

EXHIBIT 7

PART 2 OF 2

of tidal wetlands. Would the 4% increase result in any of these or other impacts? Would it increase eutrophication of the harbor? The DEIS should assess in detail these potential water quality and ecological impacts to Stony Brook Harbor”. (28)

Response 21: See Response 1. The DEIS also presently indicates that Alternatives 4 and 5 meet SC Article 6 Density requirements and therefore would not require a sewage treatment plant; existing on-site systems would remain, and new septic tank systems would be installed for the new building(s). While the site will not be as developed as the Proposed Project, the nitrogen loading from the site increase from the existing 33.0 lbs/acre/year to 87.6 and 69.4 lbs/acre/year for Alternatives 4 and 5, respectively.

GW-22. “The proposed STP is to be located in the northern end of the property within the 10-25 year groundwater contributing area to Stony Brook Harbor. The DEIS should assess the feasibility of alternative locations for the STP such as relocating the STP to a site within the 25-50 year groundwater contributing area to the Harbor. This would have obvious water quality benefits to the underlying aquifer and nearby coastal waters”. (28)

“I also want to support what Joy Ciriglianno said about the shifting of the sewage treatment plant. It is within -- right now it looks like it's within the 10-to-25 year groundwater contributing area for Stony Brook Harbor, which I believe the DEIS indicates makes it inconsistent with the new Subwatershed Plan that Suffolk County is in the process of developing, and is vetting right now publicly. We think that it makes sense to think about maybe looking to put that STP in a way that will reduce potential impacts to harbor, maybe you move it to the 25-to-50 year groundwater contributing area. That buys us some time.” (80)

Response 22: Please also see Responses 1 and 2. The “4 percent” quote references the DEIS model which identified Gyrodyne contributing 4 percent of existing nitrogen to Stony Brook Harbor. This does not refer to an increase. There is no 4 percent increase, and in fact, the DEIS’s 4 percent existing contribution is over-stated, when one recalculates using the 2020 Subwatershed Plan information. See Table 2-2 on page 44.

GW-23. “Hydrology: Figure 7-3 in the DEIS indicates that the depth of the water table beneath the Gyrodyne site is between 101-150 feet of the land surface. However, in Section 7.1 the DEIS states “The Upper Glacial Aquifer is above the Magothy, extending for the first +100 feet below grade”. This appears to be a contradiction as both conditions cannot apply; either the water table is situated 101-150 feet below the surface or the water table is at the surface and the first 100 feet of it vertically comprises the Upper Glacial Aquifer. This is further confused by the statement in the same section that the “Magothy is 100 to 500 feet below grade...” Both aquifers cannot occupy the first 100 feet below grade. Section 7.1 of the DEIS should be clarified and the information harmonized with Figure 7.3” (28)

Response 23: The elevation of the upper boundary of the Magothy Aquifer varies from el. -200' to el. -400' moving west to east across the Flowerfield site (according to available Magothy Aquifer contours). Specifically, on the Northeast portion of the site, where the STP is located at ~ el. 155', the Upper Glacial Aquifer extends down from the surface to approximately el. -200'. The water table is located in the Upper Glacial Aquifer, with groundwater first appearing at approximately 101-125 feet below surface, at ~el. 30-54'.

GW-24. “Water Quality Concerns: Modeling information in the DEIS indicates that turf fertilizer is expected to contribute about 15% of the total nitrogen loading beneath the site or about 4.8 pounds per acre per year. And while the DEIS provides proposed mitigation measures to reduce the water quality impacts, including nitrogen, found in stormwater runoff, through the use of bio-swales, there is no mitigation proposed to reduce/eliminate nitrogen loadings from fertilizer

applications to turf grass. This should be rectified by amending the DEIS to include strategies to achieve nitrogen reductions caused by fertilizer applications”. (28)

Response 24: Operational mitigation can be directed by the Town at the site plan review phase. As described above in Section 1.2, there is a nominal increase in managed landscape cover with the FEIS Proposed Action (± 9.1 to ± 9.5 acres). However, as described in Purpose and Need Response 15 and Response 1 above, the total nitrogen loading will be reduced with the FEIS Proposed Action. Additionally, please see Response 30 below and Soils Response 9 about the integrated pest management program (IPM).

Reduction of nitrogen loading by limiting fertilizer-dependent vegetation is already incorporated into the subdivision plan and SEQRA documents. Future development of all common areas and individual lots are required to be consistent with the Findings Statement, including all mitigation measures addressed herein.

GW-25. “The ecological fallout from this development could be catastrophic... The natural beauty of Stony Brook Harbor, the Stony Brook Mill Pond and the surrounding woodlands and wetlands would be threatened by the sewage effluent, and surface runoff from this project. The recreational activities the community is known for are supported by the harbor and environs - boating, sailing, fishing, swimming, beachgoing, and hiking. All depend on us to protect the ground water from over- and unsustainable development. The community has made great strides to improve the quality of the Harbor and increase the acreage of natural woodland parks and preserves in the decades since I moved here. It would be tragic should the town backslide on those achievements by allowing this development to proceed. In short, I am strongly against the proposed development as it is out of touch and incompatible with the character of the community, and as it will place an undue burden on current residents by diminishing the quality of life and desirability of the region as a whole”. (29)

Response 25: See Responses 1 and 21.

GW-26. “Given the proximity of an EPA NPL (National Priorities List) Superfund site being located down-gradient (Smithtown Groundwater Contamination Site) it is reasonable and prudent to expect a rigorous grid-based sampling procedure that includes but is not limited to deep soil and groundwater testing. Given the past uses of this site — [it] is reasonable to infer that industrial and agricultural activities utilized many of the same substances that are responsible for the Smithtown Groundwater Contamination. The town must assure the public and relevant federal and state regulatory agencies that there exists no nexus between the two locations”. (38)(50)
“How can the Board come to a decision on this proposal when this key issue is unresolved?” (50)

Response 26: USEPA performed a Remedial Investigation/Feasibility Study (RI/FS) for the Smithtown Groundwater Contamination Superfund Site from 1999 to 2004 and issued a Record of Decision (ROD) in 2004. The ROD for the site specifically states “Gyrodyne Industrial Area is located northeast of the Site and groundwater modeling and flow pathway analysis indicate that Gyrodyne is not a potential source for the Smithtown Groundwater Contamination Site because groundwater flow beneath Gyrodyne follows a different pathway.” (see page 3 of Appendix V in the ROD located online at <https://semspub.epa.gov/work/02/88331.pdf>. Additionally, groundwater samples were collected from two onsite supply wells located downgradient of the industrial area as part of a 2004 Phase II ESA (see Section 8.2.4 of PWGC’s 2017 Phase I ESA); no impact was detected above NYSDEC groundwater quality standards.

GW-27. “Considering that local residents and commercial diggers can now gather shellfish for sale

and for consumption, including raw consumption, why is the Board not planning to require the best sewage treatment technology available, sewage treatment that would result 'inter alia' in no nitrogen input to Long Island Sound and local harbors? Considering again the importance of shellfish availability and safety, and the fact that pharmaceutical chemicals in water can affect shellfish and other marine life, how will the Board prevent pharmaceuticals from entering the water when the draft environmental impact statement acknowledges that pharmaceuticals "present a challenge for removal from water?" (39)

Response 27: See Response 7.

GW-28. "Considering again the nitrogen issue, is the board prepared to ban nitrogen fertilizers from being used at this site? If not, what is the plan for preventing nitrogen from fertilizers from getting off-site and into groundwater and waterways?" (39)

Response 28: No fertilizers will be used within the ±22.5-acre commonly owned parcels (Lots 7 and 8). This includes all landscape areas within the 200-foot buffer area adjacent to NYS Route 25a, landscape areas around the existing pond within Lot 7, roadside vegetated swales and drainage reserve areas. In addition to no fertilizers being used, an Integrated Pest Management (IPM) program will be utilized for all commonly owned and maintained landscape areas on the property. The IPM approach is discussed in greater detail within Section 2.7 of the DEIS. Within the individual development lots, the property owners will be encouraged to participate in the IPM program including limited use of nitrogen-based fertilizers within managed landscape areas.

GW-29. "Clustering and citing of new construction with regard to groundwater discharge: Why has this not be fully considered? Is the Board planning to require shallow drainfields to allow groundwater recharge and nitrogen uptake by plants? Are you planning to require re-use of treated wastewater for landscape irrigation, as is done in other places?" (39)

Response 29: The proposed subdivision plan as prepared shows a significant reduction from the potential buildout that is allowed per existing zoning. With respect to recharge of the treated effluent, the design utilizes currently allowable and required leaching structures. Currently the use of shallow narrow drainfields has been limited to a small number of single-family residences that have installed Innovative & Alternative (I&A) treatment systems. Effluent reuse has limited reference facilities here in Suffolk County with only the County's Indian Island Golf Course using a portion of treated effluent from the Town of Riverhead Sewage Treatment Plant to irrigate the golf course on only a seasonal basis.

GW-30. "Drainage of stormwater in the plan is to be controlled by swales, catch basins and three drainage reserve areas. The proposed stormwater plan is antiquated and is not aligned with the current thinking which use more green and natural ways to manage stormwater on site. Here again a hard look at emerging green infrastructure stormwater controls such as rain gardens and bio swales is warranted. Green infrastructure saves water-dependent vegetational complexes in areas otherwise paved over or lost to impermeability and provides microhabitats in areas otherwise paved over. They can be easily constructed within the proposed swales. A hard look at more modern environmentally friendly ways to control stormwater should be considered". (40)

Response 30: The stormwater management approach proposed is advanced green infrastructure. The vegetated swales proposed are bio-swales. The internal roadway will not have curbs and facilitate stormwater runoff being directed into the bioswales to optimize filtration before recharge occurs. The drainage reserve areas proposed are rain gardens. As addressed in GW-30, no fertilizers will be utilized in either the roadside bioswales or rain

gardens. All disturbed and re-established landscape areas within the commonly owned Lot 7 as well as drainage reserve areas on development lots will be revegetated with native environmental seed mixes including:

- Ernst Conservation Seed Mix – Low Growing Wildflower & Grass Mix (ERNMX-156)
- Ernst Conservation Mix - Rain Garden Mix (ERNMX-180-1)
- Ernst Conservation Mix - Native Detention Area Mix (ERNMX-183)

The native seed mixes serve multiple environmental benefits including stormwater filtration, wildlife habitat and naturalized landscape character.

GW-31. “The Need to protect Stony Brook Harbor: Stony Brook Harbor is already under stress from increased nitrogen levels in the groundwater. The proposed construction of a regional sewage treatment plant in addition to Gyrodyne’s own needs will send more nitrogen into the ground water in a watershed that has been recently identified as an area of rapid groundwater transport to the harbor. Additionally, with the proposed medical office building as one of the options, a hard look should be required into the impacts of radioactive, medical and pharmaceutical wastes from patients into the groundwater and Stony Brook harbor. Smithtown Bay, which Stony Brook Harbor feeds into, is one of the only areas east of NYC that goes hypoxic in summer due to the currents that circulate within the bay. While nutrients are an issue, medical waste may be more so. Medical and pharmaceutical waste aren’t removed very effectively by standard STP’s or septic systems. In a book written by SUNY Professors Larry Swanson and Malcolm Bowman of the School of Marine Science and Atmospheric Science, it mentions that the EPA previously shut down the use of spring water at the south end of Stony Brook harbor because of degreasers and other chemicals that are suspected to have come from gas stations on Route 25A and dry cleaning establishments. “The flushing time to attenuate nitrogen that will flow into Stony harbor is estimated to be approximately 12 days according to new studies done by Suffolk County. According to SCDHS subwatershed plan, Gyrodyne is right on the edge of where discharge gets to the harbor quickly. In the book by Swanson and Bowman, it indicates that a number of wells in Head of the Harbor are currently polluted by runoff from the Route 25 A area. Residents have had to use bottled water because of pollution and the springs in the southern harbor are closed to drinking for the same reason. The DEIS fails to take a hard look at the impacts to Stony Brook Harbor and Smithtown Bay from the proposed developed at Gyrodyne, the DEIS fails to take a hard look at the considerable amounts of waste water going to the harbor in a very short period of time including medical waste from the Assisted Living Facility and medical office complex. etc. Such waste is not broken down in a typical STP, and is not broken down in the ground, and as such will flow into the Harbor via groundwater flow. A hard look should be taken at these potential impacts, especially from the as of right medical office complex that is possible but not proposed”. (40)

Response 31: These issues were presented in other public comments on the DEIS. With respect to proposed nitrogen contributions, see Response 1. With respect to Stony Brook Harbor, see Response 2. As explained in Response 3, the proposed Gyrodyne STP is not a regional facility. With respect to pharmaceuticals, see Response 7.

GW-32. “... Gyrodyne’s Flowerfield development has the potential to pollute groundwater, Stony Brook Harbor and nearby waterways with toxic waste. We are so lucky to have access to clean water. Many communities in the world and our country do not have that luxury. It should not be a luxury to have clean water. It is abhorrent that we would threaten our precious natural resources, our lifeline, for the sake of development. This project will spark demands from other developers as well for light-industrial projects on our remaining farmland, nurseries, and other parcels of land along 25A. We are not in a position to squander our precious soil, land, and water.

If we want generations after us to have the means to survive, we have to take every measure to protect our beautiful community and communities everywhere. We have the opportunity to make our world greener and more equitable. Let us not squander it". (41)

Response 32: Please see Response 1.

GW-33. "Gyrodyne has told local business and civic leaders that the sewage treatment plant will be available to service their waste flow. However, the DEIS makes no plans for securing Suffolk County permits for this use." (50)

Response 33: The proposed Gyrodyne STP will be available for uses on-site at this time, and as noted in Response 3, there have been informal discussions regarding acceptance of sewage flow from the St. James Business Corridor (Lake Avenue).

GW-34.Re: Consistency with LWRP Policy 7 & 7A: "Proposed Development is in the Watershed for Stony Brook Harbor (https://www.dec.ny.gov/docs/water_pdf/appbshellfishpt3.pdf).

- Only nitrogen projections have been included (and only related to sewage). A manicured property will require substantial amounts of fertilizer and will probably result in a net increase in nitrogen.
- More data is required on other potential pathogens as described in the LWRP including the potential impacts of medical waste (blood, medications, radiation)
- The state time period for leaching into the harbor does not inspire confidence that the long-term health of the harbor is being considered. A more extensive study is required.
- Many residents still rely on well water for their drinking water supply.

Consistency with LWRP Policy 38: "In addition to the aforementioned litany of potential toxins, both the proposed Assisted Living Facility as well as the Medical offices have the potential to contaminate groundwater. This is not only a potential consequence of sewage but of any temporary storage of solid waste. As indicated previously, many residents still rely on well water for their drinking water supply. It is unknown to what extent well water is used for farming". (8)

Response 34: Fertilized lawn coverage is reflected in the DEIS BURBS nitrogen models (DEIS Appendix J). Pharmaceuticals have been discussed in Response 7. For those on private wells, they should be following NYSDOH, USEPA and National Groundwater Association (NGWA) recommendations. SCDHS also provides a private well water quality testing program. The DEIS addresses the disposal of medical waste which stated:

"The assisted living facility and medical offices will follow applicable standards/protocols and relates to the relevant regulations of the NYSDOH and New York State Department of Transportation (NYSDOT, regarding transport of various types of wastes). These include, but are not limited to, Infectious (Regulated Medical) Wastes, Disposal of Sharps and Physical Hazard Wastes, Disposal of Chemical Wastes and Chemotherapeutic Wastes. Following these standards/protocols will limit most (if not all) of these wastes from contributing to the STP. Source separation of adult diapers and wipes is the best management practice for these wastes. Requiring the facilities to remove wipes from their bathrooms and disposing of diapers and wipes with the solid waste is the best way to ensure they do not enter the wastewater. However, 100% compliance in this area is unlikely. Should these items enter the wastewater, the STP will be equipped with screening at the head of the plant to remove and bag them to be disposed of with the solid waste."

Groundwater flow from the proposed STP effluent recharge area (leaching pools) is not flowing towards the existing on-site wetlands.

GW-35. Consistency with LWRP Policy 44 & 44A: “Although there is some discussion of leaching into the harbor and non-disturbance of existing on-site wetlands, there appears to be no discussion of potential leaching into the on-site and site- adjacent wetlands nor of the significance of these wetlands”. (8)

Response 35: Groundwater flow from the proposed STP effluent recharge area (leaching pools) is not towards the existing on-site wetlands.

GW-36. “I looked at the drainage design quickly with Tom DiGiacomo and compared the current plans in the EIS to what was proposed in 2017. There are two major differences in the design from 2017 to now. The first difference being an increase of on-site stormwater storage capacity from 3 inches to 8 inches as we had requested a while back. This is required since they are using recharge basins (they are calling them drainage reserve areas or DRA). The second difference being the inclusion of the existing north pond into the overall drainage system design. There is some correspondence with the DEC on this subject where they indicated acceptance, provided the stormwater was treated in some way (such as through the roadside vegetated swales) and also that there is no increase of flow to the pond (i.e., post-development flow will match pre-development flow). They plan to do this via an overflow structure that would be piped to two of the DRAs. “We would definitely have to look into it a little more and get some more information from the consultant before we would accept the design. But as it stands, it looks as though they would comply with our drainage requirements”. (9)

Response 36: Acknowledged. Plans will be revised for Town-DEC comments as applicable.

GW-37. “The study also states that there is going to be a 4 percent increase in nitrogen load. This may not sound like a lot, but the doubling managed turf, which takes both fertilizer and water, it may become an environmental issue as the Long Island north shore is approaching a nitrogen load tipping point. Basically, what this means is if we get any more nitrogen in our water, we will get even more algae blooms than we already have, which suck up the oxygen in the water and cause our marine life to die because they can't breathe. I love clams on the half shell. As a little girl, we used to go out clamming, and I used to take the boat out and dig as many clams as we wanted. Then we had water quality issues in the Smithtown boat basin and Stony Brook Harbor, and the Town closed the shellfish beds. We are finally allowed to dig clams again. As a resident, I really don't want to lose clamming. In addition to the green and brown algae loads, we call them brown tides, which would only kill the marine life, there is also the possibility of serious human health issues because of the possibility of blue, green, or red algae blooms, also known as red tides. Back to the issue at hand, we already have water issues in Stony Brook Harbor and Smithtown Bay with E. Coli and hypoxia, which is the scientific term for oxygen depletion in the water. Adding more nitrogen to this is not useful. The bad thing about most useable forms of nitrogen is that they don't stick to soil particles, they actually push away from them, and unless a plant's roots are there and ready to use them, the nitrogen compounds push down through the soil and move through the water table and out into the waterways and the Long Island Sound. Lawns have very shallow root systems, which don't have much time to uptake nitrogen before it flows deeper into the soils. The lawns, if they are going to be maintained, should just have grass clippings be put back down on them and not have any additional nitrogen or any kind of fertilizer put on them as the plan states. The fertilizer is not necessary. Adding 4 percent more nitrogen to the harbor is significant. The DEIS is encyclopedic, but not analytic. The applicant must analyze these impacts and their repercussions and ramifications before proceeding with this plan. Speaking against nitrogen and open space, the proposed leaching fields around the STP is also not open space. It's an area that will be disturbed to build the leaching field and then covered with lawn. Again, lawn is not a viable ecosystem. It's actually the least productive of land usage because there is little wildlife able to use it, and it also helps

very little with flood control, unlike native grasses and forbs, which have deep root systems to help channel groundwater down from parking lots, roads, and improved land. In addition to the sewage treatment plant's effluvia, the medical buildings and assisted-living facilities will contain pharmaceuticals and chemicals. A sewage treatment plant would eliminate some, but not all these contaminants, which will cause additional environmental impacts to Stony Brook Harbor. A bioswale would be a better solution than a leaching field for the STP. As the native plant roots would uptake chemicals and water in addition to nitrogen as a natural filtration system, instead allowing the water to flow out from the shallow rooted lawns to the Stony Brook Harbor and other embayments and estuaries north of the property. In addition, the STP should be relocated to a more western end of the property. We have heard this before. It is currently sited where the effluvia for the plant would reach Stony Brook Harbor within 10 to 25 years. By moving it west, the water would be estimated to reach the harbor in 25 to 50 years. By adding bioswales, it could [be] hoped that the water issues would be even further mitigated. Office buildings or less biohazardous buildings should be considered in place of the medical and assisted-living facilities, as geriatric care and medical facilities generate many more chemicals in addition to the effluvia than the average office building does. (76)

Response 37: See Responses 1, 2, 3, and 7.

GW-38. "...some facts regarding nitrogen and coastal waters. I'm one of the people who's working on the Suffolk County Subwatershed Management Plan, which again, is part of LINAP. We are doing the primary review of it at [the Council for Environmental Quality]. Suffolk County has almost completed its analysis of why our coastlines are collapsing and why our natural resources are disappearing. It's Public Enemy Number 1 according to the county executive, and that's basically nitrogen; and that's why a couple of million dollars has been expended by the County to form the Subwatershed Plan, or SWP as everyone calls it. So again, nitrogen is Public Enemy Number 1. It causes eutrophication, excessive algae harmful blooms, hypoxia, and things like that. But I have more evidence than a lot of the people have talked about. They have all been spot on with what they are talking about, but I as a necessity had to dig into it. Suffolk County has mapped 191 watersheds in Suffolk County, north shore, south shore, the Peconic, and established basically where the nitrogen is coming from, which is primarily septic discharge, how it flows to the coastline in those 191 watersheds, how long it takes to get to each of the coastal areas from the inland discharge points; for example, Gyrodyne we are hearing, you know, 10 to 25 years. I have the maps, but I am not going to bother with them right now. We also are finding out how much of nitrogen is actually coming out, and a number of other scientific parameters with a general baseline of 1987. To our horror, we have found the following facts: Since 1987, there has been a 41 percent increase in nitrogen in the Upper Glacial Aquifers on Long Island in Suffolk County, mostly from septic discharge even with STPs. There has been a 45 percent increase in nitrogen in the enclosed Long Island Sound harbors, such as Stony Brook Harbor, such as Nissequogue River, Mount Sinai, Port Jeff, places like that. Again, this is an average, but all of them are suffering from nitrogen contamination. And again, that's over the last ten years. So that 45 percent increase has been popping up quite nicely, and it's mostly attributable to watersheds. The Nissequogue River, for example, had a study done recently, and the amount of nitrogen that's popping out from Smithtown is incredible. The nitrogen in Long Island Sound has increased by 10 percent. Okay. And the only reason that's a lower number is because the Sound is well flushed; the interior bays are not. We've also found out that the nitrogen is collapsing our wetlands. And we are seeing that damage, for example, in Nissequogue River, and more particularly, Stony Brook Harbor. Stony Brook Harbor is one of the worst flushing harbors on the north shore. It takes up to around 12.4 days to get rid of the daily load of nitrogen that's popping in there from the watershed, which does include the Gyrodyne property. It goes in

at about a mile and-a-half. Head of the Harbor and Nissequogue contribute quite a lot of it, parts of Smithtown and Gyrodyne contribute a fair amount of it, but it takes 12 -- up to, not exactly, but up to 12.4 days to get rid of the daily load. It turns out Stony Brook Harbor on the southern portion is not as well flushed as anybody thought. Now, Port Jeff as a comparison takes 2.9 to 4.3 days to flush. Mount Sinai, 4.5 days, and that has a much larger entrance channel. If you know Stony Brook Harbor, we don't have an entrance channel, we've got about 100 feet deep, 100 wide dredged; that's about it. We also have noted that Stony Brook Harbor wetlands have already been damaged by the nitrogen that's coming in. Okay. Now, there is another problem: We have got a giant gyre or whirlpool existing in Smithtown Bay that actually traps the water leaving Stony Brook Harbor for up to about four days or so, and prevents the mixing of water in Smithtown Bay with the rest of Long Island Sound, even though they are literally contiguous with each other. It literally traps the water in there. And that's why Smithtown Bay is hypoxic during the summer, no oxygen, it's a dead zone. Okay. It is, in fact, the deadest zone in the entire Sound east of New York City during the summer below 10 feet in depth. The benthic life is gone at below 10 feet, according to Long Island Sound studies. I have the maps in my car. I will be presenting them eventually before the 24th. But this is according to the Long Island Sound study, I am not making the data up. It is a black zone. That's how they qualify it. If you look at New York City through the East River, it's black. If you look at Smithtown Bay, it's a black zone; nothing over there. Okay. The rest of the Long Island Sound is relatively well flushed. I mean, this is a problem over here. The nitrogen from the Stony Brook Harbor watershed and also the Nissequogue River basically takes forever to leave the area. It's not well flushed. We have the gyre out there. So Stony Brook Harbor is suffering, and the hypoxia is caused by the retained nitrogen, which is showing the problem. Now, in the Suffolk County Subwatershed Management Plan, Stony Brook Harbor ranks as a priority water body for reduction of nitrogen input. You have this STP here, which normally would be okay if it was just for Gyrodyne, and that's my particular position. It's becoming a regional STP, and that's what a lot of people have been talking about. And it's in the Stony Brook Harbor watershed. An STP for Gyrodyne will produce nitrogen even after treatment. And some of the numbers were shown up there by Mr. Cameron, although they were on the low numbers as opposed to some of the higher numbers that were on same data sheet. On a daily basis, the overall nitrogen only of Gyrodyne might be tolerable compared to the overall nitrogen that's coming in from the rest of Nissequogue and Head of the Harbor and parts of Smithtown. By making the plant regional, going from 71,000 gallons per day, which is the Gyrodyne number, to 171,000 gallons per day, which is Gyrodyne plus Lake Avenue, okay, creates a regional aspect, and that was not, for example, reviewed at the Suffolk County Planning Commission. That's 59 percent increase more nitrogen coming in, and the transit times to the coast is about the fastest in Suffolk County that I have been able to identify. There is also talk about possibly increasing the capacity to 342,000 gallons a day. That's just talk. Nonetheless, that is a regional aspect that's being created from out of nowhere. Obviously, Gyrodyne, as a private company, would have to agree to certain of these aspects. But as somebody who has some oversight over sewage treatment in the County as part of the Council on Environmental Quality, you see these things happen. The DEIS fails to take a hard look at these particular issues and the fact that we are getting a regional plant when Stony Brook Harbor is already under stress, and that the Subwatershed plants would be looking to reduce nitrogen, not add to it. So going to potentially 171,000 or maybe 342,000 gallons per day -- again, the 342,000 is an upper number that's not fully confirmed -- is a problem that you should be looking at. A hard look at the regional impact of adding sewage treatment -- of adding sewage flow needs to be performed. Again, the statistical data that's in the plan right now is focussed basically upon Gyrodyne, which again is tolerable. They have the right to divide. Okay. There is no doubt about that, under governmental supervision, and they have possibly, you know, as an agreement with

the Town of Smithtown and others, to put Lake Avenue into the mix. But you are starting to get numbers that have never been looked at, okay, and that are going to affect a water body that's shared by several other municipalities. And there is a transit zone over there. It's not like this thing is in isolation. So in that sense, a harder look needs to be taken. That is the job of the EIS at this point in time when you are starting to go into final. You have done the initial craft, and you are going to final; and I am advising you that there are some issues that need to be looked at. If I'm wrong on the 342, so be it. Nonetheless, it's 171,000 gallons. That is going to have an impact. We already see that. We have the maps. We know what potentially is happening. And, yes, an STP removes 90 percent of the nitrogen. You are still going to have the max loads. There is still a lot of nitrogen out there. Okay. And that's what you have to guard against, okay, with a water body that's already under stress". (89)

Response 38: See Responses 1 and 3. The proposed STP has been designed for 100,000 gpd, and as per SCDHS commercial standard XI.5.b, the design has provided 100% area for expansion and/or replacement of the sewage treatment and disposal systems.

GW-39. "Am I correct in thinking that the wastewater treatment plant would be built to carry the maximum, even though the maximum would never be built?" (96)

Response 39: The wastewater treatment plant will have capacity for 100,000 gallons per day; the actual flow will be less than 100,000 gallons per day. Suffolk County Department of Health Services requires higher capacity than planned wastewater generation.

GW-40. "The STP location is where, right on the boundary of Brookhaven. Right next to single-family homes. That doesn't make good planning. That makes planning where you put two absolutely different types of zoning together where you put an industrial use such as a regional sewage treatment plant next to single-family homes. That doesn't make sense?" (72)

"I stand before you and the rest of these good people here as a concerned homeowner. I have no association with any -- affiliation with any group or anything like that. I stand before you as a homeowner, and I have no doubt in my mind that while there is great diligence done by the engineering team and your group... So it seems to me this proposal is opportunistic based on available property, but you are placing a sewage treatment plant equidistant, smack dab in between the two centers of two beautiful towns. And I can't help but wonder if there has been enough diligence about the sewage treatment plant, the runoff..." (75)

Response 40: The STP was sited based on the topography and the shape of the property, as well as Suffolk County Department of Health regulations. The STP would be set back more than 200 feet from Route 25A and more than 150 feet from any existing or proposed property line/lot line. The STP would be more than 350 feet from the nearest single-family home, and the limits of its expansion area are more than 250 feet from the nearest single-family home. This is far less separation than a typical home's cesspool system. Additionally, the plant will be a one-story structure and will be thoroughly screened by vegetation so as to not be visible from adjacent lots or from Route 25A.

The DEIS includes extensive modeling and analyses related to the proposed sewage treatment plant (STP) and wastewater operations. Please see Sections 7 and 19 of the DEIS, as well as DEIS Appendix J for these analyses.

GW-41. Consistency with LWRP Policy 8: "As previously stated, a more comprehensive study of the potential for pollution of the groundwater (as well as adjacent water bodies) needs to be undertaken." (8)

Response 41: The DEIS follows the Lead Agency's Scoping Document and identifies a reduction

in Total Nitrogen compared to existing uses and compared to as of right development that would not require a subdivision. Please see Figure 2-2 on page 20.

GW-42. "Gyrodyne, that site, has been contaminated for decades. It's been contaminated since the '20s. It has never been a potato farm. This area, when you dig up that earth, is going to immediately contaminate our ponds, our brooks, and our waterways. It's going to kill the shellfish. It's going to contaminate the fish to the point where you are not going want to use them." (84)

Response 42: Please see the responses to comment PN-13 and SOIL-1. The proposed subdivision will reduce nitrogen loading to Stony Brook Harbor, and construction of the site will construction generated soils at the site will be managed in accordance with applicable regulations including 6 NYCRR Part 360 which includes provisions to regulate soils generated during construction activities, and requirements for imported fill material.

2.8. Stormwater Collection and Recharge

SW-1. "What in this surrounding environment will be done to control the flooding issue at the corner of Mills Pond Road and 25A? The pond floods after substantial rainfall, and there have been times when the flooding covers a large percentage of Mills Pond Road. This does also add to the traffic problem." (78)

Response 1: The site has been designed to accommodate the design storm, per Town of Smithtown Engineering. The improvements to Route 25A-Mills Pond Road will need to be approved by the New York State Department of Transportation (NYSDOT); should the NYSDOT require drainage improvements, the applicant will incorporate same into the proposed plans.

2.9. Traffic and Parking

TR-1. "This office has previously completed a review of the above captioned EIS/TIS and determined our previous comments dated Sept 27th, 2018 and August 18th, 2017 have been addressed and meet Traffic Safety Department requirements and standards. "However, it is important to note as quoted within the TIS, "...there is no specific redevelopment plan in place..., This submission is for a "Proposed Subdivision, the actual land use mix will be determined as the lots are developed..." "The intersection of Moriches Road at Mills Pond Road/Evon Lane was under consideration by the Traffic Safety Department for a comprehensive traffic study to investigate the possibility of installing a traffic signal at this location. This is based on the unique wide geometry and the accident history at the intersection, as well as, the traffic volumes on Moriches Road. As this project progresses, we recommend this be considered as an intersection that could meet Federal MUTCD traffic signal warrants or other traffic safety improvements, if this project were to reach its full build out. This TIS (page 7-7) documents a drop in Level of Service (LOS) an entire grade for multiple approaches and movements during each of the AM, PM and Saturday peak build periods. These drops typically require mitigation measures as the site will be creating these degradations in LOS. We would like to see recommended improvements for this intersection and consideration for future analysis as the volumes increase." (6)

Response 1: The subdivision will not generate any additional traffic beyond the Proposed Action's trip generation without triggering further SEQRA analysis and review. The intersection of Moriches Road at Mills Pond Road/Evon Lane is not adversely impacted by the

proposed subdivision; changes in Level of Service from C to D do not warrant a traffic signal.

TR-2. The increase in traffic volume and the mitigation plans proposed in the DEIS represent a deterioration of the rural character of the NYS Route 25A corridor. The bucolic, two lane roadway is our community's asset that can easily be destroyed forever by traffic signals, turning lanes and road signs. The Draft EIS indicates the increased traffic from this subdivision would require mitigation as far south as Route 347 down to the Smith Haven Mall and to the Nicolls Road intersection. Persons living east of the development and on Stony Brook Road as well as on Mills Pond Road will be significantly affected by the added traffic. Proposed traffic signals and turning lanes will assist traffic going in and coming out of the project but will also interfere with the east-west traffic flow. This is surely a project of significant impact on the surrounding community despite Gyrodyne limiting the overall density to be less intensive than a maximum build out under existing zoning. (2)

"We simply cannot deal with the traffic anymore!" (12)

"The impact of a 150-room Hotel and Restaurant and the 440-Assited Living Units on the North Shore Rt 25A area within 1 mile of the Long Island Sound would have a detrimental effect on traffic congestion..." (19)

"We feel that the development will create more traffic... We are strongly against it". (27)

"I strongly echo Kara Hahn and Steve Englebright's comments as how Gyrodyne's plan can only be detrimental to what I believe to be a special residential area on Suffolk's north shore. I have lived in St. James, immediately south of North Country Road since 1970 and raising my family in this environment could not have been better. The thought of a 150-room hotel and other office buildings on this landscape and the increase in traffic is scary and that's just for openers! Don't let Gyrodyne's plan happen!" (30)

"I worry that the development of this land will destroy the historic 25A and increase the traffic. I have to travel along the road to go home and do not want the congestion and reckless drivers." (33)

"Smithtown's plans for Gyrodyne are irresponsible and represent an overdevelopment of the Stony Brook area. Our area's traffic is already out of control. This community's infrastructure was never meant to handle such over developed [sp]." (37)

"I am opposed... Traffic on already over-capacity 25A and Stony Brook Rd." (42)

"Our concerns are many including... Traffic on already over-capacity 25A and Stony Brook Rd" (59)

"My second concern is for the traffic that would overwhelm our two-lane country road (25A) if the proposed development goes through with hundreds of new employees and a huge hotel. Such a development, if it is even needed in the area, is surely better suited to a high traffic road like 347 or Route 25. The traffic on 25A is already at capacity during the typical rush hour" (61)

"We are also concerned with the environmental and traffic impacts this project would have on the community." (62)

"The traffic during rush hour is unbearable now; I have not seen anything that would explain how traffic could be better managed with the increased number of cars from Gyrodyne." (67)

"The environmental factors and traffic congestion will be detrimental to the community." (68)

"Secondly, the increase in traffic in the area will negatively impact the lives of the residents in Smithtown and Brookhaven. The amount of traffic that will result from this development will

threaten the small town charm that we currently have in this area. This is one reason many of us purchased our homes in this surrounding areas.” (70)

“I know that there is a lot of people talking about traffic, which is also a concern of mine, but I won't speak about that. I just know that this is going to adversely affect me and my family. And I urge you -- I urge to rethink this proposal.” (75)

“Traffic on the historic 25A corridor and Stony Brook Road has increased substantially without this project. The projected full scope of the proposed project will add more vehicles to the already overburdened local roads. The DEIS suggested fewer than 500 external trips during any peak hour. That's eight vehicles per minute, one vehicle every 7.5 seconds, give or take. Peak traffic currently creeps along 25A. The proposed solution to add traffic lights at Mills Pond Road and either a traffic light or roundabout at Stony Brook Road will not alleviate congestion brought about by this project. The intersection of Mills Pond and 25A is targeted for a traffic light and turn lanes; this is needed.” (78)

“St. James and Stony Brook residents contend with roads which are overburdened. Traffic grows worse with each new commercial building erected and with each home illegally converted into multiple-family dwellings and student boarding houses by absentee landlords.” (78)

“I'm concerned about the congestion on the roads. It is going to be horrible.” (84)

“As you are aware, as the cochair of my 25A visioning committee, George Hoffman has previously spoken, the Town recently completed a corridor study of Route 25A from the Smithtown line to the Poquott Village line. Among the many topics that were considered, traffic was a major and consistent concern. This project will greatly magnify this problem. Additionally, as evidenced by our corridor study, the surrounding residents are staunchly opposed to road widening to reduce traffic congestion.” (85)

“Furthermore, most of the potential uses of the site as stated in the DEIS are unnecessary to support the surrounding community and will serve only to add traffic impacts to overburdened roadways. “My constituents in Stony Brook and the immediately surrounding area would be significantly affected by the development of the proposed application. The neighboring community I represent is already saturated with infrastructure concerns surrounding Stony Brook University.” (85)

“...crowding traffic... The added noise and congestions of tens of thousands of vehicle trips daily on already overburdened roads in our area strike me as unacceptable...make our roads more hazardous than they already are.” (92)

Response 2: Please note that the DEIS Proposed Action included 220, not 440 assisted living units. The FEIS Development Plan contemplates a 125-room hotel (without a restaurant) and 250 assisted living units.

The DEIS contains a comprehensive traffic study to address these concerns, and identifies mitigation measures that address site-generated traffic as well as existing congestion/safety concerns. The DEIS Traffic Study identifies appropriate traffic mitigation for the relevant intersections that also ameliorate existing traffic flow and safety concerns. A prime example is at the intersection of Route 25A and Stony Brook Road, discussed in the Visioning Report and identified therein as a “Priority Location.” This report, excerpted in the DEIS, states that NYSDOT “determined that a traffic signal was appropriate” (see DEIS page F-325). The DEIS traffic study verifies this conclusion and recommends a signal to accommodate existing and subdivision traffic. While the Visioning Report and traffic study also discuss a roundabout, there is insufficient right of way available for a roundabout.

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

Improvements to intersections on Route 25A are under NYSDOT jurisdiction. Of note, the widening at the Route 25A-Mills Pond Road intersection comprises a narrow swath less than 100 feet long on Mills Pond Road; the “widening” comprises striping within existing right of way and is the shortest length allowable that accommodates an appropriate-length westbound left turn lane. There will not be additional through lanes. The proposed configuration is as limited in length as possible, while achieving a necessary safety improvement.

The proposed Route 25A signals would be warranted with or without this subdivision, and the New York State Department of Transportation has responsibility to implement safety measures. In consideration of roadway character, the Applicant examined the feasibility of roundabouts rather than traffic signals; roundabouts are not feasible due to limited right-of-way (and a wetland, in the case of Route 25A-Mills Pond Road).

Traffic signals would level out the delays over each approach to the intersection, limit the maximum delay on side street approaches (which creates unsafe conditions today), and reduces the likelihood of many types of collisions (e.g. right angle) that tend to result in severe damage or injuries.

The Traffic Impact Study (TIS) scope complies with the Scoping Document and extends to certain intersections on Route 347 to be comprehensive and conservative; it does not denote mitigation required on Nicolls Road. The TIS identifies appropriate mitigation to minimize significant adverse impacts.

The property would generate additional traffic if it is developed per the proposed subdivision, or if it was further developed as of right.

Of note, the proposed hotel associated with the Proposed Action has been reduced in scale from 150 rooms to 125 rooms and it no longer includes a restaurant, conference center or day spa, as was contemplated in the DEIS. The proposed subdivision approach regulates development well beyond existing zoning regulations and establishes clear maximum thresholds for traffic generation associated with the Flowerfield site.

There is no plan to construct single- or multi-family dwelling on this property.

The changes in character associated with Stony Brook University are beyond the scope of this application. While a traffic study is not tasked with “character of the community,” the traffic mitigation off-site is as limited as possible while achieving the necessary traffic flow/safety enhancements.

TR-3. “Based on the existing zoning of the property, as of right development could generate in excess of 7,000 new vehicles per day — considerably more than the trip generation estimates included in the study. “Traffic generated by the proposed project will have a significant impact on Stony Brook Road. Brookhaven has recently implemented a safety and capacity improvement project on Stony Brook Road, which included improvements at several of the study intersections, including Oxhead Road, South Rod and Development Drive. New York State Route 25A and Stony Brook Road are already beyond their carrying capacity, as are several other roadways in the area. Since this project will impact Stony Brook Road, NYS Route 25A, NYS Route 347 and countless other roadways in the area flawed for failing to provide real alternatives that conform with the Scoping Document and associated comments”. (3) (4) (72)

“Of greatest concern is the lack of adequate plans for mitigation of increased 25A traffic (already over capacity)” (14)

“The Environmental Impact Statement submitted by Gyrodyne presents major problems regarding future traffic that I believe are insurmountable if the proposed application is approved.

My office is located on Lake Avenue and I live in Head of the Harbor, just north of Gyrodyne's property. Anyone who travels regularly in that area along Route 25A knows that traffic currently is heavy and at times seriously congested. The proposed development of this property will cause what are daily frustrating traffic conditions to become intolerable. The roads were not made to handle the current volume, let alone the projected volume, and I believe the applicant's count of projected daily vehicle trips is significantly underestimated.” (49)

“The currently over burdened route 25A will become will come to a stop for moving traffic with the proposed uses and addition cars added to this historic corridor. The above will cause delayed response for fire, ambulance and police.” (56)

“The other thing is, everybody has concerns about traffic, and I do too. I live out here. I have been here over 50 years. But in the same token, does anybody care from Brookhaven who comes down Edgewood Avenue all the time to go home and go to work, and see that congestion on the St. James/Smithtown roads? I think we are going up the -- barking up the wrong tree, to tell you the truth. Let's move forward and go with what is going become -- the man is allowed to do this stuff. And I don't care if it comes from 1910 or whatever the law was. He is entitled to do it.” (79)

Response 3: Daily traffic is not a required metric under SEQRA or the Scoping Document; peak hour analysis is required and provided in the DEIS.

The proposed improvements accommodate existing over-capacity operation as well as subdivision traffic, particularly on Stony Brook Road (at Route 25A and at South Drive) and on Route 25A (at Mills Pond Road and at Stony Brook Road). The TIS fully conforms with the Final Scope and identifies appropriate traffic mitigation for intersections on Stony Brook Road.

Edgewood Avenue is beyond the scope of the traffic study.

TR-4. The EIS notes: “25A at Stony Brook Road: There were 26 reportable accidents during the three year study period, of which 12 involved an injury (the highest injury frequency of any studied location). The most frequent collision types were right angle (11 over three years) and rear end (8 over three years). This likely relates to the unique, confusing circulation and to the sight distance being physically limited by roadway curvature. As will be discussed in Sections 7 and 8, Cameron Engineering recommends improvements to this intersection, in part to address existing safety conditions.

Stony Brook Road at South Drive: This intersection had 18 reportable accidents, with the highest incidence being rear end collisions (9 of the 18). Half (9) of the accidents also involved an injury. It was here that a cyclist was hit, with cyclist error cited as the contributing factor. Classified by approach, over 60% of the accidents involved a southbound driver, half of the total involved drivers were heading south.

Additionally, one accident in six involved left turns. As will be discussed later, this study recommends safety improvements at this intersection, in part to address the existing frequencies of rear end and left turn collisions.

Stony Brook Road at Oxhead Road: There were 11 reportable incidents, of which 6 were rear end collisions. Most incidents involved vehicles headed north or south. The injury rate was small (roughly 1/3). As will be discussed in Sections 7 and 8, this study recommends improvements to help address the existing rear end accident frequency.

Mills Pond Road at Route 25A and at the two Gyrodyne driveways were counted 7-10 am and 3-6 pm to account for school bus activity at the bus depot, which is no longer here. The weekday

counts likely represent busier conditions than what would be expected on an average February day, for two reasons: there was record daily warmth during the counts, and there was a major snowstorm forecast the following days. In our experience, personal travel spikes before major snowstorms in anticipation of limited travel during the storm. Conditions during the March 2018 count were favorable: sunny/cloudy with temperatures in the upper 40s.

Sections 3.7 and 3.8 describe how, before the volumes could be analyzed, they were adjusted to reflect average-month conditions, considering February is typically less busy than average. As noted above, this adjustment should yield conservative, busier-than average volumes, because the baseline weekday counts were obtained on a busier- than average February day.”

This data indicates a high incidence of accidents and is indicative that impacts and mitigation exist within Brookhaven. To meet the “Hard Look” required by SEQRA the applicant should have consulted with Brookhaven on these roadways and potential mitigation”. (3)

Response 4: These comments note that the TIS identified existing capacity and safety concerns and includes recommendations to address same. While a SEQRA hard look does not require consultation with involved agencies, it is noteworthy that the Stony Brook Road improvements at South Drive and Oxhead Road, recommended in the traffic study, were recently undertaken by the Town of Brookhaven.

TR-5. “If conditions of approval of the proposed subdivision limit development to the levels discussed in the Traffic Impact Study, new traffic generated by development of the property will have less impact on the surrounding roadways than would full build out under the current zoning”. (4)

Response 5: This comment is duly noted.

TR-6. “The EIS contemplates road improvements within the Town of Brookhaven and contemplates a grade level crossing of the Long Island Railroad that would feed traffic from the project into Brookhaven Town. The Town of Brookhaven has not been contacted or consulted about these important aspects that will impact our residents. The lack of consultation with Brookhaven regarding impacts indicates that the “hard look” required by SEQRA has not been met”. (3) (72)

“Since this project will impact Stony Brook Road, NYS Route 25A, NYS Route 347, and countless other roadways in the area, I would like New York State to conduct a comprehensive review of all roadways within a five-mile radius of the project in conjunction with Stony Brook University.” (3)

“My strong suggestion is that there be a traffic study in conjunction with Stony Brook University to ensure that the employees and students can safely access the University, and that emergency services can adequately serve the area, particularly Stony Brook Hospital. We also need a study to take a look at local road improvements that should be taken to minimize additional traffic congestion created. We are at a tipping point at 25A...one of my attorneys whose husband does that trip [from Stony Brook to Smithtown] said...depending on the time of day, a trip that should take 15 minutes can take 45 minutes, and probably more.” (72)

Response 6: The EIS includes an alternative with a re-opened grade crossing; this alternative was included at the direction of the Town of Smithtown and does not represent the Applicant’s intention. There is no plan to re-open this crossing.

It would be outside the purview of this project for New York State to conduct a five-mile radius traffic study. The DEIS identifies appropriate measures for mitigation at intersections included in the Scoping Document.

SEQRA does not require involved agencies (i.e. only the Lead Agency) to be consulted about impacts. Of note, the Town of Brookhaven did receive and comment on the Draft Scoping Document, and has not been obstructed in any way from its permitted role in this process.

The Town of Brookhaven was involved in the public scoping process of the DEIS Traffic Impact Study. A traffic study of, and tailored to, University and Stony Brook Hospital access is beyond the scope of the proposed subdivision's SEQRA process.

TR-7. "Effects on air pollution, traffic, and the environment as a whole:

- We now use route 25A instead of route 347 because it takes so long to get anywhere on 347. Traffic control signals together with a higher-than-it-was-built-for traffic load make 347 very slow moving.
- the high level of traffic and the many stop lights also make 347 one of the state's most unsafe roadways. And now there is a move to lower the speed limit so even when the traffic is lighter (like from midnight to 4 am), one still couldn't make decent time since the traffic lights are still working.
- While the speed limit on 347 is 45 mph and on 25A is only 35 mph, it is actually faster to get from our home to points southwest of here along 25A than along 347. For this reason, we patronize stores and restaurants around the mall and along 25 between St. James and Smithtown less than we otherwise would. Even though there are no opportunities to pass a slow-moving car on 25A like there is on 347, it is still faster to get to most places to our southwest using 25A. How can this be? Well, it is a bit more direct (fewer miles), but more importantly, there are fewer traffic lights. Adding this development means adding at least two more lights and one traffic circle. Each light, assuming one can get through it in one turn of the light (which is becoming increasingly rare along any of our roads because of the area being overbuilt), will add at least 3 minutes to the drive.
- Each time a car stops for a light and has to get itself cruising again when the light changes, the cars fuel efficiency drops precipitously. This causes more pollutants in our already "F" rated air quality resulting in even more lung and breathing issues than we now see. With Long Island being one of the lung disease hot spots in New York, this is all counter to what should be done for the benefit of the majority of people. (23)

Response 7: Existing conditions on Route 347 are unrelated to the proposed subdivision.

Upon review, a roundabout is not feasible at Route 25A-Stony Brook Road. The two proposed traffic signals would be warranted with or without the proposed subdivision, and they would decrease emissions associated with Level of Service F operation for left turns onto Route 25A from Mills Pond Road and Stony Brook Road, and for left turns from Mills Pond Road and Stony Brook Road onto Route 25A.

TR-8. "The methodologies utilized in the study are appropriate to the level of development and to the scope of the proposed project. The analyses conducted conform to general industry standards for adequacy and completeness. Traffic generated by the proposed project will have significant impact on Stony Brook Road, a Town of Brookhaven facility located east of the site. The Town of Brookhaven has recently implemented a safety and capacity improvement project on Stony Brook Road, which included improvements at several of the study intersections, including Oxhead Road, South Road and Development Drive. New traffic counts should be conducted at these locations and analyses conducted in the study should be recalculated to reflect the improved condition as the existing configuration, and to determine the impact of site generated traffic on the newly improved roadway. Additional mitigation, if necessary, should be identified, including the party responsible for implementation of the mitigation". (4)

Response 8: It is not appropriate to require additional mitigation once mitigation measures have been identified in the DEIS and implemented.

TR-9. "It is also noted that as per the Traffic Impact Study, NYSDOT is currently evaluating potential improvements for the intersection of NYS Route 25A at Stony Brook Road. Improvement alternatives include installation of a traffic signal or roundabout at this location. Either alternative would provide improved operating conditions at this location" (4)

Response 9: This comment is duly noted.

TR-10. "The Traffic Impact Study assumes a build year of 2020, which is no longer feasible, and likely was not at the time the study was conducted. It is noted that traffic counts utilized in the study were obtained in 2017". (4)

Did the DEIS take into account additional additional large scale medical office facilities being built in the area, for example, on Rte 347. This new development is close to many Stony Brook doctors on Bellemeade Rd. (50)

Response 10: The Traffic Impact Study (TIS) includes an annual ambient growth factor applied to the 2017 counts through a 2020 build projection which conservatively provides for a projected increase of background traffic. It is a conservative projection because according to Suffolk County Planning, population growth in Suffolk County has leveled off since 2000. The TIS background traffic also includes other planned developments within the study area. This methodology is accepted for traffic studies on Long Island. Please note: Belle Meade Road is outside the scoped traffic impact study area.

TR-11. "The trip generation analysis conducted in the study reduces hotel and catering hall trips by 20% to account for internal trips. Documentation should be provided in support of this assumption". (4)

Response 11: The shared trips pertain to the proposed hotel, not the catering hall. The percentage was projected based on the DEIS Economic Analysis and the proximity between the hotel and an existing, active catering hall. The DEIS Economic Analysis (page H-1) notes that catering hall patrons would be expected to utilize the hotel conference and meeting rooms, and it is realistic that larger events would promote hotel room stays by catering hall patrons. There were few shared trips in terms of the actual number: 14, 18, and 22 trips during the AM, PM, and Saturday peak hours associated with a 150-room hotel.

These numbers are nearly similar to the traffic reduction associated with the smaller hotel in this FEIS. The FEIS Proposed Action's 125-room hotel is 17% smaller than the DEIS Proposed Action's 150-room hotel, nearly the same as the entire 20% projected shared traffic component. The FEIS hotels shared traffic component could be as small as 3% with the same traffic generation and traffic impacts as what was analyzed in the DEIS.

TR-12. "In general, the study identifies traffic impacts on the intersections included in the study, and discusses mitigation measures that would address the impacts. The study should also identify parties responsible for the mitigation. (4)

Response 12: The traffic study explains on page 3-1, which agency has jurisdiction over each roadway. The agencies responsible for mitigation identified in the DEIS are as follows:

- NYSDOT has jurisdiction over NYS Routes 25A and 347, and will be responsible for review and approval of mitigation at Route 25A at Mills Pond Road and Stony Brook Road; Route 347 at Moriches Road and Stony Brook Road

- The Town of Brookhaven is responsible for mitigation at Stony Brook Road intersections with South Drive and Oxhead Road (already undertaken by the Town of Brookhaven)

TR-13. "As discussed in the Traffic Impact Study, NYSDOT has jurisdiction over to NYS Route 25A, and thus will make the final determination regarding access and mitigation. We concur with the proposed access arrangement, which envisions full access to Mills Pond Road, signalization of the intersection of NYS Route 25A at Mills Pond Road, and right turn only access to NYS Route 25A". (4)

Response 13: This comment is duly noted. This is the applicant's intent, shown on the subdivision map.

TR-14. "Considering the crowding of our roads and the frequency of accidents, has the Board calculated the additional rate of accidents, including quantifying possible added fatalities, from the added traffic that would occur via the Gyrodyne proposal? Is not the health and safety of those who already live, work, and recreate locally of more importance than the added stresses the Gyrodyne plan would create?" (39)

Response 14: The traffic study includes a comprehensive accident study, and mitigation was geared towards addressing the identified higher-than-average accident patterns of concern.

TR-15. "The data in the draft EIS traffic study/analysis sections is incomplete, and deliberately vague and misleading on specific details about current and future traffic conditions for NYS Route 25A, Stony Brook Road and Mills Pond Road. The following issues need specific harder looks and additional data for proper analysis of the EIS: the current vehicle count is alleged to be 17,300 cars/trucks on Route 25A daily. Where is this figure derived from? What is the current NY State design capacity of Route 25A in this area? What is the level of service (LOS) rated at in the Gyrodyne area?" (40)

Response 15: This is not an accurate representation of the DEIS traffic study. AADT data on Route 25A is sourced from the NYSDOT Traffic Data Viewer, and is provided as background information. Existing 24-hour volume is not a metric for identifying traffic impacts.

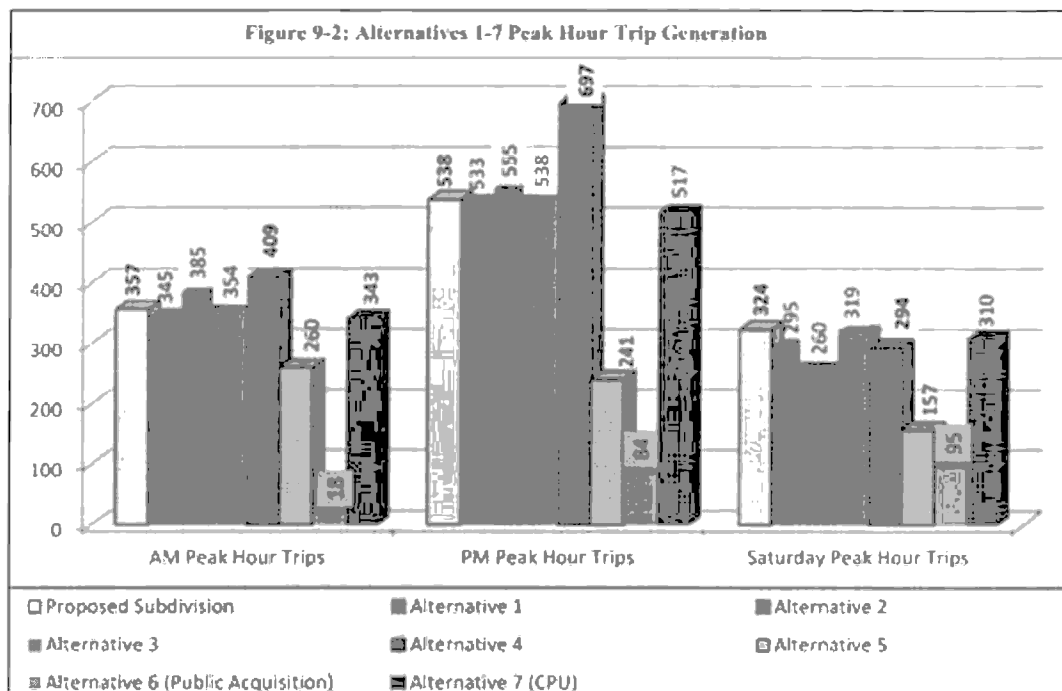
Current levels of service near Gyrodyne on Route 25A are identified in the Existing Conditions section of the DEIS traffic study.

TR-16. "What will be the total estimated number of additional vehicles on a daily/overall basis that will use Route 25A for each subdivision alternative? What will the NY State LOS become for each alternative? Note: at pages 1-2 and 9-3 it is indicated that a no build option will increase traffic by 3.3%, but the various subdivision options do not set forth any daily traffic increases in terms of percentages, nor are actual overall daily numbers provided in a comprehensible fashion. In addition, construction of a large medical complex is identified as being as of right and a possibility, though not intended at the present time by the developer. This possibility is stated to produce 10-30% more cars than any of the provided alternatives, yet no actual numbers or estimates of daily or peak vehicle usage is provided. A hard look accounting for this clear possibility in terms of traffic is clearly warranted, even if not a desired alternative". (40)

Response 16: Daily traffic is not a required metric under SEQRA or the Scoping Document. The subdivision options have equal, similar, or less traffic than the Proposed Action, so no additional numbers are warranted.

Peak use for an as of right medical office is provided in the discussion of Alternative 4, in the DEIS page F-114 (see excerpt below). The DEIS includes several alternatives that are not being proposed by the Applicant, consistent with the Scoping Document.

Figure 2-5: DEIS Figure 9-2, Alternatives 1-7 Trip Generation



TR-17. “A hard look is required for the impacts of traffic on Stony Brook Road and the Town of Brookhaven road network, as the traffic study indicates 15% of overall future traffic will use that road. The total DAILY number of vehicles PRESENTLY using Stony Brook Road (north and south) commencing at the Route 25A intersection and running south at each intersection to Route 347 should be clearly identified. The design capacity and any present overload of Stony Brook Road and its various intersections should also be identified. Identifying only AM and PM peak/rush hour usage is inadequate, especially as there will significant off-peak usage”. (40)

Response 17: Please see Response 3.

TR-18. “A hard look is required as to the estimated increases in vehicular traffic using the Stony Brook Road corridor, (turns and thru traffic) commencing at the Route 25A and each following intersection to Route 347, for each subdivision proposal. The proposed medical office complex may generate 10-30% more traffic, and the estimated impact of this should also be set forth. The overall percentage of use of the road in each scenario at present is obscured or not provided, except for AM and PM peak usage turning rates, which do not reflect overall volume. More specifically, off peak usage should be clearly set forth, as there will be large differences in traffic generated by different types of subdivision development. Finally, since much of the traffic improvements for the Route 25A/Stony Brook Road intersection are based on representations by the applicant of future road projects to be undertaken by state and town agencies beyond its control (NYS DOT and the Town of Brookhaven) a hard look should be taken of the possibility that the proposed mitigation will not occur”. (40)

Response 18: The TIS considers estimated increases to traffic on Stony Brook Road. The DEIS Proposed Action office is analyzed as 100% medical office to be conservative and reflect the maximum trip generation compared to non-medical office.

The associated traffic impacts are identified and mitigated in the DEIS. Traffic impacts were

evaluated at 17 intersections (see Page 9-1 of the DEIS), and mitigation was identified at six locations to address identified impacts in the DEIS. Please see Section 9.4 of the DEIS (Pages 9-12 through 9-15) for a more detailed overview of potential mitigation measures at each identified location. The six locations identified for mitigation measures include: Route 25A and Mills Pond Road, Route 25A and Stony Brook Road, Route 347 and Moriches Road, Stony Brook Road and South Drive, Stony Brook Road and Oxhead Road and Stony Brook Road at Route 347.

Daily/off-peak traffic is not a required metric under SEQRA or the Scoping Document. Off-site mitigation must be approved to progress the new land uses associated with the subdivision.

The Town of Brookhaven has already implemented the improvements to Stony Brook Road intersections with South Drive, Oxhead Road, and Development Drive.

NYSDOT agreed in 2010 that a signal is warranted at Route 25A-Mills Pond Road (DEIS pages F-345 and F-346), and as of 2020 is formulating its own analysis of either a traffic signal or roundabout at Route 25A-Stony Brook Road.

TR-19. "If any of the proposed road mitigation projects do not occur, will there be a process to reconsider the subdivision design and the traffic impacts, and possibly lessen density to reduce traffic?" (40)

Response 19: Completion of identified mitigation is required before new land uses can be occupied.

TR-20. What is the total number of vehicles PRESENTLY using Mills Pond Road going north to Route 25A and south to the intersection of Mills Pond and Moriches Road, and what will the future estimated total usage be under each subdivision proposal including the large medical office complex that is proposed. Please provide non peak hourly usage at present and as estimated in the future. The TPH PM peak usage of 538 at page 6-11 is inadequate to fully assess traffic impacts, and appendix F table 6-6 is similarly unclear. Also set forth the overall percentage of vehicle use from the subdivision that will use Mills Pond Road south (presently estimated at 35%). (40)

Response 20: The DEIS traffic study pages F-34 through F-36 depict the seasonally adjusted existing peak hour volumes counted for the DEIS on Mills Pond Road. As shown on these pages, there were 97 to 187 vehicles approaching Route 25A and 139 to 217 vehicles approaching Moriches Road during the AM, PM, and Saturday peak hours. The FEIS subdivision will generate less traffic than the DEIS proposed action, which would have generated 63 to 106 vehicles approaching Route 25A and 27 to 98 vehicles approaching Moriches Road, as shown on DEIS page F-73. Peak hour impacts are the relevant, required analysis per SEQRA and the Scoping Document. During non-peak-hours, generated traffic and the background traffic on local streets is less than what occurs during peak hours. The traffic mitigation satisfies the peak 538 vph scenario (the data in DEIS Table 6-6); with fewer generated trips for the FEIS Proposed Action, the DEIS traffic mitigation will inherently mitigate traffic to the same or better conditions than what is shown in the DEIS Level of Service tables on pages F-86 through F-99. The 28-34% distributions on DEIS pages F-68 and F-71 reflect projected percentages of vehicle use on Mills Pond Road south for the different uses.

TR-21. A hard look is required as to the traffic impacts on Lake Avenue, commencing at the Route 25A intersection and running south to Routes 25 and 347. How many more vehicles will use Lake Avenue under the various subdivision proposals and the as of right medical office complex, what will the percentages of increase be, and what will the overall percentage of traffic usage

be? (40)

Response 21: Selected Lake Avenue intersections were designated in the Scoping Document and analyzed in the DEIS. Lake Avenue intersections with Routes 25 and 347 are outside the required scope and are more than three miles from the subdivision property.

TR-22. "There are at present three traffic signals on 25A between the Route 111/Route 25/Route 25A intersections and the signal at the Museums at Stony Brook. What will be the impact on 25A in terms of LOS, travel time, decrease in speed etc from adding intersection improvements at Mills Pond and Stony Brook Roads, along with the impact on 25A? A hard look is required at the anticipated increases in traffic from the subdivision alternatives and possible medical office complex and their impacts upon the overall safety, and navigability of the limited road network." (40)

Response 22: Analysis of impacts fully conforms to the Scoping Document. As shown in the DEIS traffic study, the DEIS alternatives would generate similar or less traffic than the Proposed Action, and notably fewer trucks than as of right light industrial development that would not require a zone change or subdivision.

TR-23. "Gyrodyne's proposed subdivision ignores the Town of Brookhaven's Visioning Plan for the 25A Corridor which was completed in August 2017 and which suggests a totally different land use and traffic control concept than the intensive development proposal by Gyrodyne. The Gyrodyne proposals will create a large increase in traffic that will spill over and impact Brookhaven, yet the impact on the Brookhaven plan is essentially ignored. A hard look needs to be taken as to the impacts of a Smithtown land use decision and associated traffic impacts on the adjacent municipality. While the EIS states the Village of Head-of-the Harbor road network will likely not see traffic impacts, increased traffic on 25A will impact the Village as 25A is the border, and no hard look is taken at the impact on the rural area directly to the north". (40)

Response 23: The DEIS traffic study's Appendix H is an excerpt of the *Route 25A Vision Report*, and the recommendations for Route 25A-Stony Brook Road match the mitigation options examined in the DEIS traffic study.

The subject property is west of the segment described in the *Route 25A Vision Report* and is not subject to the report's recommendations for land use.

The DEIS traffic study does not ignore adjacent municipalities. In fact, eight (half) of the sixteen existing study intersections in the report are in the Town of Brookhaven (location 17 is a proposed driveway), as required in the Final Scope. The critical Route 25A intersection in/adjacent to the Village of Head of the Harbor is at Mills Pond Road. Any other Route 25A intersection would have no added side-street traffic (added through traffic on Route 25A does not have to stop).

TR-24. "As longtime residents of the community, we have seen the area develop from a small residential low traffic area to an area with little open spaces and overburdened roads. The proposed development of the Gyrodyne/Flowerfield property would further exacerbate the already stressed roads. The only access roads to the area are NY 25A and Stony Brook Road. During commute times, both these roads are already congested and the intersection of them is dangerous at any time. We can't imagine what it would be like with the proposed added facilities. Further, a development of this size would greatly detract from the desirability of living in this area for Smithtown, St. James, Setauket, and Stony Brook residents, due to increased traffic, pollution, and the impact on existing surrounding businesses". (47)

"I am writing to protest of the proposal to the Gyrodyne Project. There are many reasons to object

to this project including increased traffic and vehicle overcrowding caused by the increased activity and population produced by the two assisted living facilities, a hotel complex plus a catering facility and two medical office buildings.” (64)

Response 24: The mitigation in the DEIS also addresses existing congestion at multiple intersections. Operations with the proposed subdivision are detailed in the DEIS traffic study. As depicted in Figure 2-5 on page 74, the proposed subdivision generates less traffic than at least one as of right development which would not require a subdivision.

TR-25. “Intensified traffic along an already congested segment of 25A is...a major concern. Defenders of the plan say that the businesses that will be constructed (a fair-size hotel, two assisted living centers, two medical office parks, and the sewage plant) will contribute minimal traffic congestions during peak commute hours. In fact, it sounds to me that taken together these businesses will have lots of employees driving on 25A at peak commuting hours. And of course in our area on 25A there are always cars on the road, peak or not. Traffic congestion along this route is already a headache for anyone who has to get somewhere by a certain time” (48)

I do NOT want any more traffic or congestion on Route 25A. The additional cars that come with further development on an already, beyond capacity roadway will be dangerous and diminish our quality of life and property values in our area. (54)

“I know what is happening on Stony Brook Road. I know what is happening on 25A. Mills Pond Road is about to be destroyed.” (90)

Response 25: The DEIS represents “minimal” impacts once mitigation measures are in place. There is no intent to develop the proposed subdivision without traffic mitigation at six locations (whether implemented by the Applicant or by others). The property could generate additional traffic as of right, without the proposed subdivision, as shown in Figure 2-5 above (page 74).

TR-26. “Route 25A is already a rush hour nightmare as is Nicolls Road and Stony Brook Road. The existing infrastructure is clearly not able to adequately accommodate the egregious increase in traffic that will result if the project moves forward. Backed-up, idling vehicles will be spewing noxious fumes and emergency vehicles will waste valuable time on traffic-clogged roads. With three hospitals in the area, this prospect should be of concern”. (24)

Response 26: Nicolls Road is outside the required scope. The proposed mitigation measures on Stony Brook Road help alleviate existing congestion. The existence of hospitals in the area is not a reason to deny an application under SEQRA.

TR-27. “The infrastructure along the Route 25A corridor is already wildly over-burdened. This project will make matters exponentially worse. The Mills Pond Road is a bucolic residential road, already off limits to trucks. Stop signs have recently been installed along the road south of the railroad tracks to reduce traffic volume and speeds. Making a left-hand turn onto 25A in the St. James area is already difficult and possibly hazardous. This project will significantly magnify these traffic problems for residents. (29)

Response 27: The proposed traffic signals will have left turn lanes and left turn arrows to make it simpler and safer to turn left at the intersections of Route 25A with Mills Pond Road and Stony Brook Road. Additionally, the current subdivision map contemplates a new southbound left turn lane from Mills Pond Road into the subdivision and an exiting westbound left turn lane.

TR-28. “Please reconsider any new development which add considerable traffic from the Gyrodyne property to North Country Road”. (36)

Response 28: Please see Response 2.

TR-29. "Transportation and Traffic: The density and detail of what is proposed is profoundly incongruous with our area and the subject property is served by state and local roads that are wholly inadequate to the proposed intensity of development and use. A hard look should be taken of the different versions of rural character vs. intensive development. New York State Route 25A, Stony Brook Road, and Mills Pond Road are the only roads that access the Gyrodyne Property and they were each designed and built for far less intensive use than has already been imposed upon them. Stony Brook Road, for example, is already so oversubscribed that at certain times of most days vehicles traveling it crawl bumper-to-bumper in a traffic quagmire. In that Stony Brook Road and the smaller Mills Pond Road are the only north-south travel routes that offer access to the Gyrodyne site, the addition of a new and significant traffic load that would arise from the proposed overdevelopment would create a midtown Manhattan-like traffic nightmare on each of these roads and within the residential neighborhoods that they run through. The issue of traffic impacts needs a hard look". (1) (73)

"The second obvious concern is the increase in traffic. This is not a good fit for this area..." (66)

"Many feel that the growth of Stony Brook University, though positive in many ways, has changed and shifted the rural character of the adjacent communities. Adding additional high-density in traffic generating projects would increase the major changes to our community. The DEIS that has been submitted does not properly address this concern." (85)

Response 29: Please see Responses 2, 3, and 4. The DEIS traffic study (DEIS Appendix F) is roughly 300 pages long and examines potential impacts of twelve alternatives at seventeen study intersections, following the Final Scope. Appropriate mitigation measures are identified in the study.

Background growth associated with Stony Brook University is unrelated to this application. The proposed subdivision is a less intense traffic-generator than as of right development that would not require a subdivision.

TR-30. "Stony Brook Road is identified in the Draft Environmental Impact State (DEIS) as absorbing about 15% of the new traffic that will be generated by Gyrodyne's planned subdivision. Nelson & Pope engineering firm studied traffic conditions on Stony Brook Road and produced a report in 2017 which noted daily traffic exceeds 21,000 vehicles most days of the week when Stony Brook University is in session. The Gyrodyne DEIS reported significantly lower traffic estimates. Why is there such a discrepancy? Where are the traffic accidents on Stony Brook Rd reported/taken into account (124 in 2019 according to the Suffolk County Police Department) The DEIS fails to look at peak travel times and traffic jams which results in already slower response times by fire and ambulance (fire and ambulance station is located on Stony Brook Rd). The DEIS was deficient in looking at these concerns. (50)

Response 30: There is no deficiency identified in this comment. The DEIS reports NYSDOT information regarding 24-hour data, and examines peak hour traffic impacts. There is no discrepancy, and the DEIS indeed looks at peak travel periods.

The DEIS also includes a three-year accident study, and identified appropriate improvements to multiple intersections on Stony Brook Road to address existing safety concerns. The recommended off-site mitigation will address some existing congestion concerns, thereby improving conditions for emergency response and day-to-day drivers.

TR-31. "I strongly oppose the Gyrodyne development. I have only lived in this community a short time and I find the traffic here unbearable at times. From day to day I have to plan my day around

the existing traffic. If Gyrodyne gets developed traffic will be more than a nightmare on any given day. Please reconsider the scope of the plans as submitted”. (60)

“Vote no to gyrodyne development. The area can’t handle any more traffic. Our roads are dangerous enough” (63)

Response 31: Please see Responses 2 and 27.

TR-32. “And now I am going to go back to being a resident. I drive these roads frequently. The roads surrounding Gyrodyne site are considered a historic corridor comprising North Country Road, New York State Route 25A Heritage Trail, and the Mills Pond Road. Historically, the Washington Spy Trail ran along 25A. In addition, our narrow, winding, two-lane roads are not equipped to handle the increased traffic flow. I don't know how many of you use the ferry to Bridgeport. I do all the time. And sometimes getting there with time to spare is a real challenge. With increased traffic, it will be even more difficult to gauge what time I would have to leave to catch the boat. That should only take 20 minutes for me to reach with normal traffic. 25A is what I would consider at/or above capacity for the kind of road that it is; however, improving it would destroy both the historic and the intrinsic character of the less developed areas”. (76)

“Of the many, many adverse impacts, the most obvious is to our roads. Alter so much has been made to preserve a picturesque, mail byway on NYS Route 25A - The Washington Spy Trail-these buildouts would put renewed demand to “Jericho-ize” our main artery. Be mindful, it was only thirty years ago that NYS DOT planned to ‘four lane’ Route 25A in our area. And, that was with far less traffic than today.” (15) (81)

“The Gyrodyne, LLC property on which this application has been made is bounded by a historic corridor comprised of the North Country Road, New York State Route 25A Heritage Trail, and Mills Pond Road. These narrow, winding, two-lane roads have not been engineered for the inevitable influx of vehicles that will emanate from this site upon completion and, in fact, are currently at or nearing capacity from the residential, commercial, and economic centers they already serve.” (86)

Response 32: Off-site mitigation will not widen the surrounding roadways with additional through lanes. Responses about community character are addressed in Section 2.15 (Visual Impacts) and DEIS Section 15 and Appendix K, which include dozens of summer/winter side-by-side views from the surrounding streets.

TR-33. “...You know, this potentially impacts the current traffic and traffic of the future. So here are the facts: As one of our other speakers said, 25A is a historical trail. It's really our brand, really. You talk about Smithtown, St. James, Stony Brook, it's really our brand; it's our brand of tourism. It's what brings visitors here. It's why people come here to visit. It's why people come to live. We love this area. It's who we are. It's what makes our community. It's our sense of place, if you will. And if you listen to Kristen Jamagin, by the way, over at Discover Long Island, and what the IDAs are doing, it's all about where you belong and creating that sense of place, both for residents and businesses, by the way. So you really need to maintain that to attract these people here. Not only is the type of building that Gyrodyne is proposing out of character to the area, according to New York State DOT, historic Route 25A, which is a two-lane road, is already at capacity, and it can't take any more traffic. “Now, here is where it really gets interesting, because we over by the University. I work with the Friends of Stony Brook Road. In...2017 in response to residential complaints about the massive traffic on Stony Brook Road, the Town of Brookhaven commissioned a traffic study from Nelson and Pope. Now keep in mind, Stony Brook Road will be the major north/south road visitors will use to come to the Gyrodyne development, because it's really easily accessed from Route 347. It's a straight shot right down

347. According to Nelson and Pope, in 2017, almost three years ago by the way, Stony Brook Road is already 60 percent overcapacity. Let me repeat, 60 percent overcapacity, and that was in 2017. In days when Stony Brook University is in session, there is upward of 22,000 cars on that road daily. That's 22,000 cars, trucks, and 18-wheelers that residents already have to contend with. There is total gridlock at peak travel times. And if you don't believe me, I've got the video to show you. "According to the Suffolk County Police Department -- who were kind enough to provided me with numbers yesterday -- there were 124 accidents on Stony Brook Road in 2019. That's a 10 percent increase over the prior year. The more traffic we have, the more accidents we are having. Stony Brook Road is an incredibly heavy, dense, horrible road to come down, and it's a residential road. The Stony Brook Fire Department or the Stony Brook Fire District, the EMTs and the fire trucks, already have trouble navigating through gridlock. It's a safety hazard for anyone who needs emergency services. And if you look at the video, you would see there is nowhere for those fire trucks to go, and nowhere for the EMTs to go. And I don't know about you, but I don't want to be either in the back of one of those ambulances, and I don't want to have my loved one in there, because they can't make a call, or my house is burning down. Yet the DEIS mentions Stony Brook Road numerous times -- which, by the way, happens to be in the Town of Brookhaven -- as a place to basically dump all the extra traffic from the Gyrodyne development. By the DEIS recommending Stony Brook University provide the Gyrodyne development an easement through the property the way it is configured right now, they would actually give them an easement that would go from the property in question, right through and come right out on Stony Brook Road to help ease that traffic; or possibly reopen one of the roads that's there behind some homes on University Heights Drive. That was closed a long time ago to stop people from cutting through. So they are thinking about opening that one up for us too over in the Town of Brookhaven. That would already put more cars on an already overburdened, overcapacity, and dangerous Stony Brook Road. And what about Mills Pond Road? That's another small residential road. It's the only other north/south road with access to Gyrodyne. If you have been on that road, you know it's a small road. It's already overcapacity, and with the new build-out there, there's no way that road is going to be able to manage that. The DEIS needs to take a hard look at the arterial roads that link up to those three roads immediately surrounding Gyrodyne's development, which it has not done. There are a lot of other feeder roads into that that we know of, and the DEIS didn't even look at those. It barely looked at Stony Brook University, and I can tell you they don't have the numbers that I have as far as traffic, and I will be happy to provide you with the information I have from Nelson and Pope and the Suffolk County Police Department. The traffic study portion of the DEIS, we believe, is deficient. As a long-standing resident of the area, I think it's almost abusive that the DEIS does not take into the concerns of Gyrodyne's immediate neighbors, the Town of Brookhaven and the Head of the Harbor. How can you plan in a vacuum? How could you even think it's okay to dump more traffic on a road that's already oversaturated? Oh, and by the way, expect another municipality to foot the financial bill for road maintenance, safety, and the quality-of-life issues that this is going to generate. You are dumping all that traffic on the Town of Brookhaven and we have absolutely no say in this, and it was developed in a vacuum. And I'm sorry. That's just not acceptable". (91)

Response 33: Please see Responses 3, 31, and 33 and Response 1 in Section 2.1.

TR-34. "Since there is a plan for traffic control at that intersection [Route 25A-Mills Pond Road], why not shift the entrance to the project to Mills Pond Road to help create a smoother traffic flow along that stretch of 25A rather than break it up by putting this in the middle after a traffic light before the next traffic light, and then side roads which come in." (78)

Response 34: The DEIS traffic study identifies appropriate mitigation, and notes that the main access will be on Mills Pond Road. The Route 25A access will only be for entering and exiting

right turns, as required by the New York State Department of Transportation.

TR-35. "What also can be done to try and keep some of this traffic off of Stony Brook Road? How can you go about encouraging the use of Mills Pond Road and Moriches Road as an access between Gyrodyne property and Route 347? There are more commercial properties and fewer private homes or driveways on these two roads other than on Stony Brook Road." (78)

Response 35: The applicant has no way to control the routes visitors use to travel to and from this property.

TR-36. "The impacts of the development on Head of the Harbor, nothing in the DEIS talks about cut-through traffic when people find they can't traverse 25A anymore." (82)

Response 36: The DEIS Traffic Study section 6.8.1 (pages 6-14 through 6-17) examines the potential for cut-through traffic off Route 25A and found that alternate routes are longer and have slower speed limits than a direct path along Route 25A, and therefore they are not expected to be attractive to regular cut-through use.

TR-37. "The volume of traffic potentially generated by the three proposed types of businesses: medical offices, a hotel and an Assisted Living Facility would appear to far surpass that of the types of industry for which the property was originally zoned." (8)

Response 37: This is not accurate. Without subdividing the property or changing the zoning, the applicant could build new medical offices and/or new light industrial buildings that generate far more trucks and more traffic than the Proposed Action (see DEIS Alternatives 4 and 5).

2.10. Community Service Providers

CS-1. "...our Village fire and ambulance services come from the St. James Fire Department. Station One at the intersection of 25A and Lake Avenue is an ideal location to service the Gyrodyne property. However, a new ambulance is needed to service the north end of St. James, the Gyrodyne development as well as the Village. This mitigation cost was not mentioned in the DEIS. A new, equipped ambulance costs roughly \$300,000. To staff the ambulance with part time paid paramedics would cost about \$300,000 per year. "This item requires cooperation between the Town of Smithtown, Gyrodyne and the Saint James Fire District. St James Fire Department already has an arrangement with Stony Brook Hospital's ambulance service that is very useful transporting residents of assisted living locations to Stony Brook Hospital. This relationship should be part of the discussions due to the cost effectiveness and efficiencies of service. (2)

Response 1: The applicant reached out to the St. James Fire District (see DEIS Appendix B: Correspondence) and did not receive a response regarding additional costs. The proposed project will be a net tax positive to the area, which will benefit the local fire district.

CS-2. "The additional traffic will cause further congestion and reduce response times for emergency vehicles, including police, firefighters and ambulances". (46)

Response 2: Please see Traffic and Parking Response 26.

2.11. Taxes/Economic Impacts

ECON-1. “I am writing to voice my deep concern of the proposal by Gyrodyne Development to sell Flowerfield property to a developer who will forever make a negative impact on the unique heritage of this St. James area. The proposed commercial development will irreversibly change the serene historical nature of St. James. (19)

Response 1: Off-site improvements are subject to NYSDOT review and approval; roundabouts were considered, but deemed infeasible. Impacts to congestion, air, and water/waterways are identified and mitigated in the DEIS.

Job creation should not be discounted by nature of creating jobs for lower-income workers, or for where prospective employees currently live. Additionally, construction workers would patronize local businesses as well.

The applicant does not own property on other “land areas by Rt. 347.”

ECON-2. “Within a short radius of the hotel planned for this project are the Three Village Inn, the Hilton Gardens at Stony Brook University (which is planning an 85-room expansion), the Stony Brook Holiday Inn Express, and Danford’s Hotel. In addition, a new hotel is also being proposed for the site of Watermill Caterers on Nesconset Highway. These planned projects call into question the need for the hotel proposed on the site; potential adverse economic impacts to existing and planned facilities should be analyzed in the EIS”. (3) (72)

Response 2: The applicant relies on real estate experts to gauge the demand for a hotel, similar to any property owner. In fact, based on market conditions, the Proposed Action’s 150-room hotel with a restaurant and day spa has been revised to a 125-room hotel with no restaurant or day spa.

ECON-3. “The high likelihood that the property landlord would receive tax credits for eligible buildings would limit the amount of taxes available for St. James business revitalization. The likelihood that assisted-living tenants or hotel guests would be customers of St. James Lake Ave businesses is low. The employees that would work at these facilities in all likelihood would be from outside the area. “Instead of violating a pristine area of St. James, there are many land areas by Rt. 347 that are vacant and would be better suited for hotel or apartment complexes. These would contribute the same in taxes and yet not irreversibly decimate the nature of this area”. (19)

“Does the Town of Smithtown commit in writing to NOT provide any type of financial inducements, Payments In Lieu of Taxes (PILOTs), tax abatements, or any other type of government subsidy to any business entity that is or plans to lease or purchase property within the proposed subdivision. Does the Town of Smithtown commit in writing to NOT provide any form of tax incentives, subsidies, property tax abatements, PILOTs, or any other tax-payer funded government assistance to Benchmark Senior Living LLC and its subsidiaries — including but not limited to BSL ST. JAMES LLC. Does the Town of Smithtown commit in writing to NOT provide any form of tax incentives, subsidies, property tax abatements, PILOTs, or any other tax-payer funded government assistance to GSD Flowerfield LLC, Gyrodyne LLC, or any related business entities”. (38)

Response 3: Tax incentives are a specific mechanism outside the realm of SEQRA. The applicant has not made an application for a PILOT.

ECON-4. “The potential for nitrogen pollution and further contamination of our local beaches and

harbors is a significant cause for concern. Any harm caused to our beaches and inlets will have a negative impact on our economy, health, and aquatic environment. Closed beaches caused by pollution reduce tourism and boating and fishing industries... It is important to obtain a written commitment from future commercial tenants to pay their fair share of taxes, without relying on any tax abatement". (46)

Response 4: Please see Response 3 above and Responses 1 and 2 of Section 2.7 (Groundwater).

ECON-5. "Structures planned on the proposed development are nonconforming in terms of scope, size and height to the structures around them... As you surely know, a number of other agrarian or low-density lots along this corridor are already earmarked for sale; potential buyers are right now awaiting your decision to determine if similar higher-density, light industrial development is permitted. How does the Board intend to preserve the historic nature of the community if it approves this development? (50)

Response 5: All proposed buildings are more than 200 feet from Mills Pond Road and from Route 25A. DEIS Appendix K (Visual Assessment) depicts nearly identical views of the site from Mills Pond Road and from Route 25A once mitigation (added vegetation) is implemented. The main change to the view will be at the proposed Route 25A driveway, which will be designed to NYSDOT requirements, with highly aesthetic treatments for visual appeal.

All proposed buildings will conform to Town height thresholds; the DEIS did not represent that this threshold would be exceeded.

Other properties would be subject to the limitations of their existing zoning unless the corresponding property owners make applications to the Town for relief.

ECON-6. "Gyrodyne executives have asked for an easement that would provide direct access to the campus of adjacent Stony Brook University Research Park, referenced in the DEIS. They refer to this planned connection as "synergy." Yet Gyrodyne has refused to disclose the identity of the buyer or buyers of any subdivision lots. "Has the Board asked Gyrodyne to clarify the nature of this purported synergy? Why has the company refused to identify the buyer(s)? If the buyer is identified as a government agency or institution, such as a university, it will have a predictable reduction of the tax base if the transaction closes been entered into projected revenue streams arising from the subdivision development? Have you looked into what effect the nonprofit status of a buyer may have on tax collection projections? Has the DEIS looked at what additional traffic coming from the Gyrodyne development, through the Stony Brook Research Park and onto Stony Brook Rd would result in?" (50)

"Future tenants paying ZERO property taxes create a bigger tax burden on those who currently live here and reduce the possibility of our children to remain in Smithtown or LI entirely due to the ever-increasing taxes dumped on us each year." (56)

"The proposal before us tonight goes to great lengths to stress the importance of synergy. It's mentioned many, many times. Synergy between the developer and the University. Why is that? The fact is the DEIS over and over again discusses synergy. I question this. Why is it mentioned? Were there ever other types of uses discussed for this land that might have had less density and might be more appealing to the community; were any of them ever considered? I question since these parcels will be single and separate, is Stony Brook considering purchasing any of these lots, maybe directly for the medical staff, which would result in having the buildings taken off the tax rolls? If Stony Brook takes these buildings, they come off the tax rolls. There goes your \$300 million in property taxes." (90)

Response 6: The DEIS was required by the Town of Smithtown to examine an alternative with

the LIRR crossing re-opened; this is not the applicant's intent, and the subdivision application does not include re-opening this crossing. "Synergy" references the synergy of use, not necessarily the physical connection.

The comments about "future tenants paying zero property taxes" are unjustified and not a proposed element of this application.

The future Property Owner is not known; there is no refusal involved.

Of note, Stony Brook University has been paying its equivalent share of school taxes on the property it acquired from Gyrodyne LLC, since 2006, alleviating roughly 65% of the concern over "removal from the tax roll" (<https://www.nysenate.gov/newsroom/in-the-news/john-j-flanagan/flanagan-and-englebright-successful-fight-protect-local>).

ECON-7. "opposed to...Low-wage jobs predominating after construction is completed." (42)

"Gyrodyne has assured local civic and business leaders that this development will produce desirable new jobs. Yet the industries specified in the DEIS - hotel/motel, nursing care/assisted living, medical offices and sewage treatment - hire mainly in the lowest third of U.S. occupations, according to Department of Labor and Census data. Has the Board asked Gyrodyne to produce a report projecting the jobs the development would create with salary guidelines? If so, what percentage of the new jobs would be equal to or surpass median regional salaries for this area?" (50)

"Our concerns are many including...Low-wage jobs predominating after construction is completed. (59)

Response 7: As the ultimate land use mix may change following subdivision approval, the job projections provided within the DEIS are preliminary conservative projections for job growth. Since the acceptance of the DEIS, the proposed project has been further refined to include a larger assisted living component, as well as an increase in medical office and general office space, all of which have the ability to generate jobs at various wage levels. The income level of new jobs is not a reason to dismiss the new jobs that would be created.

ECON-8. "...I'm publisher of Select Long Island, an economic development publication. And prior to that, I have been a business journalist on Long Island covering and profiling figures in business, in economics, and in economic development for many years. And that has, I believe, given me a perspective on what true economic development actually is. And I have to say, I really see little to none of it in the project that we are here to discuss today. There is very little of it in terms of what the traditional and contemporary requirements of what economic development are. Looking at planning is a big part of it. I think the comments from the leaders across the border, it almost sounds like there is a kind of wall that has been put up, and it's unfortunate because the whole purpose of planning -- planning is at the essence of economic development. If planners aren't talking to other planners, if planners aren't talking to economic leaders, if the people who create the programs and the projects and design them and plan them are not talking to their counterparts across the border, then there is no planning going on. It doesn't exist; it's phantasmagorical. "Earlier today, in order to try to get a sense of what economic benefits might be and to question what I have heard from many people, which is that maybe the environmental issues may be questionable, but there is going to be economic growth. We are going to create a thousand jobs. I have heard that bandied about, and possibly that's so. But I looked into what those jobs are going to be. And anybody in this room who has a connection to the internet can do the same thing I did. You can find these statistics on the U.S. Labor Department and in the Census Bureau, and they are all freshly cooked today. I just found them this morning.

For example, in terms of looking at the occupational wages and profiles, what the jobs that are going to be based on the industries that are going to be in this project, it is not a pretty picture. We are looking at hotel, we are looking at nursing homes, and we are looking at medical offices. These are industries that hire predominantly in the lowest third of occupations, as ranked by wages. Again, according to the U.S. Labor Department. Let's start with proposed hotel. Hotels hire predominantly housekeepers, desk clerks, porters, security people, maintenance people. Hotel and motel employees last year earned just over \$27,000. These are median annual earnings. They were the 17th lowest wage earners in the United States. Maids and housekeepers came in just over \$24,000. They ranked 7th lowest. Food prep workers, dining room attendants, food service workers, earn between \$23,000 and \$24,000. I repeat, \$23,000 and \$24,000. They held the second lowest ranked salary jobs in the economy. Okay. Everybody remembers Letterman's top ten list. Who do you think is the lowest ranked in the United States by occupation? It's laundry workers. They earn \$22,500. Let's take a quick look at the nursing home assisted-living center. Nursing and health aides earn just under \$27,000 a year. They are ranked 16th lowest. The situation is a little brighter over in the medical offices. Doctors do well. My mother would say they are comfortable. They earned the median salary of just under \$300,000 last year. And this is national. Locally, on Long Island, it's a little higher, but Long Island wages have not kept pace with the growth around the country. We earn pretty close to what we earned ten years ago. Most of the country has gone higher. We've lagged that growth occupationally. Most people who work in medical offices, though, are not doctors. It's about maybe one out of ten employees of a typical healthcare facility are doctors. Nursing and health aides last year earned less than \$27,000. That's not a tenth of what physicians earned. The average medical records clerk's salary in the United States \$35,000. Over at the sewage treatment plant, uncomfortably near all of these -- the average salary there, assuming that the plant is run by a private operator -- governments pay more, will be about \$46,000. Let's stop for a moment and compare that to what it takes to live in Smithtown. Median household income in Smithtown last year was \$126,000. And that's about double the amount of the national median wage. It's about double. And this is coming from the Census Bureau. I don't make it up. Keep in mind, that if you are family of four and you are earning \$81,000 a year here, you qualify for public benefits. That's \$81,000. So most of those jobs that we are talking about here would require two people, and they still would not be getting -- they would still be on public benefits. So to summarize my research, it appears that most of the jobs that would be created on this site will be low-income jobs, among the lowest on the books in the United States. Most of the jobs will not pay enough to keep a Smithtown household above the [poverty] line. I would also say that the highest paying jobs of the new jobs will probably represent jobs that are transferred from other locations fairly nearby, as distinct from jobs that will be created. Meaning, there will be expansions, there will be companies that exist or operations that will expand and create a new program, and they will transfer people here. They will not be literally creating new jobs, and that is an important distinction. Why is it important? Because if the person is now working in Commack, they may be offered the chance to take the job in Smithtown. And they very possibly will accept it, and that will be called a new job. It will not genuinely be a new job. It will not have that economic impact. "So I have also heard it said that the project will bolster the communities' tax rolls. I see that as highly unlikely, and that's based on recent experience. The reason, as everybody knows about the 2005 land grab -- excuse me, eminent domain seizure of the University, Stony Brook acquired either 246 acres or 278 acres, it depends how you -- I guess on who you ask, of Gyrodyne. Since then, the University has constructed and continued to construct buildings for academic research purposes, which we have discussed at length, ad nauseam, here today. The important thing to note is that on Brookhaven's experience, and if Ed Romaine were still here I think he could attest to it, that's been a negative loss for Brookhaven. They took the property off the tax rolls, it was bought by a

government entity, and it pays no taxes, but consumes public services including emergency services. So what we are saying is that the experience in Brookhaven -- and by the way, I don't have to tell anybody in this room that this property is adjacent to the Stony Brook campus. Gyrodyne has not yet allowed who will be the -- definitely say who will be the customers of this property or who will be actually developing the property. If the planners know, maybe they can tell us. It would be interesting to hear. But the point is, is that they have already asked for an abatement so that this campus would be easily adjoinable and accessible to Stony Brook University. So you can take a guess at who might be the ultimate customer for that lot. If Stony Brook buys it, it goes off the tax rolls. It is not going to be ... a tax positive gain for Smithtown". (88)

Response 8: Please see Repsonse 6.

ECON-9. Gyrodyne declares its proposal to be "optimal use" for the property. Has the board asked for data to support this contention, specifically business plans providing cash flow projections from planned buyers; industry projections; opinions of independent economic analysts; opinions and recommendations from economic development consultants, or other developers? What in Gyrodyne's history under present ownership suggests they have produced economic growth? Have you solicited alternate development proposals that might create greater value? (50)

Response 9: These items are outside the Final Scope of the DEIS.

ECON-10. "I believe that the proposed development of the Gyrodyne property is poorly thought out and will be deleterious to the quality of life and ultimately destructive to the property values of the entire region." (29)

"I'm sure Smithtown will benefit financially while Stony Brook bears the burdens." (37)

"This development could devalue our property because of the environmental and traffic concerns, I urge the Board to reject this current plan for development". (70)

"I stand before you concerned that if this project goes forward, my property values go down" (75)

Response 10: There is no substantiation for reduced property values. In terms of regional economic impacts, the DEIS included an extensive real estate and market study (Appendix H of the DEIS), which found that the proposed subdivision would result in a net increase of economic activity estimated \$127.7 million annually and a large increase in annual net tax revenue (approximately \$3.76 million). There is no inherent burden on Stony Brook, and in fact, the proposed traffic mitigation on Stony Brook Road will benefit the community.

The DEIS has addressed environmental and traffic concerns.

ECON-11. "While an increase in the tax base may certainly be beneficial to the Town(s), it would not be worth the negative impact on quality of life such a development would bring with it." (31)

"This proposal presents a plan for mega-development, with more to come. Mr. Andrew McAndrew [sp] stated at the January 16 hearing that the Gyrodyne plan will generate over \$3.5 million dollars. Does he mean tax dollars for public use? Does he mean gain for the real estate developers and contractors? And does he mean a one-time accrual of cash? Such a one-time gain would have to be set against the gradual erosion of not only real estate values, but what is without price: the special character of our part of Long Island." (48)

"Additionally, if they are not paying taxes, this would also be a detriment to our economy." (62)

Response 11: The \$3.5 million mentioned at the January 16th hearing represents an

approximation of projected net tax increase from the Proposed Action. As described in the DEIS (Page 11-3), existing taxes are approximately \$400,000 and projected taxes from the Proposed Action are \$4,160,000, resulting in a net tax increase of \$3,760,000. All tax numbers and estimates provided are in 2017 dollars.

The DEIS does not state that the property “would not pay taxes.” The property would generate net positive tax revenue to the school district, Town, and County.

ECON-12. “I personally believe that St. James needs this project to stabilize taxes, Number 1. We have no tax base with industry. This could help us.” (79)

“Besides what the project is going to do, they are going to provide 1,500 construction jobs. They are going to provide over a thousand permanent jobs. It's a huge tax base for Smithtown. Young and old people, many people I know, went to school with, parents, as well as siblings are moving out of the state or have moved out of the state due to the fact of the cost base of taxes here. The majority of the land is not developed, and their due diligence has been done. We as the Smithtown Chamber hope you will vote yes on this matter.” (83)

Response 12: These comments in support of the application are duly noted.

ECON-13. “When they used eminent domain to claim the property – we all spoke about it tonight – it cost us taxpayers \$167 million; but a million here, a million there, sooner or later it adds up to real money.” (58)(90)

Response 13: This comment is associated with the State property taking, which occurred in 2005 and is unrelated to this application.

2.12. Land Use and Open Space

OPEN-1. “The answer to reducing the negative impacts of the project is to add additional open space and reduce the amount of development. Gyrodyne commitment to an open space of roughly 24 acres of Lot #9 and another 10 acres of common area and buffer is a large step in the right direction. A target for reduction of development size could be the potential 150-room hotel and 150-seat restaurant connected with Lot #4 of the development. The usefulness of another hotel in an area already served and dotted with Airbnb’s might be rethought. The Draft EIS lists 10 project alternatives, each with different building sizes. For example, the mix described as Alternative 10 includes a 115-room hotel. We assume that the Town Planning Department has had discussions with Gyrodyne’s representatives regarding all the alternatives and the varied impact on the community”. (2)

Response 1: The Town directed certain DEIS alternatives to be included in the Final Scope. Of note, the current proposed action has a 125-room hotel, smaller than the Proposed Action hotel which is modeled in DEIS Appendix K (Visual Analysis) as not being visible from Route 25A.

OPEN-2. “Please reconsider the current plans for the development of Gyrodyne in a way that is more compatible with the residential environment”. (22)

Response 2: This site is zoned Light Industrial. Residential use would require a change of zone.

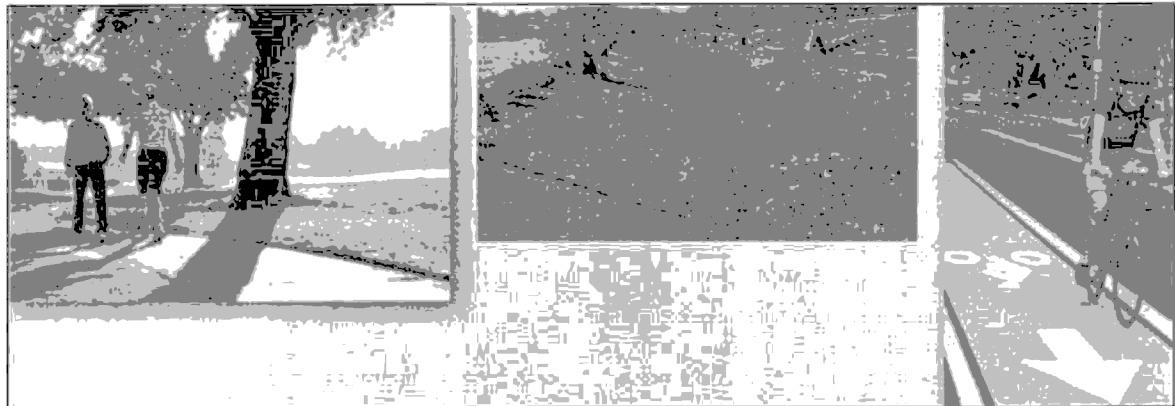
OPEN-3. “It is apparent to me having taught children about nature and the outdoors for over thirty years that the need for preserving open space is imperative. Children and people in general are being pulled away from nature by electronics. When I was teaching in St. James many years ago, I would bike through that property, known then as Flowerfield, on my way from Stony Brook to

St. James. It is a beautiful piece of property that should be preserved for people to enjoy. There is countless wildlife living in there that would be pushed out with this project, not to mention the traffic it would create and the noise. We don't just save natural places for the animals and plants sake; we preserve it for our sake. Please heed the words of the large amount to citizens who came to its defense. (21)

Response 3: The Gyrodyne site is private property and is not currently set up for public access as described in the comment. The applicant also notes that Avalon Nature Preserve is located close to the site, on Harbor Road in Stony Brook, with over 80 acres of natural space and miles of trails for public use.

Nonetheless, the proposed subdivision would formally allow the public to walk and bicycle through the open spaces on this site by creating roughly two miles of trails in addition to bicycle-friendly design of the on-site roadway. This application will improve public enjoyment of open space compared to the existing condition. Sample precedent images follow below.

Figure 2-6: Sample Precedent Images for Public Access



OPEN-4. “The DEIS indicates that 36.5 acres, or 48.7% of the site will be open space. This is entirely inaccurate. Not one element of the open space plan actually preserves open space on the site. Open Space is undeveloped, free from residential, commercial, industrial, or institutional use and provides scenic beauty, cultural value and historic significance, production of food and forest products, outdoor recreation, protection or restoration of ecological functions, wildlife diversity and habitat for endangered plant and animal species, mitigation of natural hazards, such as flooding, and protection of water supplies. Open space is not 141 land banked parking stalls with the potential to be opened in the future and paved over with asphalt. The EIS must be corrected to identify as Open Space only that land meeting the above criteria”. (3) (4) (72)

“In several sections of the DEIS reference is made to the fact that the project will result in 36.5 acres of open space (48.7%). Yet, this open space will be used for other purposes such as the STP, land-banked parking spaces, and includes ecologically compromised strip areas within and adjacent to existing and proposed development. This clearly gives a false impression of the amount of land to be preserved. The DEIS should require a clarification of this issue and provide a definition of open space commonly recognized by planning and environmental professionals. It should then reassess the amount of open space that meets this definition”. (28)

“Let's call a parking lot a parking lot and leeching fields leeching fields. Let's not call either "open space". You are supposed to be representing the citizens of our town, so represent the citizens of our town who deserve to not have their quality of life diminished. From where I sat

at the meeting and since, I would say there are many more citizens in our town and the surrounding towns that are against this development as it has been presented; why then aren't you? Here's a thought; why not work to get this property preserved as open space; that will surely result in a positive impact for our area." (34)

"I would propose a wildlife sanctuary or some similar conservation action." (43)

"We need to keep as much of our area green as we can. Are there no formerly developed but now unused plots that couldn't be repurposed for this [development]? ... A green space should always first be seen as resource to be preserved, not trampled. And wouldn't this development encourage, even force, other green spaces in the area to allow ancillary business to move in? St. James already has a downtown, does it [need] more strip malls? (45)

I urge you to reject this project, and instead ask the current owners to investigate ways to preserve this natural gift, rather than destroy it, bringing more pollution and traffic along with it" (45)

"It's hard to measure the potential extent of the loss of green space and of the original countryside feel of an area those who live here have valued for years--as well as the nurseries and other local businesses we still frequent. This loss is both personal and practical. Our area will lose its draw if 25A and places like Flowerfields begin to look like everywhere else--office parks and super strip malls." (48)

"Could this proposal be cut down so that more green space is preserved and without such a heavy environmental impact on what residents currently hold dear? Is there a way to restrain development in favor of other benefits? There must be a thoughtful and considered process for weighing all the options and their consequences. The Smithtown Planning Board should not be pressed to make a decision until all the facts are in and people who live in the area have been heard. Restraint is just as worthy a choice as the rush to build, build, build on any vacant land. Maybe a better one." (48)

"I am a concerned 35-year resident of Stony Brook, who loves the serenity and natural beauty of the area, which should be protected to allow future generations of both humans and our wildlife to experience the same tranquility and refuge from over-development. (61)"

"Lately, I seem to be speaking out quite a bit on the last few large parcels of our Long Island open spaces. I'm not going to say that the site should not be developed. I am going to say that if this site is developed, the planning of the development must be considered extremely carefully. This is one of the last remaining large open spaces in Smithtown, and its zoning was put into place before the area was so heavily developed and our waterways, groundwater, soil and open spaces were put under so much pressure, to continue functioning properly with dwindling environmental resources. We are running out of open spaces. Open spaces does not mean people's yards, parking lots, farm lands, which is not really good for wild habitat. Open spaces are functioning ecosystems which provide habitat and environmental services that most of us so rarely think about like clean air, clean water, food, and other things that we can't do without. The last remaining true open spaces are necessary and should be developed with care. We are reaching a number of tipping points with soil, water, and our ecosystems and wildlife. As for the Gyrodyne property, 41 percent of the existing site is already developed. The plan allows for 51 percent of the total area to be developed with 49 percent left as open space. This leaves only an additional 10 percent currently available to be developed. In looking at the proposed site plan, it certainly appears that less than 49 percent is designed true open space. In order for open space to be most viable for habitat services, it needs to be contiguous or connected. In the plan, the open space is not contiguous. It is fragmented. This is not conducive to wildlife and biodiversity. In the report, land bank parking, landscaping, and lawn are considered open space. Land bank

parking in this calculation of open space should not be considered, as land bank parking can be open and looked upon in the future. In addition, landscapes and lawns are fertilizer and irrigation dependent, and are not functioning ecosystems. Non-native, ornamental plantings do not provide biodiversity. They are managed landscapes, and they cannot be counted as open space. They are not a habitat for wildlife and diversity. In one area, the proposed plan shows a doubling of the amount of lawn from 6 percent to 12 percent”. (76)

“To be clear, the Town of Brookhaven is not completely opposed to growth; however we strive for strategic controlled growth. A potential alternative option for a significant portion of the Gyrodyne property which would benefit both Smithtown and Brookhaven Town is public acquisition for preservation as open space. This option would alleviate these community concerns. I am supportive of preserving the Gyrodyne property as open space, and I urge that this alternative option will be taken into real consideration. I am well aware of the County's efforts to move in this direction; however, there has been no cooperation from the owners.” (85)

Response 4: The open space definition and delineation has been further refined for the FEIS Proposed Action. Figure 1-4 is an updated open space classification map that calculates the overall area and percentage of natural landscape to remain, natural/revegetated buffer area, and contiguous managed landscape area. The total open space area of ±35.4 acres (47%) is broken down as follows:

- ±15.7 acres natural landscape to remain (no disturbance)
- ±6.2 acres natural/revegetated buffer area (revegetated with native seed mix, trees, and plantings). This area will have a natural landscape character and will not be fertilized or irrigated. Landscape maintenance is anticipated to limited to a frequency of 1-2 times per year.
- ±13.5 acres contiguous managed landscape area (contiguous to natural landscape and natural/replanted buffer)

The STP leaching field area and code expansion area is not included in any of the open space landscape areas. The leaching field area is proposed to be revegetated with a native seed mix and will not be fertilized and/or irrigated. The overall landscape area of the STP leaching field will blend with the contiguous revegetated buffer area.

The subdivision application will preserve dozens of acres of natural landscape and will provide the public its first formal opportunity to walk and bicycle through the open spaces on the site (see Response 3).

With respect to preservation as public open space, the DEIS includes a project Alternative (Alternative 6) comprising public acquisition of the property. Public acquisition or private preservation would require action from a municipality, public agency, or a private preservation fund to initiate this process. Such a process would require significant public expenditures, capital improvements and operational expenses, without providing tax revenues.

The Proposed Action does not include retail development, so this subdivision would not involve a “strip mall” or compete with existing downtown uses.

OPEN-5. “Clustering and citing of new construction with regard to maintaining open space: Considering that parking lots do not qualify as open space, is the Board prepared to require clustering of development that would maximize true open space and keep at least the 36.5 acres mentioned in the draft impact statement non-paved, non-built?” (39)

Response 5: As detailed in Figure 1-4, 35.4 acres of open space will be maintained in a

contiguous landscape area without buildings and paved surfacing. Clustering development (e.g. – building configuration and parking layouts) within the individual lots is an additional design treatment that can be potentially developed at the site plan stage. This comment is duly noted for future reference.

OPEN-6. Consistency with LWRP Policy 18: “The size, location, existing development pattern and physical characteristics of the coastal area of the Villages of Head-of-the-Harbor and Nissequogue preclude major development proposals. The overriding Statewide, regional and local interest in the coastal area of the Villages is the conservation and protection of the cultural resources, significant habitats, marsh systems and scenic resources of the coastal area. For this reason, maintenance of low-density, carefully sited residential development will fulfill this goal.”

Response 6: The LWRP does not prohibit specific development proposals. This site is zoned light industrial (LI) and a proposal for low-density residential use would require a change of zone.

OPEN-7. “...if approved, this development will have a lasting and catastrophic impact on our community...We have a precious open space in an urban area that is being overrun by development. We need to find a way to hold onto most of it. This plan doesn't cut it”. (14)

“This is the very last parcel of open space in St. James and you people are about to destroy it.” (58)(90)

Response 7: The subdivision plan includes replanting with native species, extensive natural buffers, and approximately 35.4 acres of the site remaining undeveloped (i.e., no buildings, roads, or structures). Without the proposed subdivision application, and with an as of right development, the Town would not necessarily have the mechanism to require this amount of open space on the remaining portions of the site. Additionally, the Avalon Nature Preserve in Stony Brook, due north of the site, has more than 80 acres¹⁰ of natural space.

OPEN-8. “All of the impacts are going to happen so close to these municipalities' downtown centers.” (75)

Response 8: The DEIS mitigates identified impacts to traffic and visual character, and will not introduce competing uses that might compete with existing downtown centers.

OPEN-9. “And finally the impacts to the significant agriculture and parklands located on the same 25A corridor”. (82)

Response 9: There is no agriculture or parkland use along the property's Route 25A frontage. There will be no impacts to these uses along Route 25A at distant locations from the property.

2.13. Air Quality

AIR – 1 “The DEIS fails to address climate change as is required by SEQRA. The DEIS does not analyze or identify the energy use and potential climate impacts of the project or identify ways to mitigate them”. (3) (4) (72)

Response 1: The DEIS conforms to the Final Scope. This is an application for a subdivision, not specific buildings where engineering design would allow for energy use calculations. Such calculations would be provided in conjunction with building permit applications and

¹⁰ <https://www.stonybrookvillage.com/what-to-do-attractions/avalon-park-preserve/>

coordinated through local utility providers. Climate change impacts are addressed in the DEIS where relevant. While the project site is not subject to coastal flood impacts associated with sea-level rise, a detailed stormwater analysis was provided in Section 8 of the DEIS that afforded a significant design allowance (approximately 20%) specifically to account for forecasted increases in storm events/precipitation associated with climate change.

2.14. Noise

No comments were submitted on this topic.

2.15. Visual Impacts

VIS-1. “One of the reasons to live here is the beauty and character of the area which is rapidly changing to look like Levittown!!!...Please, I beg you, to consider the character and beauty of the area, the poor impacted wildlife; the need for open space and finally the ability of this area to sustain this type of proposed development pouring onto [Route] 25A”. (12)

“A statement by the Three Village Civic Association points out the potential to “permanently alter the character of our area”. (24)

“Chapter 6 examines vegetation, maps C13-15 show removals and replantings and chapter 15 examines visual impacts. A harder look should be taken at the screening along Route 25A. As a NY State designated historic highway the preservation of its rural viewshed, the restoration of the double tree line along Route 25A is critical to preserving the historic values, and additional thickening of this tree line should be considered. The DEIS’s study based upon simple geometry of views seems weak when the real issue is preserving the existing viewshed by thoroughly hiding the future buildings; thickening the tree line to preserve views, and a commitment for replacement plantings as trees die should be required along the corridor. Additionally, many of the trees are mature and missing lower limbs at ground level and additional low-level screening should be considered. Finally, management of the fields within the 200-foot buffer is unclear; a hard look should be given to allowing vegetative succession to occur there (which would also preserve microhabitats). (40)

“I am opposed... The destruction of historically-designated 25A” (42)

“Our concerns are many including...The destruction of historically-designated 25A” (59)

“We enjoy the rural nature of St. James/Head of the Harbor.” (62)

“This project, if built, would help ruin the character of our communities...” (92)

Response 1: The proposed subdivision has been designed with minimal disturbance and visual change to the entire road frontage of Route 25A and Mills Pond Road. The DEIS takes a “hard look,” and DEIS Appendix K includes forty (40) sets of comparative renderings and photographs along Route 25A, including winter and summer conditions. Another twelve (12) comparative renderings are provided for Mills Pond Road. The Visual Analysis shows that buildings will not be visible from the roadway, except at the proposed driveway that will have aesthetic treatments to suit the local character.

Along the ±0.51-mile Route 25A road frontage, only 106 feet (±4%) will be disturbed for the construction of a limited access (right turns in and right turns out) into the Flowerfield campus. Route 25A will have a maintained 200-foot landscaped buffer along the subject property.

The DEIS includes mitigation in the form of planting new trees within the Route 25A buffer, and is based on a substantive, comprehensive tree survey of thousands of existing trees. The fields would become part of a common lot under POA ownership and management, as outlined in the description on page 2-22 of the DEIS.

Please also see Response 3 in Section 2.16: “buildings will not be visible from the roadway [Route 25A or Mills Pond Road], except at the proposed driveway that will have aesthetic treatments to suit the local character. The DEIS includes mitigation in the form of planting new trees within the Route 25A buffer, and is based on a substantive, comprehensive tree survey of thousands of existing trees.”

A Three Village Civic Association statement does not appear on the written DEIS comments.

VIS-2. Re: Consistency with LWRP Policy 25: “The current businesses at the location are cluster zoned, modest in size and relatively low-impact. However, even the existing businesses have provided challenges for the surrounding community; e.g. there have been significant traffic snarls resulting from a large event at Flowerfield. It is difficult to imagine the impact of multiple Flowerfields:

- a hotel that potentially hosts events but which is specifically designed to service businesses which adds to peak commuter traffic but which adds to traffic both mid-week and on the weekend
- an Assisted Living facility with a large staff and visitors
- medical offices which have a constant stream of mid-week traffic” (8)

Response 2: Caterer events have concentrated traffic arrivals and departures associated with the beginning and end of events, with valet parking and lengthy dropoff-pickup durations. This is not consistent with the operation of offices, hotels, and assisted living facilities. Traffic impacts are identified and addressed in the DEIS.

2.16. Historic and Cultural Resources

HIS-1. “The remarkable beauty and historical setting of this area is both a blessing and a curse — a blessing in making residents deeply proud of their homes and our colonial heritage, but a curse in that we need to fend off high-density, maximum profit projects that see this attractive area as an opportunity to exploit. Yes, we know our communities are constantly subject to some change, and hopefully those changes ‘fit’ the areas unique, historical character. The Gyrodyne project does not ‘fit’ the surrounding area...” (15)(81)

Response 1: Please see Visual Impacts Response 1 and Land Use and Open Space Response 2.

HIS-2. “... the State-designated historic highway, NYS Rt. 25A, is an already overcapacity highway which was so designated to protect its rural character. However, the DEIS fails to recognize or significantly protect this historic designation and its importance to our region’s community character. “Indeed, just last May, the Town of Smithtown’s Conservation Board penned a letter of support for the purchase of development rights at the Borella Farm on Route 25A and offered these words, “These parcels are not only significant to community character, they also offer significant viewsheds along the Historic NYS Route 25A Corridor.” (1)(73)

“Our communities share more than just a roadway; the agrarian landscape and historic scenic vistas which Gyrodyne is embedded in connects residents to their history and heritage. These locally and nationally significant sites and landscapes attract tourists who appreciate their beauty and cultural significance as well as patronize local merchants and restaurants while visiting.

Tourism is Long Island's number one industry and approval of a project that will erode the aesthetic and cultural appeal of our shared historic corridor that claims a wealth of National Register of Historic Places sites including the Deep Wells Mansion, the St. James General Store, the William Sidney Mount House, and Stony Brook Grist Mill". (1) (73)

Re: Consistency with LWRP Policy 23: "There are three National Register Districts along Route 25A have been certified: the North Country Road District, the Mills Pond District and the St. James District. In addition, the compound will be visible from the Spy Trail. This type of extensive development will potentially change the character of 25A from rural to suburban. Given the potentially dramatic increase in traffic and the limitations of existing roads, it is conceivable that this degree of development will have a direct effect on our LWRP jurisdiction; historic rural corridors such as Harbor Road may become "cut-throughs" as we have seen occur with other rural, residential roads in our community". (8)

"Route 25A is a NY State designated historic highway based upon its rural land use patterns, viewsheds, and cultural and historic attributes. Little discussion is provided in the DEIS as to the impact of future subdivision on these identified values, nor the possible impact upon the Suffolk County and Smithtown cultural, historic, and rural resources lining the adjacent roads (Mills Pond historic homes, Deepwells, the Sidney Mount house, Avalon Park Preserve and possible future County PDR's along 25A) aside from commitments to plant more trees along 25A. Improvements to 25A at Stony Brook Road, a critical mitigation of the EIS, clearly will impinge upon the historic Mount house, yet the issue is ignored in the EIS, and made a NY State responsibility despite being cast as a key mitigation factor". (40)

"Without judicious planning, this project will forever change the historic Washington Spy Trail. Smithtown can direct the applicant in their project planning in a way which would preserve the corridor's bucolic appearance. What you allow to happen will be your legacy". (78)

"There are other omissions that need to be addressed. The importance of maintaining and preserving a shared historic corridor, we have heard that it is the George Washington Spy Trail. Our President in 1790 actually travelled that road when he visited Long Island, and to see it squandered into a commercial development on the road just makes no sense to us." (82)

"Everyone is talking about this State designated heritage trail. Yes, it is a heritage trail, that's 25A. But it was in 1974 it was designated as a State designated historic highway with certain rights and responsibilities... And it was intended to preserve the rural corridor that existed in 1974. There was also, I believe, at that time the 200-foot setback that encumbers Gyrodyne at this particular point in time on the south side of Route 25A, again to preserve the rural vistas and characteristics." (89)

Response 2: The proposed subdivision will maintain lengthy setbacks from Route 25A and from Mills Pond Road, such that new buildings will be well hidden from view from the street. Improvements to Route 25A at Stony Brook Road are under New York State jurisdiction, as correctly stated in the DEIS. And in fact, the proposed improvements to this intersection will contract the intersection's size (eliminating much of the wide Stony Brook Road north/westbound right turn lane). Rather than impinging Mount House, the travel way will be further away from adjacent houses with the proposed mitigation in place.

DEIS Appendix K illustrates how little the views will change from Route 25A or Mills Pond Road with this application, given lengthy setbacks and the over 330 new trees to be planted.

HIS-3. "You talked about the light at Mills Pond and 25A. Why not a roundabout, seeing that it's a historical district there?" (94)

Response 3: A roundabout is not feasible at this location; it would require land acquisition, potentially at the historic Mill Pond House, and it would result in the loss of many trees.

HIS-4. "I think I have a unique perspective on the 25A Historical Corridor. It happens that Highland Avenue intersects on 25A, as it does on the other end Moriches Road. I am in walking distance within three minutes of both the general store, of Deepwells Farm, and of the St. James Episcopal Church. On my block, it's probably one of the most historic blocks in all of the Head of the Harbor. I live in a circa-1895 home that was built by George Hodgkinson, and he was one of the builders of Boxhill, Stanford White's home. The home is also in the book, Images of St. James, and it is known as the A.D. Carlisle summer home. He was a Vaudeville performer and actually travelled the country with a dog-and-pony show. And I've got the barn in the back with the stalls. And so, I myself am particularly interested in preserving the historic 25A corridor. In addition to my block being one of to most historic blocks in Head of the Harbor, a couple of years ago you probably know that there was a threat to the closure and the sale of the historic St. James Fire Department building on 25A. It was my honor along with many other St. James residents to fight that sale and preserve that historic firehouse; and thankfully, we were successful. And that's right on 25A. So please understand if I thought for one minute that the Gyrodyne development was going to have a severe impact on the 25A historic, cultural esthetic, I would oppose that, and not only would I oppose it, I would mobilize the same forces and the same people who fought to preserve the historic firehouse to see that this development would fail. However, I'm not here to argue against the Gyrodyne development. Instead, I'm here to argue that it should be developed as proposed. I have investigated this, as I have many other developments along 25A. Okay. And the potential for development along 25A. I moved here into the Village of Head of the Harbor because I loved the historic, rural nature of it. I don't want the see that threatened at all, but I do know that there will be a substantial, as indicated in the program before, buffer on 25A. I believe it's at a minimum 200 feet with new plantings that will protect the esthetic, cultural, rural nature of 25A, and certainly I, as a resident of the Village of the Head of the Harbor, want to protect that. Our village covers a good distance of that, so I simply am here today to solely comment on the historical impacts of the development, and no other issues regarding this development, but to ask you to strongly consider supporting this development proposal by Gyrodyne". (87)

Response 4: This comment in support of the application is duly noted. The 200-foot buffer distance on Route 25A will be maintained, and the applicant will plant over 330 trees to infill the buffer and screen potential views from Route 25A.

2.17. Growth Inducing Impacts

GROW-1. "The EIS also states that a 100% expansion area exists adjacent to the proposed STP. It appears that this expansion is being proposed, and as such it should be incorporated into the EIS in terms of occupying the site, affecting calculations of Open Space, and creating the growth-inducements that come with the increased density of development associated with sewers". (4)

Response 1: The Suffolk County Department of Health requires room for a 100% expansion area next to a privately owned STP. It is not a planned expansion.

GROW-2. "Aspects of the project clearly have the potential to be growth inducing. Most notable is the potential expansion of the STP to accommodate sanitary flow from the St. James Business District. The DEIS should more deeply evaluate growth inducing effects of this possible expansion and how its presence might affect land uses in the immediate area, including several

large undeveloped tracts on the north/west side of State Route 25A.” (28)

“With the Town working with the owner, maybe we can use their sewer thing, and we are going to put in \$5,000 worth of sewers this summer in town, right through the middle of St. James to help it grow a little bit. I think the Town should embrace this proposal and go forward.” (79)

Response 2: Please see Response 1. Regarding the St. James Business District, if a sewer district is formed, Gyrodyne has represented willingness to discuss a potential connection at that time. This is analyzed in the DEIS as Alternative 7 (STP expansion), noting it is not the applicant’s direct plan to expand its proposed on-site STP.

GROW-3. “The Gyrodyne project... appears to be the first step in a pivotal, dense buildout slated for this area. In a very real sense, the Gyrodyne project is the template, the model, for a ‘New North Shore’ - with modern office parks, hotels, and assisted living facilities. Importantly, the DEIS must weigh the cumulative impacts of potential development of surrounding areas and cannot act as if the property under review is in complete isolation. The Gyrodyne DEIS fails to examine the potential impacts of its ‘build out’ with those pending in the surrounding communities. To note:

- To the immediate east - The build out of the Stony Brook Wireless Research Park which sits on former Gyrodyne properties - this build out will add eight new buildings
- To the immediate west - The Bull Run Farm — a potential assisted living center
- To the immediate north east The International Baptist Church— a planned senior living ‘resort’
- To the immediate north, the BB-GPI Farmland —speculation of a pending sale and buildout

Put in another way, knowing the proposed build out on the Gyrodyne Property, and the potential build out on the surrounding properties to the east, west, north and south, it is not credible to think the Smithtown and Brookhaven neighborhoods on the North Shore will not experience severe and tasting negative changes.” (15) (81)

“I am concerned that the entire area surrounding Rte 25A is not being taken into account — once Gyrodyne is approved, everyone else will be clamoring to build in that corridor. The area must be looked at as a whole piece; farmland must be preserved... (67)

Response 3: The proposal is for a mixed-use subdivision that is less intense a use than several as of right alternatives. Speculative land use changes which have not been submitted to the local jurisdiction (e.g. Bull Run Farm and BB-GPI Farmland) are not germane to SEQRA.

GROW-4. “So does the future copycat development that would near certainly follow if this proposed misplaced development goes forward. Route 25A must not be allowed to morph into another Jericho Turnpike, nor can St. James be allowed to become the new Commack... and encourage even more inappropriate development.” (92)

Response 4: The proposed subdivision is not a change of zone and its land uses are permitted in the LI zone. It will not change the nature of Route 25A or other development applications.

2.18. Irretrievable and Irreversible Commitment of Resources

No comments were submitted on this topic.

2.19. Alternatives

ALT-1. "...if approved, this development will have a lasting and catastrophic impact on our community. As a resident, I therefore urge the planning board to re-consider alternative plans that provide solutions to the major concerns that were not convincingly addressed in the DEIS...traffic...water quality...coordination with representatives from Brookhaven, Stonybrook, or Setauket" (14)

"One of the strengths of the implementing regulations of the State Environmental Quality Review Act is the requirement that the preparer of a DEIS analyze reasonable alternatives to the proposed action. In the case of this project - a subdivision application - in which the parcel is proposed to be subdivided into nine lots, it would be highly illustrative and productive for the preparer to assess various lot configurations resulting from the subdivision to determine if certain alternative layouts reduce environmental impacts. This could include, for example, a cluster development to maximize contiguous open space. Unfortunately, the DEIS doesn't do this, as the alternatives presented are almost entirely restricted to assessing different uses within each lot. The DEIS should be required to assess additional alternatives which involve lot reconfigurations to maximize open space and minimize infrastructure". (28)

"The title of the DEIS is "Map of Flowerfield Subdivision Application". The alternatives do not provide the required alternative subdivision layouts. Every single alternative has the exact same subdivision map. The only thing that changes in the alternatives is the mix of uses. What the applicant has provided here are Site Plan alternatives in the DEIS. As the title and scope of this DEIS are about a subdivision, these alternatives do not meet the SEQRA requirements for alternatives and the DEIS is flawed for failing to provide actual alternatives". (3) (4) (72)

Response 1: Of the twelve alternatives in the DEIS (including No Action and Proposed Action), four represent different lot reconfigurations and a reduced number of lots. The DEIS fully vets the impacts and mitigation for traffic impacts, nitrogen loading and concentration, etc. No further alternatives are warranted. Cluster development denotes site-specific layout, not the number or lots.

Please also see the responses to comments TR-3, GR-1, and SEQRA-1 regarding traffic, water quality, and coordination with local municipal entities.

ALT-2. The project is described as a subdivision, however the Alternatives do not include changes to the proposed subdivision lot lines. The Alternatives should be revised to include changes to lot lines, including a tight cluster configuration with significant preservation of Open Space, that would address the many concerns expressed about the proposed configuration and associated impacts". (4)

Response 2: Please see Response 1. Four alternatives modify lot lines and the number of lots.

ALT-3. "Further exploration of a scaled-down As-of-Right alternative: The DEIS should engage in a more detailed exploration of the as-of-right development options at the Gyrodyne site. While the document favorably compares the applicant's proposal with the impacts of a hypothetical 382,500 square foot light-industrial project allowed as-of-right under the parcel's current zoning, more options that reflect less-than full build-out should be seriously explored and compared. (11)

Response 3: There is no need for more alternatives. The DEIS includes two as of right alternatives which do not require a subdivision.

ALT-4. "The proposed STP is to be located in the northern end of the property within the 10-25 year groundwater contributing area to Stony Brook Harbor. The DEIS should assess the feasibility of alternative locations for the STP such as relocating the STP to a site within the 25-50 year groundwater contributing area to the Harbor. This would have obvious water quality benefits to the underlying aquifer and nearby coastal waters. (28)

Response 4: STP location is not a required alternative under SEQRA. The proposed on-site STP would reduce total nitrogen, so it would be more of a benefit to locate the STP in the shorter transfer time (10-25 year) than the 25-50 year area.

ALT-5. There are additional operational alternatives that could be employed to significantly reduce water quality impacts to the underlying drinking water aquifer and the coastal waters of Stony Brook Harbor from nitrogen loading. These include water reclamation or reuse and urine diversion. Regarding water reuse, a commonly used practice in many parts of the country and currently being successfully employed at the Suffolk County Indian Island County Golf Course which uses highly treated wastewater from the adjacent Riverhead STP, the DEIS should assess the feasibility of using the highly treated wastewater (according to the DEIS the STP will employ tertiary treatment) for on-site landscape irrigation purposes since the project proposes the retention and creation of approximately nine acres of open turf areas and model and quantify the projected nitrogen reduction. "An additional alternative to assess, which mitigates water quality impacts better than the proposed use of numerous dry wells to recharge the wastewater into the aquifer, is the use of a shallow drain field in which the highly treated wastewater from the STP is discharged just below the root surface allowing for nitrogen uptake by the turf and other vegetation at the surface. Because of this water quality benefit shallow drain fields are common practice and are being increasingly used in Suffolk County. The DEIS should assess this alternative. "Similarly, urine diversion is a proven technique to reduce nitrogen contamination. The DEIS should evaluate the feasibility of incorporating a urine diversion into the building designs and the model and quantify the projected nitrogen reductions resulting therefrom". (28)

Response 5: Specific re-use of grey water is not a SEQRA alternative for a subdivision. The natural areas that are undisturbed, as well as the commonly-owned landscaped areas which will be revegetated with native plantings and ground cover, will not utilize irrigation. This will reduce the reliance upon groundwater resources for purposes of irrigation on the site.

The application includes new (all native) plantings without irrigation to mitigate potential impacts to groundwater. Also see Response GW-1 regarding groundwater impacts.

ALT-6. "From my reading of the DEIS, all the alternatives are just kind of shuffling around different uses within each of these jigsaw puzzle pieces that are sitting in place. It's really vital that you think about shifting the projects around on the landscape to try to maximize open space. So you have those nine lots, but in the -- every alternative discussion, those nine lot lines, the boundaries are frozen. I started doing that and shifted things around a bit, and was able to -- I don't have it with me here, but I will provide the comments to you -- I was able to come up with maximizing more open space, making it contiguous, and open space that is more meaningful. So that's with regards to the alternative section, I think that it's really important that you not just look alternatives of uses in each of the lots, but actually shift lots around. Maybe you could do a cluster. In the Town of Brookhaven where I work, I used to be director of DEP for the Town for a long time. We have actually done some industrial clusters. There's no reason why you can't do it. You typically think of cluster development for open space preservation when it comes residential uses, but you can certainly do it with the industrial, and I would encourage you to give some thought about that as to an alternative in that regard". (80)

Response 6: Please see Response 1.

ALT-7. "In these different alternatives...one through ten, that no one is really looking at one. We're looking at one of them or a combination of some development of one or another perhaps. We're looking at what it might be and not what it will be... In any event the whole project, taking different possibilities...You're going to limit the project to the amount of sewage generated or traffic trips generated, is that what you're saying? There's always going to be a maximum." (95)

Response 7: Correct. Each land use generates traffic and wastewater flow. The proposed subdivision uses all fit within parameters whereby the square footage of each individual lot, a maximum amount of peak hour traffic would be generated, and/or or a maximum amount of wastewater flow would be generated. Each alternative has the same maximum thresholds.

ALT-8. "You're going to pick the plan before final approval?" (97)

Response 8: The applicant is proposing a modified form of DEIS Alternative 10.

2.20. EIS Required Content/SEQRA Process

SEQRA-1. "Intermunicipal Regional Impacts: This leads to other concerns between our neighboring townships including the reality that every elected official who represents the north west corner of Brookhaven Town is opposed to Gyrodyne's massive proposal due to its outsized impacts on our intermunicipal transportation network, Stony Brook Harbor, and our shared historical and cultural character. And although this is a regional-scale project and the quality of life of Brookhaven residents would be impacted by the project, the DEIS fails to examine the regional considerations of this proposal and take a hard look at the intermunicipal and regional impacts". (1) (73)

"Even though the sanitary effluent will impact Stony Brook Harbor and Stony Brook Creek, which are shared by the Town of Smithtown and Town of Brookhaven, I have not been contacted about my concerns." (3)

"In particular, the increased water pollution that would result from this development and its regional wastewater treatment facility that will it via groundwater flow to the sensitive waters of Stony Brook Harbor is a very bad idea, the impacts of which the DEIS fails to completely examine." (3)

"When this proposal was first put forth, I submitted extensive comments regarding the Scope of the Environmental Impact Statement. To date, I have not been contacted regarding any of these concerns nor have changes been made to the plan reflecting these important issues. This alone makes this DEIS flawed...This 75-acre project will undoubtedly be the largest development in this area for a generation or more. It is taking place directly on the border of our town, and within 300 feet of the Stony Brook Historic District. It will be dependent upon the infrastructure of Brookhaven Town." (3) (72)

"And it will impact the groundwater and waterways of our town. Yet there has absolutely no outreach to Brookhaven by the developer or his consultant to address our concerns." (3) (72)

"The project site adjoins the Town of Brookhaven's western boundary and is within 300 feet of the Stony Brook Historic district. Traffic will impact Brookhaven roads and sanitary effluent will enter Stony Brook Harbor which Brookhaven shares with Smithtown. The DEIS contemplates mitigation of traffic impacts that would occur within Brookhaven and based on

GIS maps it appears a small portion of the property is within the Town of Brookhaven.” (4)

“Inter-municipal concerns: The DEIS should go further in its analysis of the collective impacts of the applicant’s proposal as they relate to neighboring Town of Brookhaven. On multiple occasions in the past, the Town of Brookhaven has expressed concern to both Suffolk County and the Town of Smithtown over ensuing traffic and quality-of-life impacts that would result from development of the Gyrodyne site. The DEIS makes no mention of these inter-municipal concerns, nor does it suggest any mitigative measures to be taken by the applicant that would alleviate Brookhaven's longstanding fears of growth at the site. (11)

“Of greatest concern is the lack of...3. any prior co-ordination with representatives from the town of Brookhaven, Stonybrook, or Setauket, whose residents will be directly affected. This last point is outrageous” (14)

“I am writing to express my complete opposition to the proposed Gyrodyne subdivision and development. The impact on our community and its environs can only be viewed as negative...there are far too many articles of concern: traffic flow, increased carbon emissions, water capacity, wastewater disposal, pesticides and fertilizer run-off, and habitat destruction...Although the developers propose mitigation of some of these, volume will exceed capacity at some point, to ill effect.” (43)

“Please, let's not make this about money. Developing the Gyrodyne property will create quality of life issues that cannot be dismissed.” (43)

“Stony Brook Road, it’s in my town. No one ever talked to me about it.” (72)

“I would have liked to have my Town consulted more.” (72)

“Coordination of any planning project...with your villages and with your adjoining town should be undertaken.” (72)

“I am deeply concerned that it does not seem to me that there is a collaboration between Smithtown and Brookhaven in something that is the right on the border between our two municipalities.” (75)

“Additionally, I would like to note our disappointment at the lack of communication with the Town about this application. As a neighboring municipality that would be directly and immediately impacted by such a project, we would have expected a response to the Town's previously expressed concerns. As I mentioned, the DEIS proposes direct impacts on our Brookhaven residents, not the least of which are changes to the infrastructure of roads within the Town of Brookhaven, and there has been no collaboration. Rather than to continue to reiterate in detail more of the same points made by my supervisor, I will close by mentioning that our board -- your Board should expect extensive detailed comment on the DEIS from our Brookhaven Town Planning Department before the conclusion of the written comment period on January 24th. I again state my objections to the proposed project in any of the currently proposed forms on the record. And I truly hope that you take a hard look at all of the credible comments that have been put forth before you today by the community and various elected officials.” (85)

“We question why there was no inter-municipality planning. Someone raised the question before: Did Brookhaven know about this? I can tell you for a fact that the Brookhaven supervisor got notification 24 hours before they had to reply” (90)

Response 1: The DEIS considered regional impacts across a range of potential impact areas, e.g. traffic, visual resources, nitrogen, and stormwater management, whether the impacts are to

Town of Smithtown or Town of Brookhaven facilities. Examples of such analyses include an evaluation of nitrogen impacts to Stony Brook Harbor; traffic analyses at seventeen intersections including locations up to two miles from the property; and visual impact analyses along the entire Route 25A and Mills Pond Road frontages, a distance of roughly $\frac{3}{4}$ mile, during winter and summer conditions.

The DEIS proposes mitigation to address identified impacts associated with the DEIS Proposed Action. The subdivision layout in the FEIS conforms to the parameters set forth in the DEIS with respect to features such as traffic generation, wastewater generation, and water demand, resulting in the same mitigation measures. Such mitigation measures account for any significant impact area in the DEIS.

The Town of Smithtown Planning Board is the Lead Agency and has carried out all required public participation items under SEQRA, including the participation of the Town of Brookhaven as an Interested Agency. The Town of Smithtown conducted a full public scoping process at the request of the Town of Brookhaven; at the time of the Scope adoption (July 7, 2018), public scoping was not required under SEQRA. This voluntary scoping process allowed for additional input from both the public as well as Interested and Involved agencies. The Town of Brookhaven was included in public outreach regarding public comments on the Draft Scope, and in fact, Brookhaven Supervisor Romaine submitted a letter to the Town of Smithtown Planning Board on the draft scope on June 22, 2018. Councilwoman Cartwright was one of sixteen parties copied on that letter.

The Town of Brookhaven has been included in every step of the SEQRA process as an Interested Agency, providing them with direct correspondence and document transmittal at every step in the SEQRA process. In corresponding with the Town of Brookhaven (as an Interested Agency), the Town of Smithtown followed all regulatory lead agency requirements, including the provision of proper notice, project documents and the opportunity to provide input.

The Town of Smithtown has provided all necessary communication about the project and the scope of the DEIS. Of note, the Draft Scope and Final Scope were provided to the Town of Brookhaven (see DEIS Appendix A-5), and multiple commenters at the public hearing and during the public comment period live and/or work in the Town of Brookhaven.

Regarding commenter (14), there is no entity specifically for the communities of Stony Brook and Setauket, which are hamlets within the Towns of Smithtown and Brookhaven.

Regarding commenter (43), SEQRA does not allow penalizing an applicant in case future "volume exceeds capacity, to ill effect."

Regarding commenter (90), the commenter did not specify the hearing in question; the hearing may refer to the Suffolk County Planning Commission hearing. Whichever hearing is referenced by the comment, the Town of Brookhaven, including the Supervisor, has had multiple opportunities to provide input and comments on this application and scope of work. As Lead Agency, the Town of Smithtown has followed all requirements for SEQRA coordination, public participation and public noticing. The Town of Brookhaven participated in the project as an Interested Agency, which affords additional participation and review opportunities during the SEQRA process. In addition, at the request of the Town of Brookhaven, the Town of Smithtown conducted a public scoping process for the DEIS. Establishing a public scoping process was a voluntary decision by the Town of Smithtown to encourage additional participation from both municipalities and residents. Again, the Town of Brookhaven provided specific comments during the public scoping process, which were

ultimately incorporated in the Final Scope for the DEIS, adopted July 7, 2018.

Copies of earlier correspondence with the Town of Brookhaven are provided in Appendix E of this FEIS.

The DEIS details that the Proposed Action will reduce Total Nitrogen compared to the existing conditions and compared to as of right development that would not require a subdivision. Please see Figure 2-2 on page 20.

SEQRA-2. “Comprehensive Impact of other Land Use Proposals: Also of great concern is the absence of the cumulative impact from proximal development proposals including Bull Run Farm property on Mills Pond Road and its proposed buildout into an assisted living facility, the International Bible Church property on Route 25A west of Stony Brook Road and its contract vendee’s intension to build housing, and uncertainty of the future of the BB & GG Farm. The DEIS also neglects to address the cumulative impact of proximal development proposals upon the Stony Brook Harbor.” (1) (73)

“I am opposed... Board’s failure to consider the impact of other development and uses in the area.” (42)

“Our concerns are many including...Board's failure to consider the impact of other development and uses in the area” (59)

Response 2: These potential proposals are not submitted applications to the Town and such analysis would be speculative and premature. As such, these potential projects do not need to be included in the Flowerfield DEIS.

Cameron Engineering has worked closely with the Town of Smithtown (Lead Agency) throughout the SEQRA process for the Proposed Action, to ensure completeness. Every potential proposed development project was analyzed during the DEIS process. This was confirmed by the Town of Smithtown, who indicated that only projects with development applications before a local agency or municipality would be subject to regional/cumulative analysis within the DEIS. Analysis of conceptual or speculative development projects would be premature and is not a requirement under SEQRA regulations.

SEQRA-3. “SEQRA requires that impacts to neighboring municipalities be addressed. The Town of Brookhaven believes that this aspect of the DEIS is deficient and that traffic and wastewater impacts should have been reviewed prior to proposals for mitigation that occur within or affect the Town of Brookhaven. Coordination with other Towns and Villages is essential. The applicant has not included the Town of Brookhaven as an active participant in their discussions on this project, or with their discussions involving the MTA and SUNY Stonybrook (note that SUNY Stonybrook is located within the Town of Brookhaven) with regards to the proposed LIRR grade railroad crossing that would provide direct access from this project into the Town of Brookhaven”. (3)(4)

“There should be discussions with the MTA because the railroad runs right through this property. There should be discussions with the State University, and there has been very little.” (72)

Response 3: Please see Response 1. In addition, the Town of Brookhaven and the Village of Head of the Harbor received the Draft Scope and Scoping Notice and have had representatives participate in every step of the SEQRA process (including scoping and the public comment process).

Additionally, Stony Brook University professors have provided public comments on the DEIS.

While the DEIS includes an Alternative that considers re-opening the grade crossing, there is

no intent to re-open this crossing going forward.

SEQRA-4. "On page 1-1 of the Executive Summary the Flowerfield property is stated as being in St. James within the Town of Smithtown. While it is certainly true that the overwhelming majority of the property is in Smithtown a small portion of the project area, in the northeastern corner of the site, appears to be located within the Town of Brookhaven. The DEIS should be amended to reflect this fact and Town of Smithtown Planning/Environmental Protection Department staff should determine if this affects lead agency status pursuant to the State Environmental Quality Review Act". (28)

Response 4: The area in question has its own tax map number and thus is already a separate property. As such, the parcel is not subject of this subdivision application and does not impact Lead Agency status. This comment has no bearing on Lead Agency status, which was ascertained and verified in 2017, without objection from the Town of Brookhaven and pursuant to SEQRA regulations.

SEQRA-5. I would like to register my dissatisfaction with your town council for planning development of Flowerfield without the input of a neighboring town that will be negatively impacted by your proposal. The negative impact includes: adding more traffic to an already over capacity Route 25A and Stony Brook Road, pollution of Stony Brook Harbor and nearby waterways, the destruction of the historically designated 25A, the influx of low wage jobs once construction is completed and lower property values. I urge you to be a good neighbor and begin to work with Brookhaven town and the surrounding villages impacted by your plan so that the future of our Long Island communities will be based on planning and development that is best for all of us as well as future generations". (32)

Response 5: The Town of Smithtown Planning Board is the Lead Agency. Please see Response 1, which addresses coordination with the Town of Brookhaven. SEQRA does not discount job creation based on anticipated wage levels. There is no substantiation provided in the comment to support concerns about lower property values, and in fact, the claims about property values decreasing are based on speculative claims of dangerous traffic, traffic congestion, and overcrowding, all of which have been analyzed and mitigated.

According to the research titled, *The Impact of Commercial Development on Surrounding Residential Property Values*¹¹ funded for REALTOR® University through the Richard J. Rosenthal Center for Real Estate Studies:

"Perhaps most surprising is the lack of evidence for negative and significant impacts of commercial developments on housing values. Scores of political arguments to the contrary are voiced at local debates across the nation, yet this research does not find substantive evidence of a negative interaction." See FEIS page H-6.

SEQRA-6. "In 2004, Gyrodyne conveyed via Cameron Engineering Associates many objections to SUNY Stony Brook's Generic Environmental Impact Statement (GEIS). One of the objections was that the 2004 GEIS engaged in segmentation, in that it failed to assess the cumulative impacts of surrounding development proposals. This stands in contrast to the current stance of Gyrodyne and Cameron Engineering - as they do not adequately assess the cumulative impact of the many proposed development projects that are planned nearby. They are engaging in segmentation - which is the in the very practice that they rightfully accused SUNY Stony Brook of engaging in. It appears that Cameron (Gyrodyne) no longer accept the SEQRA requirements that they previously defended. Why have they changed their stance?" (38)(50)

¹¹ Accessed at <https://www.gamls.com/images/jonwiley.pdf>

Response 6: Cameron Engineering has worked closely with the Town of Smithtown (Lead Agency) throughout the SEQRA process for the Proposed Action, to ensure completeness. Every potential proposed development project was analyzed during the DEIS process. This was confirmed by the Town of Smithtown, who indicated that only projects with development applications before a local agency or municipality would be subject to regional/cumulative analysis within the DEIS. Analysis of conceptual or speculative development projects would be premature and is not a requirement under SEQRA regulations.

SEQRA-7. “Brookhaven Town Supervisor Edward Romaine said at the Public Hearing Jan. 8 that he had made multiple attempts to participate in the planning process for this development, and that he had data and valuable perspectives to share concerning resources and usage patterns in adjacent Brookhaven, but his offers had been thoroughly rebuffed. George Hoffman, co-chair of the Route 25A Planning Commission, said at the hearing that he too had never been contacted or consulted. Several other community, government and business leaders from Brookhaven said at the Hearing that they had not been consulted or that their attempts to participate in planning were rebuffed. They indicated that a series of local projects in Brookhaven were advancing through the planning process that would draw significantly from shared resources, snarl traffic and compete for infrastructural services, including: Stony Brook University, where 8 additional buildings are planned; expansion at the International Bible School on Route 25A; and a planned sale of a nursery to a developer on 25A. Several speakers at the hearings described the planning process as occurring in isolation. What attempts were made to involve other planners outside of Smithtown in the planning process? What attempts were made to obtain independent data concerning the projects described above?” (50)

“I went to the Planning Board meeting on January 8th. I was not allowed in due to room constraints. I was dismayed to see people streaming out. I then thought to start taking names to document people who were turned away — I have the names of 42 people who could not get into the meeting. More transparency is needed”. (67)

Response 7: Please see Responses 1 and 6. The SEQRA process provides for multiple rounds of public input during the DEIS public scoping process, DEIS public hearing and DEIS public comment period. In addition, as an Interested Agency, the Town of Brookhaven was afforded multiple opportunities for public comment. The planning process did not rebuff any member of the public from providing feedback. The planning process afforded multiple opportunities for the submission of any relevant data or comments, such data was not provided to the Town of Smithtown or the applicant.

The notice for the January 8, 2020 public meeting conformed to SEQRA and Town legal requirements, and the presence of a large audience would indicate the information about the meeting was readily available. The public comment period remained open for 16 days after the public hearing, and this FEIS considers comments received up to 27 days after the public hearing (12 days beyond the legally designated end date), in the interest of transparency and completeness.

SEQRA-8. “The Board provided a review period of 28 days, not the required 30-day review process. The DEIS document was not posted to a public website for 3 days after the adoption of the repost on 12/11/2019. Several civics report not being able to open the link to the document numerous times. The actual time the public was able to view the printed documents were largely curtailed by the timing of the releases, over the holidays, where local libraries and town offices were closed. How will the Board rectify this oversight and provide adequate time for public review? How will it revisit past actions and decisions on this issue from a corrective standpoint?” (50)

Response 8: The Town as Lead Agency followed all SEQRA requirements (and exceeded these public input requirements with the provision of a voluntary public scoping process). The public comment period was longer than the 30-day minimum and this FEIS includes comments received after the end of the official public comment period. No corrective actions are warranted.

- The public comment period began when the Town filed a Notice of Completion, which occurred on December 19, 2019, and officially ended 36 days later on January 24, 2020.
- The public comment period was required to continue until at least January 18, 2020, 10 days following the close of the January 8, 2020 public hearing.
- The public hearing had to be at least 15 days after the Notice of Public Hearing; it was held 19 days after the Notice.
- This FEIS includes all comments received through February 5, 2020.

SEQRA-9. "...the DEIS is an extensive document, but outsized concerns remain unaddressed by the draft, including the impacts to neighboring municipalities and on local watersheds. Tonight, I would like to focus on two distinct elements: One, comprehensive impacts; and two, the intermunicipal relations between the towns of Brookhaven and Smithtown. In recent years, local governments have been isolating the discourse around proposals of regional significance. In Huntington, policymakers found their concerns regarding Heartland Town Square unaddressed by their neighbors in Islip. Smithtown must not follow Islip's example by failing to listen to Brookhaven's concerns. In the coming years, intermunicipal cooperation will help determine our regional successes. Moving forward, I urge policymakers in both towns to work with the Gyrodyne company in crafting a proposal that meets our region's collective goals of environmental and economic sustainability. Development actions on our island are not isolated for they resonate far beyond municipal borders. As such, the comprehensive impact of any development effort at Gyrodyne in relation to other proposed projects must be more fully understood. Given infrastructural, environmental limitations that exist around the parcel in question, the DEIS fails to give us a comprehensive understanding of the regional implications of the applicant's proposal. In closing, I am confident that all interested parties can come together to craft a vision that works for these 75 acres. As I argued on the pages of Newsday in 2018, quote, Long Island's municipalities must stop pursuing patchwork economic development strategies and come together to properly chart the region's future. (74)

"The Draft Environmental Impact Statement is incomplete in its current form, and it must answer certain fundamental questions about this project, including its impact on local watersheds of significance, the Long Island Sound, and its impacts on our area's limited transportation network, and must also contain a detailed assessment of impacts it would have to neighboring municipalities." (86)

Response 9: Throughout the SEQRA process for the Proposed Action, neighboring municipalities, institutions, agencies and the public were all invited to participate and provide feedback on the proposed subdivision. As a SEQRA Interested Agency for the project, the Town of Brookhaven received direct correspondence and document transmittals at every step of the SEQRA process, including the voluntary public scoping process.

It is not the role or responsibility of Town officials to "craft a proposal" for the subject property, but rather to effectively manage the SEQRA process and the coordination of issues with the public and Interested and Involved Agencies. The DEIS analyzed future regional build conditions by taking into account all other proposed projects (projects with actual applications, not conceptual development ideas) in the region. Particular focus was directed towards wastewater and traffic impacts, which represent some of the region's most significant

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Map of Flowerfield Subdivision Application

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environmental and infrastructure-related issues. Extensive analyses of these two issues, including regional impacts and coordination with various municipalities and agencies, are documented extensively throughout the DEIS and supplemented by information provided within this FEIS (wastewater analyses are provided in Sections 7 & 19 of the DEIS and Section 9 of this FEIS; traffic analyses are provided in Sections 8 & 19 of the DEIS and Section 7 of this FEIS).

The DEIS analyses comply with the Scoping Document. The DEIS provides extensive analyses of traffic at intersections up to two miles away from the property, and on nitrogen at Stony Brook Harbor.

SEQRA-10. "I am here tonight to point out some of the deficiencies, as I see it, in the Draft EIS for Gyrodyne. My major concern tonight is that the DEIS fails to take a hard look at significant impacts of the proposed build-out of the 75-acre parcel. There is no - there was no intermunicipal review. Given that the property is directly adjacent to the border of two towns and one incorporated village, this is a significant failure of this DEIS. It fails to consider significant development being proposed directly adjacent to the Gyrodyne property that hasn't been looked at in the DEIS. We have heard that mentioned tonight, the 18-acre Bible school that will be potentially 118 55-and-older housing; the Bull Run Farm, which we heard now will become an assisted-living, which is directly across the street from the Flowerfields entrance; and of course, BB&GG Farm. Right now the county is looking at it for potential acquisition, and what happens to the Gyrodyne properties will impact our ability to be able to purchase that. To do a DEIS in isolation of these proposed developments is classic segmentation, and it's a failure of this DEIS. As co-chairman of the Town of Brookhaven's 25A Citizen's Advisory Committee, I worked with two dozen community residents and spent two years studying the development patterns on Route 25A, and compiled a visioning report that was adopted by the Town Board in 2018. The recommendation of that two-year study was to preserve and protect the rural and small town character of the historic 25A corridor by limiting development, by standardizing the signage along the way, and improving pedestrian safety on Route 25A. This proposed project will have a direct impact on those goals, and it is being proposed without any consideration of adjacent impacts and regional planning." (82)

Response 10: Please see Responses 6 and 9. The Baptist Church and Bull Run properties had no active applications at the time the DEIS was prepared, and would have been speculative had they been included. Speculative developments do not warrant inclusion in a DEIS. As of July 2020, no application has been made to the Town of Smithtown for the Bull Run property. There is a pending application to the Town of Brookhaven for a change of zone on the Baptist Church property, but no decision on that matter has been made.

SEQRA-11. "First off, I have to ask a question: Was there any coordinated review set forth in this? I mean, we keep on hearing Brookhaven Town didn't know anything about this and hasn't been brought into the process. Normally at the County, coordinated review is undertaken, and because this is Type 1, you've got an EIS in front of you, obviously there was a pos-dec given. Yet, nobody responded. So I find it kind of odd that, you know, all this opposition from the local municipalities, Head of the Harbor, for example, I know is dropping a letter with major concerns. Town of Brookhaven, we've heard from several representatives. I'm very curious about why they are only showing up now, whether they got the proper notice when this process all started a couple of years ago. I'm not challenging it. I'm just very very curious about it". (89)

Response 11: Please see Responses 1 and 5. All SEQRA process requirements were followed throughout the project's planning process, including an additional voluntary public scoping process prior to the drafting of the DEIS. This afforded the public, including municipalities,

multiple opportunities to participate in the planning process. All correspondence during these periods has been provided in the DEIS and FEIS appendices. The Town of Brookhaven was identified as an Interested Agency and was afforded every opportunity to participate throughout the review process.

SEQRA-12. "I'm a 50-year resident of Smithtown... recently we moved over slightly over to Stony Brook, because we wanted to be close to the scenic roads, the preservation of history, the wonderful water views, which we really feel, my husband and I, that the proposed development can easily destroy. The fact is this plan was done in isolation. No consideration was done to the effects of this plan on the residents primarily adjacent to the development, specifically in the Town of Brookhaven or the Head of the Harbor would have. The DEIS did not take into consideration the eight new buildings Stony Brook University has on the plans at the Wireless center. And those -- by the way, those eight buildings would be 800,000 square feet of space. Something to really think about. Not that we are not happy about it, by the way. Just want you to know. The Stony Brook residents in the area are not happy with the University. Okay. It also doesn't take into consideration the redevelopment of the old Baptist church, which is pretty much right next door to the Gyrodyne property, or yet another nursing home. How many nursing homes can we possibly use in one area? Another facility at Bull Run, which is really directly across from Gyrodyne". (91)

Response 12: Please see Responses 1, 5, and 10. Additionally, the DEIS includes development planned at the Stony Brook Research and Development Park as it was contemplated at the time.

SEQRA-13. This EIS evaluates an initiative as though it were a singular and limited project; in fact, none of these proposed actions are well-defined projects nor are the implications purely local. Such significant development in the area will have rippling implications for the surrounding communities as well as the distal communities all along 25A. (8)

Response 13: This is a subdivision application for one property, and the current Proposed Action is a discrete application based on the thresholds identified in the DEIS. The DEIS indicates that regional effects would be beneficial, including mitigation/improvements at off-site intersections and additional employment during construction and future operations.

SEQRA-14. "The proposal is nebulous as well, with numerous references to unspecified future development that would undoubtedly exacerbate problems already caused by this first phase of development." (29)

"The DEIS states that the applicant intends to sell one or more parcels such that future buyers would undertake any future redevelopment applications. So if that is the case, what covenants can be put into place today to prevent a future developer from buying an open lot and proposing high-density housing development on it? If the sewage is there, I think we do need to concern ourselves with that if these lots are going to be sold off and somebody else is going to approach you in the future." (78)

"Right now we have latitude to change, but after this is finally approved, you won't have latitude to change anymore? ... If we have, lets say a hotel of 100 units, are you prevented from coming back in 5 years and saying 'well we didn't get the assisted living over here so we want to get 150 rooms over there instead', or would you be locked in? ... When you come in close to the final and you have one particular client which is the assisted living client and the other clients are hypothetical, and so if in the future you wanted to change that use from a standard medical office building to something else, you are going to want to have that right to do so? ... If you subdivided a piece of property into one-acre residences, you normally would not expect that somebody could come back later on to change that. Here you're retaining the right to come back and change this

at some time.” (98)

Response 14: The DEIS analyzes the entire property being developed; it does not segment the development into phases. The proposed subdivision approach will regulate future development beyond zoning regulations by establishing maximum environmental thresholds (i.e., traffic generation and wastewater generation) as well as site design parameters (i.e., natural buffer areas, tree preservation, site access design).

Substantial deviation (e.g. 300 hotel rooms with little to no change on other lots) would require coming back to study the environmental impacts of that particular use. The applicant has coordinated with the Town of Smithtown Department of Environment and Waterways (DEW) so that land uses which do not exceed certain DEIS thresholds [e.g. traffic generation and wastewater demand] will not require additional EIS preparation and review; all new uses will be subject to site plan approval. The FEIS Subdivision Plan is intended to fix the lot lines and establish the preferred land uses. Additionally, the Findings Statement is expected to describe what might constitute a substantial deviation from the alternatives analyzed in the DEIS and measures to ensure compliance with any approvals.

SEQRA-15. “More broadly, it is concerning to review a DEIS document that editorializes in favor of the applicant’s proposed direction within the narrative. In this draft, such bias is evidenced by the DEIS’ frequent mention of “synergy” with nearby Stony Brook University, the positioning of the proposal as a favorable complement to a lightly-sourced analysis of existing market conditions, as well as the declaration that the proposal is “sustainable” in the document’s opening lines. Such analyses should let the findings and data speak for themselves. Otherwise, the authors risk eroding their credibility on developmental matters with both policymakers and the public alike. (11)

Response 15: The use of the term “synergy” with Stony Brook University is intended to reflect the applicant’s market analysis gauging the demand for certain land uses. The Town’s unadopted Draft CPU, although unadopted, frequently discusses the University as an economic development engine; it is realistic for the property owner to propose land uses that take advantage of proximity to a major University and its Medical Center and R&D Park.

SEQRA-16. “If an Environmental Impact Statement is done that is not comprehensive, then you are not using the truth to make your decision.” (34)

“Not only will this ruin what’s left of the country like atmosphere, environmentally it is reckless...It is sad to think of what you are planning to do to our community and frightening that local government has such little regard for the citizens of this community”. (37)

Response 16: The three-volume, 3,000-plus page DEIS follows the Scoping Document and represents a comprehensive hard-look at potential environmental and community impacts associated with the proposed subdivision.

SEQRA-17. “At the very least you should have an Environmental Impact Statement done by a non-biased party and not rely on one done by a firm representing the development. (34)

Response 17: Under SEQRA regulations, Environmental Impact Statements are prepared by and on behalf of the applicant and reviewed by the municipality for any development application.

2.21. Miscellaneous

MISC-1 “Desmond Ryan, a member of the Planning Board, has been an active and very public

advocate for Gyrodyne for decades, publishing defenses of the company's right to develop its property in the pages of Newsday and elsewhere. Faced with public outcry over this conflict of interest, Mr. Ryan recused himself from the public hearings on Jan 8, but - disturbingly - never left his seat. Instead, he continued to participate in the proceedings, conveying approval or disapproval through physical and visual gestures, a fact noted to me privately by many speakers after the hearings and visible in the taped proceedings. As a speaker I felt intimidated by his post-recusal presence. Why was Mr. Ryan allowed to participate in the hearings after recusal? What effect did his participation have? Has the Board investigated Mr. Ryan's past actions concerning Gyrodyne, now that the conflict of interest has been acknowledged? What other influence Mr. Ryan have on Board members and, potentially, how did he assist Gyrodyne in the approval process, before his recusal?" (50) (91)

Response 1: These comments are outside the realm of SEQRA.

MISC-2 "I say this with no malice, with love of the Smithtown community, and the Smithtown Board and Smithtown Planning, but I am aware that the -- there is a Planning Board Member that needed to recuse themselves from the hearing today due to a conflict. This recusal only seemingly occurred when confronted by press reports. It appears that the Smithtown Planning Board process leading to this hearing has been tainted by one member that was part of every decision that brings us to this point. It would be now appropriate for the Town Board and the Planning Board to reexamine the application, not only because of everything that is discussed tonight, but knowing how this application advanced to this particular point". (81)

Response 2: Please see Response 1.

MISC-3 "What is going to be the sequence of building the roads and the wastewater treatment plant, and the hooking up of that wastewater treatment plant to the existing industrial building as well as the catering facility? Is that going to be hooked up first?" (99)

Response 3: Suffolk County Department of Public Works (SCDPW) will require the treatment plant to be built prior to opening up the new uses, e.g. the assisted living facility. SCDPW and the Suffolk County Health Department require sanitary hookup for all parcels on a site when a treatment plant is built. Typically, all users must be hooked up before a Certificate of Occupancy is granted for new buildings.

MISC-4. "...this corridor that you are talking about, this trail and everything else, did the State of New York when they took the 275 acres and built those three enormous buildings in there, did they worry about that? Did Brookhaven Town say, hey, what the heck are you doing to me? I don't know. I wasn't interested then, but I'm interested now. The buildings, I went in there today just to see. So I will tell you, if you have never been in there, do yourself a favor and drive in and see the size of the buildings the State of New York put in there for -- I know it's a good purpose, and all this future scientific stuff and everything else, but wow. I will bet you in the one building alone, there was at least 100 cars in the parking lot." (79)

Response 4: This comment is duly noted. The State property taking pre-dates this application.

code, and satisfy the described intent of the Draft CPU. This includes conforming to the Town Code definition of the intent for LI Districts, which is “to provide...office, research and development, wholesale and light manufacturing on sites of high aesthetic character, with adequate buffering from adjoining residential neighborhoods.”²

- Town Code considerations: permitted uses in LI zone, sufficient parking on each lot
- Draft CPU considerations: synergy with and connectivity to Stony Brook University, Stony Brook University Medical Center, and the Flowerfield catering hall; assisted living included as a housing option that is needed within the Town

The Map of Flowerfield would yield nine lots with development envisioned as follows:

Existing uses – to remain:

- Lot 1: the existing light industrial uses
- Lot 2: the existing Flowerfield Celebrations catering hall

Potential new uses:

- Lot 3: envisioned as 181 landbanked parking spaces that would serve potential future overflow from Lot 1
- Lot 4: envisioned as a 150-room hotel with a 150-seat restaurant. The hotel would serve the local community as well as the on-site catering hall, on-site offices, Stony Brook University, Stony Brook University Medical Center and the University’s Center of Excellence in Wireless and Information Technology (CEWIT).
- Lots 5 and 6: envisioned as 130,000 square feet of medical office, general office, or technical R&D office space that could support Stony Brook University, Stony Brook University Medical Center, and/or the University’s Research and Development (R&D). The lots could be developed separately or as one larger lot.
- Lots 7 and 8: envisioned as 220 assisted living units that could be developed separately or in one combined larger lot. There would be a synergy with the University Medical Center and with the subdivision’s medical office space for residents’ medical care.
- Lot 9: a commonly-owned and operated lot encompassing ±24 acres of open space, the internal road network, drainage, and a proposed sewage treatment plant (STP) to serve all of the uses on the 74.98-acre property.

1.2. Purpose and Operation

The Applicant intends to sell one or more parcels, such that future buyers would undertake any future redevelopment applications. The Proposed Action in this document is not a formal plan per se; it is a comprehensive guide for future development potential. Accordingly, the DEIS Alternatives are meant to establish a framework so that a future

² Town Code §322-7: Intent of Districts, accessed via <http://ecode360.com/15103754>

1. Executive Summary

1.1. Project Background

The Proposed Action seeks to establish the Map of Flowerfield Preliminary Subdivision Plan for the 74.98-acre Flowerfield site. More specifically, Gyrodyne, LLC (Gyrodyne) seeks approvals from the Town of Smithtown to subdivide the Flowerfield site into a sustainable mixed-use campus with nine (9) lots. The site currently has industrial and commercial uses, including the Flowerfield Celebrations catering hall, on the western sections of the property, with the remainder of the site vacant. The Flowerfield property is situated on the east side of Mills Pond Road, between NYS Route 25A (North Country Road) and the Long Island Rail Road (LIRR) right-of-way in St. James in the Town of Smithtown.

The respective Location Map, Aerial Map, Preliminary Subdivision Plan, Conceptual Development Exhibit, and Zoning Map are provided in Figure 1-1 through Figure 1-5 on pages 1-18 through 1-22.

The mixed-use campus plan set forth herein is the product of extensive planning and environmental analyses, along with consultations with the Town of Smithtown (including a public scoping process) and other involved agencies. Based on these studies and coordination with the Town of Smithtown, Gyrodyne developed a sustainable, mixed-use campus plan that would fit within existing zoning regulations, provide significant open space and consider the goals and objectives of the Town's Draft Comprehensive Plan Update (Draft CPU)¹. Principally, this approach ensures that future development of the Flowerfield site meets the environmental and design standards set during the subdivision approval process. Such standards would include established thresholds for trip generation, wastewater and associated infrastructure. These established standards play a key role in preserving community character (i.e., reducing the extent of required off-site traffic mitigation).

Gyrodyne had prepared a proposed Draft Environmental Impact Statement (DEIS) in 2008 for a prior development proposal. Some of the background research provided in the 2008 document remains valid for use in this proposed DEIS. For example, archeology research results would not have changed between 2008 and 2019, so the archeology data from the 2008 proposed DEIS is utilized in this proposed DEIS, and cited accordingly. All research and analyses that are no longer valid from the prior study (e.g. traffic, community services, and economic impacts) have been updated.

The applicant is presenting the Map of Flowerfield Preliminary Subdivision Plan as the Proposed Action, with development options that match current market trends, satisfy Town

¹ All references to the Town of Smithtown CPU refer to The Draft CPU, which was never adopted. The Draft CPU can be found at <http://smithtownny.gov/comprehensiveplan>. The Town Board issued an RFP to rewrite the Draft CPU. In the interim, this study fulfills the stated goals of the Planning Board resolution adopted September 21, 2016: "There should be some more flexibility for development of the Gyrodyne property. The essence of any development should: a. Support Stony Brook University, a major economic engine in the region; b. Provide a large buffer to maintain the natural and historic corridors; and c. Limit overall density to be less intensive than if the property were to be fully built out in compliance with existing LI zoning."

buyer/developer will be able to respond to changing market conditions and propose an eventual land use mix and yield with similar or smaller impacts than what is analyzed in this document.

This plan allows redevelopment of the site in a manner that is consistent with existing zoning, with the proximity to Stony Brook University and Stony Brook University Medical Center, with the Town of Smithtown Draft CPU, and with current market trends. The following were considered in developing the Proposed Action:

1. **Zoning compliance:** Each land use is permitted in the LI zone; the assisted living component and the hotel component are permitted through a special exception that would need to be granted by the Town Board.³

The Applicant has no intent to progress any application that requires a zone change and has no intent to redevelop R-43-zoned portions of the site.

2. **Compliance with Draft CPU:** As mentioned above, the Town's Draft CPU discusses the need for synergy with Stony Brook University and the need for housing diversity for senior citizens:
 - a. The assisted living component would add housing diversity, and the residents could take advantage of the close proximity to Stony Brook Medical.
 - b. Medical offices would have synergy with Stony Brook Medical, while R&D/technical office space would have synergy with the University and the Research and Development Park. There would be synergies with one or more components at Stony Brook University regardless of the specific type of office use that eventually locates at the Flowerfield property.
 - c. A hotel would have synergy with the existing Flowerfield catering hall, Stony Brook University, the Research and Development Park, and Stony Brook Medical.
3. **Traffic generation:** A major consideration is to allow full development of this site without creating significant traffic impacts (see Appendix F). The Draft CPU specifically states that "since the surrounding roadways [to the Flowerfield site], principally NYS Route 25A and Mills Pond Road, are not adequate to handle significant increases in traffic, any proposed development here is constrained by roadway capacity."⁴

1.3. Layout and Design

The proposed layout is based on sensitivity to site and community context, responsiveness to the distinctive physical condition of the property, and compliance with LI zoning. Each lot layout provides a building that conforms to Town dimensional standards, such as lot sizes, Floor Area Ratios (FAR), building/parking setbacks, building heights, and the required number of parking spaces⁵. The Proposed Action satisfies all required covenants and buffers by avoiding development within 200 feet of NYS Route 25A (North Country

³ Town Code §322 Table 9: Industrial Districts: Table Of Use Regulations

⁴ Town of Smithtown Draft CPU Volume 5, pages 41-42 and page 47.

⁵ As described in the traffic study in Appendix F, some adjacent lots with complementary uses would take advantage of staggered parking demand and utilize shared parking to minimize the loss of green space.

Road), within 100 feet of the existing ponds, and within 100 feet of residentially zoned parcels⁶.

A detailed discussion of specific approaches to laying out the subdivision is provided in Section 2.7 starting on page 2-20.

1.4. Potential Impacts and Proposed Mitigation

The following sections summarize the potential impacts that were identified by the analysis, with the corresponding proposed mitigation measures where applicable.

1.5. Geology, Soils, and Topography

Potential Impacts – The northeastern perimeter of the existing site contains steep sloped areas that will not be modified. The proposed Map of Flowerfield Preliminary Subdivision Plan would result in approximately a cut quantity of 37,897 cubic yards and a fill quantity 773 cubic yards, for a net total cut of 37,124 cubic yards (see Appendix M Sheet M-2).

Proposed Mitigation – Where possible, uncontaminated topsoil and subsoil removed during grading would be stockpiled and re-used on-site.

Development associated with the proposed subdivision (internal site roadways, STP) would exceed one-acre in size, and would therefore require a Storm Water Pollution Prevention Plan (SWPPP) as part of the Town approval process. The SWPPP will include Erosion and Sediment Control plans that will specify the types, locations, and maintenance of any erosion control measures. Additionally, the SWPPP will require ongoing, Town-supervised SWPPP inspections for the duration of all construction activity. This will ensure that the erosion controls noted on the engineering documents will be carried out as planned.

The erosion and sediment control measures include inlet protection; silt fencing, hay bales, or an approved equal around the work perimeter; seeding to stabilize stockpiled soils; frequent removal of sediment/trash from control structures and the basin, and other typical measures approved for use in New York State. The Town would review and approve all erosion and sediment control measures. Any damage to features such as swales, diversions, silt fencing, or hay bales would be repaired or replaced as necessary and as directed by the appropriate personnel. The construction entrance would be stabilized with crushed stone and would have a wash-down area for use before any construction vehicles leave the property. This will prevent soil and loose debris from being carried off the work area onto local roads. All construction-related erosion control measures would be removed during final landscaping.

Abrupt grade changes would be avoided to the greatest practical extent. Any abrupt grade changes would be stabilized with natural materials and plantings.

⁶ Town Code §322-20 (B) accessed via <http://ecode360.com/15103878>

1.6. Vegetation and Wildlife

Potential Impacts of Proposed Subdivision – The proposed subdivision will result in a change of habitats found on the site. In the long term, the largest change on the site will be the reduction of the landscaped areas. Given sufficient time, the areas that will remain as “natural” on the plan would probably grow into a Successional Southern Hardwoods ecological community, or if maintained, would remain meadows. In general, most of the Successional Southern Hardwoods would remain as part of the buffer along NYS Route 25A and at the northern tip of the site. Portions of the Mowed Lawn, Mowed Lawn with Trees, and the Successional Old Field will also remain as part of the buffer along NYS Route 25A. The small on-site ponds, NYSDEC-mapped wetlands, would remain.

Most of the wildlife expected to be found on the site are those species that are tolerant of human activity, because of the existing habitats and because of the intensity of the existing and surrounding land uses. The loss of mowed lawn habitats will not result in any significant ecological impacts due to the poor diversity and wildlife habitat provided by these habitats. Under existing and proposed conditions, the site is expected to support only relatively common, suburban, human-tolerant wildlife species. While the Proposed Action will result in the loss of successional old fields, successional southern hardwoods, overgrown hedgerows, and mowed lawn (with and without trees), the resulting habitat loss and any subsequent reductions in local abundance of bird or wildlife species is not expected to be a significant adverse environmental impact.

Proposed Mitigation – Potential mitigation measures associated with impacts associated with the proposed subdivision (and new uses) on Lots 4 through 9 would include the following:

- Incorporation of the large existing trees around the edges of the mowed lawn areas into the proposed development and landscaping plan to the maximum extent practical.
- Increasing the habitat quality provided in the undeveloped portions of Lot 8 and the proposed buffer area surrounding the eastern pond by management of invasive species and/or either planting of native trees (to facilitate the development of a native forest community) or establishment of a meadow habitat dominated by native grasses and wildflowers.
- Use of native plant species in the site’s landscaped areas to the maximum extent practical.

1.7. Groundwater and Surface Water Quality

Groundwater Withdrawals

Potential Impacts – Impacts to groundwater include those related to withdrawals and others related to infiltration. This project would result in increased withdrawal of groundwater. The project is located within the St. James Water District. The peak estimated water consumption is a maximum of 87,534 gallons per day (gpd) for domestic use plus 11,000 gpd for irrigation.

The St. James Water District indicated in a letter dated June 18, 2018 (Appendix B page B-36) that there is an existing 12-inch main on Route 25A, and there are existing 12-inch and

8-inch mains on Mills Pond Road, so a water main extension is not necessary. The Water District Superintendent did not indicate capacity concerns. A follow-up letter was sent to the District on April 19, 2019 (Appendix B pages B-32 through B-34) to confirm that the District has adequate capacity to serve the subject property.

Proposed Mitigation – Water conservation methods would reduce consumption of public water. On-site groundwater withdrawals would be limited to irrigation. The irrigation system would be tied to moisture sensors and limited to the early morning to reduce unnecessary water consumption caused by evaporation losses. Wherever possible, areas of the property would be planted with drought-tolerant plants that require minimal or no irrigation.

Fertilizers and Pesticides

Potential Impacts – Managed landscape areas have the potential to contaminate groundwater with fertilizers and pesticides.

Proposed Mitigation – Use of fertilizers and pesticides to maintain the natural and landscaped areas of the site would follow Suffolk County Stormwater Management Program Best Management Practices for use of fertilizers and pesticides, Part 325 of Title 6 Application of Pesticides, NYSDEC Nutrient Runoff Law and the principles of the New York State Integrated Pest Management Program.

Wastewater

Potential Impacts – Site development would generate approximately 68,700 gallons per day (gpd) of wastewater, for a total (including existing uses) of 87,534 gpd.

Proposed Mitigation - A state-of-the-art sewage treatment facility would be constructed within a ±4.1-acre area of the site to handle the wastewater flow from the existing and various potential land uses. The proposed sewage treatment plant would represent a substantial improvement compared to current conditions:

- There would be a reduction in total pounds of nitrogen discharged to groundwater compared to a full as-of-right build-out of the site.
- The proposed sewage treatment plant (STP) will provide an overall nitrogen reduction of ±89% in wastewater comparing STP influent (65 mg/L) to STP effluent (7 mg/L) concentrations. There will be a further reduction when accounting for nitrogen reduction through the leaching field and as the effluent traverses through the aquifer.

Stormwater

Potential Impacts – As planned, the proposed drainage system is designed to retain eight (8) inches of stormwater in roadway improvement areas, drainage reserve areas (DRAs), and in the northerly wetland pond. Per discussion, preliminary review, and with approval by the Town Engineer, preliminary drainage design utilizes drainage reserve areas to store five (5) inches of stormwater, and the three (3) remaining inches of the eight (8) inch design storm event will be stored in drywells in vegetated open swales along the roadside within the private right-of-way. In addition, per discussion with the NYSDEC (see Appendix B: pages B-1 through B-3), stormwater runoff flow will be conveyed to the

existing northerly wetland pond in sufficient volume and frequency, so as to match the pre-development flows to the pond.

As shown on the Preliminary Grading and Drainage Plans (see pages M-3 through M-5 in Appendix M), approximately 228,712 cubic feet of stormwater runoff volume would be generated by the 8-inch storm event within the tributary shed areas comprising the proposed site infrastructure improvements and the northerly NYSDEC regulated wetland. The post-development runoff will be contained within the existing northerly State designated wetland pond, within proposed drywells within the private right-of-way, and within the three new drainage reserve areas indicated on the plans. Approximately 137,026 cubic feet of the anticipated runoff volume will be conveyed to the State wetland pond, where 75,538 cubic feet of that amount will be impounded. The surplus 61,488 cubic feet will enter an overflow structure to be constructed at the northwest corner of the pond, and conveyed through underground piping into the stormwater detention network within the tributary shed area of DRAs 1 and 2, combining with 69,940 cubic feet of stormwater runoff generated by that shed, for a total of 131,428 cubic feet, distributed between the drywells and drainage reserve areas. The 21,746 cubic feet of stormwater volume generated from the southerly portion of Road A will be contained within DRA 3. The 18,121 cubic feet of stormwater generated by the impervious cover due to the water reclamation plant will be contained within underground drywells.

Proposed Mitigation - The proposed preliminary drainage design is based on a desire to improve the quality of stormwater through natural, aesthetically pleasing on-site treatments which maximize on-site recharge. The subdivision had been planned using green infrastructure practices, incorporating the preservation of natural features and conservation, the reduction of impervious cover, and the reduction of runoff using green infrastructure techniques.

The green infrastructure techniques proposed for the preliminary subdivision were planned to utilize the natural features of the site to further runoff reduction. Existing topography, natural buffers, ponds and wetlands, and underlying granular soils provide natural characteristics which encourage the use of these techniques. Upon completion of the proposed subdivision and subsequent development, all runoff would be collected and recharged on-site. Only limited undisturbed perimeter areas would remain outside of the proposed drainage collection system area. The stormwater treatments described above in conjunction with the Grading and Drainage Plans (see pages M-3 through M-5 in Appendix M) and the future Erosion and Sediment Control Plan will constitute the Stormwater Pollution Prevention Plan for the common areas; future site plans associated with the development on individual lots will include specific Erosion and Sediment Control Plans.

1.8. Transportation – Traffic and Parking

Potential Impacts of Proposed Subdivision – The traffic impact study included the analysis of seventeen study intersections. Ten existing intersections will not be significantly affected by the proposed subdivision: delay increases (if any) will be small, and there will either be no Level of Service (LOS) change, or a nominal LOS change resulting in a LOS of A, B, C, or D, where in the applicant's view, formal mitigation is not necessary.

The subdivision would generate fewer than 500 external trips during any of the peak hour periods that were studied (weekday AM peak hour, weekday PM peak hour, and Saturday midday peak hour).

Proposed Mitigation – Mitigation includes six of the sixteen existing study intersections; the seventeenth study intersection is a proposed driveway.

Of note, the mitigation would address known existing traffic concerns at the intersections of Stony Brook Road with Route 25A, with South Drive, and with Oxhead Road.

- **Route 25A and Mills Pond Road:** Signalize the intersection; restripe to provide a short westbound left turn lane.

A signal would correct existing issues at this intersection. During a previous application for the Flowerfield property, the New York State Department of Transportation (NYSDOT) had agreed that a signal was justified under “existing 2007” conditions (see Appendix B page B-41). The current traffic study confirms these findings, so the subdivision includes the traffic signal.

- **Route 25A and Stony Brook Road:** Signalize the intersection; shift the southbound left turn stop line, install a yield sign for the northbound right turn lane (a safety measure), and stripe the westbound right turn lane to be perpendicular with Route 25A. An alternate solution under consideration (directed by the NYSDOT) is a roundabout with corresponding roadway reconfiguration on the approaches. Final determination of the intersection improvements/mitigation will be determined by the NYSDOT.
- **Route 347 and Moriches Road:** Implement minor signal retiming by shifting 2-3 seconds of green time from one signal phase to another. As directed by NYSDOT, also add a second eastbound left turn lane (analyzed in the traffic study as 75 feet long).
- **Stony Brook Road and South Drive:** Add a short southbound left turn lane and make minor adjustments to the existing traffic signal (add left turn arrows and shift other existing signal faces for proper display/visibility).
- **Stony Brook Road and Oxhead Road:** Add a short southbound left turn lane and make minor adjustments to the existing traffic signal (add a left turn arrow and shift other signal faces for proper display/visibility).
- **Stony Brook Road and Route 347:** The applicant proposes to implement minor signal retiming by shifting 2-3 seconds of green time from one phase to another. Alternately (pending State and Town review and feedback), the applicant could further improve/mitigate the intersection by providing a minor widening on northbound Stony Brook Road to add a short right turn lane and re-designate the northbound lanes, with minor signal modifications to add right turn arrows in each direction. This alternate mitigation is not expected to incur property acquisition.

Based on available information to date (Suffolk County GIS data⁷ and New York State aeriels⁸), the proposed lane changes in the traffic study can be achieved within the extents of existing pavement (without widening or acquiring property). As a matter of course, the developer would be charged with implementing off-site traffic mitigation, including surveying the property lines and physical features around individual intersections. Minor widening, if required, should be feasible if necessary; it simply is not anticipated. The specific intersection geometries will be developed during the engineering design phase, which will follow the Town of Brookhaven, Town of Smithtown, and NYSDOT making the final determinations as to the mitigation measures within their jurisdictional control.

Specific to the intersections on Route 25A, the mitigation at Route 25A-Mills Pond Road should be considered feasible because NYSDOT wrote in 2007 and 2010 that a signal is warranted. Either mitigation option at Route 25A-Stony Brook Road (signal or roundabout) should be considered feasible as well, because the NYSDOT is in the process of selecting a roundabout or traffic signal improvement project as follow-up to the *Route 25A-Three Village Area: Visioning Report* (see Appendix F page F-318). The mitigation at Route 347-Moriches Road was dictated by NYSDOT at a technical meeting, and should therefore also be considered feasible.

1.9. Community Services

Potential Impacts of Proposed Subdivision – The current site requires police, fire, and emergency response, as would the proposed subdivision uses. The potential assisted living units could have a higher likelihood of emergency response/ambulance services, but the applicant notes the very close proximity to Stony Brook University Medical Center in case emergencies arise. Internal roads would be privately owned, and the Town would not be responsible for road maintenance, snow removal, street lighting, or solid waste removal. An increase in energy consumption would occur as a result of the development. However, at the preliminary subdivision phase, it is premature to develop specific load calculations for electricity, heating oil, and/or natural gas. Gyrodyne and/or the eventual developers will coordinate new service connections with National Grid and PSEG-LI as required. No children will reside at the site, so the school district is expected to benefit from increased tax revenues and no added expenses.

Proposed Mitigation – It is the Applicant's belief that no mitigation is required because the subdivision elements minimize Town involvement (no new public streets to maintain), there would be no new school-aged children living at the site, and there is no indication from community service providers regarding an inability to serve the proposed land uses.

1.10. Taxes/Economic Impacts

Potential Impacts of Proposed Subdivision – The proposed Gyrodyne subdivision will bring significant economic and tax benefits (increased revenues and jobs) to the Long

⁷ Suffolk County Economic Development & Planning, Cartography & GIS Division/Suffolk County Real Property Tax Service Agency. Accessed April 2017.

⁸ NYS Office of Information Technology Services, GIS Program Office, Digital Ortho-imagery Program (NYS DOP). *2016 imagery in Suffolk County*. Accessed April 2017.

*Draft Environmental Impact Statement
Map of Flowerfield Subdivision Application*

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Island region, the Town of Smithtown, and the community in which it is located. These benefits will begin during the development phase and will increase once the community is completed and fully occupied.

During construction, the subdivision will generate an estimated $\pm 1,500$ construction worker jobs, and at full occupancy, the subdivision will generate an estimated $\pm 1,080$ net new jobs. According to the applicant's economic analysis (see Appendix H), the anticipated "ongoing impacts from operations at full build-out" will total \$128.8 million per year in addition to the existing light industrial uses and catering hall. Most of this money will remain in the local Long Island economy and will undergo several rounds of "responding," so the ultimate beneficial impact will be a multiple of the original expenditure. The applicant believes this has the potential to benefit multiple industries, given this "responding" effect.

As calculated herein, permanent economic benefits to the Town and the community will increase by over \$3 million when the subdivision is completed and the buildings are fully occupied, based on the Applicant's calculated net tax benefits to the affected jurisdictions. The proposed subdivision uses are likely to generate an estimated \$3.77 million net new tax revenue (total anticipated revenue over \$4.1 million annually). Net revenue includes \$1,310,000 to the Town of Smithtown, and other entities, and almost \$2.9 million annually to the Smithtown Central School District, with zero added costs to the School District because there will be no school-aged children living at the property.

Proposed Mitigation – Impacts are positive (meaning, local taxing entities will receive more new revenue than the additional costs, if any, they would incur) so it is the Applicant's belief that no mitigation is required.

1.11. Land Use and Open Space Preservation

Potential Impacts – There is no proposed change of zone, and any potential land use on the proposed subdivision will meet Light Industrial (LI) zoning requirements. The proposed land use mix also provides synergies with the existing catering hall and Stony Brook University. Additionally, the proposed subdivision layout maintains a 200-foot wide natural buffer along NYS Route 25A (North Country Road), a 100-foot-or-wider buffer around the existing ponds, no change to buffers on Mills Pond Road, and designated areas of managed landscaping and open space. Finally, the parking plan incorporates landbanking and shared parking to minimize the number of newly paved parking spaces, which helps to maintain open space.

Overall, the Proposed Action will preserve over 36.5 acres of open space on the property (48.7% of the site's land area).

Proposed Mitigation – It is the Applicant's belief that no mitigation is required because the buffer along Route 25A will be maintained, the subdivision incorporates green/open space and landbanked parking, and the overall site will remain comprised of over 35 acres of open space.