%) of the property would be vegetated with natural and supplemental plantings.

Comment 13: *One of the very reasons that I moved from the town of Islip (where I grew up) to Brookhaven was the abundance of natural habitats and wildlife that exist out here. If this project goes through, gone will be the wild turkey, deer and other assorted wildlife that we see roaming the area.*

Response: Comment acknowledged. Wildlife species that were observed to be present, or are expected to be present based on the size of the subject parcel and its surrounding woodlands as well as the existing vegetation habitats, included the Chipping Sparrow, Black-capped Chickadee, Downy Woodpecker, Eastern Chipmunk, Little Brown Bat, and White Footed Mouse, among others. The project site does not contain any rare, endangered, or unusual vegetation or wildlife species or any high quality habitat.

Although the clearing of vegetation within the central portion of the property would result in the loss of some habitat, on-site and contiguous woodlands would provide suitable, similar habitats. Upon completion of development, a significant amount of contiguous woodlands would remain on-site. As such, no significant adverse impacts are expected to on-site vegetative communities or habitats.

Comment 37: *The immediate and distance north, east, south and west environmental impacts along the impaired Swan River, which goes into the Great South Bay, they weren't fully addressed in there. There's hatchery areas -- we're doing a Carmen's River study to up to 100 or 200 years of the water shed. What about the water sheds there for the Swan and the Patchogue River, that's down on North Ocean Avenue? Those types of things were not really discussed. Or Fish Thicket and the under study, you have buffers that are 65 feet. The under study, the light intrusion will bring invasive species, and everything else, and change the character above the distant, more distant Fish Thicket.*

Response: Nearby environmentally sensitive areas would not be affected by the proposed project. Swan River is located approximately 4,000 linear feet or 0.75 miles from the project site. The NYSDEC provides a Wetland Check Zone of a 100 foot buffer surrounding the river. The project site is well outside this boundary. Additionally, Fish Thicket Preserve is located approximately 1,500 linear feet or 0.28 miles from the project site and will not be impacted by the proposed development.

Comment 44: *Two, wildlife. The Environmental Impact Assessment is deficient, because very little was observed on which to perform an impact assessment. The cumulative impact assessment does not really take a hard look at the collective loss of habitat and loss of wildlife corridors. The writer of the EIS casually mentions a list of species. But the list does not distinguish those that were actually observed and those expected to occur on the site. It was not done.*

Response: The table included in the DEIS is a list of wildlife species that were observed to be present or are expected to be present based on the size of the subject parcel and its surrounding woodlands as well as the existing vegetation habitats as inventoried on May 10, 2007. This is standard practice as there is no single time of the year when wildlife species using the site would all be present to be observed at the same time.

As noted in the response to Comment 9 above, approximately 5.43 acres of the vegetated portion of the property would remain undisturbed. Undisturbed areas would include buffers to the adjacent La Bonne Vie II apartment development, Hospital Road, and the North Service Road. The +/-70' wide strip of the subject property that extends easterly along the North Service Road to Sipp Avenue would also be preserved as undisturbed vegetated area. The preservation of these areas together with the addition of new vegetation on the site would replace a portion of the existing wildlife habitat on the property.

As noted in the response to Comment 37 above, the project site does not contain any rare, endangered, or unusual vegetation or wildlife species or any high quality habitat.

Comment 52: *The Environmental Study and the Traffic Study that was done was conducted by the same company, which we feel is a conflict of interest. We ask that the Town conduct its own study. The environmental study that was completed was done prior to the time where many animal species, and, or plant life were present due to the seasons and the time of year. Animals and vegetation that were not -- were supposedly not present, would not be seen at that time when the study was concluded.*

Response: The Town of Brookhaven Planning Department, on behalf of the SEQRA Lead Agency, has reviewed and commented on the DEIS. SEQRA requires the applicant to prepare its own studies. The environmental study and the traffic study were not conducted by the same company. However, if they were conducted by the same company it would not be a conflict of interest. As noted in the response to Comment 44 above, the project site was inventoried in the month of May, when many wildlife species would be present on the site. The table included in the DEIS is a list of wildlife species that were observed to be present or are expected to be present based on the size of the subject parcel and its surrounding woodlands as well as the existing vegetation habitats. This is standard practice, as there is no single time of the year when wildlife species using the site would all be present to be observed at the same time.

3.20 Sewer Capacity

Comment 36: *The...La Bonne Vie residence, they are going to allow the sewer plant. And they've got 20,000 extra gallons of sanitary flow. The reality is that that sanitary flow will reduce the cost of the residents of La Bonne Vie of upgrading their own sewage plant. He doesn't mention how many times over the last 25 years, Medford Seven was out of compliance. And that is significant, and you can see that in Suffolk County's groundwater discharge study, that was just recently completed.*

Response: The sanitary flow to the sewage plant was allocated when the plant was designed. The sewage plant is maintained by Suffolk County. The capacity at the sewage plant was acknowledged in the Letter of Sewer Availability in Appendix H of the DEIS. This letter, along with a July 8, 2011 letter from the Suffolk County Department of Public Works confirming capacity, are included in Appendix F of this FEIS.

Comment 37: *The Health Department, as MaryAnn said, about the latest sewage on treatment plants that are mostly out of -- out of compliance, period. We don't need to add additional to that. As part of our review, a major cumulative impacts statement of the original La Bonne Vie application ought to be initiated and included.*

Response: See response to Comment 36 above.

Comment 44: *Six, the sewage treatment plant Walmart plans to tie into, needs to be evaluated by a third party for operational and capacity issues.*

Response: See response to Comment 36 above.

3.21 Water

Comment 23: *The document mentions how water run off will go into catch basins and into our ground water. It does not mention the effects to the drinking water. All of the homes on Hospital Rd., and several of the homes on Barton and Woodside Ave.'s have well water.*

Response: Based on the publication, "Water Table Contours and Locations of Observation Wells in Suffolk County, N.Y., March 1999," from the Suffolk County Department of Health Services, the flow of groundwater is away from the roads mentioned in the comments so the wells of the homes mentioned will not be affected by the runoff from the development.

Comment 34/38: *Referring to page 168 of the DEIS regarding site storm water runoff, a system of dry wells is proposed. The water will leach into the ground water table and then continue in the southerly direction towards the Great South Bay. Suffolk County Water Authority has a well within a half mile of this -- this proposed site.*

Response: The stormwater collection and drywell system is an acceptable means of filtering and recharging runoff into the groundwater system.

Comment 44: *Groundwater, no analysis was done. The EIS cites a number of Suffolk County Water Authority public wells as being located along Hospital Road. However, no analysis is done to determine if either the sewer effluent outfall or storm water runoff directed in the dry wells, is located in the swap area, or will run into the swap area. The EIS does not address the draft Suffolk County Comprehensive Resources Water Management Plan, which indicates that Suffolk's groundwater nitrate levels have dramatically increased over the past 20 years.*

Response: Nitrates would be managed in accordance with the County's Groundwater Management Plan by connection of the proposed sewer to the Suffolk County Sewer District #7.

Comment 60: *And also, should there also be a special insurance set up, should there be water contamination or any other disasters that might occur? With these big stores, they should provide some kind of insurance policy. For example, with BP and the oil spill, these large, large corporations shouldn't just say, oops, sorry. It's, you know, now the Town's problem.*

Response: This comment is not related to the design or environmental impacts of the project, and is thus beyond the scope of SEQRA review.

Comment 61: *With regard to alternate uses, Walmart cannot use the 120,000 square foot, nor the 133,000 square foot, they proposed as an alternate use, because that's not acceptable. We already know that. So I don't know how they can get that into the DEIS. The property does not allow for that use. So, you know, they might as well as say either 500,000 square foot is an alternate use. It -- it the -- the property does not allow for it, so it cannot be an alternate use. So the DEIS is flawed. Suffolk County sewer on -- on Hospital Road cannot and does not have the additional capacity. The DEIS is relying on old information and old promises. And I'll submit the letter that I have from the Suffolk County Department of Health Services, saying that they do not have the capacity at the plant for this project. Storm water, dry wells, pesticides chemicals, vehicles, oil, grease, antifreeze, that's going to leak into the parking lots. It's going to go into the dry wells. Suffolk County Water Authority letter with regards to a development that was right next door to the -- the proposed Walmart states the Fox Craft [sic] -- Foxcroft Lane Pump Station directly south from the proposed project, contaminates discharged into the groundwater will show up within two to five years according to the SWAP groundwater models. This is because Foxcroft wells are shallow public drinking wells. These wells supply steamed fresh drinking water to thousands of residents within the proposed building site area. Quote, it is important that Brookhaven Town recognize the clear relationship between land use at the surface, which you control, and the impacts on the subsurface sources of our drinking waters supply. Quote, it is not just a Health Department problem it is everybody's problem. Quote, I urge you to deny or hold in abeyance. Until these matters are resolved. Suffolk County Water Authority CEO Steven Jones.*

Response: a. Alternatives – As noted in the response to Comment 37 under the Alternatives section above, the five alternative analyzed in the DEIS were requested by the Town and are included in the final scoping document issues by the Brookhaven Planning Board on August 8, 2011.

In addition, as put forth in §617.9(v) of the regulations for the New York State Environmental Quality Review Act, the alternatives to be considered in an EIS may include, as relevant to the subject proposed action:

“a range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor. The range of alternatives may also include, as appropriate, alternative scale or magnitude; design; and use.”

The alternatives included in the DEIS conform with the provisions of §617.9(v) in that they include alternative scale or magnitude (size), design (building design and site layout), and use.

The capacity at the WWTP was acknowledged in the Letter of Sewer Availability in Appendix H of the DEIS. This letter, along with a July 8, 2011 letter from the Suffolk County Department of

Public Works confirming capacity, are included in Appendix F of this FEIS. The stormwater collection and drywell system meets local Town, County and State requirements. The Health Department and Water Authority letters mentioned in the comments above were not provided to the applicant.

Comment 62: *The document also mentions how water runoff will go into 89 catch basins, basically getting into our drinking water, and that is not in the special groundwater protection area. But it doesn't mention the effects to our drinking water. All of the homes on Hospital Road, and several homes on Barton Avenue, and Woodside Avenue, have well water -- not mentioned in this proposal.*

Response: See response to Comment 23 above.

3.22 Ecology

Comment 44: *One, ecology. The following was not included in the impact study. Plant, species dominance, abundance, especially in the tree layer, age, species composition, heights and diameters of trees. Also, certain types of rare plant species that can only be identified by either their flowers or fruits, as plant species, flowers and fruits from mid- to late-spring, to early summer, or in the early fall. These are the time periods in which observations should have been conducted and were not. In regard to the proposed buffers of existing vegetation to remain, no mention is given if they will limb the trees -- cut off the lower branches -- and remove all the understory and ground cover of the site. Furthermore, any re-vegetation which is done is not addressed as to whether only Long Island native plant material will be used....*

Response: An ecological discussion was provided in Chapter 9, Ecology, of the DEIS. The site was walked by a Registered Landscape Architect on May 10, 2007. This date fell within the mid- to late spring timeframe suggested by the commenter. In addition, Chapter 9 indicated that the dominant tree species found on the site are Pitch Pine, Black Pine, and Oak. Refer to Tables 9-1 and 9-2 of the DEIS for a listing of species and average calipers of the trees on the property. Inventorying specific species composition, heights, and diameters of plantings is beyond the scope of the DEIS. Also, as indicated in the DEIS, the project site does not include any rare, endangered, or unusual species of vegetation.

In addition, the Town of Brookhaven's Division of Environmental Protection has identified the following list of species in the flagged wetland area and provided related observations.

Plant Species Observed:

- Cattail (*Typha latifolia*) OBL [previously observed by DEP]
- Red Twig Dogwood (*Cornus sericea*) FACW+
- Highbush Blueberry (*Vaccinium corymbosum*) FACW

- Goldenrod (*Solidago spp.*) FACW
- Shadbush (*Amelanchier canadensis*) FAC

Animal Species (Expected)

- American Bullfrog (*Lithobates catesbeiana*)
- Green Frog (*Lithobates clamitans*)
- American Toad (*Bufo americanus*)
- Spring Peeper (*Pseudacris crucifer*)
- Gray Tree Frog (*Hyla veriscolor*)
- Various Dragonfly species (order *Odonata*)
- Red-winged Blackbird (*Agelaius phoeniceus*)
- Various migratory warblers (*Setophaga spp.*)
- Various small mammals (and deer) as well as other migratory and resident species of bird

Other Observations:

- Presence of stained leaves/soils.
- Topographic depression consistent with a "Surface Water Depression Wetland" where the wetland exists due to the presence of surface waters (with groundwater having little to no influence) which in this case are a result of moderate to severe storm events.
- A large diameter concrete outflow pipe is located in the western portion of the basin and is the source of virtually all freshwater input.

In regards to the buffer areas, they would be cleaned of any debris that exists. There may be minor maintenance performed, such as pruning broken and/or dead limbs off of the existing trees and cleaning up broken branches and foliage on the ground but, otherwise, the intent is for the natural buffer areas to remain in their natural state.

As stated on page 164 of the DEIS (page 156 of the revised DEIS contained in Section 2 of this FEIS), the project site would be landscaped using native plants in accordance with the Landscape Schedule provided on the approved plans. These would be provided based on Xeriscape design methods which encourage water conservation appropriate to the local climate by reducing water requirements. Native, drought-tolerant, plants can and should be substituted in commercial designs based on their ability to withstand long periods of drought and reduced need for overall maintenance. As with energy-saving methods in buildings, this method helps create a more sustainable landscape. Typical landscape clean-up and maintenance would be provided to maintain the plantings.

3.23 Climate Change

Comment 44: *Climate change. The EIS does not include climate change analysis, which is now required by New York State in all environmental impact studies, as it relates to greenhouse gases and climate change.*

Response: See the Air Quality Technical Report prepared by Sandstone Environmental Associates, Inc contained in Appendix E of this FEIS.

3.24 EMS impacts

Comment 37: *They didn't mention emergency services for Medford, for the ambulance and the firehouse. They only did one fire department.*

Response: The DEIS discusses the North Patchogue Fire Department because it lies opposite the property in question and the proposed site driveway would lie directly opposite the emergency egress driveway for the Firehouse. Discussion of other emergency response facilities was not a requirement of the approved DEIS Scope.

Comment 60: *I wondered if anyone is aware whether Walmart will be providing their own security for this 24-hour store, or will we be relying on our local police with all the – the various crimes that may be committed?*

Response: As stated on page 88 of the DEIS (page 74 of the revised DEIS contained in Section 2 of this FEIS), Wal-Mart is committed to the security of its stores, providing safe shopping and work environments for its customers and employees. Wal-Mart stores are designed so that all egress doors are activated from the inside out. Buildings have 360° camera surveillance inside the store, on all exterior walls, and in the parking lot. Cameras are monitored inside the store's security room, which is staffed 24 hours, 7 days a week. Security staff also conducts regular foot patrols through the store and in the parking lot.

3.25 Cumulative Lighting

Comment 36: *Cumulative lighting I understand that they are having sodium – sodium lights, and they fully comply with Chapter 39. I would like however for them to have done a cumulative analysis, because we do have St. Joseph's athletic fields, that are directly south of this, southwest. And they are not complying with the Town. This board granting a variance for that lighting. And those lighting structures are significantly higher. So when you look at a cumulative impact on something like Fish Thicket, in terms of light, you need to really examine the entire area. We have an expanding hospital center that's there. That is -- it's really one of those areas that from my house in Mastic, I can see that area. It's a glow against the sky. So that's important.*

Response: As explained on page 72 of the DEIS under the discussion of Brookhaven’s “Dark Skies” Lighting Code, the project’s lighting configuration is consistent with Illuminating Engineering Society of North America (IESNA) standards for safety and is compliant with IESNA “Dark Sky” guidelines and Article XXXIX (§85-463 through §85-475) of the Brookhaven Town Code, which details the Town of Brookhaven’s exterior lighting standards. Site lighting would be designed with dark sky compliant lighting fixtures so that the potential for adverse impacts from fugitive lighting, both on wildlife as well as on adjacent properties, would be minimized. Photometric analyses would be performed to ensure that there would be no lighting impacts to adjacent properties or wildlife. The proposed photometric plan shows no light trespass at the property lines. As shown on the Lighting Plan (See Exhibit 3-2), the proposed project would meet or exceed all requirements, including all minimum, maximum and average foot-candles, of the Town lighting standards.

The proposed Wal-Mart retail store would operate 24 hours a day, seven days a week. Parking lot lighting during late night hours would typically be limited to store entrances and paths to the front door from the most preferred parking stalls. All other areas not in use would be lit according to the safety conditions set forth in the IESNA standards. As there would be no light trespass at the property lines of the project site, a cumulative lighting analysis would not be needed.

3.26 Jobs

Comment 13: *Walmart is not going to create the types of jobs that Long Island needs. They are going to create part time minimum wage jobs; not what we need. If unemployment is a problem the last thing we need is another place to spend money, not when heating oil costs over \$4.00 a gallon.... We need to attract the right businesses and create the right jobs so that retailers like Macys and Bloomingdales want to build stores, not low scale stores like Walmart.*

Response: Comment acknowledged.

Comment 37: *Where is also the workers that are in Walmart, hey, they're not high-paid workers. Some of them don't even have transportation. They'll end up exactly in the housing around us, where we have illegal multi families. It'll only -- it'll only perpetuate that circumstance. It will also perpetuate down zonings along Woodside Avenue, that wasn't included in. We've already had a few. And it looks like a couple of those pharmaceuticals, you know, the Walgreens, and the Rite Aid on the corner maybe they will go too, because they opened up the one on Horseblock. So we need a full understanding of what you are doing on that, how it economically could effect us. And -- and that's not being shown.*

Response: As stated in the response to Comment 43 above, a Wal-Mart store in East Patchogue would benefit the community by generating tax revenues which could be used to support local schools and town services. A Wal-Mart store would bring job opportunities to the area, attracting employees with competitive wages and benefits. Wal-Mart would also benefit area

suppliers through local contracts for merchandise and services. Wal-Mart believes that a store at Hospital Road and the North Service Road of Sunrise Highway would be a superior location to serve the community and offer its customers the convenience of shopping for a wide range of retail and grocery products and services at competitive prices.

More specifically, in fiscal year 2013, on behalf of the State of New York, Wal-Mart collected more than \$375.8 million in sales taxes and paid more than \$108.1 million in state and local taxes. Wal-Mart stores bring significant job opportunities to the areas in which they are located and the proposed East Patchogue store is expected to create approximately 200-250 jobs. Wal-Mart offers its employees competitive wages and benefits. As of July 2013, the average wage for regular, full-time hourly associates in New York is \$13.01 per hour. The majority of Wal-Mart associates are full time. Associates are eligible for performance-based bonuses as well as Profit Sharing and 401(k) Plans. Wal-Mart also supports suppliers in the community. In fiscal year 2013, Wal-Mart spent over \$10.8 billion with suppliers, supporting 100,691 supplier jobs.

Comment 42: *I raise the following question about jobs. There are 200 to 250 jobs that are claimed to be developed by having these stores. Have we considered how many jobs are destroyed, when big box stores come in and put small businesses out of business? Nobody has presented these numbers here. If you decide not to take a No Action, then I suggest that what the Town should do is hire an economist or a sociologist from Stony Brook, to examine the literature on the subject and see what the concept -- the downside consequences are, when a big box store like Walmart comes in, how many jobs are actually destroyed?*

Response: The DEIS demonstrates that the proposed Wal-Mart store would not have any significant adverse impacts on the businesses and jobs in the downtown Villages of Bellport and Patchogue (see response to Comment 5 above). As the proposed Wal-Mart would be located on a currently undeveloped parcel with no retail uses in close proximity, no direct or indirect displacement of businesses or jobs would occur.

Comment 47: *Another issue is that most of their employees cannot afford their health care, three-quarters can't afford it as a matter of fact. And that creates a problem for the community, because many of them have to rely on public assistance, which taxes all of us.*

Response: Wal-Mart insures more than 1 million people in the US, offering medical plans for as little as \$15 a month. All plans include 100% coverage for eligible preventive services like annual checkups, immunizations and more when associates visit network providers. Wal-Mart's health plans exceed the requirements of the health care reform bill passed in 2010.

3.27 Wages

Comment 60: *And -- and someone also brought up the fact that Walmart does not pay decent wages to the workers. There are -- there are reports that they typically pay 27 percent less than*

other retailers. And as far as health insurance as well, they -- they pay 27 percent less for their employees for health insurance. And I have some documented numbers, so that's the reason I am against Walmart coming in here. I don't think it's going to benefit our community....

Response: See response to Comments 37 and 47 above.

3.28 Sales Tax

Comment 47: *We would...love to see an economic survey done.... And I think that the board should be aware of all the problems that Walmart may bring to this area. One of the most important facts are 84 percent of the sales tax that they bring in, comes from other merchants in the neighboring areas. And I think that's very important.*

Response: Per Wal-Mart's website, www.walmartstores.com, Wal-Mart collected on behalf of the state of New York more than \$366.3 million in sales taxes in FYE 2012 and paid more than \$106.3 million in state and local taxes in the state of New York in FYE 2012. In 2011, Wal-Mart stores, Sam's Club locations, and the Wal-Mart Foundation, as well as their customers and associates, gave more than \$31.2 million in cash and in-kind donations to local organizations in the communities they serve in the state of New York.

3.29 Property Value

Comment 19: *Please stop walmart in E Patchogue will ruin my property value even more than it already is....*

Response: Section C, Item 9, on page 118 of the 2010 SEQR Handbook reads as follows: "Purely economic arguments have been disallowed by the courts as a basis for agency conclusions when concluding a SEQR review by developing Findings. Therefore, potential effects that a proposed project may have in drawing customers and profits away from established enterprises, possible reduction of property values in a community, or potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors." Analysis of the proposed project in relation to local property values is, therefore, not appropriate in this FEIS.

Comment 37: *Taxing, the real benefit is sales tax, which helps the Town and helps the County. But it doesn't help the values of the homes. Where is the assessment of how nice is your property is going to sell next to a Walmart? Where is that?*

Response: See response to Comment 19 above.

Comment 65: *...The issue is none of the Walmart representatives live on Barton Avenue, Hospital Road, or other local roads to this project. Over the last 42 years, I had fought for sidewalks, stop signs, and speed patrols, and have been successful. We already have large truck and overflow traffic problems on our streets. I know for a fact that someone is selling their home has lost three buyers, when they heard about the Walmart plan. We have invested our lives into our homes and face at losing our homes losing their value....*

Response: See response to Comment 19 above.

3.30 Quality of Life

Comment 40: *...I do feel just as passionately about this, because it effects the quality of my life. Some time ago this was designated industrial business. But today this is a residential neighborhood. Indeed, it's a community. This is not the place to drop an industrial sized 24/7 box store real – retail establishment, another supermarket and medical center. Although, the traffic they're describing, I think we might need a medical center on the north side of Sunrise Highway - - to get to the Brookhaven Memorial. Development here of a super shopping center will inject more traffic, light, and noise pollution into our community. Our roadways cannot support the construction and commercial traffic now. That is why commercial traffic is restricted on Hospital Road to local deliveries only. 16.64 acres of woodland is precious. Any destructions of woodlands for yet another shopping center in Brookhaven Town is not acceptable. The impact on land, home, and roads will be more damaging to this neighborhood's quality of life, than any convenience gained by yet another shopping center. I am requesting that this board re-review the DEIS action they took, allow the Brookhaven Town engineers to review the applicant's traffic proposal, and let New York State DOT weigh in their options, and the applicant to please choose no action at this site, and go away from this neighborhood. The jobs will follow you.*

Response: The property is zoned for the proposed use. Based on the Town of Brookhaven Town Code, the portion of the project site on which the proposed Wal-Mart store would be constructed is zoned J Business 2 District – Neighborhood Business (J2). The proposed store would be considered to be a commercial center, which is a permitted use in the Neighborhood Business (J2) district. The proposed project has been designed in conformance with the zoning of the subject property and also with sensitivity to the surrounding residential areas through the preservation of vegetated buffer strips, shielding of lighting, location of noise producing features of the store away from residential neighbors, etc.

Comment 41: *From the DEIS on page 158 along with six other proposed developments with the Walmart, the DEIS states that the only potentially significant impact will be traffic, but that this can be controlled and mitigated by the proposed roadway signalization and other improvements. So it just seems to me that one of the rationals of this project is being based on improvements that don't exist. And this concerns me. Also, the DEIS admits that the traffic on eastbound Fish Thicket Road is going to be impacted, because of the increase of traffic on Hospital Road, if a Walmart is built. And that concerns me, because I live on the east end of Barton Avenue, which intersects to Fish Thicket Road, and I travel on Fish Thicket Road all the time. And with just a*

stop sign regulating our exit from Fish Thicket Road and our entrance into Hospital Road, that apparently is going to take even me longer to get out onto Hospital Road. And therefore, I feel my quality of life is going to be effected.

Response: The project proposes the construction of traffic mitigation measures that are calculated to not only mitigate the traffic associated with the proposed development but also to improve the traffic on Hospital Road in comparison to the current situation. An improvement is proposed at the intersection of Fish Thicket Road and Hospital Road. The applicant has agreed to put the funds necessary to implement the proposed mitigation into an escrow account to cover its obligation. This will allow the Town of Brookhaven to observe the nature of traffic impacts, if any, at this location prior to implementation.

Comment 58: *The proposed Walmart site is within 500 feet of my property. My house and -- and in terms of it has a direct effect on me, my family, and my community, as well as my neighbors and their quality of life. I am submitting a -- a petition for your review. I have 349 -- petitions from residents that live in the direct site of -- area of where Walmart is proposed to be building.*

Response: Comment acknowledged.

3.31 Litter

Comment 37: *And litter, we are transferred by litter, all over the area, and that's not part of a residential -- you don't see things in front of people's homes that are left by people from -- through shortcuts and throwing things, like the beer cans, and so forth. You know, we don't need that. When I was a kid, I came to live -- and I lived at my grandmother's house. There was a sign, 50 years ago on North Ocean Avenue, a thousand dollar fine for littering. New York City was pretty tough. They had \$25. I didn't understand, but I understood that there was no littering in Brookhaven Town then, and none in -- none in Medford. And it's appalling. There is -- there is no understanding of what quality of life means.*

Response: As part of general store operations, the Wal-Mart store manager and site maintenance staff would inspect the parking areas on a daily basis to keep them clear of litter.

3.32 Supplemental DEIS

Comment 44: *We are requesting that the Planning Board require Walmart to submit a Supplemental EIS, to address the seven items missing or not addressed thoroughly from the accepted DEIS.*

Response: Comment acknowledged. See the responses provided in the following sections: 3.2 Traffic Related Comments, 3.13 Villages, 3.19 Environmental Impacts, 3.20 Sewer Capacity, 3.21 Water, 3.22 Ecology, and 3.23 Climate Change.

Comment 50: *Extensive comments were submitted at the June 23rd public scoping for the DEIS. It appears that very little of that scope appears to have been changed as a result of that scoping. One of the previous speakers requested a Supplemental EIS. I would, you know, augment that request. And at the very least, the FEIS should address not only the comments submitted in response to the DEIS, but should also address the requests made for the variety of impacts that were brought up that were not adequately addressed in -- in the DEIS. Why were they not addressed in there?*

Response: The Final Scope incorporated additional comments submitted at the June 23, 2011 public scoping for the DEIS, as accepted by the Town Planning Board.