

EXHIBIT B

FINAL
Environmental
Impact Statement

For the:

Gyrodyne, LLC

**Map of Flowerfield
Subdivision Application**

Hamlet of St. James, Town of Smithtown
Suffolk County, New York

December 2020



Cameron Engineering & Associates, LLP

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

**FINAL ENVIRONMENTAL IMPACT STATEMENT APPLICATION FOR
SUBDIVISION APPROVAL FOR
GYRODYNE LLC MAP OF FLOWERFIELD
SUBDIVISION APPLICATION
HAMLET OF ST. JAMES, TOWN OF SMITHTOWN, COUNTY OF SUFFOLK**

PROJECT LOCATION: ±74.98 acres between Mills Pond Road, NYS Route 25A/North Country Road, and Long Island Rail Road Right-of-Way Hamlet of St. James, Town of Smithtown, Suffolk County, New York

SUFFOLK COUNTY TAX MAP NUMBERS: District 0800 – Section 40 – Block 2 – Lots 4, 13.3, 13.4, 14, and 15

APPLICANT: Gyrodyne, LLC
1 Flowerfield
St. James, NY 11780
Contact: Peter Pitsiokos, Esq., Chief Operating Officer
(631) 584-5400

LEAD AGENCY: Town of Smithtown Planning Board
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DATE OF PREPARATION: April 2020

DATE OF REVISION: December 2020

AVAILABILITY OF DOCUMENT: This document, together with the Draft Environmental Impact Statement (DEIS), is the Final Environmental Impact Statement (FEIS). Copies are available for public review and comment at the offices of the Lead Agency. This FEIS is also available electronically at <https://www.smithtownny.gov/601/Gyrodyne-Subdivision-EIS>

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

**DATE OF ACCEPTANCE
OF FEIS BY LEAD
AGENCY:**

**COMMENTS ON THIS FEIS
ARE TO BE SUBMITTED
TO THE LEAD AGENCY
BY:**

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

This document is a Final Environmental Impact Statement (FEIS) for the Gyrodyne LLC Subdivision. This FEIS incorporates, by reference, the Draft Environmental Impact Statement (DEIS) for this proposed action, dated November 2019. The above-referenced DEIS was the subject of a Town of Smithtown Planning Board Public Hearing on January 8, 2020, and written comments on the DEIS were accepted until 5:00 p.m. on January 24, 2020.

The Written Correspondence, Public Hearing Transcript, and Conservation Board Hearing Transcript are provided in Appendices A, B, C, and D of this FEIS.

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Appendix F: Final Engineering Plans
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Appendix G: Supplemental Environmental Documentation
Appendix H: The Impact of Commercial Development on Surrounding Residential Property Values

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1.0 Introduction

1.1. Introduction

This document is a Final Environmental Impact Statement (FEIS) for the Map of Flowerfield Subdivision application of Gyrodyne LLC. The FEIS was prepared in response to comments received by the Lead Agency, the Town of Smithtown Planning Board (the “Planning Board”), on the Draft Environmental Impact Statement (DEIS) for the proposed action, dated November 2019. The proposed action consists of a subdivision map and associated approvals for development of a 74.98-acre subdivision to be known as Map at Flowerfield (the “proposed project” or the “proposed development”), located south of North Country Road/Route 25A, east of Mills Pond Road, and north of the Long Island Rail Road (LIRR) tracks, in the hamlet of St. James, Town of Smithtown, Suffolk County (the “subject property,” “subject site” or “site”). See Figure 1-1 for the Site Location map. A summary of the details of the proposed action and proposed project is provided below in Section 1.2 of this FEIS.

The aforesaid DEIS was accepted by the Planning Board as complete and adequate for public review on December 11, 2019, and circulated to all the involved agencies and interested parties. A public hearing was held by the Planning Board on January 8, 2020. The DEIS comment period was held open until 5:00 p.m. on January 24, 2020; however, this FEIS includes responses to additional comments received through February 5, 2020.

In accordance with 6 NYCRR § 617.9(b)(8):

A final EIS must consist of: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.

All written correspondence received during the DEIS comment period, and public hearing transcript are included in Appendix A, B, and C of this FEIS. Appendix D includes the Conservation Board hearing transcript, Appendix E includes municipal comments received in 2017 and 2018, and Appendix F includes the updated engineering plans associated with the FEIS Proposed Action. Appendix G provides supplemental environmental documentation.

This FEIS includes two sections — Section 1.0, of which this is a part, is the introduction to the document, which describes the purpose of the FEIS, summarizes the proposed action (see Section 1.2, below), and describes the contents of the document. This section also provides an inventory of comments and explains the methodology by which comments were catalogued and categorized (see Section 1.4, below). Section 2.0 summarizes the general statements of support and objection and provides responses to all substantive comments made at the public hearing and in the correspondence received during and the first twelve days after the public comment period.

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Map at Flowerfield Subdivision Application

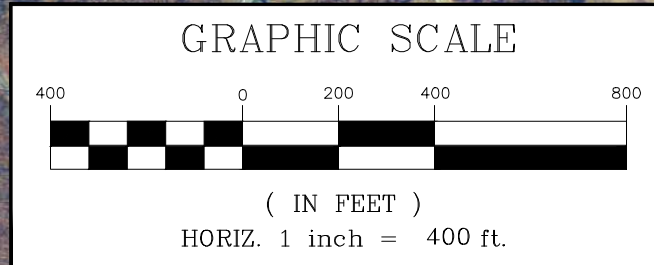
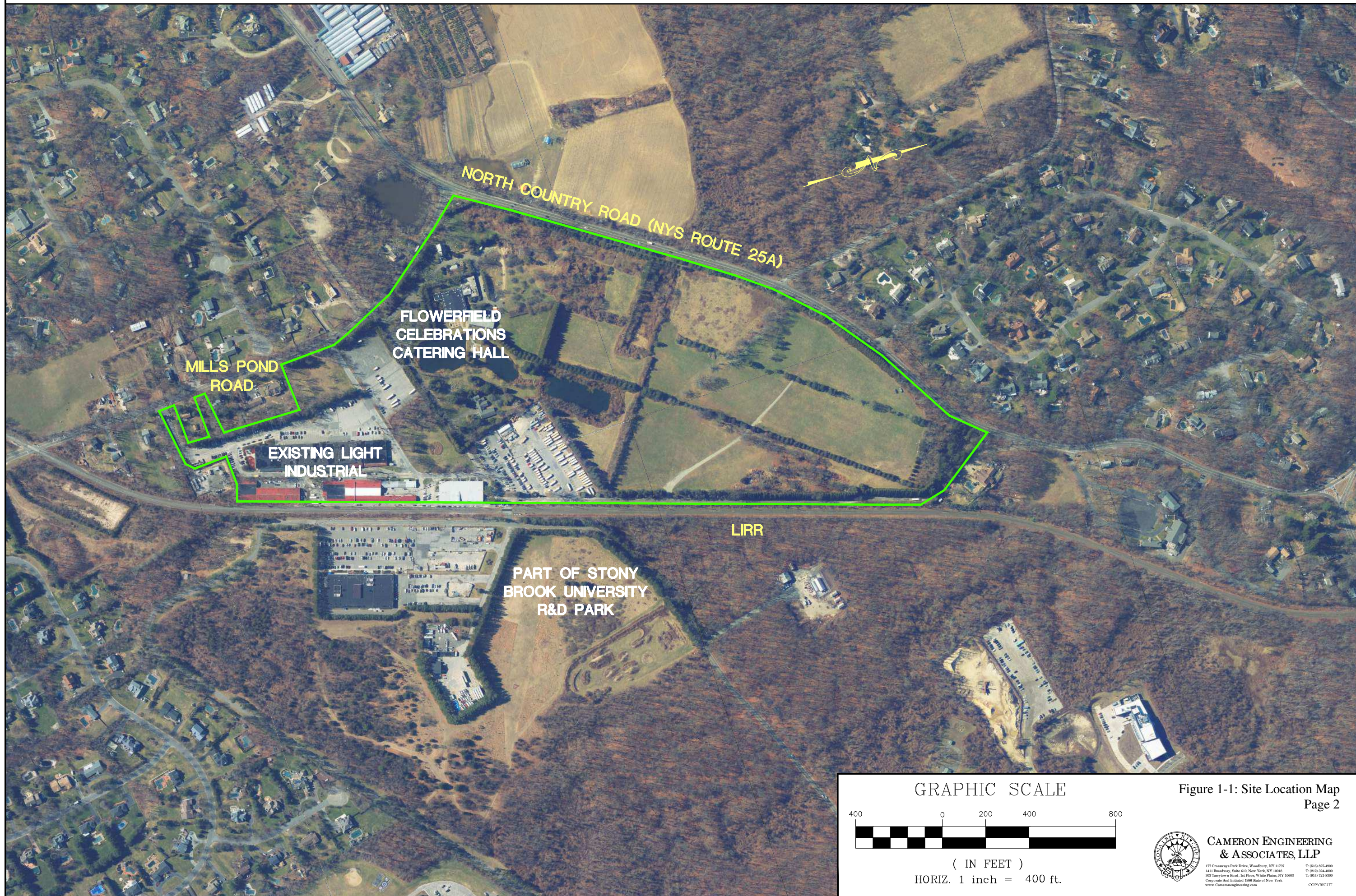


Figure 1-1: Site Location Map
Page 2

1.2. Changes Since the Draft Environmental Impact Statement (DEIS)

The DEIS Proposed Action is a 9-lot subdivision layout contemplating one potential configuration for the Flowerfield site. The DEIS also includes ten Alternatives in addition to the No Action and Proposed Action alternatives. These Alternatives vary in the number of lots, the land use mix, and site access, with corresponding changes to traffic generation and daily water/wastewater demand/generation.

The DEIS Proposed Action was presented as the preferred subdivision layout at the time of the DEIS preparation with the contemplation that the subdivision layout would continue to be refined during the SEQRA process. The DEIS was prepared with the intention of serving as a comprehensive guide for future development potential and was described as such in the DEIS. The Alternatives included within the DEIS served to establish a framework for the eventual land use mix and yield with similar impacts compared to the DEIS Proposed Action. With the exception of DEIS Alternatives 4 and 5 (As-of-Right Office Plan and As-of-Right Light Industrial Plan, respectively), which could be developed without a subdivision, all of the DEIS Alternatives were developed with the design goals of maintaining community character and preserving natural areas and buffers on the site. The DEIS Alternatives analysis revealed that a subdivision approach to future development would provide the most optimal mix of these design goals with market-driven, mixed-use development, providing for a reduced number of development parcels and reduced building density.

The results of the DEIS analyses demonstrate that different subdivision compositions result in similar traffic generation, sanitary flow, stormwater flow, and undeveloped natural and landscaped areas. Therefore, the mitigation measures proposed in the DEIS for the Proposed Action would similarly mitigate an alternative which generates similar or less traffic, sanitary flow, stormwater flow, etc. compared to the Proposed Action.

The DEIS established thresholds for traffic generation, wastewater generation, stormwater volume, and green space, such that the mitigation developed for the Proposed Action would apply to the alternatives or any modified version thereof that falls below the Proposed Action's thresholds.

If a new development application is put forth in the future, exceeding any of the sitewide thresholds identified in the DEIS, such a plan would be subject to additional SEQRA analysis. However, if one or more land uses are larger than the DEIS Proposed Action, (e.g. more than 150 hotel rooms), there could be a commensurate decrease to one or more other land uses to offset that difference and remain under the DEIS thresholds, which would not require re-opening the SEQRA process.

This approach does not in any way limit future site plan or building permit review, which will be required for any new development at the subject property.

The DEIS thresholds are listed below:

- Traffic generation: \pm 538 or fewer vehicle trips generated during the weekday PM peak hour
- Sanitary generation: 100,000 gallons per day

The DEIS Alternatives are categorized as follows:

- No Action: No subdivision; no new buildings added to the existing light industrial and catering buildings
- Proposed Action: adds 130,000 s.f. office, 150-room hotel, 220 assisted living units
- Alternatives 1, 2, and 3: Seven new lots, adds different land use sizes from the Proposed Action
- Alternatives 4 and 5: No subdivision/no new lots, with new "as of right" development per current LI zoning

- | | |
|--|--|
| Four Alternatives required by the Town | <ul style="list-style-type: none"> • Alternative 6: No subdivision; the Town or County would acquire the vacant land • Alternative 7: Six new lots, larger buffers to Route 25A to be consistent with the unadopted Draft Comprehensive Plan Update (CPU) undergoing revisions • Alternative 8: The Proposed Action with the LIRR grade crossing) re-opened • Alternative 9: The Proposed Action with a larger on-site STP |
|--|--|

- Alternative 10: Five new lots, different land use sizes

Potential impacts identified in the DEIS Proposed Action analysis were provided with mitigation to address those potential impacts. The DEIS established that the ten alternatives would have similar or fewer potential impacts than the Proposed Action, by nature of similar or smaller traffic generation, wastewater treatment demand, stormwater volume, and loss of green space. Therefore, future development that matches or is short of the thresholds of these features as identified in the DEIS would be similarly mitigated with the same mitigation measures identified in the DEIS.

Alternative 10 was prepared based on market demands responding to a need for a larger assisted living community and a reduced hotel size in comparison to the DEIS Proposed Action. Since the acceptance of the DEIS, Gyrodyne LLC has entered into a contract of sale with Benchmark Senior Living to develop approximately a 250 assisted living unit community on the northeast section of the property on approximately 10 acres of the site. The 10-acre development parcel for the proposed assisted living use aligned with the Alternative 10 layout and guided the formulation of the modified subdivision plan presented as the FEIS Proposed Action. The larger size development parcel associated with the assisted living use results in an overall reduction of the number of development lots as outlined below.

Additionally, the DEIS included the proposed on-site STP as part of one commonly-owned lot. The FEIS proposes the STP on its own lot, with the same common ownership as the common lot. This change was made at the request of the Town and in coordination with SCDPW to provide for flexibility in the future.

This FEIS presents a modified Proposed Action that contains the following land use mix:

Table 1-1: DEIS and FEIS Proposed Actions

Feature	DEIS Proposed Action	FEIS Proposed Action	Change Since DEIS
Number of Development Lots	8 (9 total lots)	6 ¹ (8 total lots)	2 fewer development lots; STP on its own lot
Office/Medical Office	130,000 s.f.	175,000 s.f. (153,110 s.f. net new area)	+45,000 s.f.
Hotel	150 rooms	125 rooms	-25 rooms
Hotel restaurant	150 seats	<i>none</i>	Remove restaurant
Hotel day spa	10,000 s.f.	<i>none</i>	Remove day spa
Hotel conference center	500 seats	<i>none</i>	Remove conference center
Hotel multipurpose room	<i>none</i>	4,000 s.f.	Add multipurpose room
Assisted Living	220 units	250 units	+30 units
On-Site STP	100,000 gpd	100,000 gpd	No change
AM/PM*/Sat hourly trips	357 / 538 / 323	382 / 507 / 308	+ 7% / - 6% / -6%
* The PM peak hour is the critical hour for traffic analysis, so the slight AM peak hour trip increase is not a significant change that warrants further analysis.			

¹ Three of the six development lots are existing improvements (i.e. Gyrodyne light industrial buildings, Building 1, and Flowerfield Celebrations caterers). The other three lots are unimproved and will be developed as an outcome of the subdivision.

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The projected wastewater flow has been updated as shown below in Table 1-2.

Table 1-2: FEIS Proposed Action Wastewater Calculations

Land Use in Existing Buildings ²	Quantity/Size	Density Load Rate	Density Flow (gpd)	Kitchen/Gray Load Rate	Kitchen /Gray Flow (gpd)	Hydraulic Load/ Wastewater Flow (gpd)
Industrial (no process water)	37,595 s.f.	0.04 gpd/s.f.	1,504			1,504
Retail (Wet store w/ food)	750 s.f.	0.03 gpd/s.f.	23	0.12 gpd/s.f.	90	113
Non-Medical Office (Building 1)	21,890 s.f.	0.06 gpd/s.f.	1,313			1,313
Medical Office	28,297 s.f.	0.10 gpd/s.f.	2,830			2,830
Fitness Center w/ showers (>5,000 s.f.) (no food service)	15,491 s.f.	0.10 gpd/s.f.	1,549	0.20 gpd/s.f.	3,098	4,647
Fitness Center (< 5,000 s.f.) (no food service or showers)	3,469 s.f.	0.10 gpd/s.f.	347			347
School, shops, other vocational (50 s.f./ occupant ³)	7,665 s.f. (153 occupants)	5.0 gpd/ occupant	765	2.5 gpd/ occupant	383	1,148
Exhibition Space, no meeting rooms (30 s.f./ occupant ³)	2,130 s.f. (71 occupants)	0.03 gpd/s.f.	64	2.5 gpd/ occupant	178	241
Occupy Vacant Space						
25% Medical Office	4,522 s.f.	0.10 gpd/s.f.	452			452
75% Industrial (no process water)	13,568 s.f.	0.04 gpd/s.f.	543			543
Catering Hall	874 persons	5.0 gpd/seat	4,370	2.5 gpd/seat	2,185	6,555
Single Family Home by Catering Hall	2 homes	300 gpd/home	600			600
Total Flow of Existing Uses (gpd)			14,359		5,933	20,292
Proposed Use	Quantity/Size	Density Load Rate	Density Flow (gpd)	Kitchen/Gray Load Rate	Kitchen /Gray Flow (gpd)	Hydraulic Load/ Wastewater Flow (gpd)
Hotel						
Rooms (>400 s.f. gfa, no kitchenette)	125 rooms	150 gpd/room	18,750			18,750
4,000 s.f. multipurpose room (no food service)	133 seats	3 gpd/seat	399			399
Medical Office	87,500 s.f. ⁴	0.10 gpd/s.f.	8,750			8,750
Non-Medical Office	65,610 s.f. ⁴	0.06 gpd/s.f.	3,937			3,937
Assisted Living	250 beds	110 gpd/bed	27,500			27,500
Total Flow of Proposed Uses (gpd)			59,336			59,336

² Building 1 updated to general office

³ Table 1004.1.2 IBC 2015: <https://codes.iccsafe.org/content/IBC2015/chapter-10-means-of-egress>

⁴ Building 1 will be on its own lot (change from the DEIS) and its area is part of the 175,000 s.f. proposed office uses

Table 1-2: FEIS Proposed Action Wastewater Calculations (cont.)

Proposed Use	Density Flow (gpd)	Kitchen /Gray Flow (gpd)	Hydraulic Load/Wastewater Flow (gpd)
Total Projected Flow (gpd)	73,695	5,933	79,628
Add 10% buffer			7,963
Total Design Flow⁵ (gpd)			87,591

Lot numbering was revised for the FEIS. FEIS Proposed Action uses are as summarized below.

Existing uses – to remain:

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

Potential new uses:

- Lot 3: the easterly existing 21,890 s.f. light industrial building (known as Flowerfield Building 1) to be repurposed for general office use
The DEIS contemplated light-industrial re-use of the existing buildings. The FEIS creates a new lot line so this building can be re-used entirely for professional office. This office space is included in the site-wide office space comparison between the DEIS and FEIS.
- Lot 4: envisioned as 153,110 s.f. of a mix of medical office, general office, or R&D office space. Combined with Lot 3, the campus would have approximately 175,000 s.f. of office space.
The DEIS contemplated this use as two lots (5 and 6); the FEIS combines the use into one lot.
- Lot 5: envisioned as 250 assisted living units.
The DEIS contemplated this use as two lots (7 and 8); the FEIS combines the use into one lot.
- Lot 6: envisioned as a 125-room hotel
Whereas the DEIS hotel considered a 150-room hotel with a restaurant and spa facilities (Lot 4), the FEIS Proposed Action hotel would not house these amenities, but would have a small multi-purpose room and a reduction of 25 rooms. These changes are based on updated market feedback.
- Lot 7: a commonly-owned and operated lot (owned by a Property Owners Association, or POA) encompassing ±15.2 acres of natural buffer, open space and managed green space, the internal road network, walking/biking trails, and utility infrastructure.
- Lot 8: A commonly-owned on-site sewage treatment plant (STP) owned and maintained by the POA. The STP is on its own lot in the FEIS at the request of the Town and in coordination with Suffolk County. The plant building footprint would be under 8,000 s.f. and represents a nominal building coverage of ±3%. The ±7.3 acre lot size reflects the 150' Suffolk County required minimum setback, the 200' Route 25A setback, and the irregular shape of the site boundary.

The components of the FEIS Proposed Action are similar to what was analyzed in the DEIS as the Proposed Action. The most similar DEIS Alternative is Alternative 10, which provides for a reduction in the overall number of development parcels with 2 lots consolidated for an assisted living use and 2 lots consolidated for an office/medical office use. The consolidation of development parcels results in the FEIS Proposed Action having a total of three new development parcels (excluding the STP) comprising approximately 25.9-acres (±35%) of the overall ±75-acre campus development. The remaining parcels consist of existing improvements (e.g. Flowerfield Caterers and

⁵ This table represents the Applicant's current planned land use mix and densities, anticipated based on market conditions. The mix is subject to change, but any changes in flow would not exceed the 100,000 gpd DEIS threshold.

the Gyrodyne light industrial buildings) and the proposed ± 22.5 -acre commonly owned parcels.

Figure 1-2, Figure 1-3, and Figure 1-4 follow on the next three pages and depict the updated Preliminary Subdivision Map of Flowerfield, the FEIS Development Plan, and updated Open Space. The FEIS Development Plan introduces some noticeable refinements and improvements compared to the DEIS Proposed Action plan, particularly on saving trees and reducing nitrogen loading.

- Trees: The plan depicts a refined on-site roadway alignment and adjusts the vehicle parking and circulation to retain 100 more trees compared to the DEIS Proposed Action layout.
- Nitrogen Loading: The revised layout results in modifications to the impervious (hardscape) cover and managed/natural landscape cover, which reduces the nitrogen loading per the BURBS model utilized in the DEIS. Coverages, rounded to the nearest 0.1 acres, are as follows:
 - Impervious Cover reduced from ± 35.8 to ± 32.0 acres
 - Landscape (Managed/Fertilized) Cover increased from ± 9.1 to ± 9.5 acres
 - Natural Landscape Cover increased from ± 30 to ± 33.5 acres

This reduces the nitrogen load from 32.4 lbs per year per acre (DEIS Proposed Action) to 32.1 lbs per year per acre (FEIS Proposed Action).

The FEIS Development Plan updates parking as well. Like the DEIS Proposed Action, the plan satisfies Town code using limited shared parking between Lots 1 and 2 and limited land-banked parking⁶ on Lot 1 and Lot 4. Of note, satisfying Town code is expected to exceed genuine peak demand, particularly for the office-medical office lot. The Town requires 1 space per 150 s.f., whereas Cameron Engineering data and Institute of Transportation Engineers (ITE) *Parking Generation Manual (5th Edition)* data reflect genuine demand generally 1 space per ± 220 s.f. During site plan reviews, there will be opportunities to landbank more spaces than what is depicted on the FEIS Development Plan.

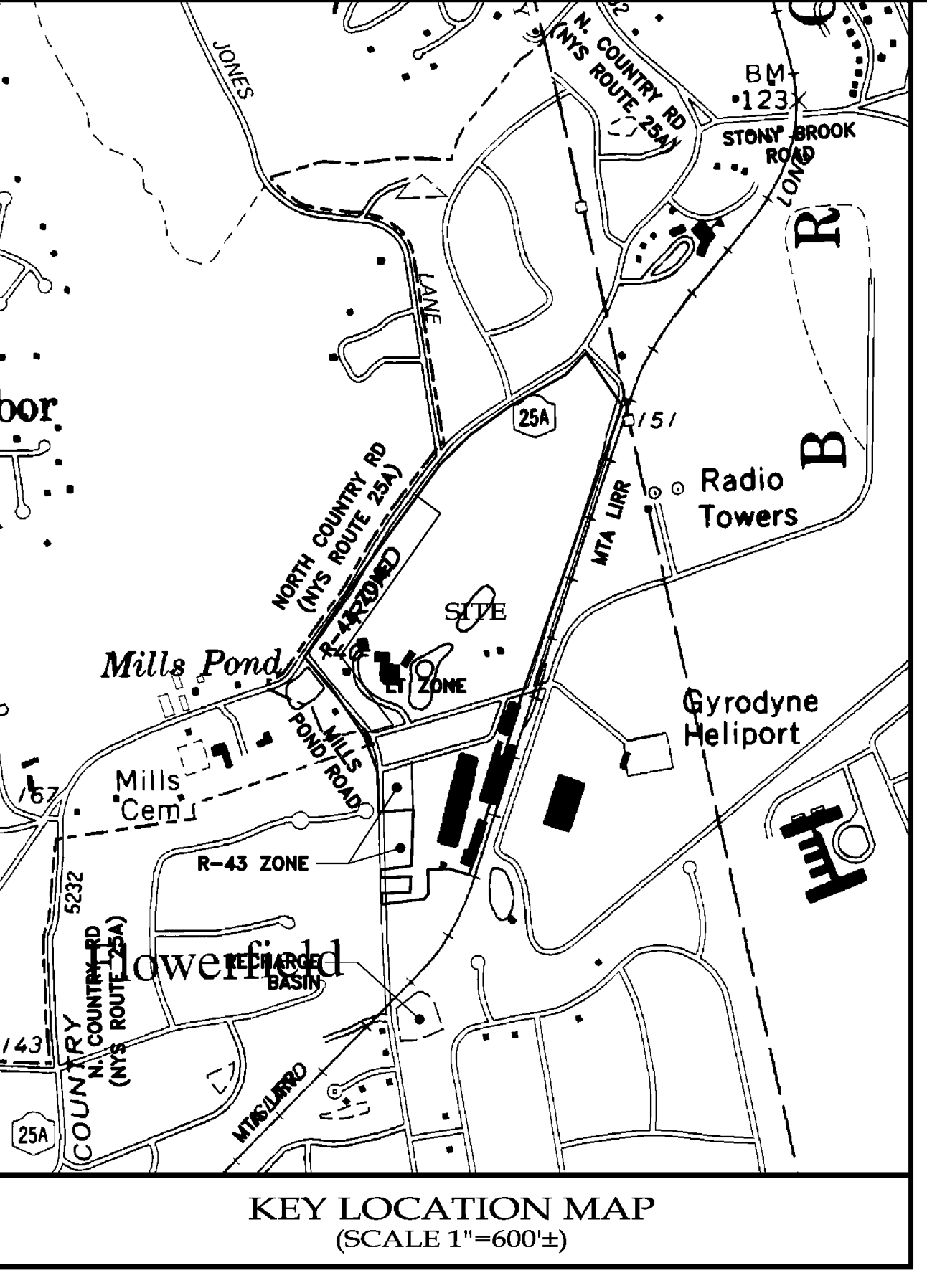
In the FEIS Development Plan, Lot 1 (3 of the 4 existing mixed-use light industrial buildings) shares parking with the adjacent catering hall parking lot. The DEIS had described how the tenants on these lots are not active at the same time, so “shared parking” minimizes new paved parking/impervious cover. The Lot 2 (caterer) main parking lot spaces are in close proximity to the existing Lot 1 buildings and ideally suited for “shared parking”.

Every other lot (existing and new development) will have sufficient or surplus parking on its own lot with respect to Town code. The new development lots (proposed hotel, office, and assisted living) each have a surplus that could be landbanked as well.

Table 1-3: Proposed Parking by Lot
(No required parking for common lots 7 and 8)

	Town-Required Parking	Provided Parking
Lot 1 (3 of 4 existing buildings)	558	558 (310 + 248 shared on Lot 2)
Lot 2 (existing Caterer)	219	308 (includes 46 land banked)
Lot 3 (existing Building 1)	146	146
Lot 4 (proposed office/medical office)	1,021	1,027
Lot 5 (proposed assisted living)	250	293
Lot 6 (proposed hotel)	191	192

⁶ See DEIS page 9-8: Landbanked parking is a set-aside that can be paved in the future if a need is identified; without an identified need, the spaces remain green. Shared parking spaces serve proximate land uses, one use at a time, for uses that peak at different times. One shared space is functionally equivalent to two or more spaces.



SITE DATA:

APPLICANT / OWNER INFORMATION:
GYRODYNE, LLC
ONE FLOWERFIELD-SUITE 24
SAINT JAMES, NY 11786

ZONING CLASSIFICATION:
U DISTRICT

MIN. LOT AREA 80,000 SF
MIN. FRONT YARD 50 FEET
MIN. SIDE & REAR YARD 20 FEET
MIN. BUFFER TO RESIDENTIAL DISTRICT 100 FEET

R-43 DISTRICT

MIN. LOT AREA 43,560 SF
MIN. LOT FRONTAGE AT SETBACK 150 FEET
MIN. ROAD FRONTAGE 40 FEET
MIN. FRONT YARD 60 FEET
MIN. REAR YARD 100 FEET
MIN. SIDE YARD WIDTH ANY ONE 24 FEET, BOTH 60 FEET

AREA OF SITE: 74.98 AC
65.41 AC. IN ZONING DISTRICT U
9.57 AC. IN ZONING DISTRICT R-43

TOTAL NUMBER OF PROPOSED LOTS: 8

SITE:
DISTRICT 0800, SECTION 40, BLOCK 2, TAX LOT 4, TAX LOT 13.3,
TAX LOT 13.4, TAX LOT 14, & TAX LOT 15

DISTRICTS:
SCHOOL DISTRICT - SMITHTOWN CENTRAL SCHOOL DISTRICT
WATER DISTRICT - ST. JAMES WATER DISTRICT
FIRE DISTRICT - ST. JAMES FIRE DISTRICT
POLICE DISTRICT - SUFFOLK COUNTY POLICE DEPARTMENT
POST OFFICE - ST. JAMES

CUT/FILL:
CUT VOLUME: 37,897 CY
FILL VOLUME: 773 CY
NET TOTAL: 37,124 CY (CUT)

LEGEND:

PROPERTY BOUNDARY
PROPOSED LOT LINE
PROPOSED LOT NUMBER & PROPOSED LOT AREA
EASEMENT LINE
PRIVATE ROW (PART OF COMMON LOT 7)
DRAINAGE RESERVE AREAS
PROPOSED ROADWAY LIMITS
PROPOSED ROADWAY CENTER LINE
WATER/SEWER UTILITY EASEMENT
SEWER UTILITY EASEMENT
PROPOSED ASPHALT PAVING WITHIN LOTS
EXISTING ASPHALT PAVEMENT TO REMAIN
ZONING DISTRICT BOUNDARY
PROPOSED CONCRETE MONUMENT
EXISTING CONCRETE MONUMENT

- GENERAL NOTES:**
- PROPOSED 12" WATER MAIN SHALL BE DEDICATED TO THE ST. JAMES WATER DISTRICT.
 - FLOWERFIELD DRIVE SHALL REMAIN A PRIVATE RIGHT OF WAY UNDER THE COMMON OWNERSHIP OF THE PROPERTY OWNERS ASSOCIATION, AND MAINTAINED BY THE SAME.
 - THIS SUBDIVISION SHALL REMAIN UNDER PRIVATE OWNERSHIP. NO PORTIONS, UNLESS OTHERWISE STATED IS INTENDED FOR DEDICATION TO THE TOWN OF SMITHTOWN.

REFER TO THE PRELIMINARY SUBDIVISION ENGINEERING PLANS FOR ADDITIONAL INFORMATION ON THE PROPOSED DRAINAGE SYSTEM DESIGN, ROADWAY ALIGNMENT AND GRADING, SANITARY SEWER SYSTEM DESIGN, WATER MAIN DISTRIBUTION ALIGNMENT, AND TREE PRESERVATION AND REMOVALS.

NOTES:

I HEREBY CERTIFY THAT THE WATER SUPPLY(S) AND/OR SEWAGE DISPOSAL SYSTEM(S) FOR THIS PROJECT WERE DESIGNED BY ME OR UNDER MY DIRECTION OR WERE DETERMINED TO BE IN CONFORMANCE WITH THE APPLICABLE CODES OF THE SUFFOLK COUNTY HEALTH DEPARTMENT. ALL SANITARY SYSTEMS ARE BASED UPON A CAREFUL AND THOROUGH STUDY OF THE SOIL, SITE AND GROUNDWATER CONDITIONS ALL LOTS AS PROPOSED CONFORM TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES CONSTRUCTION STANDARDS AS OF THIS DATE.

JOSEPH R. LAURIE P.E. NO. 56487
CAMERON ENGINEERING & ASSOC., LLP
177 CROSSWAYS PARK DRIVE
WOODBURY, NY 11797

I HEREBY CERTIFY THAT THIS PLAN WAS MADE FROM AN ACTUAL BOUNDARY SURVEY COMPLETED ON APRIL 19, 2017 AND CONCRETE MONUMENTS WILL BE SET AS SHOWN.

JERRY P. LAURIE LICENSE No. 050518

I HEREBY CERTIFY THAT THE TOPOGRAPHY SHOWN ON THE STREET GRADING AND DRAINAGE PLANS ARE THE RESULTS OF AN ACTUAL SURVEY COMPLETED ON APRIL 19, 2017.

JERRY P. LAURIE LICENSE No. 050518

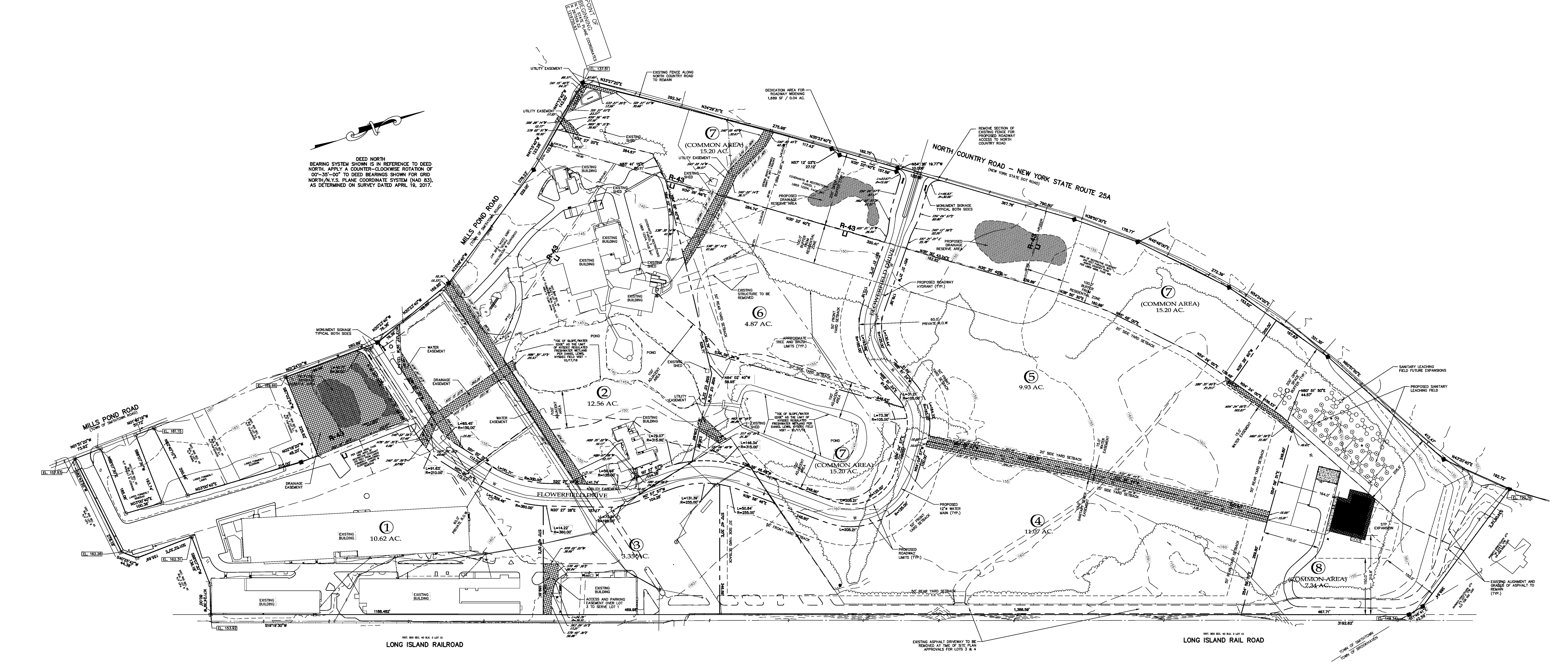
THESE MAPS WHEN FILED IN THE CLERK OF SUFFOLK COUNTY SHALL COLLECTIVELY BE DEEMED TO BE THE PLANS REQUIRED BY ARTICLE 98, SECTION 333-P OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

NO OFFER OF DEDICATION OF THE STREETS OR HIGHWAYS AS THEY APPEAR ON THIS PLAN IS MADE TO THE PUBLIC NOR IS THE TOWN OF SMITHTOWN IN ANY WAY RESPONSIBLE FOR THEIR MAINTENANCE.

BY _____ OWNER

I HEREBY CERTIFY THAT THE UNIT DESIGNATIONS SHOWN HEREON CONFORM TO THE OFFICIAL TAX RECORDS OF THE TOWN OF SMITHTOWN AND ARE HEREBY APPROVED.

SOLE TAX ASSESSOR, TOWN OF SMITHTOWN, N.Y. _____ DATE _____



SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
Great River, New York

This is to certify that the proposed Realty Subdivision or Development for _____ in the _____ lots was approved on the above date. Water Supplies and Sewage Disposal Facilities must conform to construction standards in effect at the time of construction and are subject to separate permits pursuant to those standards. This approval shall be valid only if the realty subdivision/development map is duly filed with the County Clerk within one year of this date. Consent is hereby given for the filing of this map on which this endorsement appears in the Office of the County Clerk in accordance with provisions of the Public Health Law and the Suffolk County Sanitary Code.

Director, Division of Environmental Quality

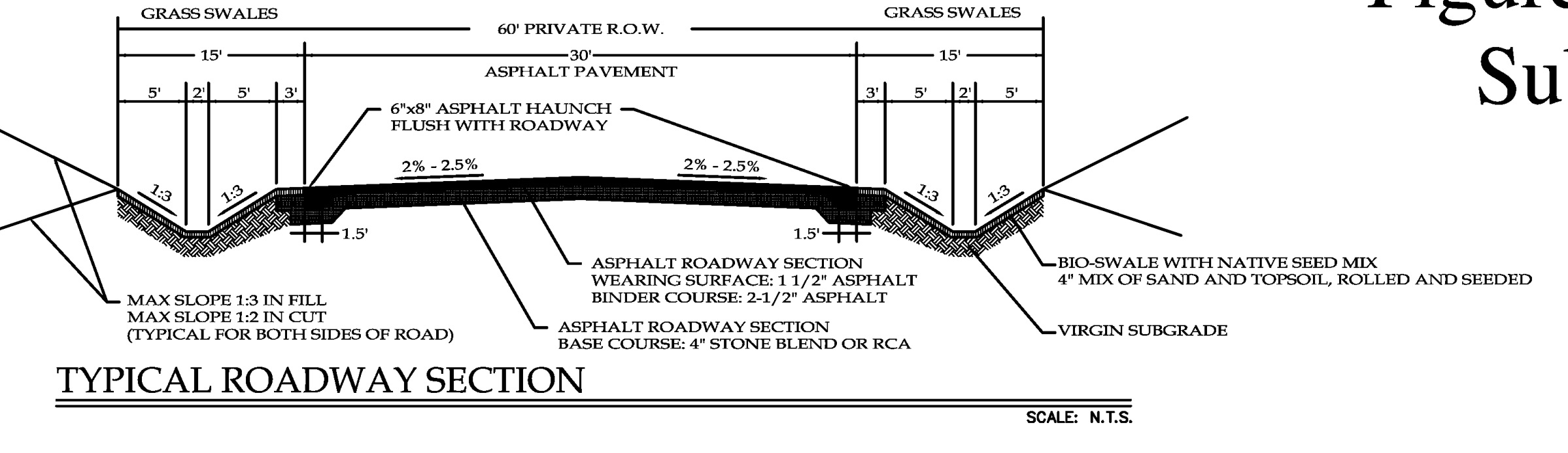


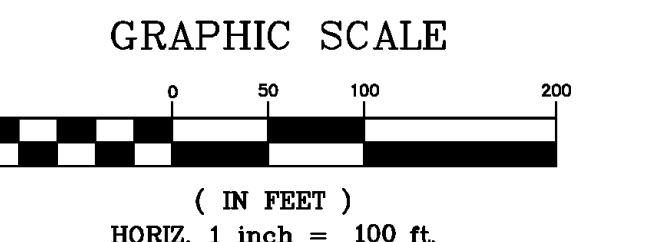
Figure 1-2: Preliminary Subdivision Map
Page 8

PRELIMINARY SUBDIVISION MAP OF FLOWERFIELD
GYRODYNE, LLC
1 FLOWERFIELD
ST. JAMES, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK

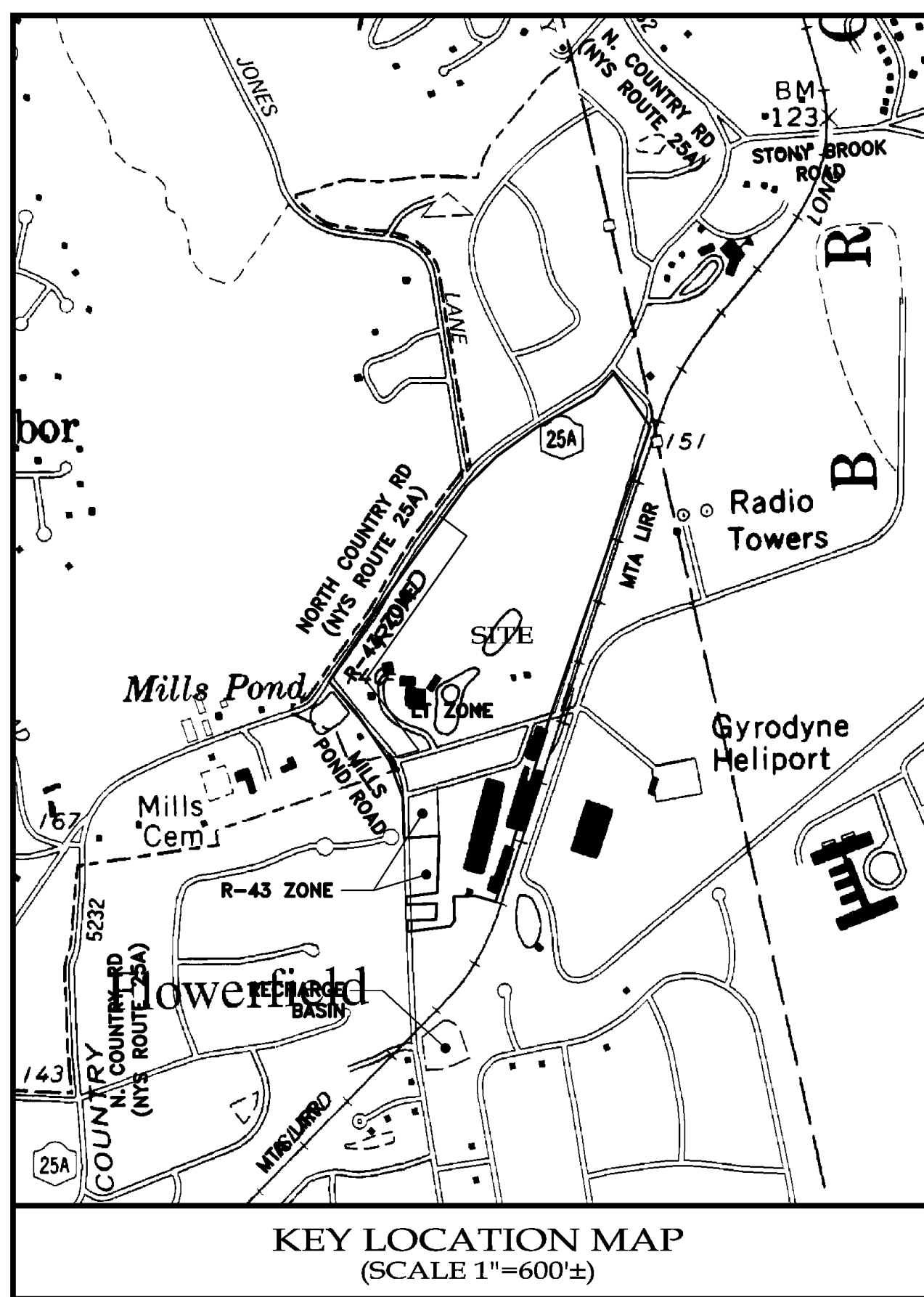
CAMERON ENGINEERING & ASSOCIATES, LLP
177 Crossways Park Drive, Woodbury, NY 11797
40 West Main Street, 2nd Floor, New York, NY 10038
201 Crossways Road, 4th Floor, White Plains, NY 10608
Corporate Real Estate, 1000 State of New York
www.cameroneng.com

JERRY P. LAURIE
LICENSED LAND SURVEYOR
71 West Main Street - Suite 8
Great River, NY 11731
Phone/Fax = (516) 778-3123

APRIL 2020
REVISED 8/19/2020



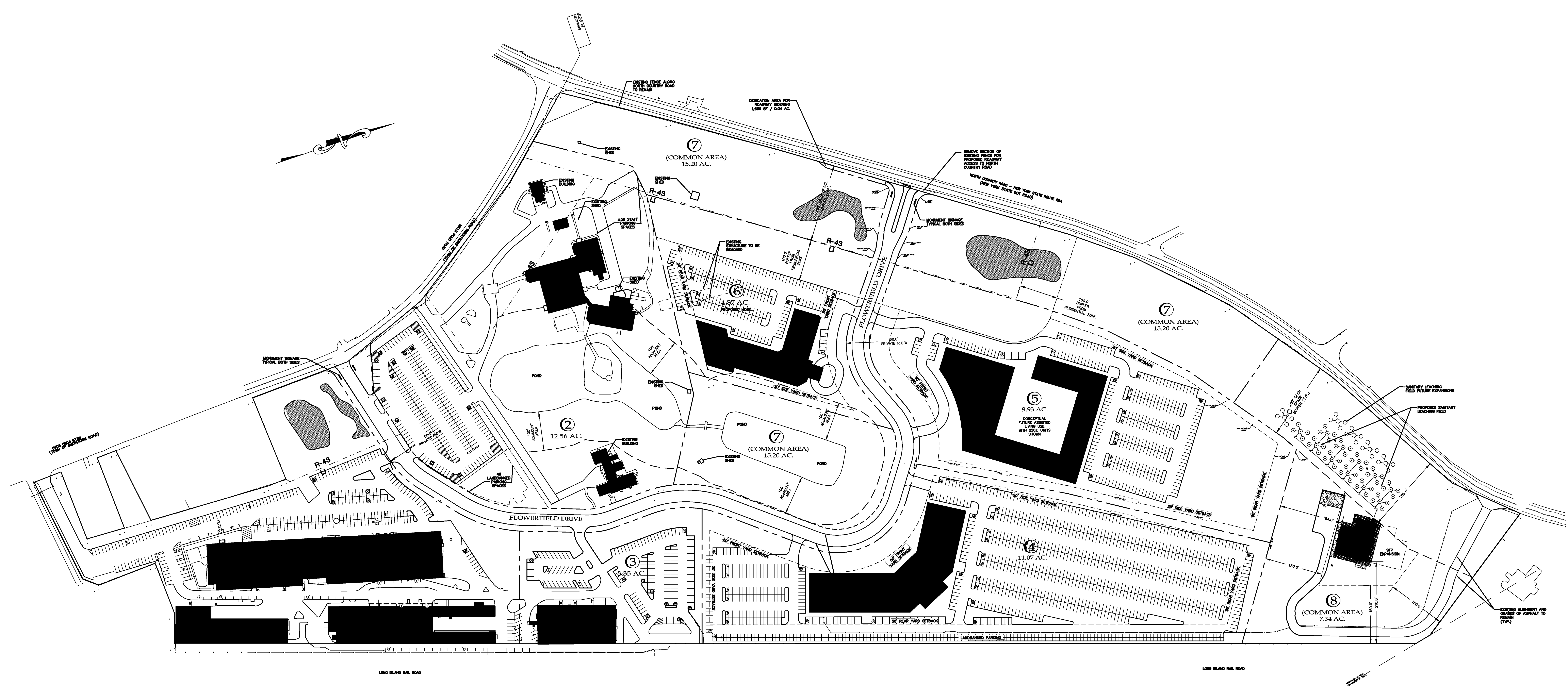
UNLESS OTHERWISE SPECIFIED BY THE DESIGNER, ALL MEASUREMENTS OF DISTANCE SHALL BE IN FEET AND ALL ANGLES SHALL BE IN DEGREES AND MINUTES. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR SECURING THE NECESSARY RECORDS FROM THE STATE OF NEW YORK.



EXISTING AND PROPOSED DEVELOPMENT DATA			
LOT NUMBER	LOT SIZE (ACRES)	LAND USE	BUILDING SIZE/YIELD
1	10.62	3 OF 4 MIXED-USE BUILDINGS (4TH BUILDING RE-DESIGNATED TO LOT 3)	113,487 S.F.
2	12.56	EXISTING CATERING HALL	34,885 S.F.
3	3.35	1 OF 4 EXISTING MIXED-USE BUILDINGS (RE-DESIGNATED)	21,890 S.F.
4	11.07	PROPOSED OFFICE/MEDICAL OFFICE	175,000 S.F.
5	9.93	PROPOSED ASSISTED LIVING	250 UNITS
6	4.87	PROPOSED HOTEL	125 ROOMS
7	15.20	PROPOSED COMMON AREA	10,000 S.F.
8	7.34	PROPOSED ON-SITE STP	15,900 S.F.
TOTAL*	74.94		

* NOTE: THE FEIS PROPOSED ACTION INCLUDES A 0.04-ACRE DEDICATION ALONG NYS 25A (PRIOR SITE AREA WAS 74.98 ACRES)

COMPARISON TO DEIS BASE PLAN AND ALTERNATIVE 10			
ENVIRONMENTAL RESOURCE	DEIS BASE PLAN/PROPOSED ACTION	DEIS ALTERNATIVE 10	FEIS PROPOSED ACTION
GEOLOGY	NO IMPACTS	SAME AS BASE PLAN	SAME AS BASE PLAN
SOILS	NO IMPACTS	SAME AS BASE PLAN	SAME AS BASE PLAN
TOPOGRAPHY (GRADING AND EXCAVATION AREA FROM BUILDING-PARKING FOOTPRINT)	137,350 S.F. NEW BUILDING FOOTPRINT INCLUDING NEW ON-SITE STP	SLIGHTLY MORE THAN BASE PLAN: 138,759 S.F. NEW BUILDING FOOTPRINT ±48,650 S.F. LARGER PARKING AREA AND 26,700 S.F. SMALLER ROADWAY AREA NEEDED	SLIGHTLY LESS THAN BASE PLAN: 146,728 S.F. NEW BUILDING FOOTPRINT ±13,550 S.F. LARGER PARKING AREAS AND 26,700 S.F. SMALLER ROADWAY AREA NEEDED
VEGETATION AND WILDLIFE	HABITATS CONVERT TO HARDSCAPE OR SUCCESSIONAL FORESTS	SIMILAR TO BASE PLAN AND THE ADDITIONAL OPEN SPACE WOULD TRANSITION TO SUCCESSIONAL FOREST	SIMILAR TO BASE PLAN AND THE ADDITIONAL OPEN SPACE WOULD TRANSITION TO SUCCESSIONAL FOREST
WASTEWATER TREATMENT	ON-SITE 100 MGD STP	SAME AS BASE PLAN	SAME AS BASE PLAN
TRAFFIC GENERATION	324 TO 538 TRIPS INCLUDING INTERNAL TRIPS	LESS THAN BASE PLAN: 314 TO 344 TRIPS INCLUDING INTERNAL TRIPS	LESS THAN BASE PLAN: 308 TO 507 TRIPS INCLUDING INTERNAL TRIPS
OFF-SITE TRAFFIC MITIGATION	MITIGATION ADDRESSES OFF-SITE IMPACTS & EXISTING CONCERNS AT 2 LOCATIONS	SAME OR LESS MITIGATION AS BASE PLAN	SAME OR LESS MITIGATION AS BASE PLAN
PARKING	2,346 SPACES REQUIRED SUFFICIENT ON-SITE PARKING INCLUDING SHARED & LAND-BANKED PARKING	2,485 SPACES REQUIRED 6% MORE THAN BASE PLAN; SUFFICIENT PARKING INCLUDING SHARED PARKING	2,385 SPACES REQUIRED 2% MORE THAN BASE PLAN; SURPLUS PARKING INCLUDING SHARED PARKING
COMMUNITY SERVICES	NO NEW SCHOOL CHILDREN; ADDED POLICE-FIRE-EMS AND UTILITY SERVICE NEEDS	SAME AS BASE PLAN	SAME AS BASE PLAN
TAXES AND ECONOMIC IMPACTS	1,507 CONSTRUCTION JOBS; 1,078 POST-CONSTRUCTION JOBS; TAX POSITIVE TO SCHOOL DISTRICT, TOWN, COUNTY	SIMILAR TO BASE PLAN; 1,518 CONSTRUCTION JOBS; 1,085 POST-CONSTRUCTION JOBS; TAX POSITIVE TO SCHOOL DISTRICT, TOWN, COUNTY	SIMILAR TO BASE PLAN; 1,519 CONSTRUCTION JOBS; 1,086 POST-CONSTRUCTION JOBS; TAX POSITIVE TO SCHOOL DISTRICT, TOWN, COUNTY
OPEN SPACE	* AS DEFINED IN THE DEIS	±36.5 ACRES *	±18.6 ACRES *
AIR QUALITY	MINIMAL IMPACTS, ADDRESSED BY SWPPP AND STANDARD EROSION & SEDIMENT CONTROL	SAME AS BASE PLAN	SAME AS BASE PLAN
NOISE	NO SIGNIFICANT LONG-TERM IMPACTS	SAME AS BASE PLAN	SAME AS BASE PLAN
VISUAL IMPACTS	ENHANCED SCREENING, 3-STORY BUILDING HEIGHTS, LENGTHY SETBACKS AVOID VISUAL IMPACTS; 396,150 S.F. NEW BUILDING AREA INCLUDING NEW ON-SITE STP	SAME AS OR SIMILAR TO BASE PLAN; ENHANCED SCREENING, 3-STORY BUILDING HEIGHTS, LENGTHY SETBACKS AVOID VISUAL IMPACTS; 442,177 S.F. NEW BUILDING AREA	SAME AS OR SIMILAR TO BASE PLAN; ENHANCED SCREENING, 3-STORY BUILDING HEIGHTS, LENGTHY SETBACKS AVOID VISUAL IMPACTS; 436,067 S.F. NEW BUILDING AREA
HISTORIC AND CULTURAL RESOURCES	NO IMPACTS	SAME AS BASE PLAN	SAME AS BASE PLAN
WATER AND IRRIGATION	98,534 gpd	87,110 gpd	91,628 gpd
WASTEWATER	87,534 gpd	75,110 gpd	79,628 gpd
NITROGEN LOAD	32.4 lbs of N/YEAR/ACRE	33.0 lbs of N/YEAR/ACRE	32.1 lbs of N/YEAR/ACRE



- FEIS DEVELOPMENT PLAN**
- 125-ROOM HOTEL (25 FEWER THAN DEIS BASE PLAN)
 - 153,110 S.F. NEW OFFICE /MEDICAL OFFICE (23,110 S.F. MORE THAN DEIS BASE PLAN)
 - 250 ASSISTED LIVING UNITS (30 MORE THAN DEIS BASE PLAN)

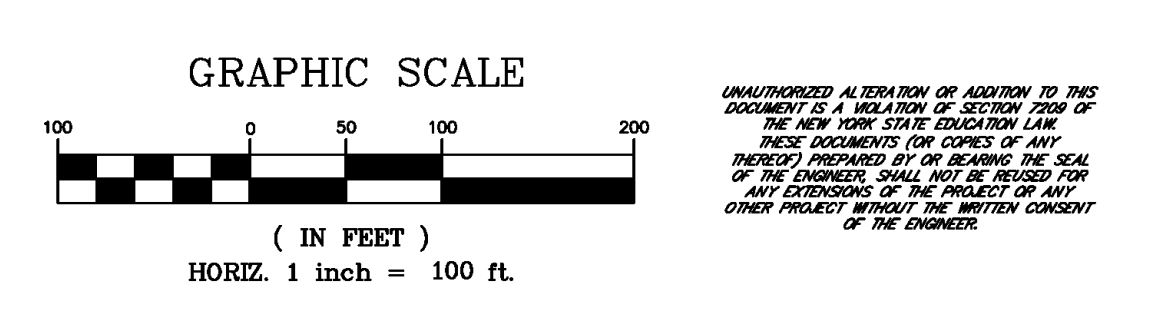
GYRODYNE, LLC
1 FLOWERFIELD
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SMITHTOWN, SUFFOLK
COUNTY, NEW YORK

CAMERON ENGINEERING & ASSOCIATES, LLP
171 Chambers Park Drive, Westbury, NY 11591
40 West Main Street, 5th Floor, New York, NY 10013
200 Broadway Road, 5th Floor, West Nyack, NY 10994
Cameron has obtained 999 State of New York
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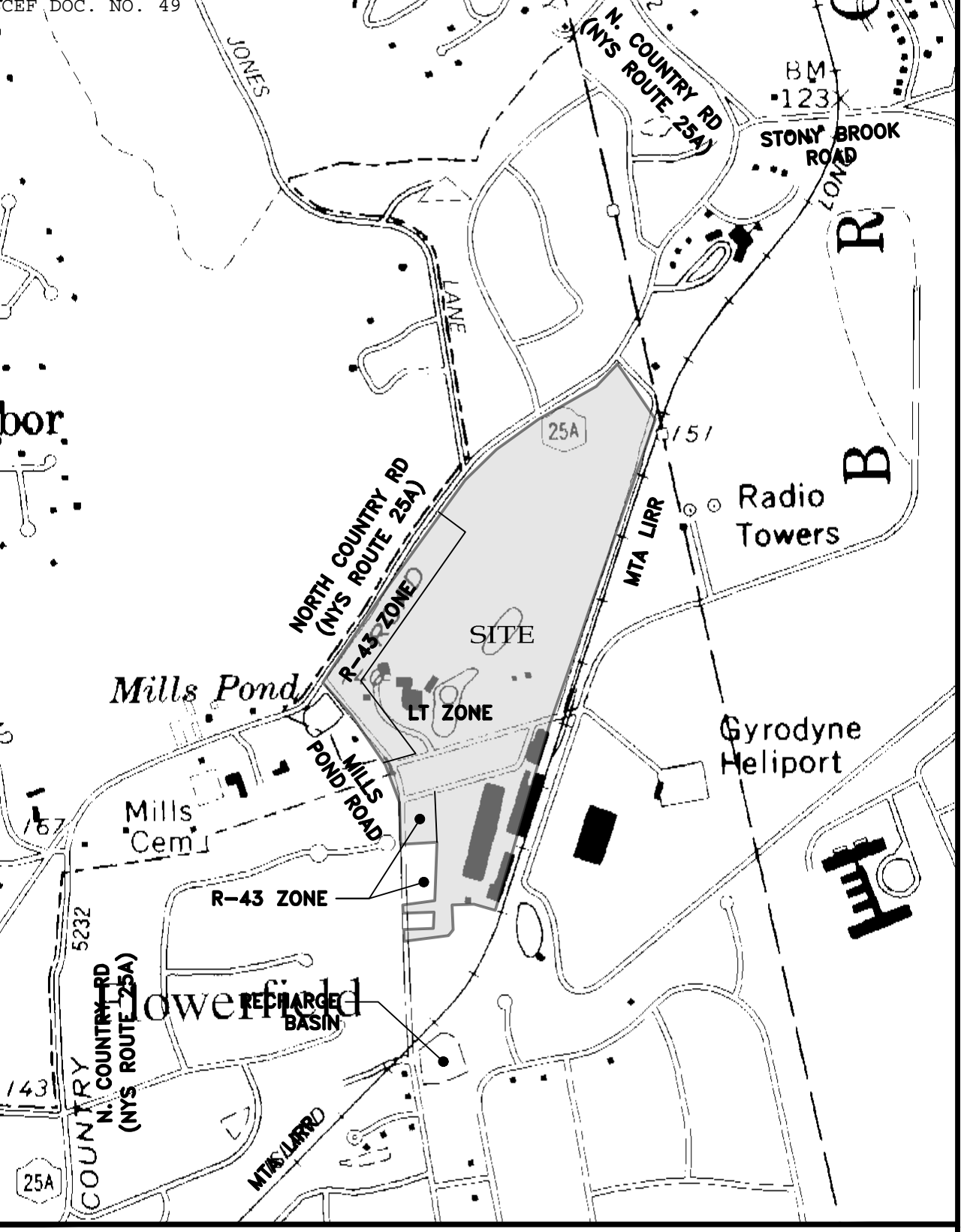
JERRY P. LARUE
LICENSED LAND SURVEYOR
Long Island office
71 West Main Street - 11th Fl. # 4
Westbury, New York office
P.O. Box 100
Westbury, NY 11591
Phone/Fax = (516) 799-3722

APRIL 2020

Figure 1-3: FEIS Development Plan
Page 9



CONSTRUCTION A REVIEW OF ANY OTHER PLANS SUBMITTED IN CONNECTION WITH THIS PROJECT SHALL BE THE RESPONSIBILITY OF THE APPLICANT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



NOTES
1. POND AREA INCLUDED IN THE NATURAL LANDSCAPE AREA.
2. ROADSIDE BIO-SWALES AND DRAINAGE RESERVE AREAS (RAIN GARDENS) INCLUDED IN THE NATURAL / REPLANTED BUFFER. AREAS ARE ANTICIPATED MAINTAINED AT A FREQUENCY OF ONE TO TWO TIMES PER YEAR.
3. LANDSCAPE AREAS WITHIN THE BUILDABLE ENVELOPES FOR LOTS 4, 5, AND 6 ARE NOT INCLUDED.
4. STP LEACHING AREA NOT INCLUDED IN LANDSCAPE AREAS.

LEGEND

	DEVELOPED LOT
	UNDEVELOPED LOT
	ROADWAY / INFRASTRUCTURE
	NATURAL LANDSCAPE AREA
	NATURAL / REPLANTED BUFFER (RE-VEGETATED WITH NATIVE SEED MIX, TREES AND PLANTINGS)
	MANAGED LANDSCAPE (CONTIGUOUS TO NATURAL LANDSCAPE & NATURAL / REPLANTED BUFFER)
	POND AREA (NO DISTURBANCE)

TOTAL 35.4± ACRES



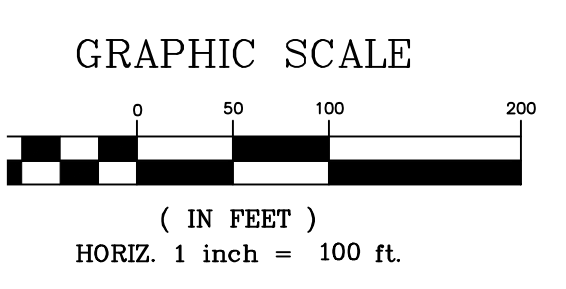
DEED NORTH BEARING SYSTEM SHOWN IS IN REFERENCE TO DEED NORTH. APPLY A COUNTER-CLOCKWISE ROTATION OF 00°-35'-00" TO DEED BEARINGS SHOWN FOR GRID NORTH/N.Y.S. PLANE COORDINATE SYSTEM (NAD 83), AS DETERMINED ON SURVEY DATED APRIL 19, 2017.

OPEN SPACE - NATURAL LANDSCAPE, NATURAL / REPLANTED BUFFER, MANAGED LANDSCAPE AREA EXHIBIT FOR FLOWERFIELD GYRODYNE, LLC 1 FLOWERFIELD ST. JAMES, TOWN OF SMITHTOWN, SUFFOLK COUNTY, NEW YORK

CAMERON ENGINEERING & ASSOCIATES, LLP
177 Conovers Park Drive, Woodbury, NY 11797
1411 Broadway, Suite 410, New York, NY 10013
301 Eastview Road, 1st Floor, White Plains, NY 10601
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APRIL 2020
REV. 1, JULY 2020

Figure 1-4: Open Space - Natural Landscape, Natural / Replanted Buffer, Managed Landscape Area



UNLESS OTHERWISE SPECIFIED IN A SEPARATE SECTION OF THE PLAN, THIS DRAWING IS A REPRESENTATION OF THE PROJECT AS APPROVED BY THE TOWN OF SMITHTOWN. THE TOWN ENGINEER'S SEAL IS A REQUIREMENT OF THE TOWN OF SMITHTOWN. ANY CHANGES TO THE PROJECT OR ANY OTHER PROJECT SHALL BE THE RESPONSIBILITY OF THE CLIENT.

1.3. Description of the Proposed Action and Application History

On April 11, 2018, the Town of Smithtown Planning Board, as Lead Agency, made a Positive Declaration under SEQRA, without a scoping requirement. In 2018, the SEQRA regulations did not require public scoping. However, at the April 11, 2018 meeting, the Town of Brookhaven requested that scoping be conducted. In response to this request, the Town of Smithtown carried out a voluntary public scoping process, affording additional input from the public and Interested/Involved Agencies.

As a result of the Town of Brookhaven's request for public scoping, the Town of Smithtown Planning Board rescinded the previous Positive Declaration and issued a new Positive Declaration with a Notice of Scoping on May 9, 2018. A copy of these documents was posted on the Town website (www.SmithtownNY.gov) to accept public comments through June 22, 2018. The Final Scope was issued on July 7, 2018, fifteen days after the end of the public comment period.

Gyrodyne LLC submitted the Draft Environmental Impact Statement (DEIS) on November 9, 2019 to the Town of Smithtown (Town) Department of Environment and Waterways (DEW), including hard copies and an electronic CD.

The Town issued a Notice of Acceptance of Draft EIS and Public Hearing Notice on December 11, 2019. The public was provided an opportunity to provide oral and written comments on the DEIS, during the period leading up to and through the DEIS public hearing, which was held by the Town of Smithtown Planning Department on January 8, 2020 at 420 Middle Country Road, Smithtown, New York 11787.

A Public Notice for the Hearing on the DEIS was published in a local newspaper, the Smithtown News on December 18, 2019; on the Town of Smithtown website (<https://smithtownny.gov/Blog.aspx?IID=21>) on December 18, 2019, as well as the New York State Department of Environmental Conservation Environmental Notice Bulletin on December 24, 2019. The DEIS public comment period remained open until 5:00 p.m. on January 24, 2020.

Of note, this FEIS contains responses to comments received through February 5, 2020.

Since filing the initial application, the applicant entered into a contract of sale with Benchmark LLC in pursuit of a modified version of DEIS Alternative 10. The portion of the property contemplated as a 280 assisted living unit facility under DEIS Alternative 10 would now have 250 units.

In conjunction with a modified use of the "assisted living" portion of the site, the remainder of the vacant property would be subject to the traffic, sanitary, stormwater, and green space thresholds identified in the DEIS.

The amended Proposed Action plan is reflected in Chapter 1, "Project Description" of the FEIS.

This FEIS reflects the modifications of the application and addresses all substantive comments made on the DEIS since its publication, during the public hearing, and through the subsequent comment period.

Those comments are summarized and responded to in Chapter 2.0, "DEIS Comment Summary." The verbal and written comments on the DEIS are included in their entirety in Appendix A through Appendix C. Appendix D provides the minutes of the Conservation Board meeting held January 30, 2020. Appendix E provides municipal comments provided on earlier versions of this application from 2017 and 2018. The Final Engineering Plans are provided in Appendix F. Appendix G provides supplemental environmental documentation for the property.

1.4. Comment Inventory and Methodology

DEIS comments were submitted in writing and through verbal testimony at the DEIS public hearing.

All written comments are provided in their entirety within Appendix A (letters submitted by agencies and elected officials), Appendix B (letters submitted by the public), Appendix C (public hearing transcript with comment designations), and Appendix D (minutes of the January 30, 2020 Conservation Board meeting).

All comments were assigned a code that corresponds to the relevant DEIS section commented on. Then, each comment was assigned a number (e.g., SOIL-1 for comment 1 under the Soils section).

Substantive comments and their responses are organized by topic and follow the order of the DEIS. The topics include:

- EXEC – Project Background, Operation, Layout and Design
- PN – Purpose and Need, Anticipated Benefits
- GEO – Geology
- SOIL – Soils Investigation
- ECOL – Ecology (Vegetation and Wildlife)
- GW – Groundwater
- SW – Stormwater Collection, Treatment, and Recharge
- TR – Traffic and Parking
- CS – Community Service Providers
- ECON – Taxes/Economic Impacts
- OPEN – Land Use and Open Space
- AIR – Air Quality
- N – Noise
- VIS – Visual Impacts
- HIST – Historic and Cultural Resources
- GROW – Growth Inducing Impacts
- ALT – Alternatives
- SEQRA – EIS Required Content / SEQRA Process
- MISC – Miscellaneous

Within each topic category, the written and hearing comments are copied, and similar comments are combined where appropriate. The comments are assigned respective category codes and numbers, and the respective code(s) for the original comments from the list in this section are provided for reference (e.g., PN-1).

1.5. List of Commentators

<u>Pages</u>	<u>Written Comments – Agencies and Elected Officials</u>
1. A2 to A5	Steve Englebright, NYS Assemblyman, 4 th District; dated January 24, 2020
2. A6 to A10	Douglas Dahlgard, Mayor, Village of Head-of-the-Harbor, dated November 8, 2017 and January 8, 2020
3. A11 to A16	Edward P. Romaine, Supervisor, Town of Brookhaven, NY; statements dated January 8, 2020 (presented at Jan 8, 2020 public hearing)
4. A17 to A24	Anthony Graves, Town of Brookhaven, NY; comments dated January 17, 2020
5. A25	Craig A. Platt, Special Projects Supervisor, Suffolk County Dept of Public Works, Sanitation/Engineering Division; notification dated December 30, 2019
6. A26 to A27	Mitchell J. Crowley, Director of Traffic Safety, Office of the Traffic Safety Department, Town of Smithtown; dated December 31, 2019 (transmittal email from Allyson Murray)
7. A28 to A30	Julia Priolo, Senior Environmental Analyst, Office of Ecology, Suffolk County; dated January 17, 2020
8. A31 to A34	Kaylee Engellenner, Joint Coastal Management Commission; dated January 27, 2020
9. A35	Mark Riley, P.E., Town of Smithtown Engineering Department; dated February 6, 2020
<u>Pages</u>	<u>Written Comments - Members of the Public</u>
10. B2	Richard Amper, Executive Director, Long Island Pine Barrens Society; dated January 7, 2020
11. B3 to B5	Richard Murdocco, President, The Foggiest Idea, Inc.; dated January 7, 2020
12. B6	Loretta Celitan, Saint James, NY; dated January 7, 2020
13. B7	Angela Cirami, Saint James, NY; dated January 9, 2020
14. B8	Neta Dean, Professor, Dept. of Biochemistry and Cell Biology, Stony Brook University; dated January 9, 2020
15. B9	Herb Mones, Land Use Chair, Three Village Civic Association; dated January 12, 2020
16. B10 to B13	Nadia Milana, Setauket, NY; received January 13, 2020
17. B14	Becca Mahan; received January 13, 2020
18. B15	Janet Leatherwood, East Setauket, NY & Smithtown, NY; dated January 11, 2020
19. B16 to B17	Dr. Nancy Marshall, Professor, Microbiology and Immunology, Stony Brook University; dated January 12, 2020
20. B18 to B19	Natalie Weinstein, President, Celebrate St James; dated January 14, 2020
21. B20	Eric Young, Naturalist and Nature Lover; dated January 13, 2020
22. B21	Astrid Wimmer; dated January 13, 2020
23. B22 to B23	Jane Fasullo, Setauket, NY; dated January 16, 2020
24. B24 to B25	Isabel Cosentino, East Setauket, NY; dated December 27, 2019 (emailed January 6, 2020)
25. B26	Jeanette Royce, Saint James, NY; dated January 3, 2020
26. B27	Adrian Adams, CEO Ontogen Botanicals, Inc.; dated January 3, 2020
27. B28	Don and Beverly Sinkin, Saint James, NY; dated January 5, 2020
28. B29 to B38	John L. Turner, Chairman, Conservation Committee, Four Harbors Audubon Society (4HAS); dated January 20, 2020

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

<u>Pages</u>	<u>Written Comments - Members of the Public</u>
29. B39	Gilbert Yang, St. James, NY; dated January 20, 2020
30. B40	Wm. C. Pirthauer, St. James, NY; dated January 20, 2020
31. B41 to B42	Charles Clark, Stony Brook, NY; dated January 21, 2020
32. B43	Marlene Lehner; dated January 21, 2020
33. B44	Katie Zipman; dated January 21, 2020
34. B45	Gail Salomone, Smithtown, NY; dated January 21, 2020
35. B46 to B47	Katherine Ala; dated January 22, 2020
36. B48	Joanne and Michael Engelhardt, Stony Brook, NY, dated January 22, 2020
37. B49	Eleanor Lollo, Stony Brook, NY; dated January 22, 2020
38. B50 to B52	Justin Bryant, Stony Brook, NY; dated January 23, 2020
39. B53 to B54	Carl Safina, PhD, East Setauket, NY; dated January 23, 2020
40. B55 to B59	George Hoffman, Co-chair, Town of Brookhaven Citizens Advisory Committee for the NYS Route 25A Corridor; dated January 23, 2020
41. B60 to B62	Erin Zipman, Brookhaven, NY; dated January 22, 2020
42. B63 to B64	Terry Shapiro, East Setauket, NY; dated January 23, 2020
43. B65	Elizabeth Manning-Hart, Smithtown, NY; dated January 23, 2020
44. B66	Jakob Schmidt, Stony Brook, NY; dated January 23, 2020
45. B67 to B68	Thomas M Hayes, East Setauket, NY; dated January 23, 2020
46. B69 to B72	Amy L. Plympton Fortunato; dated January 23, 2020
47. B73 to B75	Gerard and Barbara Betz, East Setauket, NY dated January 23, 2020
48. B76 to B77	Katherine A Murphey, Setauket, NY; dated January 23, 2020
49. B78 to B79	Joseph A. Bollhofer, P.C., St. James, NY; dated January 24, 2020
50. B80 to B95	Cindy Smith, United Communities Against Gyrodyne; dated January 24, 2020
51. B96	Joan Caton, St. James, NY; dated January 24, 2020
52. B97 to B98	Elaine Maas, Stony Brook, NY; dated January 24, 2020
53. B99	Victoria Fortunato, Smithtown, NY; dated January 24, 2020
54. B100	Alison Fortunato, Smithtown, NY; dated January 24, 2020
55. B101 to B102	Richard Kampf; dated January 24, 2020
56. B103	Joe Fortunato; dated January 24, 2020
57. B104	Linda De Motta, St. James, NY; dated January 24, 2020
58. B105	Letitia Krauer, Friends of Stony Brook Road, NY; dated January 24, 2020
59. B106	Dr. Melissa Tommasino-Storz; dated January 26, 2020
60. B107	Wendy Scully; dated January 25, 2020
61. B108	Rosemary F. Brown, Stony Brook, NY; dated January 24, 2020
62. B109 to B110	Elizabeth Perrone, St. James, NY; dated January 24, 2020
63. B111	Phil Muller; dated January 25, 2020
64. B112	Jack Rodolico, Nesconset, NY; dated January 25, 2020
65. B113	Harry Peterman; dated January 25, 2020
66. B114	Bill Giardelli, Stony Brook, NY; dated January 24, 2020

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application**December 2020*

<u>Pages</u>	<u>Written Comments - Members of the Public</u>
67. B115	Maria LaMalfa; dated January 24, 2020
68. B116	Patty Stoddard; dated January 24, 2020
69. B117	Grace Bertolone, Setauket, NY; dated January 24, 2020
70. B118	Susan Castagna, Smithtown, NY; dated January 24, 2020
71. B119	Richard Parrish, PG, Poquott, NY; dated February 5, 2020

<u>Pages</u>	<u>January 8, 2020 DEIS Public Hearing Verbal Comments</u>
72. C30 to C40	Edward P. Romaine, Supervisor, Town of Brookhaven, NY
73. C41 to C48	Maria T. Hoffman, Spokeswoman for Steve Englebright, NYS Assemblyman, 4 th District
74. C48 to C51	Richard Murdocco, Commack, New York
75. C51 to C53	Curt Croley, Stony Brook, NY
76. C53 to C63	Joyann Ciriglianno, Smithtown, NY
77. C64 to C68	Natalie Weinstein, St James, NY
78. C68 to C74	Kathleen Vize, Stony Brook, NY
79. C74 to C76	Len Gombert, St James, NY
80. C76 to C82	John Turner
81. C82 to C87	Herb Mones
82. C87 to C91	George Hoffman, Setauket, NY, 25A corridor Citizen's Advisory Committee
83. C91 to C93	Christopher McNamara, Commack, NY
84. C93 to C95	Carole Anne Wolf, St James, NY
85. C95 to C101	Valerie Cartwright, Councilwoman, Town of Brookhaven, 1 st District
86. C101 to C104	Alyssa Turano, Spokeswoman for Kara Hahn, Suffolk County Legislator, 5 th District
87. C104 to C107	Troy Rosasco, Village of Head of the Harbor, NY
88. C107 to C115	Warren Strugatch, publisher of Select Long Island
89. C115 to C127	Michael Kaufman, St James, NY
90. C128 to C136	Lee Krauer, Chair, Friends of Stony Brook Road
91. C136 to C143	Cindy Smith, Stony Brook, NY
92. C143 to C146	Diane Sander, Stony Brook, NY (reading statement from Carl Safina)
93. C146 to C150	Justin Bryant

<u>Pages</u>	<u>January 30, 2020 Conservation Board Hearing Verbal Comments</u>
94. D24	Kathleen Albrecht, Conservation Board member
95. D25 to D26	Armand DeRose, Conservation Board Chairman
96. D28	Armand DeRose, Conservation Board Chairman
97. D28	Armand DeRose, Conservation Board Chairman
98. D29 to D33	Armand DeRose, Conservation Board Chairman
99. D36 to D37	Armand DeRose, Conservation Board Chairman
100. D38 to D39	Armand DeRose, Conservation Board Chairman

2.0 DEIS Comment Responses

2.1. Project Background, Operation, Layout and Design

This section includes comments on Project Background, Purpose and Operation, and Layout and Design.

EXEC-1 “The proposed 75-acre development that includes the existing catering facilities, parking, a 150 room hotel with a 150 seat restaurant, 130,000 square feet of offices, 220 Assisted Living Units, and a regional sewage treatment plant that is expected to induce growth in the area is a large project with likely significant adverse impacts to traffic, groundwater, surface water, habitat and community character.” (4)⁷

“What has not been addressed for this facility is the impact of a regional sewage treatment plant” (72)

“This project, if built, will fundamentally change the character of this community through increased traffic, a deteriorated environment, and a diminished quality of life...I urge you on behalf of the residents living in both the Town of Smithtown and Town of Brookhaven to postpone any further consideration of this project unless and until the applicant submits an analysis that fully considers these concerns and addresses each in a more thorough and comprehensive Environmental Impact Statement.” (86)

Response 1: This comment is further addressed within specific sections of this FEIS addressing traffic, sanitary, and aesthetic concerns. The proposed treatment plant is intended to serve the proposed subdivision and is not currently planned as a regional facility. As currently proposed, the STP is rated at a capacity 100,000 gallons per day (gpd), it is not of the scale to be considered a “regional” facility.

The term “regional” typically applies to a large geographic area. Suffolk County’s Southwest Sewer District No. 3 Bergen Point Sewage Treatment Plant (STP) is a regional treatment facility that serves a large population in the towns of Babylon and Islip. The Bergen Point STP has a capacity of over 40 Million Gallons per Day (MGD). Suffolk County currently hosts over 200 wastewater treatment facilities, with many between 100,000 and 200,00 gpd treatment capacity, which are not considered “regional facilities.”

Gyrodyne has designed the STP without the intention of accepting outside flows. However, at the request from the Town of Smithtown, Gyrodyne analyzed potentially adding the flow from this business corridor. The Town of Smithtown forwarded the report from their consultant stating that the St. James Business Corridor could generate as much as 71,000 gpd. Even if the proposed STP accepted this additional flow, the STP would be far below the capacity of a regional facility and as such, would not have the ability to induce growth or additional development.

None of the parcel which is subject of this subdivision is within the Town of Brookhaven. The parcel located in Brookhaven is a separate tax lot parcel, not part of this application.

EXEC-2 “While the term “sustainable” is used frequently to discuss the proposed development

⁷ Parenthetical numbers following a comment are used to identify the commenter (full name provided in Section 1.5)

the section of Sustainability, Use and Conservation of Energy lacks substance. Either the word “sustainable” should not be applied to the project, or the Sustainability section of the document should identify actual, planned actions that will contribute to energy efficiency, habitat protection, recycling, etc. The applicant controls the property and can file covenants or take other actions that would require future development to meet sustainability standards such as LEEDs ratings, HERS ratings, use of native plants in landscaping and other measures of the sustainability of existing and new construction and land management. Simply noting that some of these measures will be considered in the future is not adequate.” (4)

Response 2: Native plantings and green infrastructure are part of the proposed mitigation. Energy measures such as energy efficient building design will be addressed as part of the site plan review for individual lots. Future development of individual lots is required to be consistent with the Findings Statement, including all mitigation measures addressed herein.

The DEIS document specifies a suite of site sustainability measures related to green stormwater management techniques (e.g. bioswales and drainage reserve areas/rain gardens); water quality improvement mitigation through non-fertilized landscape areas (e.g. all landscape areas within the common ownership areas will not be treated with fertilizer); and habitat protection through the preservation of natural buffers and proposed native plantings. These site sustainability measures are specified and detailed on the subdivision Engineering Plans in Appendix F.

The development of future lots will be subject to SEQRA review. So long as such developments conform to the parameters set forth in the current EIS and Findings Statement, it is expected that such developments would not require the preparation of further/Supplemental EISs.

FEIS Responses ECOL-6, ECOL-7, GW-16, GW-26, GW-30, GW-31, GW-32, OPEN-4, and ALT-6 provide further elaboration on these site sustainability measures.

EXEC-3 “...I have lived in St James for over 40 years...[10 years ago], I saw the visible deterioration of our downtown. Stores were empty, absentee landlords were raising rents as businesses opened and closed, cars were whizzing by with very little to stop for, and a vape shop and massage parlors found a home. Those who stayed and invested in St James looked to the then supervisor for help in revitalizing the town. His answer was always the same — “I’m not raising the taxes. Without sewers, the business district will have to manage, and people can shop at the mall.” “Then — something wonderful happened! A new supervisor was elected, a civic association was born and the organization of which I am the president — Celebrate St James Past — Present — Future was founded. People had had enough. While our hamlet was woefully short on infrastructure, it still had the community pride generations of families, who lived here and loved St James, had nurtured. Along with that old spirit came something new — progress! Roads were getting fixed, parks were being upgraded, a master plan was finally being developed for the Smithtown communities based on our input. The town officials were actually listening to us — homeowners, business owners, families, seniors. Along with the town officials, St James found a new friend and neighbor at Gyrodyne. The Gyrodyne corporation, whose board has many St. Jamesers on it had spent years developing their plan, taking into account existing environmental and traffic issues, as well as the profile of our small-town community. They have consistently exhibited the good neighbor policy. They are involved and caring partners in our community — and their development can only benefit us — and the entire surrounding community. St James has waited a very long time for such a neighbor who can help turn our dreams of a charming town with art galleries and restaurants, an ice cream parlor, and boutique shops — a place where we, and visitors can once again stroll down an avenue with things to see and do and where our rich heritage in the arts can be celebrated. I speak for my organization and the countless others who have reached out to me, who live and work in St James. Gyrodyne has

done their due diligence. You have heard the facts tonight — not distortions and exaggerations. The development of that property will only enhance us and will allow us to grow — not into a monster city — but, become the microcosm of small-town life we yearn to be again, and for which we had almost lost hope. I am urging your support for the Gyrodyne project that means so much to the future economic growth of St. James and all our communities”. (20) (77)

Response 3: This comment in support of the application is duly noted.

EXEC-4 “I live in Setauket, but my family's doctors and dentists are in Smithtown and I am a member of the Brick Studio at Flowerfields and I regularly drive 25A and love the Smithtown area. I am very distressed to hear of the massive development plans. I love the stretch of 25A except that it is a bit crowded...I would be sorry to see it disappear into a major development and begin to look like 347”. (18)

Response 4: The DEIS evaluates and mitigates potential impacts to visual character in Chapter 15 and Appendix K. New buildings would be set back more than 200 feet from the roadway and there would be new trees planted to enhance the vegetation along Route 25A.

EXEC-5 “I have been a Smithtown resident for 45 years. I can still remember when our town was actually a town and was not saturated with development. What could you possibly be thinking? All one has to do is drive on our roads or check out natural areas like Millers [sp] Pond as one example to see what detrimental effects overdevelopment has on our quality of life.” (34)

“I am writing to express my concern about the Gyrodyne development proposal that is about to come before the Smithtown Planning Board. The proposal entails a scale of development on the Flowerfield land that will clearly impact on residents of Brookhaven (in particular Stony Brook and Setauket, as well as residents of Smithtown.” (48)

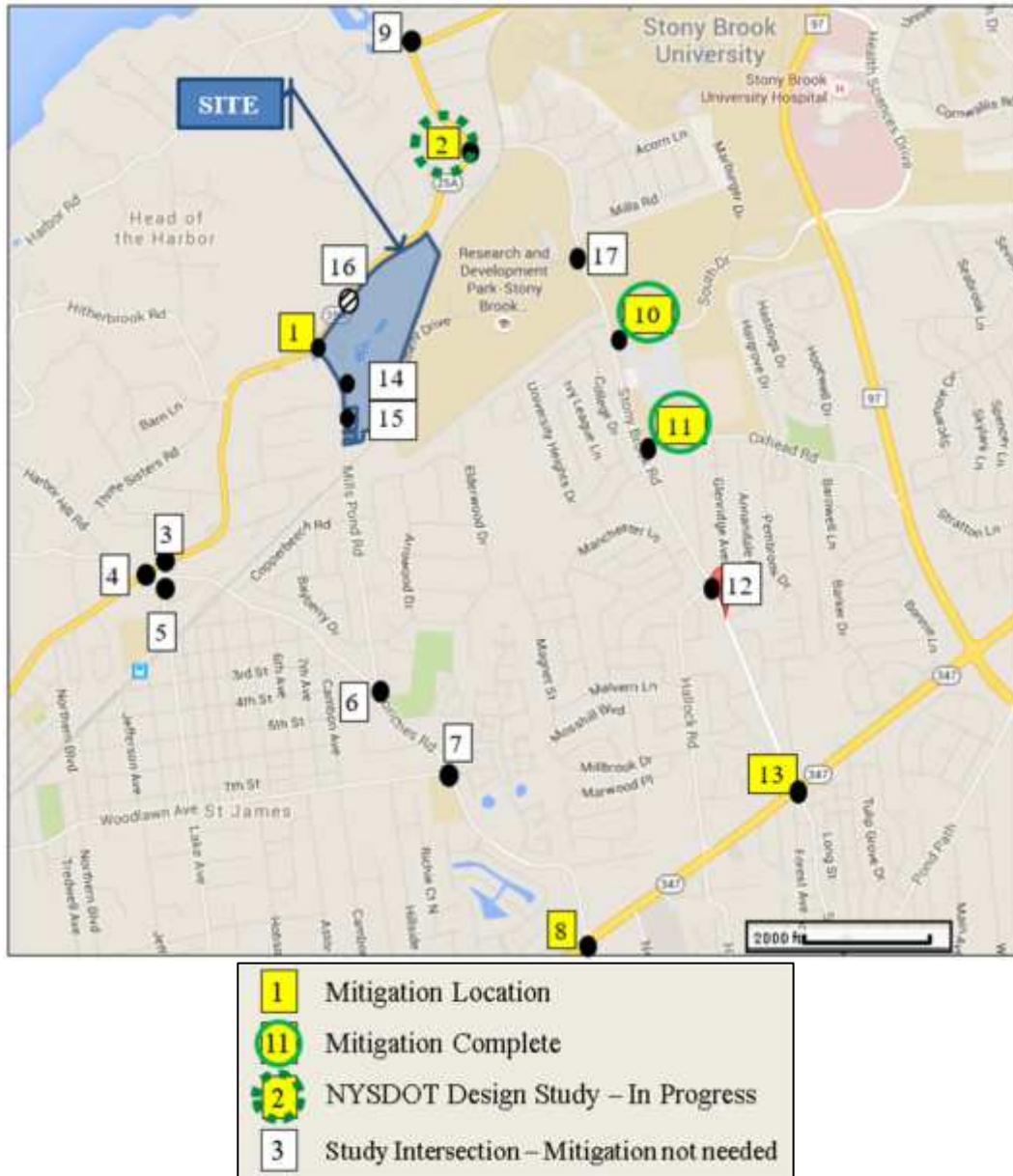
“My household is against the scale of this project. We did not move to St. James from East Meadow to live in yet another overdeveloped area.” (62)

Response 5: Extensive areas of the property would remain green or without paved space. Please see Figure 1-4 on page 10. The “visual impacts” mitigation includes planting over 330 trees, a $\pm 35\%$ increase in the number of trees on the property.

EXEC-6 “Please take into consideration that the request for this location to be overwhelmed with, TWO assisted living facilities, TWO medical office buildings 1 hotel complex, 1 catering facility, 7 acres of sewage treatment close to Stony Brook Grist Mill and SB Harbor, conveyance into and out of onto Stony Brook Road = monumental traffic/safety issues, sewage effluent seeping into harbor, AND complete lack of study of existing chemical contaminants already on site from former industries (including lead arsenate, naphthalene, among others), is, abusive to the surrounding community, an insane example of corporate greed, and if approved, will be bogged down with multiple lawsuits not to mention accusations of bribery and deceit.” (65)

Response 6: This comment is duly noted. All of the identified project components and potential impact areas have been studied and documented in the three-volume DEIS and where necessary, supplemented with additional information within this FEIS. Particular attention has been directed towards the potential impact areas identified in this comment, including extensive groundwater/wastewater modeling and analyses (see Section 7, Section 19, and Appendix J of the DEIS); a traffic impact analysis accounting for 17 intersections (see Section 9, Section 19, and Appendix F of the DEIS; and see Figure 2-1 below depicting the study intersection map); and a series of soil studies and Environmental Site Assessments (see Section 4 and Appendix I of the DEIS) that document prior industrial and agricultural uses on the site.

Figure 2-1: Traffic Study Intersections Map



EXEC-7 “The scope of the proposed development is alarming. The Gyrodyne, Flowerfield development certainly should not contain all of the elements described in the current proposal. While this location is a desirable one for each of the uses proposed separately, they would collectively be unsustainable at this location. The roads servicing and surrounding this area could not possibly support the vehicular traffic the full proposal would generate. Traffic on the surrounding narrow and curving roads is bad enough now - I 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, for all of what should be obvious reasons: traffic, pollution, and the impact on existing surrounding businesses. This is to respectfully request that this proposal not proceed in its current form or anything close to it.” (31)

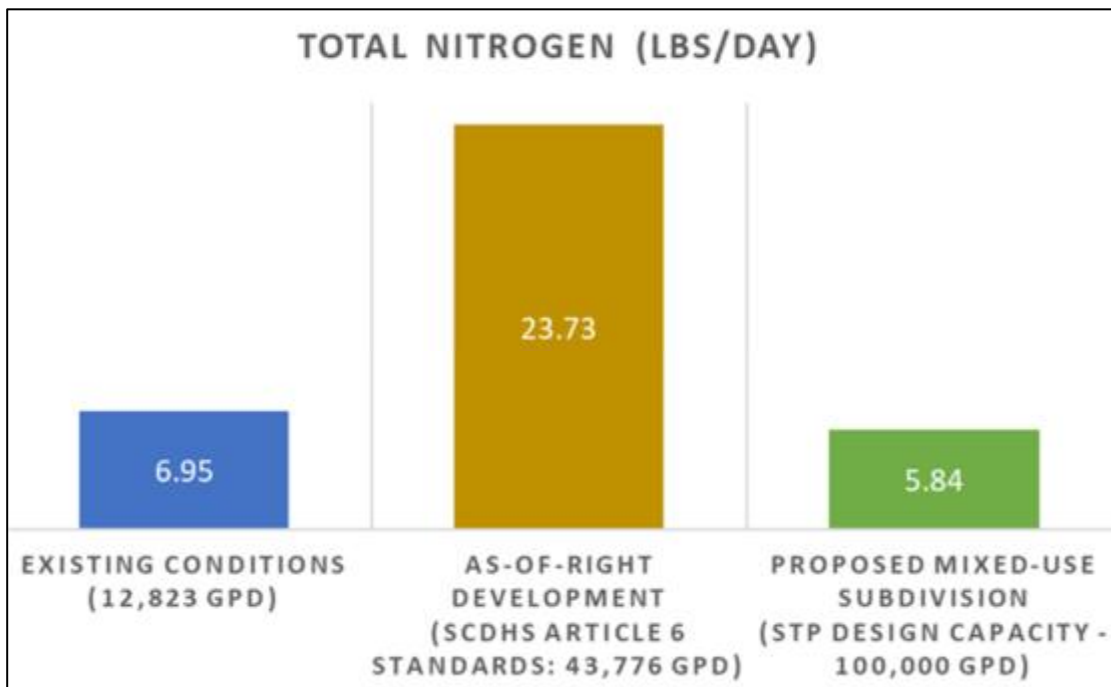
Response 7: As shown in Figure 2-1, traffic impacts were evaluated at 17 intersections, and mitigation was identified at six locations to address identified impacts in the DEIS. Please see Section 9.4 of the DEIS (Pages 9-12 through 9-15) for a more detailed overview of potential mitigation measures 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.

EXEC-8 “Please don’t let Gyrodyne build the sewage plant, office building, the hotel and senior center. Please don’t let them build anything there. If they build the sewage plant there it will affect everyone and everything there! It will affect everyone negatively and horribly! Anything that lived in the fields (like animals) will be forced to move out to the dangerous streets and most likely get hit by a car. People are very concerned about trees dying so make sure this piece of land stays nice and green.” (16)

Response 8: The proposed subdivision is a less intense use than as of right development that does not require a subdivision. Compared to existing conditions, the proposed sewage treatment plant (STP) will significantly reduce nitrogen loading associated with wastewater. Overall nitrogen loading, which includes other sources such as runoff and fertilizer, would also be reduced with the STP compared to existing conditions (on-site septic systems) and will benefit the harbor compared to existing conditions. Please see Figure 2-2 below.

Figure 2-2: Nitrogen Reduction

Comparing Existing, As-of-Right, and Proposed Mixed-Use Subdivision Nitrogen Contributions



EXEC-9 “For its intended uses, the site is poorly situated - it is literally on the wrong side of the LIRR tracks which limits access to the main road arteries through the area, and cutting the project off from SBU with which the proposal purports to have synergies”. (29)

Response 9: The proposed project meets Town zoning objectives while responding to current market trends and conditions. The Proposed Action conforms 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.”

In response to the comment regarding site access related to the LIRR tracks, the DEIS contemplated a development Alternative (Alternative 8) that considered the re-opening of the LIRR crossing. Ultimately the proposed project does not include such the LIRR crossing due to safety concerns associated with at-grade crossings.

EXEC-10 “We all know that our town, country, and world are deteriorating at an alarming rate. Without a balanced and healthy environment, we have nothing. Think about the progression for a moment. What will matter if we develop this land if our waters and land become increasingly poisonous and toxic? We have an opportunity to do the right thing right in our back yard. We have the opportunity to show others that we stood up for humanity and made a decision to leave a legacy we are proud of for our generations to come. These words are said over and over again but is anyone listening? What will our almighty dollar mean if we don’t have our health? Am I being an alarmist? You bet I am. From the days that my children were young, and we packed our trunk with newspapers and dropped them off to the town site, did I decide that I could not turn away from doing my duty as a mom, citizen and neighbor. Have I single handedly made a dent in my efforts you ask? Probably not, but I have a clear conscience that I did what I could at the time. Maya Angelou once was quoted stating, “Do the best you can until you know better. Then when you know better, do better” and that’s how I live my life. Today, I am before you knowing even better now how important saving the environment is, and I am trying to do better by writing you as well as Gov. Andrew Cuomo most recently. Please give pause to your decision making and lead with your “true north”. Not for my request alone, but for all that will be impacted by this all important decision you are going to make”. (35)

Response 10: This comment is duly noted. The three-volume, 3,000-plus page DEIS represents a comprehensive hard-look at potential environmental and community impacts associated with the proposed subdivision. As stated on Page 2-1 of the DEIS, the proposed project is neither a maximum build plan nor a maximum subdivision yield plan. Rather, this approach regulates the property to significantly less intense development than what is permitted by-right under existing zoning. In addition, this approach clearly outlines environmental and infrastructure-related regulatory controls that would be established during the subdivision approval process. Any identified impacts are addressed in the DEIS through mitigation measures. Sections 1.5 through 1.16 (Pages 1-4 through 1-13 of the DEIS) provide a summary of applicable mitigation measures.

EXEC-11 "I am a resident of Stony Brook and wish to raise my voice in opposition to de further development of the Gyrodyne property and its disastrous impact on the environment and quality of life in the three-Village area. Didn't we successfully fend off a similar assault some years back?" (44)

Response 11: This comment is duly noted. Please see Response 10 above. The proposed subdivision, which represents a significant reduction in development intensity compared to by-right development, has been designed with sensitivity to both local environmental conditions and quality of life concerns. As stated on Page 1-1 of the DEIS, 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).

EXEC-12 “I echo the sentiment of our Town Board Supervisor Ed Romaine...As the Brookhaven Town Council District Representative of Council District 1, I had to come here tonight to convey my deep concern about this proposal. I too have previously submitted comments on this to the Board throughout this years' long process for this application. I have voiced my concerns and those of the neighboring residents in Brookhaven's Council District 1, who will be directly affected by any development at the Gyrodyne site. I am here today to reinforce these concerns.” (85)

Response 12: The Councilwoman’s comments are duly noted and are addressed in the corresponding sections of this document. The Councilwoman’s comments are contained within Comments PN-23 on Page 28 (Purpose and Need, Subdivision Benefits), GW-1 on Pages 41-42 (Groundwater, Stony Brook Harbor, Watersheds, Water Quality, STP), OPEN-4 on Page 90 (Land Use and Open Space), SEQRA-1 on Page 100 (EIS Required Content/SEQRA Process), TR-2 on Page 67 and TR-29 on Page 78 (Traffic and Parking). Please also see Response 1 of this Section for additional information regarding coordination with the Town of Brookhaven.

2.2. Purpose and Need, Subdivision Benefits

PN-1 “I was at the last public hearing. Those in the audience who spoke in favor of the application focused solely on one issue: that approval will mean use by the future St. James business district of the proposed sewage treatment plant. Such a narrow view is irresponsible, even if such a benefit is realized. Those few speakers said nothing about the other major concerns of traffic and environmental issues, not to mention aesthetic and historical concerns. As an attorney and business owner on Lake Avenue for over 30 years, and past president of the St. James Chamber of Commerce and other area organizations, I recognize and appreciate the need for sewers in downtown St. James. In fact, at a public hearing with Town board members two years ago, after the coming Lake Avenue revitalization project was announced, I stated that it would be "a darned shame" if a few years after Lake Avenue was completely renovated, the road bed was torn up again to install a dry sewer main. Although I was told there was no money to install the main, six months later it was announced that it would be part of the project. Make no mistake: I am an advocate for the business owners in St. James. One way or another, there will be a working sewer line on Lake Avenue. But I am also a resident who cares deeply about this community, and its citizens, history and environment. To approve this project because the sewer line is needed is narrow-minded and unfairly ignores the looming gigantic traffic problem that will impose an unreasonable burden on the residents of the northeastern part of this Town and those traveling through it. The magnitude of the proposed project will have regional consequences that, with all due respect, have not yet been appreciated. No one should begrudge the right of a property owner to legally develop its property, However, that right must be reconciled with the greater public good. When an imbalance might occur, as is likely in this matter, it is the job of government to be sure that an injustice does not result. Approval of the proposed project would be a major mistake that I predict we would all come to regret. I urge you and the Town Board to work with Brookhaven and the County and State governments, and even private interested parties, to find a way to resolve this matter so that we can all live with it”. (49)

Response 1: The DEIS is comprehensive and identifies extensive mitigation measures for sanitary flow, to address the concerns in this comment. As stated in the DEIS on page 17-1:

“The Smithtown Town Supervisor has asked Gyrodyne to build its STP with extra capacity to accommodate flow from the St. James Lake Avenue Business District. Gyrodyne LLC remains amenable to this concept...The request for additional STP

capacity is not a component of the subdivision application”

The DEIS mitigation measures for nitrogen contribution, visual impacts, and traffic address the comment regarding “reconciling the [property owner’s rights with] the greater public good.”

- Nitrogen contribution will decrease with the Proposed Action, as depicted in Figure 2-2 on page 20
- The applicant will plant over 330 new trees throughout the site (more than a 35% increase over current tree inventory), including within the required buffer from Route 25A
- Traffic mitigation as summarized in DEIS Section 9.4, addresses existing concerns as well as mitigation needs

PN-2 “Collective impacts on regional/local hospitality markets: The collective market impact of the proposed hotel must be more clearly delineated due to a spate of hotels that are either being proposed or have been newly constructed near the Gyrodyne parcel. With additional hotel space being pitched locally at the Watermill site on nearby Nesconset Highway as well as at various locations across western Suffolk and Nassau Counties, the DEIS should address expected changes in market dynamics due to other proposed hospitality projects within reasonable distance to the project site”. (11)

Response 2: The Watermill site on Nesconset Highway is nearly five miles away from the Gyrodyne property, and the market for a hotel adjacent to Flowerfield Celebrations was studied and developed by the applicant’s real estate professionals.

PN-3 Neither the hotel nor the Assisted Living Facility appear to be compatible with the current zoning. The hotel, which is described in the EIS as having “synergy with the existing Flowerfield catering hall, Stony Brook University, the Research and Development Park, and Stony Brook Medical seems to be redundant given the new hotel on the Stony Brook University campus. (8)

“The proposed hotel/office park/long-term care facilities are wildly out of character for the community, and appears to be a contrived and ill-conceived attempt to monetize the property.” (29)

“Where does the DEIS explain what the synergy for a hotel and assisted living facility?” (50)

“I am a resident of Setauket. Professionally, I am an ecologist, author of various books on human impacts on the living world, and I hold the Endowed Chair for Nature and Humanity at Stony Brook University's School of Marine and Atmospheric Science. Gyrodyne's proposal for a hotel and conference center, medical offices, and assisted-living facility with a major sewage plant strikes me as it strikes so many others as entirely wrong for its location. This is a light industrial development in a non-industrial area, and would mar the nature of our community, and create a prior condition for other industrial developments along the corridor. Gyrodyne's proposed development would be more suited to the light industrial corridor along the Long Island Expressway. It would be extremely out of place at Flowerfields. It is simply wrong for our area... I strongly oppose Gyrodyne's proposed Flowerfield development plans.” (92)

Response 3: As detailed in the DEIS, these uses are permitted by special permit; a change of zone is not required. The need for a hotel is reported by the applicant’s real estate professionals. The University is one, but not the only, contributor to potential hotel guests.

The proposed project meets Town zoning objectives while responding to current market trends and conditions.

PN-4 “I am strongly opposed to this building project. We work hard to live in a certain type of area paying quite significant taxes for a quiet town-like atmosphere of the north shore specifically

St. James area, and it is becoming more crowded, less town-like and certainly more expensive with the upcoming tax increase. I am a resident who also lives on Twixt Hills Road. As you are aware a group home recently opened on our street. The home was renovated nicely. It is a great thing for the residents, there has been no increase of noise, however the location of these homes should be considered. It is another example of by default, there being a business, place of employment, for the workers, smack in the middle of a very quiet neighborhood. There is more traffic, many cars...it is not what we pay high taxes for to be in a quiet private area. There should be more thought into the location of such places of business. Are tax breaks given? No, quite the contrary. Now there are these proposals for hotels, sewage plants, senior residencies...when is enough enough?! There is the church/temple on the corner of River Rd. and Edgewood. It looks terrible. SMITHTOWN Main Street is a wreck. There are rental properties on River road across from the cemetery that look horrendous and incoherent looking people are seen waking up and down River Rd. What is happening to Smithtown?! It is becoming less desirable to live in this area. I beg of you to please listen to the hundreds of people who were able to get into last evenings meeting. When is Smithtown going to get the attention it deserves? Please preserve our community and do not allow this building project that will forever change the landscape of our north shore area". (13)

Response 4: These comments reflect an area more than three miles away from the proposed subdivision and they are unrelated to this application.

PN-5 "Gyrodyne LLC is in the process of liquidation. The liquidation process contemplates selling off its remaining real estate and distributing the proceeds to its shareholders. As such, it is going out of business and its intention is to remove itself from our community. It is important to be mindful that the residents of the community will have to live with the results of the liquidation, but without the proceeds. The positive and negative impacts of the development on our community will represent the lasting legacy of Gyrodyne and its management.

Response 5: Property ownership is not a SEQRA issue, and the DEIS identifies extensive mitigation and improvements to avoid significant adverse impacts to the community. Any identified impacts are addressed in the DEIS through mitigation measures. Sections 1.5 through 1.16 (Pages 1-4 through 1-13 of the DEIS) provide a summary of proposed mitigation measures for each topic analyzed in the DEIS.

PN-6 "On November 8, 2017, the Village submitted comments in writing during the public scoping process. This letter is attached rather than repeat here the comments in that letter. Please note that, while the Draft EIS addresses most of our comments, each of the matters brought up in the November 8, 2017 letter remain a strong concern of our Village residents." (2)

Response 6: Please see FEIS pages A8 through A10, denoting the response which addresses each of the Village's November 2017 comments.

PN-7 The Town of Smithtown is in the process of completing a comprehensive Master Plan. Why is the Board pushing forward to determine this land usage matter when the Town itself is still deciding the direction of future land use? (50)

"Major development in the town should be on moratorium until the Comprehensive Master Plan is released. The Master Plan cost over \$500K and solicited the input from town residents over the course of many months. What was the purpose of the Master Plan, if not to guide future development? Why are developments being pushed through without sufficient evaluation of the ensuing ramifications? (67)

Response 7: The purview of a Master Plan is not to dictate development on individual properties, and in fact, the unadopted Draft Comprehensive Master Plan Update (2015) stated

this as well.

PN-8 “I use the 25A corridor almost daily and am very concerned about the development that is planned for the former Flowerfields/Gyrodyne property. As you are aware, the traffic is already very heavy during parts of the day, and the road itself can be quite dangerous in inclement weather. A substantial influx of vehicles without a concomitant expansion of the main road that serves it is a recipe for disaster, affecting both the neighborhoods and businesses in the area. Does the state plan on widening the highway--and for how long? Could this development replicate the present choke points that we see on route 25? Right now we often look to St, James for business and restaurant needs. Will the increased traffic shift our focus to Port Jefferson and Mt. Sinai? (45)

Response 8: The DEIS identifies appropriate off-site mitigation and improvements that will address traffic concerns which pre-date the subdivision application. The DEIS evaluated traffic impacts at 17 intersections and identified mitigation 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.

PN-9 “I understand that a sewage treatment plant is also involved and that the environmental impact research is inadequate and doesn’t take into account all the facets of the project. Will that be addressed before any action is taken? As someone suffering from a lung disease, I am very concerned that we not be pumping more poisons into the air or the ground--the source of our drinking water.” (45)

Response 9: The DEIS examines the proposed sewage treatment plant, which would decrease nitrogen contribution compared to existing conditions and compared to as of right development that would not require a subdivision. Please see Figure 2-2 on page 20.

PN-10 “I am sending you this email to please do whatever is in your power to STOP the commercial development of Gyrodyne. If this is developed it will be a major disaster for not only the surrounding communities but the other communities such as Lake Grove, Port Jefferson, Centerrach and all others to the west, south and east. Our infrastructure (roadways, water supply, electrical supply, sewage) cannot handle this impending project ... Please consider other more environmentally friendly alternatives. Our land value, quality of life and the natural environment itself will be greatly impacted if the development happens”. (25)

“Can't you leave anything beautiful alone? Must every spare piece of green be built upon? Leave the property alone, green, maybe every plant flowers there again. It's restful. On the other hand, you can make money on it as usual, get more tax \$\$\$ from it, cause more traffic, destroy more roads, cause more rage. Hey, it's up to you. Personally, I say leave the land alone. (69)

“First, the negative impact on the environment is of extreme concern to me. The water and the wildlife that will be harmed by this development is not to be overlooked. When water and wildlife are negatively impacted, so is human life in the process.” (70)

Response 10: The DEIS includes a public acquisition alternative (Alternative 6) and identifies appropriate mitigation for identified impacts of the proposed action or its alternatives.

PN-11 “I'm normally a pro business guy. But, the Gyrodyne development will be the tip of a mile wide iceberg navigating through very tight roadways that were literally designed for horse ‘n buggies. Unfortunately, without regard to the environment blah blah blah, the road infrastructure

just isn't available. Please say no and don't take Gyrodyne money". (26)

Response 11: Gyrodyne is not paying the Town for permission to develop its property. Additionally, please see Response 8.

PN-12 "The Long Island Pine Barrens Society writes out of concern for the proposed development of multiple-construction plans associated with the Gyrodyne Development project in St. James. In addition to our concern about the magnitude of building development on the fragile site, we are especially concerned about the proposed development of a regional Sewage Treatment Plant that would permit denser building which can be expected to harm on site attributes of the property as well as Stony Brook Harbor and other adjacent waterways. We believe that the project should be scaled back and the Sewage Treatment Plant abandoned as proposed". (10)

"First and foremost I am more than concerned over the potential contaminants caused by the sewer treatment plant and the disruption of the soil. What studies have been done to date?" (66)

Response 12: The on-site STP is to mitigate nitrogen loading. In fact, the proposed subdivision with an on-site STP generates roughly 65% less nitrogen than two as of right alternatives with no subdivision and no on-site STP.

As shown on DEIS pages J-1 to J-6, the DEIS Proposed Action has less nitrogen loading than the existing development, while the two as of right alternatives have significantly higher nitrogen loading than the existing or Proposed Action alternatives. The FEIS Proposed Action has lower nitrogen loading than the DEIS Proposed Action:

- Existing nitrogen loading: 33.0 lbs/acre/year
- DEIS Proposed action nitrogen loading: 32.4 lbs/acre/year (less than existing)
- FEIS Proposed action nitrogen loading: 32.1 lbs/acre/year (less than existing)
- As of right Alternative 4 (medical office) nitrogen loading: 87.6 lbs/acre/year
- As of right Alternative 5 (light industry) nitrogen loading: 69.4 lbs/acre/year

Soil conditions are likewise addressed in the DEIS. See responses to comments in Section 2.4, Soils.

PN-13 "I am opposed to the development at Gyrodyne. Once done never turn back you will be responsible for the ruin of the north shore" (55)

Response 13: This comment is duly acknowledged. The proposed subdivision, which represents a significant reduction in development intensity compared to by-right development, has been designed with sensitivity to both local environmental conditions and quality of life concerns. As stated on Page 1-1 of the DEIS, 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).

PN-14 "As a life long resident of the town of Smithtown and a 30 plus year homeowner in St. James, my family and myself are against the development of the Gyrodyne Properties. Please consider the quality of life for us living so close to this. Traffic, noise, congestion, displaced deer and wildlife and disturbing the already contaminated land and ground waters. I am a cancer survivor and I can look down my street and count so many others. I do not want to have to move, please don't do this to us". (51)

Response 14: Comment noted. The DEIS addresses traffic (beginning on Page 9-1 of the DEIS),

noise (beginning on Page 14-1 of the DEIS), ecology (beginning on Page 6-1 of the DEIS), soils (beginning on Page 4-1 of the DEIS) and groundwater (beginning on Page 7-1 of the DEIS) in accordance with SEQRA regulations and the requirements outlined in the project's Final Scoping Document (see Pages A-12 through A-33 of the DEIS).

PN-15 "This email is being sent to inform you of my disapproval/concern over the proposed Gyrodyne over-development. I grew up in Smithtown and went to church in Setauket using route 25A frequently to youth group and church events, the planned development will cause traffic in an area in which the congestion will not be tolerated well by the existing protected and historic route. I am concerned for the environmental impact this will impose on the surrounding landscape, subjecting the groundwater flowing into Stony-Brook Harbor to be overrun with nitrogen-laden waste resulting in algal blooms which kill off our precious fishery environment". (53)

"Once again we find ourselves having to present to the town reasons not to over develop our community. This time it is the proposed development at Gyrodye [sp]...I would ask to you not provide approval for this disaster of a project." (56)

"I am writing to express my objections to the subdivision of the Gyrodyne property. I live in the neighborhood between moriches and mills pond. Aside from the overdevelopment and traffic, i am concerned about the natural habitat for wildlife and the open space. I am also very concerned about the effects of the sewage treatment plant on the waters along the north shore. I hope you will deny this request by gyrodyne. (57)

Response 15: Please see Responses 8 and 12.

PN-16 "All of the environmental, ethical and quality of life issues presented at the January 8th, 2020 meeting make it very clear you must deny the project. What if anything has the board done to address all the very serious issues presented at this meeting? The health and safety of Smithtown and Brookhaven residents demands nothing less. In light of the conflict of interest of Mr. Ryan, all of the approvals to this point should be put aside and the entire project should be rejected". (58)(90)

Response 16: Please see Section 1.3 and Response 1 in Section 2.1 of this document. As Lead Agency, the Town of Smithtown Planning Board has followed all SEQRA regulations and requirements, ensuring that the public and Interested/Involved Agencies have multiple opportunities to comment throughout the process. Further, the Planning Board went beyond SEQRA regulations to carry out a voluntary public scoping process, affording additional input from the public and Interested/Involved Agencies. Also of note, this FEIS contains responses to comments received through February 5, 2020, which is beyond the initial DEIS public comment date of January 24, 2020.

The comment about Mr. Ryan is beyond the scope of SEQRA.

PN-17 "I am writing to you to express my grave concerns about the plans to develop the Gyrodyne property in Flower Fields. My first concern is for the environment, particularly about the effects of a sewage treatment plant that would eventually discharge treated water into Stony Brook Harbor. This is a pristine jewel of the North Shore coast that is already strained under the runoff it must currently handle. More would be a travesty that would threaten wildlife, native plants, and even the health of the people who fish, kayak, and swim there." (61)

Response 17: Please see Response 8 and Figure 2-2 on page 20.

PN-18 "I am totally against the Gyrodyne Project. This is just another case where the Town of Smithtown is rushing into over development before we have a master plan." (68)

Response 18: This property has been analyzed multiple times dating back at least to the year 2003. The DEIS was prepared over a three-year period and includes an extensive study of seventeen intersections up to two miles from the site, and ten alternatives in addition to the proposed action. The DEIS identifies appropriate mitigation for identified potential impacts.

PN-19 “I agree with all the extremely valid reasons mentioned at the Jan. 8th planning board meeting by the eloquent speakers who opposed this project. I suggest that you review the video.” (68)

Response 19: The comment is duly noted.

PN-20 “My husband has a business at the Gyrodyne Industrial Park, so I'm straddling both sides of the line...Almost 100 years ago, development was also threatening to change St. James. South of 25A was developing at such a rapid pace, that they referred to it as Boomertown. Some community members foresaw that this would cause irreversible damage. So, as stewards of the land, they realized whatever they allowed to happen would become their legacy. At that point in time Nissequogue and Head of the Harbor incorporated. Each area developed stringent zoning codes to preserve older homes, maintain a pleasing esthetic, and country setting. They did that, but they didn't stop progress.” (78)

Response 20: This comment is duly noted. The proposed subdivision does not require a change of zone and includes permitted land uses.

PN-21 “Today, we are at a crossroads. Our population has increased, more homes were built, and what was supposed to be a small teachers' college, morphed into an internationally recognized state university. The University seized Gyrodyne property by eminent domain in order to build more, it has given no consideration to its impact on the surrounding area. I ask that Gyrodyne please be a good neighbor in their quest to create a project with synergy and connectivity to Stony Brook University.” (78)

Response 21: This is the applicant's intent: to be a good neighbor to the community and take advantage of potential synergy with neighboring uses, such as Stony Brook University.

PN-22 “We are in economic development as well as the sewage treatment plants, we're for. Smithtown hamlets, they need this. I mean, you have Kings Park, Smithtown, we both got grants for about \$20 million. In Smithtown, it costs \$70 million just to put our sewage treatment in that we need.” (83)

Response 22: This comment is duly noted.

PN-23 “The University, however, offers numerous, positive community benefits, academic, scientific, economic, that helps mitigate these impacts to some degree. However, none of the proposed project ideas that have been put in the DEIS would offer the same benefits to our community, and have the very real potential to irreparably harm the community.” (85)

Response 23: The DEIS is a nearly 3,000-page hard look at dozens of environmental and community impacts. The document identifies multiple benefits associated with the application and its mitigation measures, including a reduction in nitrogen contribution, reduction in potential traffic compared to as of right development (that does not require a subdivision), and planting over 330 new trees.

2.3. Geology

No comments were submitted on this topic.

2.4. Soils

SOIL-1 "The DEIS establishes but does not detail the vertical and horizontal extent of arsenic contamination in site soils. Further, the document fails to identify the likely source of the contamination and offers no details with respect to the concentrations of the arsenic on the soil as determined through a sampling plan. Arsenic is highly toxic from dermal contact, ingestion or inhalation exposures. The plan identifies that the arsenic will be mitigated through a process of mixing it with clean materials. This practice is strongly prohibited by the US Resource Conservation and Recovery Act (RCRA). Mixing waste is only allowed when mixing for purposes of addressing a RCRA characteristic. The contaminated soil should be excavated in controlled conditions by qualified personnel and removed to a secure waste management facility that can address exposure issues. This is common throughout the county where soils are routinely found to be impacted by lead arsenate herbicides. The plan as presented will actually threaten the health and safety of local community members by disturbing it and putting arsenic contaminated soil into the air. There is no reason the developer should be granted this prohibited exemption from safe industry and engineering practices" (71)

Response 1: The 2017 Phase I Environmental Site Assessment (ESA) summarizes a 2006 Surface Soil Sampling Report, 2007 Soil Management Plan (SMP), and 2008 Industrial Area Sampling Report (see Sections 8.2.5, 8.2.6, and 8.2.7 of the Phase I ESA). Surface soil sampling was performed in 2006 to evaluate whether historical usage for agricultural purposes had impacted soils at the subject property. Additional surface soil sampling was performed in 2007 and 2008 to expand upon the soil evaluation performed during the 2006 sampling. From 2006 to 2008, a total of 53 surface soil samples were collected from 28 boring locations. Comparing 2006 to 2008 sampling data to the current NYSDEC Soil Cleanup Objectives (SCOs) specified in 6 NYCRR Part 375-6, metals concentrations in soils are below NYSDEC's Unrestricted Use SCOs with the exception of one soil sample where mercury was detected above its Unrestricted Use SCO but below its Restricted Residential SCO. Several pesticide compounds exceed NYSDEC Unrestricted Use SCOs but are below Restricted Residential Use SCOs at multiple locations. Volatile organic compounds (VOCs) and semi-volatile organic compounds were not detected above NYSDEC Unrestricted Use SCOs. Restricted Residential Use is defined in 6 NYCRR Part 375-1.8(g)(2)(ii) and is typically an acceptable standard to apply for the proposed future usages of the property such as hotel, assisted living facility and medical office space.

Based on the 2006 and 2007 sample results, in 2007 a Soil Management Plan (see Page G-4 in Appendix G) was developed based on a Draft SCDHS Guidance Document⁸ (see Page G-24 in Appendix G). The SMP specified that surficial soils be addressed by capping and vertical mixing. However, the Draft SCDHS guidance document that recommended vertical mixing as a soil management process was never formally approved and is no longer in use. No vertical mixing of soils is necessary or proposed under current NYSDEC regulations.

Although sampled soils at the site meet Restricted Residential SCOs, which are applicable to

⁸ SCDHS - Procedures for Municipalities to Evaluate the Need for Soil Sampling and Soil Management at Subdivisions or Other Construction Projects with Potentially Contaminated Soils (Draft February 2006).

the planned future use of the property, 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. This will ensure that excess soils generated during construction are properly handled, and that material imported to the site during construction meets the fill material requirements specified in 6 NYCRR Part 360.13 (i.e., prevent contaminated soil from being imported to the site as fill material).

SOIL-2 “Contamination of soils is dismissed by noting that Suffolk County no longer engages in review of soil contamination. The soil contamination exists nonetheless, and it is the requirement of the EIS that the contamination be analyzed, and mitigation in the form of a soil management plan be included.” (4)

Response 2: Please see Response 1.

SOIL-3 The last speaker on the night of the hearing -Justin Bryant- expressed concern about a number of chemicals (after the passage of time they’re typically referred to characterized as legacy pollutants) he knows, through information in his possession, were once used at Flowerfield. These included “lead arsenate, methyl bromide, naphthalene, and calcium cyanide”. Moreover, the speaker referred to the DEIS prepared for the portion of Flowerfield that was purchased by New York State and an individual referenced in the document who noted the presence of many of these legacy contaminants. The DEIS does assess, in some detail, the presence of chemicals in the soil and underground infrastructure and remediation efforts to remove these materials. Still, the preparers of the DEIS should assess the accuracy and validity of the claims made by this speaker given the serious nature of his claims. (28)

“Then I know the EIS -- DEIS, rather, has looked into, you know, pollutants on-site and what have you. Going back to the historical uses of the property, one of the former owners of the property -- this is what, I am a little nervous, I apologize -- given that the property was once used for manufacturing at a time when contaminated waste was dumped into bodies of water or buried into on-site pits, what assurances do we have that the pond bottoms and the soil below or along the immediate surrounding areas were thoroughly tested for contaminants or toxins outside of the legacy toxins in the soil associated with past horticultural use. Have those ponds been tested? One of the previous owners was a company named Bendex. So when I Googled Bendex, they come up with a Superfund site in another state. And in that state, they were dumping toxins into a pond.” (78)

“There is even possibility of nuclear material there. And I'm saying this because in the '80s I saw munitions being brought out of there. I saw missiles under tarps being taken out in the wee hours of the morning. That came out of Gyrodyne. Maybe they were going out to the Rocky Point missile site. I don't know where they were going, but they came out of there. We don't know what's in that soil but when you turn it over, all of that contamination is going to go right into our waterways. If you enjoy boating, fishing, clamming, if you enjoy swimming, you are going to be swimming in the Hudson River. I don't understand why this project is necessary, but I do understand that it's going to destroy the area that we live in, and I'm very very unhappy with it.” (84)

Response 3: Sediment within the existing ponds has not been sampled or analyzed. However, since 1993 at least four Phase I ESAs have been prepared for the site without any of them identifying the ponds as a potential environmental concern. One boring where samples were collected from in 2006 to 2008 was located immediately adjacent to the ponds, between the ponds and the industrial area, where runoff would be likely to transport surficial soil impact into the ponds; no soil impact exceeding NYSDEC Unrestricted Use SCOs was detected in

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samples collected from this boring. As part of the 2004 Phase II ESA, a groundwater sample was collected from a supply well located adjacent to the ponds. No compounds exceeding NYSDEC groundwater standards were detected in that sample with the exception of background concentrations of copper and zinc which are attributable to the formation of the aquifer. The 2020 Suffolk County Water Authority (SCWA) Annual Water Quality Report for Distribution Area 15 did not identify any compounds exceeding maximum contaminant levels with the exception of naturally occurring iron. If the ponds were impacted by past industrial usage, such impact would likely be reflected in groundwater quality in the vicinity of the ponds. As no significant groundwater impact was identified by sampling performed as part of the 2004 Phase II ESA or by routine sampling performed by SCWA, the ponds appear unlikely to have been impacted by the past industrial usage of the site.

The conclusory statement that there may have been nuclear material at the site is not supported by any historical evidence or documentation. Furthermore, with respect to potential nuclear material, since 1993 at least four Phase I ESAs have been prepared for the site, and in them, no evidence of the potential presence, usage, or storage of nuclear material at the site has been identified.

Please see Responses 1 and 5 through 8. Pollutants are addressed in the DEIS (Appendix I Phase I and Phase II Environmental Site Assessments). Sites where former tenants now operate, are beyond the scope of SEQRA or this application.

SOIL-4 “Please account for the discrepancy between the statements provided by Gyrodyne representatives in the 2004 Generic Environmental Impact Statement prepared by KTR Newman and the Draft Environmental Impact Statement (DEIS) prepared by Cameron and Associates that is currently before the Town Planning Board. In the earlier statement the Gyrodyne employee stated that there were environmental concerns in almost every category in the questionnaire. In the most recent DEIS a Gyrodyne employee contradicts this claim by stating that there are no environmental concerns or liabilities. These answers have a direct impact on the scope of the environmental review and likely had a limiting effect on rigorosity of the environmental review”. **(38) (50)** “Why did Gyrodyne not acknowledge the many REC’s that were present in the previous EIS. Those have not been mitigated”. **(38)(50)**

Response 4: It should be noted that the questionnaire responses were provided by two different Gyrodyne employees with a gap of 14 years between the Phase I ESA questionnaires being completed. The responses to the 2017 Phase I ESA questionnaire (starting on DEIS page I-158) did not alter the scope or findings of PWGC’s 2017 Phase I ESA (DEIS pages I-53 through I-58) or 2017 Phase II ESAs (DEIS pages I-856 and I-857) which were performed in accordance with ASTM standards E1527 and E1903, respectively as well as standard industry practices.

Additionally, these questionnaires were filled out as part of EAFs, the most recent of which was submitted over two years ago as part of the preliminary subdivision application. The EAF is provided in the DEIS (DEIS Appendix Page A-34) as part of the application history, not for comparative purposes now that there is a DEIS with roughly 1,600 pages of Phase I ESA (DEIS pages I-1 through I-847) and Phase II (DEIS pages I-848 through I-1589) investigations. The questionnaire content is obsolete and does not supersede the physical investigations and reports done for the 1,600 pages of the Phase I and Phase II ESAs.

RECs identified in the 2003 KTR Newmark Phase I ESA (summarized on FEIS pages G-408 through G-420) were addressed by a 2004 Phase II ESA prepared by Jade Environmental (summarized in sections 8.2.3 and 8.2.4 of PWGC’s 2017 Phase I ESA - DEIS Appendix Pages I-44 through I-46, and provided starting on FEIS page G-421) with the exception of several

mounds identified in the former fairgrounds area which KTR Newmark recommended be sampled. The former fairgrounds area was included in the sampling performed in 2006 and 2007 (summarized in section 8.2.5 of PWGC's 2017 Phase I ESA - DEIS Appendix Page I-46) which did not identify impact above current NYSDEC Restricted Residential SCOs.

SOIL-5 "There are documented uses of a variety of hazardous substances that are regulated by the ATSDR. Why was a grid study not conducted given the intensive agricultural and industrial activity that previously occurred at the location of the proposed subdivision?" (38) (50)

Response 5: Soil sampling was performed from 2006 to 2008 to evaluate impact related to the former agricultural usage of the site (see summaries in Sections 8.2.5, 8.2.6 and 8.2.7 of the 2017 Phase I ESA, on DEIS page I-46 through page I-48). A total of 53 soil samples (28 boring locations) were collected from throughout the former agricultural areas; SVOCs, pesticides, and metals were detected in multiple samples; however, the concentrations detected do not exceed current NYSDEC Unrestricted Use SCOs (VOCs, SVOCs, metals) or Restricted Residential SCOs (pesticides plus mercury in one sample). The 2004 Phase II ESA (starting on FEIS page G-421) included a geophysical survey to identify USTs and former UST areas within the industrial area (see FEIS page G-427); soil samples from these areas were analyzed for petroleum constituents. Concentrations of petroleum related VOCs and SVOCs detected do not exceed current NYSDEC Unrestricted Use SCOs in these areas. Cesspools and storm drains in the industrial area were investigated in 2008 (Industrial Area Sampling Report, PWGC, June 2008, DEIS Appendix Page I-48) and 2017 (Phase II ESA – Gyrodyne Catering Facility, PWGC, September 2017, DEIS Appendix Page I-848 & Phase II ESA – Gyrodyne Industrial Area, September 2017, DEIS Appendix Page I-1040); impact above SCDHS standards identified in the onsite sanitary systems and storm drains was remediated in accordance with SCDHS procedures in 2011 (UIC Structure Remediation Report, PWGC, August 2011, DEIS Appendix Page I-50) and 2018 (UIC Remediation Report – Gyrodyne Catering Facility, PWGC, April 2018, DEIS Appendix Page I-1303 & UIC Remediation Report – Gyrodyne Industrial Area, April 2018, DEIS Appendix Page I-1401). Multiple environmental investigations have been performed at the site since 2004, with no soil impact above NYSDEC Unrestricted Use SCOs identified, other than low level pesticides and mercury at one location in surface soils. This area will be managed during construction 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. Based on our current knowledge of prior on-site activities, previous soil investigations, and the current project design, a grid study does not appear to be warranted.

SOIL-6 "Historical documentation and records indicate that many of the aircraft - such as the QH-50 - that were manufactured and tested by Gyrodyne at this location utilized JP-4 (a fuel that is a 50/50 blend of Kerosene and Gasoline). Has the board asked Gyrodyne to provide any and all documentation pursuant to the locations of the tanks storing this fuel. Given documented spills in the past and historical practices - it is reasonable for a grid study to have been conducted to determine any and all subsurface features as well as soil and well sampling. Will the board require a grid study to be conducted in the interest of protecting public health and human life?" (38) (50)

Response 6: The 2004 Phase II ESA included a geophysical survey to identify USTs and former UST areas within the industrial area where petroleum products (e.g. JP-4) would likely have been stored (see FEIS page G-427). Soil sampling in these areas did not identify petroleum impact to soils exceeding current NYSDEC Unrestricted Use SCOs. Surface soil samples collected in 2008 were analyzed for VOCs and SVOCs (which include typical petroleum constituents); no petroleum related impact to soils exceeding current NYSDEC Unrestricted

Use SCOs was detected in these samples (see FEIS pages G-382 to G-383). Potential releases of petroleum products to onsite cesspools and storm drains in the industrial area were investigated in 2008 FEIS (pages G-382 to G-383) and 2017 (see DEIS page I-856); impact above SCDHS standards identified in these structures was remediated in accordance with SCDHS procedures in 2011 and 2018 and SCDHS issued a No Further Action Letter (2019 Letter is on FEIS page G-2; 2011 No Further Action Letter is on FEIS page G-290). Review of environmental databases shows that as of 2017 there are six NYSDEC Spill Numbers associated with the site (see Section 6.1.2 of the 2017 Phase I ESA, DEIS page I-31). Based on information in the databases, no subsurface petroleum impact related to the Spill numbers was identified by NYSDEC and each spill number has been closed by NYSDEC. Based on our current knowledge of prior on-site activities, previous soil investigations, and the current project design, a grid study does not appear to be warranted.

SOIL-7 “This site was historically utilized to manufacture, assemble, and test aircraft — such as the QH-50 by Gyrodyne, it is highly likely that many various industrial solvents and other chemicals were used in the manufacturing process. Given this near certainty - will the town compel Gyrodyne to provide any and all historical documents including but not limited to invoices, purchase orders, requisitions, ledgers, correspondence, and internal files pursuant to the storage and usage of any chemical regulated by the Agency for Toxic Substances and Disease Registry (ATSDR) or regulated by the Environmental Protection Agency (EPA).” (38) (50)

Response 7: Evidence of such chemicals having been released to the environment through leaking USTs or onsite sanitary systems would typically be identified through soil sampling. Based on soil sampling performed as part of the 2004 Phase II ESA (FEIS pages G-443 and G-444), surface soil sampling performed from 2006 to 2008 (see FEIS pages G-590 and G-591 for first 2006 sampling; see FEIS pages G-553 through G-554 for sampling done in 2006 and 2007 for the 2007 Soil Management Plan; see pages G-382 through G-384 for 2008 sampling), and cesspool/storm drain sampling performed in 2008 (FEIS page G-382) and 2017 (DEIS page I-856 and I-857), no evidence of releases of such compounds have been identified at the site with the exception of impact identified in onsite sanitary systems. In 2008, sampling of the industrial area cesspools and storm drains identified five onsite sanitary systems containing impact above SCDHS standards. Supplemental sampling in 2011 (see FEIS pages G-301 and G-302) identified a total of four septic tanks, five cesspools and two storm drains containing impact exceeding SCDHS standards. In accordance with SCDHS procedures, a total of 68 tons of non-hazardous soils and 14,000 gallons of non-hazardous liquids were removed from the impacted structures and SCDHS issued a No Further Action Letter on August 22, 2011 (FEIS page G-290, with documentation starting on FEIS page G-291). Phase II ESAs performed in the industrial area and at the catering facility in 2017 (FEIS pages G-3 through G-289) identified a total of 13 sanitary structures and two storm drains in the industrial area, and 11 sanitary structures at the catering facility containing impact above SCDHS standards. In accordance with SCDHS procedures, a total of 132 tons of non-hazardous soils and 53,000 gallons of non-hazardous liquids were removed from the impacted structures and SCDHS issued a No Further Action Letter on October 19, 2019 (FEIS page G-2).

SOIL-8 “There is original documentation of numerous pesticides, fumigants, and other agricultural pest control chemicals being utilized at this location while operated as an agricultural facility by Flowerfield Bulb Farm (Successor to J.L. Childs). There are likely many other pesticides, fumigants that were utilized — however there is available documentation for the following:

- a. Chlorasol (75% Ethylene Dichloride + 25% Carbon Tetrachloride)
- b. Methyl Bromide
- c. Lead Arsenate

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- d. SALP - sodium antimony lactophenate
- e. Tartar Enemic - potassium antimony tartrate
- f. Naphthalene Flakes
- g. Cyanide based fumigants including but not limited to Hydrogen Cyanide and Calcium Cyanide.

Given the documented use of various cyanides — why did Cameron or its subcontractor (PW Grosser) NOT test for Cyanide and/or its metabolites. It does not appear that this was tested for at all in the EIS. **(38) (50)**

“I am concerned that there is not enough study of possible toxins in the area. Remediation should be part of the plan.” **(67)**

Response 8: Soil samples collected in 2006 and 2007 were analyzed for compounds specified in applicable guidance documents (see Appendix Page G-24) and in accordance with standard industry practices. With respect to the specific compounds in the comment:

- Chlorasol – samples collected in 2008 and 2017 included analysis for ethylene dichloride (aka 1,2-dichloroethane) and carbon tetrachloride. Neither compound was detected above applicable standards. See FEIS pages G-17 and G-389.
- Methyl Bromide – samples collected in 2008 were analyzed for methyl bromide (aka bromomethane, see FEIS page G-393). Bromomethane was not detected in these samples. It should be noted that NYSDEC has not established an SCO for bromomethane.
- Lead Arsenate – Samples collected in 2006, 2007, 2008 and 2017 were analyzed for lead and arsenic (see FEIS pages G-19, G-205, G-308, G-392, G-551 through G-554, G-591, and G-594). With the exception of lead in several sanitary systems that have since been remediated to the satisfaction of SCDHS, lead and arsenic have not been detected at concentrations exceeding current NYSDEC Unrestricted Use SCOs.
- SALP and tartar enemic – samples collected from the site have not been analyzed for these specific compounds. Neither compound is included on the NYSDEC pesticide analyte list (see 6 NYCRR Part 375-6.8). It should be noted that for the metallic components of these compounds (sodium, potassium, antimony) NYSDEC has not established SCOs.
- Naphthalene - samples collected in 2008 and 2017 included analysis for naphthalene. Naphthalene was not detected above NYSDEC Unrestricted Use SCOs in these samples. See FEIS pages G-17, G-204, G-306, and G-389.
- Cyanide based compounds – sampling performed in 2006 and 2007 was based upon a draft SCDHS guidance document, provided starting on FEIS page G-569 (Procedures for Municipalities to Evaluate the Need for Soil Sampling and Soil Management at Subdivisions or Other Construction Projects with Potentially Contaminated Soils). Sampling performed from 2008 to 2017 was primarily based on SCDHS SOP 9-95 (Standard Operating Procedure for the Administration of Article 12 of the Suffolk County Sanitary Code, provided starting on FEIS page G-603). The required analyte lists included in these documents do not include cyanide.

SOIL-9 “Considering the effect of pesticides such as Roundup on the health of soils and adjacent water, is the Board planning to restrict the use of harmful pesticides? **(39)**

Response 9: There are already State and federal regulations in place regarding the use of

pesticides and herbicides. The applicant has proposed to utilize an Integrated Pest Management (IPM) approach for the management of the 22.5-acre common area, as detailed on Page 2-22 of the DEIS.

SOIL-10 “The documented residual pollutants in the soil from previous manufacturing business and farming are a serious health threat that could be released unless completely re-mediated, such as lead arsenate, methyl bromide, carbon tetrachloride and additional cancer-causing toxins”. (46)

“Documented residual pollutants at the site and the remediation have not been considered in this plan. Our water supply is already contaminated as noted on the news and we do not need the additional development to add to this. We need it cleaned up” (56)

Response 10: See Response 8 for discussion of lead arsenate, methyl bromide and carbon tetrachloride. With respect to “additional cancer-causing toxins”, multiple sampling events have been performed at the site (2004 Phase II ESA starting on FEIS page G-421; 2006 and 2007 surface soil sampling starting on FEIS page G-549 and G-590; 2008 industrial area sampling starting on FEIS page G-381; 2011 supplemental UIC sampling starting on FEIS page G-291; 2017 Phase II ESAs starting on FEIS pages G-3 and G-192) where samples have been analyzed for VOCs, SVOCs, metals and/or pesticides. The results of those sampling events have not identified impact above applicable standards with the exception of low level pesticides (and mercury at one location) in surface soils which will be managed during construction in accordance with applicable regulations (6 NYCRR Part 360 which includes provisions to regulate soils generated during construction activities, and requirements for imported fill material), and impact to onsite sanitary systems and storm drains which has since been remediated to the satisfaction of SCDHS.

SOIL-11 “My wealth of experience in the natural [sciences], particularly in our local area, inspired me to hope that at least part of the pristine grounds of Flowerfield would be designated and saved for educational purposes in our local community... [However], Since the news of this past week, I am no longer interested in promoting a learning park for students or their families on the grounds of Flowerfield, at least not at this time. Not in light of what has transpired at the grounds of nearby Northport Middle School. Not in light of the circumstances which surfaced this week, closing that school down until further notice, requiring the relocation of over 700 students and staff to other buildings until mitigation of the current site, if at all possible, takes place. “Volatile organic compounds emanating from the school grounds, feelings of nausea, lightheadedness, and headaches among students and staff, related incidences of cancer within the student population and greater community, public outcry, negative national publicity, lawsuits, and State intervention - all of these were preventable, had an appropriately thorough environmental study been undertaken PRIOR to building a school on that site. Instead there now exist dire consequences, with some calling for a Superfund designation, and others hearing a frightened and angry community addressing the needs of sick children and staff. “Will Smithtown do the same here? We can more than hope not. We can learn from our neighbors and be proactive instead. You of the Planning Board can work towards making certain that such a disaster as occurred at Northport, does NOT happen here at Gyrodyne. You of the Planning Board can prevent the untoward consequences of multiple health hazards, and those of costly and endless legal actions sought by ill employees, sickened hotel guests, and compromised residents. Consider this: would the Town of Smithtown endeavor to allow the frailest of our citizens - (our nursing home seniors) - reside on a site known to contain legacy chemicals, among which include, lead arsenate, methyl bromide, naphthalene, and calcium cyanide? “The Smithtown Planning Board must seek a thorough and immediate investigation mapping the

remaining pools of contaminants and analyzing their concentrations within the surface and underground. The Smithtown Planning Board must seek a comprehensive study of the effects, both short- and long- term, to human health by exposure to these legacy chemicals. The Smithtown Planning Board must seek a thorough investigation of the potential environmental hazards to wildlife on property, as well as to those in local waters from exposure to leached legacy chemicals. “Overall, any DEIS submitted to the Smithtown Planning Board for development of Gyrodyne property must include a thorough and comprehensive study of its legacy chemicals, including the analysis of discrepancies between the 2004 study by Stony Brook University, and the more recent citations of a Gyrodyne employee about legacy pollutants, as noted by the last speaker at the Jan 8th public hearing. “The current DEIS failed to address these matters, and for this reason underserved the residents of St. James, those in its surroundings, the residents of the Town of Smithtown, the legacy of Flowerfield moving forward, as well as any of Gyrodyne's future employees, guests, or residents of the site. A DEIS which fails to mention or investigate legacy contaminants present at its site renders it invalid. (52)

“This site has a history of contaminate -- of soil contamination. I don't know if anybody has assessed the of a potential Superfund site.” (76)

Response 11: Multiple sampling events have been performed at the site (2004 Phase II ESA starting on FEIS page G-421; 2006 and 2007 surface soil sampling starting on FEIS page G-549 and G-590; 2008 industrial area sampling starting on FEIS page G-381; 2011 supplemental UIC sampling starting on FEIS page G-291; 2017 Phase II ESAs starting on FEIS pages G-3 and G-192) where samples have been analyzed for VOCs, SVOCs, metals and/or pesticides. The results of those sampling events have not identified impact above applicable standards with the exception of low level pesticides (and mercury at one location) in surface soils which will be managed during construction in accordance with applicable regulations (6 NYCRR Part 360 which includes provisions to regulate soils generated during construction activities, and requirements for imported fill material), and impact to onsite sanitary systems and storm drains which has since been remediated to the satisfaction of SCDHS. Throughout the various environmental investigations that have been performed, at no time has impact that would be indicative of the subject property being a potential Superfund site been encountered.

SOIL-12 “I'm composing this email to inform you that I have serious concerns about the proposed Gyrodyne OVER-development project. The recent release of the DEIS is a cause for concern. The unhealthy effect to our environment from previously discarded toxic chemicals such as: methyl bromide and lead arsenic was not even identified in the study. These dangerous chemicals have not been removed from the property. Our health should be your concern too”. (54)

Response 12: See Response 1.

SOIL-13 “Let's investigate the ground contamination and the impact that could have on our community and its residents.” (34)

“In terms of environmental protection, the DEIS report is very sketchy. We have found documentation (attached) of past use of such toxins as Methyl Bromide and lead arsenate, yet the DEIS omits any mention of this, and reports no environmental cleanup. Why is these no mention of documented use of toxins? “Have you investigated the methodology used by Cameron? Where is the map that DEIS should provide to specify sample location? Were enough samples taken for a property of this size? Were samples taken under ground that has been paved over, or converted to use as artificial ponds? Does the methodology meet accepted industry Best Practices?” (50)

Response 13: The documentation provided by the commenter consists of a letter to Flowerfield

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

Bulb Farm from the Dow Chemical Corp. dated July 24, 1941 which includes pricing and instructions for usage of methyl bromide as a fumigant, an index card from USDA dated April 14, 1945 which includes information on using lead arsenate to control tent caterpillars, a USDA document dated July 3, 1942 which includes information on using lead arsenate to control Asiatic garden beetles, and a letter to Flowerfield Bulb Farm from Ralph J. Pommert, Gladiolus Grower, which includes contact information for the manufacturer of chlorasol. These documents appear to be informational only, and are not purchase orders, receipts or other confirmation that Flowerfield Bulb Farm purchased and used methyl bromide, lead arsenate or chlorasol.

Chlorasol – samples collected in 2008 and 2017 included analysis for ethylene dichloride (aka 1,2-dichloroethane) and carbon tetrachloride. Neither compound was detected above applicable standards.

Methyl Bromide – samples collected in 2008 were analyzed for methyl bromide (aka bromomethane). Bromomethane was not detected in these samples. It should be noted that NYSDEC has not established an SCO for bromomethane.

Lead Arsenate – Samples collected in 2006, 2007, 2008, and 2017 were analyzed for lead and arsenic. With the exception of lead in several sanitary systems that have since been remediated to the satisfaction of SCDHS, lead and arsenic have not been detected at concentrations exceeding current NYSDEC Unrestricted Use SCOs.

The assertion that no environmental cleanup has been performed is inaccurate. During various environmental investigations at the site from 2004 to 2017, two conditions have been identified:

- Pesticides (and mercury at one location) in surface soils that exceed Unrestricted Use SCOs, but whose measured levels are below Restricted Residential SCOs. This area will be managed during construction in accordance with applicable regulations including 6 NYCRR Part 360. The regulations include provisions to regulate soils generated during construction activities, and requirements for imported fill material. This will ensure that excess soils generated during construction are properly handled, and that material imported to the site during construction meets the fill material requirements specified in 6 NYCRR Part 360.13 (i.e., prevent contaminated soil from being imported to the site as fill material).
- Impact to onsite sanitary systems and storm drains above SCDHS standards which has been remediated to the satisfaction of SCDHS and resulted in SCDHS issuing a No Further Action Letter. See Response 7 for further detail regarding remediation of the onsite sanitary systems and storm drains.

The DEIS includes over 1,800 pages of environmental site assessments and remediation reports (provided as Appendix I in the DEIS; summarized in Section 4 of the DEIS, pages 4-7 through 4-15. Please also see Response 1.

SOIL-14 “I have some serious concerns. I should have taken place. There are a lot of legacy pollutants that persist at that site. I have documentation that I would be happy to provide to you that is from when it was owned by Flowerfields back in the early -- prior to 1950. Some of these contaminants include, led, arsenic, naphthalene, calcium cyanide, methylbromide, and a number of other substances that are not recognized. At the time they were not; but now they are. They have the potential to cause grave impact to health -- human health and our environment. Some of these chemicals are persistent and stay in the ground for many

generations. And unfortunately, they have the potential to leach into our sole source aquifer. That will be incredibly problematic if we want to continue to live cancer-free and free of neurological and developmental disabilities for our children. I think that for the Town not to conduct a rigorous and more thorough evaluation and remediation of this proposed subdivision, in my opinion, would be negligence. I just wanted to also point out one other detail, the Environmental Impact Statement prepared for SUNY, Stony Brook back in, I believe, it was 2004, they interviewed -- this was performed by KTR -- I believe they interviewed Clint Borgstrom (phonetic). He was an employee of Gyrodyne, and the questions pertained to whether there were any hazardous materials known at that facility at that site. He answered affirmatively to just about every question. That stands in stark contrast to the EIS that was provided this year. Marigene Galluccio, she answered this on behalf of Gyrodyne. She worked there for 13 years, and she answered no to every single question that Mr. Borgstrom answered yes to. That's concerning to me, that there is such a contradiction between the two EIS's considering they pertain to the same exact property. I think it raises some fundamental questions of validity of some of the statements and conclusions reached in this report, and I would encourage you to do stronger and more thorough due diligence before you approve this subdivision". (93)

Response 14: With respect to legacy pollutants related to the former Flowerfield Bulb Farm, surficial soil sampling was performed from 2006 to 2008 with 53 samples collected from 28 soil borings. Samples were analyzed for VOCs, SVOCs, metals and/or pesticides. With the exception of low-level pesticides (and mercury at one location) in surface soils which will be managed during construction in accordance with applicable regulations (6 NYCRR Part 360 which includes provisions to regulate soils generated during construction activities, and requirements for imported fill material), no impact related to the former agricultural usage has been identified. For further detail, please see the Responses 1, 8 and 13.

With respect to the Phase I ESA questionnaires, it should be noted that the questionnaire responses were provided by two different Gyrodyne employees with a gap of 14 years between the Phase I ESA questionnaires being completed. The responses to the 2017 Phase I ESA questionnaire did not alter and would not support the alteration of the scope or findings of PWGC's 2017 Phase I ESA or 2017 Phase II ESAs which were performed in accordance with ASTM standards E1527 and E1903, respectively as well as standard industry practices.

2.5. Topography

No comments were submitted on this topic.

2.6. Ecology (Vegetation and Wildlife)

ECOL-1. "Wildlife: The DEIS states that "Forty-five bird species have been observed on the subject property with an additional thirty-five species expected to occur based on the habitat types present". The DEIS then goes on to list these species. However, there are quite a few other species, notably additional species of warblers and thrushes, which undoubtedly utilize the property during Spring and Fall migration. The DEIS should more closely evaluate the full diversity of avifauna likely to use the parcel and thus be adversely impacted by its development. E-bird may prove useful in further documenting bird species utilizing the habitats at Gyrodyne". (28)

"My concern, yes, of course, I'm concerned about the wildlife." (84)

Response 1: It is correct that several additional bird species may occasionally utilize the site

during Spring or Fall migration. However, such use is both highly variable (both in number of species and number of individuals in a given year) and highly transitory (with individual birds likely to spend only a few hours at any given location). Attempting to identify every species which might potentially visit a site dilutes focus from those fewer species which will depend upon the site for one or more periods of their life cycle. Rather than generating a comprehensive site checklist, the analysis in the DEIS focused on the potential importance of the site to those species which would be expected to use the site for a prolonged period (e.g. nesting, overwintering) or which reliably migrate through Long Island in such numbers that individuals would likely be present during a substantial portion of the migration seasons.

ECOL-2. “Sustainability should include the use of bird-friendly windows in any building design, maximum use of native plants for landscaping, and maximize natural buffers and native plantings around existing ponds and wetlands on the site”. (4)

“Window/bird collisions are one of the most significant causes of avian mortality in North America with as many as 1 billion birds dying from collisions with windows annually. The DEIS fails to identify nor assess this potential impact. Given the types of buildings proposed, likely fitted with larger windows, the DEIS should assess this issue and provide strategies for ameliorating impacts such as recommending the incorporation of bird friendly building design into the project”. (28)

“Many thousands of birds (likely close to 100 species all told) use, nest on, or migrate through this property. Window collisions can be a serious source of mortality, depending on type of glass used. What is the plan for requiring glass that would alleviate bird strikes to windows? (39)

“There is also no plan in place for sustainable power sources to help offset climate issues. Solar panels over the parking lots should be considered. The possibility of geothermal pumps and/or wind turbines might also be considered.” (76)

“The last thing I will say has to do with... windows bird collisions. We know, and it's something that's unassessed in the DEIS. We know that one of the major wildlife impacts of development is birds flying into windows. It's been getting a lot of attention nationally. You may be aware of it. We know that upwards of a billion birds a year die in the United States flying into windows of commercial buildings and residential buildings. It makes it the second largest cause of mortality behind cat predation, and it's something that we would like to work on. It is not something that's discussed in the DEIS, nor is the idea of incorporating bird-friendly building design into the buildings and the windows assessed. We think it really should be, because the nature of the buildings that are proposed here -- we are not just talking about homes where they are rather small, you know, windows -- we are talking about a campus setting with -- presumably with facilities that have fairly large windows that could pose a problem. So we would ask that that be incorporated as well”. (80)

Response 2: Building and detailed engineering design comments are premature at the subdivision phase. The comment is duly noted for future reference.

ECOL-3. “Another leading source of animal mortality is being struck by vehicles. This is especially notable for slow- moving reptiles such as turtles. However, this potential impact is not assessed in the DEIS. The DEIS should analyze this potential impact and discuss the merits of techniques to mitigate roadkill such as installing mountable, wildlife friendly curbing to facilitate wildlife movement.” (28)

Response 3: The DEIS conforms to the Final Scope. With respect to curb design, the property owner(s) will abide by the requirements of the appropriate reviewing agency. Please also note that on-site roads are designed with roadside swales (no curb) that would not impede wildlife

movement.

ECOL-4. “Use of Native Tree Species: The applicant proposes to plant several hundred trees throughout the property, utilizing several non-native species. We strongly encourage the town to require planting of tree species that are native to Smithtown. The native species occurring at the nearby Avalon Preserve can serve as a good guide as to appropriate species. The DEIS should evaluate the benefits of planting strictly native species. (28)

Response 4: The plant list in the DEIS (starting on page M-14) is comprised of native species. All plants listed in the plant list are noted as being native to the region per the United States Department of Agriculture (USDA) Natural Resources Conservation Service. Additionally, most of the plants specified are also identified as “native” by the New York City Department of Parks and Recreation Greenbelt Native Plant Center.

ECOL-5. “Is the Board planning to require that plantings be of native species, for the benefit of native birds and insects? (39)

Response 5: Please see Responses 2 and 6. Also, the plan excludes fertilizing common areas, and includes the use of seed mixes native to the northeast U.S.

ECOL-6. “Retention of existing ecosystems should be considered to the maximum extent possible. The DEIS essentially says that large areas of habitat will be lost, but as there is habitat nearby, the displacement and the loss of habitat is inconsequential. The DEIS fundamentally says the existing open fields have low habitat value or, are common and no great loss, and that certain species are common and not worth protecting. Given the fact that the surrounding area is either farm fields or urbanized with homes, retention and improvement of ANY habitat within the 26 acres to be left open is critical and should receive a hard look. Elimination of turtle habitat is unnecessary, as areas around the ponds and rain garden complexes can be preserved”. (40)

Response 6: Please see Open Space Figure 1-4 on page 10, which delineates the open space into natural landscape to remain, natural/replanted buffer areas with native revegetation, and managed landscape areas to remain on the property as part of the proposed subdivision. The open space will comprise approximately one half of the total land area. As shown in the figure, the land around the existing ponds/wetland and the proposed drainage reserve areas (rain gardens) will remain a natural landscape character and open.

ECOL-7. “As for the birds, which is what Audubon is actually known for, the language in the DEIS states that eastern meadowlarks and kestrels are On-site and it's inconsistent with the lack of healthy functioning native areas provided. These birds need large contiguous areas, and the areas provided On-site are insufficient. Assuming that these grassland birds are still present, what is the mitigation measures for the loss of this habitat? If the project is to move forward, the lot should be configured to provide 50 percent of uninterrupted contiguous meaningful protected open space. That is separate from the developed area and invasive species on the property especially in the buffer area should be mitigated. When I say mitigated, I don't mean that they should be removed to let new invasives grow in their place, it means a considered plan to remove invasive species and replant with native vegetation, and also a three-year monitoring plan so that the invasive plants do not reinfest the area... Bird-friendly building design and elements should be used on the medical buildings if they are to be put in, and the assisted-living facilities and any other buildings...Since this proposal, Four Harbors Audubon would be pleased to offer its assistance in the continued development of the plan for the Gyrodyne site.” (76)

Response 7: This comment is duly noted. While it is unlikely that American Kestrels and Eastern Meadowlarks would actually be found on the Gyrodyne property, these species were added to the Final Scope for the DEIS and studied in the DEIS at the request of a Town of

Brookhaven official.

ECOL-8. “I have one request. In looking at the Tree Clearing and Planting Plan, the trees that are cut appear to me to be the trees that are necessary to be cut for the sewage treatment plant, as well as the interior roads, but none of the other trees on the lots are showing as cut, and know that some are going to be cut at some time in the future. The [Conservation] Board gets involved in tree clearing on lots of 5 acres or more. So I’d like to request that the client concede to letting us [the Conservation Board] review the individual lots that are less than 5 acres for tree clearing and planting purposes...at the time of site plan [review].” (100)

Response 8: The applicant agrees. Of note, the only lot smaller than 5 acres is the hotel lot.

ECOL-9. “I was there the other nite [sp], but couldn’t get in, signed my name as my father expressed they will remove and take out all the trees. I signed my name in memory to him as well. We used to live in Old Field and Stony Brook ... for 42 years at least. I’m still getting thru loss and am an artist displaying at Islip Art Museum and Southampton”. (17)

Response 9: The application will not take out every existing tree. In fact, it includes planting approximately 330 new trees, more than a 35% increase over current tree inventory.

ECOL-10. “The DEIS states in several places that the project embodies sustainable development and contains sustainable elements but provides short shrift to actually committing to implementing sustainable practices that are not legally required (with the exception of the proposed use of moisture detection devices). Either use of “sustainable” should be deleted or the DEIS should be amended to incorporate significant sustainable elements to which the project sponsor is willing to commit”. (28)

Response 10: The verbiage reflects the level of certainty that is practical at the subdivision phase. The Town’s Findings Statement will identify any necessary requirements for any approved subdivision.

ECOL-11. “They [Stony Brook University] destroyed animal habitats. They had a massive demolition of the trees there. That’s why most of us are now eating dinner with deer every night. Their habitats have been destroyed. They are on my front lawn. I think I win the prize here tonight. I have lived in Stony Brook for 53 years. In 53 years, only in the past five years have I seen deer every day. They’re coming from somewhere. Their habitats are being destroyed at Gyrodyne, and the University is responsible.” (58)(90)

Response 11: The University’s development pre-dates and is unrelated to this application. The DEIS for the Gyrodyne subdivision did not identify impacts to deer habitat, and in fact, the mitigation includes planting of over 330 trees and maintaining approximately 35% of the site as open space.

2.7. Groundwater, Stony Brook Harbor, Watersheds, Water Quality, STP

GW-1. “Stony Brook Harbor is a tidal estuary less than 2 miles from the Gyrodyne site. Stony Brook Harbors’ water chemistry is protected from the kinds of pollution that have affected every other North Shore harbor by the extensive open fields and woodlands that surround the harbor and absorb and transmit rainwater into it...The DEIS does not provide adequate context for understanding the flow of groundwater through the soils beneath the surface of these properties and its ultimate impact upon the water chemistry of the Stony Brook Harbor. The DEIS does not address the exceptionally slow rate of flushing that is characteristic of the tidal dynamics of this

harbor and that water can remain in the harbor for up to 12 days. As a consequence, even a modest increase in nitrogen can have a profound adverse effect on water chemistry. The DEIS fails in its due diligence by treating all bodies of water as if they are the same”. **(1)**

“Of greatest concern is the lack of...2. Science based predictions on the long-term effects on water quality of nearby Stony Brook Harbor”. **(14)**

“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...pollute our clean air and drinking water, and pollute wildlife and waterways.”. **(19)**

“A statement by the Three Village Civic Association points out the potential to...threaten the water quality of Stony Brook Harbor”. **(24)**

“We feel that the development will... pollute Stony Brook Harbor. We are strongly against it”. **(27)**

“My biggest concern is the 7-acre sewage plant and its impact on Stony Brook Harbor and our other beautiful waterways.”. **(33)**

“I am opposed... Pollution in Stony Brook Harbor and surrounding waterways.” **(42)**

“Addition nitrogen will pollute Stony Brook Harbor and destroy the remaining water/aquatic marine life we have left.” **(56)**

“Our concerns are many including...Pollution in Stony Brook Harbor and surrounding waterways.” **(59)**

“That leads me to the other concerns that we have, and that has to do with a better assessment about some of the impacts. Again, as Joy mentioned to you, the DEIS talks about calculations, nitrogen loading calculations in Stony Brook Harbor that suggest that it will increase by about 4 percent. That sounds like it's minor. If I say that we gained 4 percent eating over the holidays, people will think, well, maybe that's not that big of a deal. 4 percent doesn't sound like a lot. 4 percent can be, from an ecological perspective, catastrophic. And I see in the audience we've got Dr. Larry Swanson here, who can speak more to this about the tipping points in ecosystems. But you add 4 percent more nitrogen into Stony Brook Harbor, what could be the impacts? They are not just necessarily linear, where you might just have a little bit more of an impact. And we'd strongly encourage you and ask that you assess in the DEIS specifically what that 4 percent increase might mean ecologically to the ecosystem of Stony Brook Harbor”. **(80)**

“My biggest concern is Smithtown Bay, St. James Bay, and Stony Brook Harbor.” **(84)**

“I have spoken to many of my colleagues that represent this area, some of which have submitted letters this evening, and some that have been represented here today regarding the infrastructure needed to support such a project. Specifically, the potential of a regional STP that will discharge into our groundwater. I too share these concerns, particularly considering the sensitive nature of Stony Brook Harbor and the recent Suffolk County Subwatershed Plan that indicates sanitary wastewater from the site will absolutely affect the harbor. Should there be any approval on this application the proposed development as laid out in the DEIS should be significantly reduced in density to avoid negative impacts to Stony Brook Harbor. The DEIS does not appropriately address this issue, but rather gives variations and iterations of the same project. That was stated by Supervisor Romaine.” **(85)**

“The concerns raised about... additional nitrogen, and groundwater going into Stony Brook's Harbor, shellfish beds and the Sound strike me as serious and sufficient to stop this project.” **(92)**

Response 1: Please note that the FEIS Development Plan is neither proposing a 150-room hotel and restaurant nor does it propose a 440-unit assisted living facility. The FEIS Development Plan contemplates a 125-room hotel (without a restaurant) and 250 assisted living units.

Multiple DEIS readers have commented that they believe Gyrodyne's nitrogen contribution to Stony Brook will increase 4% with the Proposed Plan. However, the nitrogen model calculated no net increase in nitrogen contribution. The Proposed Plan has a modest decrease of nitrogen contribution. Therefore, the proposed sewage treatment plant will not negatively impact Stony Brook Harbor; it will improve future water quality in Stony Brook Harbor by reducing overall nitrogen loading.

The DEIS compared the total contribution of nitrogen from all sources including fertilizer, wastewater, stormwater including atmospheric. Modelling using the BURBS (Cornell University) model yielded a total nitrogen loading to groundwater of 32.4 lbs. of Nitrogen per acre per year. This loading is equivalent to 1,102 kg/yr. The best reference available at the time of the development of the DEIS was the University of Connecticut (UCONN) model constructed for Stony Brook Harbor (Harbor) that calculated a total Nitrogen loading to the Harbor by the adjacent watershed of 27,777 kg/N/year. Using the UCONN value for total Nitrogen loading, the projected loading of 1,102 kg/yr from Gyrodyne is equal to 3.96% (4%) of the total load as noted in the DEIS. Several comments to the DEIS indicated that the reader(s) believed incorrectly that the proposed Gyrodyne Project would be contributing an additional 4% Nitrogen loading to the Harbor.

The Proposed Action reduces nitrogen loading by 43.8 lbs per year, and the FEIS Proposed Action reduces nitrogen loading by 67.9 lbs per year.

The Three Village Civic Association statement does not appear on the written DEIS comments. Please also see Responses 2 and 3. The proposed on-site STP is not proposed as a "regional" facility.

Table 2-1: Nitrogen Concentration (Existing, Proposed in DEIS, and Change)

	Existing Conditions lbs/day (lbs/yr)	Proposed Buildout Conditions lbs/day (lbs/yr)	Change in Nitrogen lbs/day (lbs/yr)
Gyrodyne DEIS Subdivision Plan	6.78 (2,474.7)	6.66 (2,430.9)	-0.12 (-43.8)
SCSWP – Stony Brook Harbor & West Meadow Creek Subwatershed*	530.5 (193,632.5)	581.4 (212,211)	+50.9 (18,578.5)
Gyrodyne's percent contribution (DEIS)	1.28%	1.15%	-0.13%

**Build-out Scenario completed in SCSWP based on recommendations from SC Department of Economic Development and Planning*

These calculations were updated according to the revised FEIS Proposed Action, which has lower nitrogen loading than the DEIS Proposed Action.

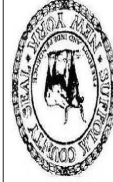
Table 2-2: Nitrogen Concentration (Existing, Proposed in FEIS, and Change)

	Existing Conditions lbs/day (lbs/yr)	Proposed Buildout Conditions lbs/day (lbs/yr)	Change in Nitrogen lbs/day (lbs/yr)
Gyrodyne FEIS Subdivision Plan	6.78 (2,474.7)	6.59 (2,406.8)	-0.19 (-69.4)
SCSWP – Stony Brook Harbor & West Meadow Creek Subwatershed*	530.5 (193,632.5)	581.4 (212,211)	+50.9 (18,578.5)
Gyrodyne’s percent contribution (FEIS)	1.28%	1.13%	-0.15%
<i>*Build-out Scenario completed in SCSWP based on recommendations from SC Department of Economic Development and Planning</i>			

GW-2. “Connecting the Lake Avenue business district to the Gyrodyne sewer will enable significant expansion of sanitary use. The DEIS fails to address regional expansion scenarios that would impact the nitrogen load that reaches the harbor. In a poorly flushed harbor such as Stony Brook, what impact will increased nitrogen loads have on the water chemistry? Will harmful algae blooms be more likely as well as eutrophication which causes mass fish deaths; and, kills the root systems of the salt marsh grass *Spartina alterniflora*. “Another area of serious concern not addressed in the DEIS is the signification eutrophication that occurs in Smithtown Bay due to stratification and a restriction in circulation that traps water and prevents flushing. According to Save the Sound, “the tidal circulation in Smithtown Bay is greatly reduced when compared to the Sound proper (as much as 70 percent less than comparable areas in the central Long Island Sound Basin) because Cranes Neck (on the east) and Eatons Neck (on the west) block the dominant east-west tidal flow.” The Gyrodyne sewer will have a poorly flushed Stony Brook Harbor that empties into a poorly flushed Smithtown Bay. “Save the Sound goes onto report that, “the lack of mixing allows water in Smithtown Bay to become stratified during the summer, a process where warm fresh water floats on top of colder saltier water, and seals off the bottom water from access to oxygen from the surface.” The DEIS does not consider the local physics, chemistry, and biology of Stony Brook Harbor and Smithtown Bay and how this unique coastal complex is geomorphologically unsuitable to be the receiving body of the effluent of a massive commercial development and a sewage facility that may be handling unknown amounts of effluent from off site”. (1)

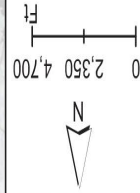
Response 2: Please see Response 1 and two figures below from SCSWP (with the Project Site outlined by the applicant). Figure 2-3 and Figure 2-4 follow and indicate the Subwatershed boundaries with Land Use and 50-year Contributing Area.

The DEIS recognizes the physical oceanographic dynamics of both Smithtown Bay and Stony Brook Harbor as described by the LISS and Swanson et. al. The nitrogen contribution from Gyrodyne’s Proposed Project is less than the contribution from Existing Conditions at the Project Site. The SCSWP subwatershed boundary for Stony Brook Harbor/West Meadow Creek includes the St. James Business District. Should the St. James Business District incorporate its own sewer district, Gyrodyne LLC has previously stated that it is amenable to discussing connection, pursuant to Suffolk County and Town of Smithtown requirements.



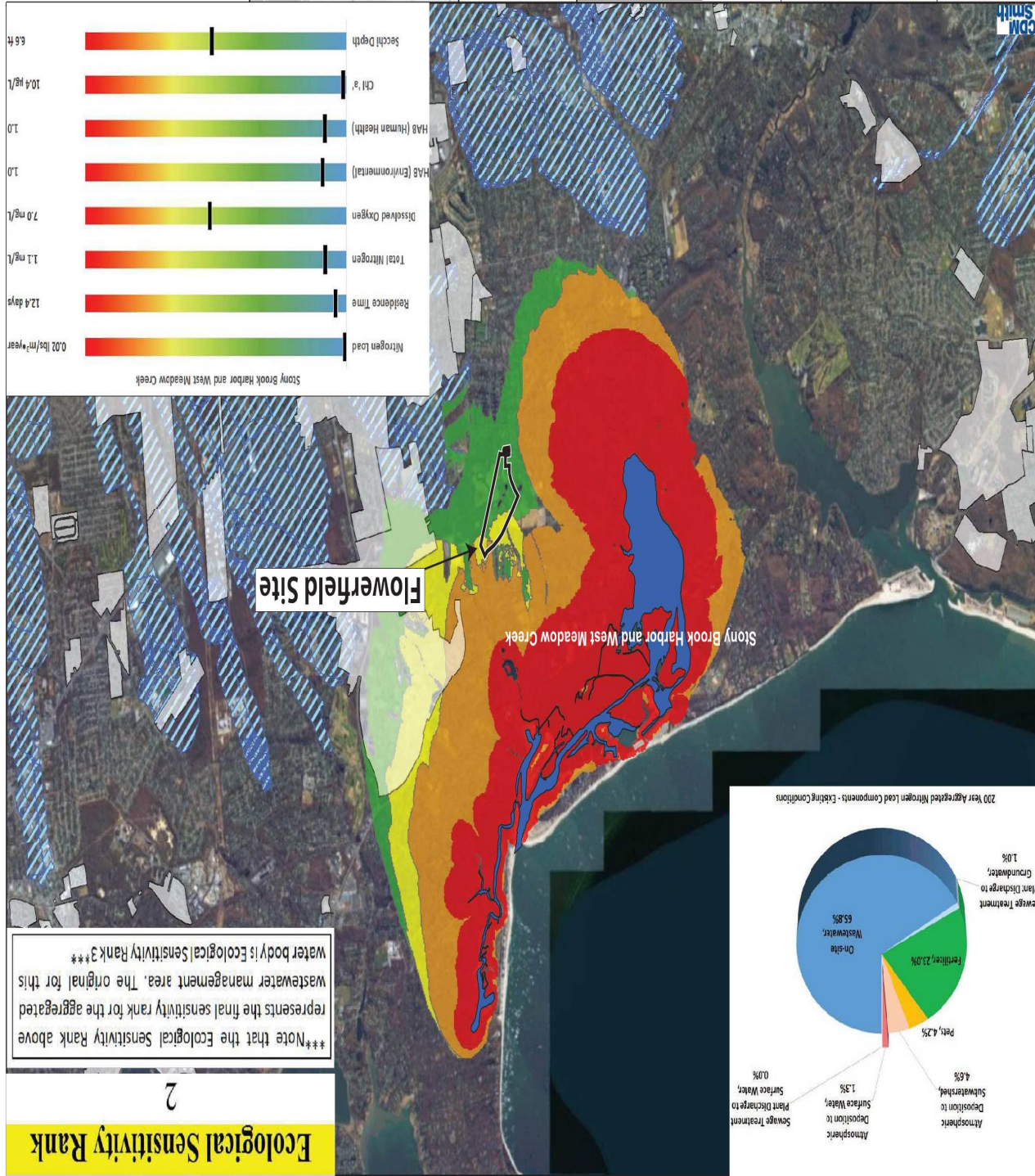
Management Area/Nitrogen Reduction Goal 2 37%

Subwatershed is Well Characterized
 Travel Time (Years)
 0 to 2
 2 to 10
 10 to 25
 25 to 50



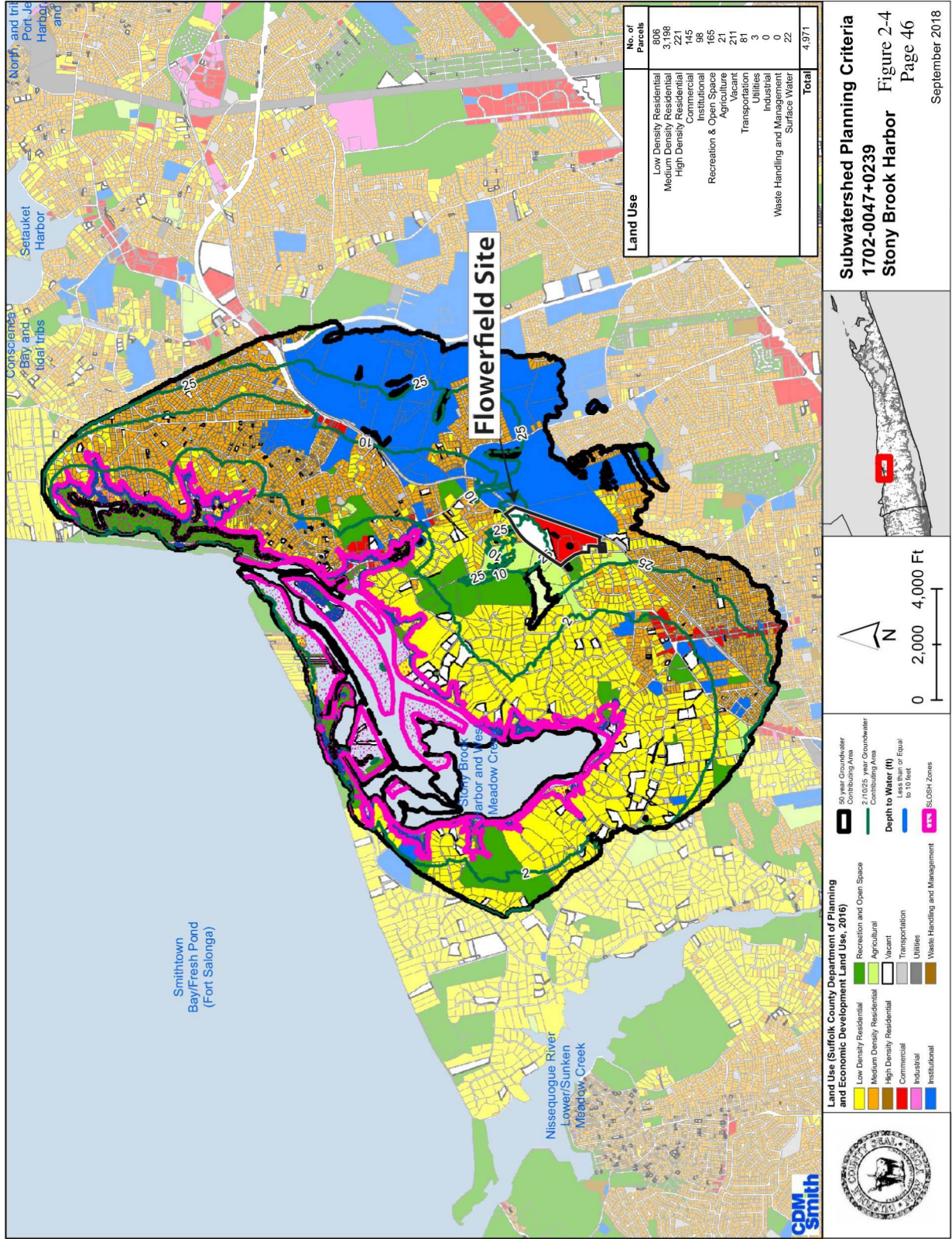
Wastewater Management and Water Quality Characterization 50 Year Contributing Area 1702-0047+0239 Stony Brook Harbor

Page 45
 Figure 2-3



Note that the Ecological Sensitivity Rank above represents the final sensitivity rank for the aggregated wastewater management area. The original for this water body is Ecological Sensitivity Rank 3

Ecological Sensitivity Rank
 2



GW-3. “Future Hookups to the Gyrodyne Sewer: Will Gyrodyne’s sewer capacity be offered to any developed or undeveloped areas of land outside of the Lake Street area? The DEIS should include discussion of and evaluation of the cumulative impacts of possible future hookups including the Stony Brook University Research and Technology Park and the Bull Run Assisted Living proposal. Unfortunately, the DEIS is woefully short on details regarding the proposed Gyrodyne Sewer. This needs to be corrected. Questions that the DEIS needs to address include: “will this on-site plant become a regional sewer district dumping vast amounts of nitrate into Stony Brook Harbor?...and; what specific type of sewer system will be purchased and installed and will it predictably remove nitrate?...and, what is the specific anticipated travel time of sewer effluent to the harbor?” It should also be noted that unlike any other North Shore Harbor New York State owns most of the bottom of Stony Brook Harbor. This almost 900 acres of State ownership is a public trust that the Gyrodyne project and its sewer effluent must not be allowed to violate. What will be done to protect this public trust from progressive deterioration of the water chemistry of the Harbor? These and other related, meaningful unaddressed questions need to be answered and resolved before this project is allowed, as proposed, to seal the fate of the Stony Brook Harbor. Similarly, and in the larger sense the Gyrodyne project as proposed must not be allowed to negatively impact the quality of life of our two towns”. (1) (73)

“The EIS should also include an analysis of impacts related to the growth-inducing aspects of a regional STP. The following guidance from Suffolk County Department of Health Services should be followed; it would appear to indicate that this site is inappropriate for a regional STP.” (4)

“I have heard that the effluence from a 7-acre sewage treatment plant would flow directly into Stony Brook Harbor (Brookhaven). I have read informed critiques of the environmental impact statement submitted by the developers that point to remaining concerns about what the plant will do to the Sound in Stony Brook as well as Smithown and neighboring areas on the shore. People have houses on and near the water and many more people enjoy the beaches all year round. Further, it is alarming to hear that the "regional" sewage treatment plant is already being considered as step toward further development in St. James and along 25A in St. James/Smithtown.” (48)

“The DEIS fails to take a hard look at the impacts associated with building a regional sewage treatment plant on the Stony Brook Harbor, one of the most threatened inland harbors on the north shore.” (82)

Response 3: There are a number of comments from readers of the DEIS that state that the proposed Gyrodyne wastewater treatment facility (Facility) is going to be a “regional facility”. With the Gyrodyne Facility rated at 100,000 gpd, it is not of the scale to be considered a “regional” facility.

The term “regional” typically applies to a large geographic area. Suffolk County’s Southwest Sewer District No. 3 Bergen Point Sewage Treatment Plant (STP) is a regional treatment facility that serves a large population in the towns of Babylon and Islip. The Bergen Point STP has a capacity of over 40 Million Gallons per Day (MGD). Suffolk County currently hosts over 200 wastewater treatment facilities, with many between 100,000 and 200,00 gpd treatment capacity, which are not considered “regional facilities.”

The Town of Smithtown forwarded the report from their consultant which that the St. James Business Corridor could generate as much as 71,000 gpd. Gyrodyne has designed the STP without the intention of accepting outside flows. However, at the request from the Town of Smithtown, Gyrodyne analyzed potentially adding the flow from this business corridor. Please see Responses 1 and 2, and note that the DEIS included information regarding the

treatment system selection. See below:

“The treatment process will include headworks and flow equalization as well as primary, secondary, and tertiary treatment. This level of treatment will be achieved through the implementation of screens, Sequencing Batch Reactors (SBR), and disk filters for effluent polishing. The Ultrascreen disk filter will achieve a higher quality effluent, which will be recharged to groundwater through a leaching field adjacent to the STP.”

GW-4. “We did state in our November 8, 2017 correspondence that we would support an on-site sewage treatment plant, even better if that plant services the Lake Avenue area. The Village of Head of the Harbor is in the watershed for the Gyrodyne property and our concern is to minimize the negative impact of the area’s drinking water quality and reduce the impact of pollution that runs downhill into Stony Brook Harbor. A sewage treatment plant will help reduce the negative impact on water quality as well as offer a benefit to the surrounding St. James community”. (2)

Response 4: As noted in Responses 1 and 2, the proposed nitrogen contribution from the Gyrodyne Flowerfield Project is less than existing conditions. With respect to the Lake Avenue area (St. James Business Corridor) see Response 3.

GW-5. “Additionally, the danger posed by sewage seepage and the lack of an environmental study show disregard for the present inhabitants and users of the area. This project should not go forward.” (64)

“The project will have potentially significantly water quality/ecological impacts to Stony Brook Harbor, one of the most significant coastal embayments on Long Island’s north shore, by increasing nitrogen loading to the harbor an additional 4%. A conservative estimate that only accounts for pollutants generated on site but not the unknown quantities that would come from its operation of a regional sewage treatment plant. Yet, the DEIS does not evaluate what effect this could have on the ecological integrity of the harbor and whether this additional loading could cause an ecological tipping point. The DEIS should be required to assess what this additional loading may mean to the integrity, stability, and composition of this estuarine system”. (3) (4)

“I’m concerned about the harbor, which is unique, which our towns share; and Stony Brook Creek, which our towns share.” (72)

Response 5: See Responses 1 and 3.

GW-6. “The density of the proposed development, and the planned construction of a regional sewage treatment facility appear to be directly contrary to the low-density zoning that the Village of Head of the Harbor, the Village of Nissequogue and Avalon Park have enacted to protect local waterways. We do not believe that Gyrodyne should be allowed to singlehandedly undermine these long-term efforts to protect natural resources simply because they have a zoning classification that was based on WWII manufacturing that ceased many years ago. It is my belief that recent data in Suffolk County’s Subwatersheds Plan and in the USEPA’s Long Island Sound Study support the need to decrease the density and associated water quality impacts on this 75-acre parcel.” (3) (72)

Response 6: The Suffolk County Comprehensive Water Resources Management Plan (2015) recommends the creation of privately run decentralized sewer districts. Please also see the response to GW-1; the proposed treatment plant will not be a “regional” plant.

GW-7. “The 4% increase in nitrogen loading to Stony Brook Harbor is based on the best-case scenario of the effluent from the STP remaining at or below 7ppm of nitrogen as well as a series of assumptions that are not clearly stated. While STPs may perform at this level for periods of time it is common for STPs in the area to operate at 10ppm nitrogen, and sometimes above that

level. Any calculation of nitrogen loading should be based on the average STP effluent concentration of nitrogen over the last five years in Suffolk County. This figure would provide a more accurate measure of likely nitrogen impacts to Stony Brook Harbor. In addition, the impacts of other contaminants associated with STP effluent such as personal care products and pharmaceuticals need to be analyzed in the EIS". (4)

"...the project involves land uses (Assisted Living Facility and Medical offices) that will very likely produce pharmaceutical products in the treatment plant's wastewater effluent. The DEIS makes mention of pharmaceutical products and states they "present a challenge for removal from water"; however it fails to discuss the fact numerous scientific studies have documented that pharmaceutical products can cause developmental and reproductive difficulties in shellfish, fish, and crustaceans and other marine life. The DEIS should assess this potential significant impact". (28)

Response 7: See Response 1. Page 7-22 of the DEIS stated:

"Referring to the 2016 SCDHS STP Report, published by Suffolk County, the technology to meet the 7 mg/L is available and effectively functioning throughout the County.

The average Total Nitrogen of all the 161 year-round tertiary facilities that were considered low risk was 5.3 mg/l. The average Total Nitrogen for all the 171 tertiary plants including the "high risk" and the seasonal plants in steady state was 5.95 mg/l. The average Total Nitrogen of all the 178 tertiary facilities including those [Not in Steady State]_NISS was 6.25 mg/l...The plants utilizing newer technologies such as [Sequence Batch Reactor] SBR, modular aeration, [Biologically Engineered Single Sludge Treatment] BESST, and [Membrane Bioreactor] MBR have been showing steady performance and increased efficiency in treating wastewater compared to the older tertiary plants." The proposed Gyrodyne Sewage Treatment Plant will feature the SBR treatment technology with effluent polishing. This Facility will be capable of discharging an effluent having a TN concentration of 7 mg/L or less."

Pharmaceuticals are used by a vast majority of the public. Raw wastewater contains both a solid and liquid fraction wherein pharmaceuticals may be present. A modern tertiary wastewater treatment facility that features aerobic processes and filtering of the wastewater can reduce the concentrations of pharmaceutical wastes that are present in the raw wastewater. A residual of the wastewater treatment process is "biosolids" or "excess activated sludge" that will be removed by tanker and taken to a regional plant (Bergen Point STP) for proper treatment and disposal. As the DEIS states, some pharmaceuticals may not be fully degraded by biological treatment processes alone. Ongoing research regarding wastewater treatment of PPCP, has identified additional treatment technologies that can further reduce the concentration of some specific targeted pollutants of concern. Currently there are no established effluent limitations for concentrations of pharmaceuticals in wastewater discharging to groundwater or surface water. In the event that the EPA/DEC or SCDHS establishes such effluent limitations and requires SPDES permit holders to meet such standards, Gyrodyne would determine how best to upgrade the treatment facility to achieve the required effluent limitation.

The Suffolk County Comprehensive Water Resources Management Plan (2015) states:

"In Suffolk County, PPCPs in groundwater are of most concern in densely developed unsewered areas where sanitary wastewater is discharged directly to the ground via on-site septic systems or cesspools. Suffolk County has passed two resolutions to strengthen public awareness of and encourage proper disposal of pharmaceuticals. Resolution No. 762-2008 established a program called Operation Medicine Cabinet, which allows

residents to deposit unused medications in secure receptacles in Suffolk County Police Precincts 24 hours/day and 7 days each week. A companion program to support unused medication turn-in for the five East End Towns has been funded by the Suffolk County Water Quality Protection and Restoration Program (1/4% Sales Tax Program). Resolution No. 181-2011 requires hospitals, nursing homes, hospice facilities and long-term care facilities to file a written plan with the SCDHS annually for the disposal of unused or expired medications in an environmentally safe manner.”

All required entities in the Flowerfield proposed project will adhere to these resolutions.

GW-8. “The EIS indicates that Pharmaceuticals “have already been filtered by the human kidney” inferring a complete lack of understanding that the pharmaceuticals are filtered by the kidney for excretion as sanitary waste. The statement infers that filtration by the kidney in some way addresses pharmaceuticals in sanitary waste. The statement indicates such a complete lack of understanding of the nature of impacts from pharmaceuticals in wastewater that it raises doubts about the wastewater section and other sections of the EIS”. (4)

Response 8: It is recognized that once the pharmaceutical compounds are chemically altered by the human digestive tract (metabolites), they are longer the parent compound to a large degree. These metabolites are challenging to treat due to biological activities within the sewage collection system and treatment plant where additional transformations can occur. This makes identification of suitable treatment technologies to target these compounds challenging. From review of on-going research, progress is being made to identify specific technologies that can improve the capture and/or treatment of a portion of the byproducts of targeted pharmaceuticals. Regulatory agencies at this time do not have sufficient technical and research data to set effluent limitations for this category of pollutants. Should the regulatory agencies set effluent limitations for one or more of these pollutants, Gyrodyne would determine what additional treatment systems would need to be implemented to meet said limitation.

GW-9. “Reference 52 on Page 7-14 States that the EPA estimates range between 4.8 and 13.7 pounds of nitrogen per person per day. The references by EPA are not provided, and the quantity of nitrogen per person per day is not a credible figure. (4)

Response 9: The text of the DEIS stated incorrect units of measurement (9.25 lbs. of nitrogen per person per year is the correct unit). The units that are shown in calculations page in Appendix J were correct. However, this parameter was no longer used in the calculations since it represented a typical concentration of residential units. The value used in the calculations was as follows:

17a. Nitrogen concentration in influent wastewater for mixed-use developments (65 mg/l).

GW-10. “Based on maps in the County’s Subwatersheds Plan, St. James appears to be in a deep recharge area; sewerage would then bring sanitary waste from St. James to be discharged into a shallow recharge area that is part of the Stony Brook Harbor contributing area... The EIS should include mitigation of impacts to Stony Brook Harbor through wastewater reuse and reducing the amount of wastewater to be treated...”

Surface Waters

The siting of STP discharges within 0-25 year groundwater contributing areas to sensitive surface waters should be minimized to the extent feasible. However, when an STP is located within this travel time, the applicant shall provide an advanced treatment process that consistently reduces the total nitrogen concentration to the maximum practical extent. Also, the SPDES permit conditions issued for these systems shall require the nitrogen discharge goal be significantly lower than 10 mg/l.

For STP discharges within 0-25 year groundwater contributing areas to sensitive surface waters, the applicant shall demonstrate that the nitrogen mass loading is significantly reduced by the proposed project, as compared with the mass loading that can occur with a development that complies with the density requirements of Article 6 of the SCSC. A total nitrogen concentration of 50 mg/I may be used when calculating the equivalent mass loadings.

Potential Impacts to Neighboring Properties

The Department may require the applicant to evaluate potential impacts to neighboring properties that may result from the construction and operation of a new STP. (e.g. flooding that may occur from elevated groundwater conditions). For these situations, the submission of a supplemental detailed technical report prepared by a design professional may be necessary.” (4)

Response 10: The DEIS indicated that the Gyrodyne STP effluent will meet requirements set forth by SCDHS/DEC and meet the reduced effluent nitrogen concentration limit. A value of 7 mg/L is typically the reduced effluent limit and was therefore the value used in the design of the Project’s STP.

The recently finalized Suffolk County Subwatersheds Wastewater Plan (SWP, February 2020) has updated groundwater contributing area and travel time maps. The Gyrodyne-Flowerfield project is located within the Stony Brook Harbor and West Meadow Creek Subwatershed. See attached Figure from the SC SWP Appendix D. The Gyrodyne-Flowerfield Project is within two different contributing/travel time areas. The southern and western portion of the Project is within the 25-50 year area, while the remainder is within the 10-25 year area, with the STP effluent recharge located in the latter.

The updated travel time contributing areas for Stony Brook Harbor/West Meadow Creek in the Final SWP, includes the St. James Business Corridor within the 2-10 year and the 25-50 year travel time.

Presently, the St. James Business Corridor is unsewered, as is the vast majority of the Stony Brook Harbor and West Meadow Creek Subwatershed. As such, nitrogen discharges from the private and commercial onsite wastewater treatment systems (OWTS) are discharging sewage effluent having a TN concentration as low as 50 mg/L to a more probable concentration of 65 mg/L (Per SCDHS).

GW-11. “On page 1-6 a read of the Wastewater section focuses on the ability of the required wastewater treatment plant to remove nitrogen. It confuses the reader by stating a nitrogen removal rate without indication of the potential of the STP’s use as a regional facility that will import sanitary waste to the site. The section should be corrected to note the potential maximum nitrogen mass loading that will occur from both the buildout of the property and the use of the STP as a regional facility. The mass loading should be based on the average effluent concentration of nitrogen in STPs in Suffolk County. Unproven, conclusory statements such as “will provide an overall nitrogen reduction of 89%” need to be removed from the document. (4)

“If St. James is able to capitalize on this, with what goes on, more power to them, and I'm happy for them. It's better for the environment, the aquifers having severe problems we all live -- you know, we don't have sewers, and it's a severe problem and it's just getting worse.” (83)

Response 11: See Response 10. In addition, as stated on DEIS page 1-6, the STP’s nitrogen rate is calculated based on a total nitrogen influent concentration of 65 mg/L and an effluent concentration of 7 mg/L, an 89% removal. Therefore, the STP at different flow capacities will have the same nitrogen removal rate (efficiency). When the total nitrogen reduction is quantified and changes with capacity (volume) of sewage being treated it is represented in pounds rather than a concentration or percentage of removed. The comment on importing

wastewater is interesting and valid. Gyrodyne was asked by the Lead Agency (Town of Smithtown) to evaluate the impact on accepting (importing) wastewater from the St. James Business Corridor. As the sewage generated from this area's on-site wastewater treatment systems (OWTS) currently flows into the Stony Brook Harbor/West Meadow Creek, it has a TN concentration on the order of 65 mg/L as per data developed by SCDHS (Justin Jobin memo in DEIS Appendix J) for concentration of TN from OWTS. While indeed there is an increase in nitrogen loading discharged from the Gyrodyne STP Facility, there is a marked decrease in the nitrogen loading from the St. James Business Corridor, should they be treated at this Facility. As the discharge from both locations are within the same Stony Brook Harbor/West Meadow Creek Subwatershed, there is an overall resultant decrease in TN loading to the waterbody which is a positive environmental impact.

Page 7-22 of the DEIS stated:

"Referring to the 2016 SCDHS STP Report, published by Suffolk County, the technology to meet the 7 mg/L is available and effectively functioning throughout the County. The average Total Nitrogen of all the 161 year-round tertiary facilities that were considered low risk was 5.3 mg/l. The average Total Nitrogen for all the 171 tertiary plants including the "high risk" and the seasonal plants in steady state was 5.95 mg/l. The average Total Nitrogen of all the 178 tertiary facilities including those NISS was 6.25 mg/l. The plants utilizing newer technologies such as SBR, modular aeration, BESST, and MBR have been showing steady performance and increased efficiency in treating wastewater compared to the older tertiary plants."

Should the St. James Business District incorporate its own sewer district, Gyrodyne LLC has previously stated that it is amenable to discussing connection, pursuant to Suffolk County and Town of Smithtown requirements.

GW-12. "The placement of the STP and its leaching fields on the eastern most part of the property, directly abutting land located in the Town of Brookhaven and situated on unsuitable soils causes unnecessary impacts to the adjoining neighbors in terms of odor, visual impacts and use. The placement of this industrial use immediately adjacent to single family homes on soils poorly suited to the use is very likely to result in impacts to the health and safety of area residents. The STP and associated leaching areas need to be placed where suitable soils exist and should not be allowed to encroach into the existing covenanted buffer on the site. This area should be open space, undisturbed by the STP, and a natural and/or supplemented buffer planted to separate these two incompatible land uses. (3)(4)

Response 12: The STP's current site meets setback requirements from the SCDHS. The Gyrodyne STP will be completely enclosed within a building and the location will preserve the existing tree line as a natural buffer. There will be extremely limited traffic to this portion of the site, not requiring traffic mitigation or the addition of a traffic signal for the STP access road. Odor control provisions will be provided as necessary. The SCDHS will be reviewing the proposed STP design and will be providing comments that could result in design changes.

Soil borings have been performed throughout this location of the site and have confirmed that soils are suitable for the proposed STP and associated leaching field.

GW-13. "Even worse, the application contemplates bringing sewage from far beyond the site boundaries. It can be reasonably anticipated that the effluent from this regional sewage plant will taint Stony Brook Harbor for generations to come with harmful toxic algal blooms, low dissolved oxygen, fish kills and waters closed to shellfishing. While the financial profit to the property owner will no doubt be large, the public should not be deprived of the use and enjoyment of a vibrant harbor because of the vintage and obsolete zoning on this site. It is worth noting that the

property owner has already received \$167 million in public funds for 245.4 acres of property that was provided for property taken for University use. We must avoid causing damage to a healthy Stony Brook Harbor”. (3)

Response 13: See Responses 1 and 10.

GW-14. “In areas concerning Wastewater Treatment and disposal, the Suffolk County Sewer Agency reserves the right to comment on this proposed project and would like to be informed of all actions taken pursuant to SEQR and to be copied on submittals of the EAF, DEIS, FEIS reports. As per the Draft EIS; the project proposes the construction of a new wastewater treatment plant (WWTP) to facilitate treatment of the wastewater to be generated by the project and adjoining area (project). The construction of an on-site WWTP which treats the wastewater generated from said facility and adjoining area (project) would necessitate the submittal of an application to the Suffolk County Sewer Agency. (5)

Response 14: This comment is duly acknowledged.

GW-15. “Impact on local watersheds: While the DEIS notes a the proposed sewage treatment plant would impact nearby Stony Brook Harbor and other local watersheds, it does not specify targeted actions that would reduce nitrogen loadings in nearby waterbodies as the result of development aside from noting all projects would have general compliance with existing environmental guidelines. (11)

“In its current design, the Gyrodyne development provides no consideration of stormwater runoff from the proposed project's impervious surfaces along the Route 25A corridor. Nearby woodlands, wetlands, Mills Pond, Stony Brook Harbor, and the Long Island Sound could be exposed to contaminate runoff.” (86)

Response 15: As stated in the DEIS, the Proposed Action will decrease nitrogen from the site as compared to existing uses. This takes into account wastewater treatment, limiting areas for fertilizer use.

Also stated in the DEIS: the proposed stormwater management practices, combining vegetated open swales, drywells, and infiltration basins in the form of drainage reserve areas, work together to preserve natural resources, reduce impervious surface, and reduce runoff. The preliminary subdivision is designed to slow down the flow of runoff to increase the time of concentration over vegetative swales, filter runoff through unfertilized vegetative swales, promote infiltration and evapotranspiration, and improve the water quality of groundwater recharge. These practices are also expected to reduce sedimentation and dissolved pollutants from reaching the ponds, which will protect the freshwater wetlands and provide water quality improvements. An integral component of the stormwater management design is replicating the approximate pre-development and post development runoff conveyed to the ponds. This stormwater design approach was coordinated and endorsed by NYSDEC staff (see Appendix B of the DEIS).

GW-16. “Regarding the location and size of the water treatment plant – “It should be sized to accommodate only the on-site needs. It should not be available for use by buildings on other properties, whether currently existing or to be added in the future. If other buildings need a water treatment plant, another should be built on property FURTHER from Stony Brook Harbor”. (23)

Response 16: See Response 17. The applicant proposes to meet its projected sewage treatment needs. Should the St. James Business District incorporate its own sewer district, Gyrodyne LLC is amenable to discussing connection to its facility, pursuant to Suffolk County and Town of Smithtown requirements.

GW-17. "Because of its proximity to Stony Brook Harbor, the water treatment plant on the Gyrodyne site should be required to meet the tertiary treatment level or greater so the water can be recharged onto the ground or used to water the grounds and for general outside water purposes. It should also be located as far as possible (and I don't mean financially possible but rather spatially possible) from the harbor. That is, it should be located at the south west end of the property unless a geologic study shows another location to be less prone to allowing the effluent to flow into the aquifer or the harbor. Certainly, a geologic test of the land below the Gyrodyne property should be done to reveal the best environmental location for the water treatment plant. The siting should not be one of convenience or lowest cost because the long-term cost of cleaning up the harbor could far exceed the cost of building the water treatment plant. It should also be required that a bond be taken by water treatment plant builder or the town of Smithtown to cover the cost of cleaning up any pollution of the harbor caused by the water treatment plant. Otherwise, all of us who live here will have to pay for it, even though, only those who are hooked up to the plant will reap its benefits. The developers will realize higher profits from developing the property and those using it will pay less than if they had to hook up to a plant further away". (23)

"Just as concerning is the proposed onsite sewer treatment facility designed to discharge into groundwater. In as little as ten years from now, sewage effluent will infiltrate into and pollute the surface waters of Stony Brook Harbor. For more than a generation we, as a region, have been fighting to protect the natural ecological function of the Long Island Sound and its embayments. If approved, and especially if it's expended later into a regional sewer, this facility will confound these efforts. Because it will be constructed too -- much too close to important educational, historical, and cultural sites, the Gyrodyne project will diminish the character, livability, and property values now associated with the residential homes that are near the proposed location." (86)

Response 17: The proposed STP includes tertiary treatment. With respect to the site, all groundwater flow from the site reports to Stony Brook Harbor.

It was documented in the DEIS that the STP, will lower the nitrogen contribution to Stony Brook Harbor. This would occur in either location. The health of the Stony Brook Harbor/West Meadow Creek Subwatershed, as with any subwatershed, is a function of groundwater contributions in association with the groundwater travel time. Each receiving water body is affected by changing land uses, wastewater treatment technologies, as well as the enactment of laws and regulations that were in place as the time of the discharge into the soil. This is also known as 'legacy' pollution or 'legacy' nitrogen'. This refers to nitrogen or other pollution that continues to seep into the harbor for travel time due to its location (i.e. nitrogen from land use 50 years ago, just now reaching the Harbor).

SCSWP addresses these concerns and notes that after enacting more nitrogen reduction wastewater strategies, "It should be cautioned that sanitary wastewater management will have no effect on legacy nitrogen in the aquifer system; it can take decades for the predicted groundwater quality improvements to be observed".

GW-18. "Sanitary Code - Article VI Application Status - Our agency's Office of Wastewater Management has not received a subdivision application or commercial wastewater application for this project, as required by Article VI of the Suffolk County Sanitary Code (Article 6). The project sponsor should submit an application to our agency's Office of Wastewater Management that meets Article 6 requirements at the earliest possible date so that a complete technical assessment of this proposal can be undertaken". (7)

Response 18: The applicant will be submitting a formal subdivision application to the Office of Wastewater Management in the near future.

GW-19. "Sanitary Code - SCDHS Jurisdiction – The SCDHS maintains jurisdiction over the final lot use, density, and sewage disposal and water supply systems. The applicant, therefore, should not undertake the project without Health Department approval. Density, design and flow specifications, and complete site plan details are essential to the review of this project. These considerations are reviewed completely at the time of SCDHS application." (7)

"Please note that based on the proposal it appears that the approval of the Suffolk County Sewer Agency will be required, and, therefore the project sponsor should submit an application to Suffolk County Sewer Agency at the earliest possible date for consideration" (7)

Response 19: Acknowledged. The applicant has a pending Sewer Agency application and will abide by stipulations to be required by the Health Department.

GW-20. "Subwatersheds Wastewater Plan -- The proposed project is located within the groundwater contributing area of the Stony Brook Harbor and West Meadow Creek subwatershed. Stony Brook Harbor and West Meadow Creek has an ecological sensitivity rank of 3 and is part of Long Island Sound Harbors and Bays Restoration and Protection Area I, which has an Overall Water Quality Improvement Goal of 37% nitrogen load reduction in the Suffolk County Subwatersheds Wastewater Plan. According to the documents provided, the Gyrodyne property is located within the 10-year, 25-year and 50-year groundwater contributing area to this subwatershed, as indicated in the below images. The proposed sewage treatment plant is located within the 10-year and 25-year groundwater contributing area to Stony Brook Harbor and West Meadow Creek. The Department recommends the sponsor of the proposed action consider impacts to the Stony Brook Harbor and West Meadow Creek subwatershed as well as designing the sewage treatment plant to reduce total nitrogen (TN) levels significantly lower than 10 mg/l with the TN mass loading being significantly less than the mass loading that could occur under a development scenario that complies with the density requirements of Article 6 of the Sanitary Code based on SCDHS Guidance Memorandum #28 requirements. Please note SCDHS does not consider the TN reduction from soils when comparing the TN mass loading (as done in section 7.5 of the DEIS) that could occur under a development scenario that complies with the density requirements of Article 6 to the mass loading from the sewage treatment plant". (7)

Response 20: The DEIS stated on page 7-13 the calculations following the procedure as outlined in Guidance Memorandum #28. The proposed STP effluent total nitrogen design concentration is 7 mg/L. The Existing, As-of-Right, and Proposed Nitrogen Loading, as provided in the DEIS are below:

- Existing Nitrogen Loading from wastewater (density loadings):
 $0.012823 \text{ MGD} \times 50 \text{ mg/L} \times 8.34^9 \text{ (conv. factor)} = 5.35 \text{ lbs/day of Total Nitrogen}$
- As-of-right Buildout Nitrogen Loading (OWTS):
 $0.043776 \text{ MGD} \times 50 \text{ mg/L} \times 8.34 = 18.25 \text{ lbs/day of Total Nitrogen}$
- Proposed Action Nitrogen Loading (Projected Flow-density loadings):
 $0.076523 \text{ MGD} \times 7 \text{ mg/L} \times 8.34 = 4.47 \text{ lbs/day of Total Nitrogen}$

GW-21. "The DEIS states that the nitrogen loading from the project's Sewage Treatment Plant (STP) will increase nitrogen loading to Stony Brook Harbor by 4% (and greater if the STP is expanded to accommodate the flow from the St. James Business District). The DEIS fails, however, to discuss what this might mean to the integrity and stability of the estuary. It is well established that nitrogen has a variety of adverse ecological effects on estuarine systems such as promoting harmful algae blooms, reducing dissolved oxygen levels in the water, and physical deterioration

⁹ The DEIS applied a typical wastewater conversion rate of 8.34 to simplify the conversion between mg/L and lb/day

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

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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

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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.

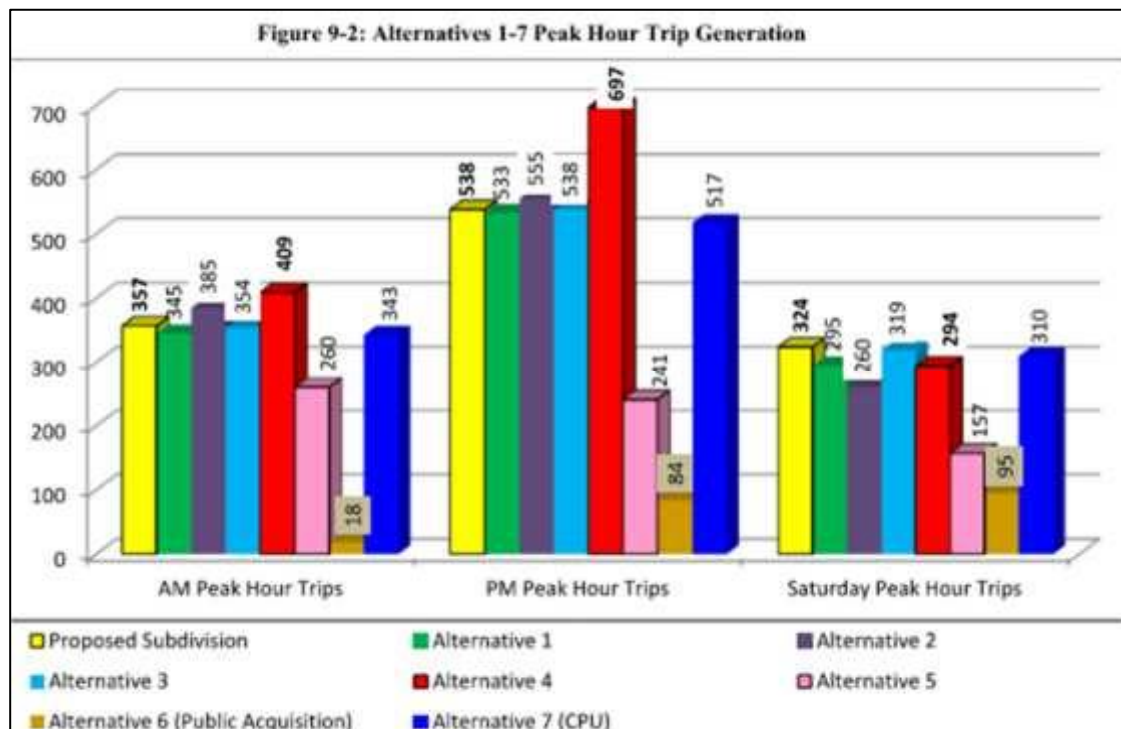
Current levels of service near Gyrodyne on Route 25A are identified in the Existing Conditions section of the DEIS traffic study.

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.

NYS DOT 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 Jarnagin, 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 banded 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.

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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

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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 -- definitively 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 Reponse 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.

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

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 the 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 to 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 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

*Final Environmental Impact Statement
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.

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

APPENDICES

Appendix A: DEIS Comments (Agencies and Elected Officials)

Appendix B: DEIS Comments (Public Comments)

Appendix C: Public Hearing Transcript

Appendix D: Conservation Board Hearing Transcript

Appendix E: Municipal Comments from 2017 and 2018

Appendix F: Final Engineering Plans

Appendix G: Supplemental Environmental Documentation

Appendix H: The Impact of Commercial Development on Surrounding Residential Property Values

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

Appendix A: DEIS Comments (Agencies and Elected Officials)



STEVEN ENGLEBRIGHT
4th Assembly District
Suffolk County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Page A2
CHAIRMAN
Committee on Environmental Conservation

COMMITTEES
Education
Energy
Higher Education
Rules

COMMISSIONS
Science and Technology
Water Resource Needs of Long Island

MEMBER
Bi-State L.I. Sound Marine Resource Committee
N.Y.S. Biodiversity Research Institute
N.Y.S. Heritage Area Advisory Council

January 24, 2020

Smithtown Planning Department
c/o Smithtown Department of Environment and Waterways
124 West Main Street
Smithtown, NY 11787
DEW@smithtownny.gov

RE: Comments on Gyrodyne Subdivision #1178 Draft Environmental Impact Study

Dear Commissioner David Barnes,

I am submitting the following comments and questions about the DEIS for the proposed Gyrodyne Subdivision (#1178).

Steve Englebright
NYS Assemblymember, 4th District

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

TR-29
cont.

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.

HIS-2

Similarly, 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. "

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.

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.

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

SEQRA-2
cont

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.

GW-1

Stony Brook Harbor

Stony Brook Harbor is a tidal estuary less than 2 miles from the Gyrodyne site. Stony Brook Harbors' water chemistry is protected from the kinds of pollution that have affected every other North Shore harbor by the extensive open fields and woodlands that surround the harbor and absorb and transmit rainwater into it. The most important such source of pure fresh water that upwells into the harbor is from the south which includes, in sequence from north to south, the Avalon Preserve, the BB & GG commercial farm and nursery, and the Gyrodyne property. The DEIS does not provide adequate context for understanding the flow of groundwater through the soils beneath the surface of these properties and its ultimate impact upon the water chemistry of the Stony Brook Harbor. The DEIS does not address the exceptionally slow rate of flushing that is characteristic of the tidal dynamics of this harbor and that water can remain in the harbor for up to 12 days. As a consequence, even a modest increase in nitrogen can have a profound adverse effect on water chemistry. The DEIS fails in its due diligence by treating all bodies of water as if they are the same.

GW-2

Connecting the Lake Avenue business district to the Gyrodyne sewer will enable significant expansion of sanitary use. The DEIS fails to address regional expansion scenarios that would impact the nitrogen load that reaches the harbor. In a poorly flushed harbor such as Stony Brook, what impact will increased nitrogen loads have on the water chemistry. Will harmful algae blooms be more likely as well as eutrophication which causes mass fish deaths; and, kills the root systems of the salt marsh grass *Spartina alterniflora*.

Another area of serious concern not addressed in the DEIS is the signification eutrophication that occurs in Smithtown Bay due to stratification and a restriction in circulation that traps water and prevents flushing. According to Save the Sound, "the tidal circulation in Smithtown Bay is greatly reduced when compared to the Sound proper (as much as 70 percent less than comparable areas in the central Long Island Sound Basin) because Cranes Neck (on the east) and Eatons Neck (on the west) block the dominant east-west tidal flow." The Gyrodyne sewer will have a poorly flushed Stony Brook Harbor that empties into a poorly flushed Smithtown Bay.

Save the Sound goes onto report that, "the lack of mixing allows water in Smithtown Bay to become stratified during the summer, a process where warm fresh water floats on top of colder saltier water, and seals off the bottom water from access to oxygen from the surface."

The DEIS does not consider the local physics, chemistry, and biology of Stony Brook Harbor and Smithtown Bay and how this unique coastal complex is geomorphologically unsuitable to be the receiving body of the effluent of a massive commercial development and a sewage facility that may be handling unknown amounts of effluent from off site.

Future Hookups to the Gyrodyne sewer

GW-3

Will Gyrodyne's sewer capacity be offered to any developed or undeveloped areas of land outside of the Lake Street area? The DEIS should include discussion of and evaluation of the cumulative impacts of possible future hookups including the Stony Brook University Research and Technology Park and the Bull Run Assisted Living proposal. Unfortunately, the DEIS is woefully short on details regarding the proposed Gyrodyne Sewer. This needs to be corrected.

Questions that the DEIS needs to address include: "will this on-site plant become a regional sewer district dumping vast amounts of nitrate into Stony Brook Harbor?...and; what specific type of sewer system will be purchased and installed and will it predictably remove nitrate?...and, what is the specific anticipated travel time of sewer effluent to the harbor?" It should also be noted that unlike any other North Shore Harbor New York State owns most of the bottom of Stony Brook Harbor. This almost 900 acres of State ownership is a public trust that the Gyrodyne project and its sewer effluent must not be allowed to violate. What will be done to protect this public trust from progressive deterioration of the water chemistry of the Harbor? These and other related, meaningful unaddressed questions need to be answered and resolved before this project is allowed, as proposed, to seal the fate of the Stony Brook Harbor. Similarly and in the larger sense the Gyrodyne project as proposed must not be allowed to negatively impact the quality of life of our two towns. In it's present form I am strongly opposed to this project, urge you to reject the present DEIS as submitted, and ask that you require the DEIS to take a hard look at the region impacts and regional issues created by this project.

Thank you for the opportunity to comment.

Village of Head-of-the-Harbor



DOUGLAS A. DAHLGARD
Mayor

TRUSTEES

DANIEL W. WHITE
(Deputy Mayor)
JUDITH C. OGDEN
L. GORDON VAN VECHTEN
JEFFREY D. FISCHER

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ANTHONY B. TOHILL
Village Attorney

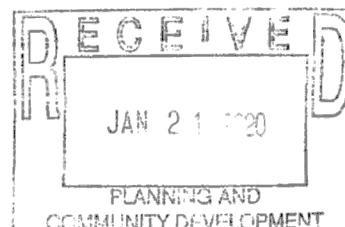
MARGARET O'KEEFE
Village Clerk

PATRICIA A. MULDERIG
Village Treasurer

CHARLES M. LOHMANN
Police Chief

January 8, 2020

Town of Smithtown Planning Board
99 West Main Street
PO Box 575
Smithtown, NY 11787



Re: Comments from the Village of Head of the Harbor on the Draft Environmental Impact Statement, the Draft (EIS), regarding the Gyrodyne LLC Subdivision # 11780

Dear Planning Board Chairman and Members:

The Incorporated Village of Head of the Harbor (the Village) is the neighboring community to the North and to the West of the Gyrodyne property. We wish to respond to the comprehensive Draft EIS received December 17, 2019.

Gyrodyne LLC is in the process of liquidation. The liquidation process contemplates selling off its remaining real estate and distributing the proceeds to its shareholders. As such, it is going out of business and its intention is to remove itself from our community. It is important to be mindful that the residents of the community will have to live with the results of the liquidation, but without the proceeds. The positive and negative impacts of the development on our community will represent the lasting legacy of Gyrodyne and its management.

PN-6 | On November 8, 2017, the Village submitted comments in writing during the public scoping process. This letter is attached rather than repeat here the comments in that letter. Please note that, while the Draft EIS addresses most of our comments, each of the matters brought up in the November 8, 2017 letter remain a strong concern of our Village residents.

To summarize the concerns:

TR-2 | **Increased Traffic:**
The increase in traffic volume and the mitigation plans proposed in the Draft EIS 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

TR-2
cont. impact on the surrounding community despite Gyrodyne limiting the overall density to be less intensive than a maximum build out under existing zoning.

Water Quality:

GW-4 We did state in our November 8, 2017 correspondence that we would support an on-site sewage treatment plant, even better if that plant services the Lake Avenue area. The Village of Head of the Harbor is the watershed for the Gyrodyne property and our concern is to minimize the negative impact of the area's drinking water quality and reduce the impact of pollution that runs downhill into Stony Brook Harbor. A sewage treatment plant will help reduce the negative impact on water quality as well as offer a benefit to the surrounding St. James community.

Fire and Ambulance Services:

CS-1 One last item to mention is 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 Draft EIS. 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.

What can be done to limit the negatives:

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.

We thank you for the opportunity to read through the comprehensive Draft EIS and to be involved in the discussion of the project.

Very truly yours,



Douglas A. Dahlgard
Mayor

Cc: Hon. Edward R. Wehrheim, Supervisor, Town of Smithtown
Hon. Board of Trustees, Village of Head of the Harbor
Mr. Harlan D. Fischer, Planning Board Chairperson, Village of Head of the Harbor
Mr. Joseph Bollhofer, Chairperson Zoning Board of Appeals, Village of Head of the Harbor
Ms. Kaylee Engellenner, Chairperson Joint Coastal Commission, Village of Head the Harbor
Mr. Paul Athineos, Chairperson, Village of Head of the Harbor

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HOH VILLAGE HALL

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This letter is incorporated by reference in the Village's DEIS comment letter.

Village of Head-of-the-Harbor



DOUGLAS A. DAHLGARD
Mayor

TRUSTEES

DANIEL W. WHITE
(Deputy Mayor)

JUDITH C. OGDEN

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Village Attorney

MARGARET O'KEEFE
Village Clerk

PATRICIA A. MULDERIG
Village Treasurer

CHARLES M. LOHMANN
Police Chief

November 8, 2017

VIA FACSIMILE 631-360-7546 AND
US POSTAL SERVICE
Town of Smithtown Planning Board
99 West Main Street
PO Box 575
Smithtown, NY 11787

RE: Preliminary Subdivision
#1178 Gyrodyne LLC
S/s NYS Rt. 25A, E/s Mills Pond Rd; St James
LI & R-43 Zoning Districts
SCTM#: 140-2-4.-13.3,13.4,14&15

Dear Planning Board Chairman and Members:

The Village of Head of the Harbor (the Village) as the neighboring community on the opposite side of North Country Road (25A) from Gyrodyne's property wishes to comment on the Preliminary Subdivision.

As Smithtown's Planning Board's November 15th hearing conflicts with the Village Trustee Meeting, our comments are hereby submitted in writing.

Addressed
by FEIS
TR-1, TR-2

Addressed
by FEIS
GW-1,
GW-10

Residents of Head of the Harbor are very proud of their community and have worked hard since the incorporation of our Village to maintain its beauty and rural atmosphere. As Gyrodyne's neighbor, the Village is very concerned that development of the Gyrodyne parcel will increase the volume of car and truck traffic on 25A so as to require new traffic lights and possibly roadside tree removal and widening. We are also concerned about fire protection for a complex that includes two assisted living facilities and a 150-room hotel. In addition, we are concerned about the impact of the new facility to our drinking water and the storm water pollution that may wind up in Stony Brook Harbor from the development site.

Addressed
by FEIS
CS-1

The scenic and historic views along the narrow, winding and hilly North Country Road from Setauket thru Stony Brook, Head of the Harbor and Saint James are a major asset that we are tasked to preserve. Historic houses, museums, farms, and parkland line the bucolic route that also is remembered for Revolutionary War history. They represent why we live here and others visit. But they are also fragile and

Addressed
by FEIS
VIS-1

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Page A9

This letter is incorporated by reference in the Village's DEIS comment letter.

Addressed by FEIS TR-1, TR-2

Addressed by FEIS VIS-1

can easily be destroyed and lost forever. The Village has consistently and successfully worked to protect the quality of Route 25A within its area- it having been well established that widening of this road would destroy local property values and invite heavy traffic with its resultant troubles. Let us not forget there have been threats to 25A as far back as 1945 when New York State proposed to widen the road to four lanes with a mall. The Village successfully opposed this action but it was a close call.

Unrelated to this application

In 1956, and again in 1964, there were proposals to alter the historic road and again the Village persuaded New York State to abandon the idea. In 1960, the Gyrodyne Company petitioned the Town of Smithtown Board to change its zoning from Residential A to Light Industrial. The Village was alarmed over this proposal and filed a protest. Mr. Ward Melville who wished to protect the scenic approach to the museum village of Stony Brook contributed financing to the Village protest. The case was settled by Gyrodyne agreeing to leave historic houses on the northwest corner of the property and to file a restrictive covenant to preserve a buffer zone of 200 feet along the North Country Road frontage in which no building could be erected.

In 1966, the US Department of Commerce described North Country Road through St. James as a relatively unchanged section of the route followed by George Washington in 1790 and commented that "it is one of the few remaining sections of that route which has not been obliterated by road widening and where the character of the adjacent countryside remains virtually unchanged."

In 1969, with the advice of the Suffolk County Planning Director the Village designated Route 25A, to a depth of 500 feet, as the "North Country Road Historic Area". In 1972, the Allstate Insurance Company attempted to build a large office building on the corner of 25A and Shep Jones Lane. In 1973, Allstate withdrew its application in face of opposition by the Village and surrounding community as covered by the local press.

Today when we sit in bumper-to-bumper traffic on the main east west corridors on Long Island, i.e., the Long Island Expressway, Jericho Turnpike and Nesconset Highway we see the impact of over building and the blight of commercial signage that resulted from not developing in a smart way. Once development is done, we cannot go back. We have to live with the mess. The portion of Route 25A that runs through our community must not fall into a similar condition.

Hotel comment addressed by PN-3 Traffic comment addressed by TR-1, TR-2, TR-33, SEQRA-1

County Development Report. The subject parcel was reviewed on August 2, 2017 by the Suffolk County Planning Commission and a Staff Report was issued that included analysis and recommendations. We generally agree with the Staff Report and note that included in their analysis is a belief by Staff that the development of the property should not approach the maximum allowable density allowed by the present zoning. The Staff Report shows concern that the development should not over burden the community visually, environmentally, and with new car and truck traffic. We note that the existing volume of traffic on North Country Road especially during rush hours can be intolerable. In addition, the curves and hills can slow the traffic in the winter weather even further. We just cannot see how the added traffic of a 150-room hotel can be absorbed. In our view, hotels belong in the commercial areas of the LIE with its four-lane capacity plus service roads. We are highly in favor of traffic studies that take into consideration the impact on all of the surrounding communities.

Scenic Buffer. The County report suggests that a "large buffer" be provided to maintain the natural and historic corridors. The County Planning Commission Staff recommended that Gyrodyne should even supplement the 200 foot wide open space/historic vista along North Country Road with indigenous plant materials to help prevent visual intrusion from the development including the lighting out an on to the road and neighboring properties. The Village certainly supports the Staff's suggestion and also asks that the height of any development be limited so as not to be visible and imposing by extending over and above the sight line of the buffer. The Village would also suggest that Gyrodyne remove the large signs

Addressed by FEIS VIS-1

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Page A10

This letter is incorporated by reference in the Village's DEIS comment letter.

Sign comments are unrelated to this application

Hotel comment addressed by PN-3

on the Rt. 25A roadside next to both the 25A entrance and at the Mills Pond intersection. These signs advertise current tenants and space for lease. The signs today detract from the scenic vista and should not be permitted in the buffer now or after development. Gyrodyne plans call for a 150-room hotel. Today if visitors to the area need a place to stay there are hotels on Route 347 and the LIE. Hotel signs on the LIE can be seen for miles along with signs for fast food restaurants. Even though the preliminary subdivision application does not include a specific hotel, we must consider the impact of a highly visible hotel with parking lot lighting, signage and staff and travelers coming and going.

Addressed by FEIS CS-1

Fire Protection. A hotel would require specially designed fire protection and we question whether the St. James Fire Department has this capability. St. James Fire Department's plans call for a consolidation to a newly built station in the south central area of St. James (south of the LIRR tracks) and the closure of the main fire station located down 25A from Gyrodyne. Funding for a new station is not currently available making these plans uncertain.

Fire protection for a multi-story hotel cannot be uncertain and is a significant matter that needs to be nailed down. We note that the Stony Brook Fire Department has an investment in expensive firefighting equipment to handle fires at the multi storied University and Medical Center. How will St. James Fire Department finance special firefighting equipment needed to fight fires at a 150-room hotel and at the same time finance a new fire station. These items should be part of the Gyrodyne subdivision discussion.

Addressed by FEIS GW-1, GW-10

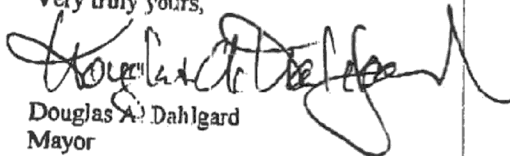
Water Quality. The Village is concerned with protecting its drinking water from sewage treatment plant discharge. Another concern is stormwater from the site polluting Stony Brook Harbor over time. The land from Gyrodyne's property runs downhill to the water, as does most of the land in Head of the Harbor and Stony Brook. This is a critical area requiring a full environmental study, which should not only deal with the near term but also cover the long-term impacts to our water quality.

Addressed by FEIS GW-4

Community Cooperation. Another issue deals with working with the surrounding community. Gyrodyne would build a Sewage Treatment Plant to handle the site's sewage. It has been discussed that a revitalization of downtown St. James would benefit from a sewage treatment plant connection. Running a connection from Gyrodyne's STP along the LIRR right of way to St. James sounds possible, but would require State cooperation and financial support. We certainly would be supportive of that effort.

We thank the Smithtown Planning Board for this opportunity to express our concerns with regard to the preliminary subdivision by Gyrodyne LLC, and we remain available should the Board wish to discuss this submission.

Very truly yours,


Douglas A. Dahlgard
Mayor

- Cc: Hon. Board of Trustees, Village of Head of the Harbor
- Mr. Harlan D. Fischer, Planning Board Chairperson, Village of Head of the Harbor
- Mr. Joseph Bollhofer, Chairperson Zoning Board of Appeals, Village of Head of the Harbor
- Ms. Robin Herrnstein, Chairperson Joint Coastal Commission, Village of Head the Harbor
- Mr. Paul Athineos, Chairperson, Village of Head of the Harbor

SUPERVISOR Ed Romano, Brookhaven

January 8, 2020

Remarks Regarding Gyrodyne Property

Thank you for allowing me to address your board this evening.

It is unusual for a Town Supervisor to speak in opposition to a land use project in another Town. However, the impacts that this project will have on the communities of northeast Brookhaven will be far reaching and devastating for our residents.

SEQRA-1

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. 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.

If you approve this project as presented, you will do so in the face of the objection of the Town of Brookhaven, within which a small portion of this property lies.

I am here this evening to let the developer and his consultants know that you ignore us at your own peril.

- 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 has a planned 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 Waternill Caterers on Nesconset Highway. The hotel planned for this site could have a negative effect on this service industry.
- 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 for this project directly into Brookhaven Town. Despite this, we have not been contacted or consulted about these important aspects that will impact our residents. The high volume of traffic that will be generated will also make it significantly more difficult to access Stony Brook University, one of the largest employers in our region.
- SEQRA-1 | Even though the sanitary effluent will impact Stony Brook Harbor and Stony Brook Creek, which are shared by the Town of Smithtown and the Town of Brookhaven, I have not been contacted about my concerns. In particular, the increased water pollution that would
- SEQRA-1 | 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 this DEIS fails to completely examine. I would inform the owners and consultants of the subject property that their failure to open discussions with the Town of Brookhaven regarding our concerns is an insult to your neighbors in Brookhaven and a poor example of community planning.

Given the contemplated improvements within the Town of Brookhaven and the location of the project on the boundary we share with Smithtown I will be examining the SEQR and other legal requirements to ensure that all requirements have been met.

SEQRA-3 | 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 the MTA and SUNY Stony Brook with regards to the proposed at LIRR grade railroad crossing that would provide direct access from this project into our Town.

GW-6 | The density of the proposed development, and the planned construction of a regional sewage treatment facility appear to be directly contrary to the low-density zoning that the Village of Head of the Harbor, the Village of Nissequoque and Avalon Park have enacted to protect local waterways. We do not believe that Gyrodyne should be allowed to singlehandedly undermine these long-term efforts to protect natural resources simply because they have a zoning classification that was based on WWII manufacturing that ceased many years ago. It is my belief that recent data in Suffolk County's Subwatersheds Plan and in the USEPA's Long Island Sound Study support the need to decrease the density and associated water quality impacts on this 75-acre parcel.

Traffic Impacts

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.

TR-3 | 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

TR-6

TR-6
cont. | 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. This will help to ensure that employees and students can safely access the University and that emergency services can adequately serve the area. It will also ensure that needed road improvements are undertaken to minimize additional traffic congestion created by this project.

Preservation of Open Space

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 or leaching fields for the proposed STP. Open space is not the leaching field of a sewage treatment plant. Open space is not a bit of grass with buildings looming on all sides.

Alternatives

ALT-1 | The title of the DEIS is "Map of Flowerfield Subdivision Application". Not one of the development alternatives to this subdivision application provides an alternative subdivision layout. Every single alternative has the exact same subdivision map. The only thing that changes in the alternatives is the mix of uses. That is not a subdivision alternative. 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 SERQA requirements for SUBDIVISION alternatives and the DEIS is

ALT-1
cont.

flawed for failing to provide real alternatives that conform with the Scoping Document and associated comments.

GW-12

STP Location

The placement of the STP and its leaching fields on the eastern most part of the property, directly abutting land located in the Town of Brookhaven does not take into account the impacts to the adjoining neighbors in terms of odor, visual impacts and use. The placement of this industrial use immediately adjacent to single family homes is unacceptable. This area should be open space, undisturbed by the STP, and a natural and/or supplemented buffer planted to separate these two incompatible land uses.

GW-13

Even worse, the application contemplates bringing sewage from far beyond the site boundaries. It can be reasonably anticipated that the effluent from this regional sewage plant will taint Stony Brook Harbor for generations to come with harmful toxic algal blooms, low dissolved oxygen, fish kills and waters closed to shellfishing. While the financial profit to the property owner will no doubt be large, the public should not be deprived of the use and enjoyment of a vibrant harbor because of the vintage and obsolete zoning on this site. It is worth noting that the property owner has already received \$167 million in public funds for 245.4 acres of property that was provided for property taken for University use. We must avoid causing damage to a healthy Stony Brook Harbor.

GW-5

Water Quality:

The project will have potentially significantly water quality/ecological impacts to Stony Brook Harbor, one of the most significant coastal embayments on Long Island's north shore, by increasing nitrogen loading to the harbor by an additional 4%. A conservative estimate that only accounts for pollutants generated on site, but not the unknown quantities that would come from its operation of a **regional** sewage treatment plant.

GW-5
cont. | Yet, the DEIS does not evaluate what effect this could have on the ecological integrity of the harbor and whether this additional loading could cause an ecological tipping point. Nor does the DEIS address the growth-inducing potential of a regional sewage treatment plant. The DEIS should be required to assess what this additional loading may mean to the integrity, stability, and composition of this estuarine system.

Climate change

AIR-1 | The DEIS fails to address climate change as is required by SEQRA. The DEIS does not analyze or identify the climate impacts let alone identify ways to avoid them or mitigate them. The DEIS often uses the word "sustainable". The only things that will be sustained if this proposal is approved in its current form are traffic jams and water pollution.

Our hope is that this board will address the deficiencies in the EIS. If not, Brookhaven will seriously consider all of its options if this plan is put in place.

Thank you for the opportunity to speak on this project this evening. We will be submitting further written comments for the record.

O.B.



Town of
Brookhaven
Long Island

Edward P. Romaine, Supervisor

January 17, 2020

LEAD AGENCY: TOWN OF SMITHTOWN PLANNING BOARD

CONTACT: David Barnes, Environmental Protection Director
Department of Environment and Waterways
124 West Main Street
Smithtown, NY 11787

**Re: Comments from Town of Brookhaven Planning and Environmental Divisions
on Gyrodyne DEIS**

Dear Lead Agency:

- EXEC-1 | 1. The proposed 75-acre development that includes the existing catering facilities, parking, a 150 room hotel with a 150 seat restaurant, 130,000 square feet of offices, 220 Assisted Living Units, and a regional sewage treatment plant that is expected to induce growth in the area is a large project with likely significant adverse impacts to traffic, groundwater, surface water, habitat and community character.
- SEQRA-1 | 2. 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.
- ALT-2 | 3. 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.
- ECON-2 | 4. 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 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

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Tullio Bertoli, AICP, Commissioner
Tara McLaughlin, Deputy Commissioner

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- ECON-2
cont. | hotel proposed on the site; potential adverse economic impacts to existing and planned facilities should be analyzed in the EIS.
- TR-6 | 5. 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.
- SEQRA-3 | 6. 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.
7. 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.
- TR-4 | 8. 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.
- 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 Page F-23 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*

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TR-4 (cont)

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 counts², and there was a major snowstorm forecast the following day.³ 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 average⁴. 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.

- OPEN-4 | 9. 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.
- ALT-1 | 10. 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.
- GW-12 | 11. The placement of the STP and its leaching fields on the eastern most part of the property, directly abutting land located in the Town of Brookhaven and situated on unsuitable soils causes unnecessary impacts to the adjoining neighbors in terms of odor, visual impacts and use. The placement of this industrial use immediately adjacent to single family homes on soils poorly suited to the use is

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- GW-12 cont. very likely to result in impacts to the health and safety of area residents. The STP and associated leaching areas need to be placed where suitable soils exist and should not be allowed to encroach into the existing covenanted buffer on the site. This area should be open space, undisturbed by the STP, and a natural and/or supplemented buffer planted to separate these two incompatible land uses.
- GROW-1 12. 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.
- GW-5 13. The project will have potentially significantly water quality/ecological impacts to Stony Brook Harbor, one of the most significant coastal embayments on Long Island's north shore, by increasing nitrogen loading to the harbor an additional 4%. Yet, the DEIS does not evaluate what effect this could have on the ecological integrity of the harbor and whether this additional loading could cause an ecological tipping point. The DEIS should be required to assess what this additional loading may mean to the integrity, stability, and composition of this estuarine system.
- GW-7 14. The 4% increase in nitrogen loading to Stony Brook Harbor is based on the best-case scenario of the effluent from the STP remaining at or below 7ppm of nitrogen as well as a series of assumptions that are not clearly stated. While STPs may perform at this level for periods of time it is common for STPs in the area to operate at 10ppm nitrogen, and sometimes above that level. Any calculation of nitrogen loading should be based on the average STP effluent concentration of nitrogen over the last five years in Suffolk County. This figure would provide a more accurate measure of likely nitrogen impacts to Stony Brook Harbor. In addition, the impacts of other contaminants associated with STP effluent such as personal care products and pharmaceuticals need to be analyzed in the EIS.
- GW-8 15. The EIS indicates that Pharmaceuticals "have already been filtered by the human kidney" inferring a complete lack of understanding that the pharmaceuticals are filtered by the kidney for excretion as sanitary waste. The statement infers that filtration by the kidney in some way addresses pharmaceuticals in sanitary waste. The statement indicates such a complete lack of understanding of the nature of impacts from pharmaceuticals in wastewater that it raises doubts about the wastewater section and other sections of the EIS.
- GW-9 16. Reference 52 on Page 7-14 States that the EPA estimates range between 4.8 and 13.7 pounds of nitrogen per person per day. The references by EPA are not provided, and the quantity of nitrogen per person per day is not a credible figure.

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- GW-10 | 17. Based on maps in the County's Subwatersheds Plan St. James appears to be in a deep recharge area; sewerage would then bring sanitary waste from St. James to be discharged into a shallow recharge area that is part of the Stony Brook Harbor contributing area. The EIS should include mitigation of impacts to Stony Brook Harbor through wastewater reuse and reducing the amount of wastewater to be treated. The EIS should also include an analysis of impacts related to the growth-inducing aspects of a regional STP. The following guidance from Suffolk County Department of Health Services should be followed; it would appear to indicate that this site is inappropriate for a regional STP.
- GW-3 |

GW-10
cont.

Surface Waters

The siting of STP discharges within 0-25 year groundwater contributing areas to sensitive surface waters should be minimized to the extent feasible. However, when an STP is located within this travel time, the applicant shall provide an advanced treatment process that consistently reduces the total nitrogen concentration to the maximum practical extent. Also, the SPDES permit conditions issued for these systems shall require the nitrogen discharge goal be significantly lower than 10 mg/l.

For STP discharges within 0-25 year groundwater contributing areas to sensitive surface waters, the applicant shall demonstrate that the nitrogen mass loading is significantly reduced by the proposed project, as compared with the mass loading that can occur with a development that complies with the density requirements of Article 6 of the SCSC. A total nitrogen concentration of 50 mg/l may be used when calculating the equivalent mass loadings.

Potential Impacts to Neighboring Properties

The Department may require the applicant to evaluate potential impacts to neighboring properties that may result from the construction and operation of a new STP. (e.g. flooding that may occur from elevated groundwater conditions). For these situations, the submission of a supplemental detailed technical report prepared by a design professional may be necessary.

- GW-11 | 18. On page 1-6 a read of the Wastewater section focuses on the ability of the required wastewater treatment plant to remove nitrogen. It confuses the reader by stating a nitrogen removal rate without indication of the potential of the STP's use as a regional facility that will import sanitary waste to the site. The section should be corrected to note the potential maximum nitrogen mass loading that will occur from both the buildout of the property and the use of the STP as a regional facility. The mass loading should be based on the average effluent concentration of nitrogen in STPs in Suffolk County. Unproven, conclusory statements such as "will provide an overall nitrogen reduction of 89%" need to be removed from the document.
- EXEC-2 | 19. While the term "sustainable" is used frequently to discuss the proposed development the section of Sustainability, Use and Conservation of Energy lacks substance. Either the word "sustainable" should not be applied to the project, or the Sustainability section of the document should identify actual, planned actions that will contribute to energy efficiency, habitat protection, recycling, etc. The applicant controls the property and can file covenants or take other actions that

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- EXEC-2
cont. | would require future development to meet sustainability standards such as LEEDs ratings, HERS ratings, use of native plants in landscaping and other measures of the sustainability of existing and new construction and land management. Simply noting that some of these measures will be considered in the future is not adequate.
- ECOL-2 | 20. Sustainability should include the use of bird-friendly windows in any building design, maximum use of native plants for landscaping, and maximize natural buffers and native plantings around existing ponds and wetlands on the site.
- AIR-1 | 21. 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.
- SOIL-2 | 22. Contamination of soils is dismissed by noting that Suffolk County no longer engages in review of soil contamination. The soil contamination exists nonetheless, and it is the requirement of the EIS that the contamination be analyzed, and mitigation in the form of a soil management plan be included.

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Additional Comments from Town of Brookhaven Division of Traffic Safety:

As requested, we have reviewed the Traffic Impact Study submitted in support of the DEIS for the above project dated October 2017 and revised July 2018. The proposed project is located within the Town of Smithtown, in close proximity to its border with the Town of Brookhaven, and as such, the project has potential impacts on traffic operations on roads within the Town of Brookhaven. Our review considers the proposed project's impacts on Town of Brookhaven roadways.

As stated in the Traffic Impact Study, the application is for the proposed subdivision of the property into seven (7) lots under the existing zoning. Analyses contained therein are based on an assumed land use mix that seeks to satisfy both the applicant's financial analyses for the property and to fit within the assumed limits of reasonable or acceptable impacts on the local transportation system.

Potential trip generation is estimated, impacts identified, and mitigation discussed. An analysis is also provided for the potential as of right development of a 244,000SF medical office building. Our review comments below are based on the analyses presented for these two development scenarios, as discussed in the report. However, unless the applicant intends to agree to limit development density to the levels analyzed in the report, the report should clarify whether these development scenarios represent the maximum intensity of development under either scenario, and if not, provide additional analysis for the worst case scenario under each of the subdivided and unsubdivided conditions.

Comments:

TR-8

1. 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.
2. 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

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- TR-8 cont. 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.
- TR-9 3. 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.
- TR-10 4. 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.
- TR-3 5. Based on the existing zoning of the property, as of right development could generate in excess of 7000 new vehicle trips per day, considerably more than the trip generation estimates included in the study. 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.
- TR-5
- TR-11 6. 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.
- TR-12 7. 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.
- TR-13 8. 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.

Thank you for this opportunity to comment. If you have any questions please contact Anthony Graves, Chief Environmental Analyst, (631) 451-6400.

Cc: Edward P. Romaine, Supervisor
Valerie M. Cartright, Council District 1

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Tara McLaughlin, Deputy Commissioner

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COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE
DEPARTMENT OF PUBLIC WORKS

DARNELL TYSON, P.E.
ACTING COMMISSIONER

ERIC M. HOFMEISTER
DEPUTY COMMISSIONER

December 30, 2019

dew@smithtownny.gov

Town of Smithtown – Planning Board
c/o Smithtown Department of Environment & Waterways
124 West Main Street
Smithtown, NY 11787

Subject: Notice of Completion of Draft EIS and Notice of SEQRA Public Hearing

Project: Gyrodyne Subdivision # 1178
SCTM 0800-0400-0200-004000, 013003, 013004, 014000, & 01500

To whom it may concern:

The Town of Smithtown's notification of the SEQR process for the above-referenced application was received by the Suffolk County Sewer Agency on December 26, 2019.

In areas concerning Wastewater Treatment and disposal, the Suffolk County Sewer Agency reserves the right to comment on this proposed project and would like to be informed of all actions taken pursuant to SEQR and to be copied on submittals of the EAF, DEIS, FEIS reports.

Comments:

GW-14

As per the Draft EIS; the project proposes the construction of a new wastewater treatment plant (WWTP) to facilitate treatment of the wastewater to be generated by the project and adjoining area (project). The construction of an on-site WWTP which treats the wastewater generated from said facility and adjoining area (project) would necessitate the submittal of an application to the Suffolk County Sewer Agency.

If you have any comments or questions, please contact me at (631) 852-4191.

Sincerely,

Craig A Platt
Suffolk County Sewer Agency

CAP/dv

cc: Janice McGovern, P.E.
Boris Rukovets, P.E.

H:\SANITATION\sewer-agency\SM - Smithtown 0800\Town of Smithtown\TOS - SEQR Gyrodyne 0500-280.00-01.00-015.001 12-30-19.docx

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

David Barnes (DEW)

From: Allyson Murray (Planning)
Sent: Tuesday, December 31, 2019 10:00 AM
To: Matthew Calado (Planning); DEW; Howard Barton III (DEW)
Cc: Peter Hans (Planning)
Subject: FW: Gyrodyne EIS
Attachments: Gyrodyne 123119 Rev MC.pdf

Attached please find Traffic's comments on the Traffic Study and EIS for Gyrodyne. Mitch told me on the phone that Traffic was focusing its review only on Town roads in the Town of Smithtown. They defer to the State and Brookhaven for roads in their jurisdictions.

*Allyson Murray, Principal Planner
Town of Smithtown Planning Department
99 West Main Street
Smithtown, NY 11787*

Phone: (631) 360-7540

From: "Mitch Crowley (Traffic)" <MCrowley@smithtownny.gov>
Date: Tuesday, December 31, 2019 at 9:38 AM
To: Allyson Murray <AMurray@smithtownny.gov>
Cc: "Peter Hans (Planning)" <phans@smithtownny.gov>
Subject: Gyrodyne EIS

Allyson,
Here is the Traffic Safety Department's latest comments for the above EIS.
If you have any questions or need a paper copy, please let me know.

Happy New Year to all at the Planning Department!

Mitch

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TOWN OF SMITHTOWN

OFFICE OF THE TRAFFIC SAFETY DEPARTMENT

Mitchell J. Crowley

Director

Tel: (631) 360-7635 Fax: (631) 360-7637

Supervisor

Edward R. Wehrheim

Town Council

Thomas J. McCarthy

Lynne C. Nowick

Lisa Inzerillo

Thomas W. Lohmann

Memorandum

TO: Peter Hans, Town Planning Director

FROM: Mitchell J. Crowley, Director of Traffic Safety

DATE: December 31, 2019

RE: Gyrodyne, LLC #1178 – (TIS July 2018)

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.

TR-1

Please do not hesitate to contact this office if you have any questions or comments regarding this matter.

MJC/bl

cc: Robert J. Murphy, Superintendent of Highways

Q:\PUBLIC\Site Plans\1D - K\Gyrodyne\Gyrodyne 123119.doc

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

JAMES L. TOMARKEN, MD, MPH, MBA, MSW
Commissioner

January 17, 2020

Town of Smithtown
Department of Environment & Waterways
Howard Barton 3rd, Assistant Environmental Protection Director
P.O. Box 9090
Smithtown, NY 11787

Re: Gyrodyne Subdivision (#1178) Draft Environmental Impact Statement
One Flowerfield – Suite 24, St. James
SCTM # 0800 – 40 – 02 – 04, 13.3, 13.4, 14 & 15

Dear Mr. Barton,

The Suffolk County Department of Health Services (SCDHS; "Department") has received your letter dated December 13, 2019 concerning the above referenced application.

Based on a review of the subject coordination, the Department offers the following comments. These comments should not be construed as an implicit SCDHS approval or rejection of the project. All applications are reviewed thoroughly with respect to Suffolk County Sanitary Code concerns by appropriate departmental personnel when SCDHS applications are completed.

1. SANITARY CODE

A. Article VI Application Status:

GW-18 | Our agency's Office of Wastewater Management has not received a subdivision application or commercial wastewater application for this project, as required by Article VI of the Suffolk County Sanitary Code (Article 6). The project sponsor should submit an application to our agency's Office of Wastewater Management that meets Article 6 requirements at the earliest possible date so that a complete technical assessment of this proposal can be undertaken.

B. SCDHS Jurisdiction

GW-19 | The SCDHS maintains jurisdiction over the final lot use, density and sewage disposal and water supply systems. The applicant, therefore, should not undertake the project without Health Department approval. Density, design



DIVISION OF ENVIRONMENTAL QUALITY – Office of Ecology
360 Yaphank Avenue, Suite 2B, Yaphank NY 11980 (631) 852-5750 Fax (631) 852-5812

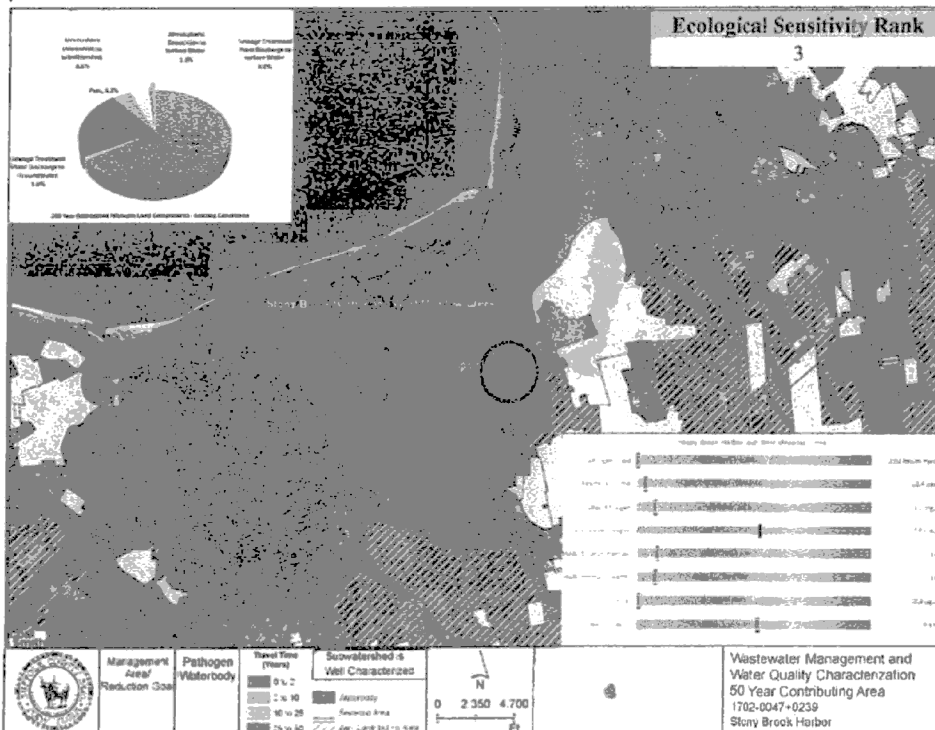
GW-19
cont.

and flow specifications, and complete site plan details are essential to the review of this project. These considerations are reviewed completely at the time of SCDHS application.

2. SUBWATERSHEDS WASTEWATER PLAN

GW-20

The proposed project is located within the groundwater contributing area of the Stony Brook Harbor and West Meadow Creek subwatershed. Stony Brook Harbor and West Meadow Creek has an ecological sensitivity rank of 3 and is part of Long Island Sound Harbors and Bays Restoration and Protection Area I, which has an Overall Water Quality Improvement Goal of 37% nitrogen load reduction in the Suffolk County Subwatersheds Wastewater Plan. According to the documents provided, the Gyrodyne property is located within the 10-year, 25-year and 50-year groundwater contributing area to this subwatershed, as indicated in the below images. The proposed sewage treatment plan is located within the 10-year and 25-year groundwater contributing area to Stony Brook Harbor and West Meadow Creek. The Department recommends the sponsor of the proposed action consider impacts to the Stony Brook Harbor and West Meadow Creek subwatershed as well as designing the sewage treatment plant to reduce total nitrogen (TN) levels significantly lower than 10 mg/l with the TN mass loading being significantly less than the mass loading that could occur under a development scenario that complies with the density requirements of Article 6 of the Sanitary Code based on SCDHS Guidance Memorandum #28 requirements. Please note SCDHS does not consider the TN reduction from soils when comparing the TN mass loading (as done in section 7.5 of the DEIS) that could occur under a development scenario that complies with the density requirements of Article 6 to the mass loading from the sewage treatment plant.





- Gyrodyne Site
- 100 year Stony Brook Harbor
- 50 year Stony Brook Harbor
- 25 year Stony Brook Harbor
- 10 year Stony Brook Harbor
-

GW-20
cont.

3. OTHER

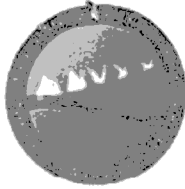
GW-19

Please note that based on the proposal it appears that the approval of the Suffolk County Sewer Agency will be required, and, therefore the project sponsor should submit an application to Suffolk County Sewer Agency at the earliest possible date for consideration.

Thank you for the opportunity to review this application. If you have any questions, please feel free to contact the Office of Ecology at 631-852-5750.

Sincerely,

Julia Priolo
Senior Environmental Analyst
Office of Ecology



VILLAGES OF HEAD-OF-THE-HARBOR AND NISSEQUOGUE
JOINT COASTAL MANAGEMENT COMMISSION

Page A31

Nissequogue Village Hall
631 Moriches Road
St. James, NY 11780

Head-of-the-Harbor Village Hall
500 North Country Road
St. James, NY 11780

January 27, 2020

Town of Smithtown Planning Board
Russell K. Barnett, Environmental Protection Director
Department of Environment and Waterways
124 West Main Street
Smithtown, NY 11787

Re: Gyrodyne, LLC

Map of Flowerfield Subdivision Application, St. James, NY

Sorry that this letter arrives outside of the public comment period. Our board only meets once a month and we were made aware of the online availability of the EIS too late.

Below are general comments with respect to the application. Because we are the agency which evaluates consistency with the LWRP in Head-of-the-Harbor (and Nissequogue), we have chosen to use the LWRP as a framework for discussion. This application is not in our jurisdiction although we believe it *will* have a profound effect on our community.

It is also important to note that there are adjacent properties which may have been acquired for potential development; it would be a violation of the principles of segmentation for the same or affiliate controlling interests to propose plans for adjacent properties sequentially and we would object strenuously if that were to occur.

As each policy is referenced, any excerpts from the LWRP are presented in quotes directly after the policy.

GW-34

FISH AND WILDLIFE POLICIES

POLICY 7: SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS."

"Stony Brook Harbor is one of the largest and most diverse coastal wetlands ecosystem on the north shore of Long Island. In order to protect and preserve these locally significant habitats, actions shall not be undertaken which would destroy or significantly impair the viability of any area as a habitat."

POLICY 7A: STONY BROOK HARBOR AND WEST MEADOW ARE COASTAL FISH AND WILDLIFE HABITATS OF STATEWIDE AND LOCAL SIGNIFICANCE AND SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

GW-34
cont.

Page A32

"Introduction of water-born pollutants into the Nissequogue River or Stony Brook Harbor such as chemical contaminants (affecting food chain effects), petrochemicals, excessive turbidity or sedimentation, sewage discharges, solid wastes, toxic materials and landfill leachates. All species of fish and wildlife may be affected by these pollutants."

Issues:

The LWRP warns us to be watchful of:

- "biological parameters such as: community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, behavioral patterns, and migratory patterns;
- chemical parameters such as: dissolved oxygen, carbon dioxide, pH, dissolved solids, nutrients, organics, salinity, pollutants (heavy metals, toxic and hazardous materials).

When a proposed action is likely to alter any of the biological, physical or chemical parameters described above beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed."

- 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.

GENERAL POLICY

GW-41

POLICY 8 TO PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN, OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECTS ON THOSE RESOURCES.

"The handling, storage, transport, treatment and disposal of the identified hazardous materials are strictly regulated...to prevent their entry or introduction into the state's air, land and waters."

Issues:

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.

OPEN-6

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

"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

OPEN-6
cont. | 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."

Issues:

- 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.
- Neither the hotel nor the Assisted Living Facility appear to be compatible with the current zoning. The hotel, which is described in the EIS as having "synergy with the existing Flowerfield catering hall, Stony Brook University, the Research and Development Park, and Stony Brook Medical seems to be redundant given the new hotel on the Stony Brook University campus.
- 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.

HISTORIC AND SCENIC RESOURCES POLICIES

HIS-2 | **POLICY 23 PROTECT, ENHANCE, AND RESTORE STRUCTURES, DISTRICTS, AREAS, OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY, OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.**

Issues:

- 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.

VIS-2 | **POLICY 25 PROTECT, RESTORE, OR ENHANCE NATURAL OR MANMADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.**

Issues:

- 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

GW-34
cont.

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUND WATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

Issue:

- 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.*

GW-35

POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

POLICY 44A PROTECT AND PRESERVE LOCALLY IMPORTANT FRESHWATER WETLANDS NOT UNDER STATE PROTECTION FROM DEVELOPMENT OR ENCROACHMENT.

Issues:

- 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.

Please feel free to contact me with any question or comments.

Very truly yours,



Kaylee Engellenner, Chairperson

Howard Barton III (DEW)

From: Mark Riley (Engineering)
Sent: Thursday, February 6, 2020 4:08 PM
To: Howard Barton III (DEW)
Cc: David Barnes (DEW)
Subject: Gyrodyne, LLC - EIS Comments

Howard,

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.

Mark Riley, P.E.
Town Engineer

Town of Smithtown
Engineering Department
(631) 360-7550

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*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

Appendix B: DEIS Comments (Public Comments)

Tue, Jan 7, 2:46

Richard Amper <amper@pinebarrens.org>

TO WHOM IT MAY CONCERN:

PN-12

The Long Island Pine Barrens Society writes out of concern for the proposed development of multiple-construction plans associated with the Gyrodyne Development project in St. James. In addition to our concern about the magnitude of building development on the fragile site, we are especially concerned about the proposed development of a regional Sewage Treatment Plant that would permit denser building which can be expected to harm on site attributes of the property as well as Stony Brook Harbor and other adjacent waterways.

We believe that the project should be scaled back and the Sewage Treatment Plant abandoned as proposed.

Sincerely,

Richard Amper
Executive Director
Long Island Pine Barrens Society
Phone: 631-369-3300
amper@pinebarrens.org
<http://www.pinebarrens.org>

Page B3

David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Monday, January 6, 2020 2:03 PM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Public Comments re: Gyrodyne DEIS
Attachments: Murdocco Comments Gyrodyne Jan 20.pdf

Peter Hans, Town Planning Director
 Town of Smithtown Planning Department

(631) 360-7540

From: Richard Murdocco <rich.murdocco@gmail.com>
Sent: Monday, January 6, 2020 1:49 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>; SPIO (Supervisor's Office) <SPIO@smithtownny.gov>
Subject: Public Comments re: Gyrodyne DEIS

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 Pete -

Hope you enjoyed the holidays!

Please find attached *The Foggiest Idea's* public comments to the Smithtown Planning Board regarding the DEIS for proposed development at Gyrodyne/Flowerfield.

When able, please forward these remarks to members of the Planning Board and other relevant parties. As always, all are welcome to reach out to me regarding my remarks as needed.

As you're well-aware, Gyrodyne is one of the last large parcels of significance in western Suffolk County and any development at the site has regional significance. I plan on attending the upcoming hearing on Wednesday evening, and hope to see you there.

Thank you -

RJM

--

*President,
 The Foggiest Idea Inc.
 Phone: 1-631-560-1450
www.TheFoggiestIdea.org*

*Follow along on Twitter [@TheFoggiestIdea](#)
 LIKE *The Foggiest Idea* on [Facebook](#)*

*The Award-Winning Resource
 on Real Estate Development.*



Phone: 631-560-1450
Email: Rich@TheFoggiestIdea.org

January 7th, 2019

To the Town of Smithtown Planning Board -

My name is Richard Murdocco, and I am writing to submit public comments in regards to the Draft Environmental Impact Statement for the proposed subdivision of the 75-acre Gyrodyne Property.

As part of the research process for its award-winning body of work on Long Island's environmental and real estate development issues, *The Foggiest Idea* regularly reviews the policy actions taken by local, state, and federal governments that impact communities throughout Nassau and Suffolk Counties.

Being one of the last large tracts of developable land in western Suffolk County, any development at this particular site is regionally significant.

Upon review, it is clear that Cameron Engineering and Associates has compiled an extensive document that outlines both the history of the Gyrodyne/Flowerfield site, as well as the developmental direction that the applicant is looking to take in the coming years.

However, despite the volume of materials compiled, outsized concerns remain unaddressed by this draft, including a detailed assessment of the collective impacts that the proposed development would have on neighboring municipalities, local watersheds of significance, and the area's limited transportation network.

As such, the following issues should be more clearly addressed before the DEIS document is accepted by Smithtown officials, including:

- SEQRA-1 | 1. *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.
- GW-15 | 2. *Impact on local watersheds.* While the DEIS notes how a proposed sewage treatment plant would impact nearby Stony Brook Harbor and other local watersheds, a significant concern first raised by New York State Assemblyman Steve Englebright (D-Setauket), the document does not outline specific targeted actions that would reduce nitrogen loadings as the result of development in nearby waterbodies aside from noting all projects would have general compliance with existing environmental guidelines.
- PN-2 | 3. *Collective impacts on regional/local hospitality markets.* The collective market impact of the proposed hotel must be more clearly delineated due to a spate of hotels that are either being proposed or have been newly constructed near the Gyrodyne parcel. With additional hotel space being pitched locally at the Watermill site on nearby Nesconset Highway as well as at various locations across western Suffolk and Nassau Counties, the DEIS should address expected changes in market dynamics due to other proposed hospitality projects within reasonable distance to the project site.

www.TheFoggiestIdea.org

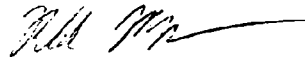
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- ALT-3 | 4. *Further exploration of a scaled-down As-of-Right alternative.* The DEIS should engage in a more detailed exploration of the as-of-right development options at the Gyrodyne site. While the document favorably compares the applicant's proposal 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.

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.


Sincerely -



Richard Murdocco

Founder/President
The Foggiest Idea Inc.

www.TheFoggiestIdea.org

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The Award-Winning Resource on Land Use and Real Estate Development.
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David Barnes (DEW)

From: Smithtown Planning
Sent: Tuesday, January 7, 2020 4:42 PM
To: David Barnes (DEW); DEW; Allyson Murray (Planning)
Subject: FW: Gyrodyne development

-----Original Message-----

From: celitan [mailto:celitan@optonline.net]
Sent: Tuesday, January 07, 2020 3:49 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

Dear Smithtown Planning Department:

Unfortunately, due to work, I will be unable to attend tomorrow's meeting on the development of the Gyrodyne Flowerfield in Saint James.

TR-2 | However, I want to express my strong opposition to the proposed development of this site. I have lived in Saint James
VIS-1 | most of my life and have seen the gradual degradation of this area. We simply can not deal with the traffic anymore!! It
sometimes takes me as long to get
through the Smithtown area as to get from Queens to Smithtown! One of
the reason to live here is the beauty and character of the area which is rapidly changing to look like Levitown!!! Why
would anyone pay our astronomical taxes to live here any more...

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 25A .

Sincerely,

Loretta Celitan

67 Hobson Avenue

Saint James, NY

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David Barnes (DEW)

From: Smithtown Planning
Sent: Thursday, January 9, 2020 2:26 PM
To: David Barnes (DEW)
Subject: FW: STOP GYRODYN DEVELOPMENT

-----Original Message-----

From: angela cirami [mailto:ang84@msn.com]
 Sent: Thursday, January 09, 2020 2:07 PM
 To: Smithtown Planning <smithtownplanning@smithtownny.gov>
 Subject: STOP GYRODYN DEVELOPMENT

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 NEVER give out your User ID or Password: Town of Smithtown IT

PN-4 | Good afternoon. I am writing as I was unable to get into last nights extremely crowded meeting. I am strongly opposed to this building project. Please represent the community you are meant to represent. It seems there is no limit. We work hard to live in a certain type of area paying quite significant taxes for a quiet town like atmosphere of the north shore specifically St. James area, and it is becoming more crowded, less town like and certainly more expensive with the upcoming tax increase. I am a resident who also lives on Twixt Hills Road. As you are aware a group home recently opened on our street. The home was renovated nicely. It is a great thing for the residents, there has been no increase of noise, however the location of these homes should be considered. It is another example of by default, there being a business, place of employment, for the workers, smack in the middle of a very quiet neighborhood. There is more traffic, many cars,... it is not what we pay high taxes for to be in a quiet private area. There should be more thought into the location of such places of business. Are tax breaks given? No, quite the contrary. Now there are these proposals for hotels, sewage plants! , senior residencies,..... when is enough enough?! There is the church/temple on the corner of River Rd. and Edgewood. It looks terrible. SMITHTOWN Main Street is a wreck. There are rental properties on River road across from the cemetery that look horrendous and incoherent looking people are seen waking up and down River Rd. What is happening to Smithtown?! It is becoming less desirable to live in this area. I beg of you to please listen to the hundreds of people who were able to get into last evenings meeting. When is Smithtown going to get the attention it deserves? Please preserve our community and do not allow this building project that will forever change the landscape of our north shore area! You have the power to do so!

Respectfully,

Angela Cirami

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David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 10, 2020 9:49 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne planned development of Flowerfield

From: Neta Dean [mailto:neta.dean@stonybrook.edu]
Sent: Thursday, January 09, 2020 6:05 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne planned development of Flowerfield

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I attended a public hearing last night about the proposed development of Flowerfield. By the end, I was convinced that if approved, this development will have a lasting and catastrophic impact on our community.

ALT-1 | As a resident, I therefore urge the planning board to re-consider alternative plans that provide solutions to the | ALT-1 |
major concerns that were not convincingly addressed in the DEIS

Of greatest concern is the lack of..

- 1. adequate plans for mitigation of increased 25A traffic (already over capacity)
- 2. Science based predictions on the long term effects on water quality of nearby Stony Brook Harbor, and amazingly
- 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.

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.

OPEN-7

SEQRA-1

GW-1

TR-3

Neta Dean
Professor
Department of Biochemistry and Cell Biology
Stony Brook University
Stony Brook, NY 11794-5215

631-632-9309

Office: Room 310, Life Sciences Building
Lab: Rooms 301, 303, 305 Life Sciences Building
<http://www.stonybrook.edu/commcms/biochem/research/faculty/dean.html>

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DB

Three Village Civic Association

PO Box 2432
 Setauket, New York 11733

Established 1942, Associated Organizations: *Stony Brook Civic Association, The Civic Association of the Setaukets, The Civic Association of the Setaukets and Stony Brook*

January 12, 2020

Dear Smithtown Planning Board:

I am speaking to you on the behalf of the Three Village Civic Association and its affiliate organizations, the Stony Brook Civic Association, The Civic Association of the Setaukets, and the Civic Association of the Setaukets and Stony Brook.

As a follow up to comments made on January 9th at the public hearing on the Draft EIS/Gyrodyne subdivision project, I would like to submit the information below for the written record.

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 all know our communities are constantly subject to some change, especially in an area as attractive and desirable as ours, and hopefully those changes ‘fit’ the areas unique, historical character.

GROW
-3

The Gyrodyne project does not ‘fit’ the surrounding area and appears to be the first step in a pivotal, high density, multi-land division that is the epicenter of a new, expansive corporate buildout slated for this area. In a very real sense, the Gyrodyne project is the template, the model, for a “New North Shore” – complete with modern office parks, hotels, and assisted living facilities.

Importantly, any DEIS must weigh all of the future, potential developments of surrounding properties, and cannot act as if the property under review is in complete isolation. The Gyrodyne DEIS fails to examine all of the potential impacts of its ‘build out’ with those pending in the surrounding community. To note:

1. 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.
2. To the immediate west - The Bull Run Farm – a potential assisted living center
3. To the immediate north east The International Baptist Church – a planned senior living ‘resort’
4. To the immediate north, the BB-GG Farmland –speculation of a pending safe 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 lasting negative changes.

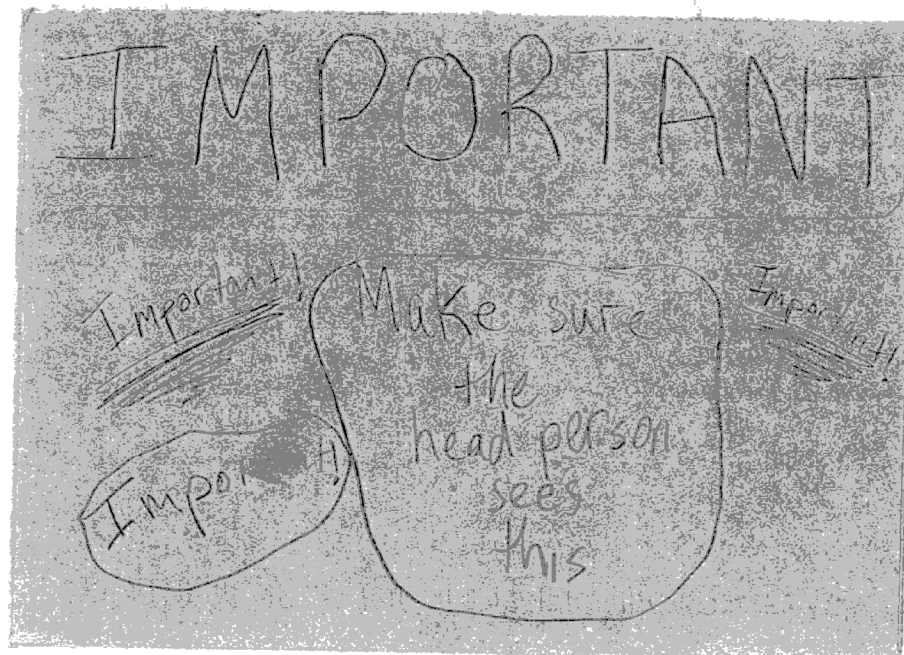
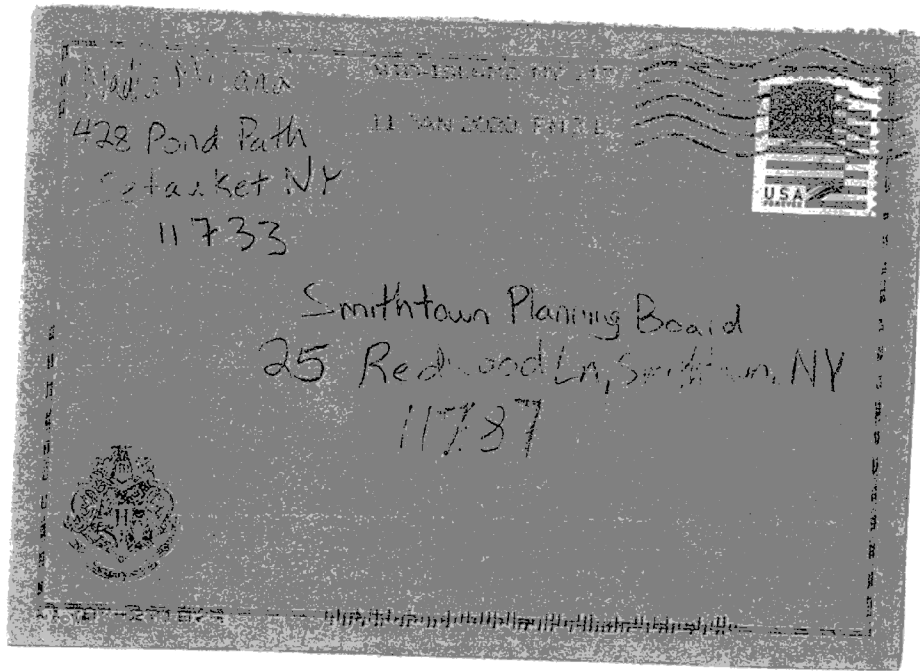
Of the many, many adverse impacts, the most obvious is to our roads. After so much has been made to preserve a picturesque, rural byway on NYS Route 25A - The Washington Spy Trail- these buildouts will put renewed demands to “Jericho-ize” our main artery. Be mindful, it was only thirty years ago that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

Sincerely,



Herb Mones - Land Use Chair – Three Village Civic Association

DB.



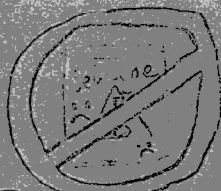

P.S.

If someone that
 of many braces 😊 knows
 that Gyrodyn is true to
 do some thing and that
 means that its hard!
**DONT LET
 THEM DO
 IT!**
 -Nadia M.

P.S.


**TELL ME WHEN
 THE NEXT TOWN
 MEETING ABOUT
 GYRODYNE IS.**
 -Nadia M.







EXEC-8

 CLEAN Green Flower Fields 

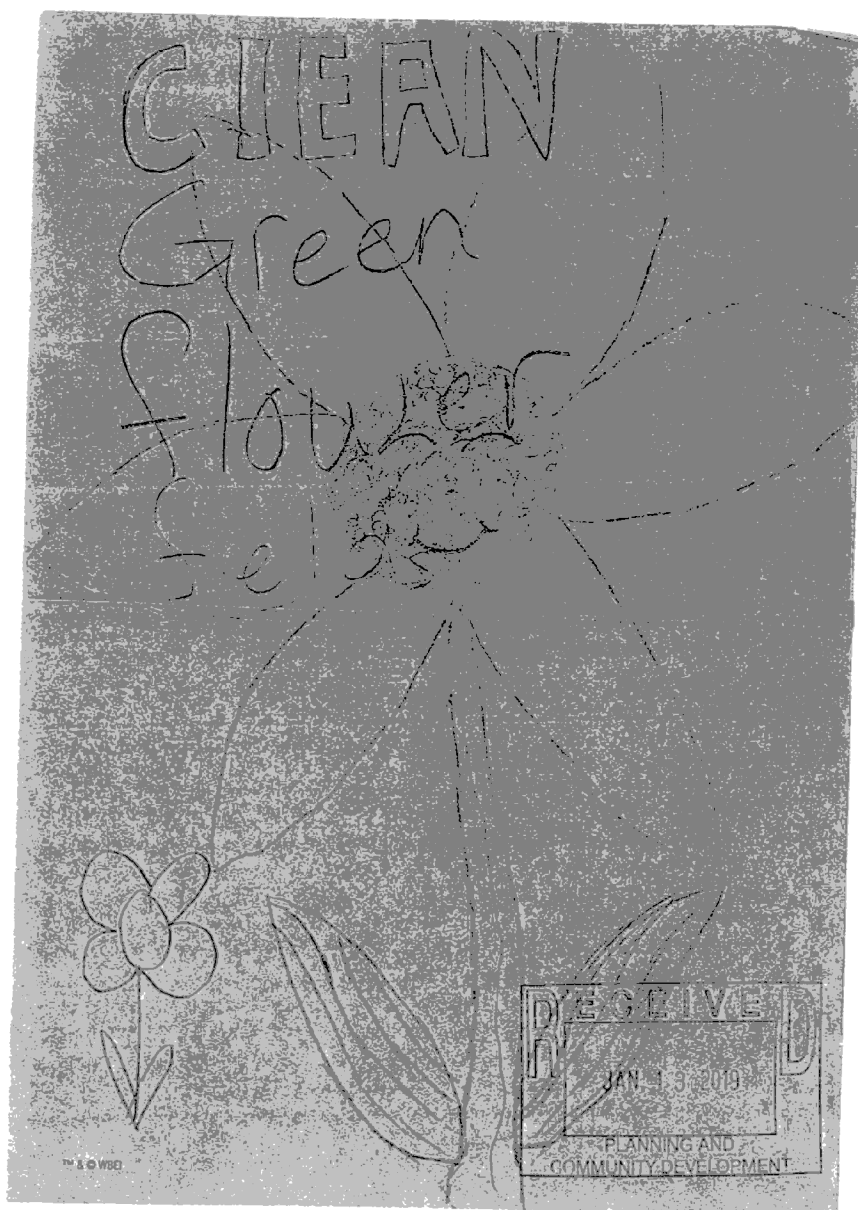
To whom it may concern,

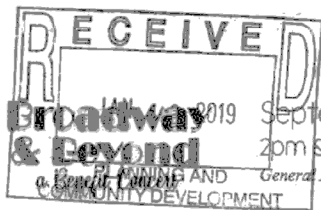
P Please dont let Gyrodyne
L build the sewage plant, office
E building, the hotel and senior citizen
A center, Please dont let them build
S anything there. If they build the
E sewage plant there it will affect
 everyone and everything there!
 It will affect everyone negitively and
HORRIBLY! ANYTHING that
 lived in the fields (like animals) will be
 forced to move out to the dangerous
 streets and most likely get hit by a car.
 People are very concerned about
 trees dying so make sure this piece
 of land stays nice and green. Please
 tell me what the next meeting
 is.

 CLEAN Green Flower Fields

-Radia M.





September 15th
2pm & 7pm
General Admission: \$50, Ringside Seats: \$60



SCC Southampton Cultural Center
EDUCATION - EXHIBITION - PERFORMANCE
Levitas Center for the Arts
25 Pond Lane
Southampton, NY 11968



October 11th - October 27th
Thursdays-Saturdays at 7pm, Sundays at 2pm
General Admission: \$30 • Students under 21 \$15
Brunch & Dinner Theatre Packages available



January 10th - January 26th
Thursdays-Saturdays at 7pm, Sundays at 2pm
General Admission: \$25 • Students under 21 \$15
Brunch & Dinner Theatre Packages available

Smithtown Planning Board
99 W main st.
Smithtown, NY 11787



April 24th - April 26th
Friday & Saturday at 7pm, Sunday at 2pm
General Admission: \$30 • Students under 21 \$15
Brunch & Dinner Theatre Packages available

to SPB, I was there the other nite but couldn't get in, signed my name as my father expressed they will remove and take out all the trees. I signed my name in memory to him as well. We used to live in Old Field + Stay Brook
formally for 42 yrs at least. I'm still getting things and an artist displaying at Filip Art Museum and Southampton. Boice Mahan

David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 13, 2020 11:43 AM
To: DEW
Subject: FW: objection to proposed development of Flowerfield

From: Janet Leatherwood [mailto:janet.leatherwood@gmail.com]
Sent: Saturday, January 11, 2020 11:38 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: objection to proposed development of Flowerfield

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Dear Neighbors,

EXEC
-4

I live in Setauket, but my family's doctors and dentists are in Smithtown and I am a member of the Brick Studio at Flowerfields so I regularly drive 25A and love the Smithtown area. I am very distressed to hear of the massive development plans. I love the stretch of 25A except that it is a bit crowded....I would be sorry to see it disappear into a major development and begin to look like 347. Thank you for reading these concerns of your neighbor.

EXEC
-4

Sincerely yours,
Janet Leatherwood
49 Main St, Setauket- East Setauket, NY 11733
631 413-4671

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 13, 2020 11:50 AM
To: DEW
Subject: FW: Concern for Gyrodyne Development

From: Nancy Reich [mailto:nancy.reich@stonybrook.edu]
Sent: Sunday, January 12, 2020 10:42 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Concern for Gyrodyne Development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT
Mr. Peter Hans
Town Planning Board Director

Re: Great concern of Gyrodyne Development under consideration

Dear Mr. Hans and Members of The Smithtown Planning Board,

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.

The impact of a 150-room Hotel and Restaurant and the 440-Assisted Living Units on the North Shore Rt 25A area within 1 mile of Long Island Sound would have a detrimental effect on traffic congestion, pollute our clean air and drinking water, and pollute wildlife and waterways. These are all safety concerns for the families that currently live and work in the area, and for our future generations.

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.

Sincerely,
Dr. Nancy Marshall

ECON-3

TR-2,
GW-43

Nancy C. Reich Marshall, Ph.D.
Professor, Microbiology & Immunology
Stony Brook University, NY 11796-5222
Fellow of The American Association for the Advancement of Science (AAAS)
Fellow of The American Academy of Microbiology (AAM)

Page B17

Office: 631.632.8650
Fax: 631.632.9797
nancy.reich@stonybrook.edu



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Celebrate St. James
 Past - Present - Future
 459 Lake Avenue
 St. James, NY 11780
 631.862.4615
www.celebratestjames.org

January 14, 2020

Town of Smithtown Planning Department
 99 W. Main Street
 Smithtown, NY 11787

Smithtownplanning@smithtownny.gov

RE: COMMENTS - GYRODYNE DEVELOPMENT PROJECT

EXEC
 -3

My name is Natalie Weinstein and I have lived in St James for over 40 years. In 1985, my husband and I purchased two properties, one on Lake Avenue & one around the corner -- one I knew to be the old Calderone Theatre, and the other, I later discovered, was the location where the first silent movies were shown. Our home was nestled in the woods of Nissequogue, we shopped at the Waldbaum's in Smithtown, pumpkin picked at the Giant Witch and walked with our two little boys on Lake Avenue. There was a Suffolk Store, a Shoe Store, among others, and even an ice cream parlor/luncheonette. I know that for a fact because it was in our building at 455 Lake Avenue! They are all gone now.

When my husband passed away in 2010, I decided to move my design firm out of the Calderone Theatre and into our Lake Avenue location. Now I actually saw the visible deterioration of our downtown. Stores were empty, absentee landlords were raising rents as businesses opened and closed, cars were whizzing by with very little to stop for, and a vape shop and massage parlors found a home.

Those who stayed and invested in St James looked to the then supervisor for help in revitalizing the town. His answer was always the same -- "I'm not raising the taxes. Without sewers, the business district will have to manage, and people can shop at the mall."

Then -- something wonderful happened! A new supervisor was elected, a civic association was born and the organization of which I am the president -- Celebrate St James Past -- Present -- Future was founded. People had had enough. While our hamlet was woefully short on infrastructure, it still had the community pride generations of families, who lived here and loved St James, had nurtured.

Celebrate St. James -- Past -- Present -- Future is a 501(c)3 not for profit organization.

All donations are tax deductible.

EXEC
-3
cont.

Along with that old spirit came something new – progress! Roads were getting fixed, parks were being upgraded, a master plan was finally being developed for the Smithtown communities based on our input. The town officials were actually listening to us – homeowners, business owners, families, seniors.


Along with the town officials, St James found a new friend and neighbor at Gyrodyne. The Gyrodyne corporation, whose board has many St Jamesers on it had spent years developing their plan, taking into account existing environmental and traffic issues, as well as the profile of our small-town community. They have consistently exhibited the good neighbor policy. They are involved and caring partners in our community – and their development can only benefit us – and the entire surrounding community.

St James has waited a very long time for such a neighbor who can help turn our dreams of a charming town with art galleries and restaurants, an ice cream parlor, and boutique shops – a place where we, and visitors can once again stroll down an avenue with things to see and do and where our rich heritage in the arts can be celebrated.

I speak for my organization and the countless others who have reached out to me, who live and work in St James. **Gyrodyne has done their due diligence.** You have heard the facts tonight – not distortions and exaggerations. The development of that property will only enhance us and will allow us to grow – not into a monster city – but, become the microcosm of small-town life we yearn to be again, and for which we had almost lost hope.

I am urging your support for the Gyrodyne project that means so much to the future economic growth of St. James and all our communities.

Best regards,


Natalie Weinstein, President
Celebrate St. James

Celebrate St. James – Past – Present – Future is a 501(c)3 not for profit organization.

All donations are tax deductible.

David Barnes (DEW)

From: Smithtown Planning
Sent: Tuesday, January 14, 2020 10:25 AM
To: David Barnes (DEW)
Subject: FW: Gryodyne project

From: Eric Young [mailto:ecoyoung61@gmail.com]
Sent: Monday, January 13, 2020 3:45 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gryodyne project

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To whom it may concerns,

A friend of mine shared with me the meeting about the proposed project on the Gyrodyne property. He outlined his dismay about more building, traffic and less green area. 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. Janes many years ago I would bike through that property, known then as Flwoerfield, 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 a 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.

OPEN-3

Please heed the words of the large amount fo citizens who came to its defense.

Sincerely,

Eric Young
Educator, Naturalist and Nature Lover

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David Barnes (DEW)

From: Smithtown Planning
Sent: Tuesday, January 14, 2020 10:25 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne

-----Original Message-----

From: Astrid Wimmer [mailto:astridbwimmer@gmail.com]
Sent: Monday, January 13, 2020 8:37 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne

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To the Planning Board:

Please reconsider the current plans for the development of Gyrodyne in a way that is more compatible with the residential environment.

Thanks.

AW

OPEN-2

Sent from my iPhone

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Jane Fasullo
68 Old Field Rd.
Setauket, NY 11733
1/16/2020

Smithtown Planning Board
Patrick R. Vecchio Building - Town Hall
99 West Main Street
Smithtown, NY 11787

Respected Planning Board members:
(Barbara DeSorbe – Chairperson, William Marchesi, Desmond Ryan, Thomas Unverzagt and Tina Paris)

re: development at Gyrodyne

Please accept these comments regarding the proposed development at the Gyrodyne property on route 25A in Saint James and enter them in the record for the DEIS hearing.

GW-16 | 1 – location and size of the water treatment plant

A - It should be sized to accommodate only the on-site needs. It should not be available for use by buildings on other properties, whether currently existing or to be added in the future. If other buildings need a water treatment plant, another should be built on property FURTHER from Stony Brook Harbor.

GW-17 |

B – because of its proximity to Stony Brook Harbor, the water treatment plant on the Gyrodyne site should be required to meet the tertiary treatment level or greater so the water can be recharged onto the ground or used to water the grounds and for general outside water purposes.

C - the treatment plant should be located as far as possible (and I don't mean financially possible but rather spatially possible) from the harbor. That is, it should be located at the south west end of the property unless a geologic study shows another location to be less prone to allowing the effluent to flow into the aquifer or the harbor. Certainly, a geologic test of the land below the Gyrodyne property should be done to reveal the best environmental location for the water treatment plant. The siting should not be one of convenience or lowest cost because the long-term cost of cleaning up the harbor could far exceed the cost of building the water treatment plant.

D – it should be required that a bond be taken by the water treatment plant builder or the town of Smithtown to cover the cost of cleaning up any pollution of the harbor caused by the water treatment plant. Otherwise, all of us who live here will have to pay for it, even though, only those who are hooked up to the plant will reap it's

GW-17 cont. benefits. The developers will realize higher profits from developing the property and those using it will pay less than if they had to hook up to a plant further away.

TR-7 2 – effects on air pollution, traffic, and the environment as a whole.

A – we now use route 25 A 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.

B - 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.

C - 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.

D - 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.

Respectfully submitted,

Jane Fasullo



David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 6, 2020 10:58 AM
To: David Barnes (DEW)
Subject: FW: GYRODYNE
Attachments: gyrodyne 2.pages

-----Original Message-----

From: Isabel Cosentino [mailto:cosentino.isabel@gmail.com]
Sent: Monday, January 06, 2020 10:33 AM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: GYRODYNE

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Dear Mr. Hans and Planning Board Members,

Thank you for considering my concerns.

Isabel Cosentino

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P.O. Box 37
East Setauket, NY 11733
cosentino.isabel@gmail.com

December 27, 2019

Assemblyman Steve Englebright
149 Main Street
East Setauket, NY 11733

Dear Assemblyman Englebright,

I am contacting you to express my concerns regarding the Gyrodyne development project.

I attended the November 15, 2018 meeting of the Smithtown Planning Board and learned the details of this project. Among the speakers, I heard your compelling presentation which spoke to the possible devastation of our ecosystem.

A statement issued by the Three Village Civic Association points out the potential to “permanently alter the character of our area, turn Route 25A into a traffic nightmare and threaten the water quality of Stony Brook Harbor.”

| VIS-1

| GW-1

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.

| TR-26

The Gyrodyne project is ill-advised and wrong for this community. Good stewardship of our resources as well as respect for both our environment and our fellow residents must not be compromised.

Yours truly,

Isabel Cosentino

cc: Smithtown Planning Board
Brookhaven Supervisor, Edward Romaine
Smithtown Supervisor, Edward Wehrheim
NY State Senator, John Flanagan
Brookhaven Councilwoman, Valerie Cartright
Suffolk County Legislator, Kara Hahn
Three Village Civic Association

Vertical line of text on the right margin.

David Barnes (DEW)

From: Joyce Butindari (Supervisors)
Sent: Friday, January 3, 2020 9:54 AM
To: David Barnes (DEW)
Subject: FW: Development of Gyrodyne

FYI

-----Original Message-----

From: Jeanette Royce [mailto:jeanette.royce1@gmail.com]
Sent: Friday, January 3, 2020 9:08 AM
To: Hon. Edward Wehrheim (Supervisor) <EDW@smithtownny.gov>
Subject: Development of Gyrodyne

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Dear Mr Wehrheim,

I am sending you this email to please do whatever is in your power to STOP the commercial development of Gyrodyne. If this is developed it will be a major disaster for not only the surrounding communities but the other communities such as Lake Grove, Port Jefferson, Centerrach and all others to the west, south and east. OUR INFRASTRUCTURE(ROADWAYS, WATER SUPPLY, ELECTRICAL AND ENGERY SUPPLY, SEWAGE CANNOT HANDLE THIS IMPENDING PROJECT. YOU KNOW THAT AS WELL AS WE DO. Please consider other more environmental options. Our land value, quality of life and the environment itself will have a disastrous effect if this plan comes to be. Please don't let the ALL MIGHTY DOLLAR SIGN INFLUENCE YOUR DECISION.

PN-10

Regards,

Jeanette Royce
Saint James Resident

Sent from my iPhone

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David Barnes (DEW)

From: Joyce Butindari (Supervisors)
Sent: Friday, January 3, 2020 11:36 AM
To: David Barnes (DEW)
Subject: FW: 25A

FYI

From: Adrian Adams [mailto:adrian@ontogen.life]
Sent: Friday, January 3, 2020 11:01 AM
To: Hon. Edward Wehrheim (Supervisor) <EDW@smithtownny.gov>
Subject: 25A

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Hi,

I'm normally a pro business guy. But, the Gyrodyne development will be the tip of a mile wide iceberg navigating through very tight roadways that were literally designed for horse n buggies. Unfortunately, without regard to the environment blah blah blah, the road infrastructure just isn't available. Please say no and don't take Gyrodyne money.

PN-11

Best Regards,

Adrian Adams, Ed.D.
CEO Ontogen Botanicals Inc
Ontogen.life
adrian@ontogen.life
631.521.4715

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 6, 2020 10:58 AM
To: David Barnes (DEW)
Subject: FW: Stop Gyrodyne development

-----Original Message-----

From: Beverly Sinkin [mailto:bsinkin@icloud.com]
Sent: Sunday, January 05, 2020 9:30 AM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Stop Gyrodyne development

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We feel this development will create more traffic and pollute Stony Brook harbor. We are strongly against it.

GW-1
TR-2

Don and Beverly Sinkin
25 Spring Hollow Rd
St James Ny 11780

Sent from my iPad

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*David -
John Barnes
says hello*



January 20, 2020

Mr. David Barnes
Environmental Planning Director
Department of Environment and Waterways
124 West Main Street
Smithtown, NY
11787

RE: Draft Environmental Impact Statement for the Gyrodyne LLC Map of Flowerfield
Subdivision Applications

Dear Mr. Barnes:

On behalf of the Four Harbors Audubon Society (4HAS) I am pleased to provide the following comments on the Draft Environmental Impact Statement (DEIS) for the above-referenced project. We ask that these comments become part of the official record established by the Lead Agency for this project.

The Four Harbors Audubon Society is a local chapter of the National Audubon Society and its charter area extends from the Huntington-Smithtown town line eastward to the Brookhaven-Riverhead town line, covering all of the Town of Smithtown and the northern half of Brookhaven. The 75-acre Gyrodyne property is situated within the chapter's area of jurisdiction. The mission of the 4HAS is to promote the protection of the wildlife, notably birds, and the natural communities and ecosystems within the chapter's charter area and to promote public awareness and appreciation of these by the residents living within the area. We fulfill this mission primarily through numerous public talks, bird walks, and various conservation activities.

We have carefully reviewed the DEIS and respectfully submit the following comments for your consideration; specific recommendations we believe should be further assessed are **bolded and underlined**:

Project background

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.**

Impacts to Stony Brook Harbor

GW-21

The DEIS states that the nitrogen loading from the project's Sewage Treatment Plant (STP) will increase nitrogen loading to Stony Brook Harbor by 4% (and greater if the STP is expanded to accommodate the flow from the St. James Business District). The DEIS fails, however, to discuss what this might mean to the integrity and stability of the estuary. It is well established that nitrogen has a variety of adverse ecological effects on estuarine systems such as promoting harmful algae blooms, reducing dissolved oxygen levels in the water, and physical deterioration 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.**

GW-7

Moreover, the project involves land uses (Assisted Living Facility and Medical offices) that will very likely produce pharmaceutical products in the treatment plant's wastewater effluent. The DEIS makes mention of pharmaceutical products and states they "present a challenge for removal from water"; however it fails to discuss the fact numerous scientific studies have documented that pharmaceutical products can cause developmental and reproductive difficulties in shellfish, fish, and crustaceans and other marine life. **The DEIS should assess this potential significant impact.**

ALT-1

Alternatives

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.**

GW-22,
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.

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.**

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.**

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.**

SOIL-3 | The last speaker on the night of the hearing - Justin Bryant- expressed concern about a number of chemicals (after the passage of time they're typically referred to characterized as legacy pollutants) he knows, through information in his possession, were once used at Flowerfield. These included "lead arsenate, methyl bromide, naphthalene, and calcium cyanide". Moreover, the speaker referred to the DEIS prepared for the portion of Flowerfield that was purchased by

- SOIL-3
cont. | New York State and an individual referenced in the document who noted the presence of many of these legacy contaminants.
- The DEIS does assess, in some detail, the presence of chemicals in the soil and underground infrastructure and remediation efforts to remove these materials. **Still, the preparers of the DEIS should assess the accuracy and validity of the claims made by this speaker given the serious nature of his claims.**
- ECOL-1 | Wildlife
- The DEIS states that "Forty-five bird species have been observed on the subject property with an additional thirty-five species expected to occur based on the habitat types present". The DEIS then goes on to list these species. However, there are quite a few other species, notably additional species of warblers and thrushes, which undoubtedly utilize the property during Spring and Fall migration. **The DEIS should more closely evaluate the full diversity of avifauna likely to use the parcel and thus be adversely impacted by its development. E-bird may prove useful in further documenting bird species utilizing the habitats at Gyrodyne.**
- ECOL-2 | Window/bird collisions are one of the most significant causes of avian mortality in North America with as many as 1 billion birds dying from collisions with windows annually. The DEIS fails to identify nor assess this potential impact. **Given the types of buildings proposed, likely fitted with larger windows, the DEIS should assess this issue and provide strategies for ameliorating impacts such as recommending the incorporation of bird friendly building design into the project.**
- ECOL-3 | Another leading source of animal mortality is being struck by vehicles. This is especially notable for slow-moving reptiles such as turtles. However, this potential impact is not assessed in the DEIS. **The DEIS should analyze this potential impact and discuss the merits of techniques to mitigate roadkill such as installing mountable, wildlife friendly curbing to facilitate wildlife movement.**
- OPEN-4 | Definitional Issues
- 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.**
- ECOL-10 | Furthermore, the DEIS states in several places that the project embodies sustainable development and contains sustainable elements but provides short shrift to actually committing to implementing sustainable practices that are not legally required (with the exception of the proposed use of moisture detection devices). **Either use of "sustainable" should be deleted or the DEIS should be amended to incorporate significant sustainable elements to which the project sponsor is willing to commit.**

GROW

-2

Growth Inducement

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.**

ECOL

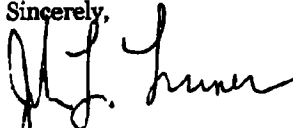
-4

Use of Native Tree Species

The applicant proposes to plant several hundred trees throughout the property, utilizing several non-native species. We strongly encourage the town to require planting of tree species that are native to Smithtown. The native species occurring at the nearby Avalon Preserve can serve as a good guide as to appropriate species. **The DEIS should evaluate the benefits of planting strictly native species.**

4HAS appreciates the opportunity to provide these comments and looks forward to continuing its involvement in this project, working with town staff and others, to ensure the project's impacts on the collective natural resource base situated on, below, adjacent to, and more distantly located to the site are minimized.

Sincerely,



John L. Turner
Chairperson
Conservation Committee
Four Harbors Audubon Society

David Barnes (DEW)

From: Smithtown Planning
Sent: Wednesday, January 22, 2020 1:21 PM
To: David Barnes (DEW)
Subject: FW: Comments of Four Harbors Audubon Society on DEIS prepared for Gyrodyne property

From: redknot@optonline.net [mailto:redknot@optonline.net]
Sent: Sunday, January 19, 2020 10:24 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Comments of Four Harbors Audubon Society on DEIS prepared for Gyrodyne property

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

January 20, 2020

Mr. Russell Barnett

Environmental Planning Director

Department of Environment and Waterways

124 West Main Street

Smithtown, NY

11787

RE: Draft Environmental Impact Statement for the Gyrodyne LLC Map of Flowerfield Subdivision Applications

Dear Mr. Barnett:

On behalf of the Four Harbors Audubon Society (4HAS) I am pleased to provide the following comments on the Draft Environmental Impact Statement (DEIS) for the above-referenced project. We ask that these comments become part of the official record established by the Lead Agency for this project.

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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.**

SEQA-4

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GW-21

Moreover, the project involves land uses (Assisted Living Facility and Medical offices) that will very likely produce pharmaceutical products in the treatment plant's wastewater effluent. The DEIS makes mention of pharmaceutical products and states they "present a challenge for removal from water"; however it fails to discuss the fact numerous scientific studies have documented that pharmaceutical products can cause developmental and reproductive difficulties in shellfish, fish, and crustaceans and other marine life. **The DEIS should assess this potential significant impact.**

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GW-22,
ALT-4

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ALT-5

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.

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ALT-5
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SOIL-3

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ECOL-1

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ECOL-2

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ECOL-3

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OPEN-4

Furthermore, the DEIS states in several places that the project embodies sustainable development and contains sustainable elements but provides short shrift to actually committing to implementing sustainable practices that are not legally required (with the exception of the proposed use of moisture detection devices). **Either use of “sustainable” should be deleted or the DEIS should be amended to incorporate significant sustainable elements to which the project sponsor is willing to commit.**

ECOL-10

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GROW-2

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ECOL-4

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Sincerely,

John L. Turner

Chairperson

Conservation Committee

Four Harbors Audubon Society

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Page B39

Gilbert Yang
3 Victoria Court
St. James, NY 11780

January 20, 2020

Smithtown Planning Board
99 West Main Street,
Smithtown, NY 11787

Dear Smithtown Planning Board,

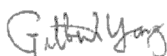
I am writing to voice my views about the proposed development of the Gyrodyne property in St. James.

My family moved to the Three Village area decades ago when I was a small child. I attended elementary school through senior high school in the Three Village District and my parents lived in Saint James after my siblings and I left home. I have owned property in St. James for the last 15 years.

- 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. The
- PN-3 | proposed hotel/office park/long-term care facilities are wildly out of character for the community, and
- SEQRA-14 | appears to be a contrived and ill-conceived attempt to monetize the property. 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.
- EXEC-9 | For its intended uses, the site is poorly situated - it is literally on the wrong side of the LIRR tracks which limits access to the main road arteries through the area, and cutting the project off from SBU with which the proposal purports to have synergies.
- 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.
- GW-25 | The ecological fallout from this development could be catastrophic as well. 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.

Sincerely,



Gilbert Yang

Page B40

SMITHTOWN PLANNING BOARD:

1/20/20

GYRODYNE DEVELOPMENT
PROJECT.

TR-2

I STRONGLY ECHO KARA HAHN & 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 RD. SINCE 1970 AND RAISING MY FAMILY IN THIS ENVIRONMENT COULD NOT HAVE BETTER. THE THOUGHT OF A 150 ROOM HOTEL & OTHER OFFICE BUILDINGS ON THIS LANDSCAPE AND THE INCREASE IN TRAFFIC IS SCARY AND THATS JUST FOR OPENERS!
DON'T LET GYRODYNE'S PLAN HAPPEN!

C.M.C. Fortkauer

12 RED OAK RD.
ST. JAMES

David Barnes (DEW)

From: Hon. Thomas McCarthy (Town Council)
Sent: Tuesday, January 21, 2020 9:01 PM
To: Bob Clark; Peter Hans (Planning); David Barnes (DEW)
Subject: Re: Proposed Development of Gyrodyne Flowerfield Property

Bob Clark

This application is being heard by the Town of Smithtown Planning Board. Not the town board. I will forward your comments to the directors of the planning department and DEW they will add them to the environmental impact comments received. Thank you for your input.

Sincerely,
Thomas J. McCarthy
Deputy Supervisor | Councilman
Town of Smithtown

On Jan 21, 2020, at 8:51 PM, Bob Clark <bclark150@optonline.net> wrote:

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

Dear Supervisor Wehrheim:

EXEC-7

I have just learned of a proposal to further develop The Gyrodyne, Flowerfield property. The scope of the proposed development is alarming, to say the least.

The Gyrodyne, Flowerfield development certainly should not contain all of the elements described in the current proposal. While this location is a desirable one for each of the uses proposed separately, they would collectively be unsustainable at this location. The roads servicing and surrounding this area could not possibly support the vehicular traffic the full proposal would generate. Traffic on the surrounding narrow and curving roads is bad enough now - I 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, for all of what should be obvious reasons; traffic, pollution, and the impact on existing surrounding businesses.

This is to respectfully request that this proposal not proceed in its current form or anything close to it. 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.

Sincerely,

Charles Clark

19 Spaulding Lane

Stony Brook, NY 11790

(631) 751-3307

(copy sent to Town Councilpersons)

CONFIDENTIALITY NOTICE: This email, including any attachment(s), is intended only for the original addressee(s). Unless otherwise indicated, it may contain information that is confidential, privileged or exempt from disclosure under applicable law. Unintended transmission shall not constitute a waiver of attorney/client privilege. If you have received this email in error, please notify the sender immediately, delete this email and destroy any copies. This email may not be forwarded to any other addressee(s) without prior written consent of the originator. Any unauthorized use or disclosure of the information contained herein is prohibited.

David Barnes (DEW)

From: Hon. Thomas McCarthy (Town Council)
Sent: Tuesday, January 21, 2020 9:34 PM
To: Marlene Lehner; Peter Hans (Planning); David Barnes (DEW)
Subject: Re: Gyrodyne's Flowerfield

Marlene Lehrer

Thank you for your input. I would like to let you know that the Town of Smithtown Town board did not plan this subdivision. The subdivision has been submitted to the Town of Smithtown planning board. The applicant is not asking for a zone change they are subdividing their property within the current zoning regulations. I will forward your comments to our planning department and DEW department to add them to the environmental impact statement comments received. Thank you again for your input.

Sincerely,
Thomas J. McCarthy
Deputy Supervisor | Councilman
Town of Smithtown

> On Jan 21, 2020, at 9:21 PM, Marlene Lehner <mlehner@optonline.net> wrote:

>

> ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

>

> 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 StonyBrook Road, pollution of StonyBrook 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.

> Marlene Lehner

SEQRA-5

>

>

> Sent from my iPad

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David Barnes (DEW)

From: Hon. Thomas McCarthy (Town Council)
Sent: Tuesday, January 21, 2020 9:51 PM
To: Katie Zipman; David Barnes (DEW); Peter Hans (Planning)
Subject: Re: Gyrodyne's Flowerfield Development

Katie Zipman

Thank you for your input. I will forward your comments to thatTown of Smithtown department of DEW and Planning. This is a planning board Subdivision matter not under the Town of Smithtown town board. And they will be included in the environmental impact statement comments.

Thank you again for your input.

Sincerely,
Thomas J. McCarthy
Deputy Supervisor | Councilman
Town of Smithtown

On Jan 21, 2020, at 9:38 PM, Katie Zipman <kzipman@gmail.com> wrote:

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Dear Tom McCarthy,

TR-2 | I am writing to voice my concern about the Gyrodyne's Flowerfield development project. I worry
GW-1 | that the development of this land will destroy the historic 25-A and increase the traffic. I have to
| travel along the road to go home and do not want the congestion and reckless drivers. My biggest
| concern is the 7-acre sewage plant and its impact on Stony Brook Harbor and our other beautiful
| waterways. Please consider my concerns when discussing the development of Flowerfield.

Best,
Katie Zipman
She/Her
kzipman@gmail.com

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David Barnes (DEW)

From: Smithtown Planning
Sent: Wednesday, January 22, 2020 10:03 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne Development

From: Gail Salomone [mailto:gailmrw@hotmail.com]
Sent: Tuesday, January 21, 2020 7:21 AM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne Development

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EXEC -5 I have been a Smithtown resident for 45 years. I can still remember when our town was actually a town and
SEQRA -16 was not saturated with development. What could you possibly be thinking? All one has to do is drive on our
roads or check out natural areas like Millers Pond as one example to see what detrimental effects
overdevelopment has on our quality of life. If an Environmental Impact Statement is done that is not
comprehensive, then you are not using the truth to make your decision. The truth tells the story, but as far as
I can see, you don't know what the truth is. I attended the meeting on Jan. 8th. Let's investigate the ground
contamination and the impact that could have on our community and it's residents. 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
OPEN -4 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
SEQRA -17 result in a positive impact for our area. 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.

Gail Salomone
1 Gedney Ave
Smithtown, NY 11787

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SOIL-13

David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Wednesday, January 22, 2020 12:57 PM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: community against Gyrodyne

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Katherine Ala <gizmo1526@gmail.com>
Sent: Wednesday, January 22, 2020 11:58 AM
To: Peter Hans (Planning); Hon. Lynne C. Nowick (Town Council); Supervisor's Office; wlohmann@smithtownny.gov; Hon. Lisa Inzerillo (Town Council)
Subject: Re: community against Gyrodyne

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I sent other emails, I apologize. Two of your email addresses were rejected due to the incorrect wordage.

> On Jan 22, 2020, at 11:45 AM, Katherine Ala <gizmo1526@gmail.com> wrote:

>
>
>

>> On Jan 22, 2020, at 11:40 AM, Katherine Ala <gizmo1526@gmail.com> wrote:

>>

>> Hello Folks,

>>

>> I fear this email will fall on deaf ears but feel I would be remiss if I didn't do all I could do to appeal to your internal compass where you find your virtues of righteousness, integrity and honor. We all know that our town, country and world are deteriorating at an alarming rate. Without a balanced and healthy environment, we have nothing. Think about the progression for a moment. What will matter if we develop this land if our waters and land become increasingly poisonous and toxic? We have an opportunity to do the right thing right in our back yard. We have the opportunity to show others that we stood up for humanity and made a decision to leave a legacy we are proud of for our generations to come. These words are said over and over again but is anyone listening? What will our almighty dollar mean if we don't have our health? Am I being an alarmist? You bet I am. From the days that my children were young and we packed our trunk with newspapers and dropped them off to the town site, did I decide that I could not turn away from doing my duty as a mom, citizen and neighbor. Have I single handedly made a dent in my efforts you ask? Probably not, but I have a clear conscience that I did what I could at the time. Maya Angelou once was quoted stating, "Do the best you can until you know better. Then when you know better, do better," and that's how I live my life. Today I am before you knowing even better now how important saving the environment is, and I am trying to do better by writing you as well as Gov. Andrew Cuomo most recently.

>>

>> Please give pause to your decision making and lead with your "true north". Not for my request alone, but for all that will be impacted by this all important decision you are going to make.

>>

>> Most sincerely,

EXEC-10

Page B47

>>
>> Katherine Ala
>

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Wednesday, January 22, 2020 12:58 PM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Gyrodyne

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Joanne Maehr Engelhardt <queenprom@aol.com>
Sent: Wednesday, January 22, 2020 9:06 AM
To: Peter Hans (Planning)
Cc: Kris Buglino
Subject: Gyrodyne

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails.
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Dear Sirs:
Please reconsider any new development which add
considerable traffic from the Gyrodyne property to North Country Road.
Sincerely,
Joanne and Michael Engelhardt
74 University Heights Dr
Stony Brook

TR-28

Sent from my iPhone

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Wednesday, January 22, 2020 5:05 PM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Gyrodyne

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Eleanor Lollo <lynnlollo@icloud.com>
Sent: Wednesday, January 22, 2020 3:42 PM
To: Peter Hans (Planning)
Subject: Gyrodyne

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TR
-2
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. Not only will this ruin what's left of the country like atmosphere, environmentally it is reckless. I'm sure Smithtown will benefit financially while Stony Brook bears the burdens.
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.

Eleanor Lollo
Sent from my iPhone

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— SEQRA-16

JUSTIN BRYANT

26 Seabrook Ln, Stony Brook, NY 11790

January 23, 2020

Town of Smithtown
Planning Board
99 West Main Street
Smithtown, NY 11787

RE: Gyrodyne Subdivision Draft Environmental Impact Statement (DEIS)

Dear Members of the Planning Board:

In addition to the statement I provided to the Smithtown Planning Board on January 8th 2020. I would kindly ask for the following questions to be addressed and answered in writing.

- 1. Please account for the discrepancy between the statements provided by Gyrodyne representatives in the 2004 Generic Environmental Impact Statement prepared by KTR Newmark and the Draft Environmental Impact Statement (DEIS) (prepared by Cameron and Associates that is currently before the Town Planning Board. SOIL-4
 - a. In the earlier statement the gyrodyne employee stated that there were environmental concerns in almost every category in the questionnaire. In the most recent DEIS a Gyrodyne employee contradicts this claim by stating that there are no environmental concerns or liabilities. These answers have a direct impact on the scope of the environmental review and likely had a limiting effect on rigorousness of the environmental review.
- 2. Why did Gyrodyne not acknowledge the many REC's that were present in the previous EIS. Those have not been mitigated.
- 3. There are documented uses of a variety of hazardous substances that are regulated by the ATSDR. Why was a grid study not conducted given the intensive agricultural and industrial activity that previously occurred at the location of the proposed subdivision? SOIL-5
- 4. SOIL-6 Historical documentation and records indicate that many of the aircraft – such as the QH-50 - that were manufactured and tested by Gyrodyne at this location utilized JP-4 (a fuel that is a 50/50 blend of Kerosene and Gasoline). Has the board asked Gyrodyne to provide any and all documentation pursuant to the locations of the tanks storing this fuel. Given documented spills in the past and historical practices – it is reasonable for a grid study to have been conducted to determine any and all subsurface features as well as soil and well sampling. Will

- SOIL-6 cont. | the board require a grid study to be conducted in the interest of protecting public health and human life?
- SOIL-7 | 5. This site was historically utilized to manufacture, assemble, and test aircraft – such as the QH-50 by Gyrodyne, it is highly likely that many various industrial solvents and other chemicals were used in the manufacturing process. Given this near certainty – will the town compel Gyrodyne to provide any and all historical documents including but not limited to invoices, purchase orders, requisitions, ledgers, correspondence, and internal files pursuant to the storage and usage of any chemical regulated by the Agency for Toxic Substances and Disease Registry (ATSDR) or regulated by the Environmental Protection Agency (EPA).
- SOIL-8 | 6. There is original documentation of numerous pesticides, fumigants, and other agricultural pest control chemicals being utilized at this location while operated as an agricultural facility by Flowerfield Bulb Farm (Successor to J.L. Childs). There are likely many other pesticides, fumigants that were utilized – however there is available documentation for the following:
- a. Chlorasol (75% Ethylene Dichloride + 25% Carbon Tetrachloride).
 - b. Methyl Bromide
 - c. Lead Arsenate
 - d. SALP - sodium antimony lactophenate
 - e. Tartar Enemic - potassium antimonyl tartrate
 - f. Napthalene Flakes
 - g. Cyanide based fumigants including but not limited to Hydrogen Cyanide and Calcium Cyanide.
 - i. Given the documented use of various cyanides – why did Cameron or it's subcontractor (PW Grosser) NOT test for Cyanide and/or it's metabolites. It does not appear that this was tested for at all in the EIS.
- GW-26 | 7. 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 – 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.
- SEQRA -6 | 8. 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

SEQRA
-6
cont.

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?

- 9. 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.
- 10. 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.
- 11. 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.

ECON-3

Sincerely,

Justin Bryant

CC: Smithtown Department of Environment & Waterways

Carl Safina, PhD
 25 Main St, East Setauket NY 11733
 Endowed Chair for Nature and Humanity at Stony Brook University
 csafina@safinacenter.org

Jan 23, 2020

Subject: Gyrodyne proposal for Flowerfields property

Dear Smithtown Planning Board,

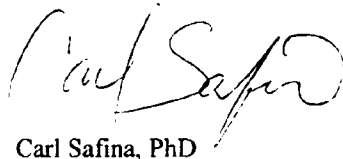
It is my impression that the Board might wish to more fully consider the following questions regarding Gyrodyne, for which I respectfully request your answers:

- 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?”
- 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?
- SOIL-9 | Considering the effect of pesticides such as Roundup on the health of soils and adjacent water, is the Board planning to restrict the use of harmful pesticides?
- ECOL-2 | Many thousands of birds (likely close to 100 species all told) use, nest on, or migrate through this property. Window collisions can be a serious source of mortality, depending on type of glass used. What is the plan for requiring glass that would alleviate bird strikes to windows?
- 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?

- GW-29 | Clustering and citing of new construction with regard to groundwater discharge: Why has this not be fully considered?
- 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?
- GW-29 | 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?
- ECOL-5 | Is the Board planning to require that plantings be of native species, for the benefit of native birds and insects?

I appreciate the opportunity to ask these questions.

Respectfully,



Carl Safina, PhD

January 23, 2020

Smithtown Planning Board
c/o Smithtown Department of Environment and Waterways
124 West Main Street
Smithtown, NY 11787


DEW@smithtownny.gov

Re: Comments on Gyrodyne Subdivision #1178 Draft Environmental Impact Study

Dear Commissioner David Barnes,

I am submitting the following comments and questions about the Draft Environmental Impact Statement for the proposed Gyrodyne Subdivision (#1178).

Sincerely,



George Hoffman
Co-chair, Town of Brookhaven Citizens Advisory Committee for the NYS Route 25A Corridor
146 Main Street, Setauket, NY 11733
631 786-6699

TR-15 | Comment: 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:

1) 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?

2) 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

TR-16

TR-16
cont.

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.

TR
-17

3) 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.

TR-18

4) 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.

TR-19

5) 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?

TR-20

6) 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%).

TR-21

7) 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

TR-21
cont.

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?

TR-22 8) 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.

TR-23 9) 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.

Other issues that require a harder look are:

HIS-2 10) 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.

11) 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

GW-30

GW-30
cont.

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.

ECOL-6 12) Retention of existing ecosystems should be considered to the maximum extent possible.

The DEIS essentially says that large areas of habitat will be lost, but as there is habitat nearby, the displacement and the loss of habitat is inconsequential. The DEIS fundamentally says the existing open fields have low habitat value or, are common and no great loss, and that certain species are common and not worth protecting. Given the fact that the surrounding area is either farm fields or urbanized with homes, retention and improvement of ANY habitat within the 26 acres to be left open is critical, and should receive a hard look. Elimination of turtle habitat is unnecessary, as areas around the ponds and rain garden complexes can be preserved.

VIS-1 13) 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).

Comment: the need to protect of Stony Brook Harbor:

14) 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

GW-31

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.

GW-31
cont.

David Barnes (DEW)

From: Hon. Thomas McCarthy (Town Council)
Sent: Thursday, January 23, 2020 6:49 AM
To: Erin Zipman; David Barnes (DEW); Peter Hans (Planning)
Subject: Re: Gyrodyne Flowerfield Development

Erin Zipman

Thank you for your input. I will have your comments added to the environmental impact statement comments .

Sincerely,
Thomas J. McCarthy
Deputy Supervisor | Councilman
Town of Smithtown

> On Jan 22, 2020, at 8:07 PM, Erin Zipman <emz0512@aol.com> wrote:

>

> ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails.
> NEVER give out your User ID or Password: Town of Smithtown IT

>

> Dear Councilperson McCarthy,

>

> I am deeply concerned about Gyrodyne's Flowerfield development. As a young person, I have been constantly learning new ways that we have failed to protect our environment, both on a global and local level. The 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.

>

GW-32

> Sincerely,
> Erin Zipman
> Brookhaven

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 10:35 AM
To: David Barnes (DEW); Howard Barton III (DEW)
Subject: Fw: Gyrodyne Flowerfield Development

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Erin Zipman <emz0512@aol.com>
Sent: Wednesday, January 22, 2020 8:05 PM
To: Peter Hans (Planning)
Subject: Gyrodyne Flowerfield Development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails.
NEVER give out your User ID or Password: Town of Smithtown IT

Dear Honorable Hans,

I am deeply concerned about Gyrodyne's Flowerfield development. As a young person, I have been constantly learning new ways that we have failed to protect our environment, both on a global and local level. The 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.

GW-32

Sincerely,
Erin Zipman
Brookhaven

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 10:39 AM
To: Erin Zipman; David Barnes (DEW); Hon. Thomas McCarthy (Town Council)
Subject: Re: Gyrodyne Flowerfield Development

Dear Ms. Zipman,

The proposed subdivision is an application pending before the Planning Board. At this time the Town is soliciting comments for the Draft Environmental Impact Study. Your comments have been forwarded to our Environmental Department (DEW) where all comments are being collected so that they can be included in the Study. Thank you for sending me your concerns!

Peter Hans, Town Planning Director
 Town of Smithtown Planning Department

(631) 360-7540

From: Erin Zipman <emz0512@aol.com>
Sent: Wednesday, January 22, 2020 8:05 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Subject: Gyrodyne Flowerfield Development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

Dear Honorable Hans,

I am deeply concerned about Gyrodyne's Flowerfield development. As a young person, I have been constantly learning new ways that we have failed to protect our environment, both on a global and local level. The 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.

GW-32

Sincerely,
 Erin Zipman
 Brookhaven

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David Barnes (DEW)

From: Hon. Thomas McCarthy (Town Council)
Sent: Thursday, January 23, 2020 10:07 AM
To: Terry Shapiro; David Barnes (DEW); Peter Hans (Planning)
Subject: Re: Gyrodyne Property Development

Terry Shapiro
Thank you for your input. I will forward your comments to be included in the environmental impact statement.
Thank you

Sincerely,
Thomas J. McCarthy
Deputy Supervisor | Councilman
Town of Smithtown

23, 2020, at 9:59 AM, Terry Shapiro <drterryshapiro@gmail.com> wrote:

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As a long-time year homeowner in the Three Village Area, I am opposed to the planned development of the Gyrodyne property:

- TR-2 -Traffic on already over-capacity 25A and Stony Brook Rd.
- VIS-1 -The destruction of historically-designated 25A
- GW-1 -Pollution in Stony Brook Harbor and surrounding waterways
- SEQRA-2 -Board's failure to consider the impact of other development and uses in the area
- ECON-7 -Low-wage jobs predominating after construction is completed.

Thank you for your consideration,
Terry Shapiro
20 Old Post Road
East Setauket, NY 11733

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 10:26 AM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Gyrodyne

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Terry Shapiro <drterryshapiro@gmail.com>
Sent: Thursday, January 23, 2020 9:57 AM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Subject: Gyrodyne

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As a 40 year homeowner in the Three Village Area, I am opposed to the planned development of the Gyrodyne property:

- Traffic on already over-capacity 25A and Stony Brook Rd. — TR-2
- The destruction of historically-designated 25A — VIS-1
- Pollution in Stony Brook Harbor and surrounding waterways — GW-1
- Board's failure to consider the impact of other development and uses in the area — SEQRA-2
- Low-wage jobs predominating after construction is completed. — ECON-7

Thank you for your consideration,
Terry Shapiro
20 Old Post Road
East Setauket, NY 11733

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David Barnes (DEW)

From: Smithtown Planning
Sent: Thursday, January 23, 2020 10:54 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne subdivision

From: Liz Hart [mailto:emhart1009@gmail.com]
Sent: Thursday, January 23, 2020 6:56 AM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne subdivision

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT
Dear Sir or Madam,

SEQRA-1

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. Having read the environmental impact statement submitted to the town, there are far to many articles of concern: traffic flow, increased carbon emissions, water capacity, wastewater disposal, pesticides and fertilizer run-off, and habitat destruction, to name a few.

Although the developers propose mitigation of some of these, volume will exceed capacity at some point, to ill effect.

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

I would propose a wildlife sanctuary or some similar conservation action. ——— OPEN-4

Thank you for your consideration.

Elizabeth Manning-Hart
2 Harcourt Ave, Smithtown, NY 11787

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 1:46 PM
To: David Barnes (DEW); Howard Barton III (DEW)
Subject: Fw:

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Jakob Schmidt <jhhms092537@gmail.com>
Sent: Thursday, January 23, 2020 12:03 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Cc: clmettewie@hotmail.com <clmettewie@hotmail.com>; amazin2843@optonline.net <amazin2843@optonline.net>; katherine.aubrecht@stonybrook.edu <katherine.aubrecht@stonybrook.edu>; marlies schmidt <marliesschmidt2000@yahoo.com>; Joe Parrella <joeliv2@msn.com>; Marie Dolce <Sweetm820@yahoo.com>; Margaret Ng <ng.margaret@yahoo.com>; bobcat7@optonline.net <bobcat7@optonline.net>; Lynn Sisti <lsisti@sspj.org>; ng.margaret@yahoo.com <ng.margaret@yahoo.com>; pscheche@optonline.net <pscheche@optonline.net>; ROSIEA212@yahoo.com <ROSIEA212@yahoo.com>; dale.deutsch@stonybrook.edu <dale.deutsch@stonybrook.edu>; msimpson@notes.cc.sunysb.edu <msimpson@notes.cc.sunysb.edu>; watsonwalt@optonline.net <watsonwalt@optonline.net>; zapp@optonline.net <zapp@optonline.net>
Subject:

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

To whom it may concern:

I am a resident of Stony Brook and wish to raise my voice in opposition to de further development of the Gyrodyne property and its disastrous impact on the environment and quality of life in the three-Village area. Didn't we successfully fend off a similar assault some years back?

With best regards –

Jakob Schmidt
23 Blinkerlight Road
Stony Brook NY 11790

EXEC-11

Sent from Mail for Windows 10

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 1:49 PM
To: David Barnes (DEW); Howard Barton III (DEW)
Subject: Fw: gyrodyne properety

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: hayestk@aol.com <hayestk@aol.com>
Sent: Thursday, January 23, 2020 10:44 AM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Subject: gyrodyne properety

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT
Peter Hans
Smithtown Planning Commission
Smithtown, NY

Dear Mr. Hans,

I use the 25A corridor almost daily, and am very concerned about the development that is planned for the former Flowerfields/Gyrodyne property. As you are aware, the traffic is already very heavy during parts of the day, and the road itself can be quite dangerous in inclement weather. A substantial influx of vehicles without a concomitant expansion of the main road that serves it is a recipe for disaster, affecting both the neighborhoods and businesses in the area. Does the state plan on widening the highway--and for how long? Could this development replicate the present choke points that we see on route 25?

PN-8

Right now we often look to St. James for business and restaurant needs. Will the increased traffic shift our focus to Port Jefferson and Mt. Sinai?

PN-9

I understand that a sewage treatment plant is also involved and that the environmental impact research is inadequate and doesn't take into account all the facets of the project. Will that be addressed before any action is taken? As someone suffering from a lung disease, I am very concerned that we not be pumping more poisons into the air or the ground--the source of our drinking water.

Finally, with the threat of climate change, 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 hotel and retirement center (that is assuming that we need another hotel in the area--an assumption I don't share). 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 more strip malls?

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.

OPEN-4

Thank you for you attention.

Sincerely,

Thomas M Hayes

Page B68

22 Bluetop Rd.
East Setauket, NY 11733

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 3:23 PM
To: David Barnes (DEW); Howard Barton III (DEW)
Subject: Fw: Gyrodyne Over-development

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Amy Fortunato <amylpfortunato@gmail.com>
Sent: Thursday, January 23, 2020 3:19 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Subject: Gyrodyne Over-development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT
Dear Mr. Hans,

Thank you for always taking the time to reply to my concerns and interest in Smithtown issues and for read through this email.

The issues I am concerned about as it relates to the Gyrodyne property are environmental, economic, health, and traffic.

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.

ECON-4

The documented residual pollutants in the soil from previous manufacturing business and farming are a serious health threat that could be released unless completely re-mediated, such as lead arsenate, methyl bromide, carbon tetrachloride and additional cancer-causing toxins.

SOIL-10

The additional traffic will cause further congestion and reduce response times for emergency vehicles, including police, firefighters and ambulances. Route 25A is supposed to be a protected, historic corridor that has exceeded its capacity, with an 'F' rating. The residential side streets were not designed to absorb the extra cars as a direct result of the proposed development.

CS-2

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.

--
Amy L. Plympton Fortunato
631.265.7806 (land line)

Page B70

631.617.9335 (cell)

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David Barnes (DEW)

From: Hon. Thomas McCarthy (Town Council)
Sent: Thursday, January 23, 2020 3:32 PM
To: Amy Fortunato; David Barnes (DEW); Peter Hans (Planning)
Subject: Re: Gyrodyne Over-development

Amy

I will forward your comments to the DEW department to have them add it to the environmental impact statement comments. Thank you for your input.

Sincerely,
Thomas J. McCarthy
Deputy Supervisor | Councilman
Town of Smithtown

> On Jan 23, 2020, at 3:21 PM, Amy Fortunato <amylpfortunato@gmail.com> wrote:

>

> ATTENTION: External Email: Do not open attachments or click on links

> from unknown senders or unexpected emails. NEVER give out your User ID

> or Password: Town of Smithtown IT Dear Mr. McCarthy,

>

> Thank you for taking the time to read through this email.

>

> The issues I am concerned about as it relates to the Gyrodyne property are environmental, economic, health, and traffic.

>

> 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.

ECON-4

>

> The documented residual pollutants in the soil from previous manufacturing business and farming are a serious health threat that could be released unless completely re-mediated, such as lead arsenate, methyl bromide, carbon tetrachloride and additional cancer-causing toxins.

SOIL-10

>

> The additional traffic will cause further congestion and reduce response times for emergency vehicles, including police, firefighters and ambulances. Route 25A is supposed to be a protected, historic corridor that has exceeded its capacity, with an 'F' rating. The residential side streets were not designed to absorb the extra cars as a direct result of the proposed development.

CS-2

>

> 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.

>

>

> --

> Amy L. Plympton Fortunato

Page B72

> 631.265.7806 (land line)

> 631.617.9335 (cell)

>

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 3:44 PM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Development Plans for Gyrodyne/Flowerfield Property

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Barbara and Gerry <bbandgb@optonline.net>
Sent: Thursday, January 23, 2020 3:43 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Cc: Supervisor's Office <supervisor@smithtownny.gov>; Hon. Thomas McCarthy (Town Council) <TMcCarthy@smithtownny.gov>; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>; Hon. Lisa Inzerillo (Town Council) <linzerillo@smithtownny.gov>; Hon. Thomas W. Lohmann (Town Council) <TWLohmann@smithtownny.gov>
Subject: Development Plans for Gyrodyne/Flowerfield Property

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Dear Mr. Hans

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.

For these reason, we respectfully request that this proposal not proceed in its current form or anything close to it. 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.

Sincerely,

Gerard and Barbara Betz
7 Gnarled Oak Drive
East Setauket, NY 11733

Copies to town council supervisor and members

David Barnes (DEW)

From: Barbara and Gerry <bbandgb@optonline.net>
Sent: Friday, January 24, 2020 5:55 PM
To: David Barnes (DEW)
Subject: RE: Gyrodyne

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David

Following is the text of the e-mail sent yesterday.

Regards

Gerard Betz

Dear Mr. Hans

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.

For these reason, we respectfully request that this proposal not proceed in its current form or anything close to it. 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.

Sincerely,

Gerard and Barbara Betz
7 Gnarled Oak Drive
East Setauket, NY 11733

Copies to town council supervisor and members

From: David Barnes (DEW) [mailto:DBarnes@smithtownny.gov]
Sent: Thursday, January 23, 2020 4:21 PM

Page B75

To: Barbara Gerry <bbandgb@optonline.net>
Subject: FW: Gyrodyne

Barbara

I received an email forwarded to me regard in your comments but the email did not contain any comments and did not have an attachment

Can you please resend them directly to me, so I can make sure the applicant received the comments and addresses them

Thank you

David

David A. Barnes RLA, AICP

Environmental Protection Director
Department of Environment and Waterways
Town of Smithtown
124 W. Main Street, Smithtown, NY 11787
(631) 360-7514
DBarnes@Smithtownny.gov

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David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Thursday, January 23, 2020 8:47 PM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: gyrodyne development plan

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: katherine hayes <hayeskatherine22@gmail.com>
Sent: Thursday, January 23, 2020 5:05 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Subject: gyrodyne development plan

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Dear Mr. Hans,

EXEC-5

I am writing to express my concern about the Gyrodyne development proposal that is about to come before the Smithtown Planning Board. The proposal entails a scale of development on the Flowerfield land that will clearly impact on residents of Brookhaven (in particular Stony Brook and Setauke)t, as well as residents of Smithtown.

First, I have heard that the effluence from a 7-acre sewage treatment plant would flow directly into Stony Brook Harbor (Brookhaven). I have read informed critiques of the environmental impact statement submitted by the developers that point to remaining concerns about what the plant will do to the Sound in Stony Brook as well as Smithtown and neighboring areas on the shore. People have houses on and near the water and many more people enjoy the beaches all year round.

GW-3

TR-25

Intensified traffic along an already congested segment of 25A is also 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. The new plan sounds as if it will create a traffic nightmare.

GW-3

Further, it is alarming to hear that the "regional" sewage treatment plant is already being considered as step toward further development in St. James and along 25A in St. James/Smithtown. So more traffic!

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.

OPEN-4

ECON
-11

This proposal presents a plan for mega-development, with more to come. Mr. Andrew McAndrew 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.

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.

Thank you for listening to my concerns, and I pray that the Planning Board will act wisely.

Sincerely,
Katherine A. Murphey
Setauket

OPEN-4
cont.

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LAW OFFICE OF
JOSEPH A. BOLLHOFFER, P.C.
291 LAKE AVENUE
ST. JAMES, NY 11780
TEL. (631) 584-0100
FAX (631) 584-2304

JOSEPH A. BOLLHOFFER
ADMITTED TO PRACTICE LAW IN
NEW YORK AND NEW JERSEY



WWW.BOLLHOFFERLAW.COM
INFO@BOLLHOFFERLAW.COM

January 24, 2020

Peter A. Hans, Town Planning Director
Town of Smithtown
25 Redwood Lane
Smithtown, NY 11787

Planning Board Members
Town of Smithtown
Planning and Community Development
25 Redwood Lane
Smithtown, NY 11787

Re: Gyrodyne Application

Dear Mr. Hans and Board Members:

TR-3

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.

PN-1

I was at the last public hearing. Those in the audience who spoke in favor of the application focused solely on one issue: that approval will mean use by the future St. James business district of the proposed sewage treatment plant. Such a narrow view is irresponsible, even if such a benefit is realized. Those few speakers said nothing about the other major concerns of traffic and environmental issues, not to mention aesthetic and historical concerns.

As an attorney and business owner on Lake Avenue for over 30 years, and past president of the St. James Chamber of Commerce and other area organizations, I recognize and appreciate the need for sewers in downtown St. James. In fact, at a public hearing with Town board members two years ago, after the coming Lake Avenue revitalization project was announced, I stated that it would be "a darned shame" if a few years after Lake Avenue was completely renovated, the road bed was torn up again to install a dry sewer main. Although I was told there was no money to install the main, six months later it was announced that it would be part of the project.

Make no mistake: I am an advocate for the business owners in St. James. One way or another, there will be a working sewer line on Lake Avenue. But I am also a resident who cares

Gyrodyne Application
January 24, 2020
Page 2

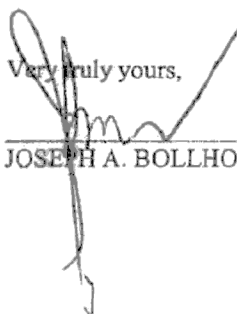
PN-1
cont.

deeply about this community, and its citizens, history and environment. To approve this project because the sewer line is needed is narrow-minded and unfairly ignores the looming gigantic traffic problem that will impose an unreasonable burden on the residents of the northeastern part of this Town and those traveling through it. The magnitude of the proposed project will have regional consequences that, with all due respect, have not yet been appreciated.

No one should begrudge the right of a property owner to legally develop its property. However, that right must be reconciled with the greater public good. When an imbalance might occur, as is likely in this matter, it is the job of government to be sure that an injustice does not result.

Approval of the proposed project would be a major mistake that I predict we would all come to regret. I urge you and the Town Board to work with Brookhaven and the County and State governments, and even private interested parties, to find a way to resolve this matter so that we can all live with it.

Thank you.

Very truly yours,

JOSEPH A. BOLLHOFER, ESQ.

JAB:ccm

cc: via email:
Hon. Edward R. Wehrheim, Supervisor
Thomas J. McCarthy
Lynne C. Nowick
Lisa M. Inzerillo
Thomas W. Lohmann
Robert Murphy, Superintendent of Highways

United Communities Against Gyrodyne
Representing Smithtown and Brookhaven Residents

Cindy Smith, Chair

Hand Delivered

January 24, 2019

Re: **Gyrodyne subdivision #1178**

Smithtown Planning Board
% Smithtown Department of Environment and Waterways
124 W. Main Street
Smithtown, NY 11787

Ladies and Gentlemen:

I represent residents in Smithtown and Brookhaven Townships who are deeply concerned about the proposed Gyrodyne development and legacy impact it will have on our communities. While I am certain you will hear from an array of environmental and legal experts, I'd like to share with you some of the concerns civics have regarding the DEIS.

- TR-30 | 1. 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.

- ECON-5 | 2. Structures planned on the proposed development are nonconforming in terms of scope, size and height to the structures around them. Existing structures reflect the historic traditions and viewsheds of the community, for which Route 25A (locally North Country Road) is at once a symbol of our historical legacy, a delightful country road and a designated historical corridor. 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?

ECON-6 | 3. 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?

PN-3 | DEIS refers to the "synergy" between Stony Brook University and the proposed
 TR-10 | development. Where does the DEIS explain what the synergy for a hotel and assisted
 living facility? 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.

ECON-7 | 4. 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?

ECON-9 | 5. 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?

- MISC
-1
6. 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?
- SEQRA
-8
7. 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?
- PN-7
8. Town of Smithtown is in the process of completing a comprehensive Master Plan. Why is the Board pushing forward to determine this land usage matter when the Town itself is still deciding the direction of future land use?
- SEQRA
-7
9. 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;

- SEQRA-7
cont. | 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?
- GW-33 | 11. 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.
- SOIL-4 | 12. Please account for the discrepancy between the statements provided by Gyrodyne representatives in the 2004 Generic Environmental Impact Statement prepared by KTR Newmark and the Draft Environmental Impact Statement (DEIS) (prepared by Cameron and Associates that is currently before the Town Planning Board.
- | a. In the earlier statement the gyrodyne employee stated that there were environmental concerns in almost every category in the questionnaire. In the most recent DEIS a Gyrodyne employee contradicts this claim by stating that there are no environmental concerns or liabilities. These answers have a direct impact on the scope of the environmental review and likely had a limiting effect on rigorousness of the environmental review.
- | b. Why did Gyrodyne not acknowledge the many REC's that were present in the previous EIS. Those have not been mitigated.
- SOIL-5 | c. Here are documented uses of a variety of hazardous substances that are regulated by the ATSR. Why was a grid study not conducted given the intensive agricultural and industrial activity that previously occurred at the location of the proposed subdivision?
- SOIL-6 | d. Historical documentation and records indicate that many of the aircraft – such as the QH-50 - that were manufactured and tested by Gyrodyne at this location utilized JP-4 (a fuel that is a 50/50 blend of Kerosene and Gasoline). Has the board asked Gyrodyne to provide any and all documentation pursuant to the locations of the tanks storing this fuel. Given documented spills in the past and historical practices – it is reasonable for a grid study to have been conducted to determine any and all subsurface features as well as soil and well sampling. Will the board require a grid study to be conducted in the interest of protecting public health and human life.
- SOIL-7 | e. This site was historically utilized to manufacture, assemble, and test aircraft – such as the QH-50 by Gyrodyne, it is highly likely that a number of industrial solvents and other chemicals were used in the manufacturing process. Given this near certainty - will the town compel Gyrodyne to provide any and all historical documents including but not limited to invoices, purchase orders, requisitions, ledgers, correspondence, and internal files pursuant to the storage and usage of any chemical regulated by the Agency for Toxic Substances and Disease Registry (ATSDR) or regulated by the Environmental Protection Agency (EPA).

- SOIL-8 | 13. There is original documentation of numerous pesticides, fumigants, and other agricultural pest control chemicals being utilized at this location while operated as an agricultural facility by Flowerfield Bulb Farm (Successor to J.L. Childs). There are likely many other pesticides, fumigants that were utilized – however there is available documentation for the following:
- Chlorasol (75% Ethylene Dichloride + 25% Carbon Tetrachloride).
 - Methyl Bromide
 - Lead Arsenate
 - SALP - SODIUM ANTIMONY LACTOPHENATE
 - Tartar Enemic - potassium antimonyl tartrate
 - Napthalene Flakes
 - Cyanide based fumigants including but not limited to Hydrogen Cyanide and Calcium Cyanide.

Given the documented use of various cyanides – why did Cameron or it's subcontractor (PW Grosser) not test for Cyanide. It does not appear that this was tested for at all in the EIS.

- GW-26 | 14. 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 – 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.

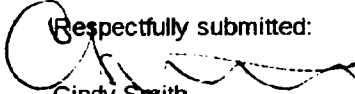
How can the Board come to a decision on this proposal when this key issue is unresolved?

- SOIL-13 | 15. In terms of environmental protection, the DEIS report is very sketchy. We have found documentation (attached) of past use of such toxins as Methyl Bromide and lead arsenate, yet the DEIS omits any mention of this, and reports no environmental cleanup.

Why is there no mention of documented use of toxins?

Have you investigated the methodology used by Cameron? Where is the map that DEIS should provide to specify sample location? Were enough samples taken for a property of this size? Were samples taken under ground that has been paved over, or converted to use as artificial ponds? Does the methodology meet accepted industry Best Practices?

SEQRA-6 | 16. In 2004, Gyrodyne conveyed via Cameron Engineering Associates a number of objections to Stony Brook University'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 in essence engaging in segmentation - which is the in the very practice that they properly accused SUNY Stony Brook of engaging in. It appears that Cameron (Gyrodyne) no longer accept the SEQRA requirements that they previously defended. Has the planning board asked Gyrodyne why it has shifted its position?

Respectfully submitted:

Cindy Smith
Jan. 24, 2020

SOIL-13

From Flowerfield Archives

HOME OFFICE
AND PLANT
MIDLAND, MICHIGAN
CABLE ADDRESS: DOWCHEMCO

THE DOW CHEMICAL COMPANY

EASTERN SALES OFFICE
30 ROCKEFELLER PLAZA
NEW YORK CITY
July 24, 1941
(Dict. 7-23-41)



IN REPLY PLEASE REFER TO

C. O. Lind

Flowerfield Bulb Farm
Flowerfield, Long Island, New York

Attention: Mr. H. W. Hands

Gentlemen:

We acknowledge receipt of your letter of July 21st in reference to Methyl Bromide for fumigating gladiolus bulbs.

We are large manufacturers of Methyl Bromide and carry a stock of this material in our warehouse in Jersey City. This material is packed in 50 pound cylinders, 10 pound cylinders and in one-pound cans, 24 per case. It is priced as follows:

50 lb. cylinders - - - - -	70¢ per pound
10 lb. cylinders - - - - -	75¢ per pound
1 lb. cans (24 per case) - -	75¢ per pound
(in 1 to 4 case lots)	

Delivered, in 100 pound lots or more. In less than 100 pound lots, f.o.b. Jersey City.

The cylinders are charged extra as follows:

50 lb. cylinders - - - - -	\$15.00 each
10 lb. cylinders - - - - -	7.00 each

but are returnable for full credit to the Lackawanna Terminal Warehouse, 629 Grove Street, Jersey City, New Jersey.

Terms: 1-10-30.

This quotation is for acceptance within 15 days. Under another cover we are sending you such literature as we have available and also wish to advise that Methyl Bromide is used only on the corms after they have been taken from the fields and dried. For this purpose we recommend 1½ pounds of Methyl Bromide per 1000 cubic feet of space.

SOIL-13

Flowerfield Bulb Farm

Page 2

July 24, 1941

The material should be used in a tightly enclosed room or a specially built fumigation chamber. These chambers can be constructed from ordinary lumber and lined with sheet metal. It would probably be necessary also to obtain the applicators for delivering small amounts and these can be obtained from the Arrow Products Company, Carlstadt, New Jersey.

We might also suggest that you communicate with the Vaughan Seed Store, 47 Barclay Street, New York City who are familiar with the use of Methyl Bromide in control of thrip and who we believe can be of assistance to you.

Yours very truly,

THE DOW CHEMICAL COMPANY



Eastern Office

AA

290 bulb house - 200 x 70 x 18 = 324 M = 486 lbs
3 fumigets - 18 x 15 x 8 = 2664 = 406 lbs

SOIL-13

Hydride, but has 10 - 14 days is a new chem. also will be among Clarkia, G. Stock, Str...

How about this

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS
 U. S. DEPARTMENT OF AGRICULTURE AND STATE LAND-GRANT COLLEGES COOPERATING

SPRAY TO CONTROL TENT CATERPILLARS

Tent caterpillars are numerous this spring on unsprayed trees.

The caterpillars can be controlled by wiping out the nests while small or burning them out with a torch (be careful not to injure the trees) or spraying about the nests where the worms are feeding with the following:

<u>MATERIALS TO USE</u>	<u>Large Amounts</u>	<u>Small Amounts</u>
Lead Arsenate	3 pounds	6 tablespoons
Water to make	100 gallons	3 gallons

The addition of a sticker-spreader according to manufacturer's directions on the package improves the effectiveness of this spray.

Riverhead, N. Y.
 April 14, 1945

H. D. Wells
 COUNTY AGRICULTURAL AGENT

Yours sincerely,

all the

SOIL-13

NEW YORK STATE COLLEGE OF AGRICULTURE
U. S. DEPARTMENT OF AGRICULTURE
COUNTY FARM BUREAU ASSOCIATION
COOPERATING

COOPERATIVE EXTENSION WORK IN
AGRICULTURE AND HOME ECONOMICS
STATE OF NEW YORK

EXTENSION SERVICE

COUNTY AGENT WORK

July 3, 1942

Riverhead, N.Y.

ASIATIC GARDEN BEETLE CONTROL

Asiatic garden beetles are becoming troublesome again. They are present in nearly all parts of the County. They are most prevalent in areas where there are idle fields or large lawns where the grubs may winter over and feed on grass roots. The beetles feed primarily on flowering plants but beets, peppers, carrots, eggplant, parsnips, turnips, cabbage, and cauliflower have also been seriously injured by their feeding. Cabbage and cauliflower are most apt to be injured in plant beds located on or near old sod ground.

Beetles have the general appearance of a coffee bean, being about 3/8 of an inch long and chestnut brown in color. They feed and fly about during the night but during the day conceal themselves in the soil around the base of their food plants. They are most active on warm nights, and most numerous during July and early August.

CONTROL

The adult Asiatic garden beetles feed readily on plants sprayed with arsenate of lead and are killed by the poison. The following formula may be used, but only on crops that at harvest will show no poison residue from the treatment, and not on beans which are injured by lead arsenate sprays or dusts.

Material	Large Amounts	Small Amounts
Lead arsenate	3 pounds	4 tablespoonfuls
Wheat flour	2 pounds	3 tablespoonfuls
Water	50 gallons	1 gallon

The spray will kill many beetles although most beetles enter the soil before daybreak and die there, so that there is no evidence to indicate the effectiveness of the spray. New swarms of beetles sometimes fly to favored food plants night after night and destroy them in spite of poisoned sprays. Even where spraying seems ineffective it is worthwhile, as it reduces the population of beetles for next year. In spraying vegetables with arsenate of lead, great care should be used in order to avoid arsenical residue.

In addition to spraying, light traps which attract the beetles are often used. Many beetles can be destroyed by means of traps, but they can not be depended upon to protect plants against beetle injury.

INJURY BY GRUBS

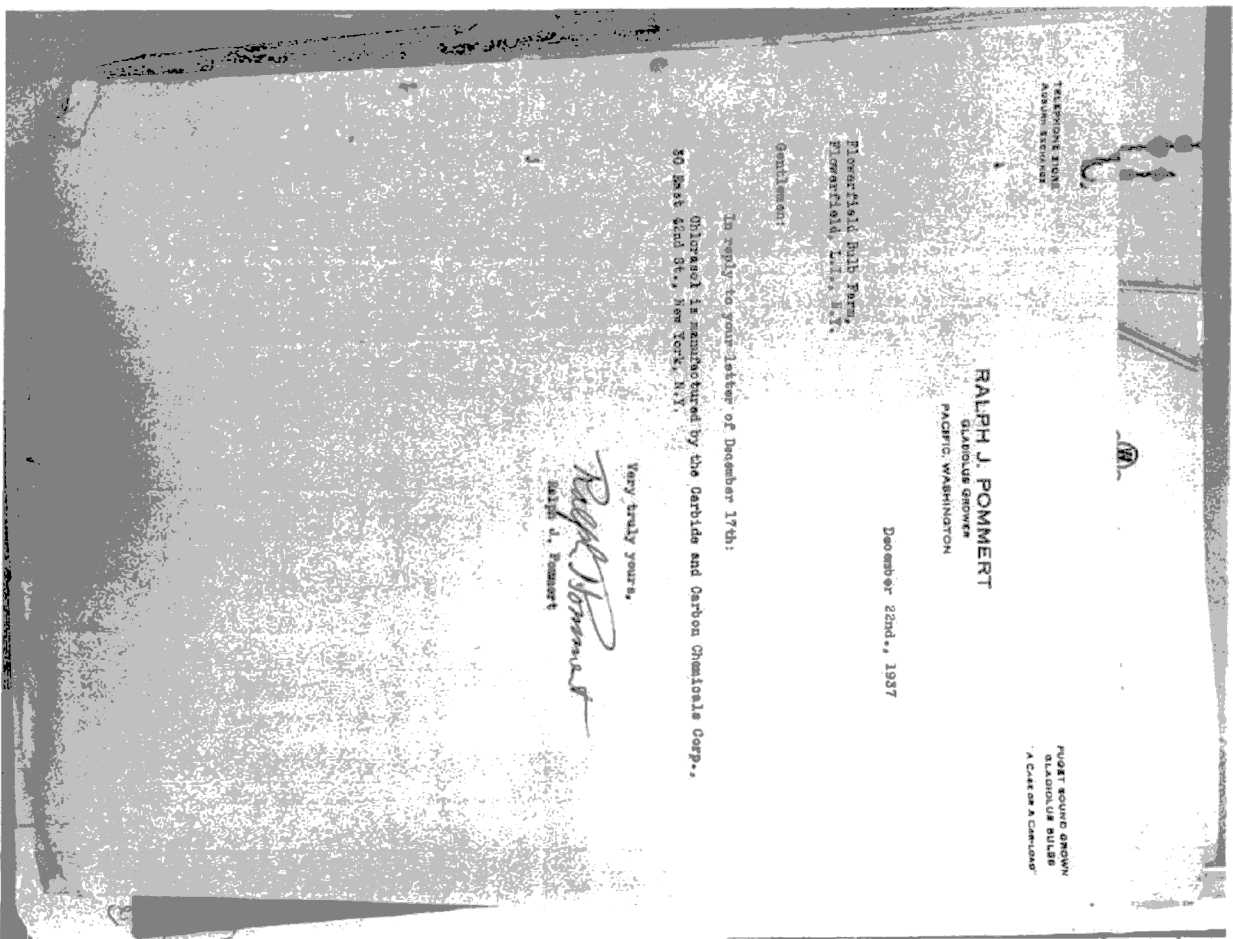
The grubs or larvae of the Asiatic garden beetle and also the Japanese beetle often cause considerable damage to lawns by feeding on the roots. Lawns can be protected by top-dressing with lead arsenate, but lead arsenate supplies are limited and the use for grub-proofing lawns and golf courses is being discouraged to conserve arsenical for more essential uses. Newly plowed sod infected with grubs should not be used for vegetables or cauliflower plant beds.

Yours sincerely,
Paul B. Jones
Paul B. Jones
ASSISTANT COUNTY AGENT

Sincerely yours,

W. G. Been
W. G. Been

SOIL-13



SOIL-4

2004

KTR PHASE I SCREEN QUESTIONNAIRE

Project Name/Address

Gyrodyne Property
 Flowerfield Industrial Park
 Smithtown/Brookhaven, New York

<p>1. Is the property or any adjoining property used for an industrial use?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>6. Are there currently, or to the best of your knowledge have there been previously, any industrial drums or sacks of chemicals on the property?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>
<p>2. To the best of your knowledge, has the property or any adjoining property been used for an industrial use in the past?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>7. Has fill/dirt been brought onto the property that originated from a contaminated site or that is of unknown origin?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown</p>
<p>3. Is the property or any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developers, junkyard, landfill or as a waste TSD facility or a recycling facility?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>8. Are there currently, or to the best of your knowledge have there been previously, any pits, ponds, or lagoons in connection with waste disposal?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown</p>
<p>4. To the best of your knowledge has the property or any adjoining property been used in the past as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developers, junkyard, landfill or as a waste TSD facility or a recycling facility?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>9. Is there currently, or to the best of your knowledge have there been previously, any stained soil on the property?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>
<p>5. Are there currently, or to the best of your knowledge have there been previously, any automotive or industrial batteries, or pesticides, paints, or other chemical containers greater than 5-gallons stored or used on the property?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>10. Are there currently, or to the best of your knowledge have there been previously, any USTs or ASTs on the property?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>

KTR PHASE I SCREEN QUESTIONNAIRE

SOIL-4

<p>11. Are there currently, or to the best of your knowledge have there been previously, any vent pipes, fill pipes, or access ways on the property or adjacent to any structure located on the property?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>17. Does the owner or occupant of the property know of any past, threatened or pending environmental lawsuit or administrative proceedings involving the property?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown</p>
<p>12. Are there currently, or to the best of your knowledge have there been previously, any flooring, drains, or walls within the facility that are stained by hazardous substances?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>18. Does the property discharge wastewater on or adjacent to the property other than stormwater into a sanitary sewer system?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p>
<p>13. If the property is served by private well, have contaminants been identified in the well that exceed guidelines?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>19. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified wastes, tires, batteries, or other waste materials been dumped or burned on the property?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>
<p>14. Does the owner or occupant of the property have any knowledge of environmental violations or notifications with respect to the property?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>20. Is there a transformer, capacitor, or any hydraulic equipment for which there are records indicating the presence of PCBs?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown</p>
<p>15. Has the owner or occupant of the property been informed of the past or current existence of hazardous substances or petroleum products with respect to the property?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>21. Are there any landfills, Superfund sites or other environmentally suspect properties in the local or surrounding area?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>
<p>16. Are there currently, or to the best of your knowledge have there been previously, any industrial drums or sacks of chemicals on the property?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>	<p>22. Are there any environmentally sensitive areas such as wetlands, ponds, lakes, or rivers on the property or in the local area surrounding the subject property?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>

Name and Title of Person Interviewed:
 Clint Berkstrom
 Gyrodne Corporation of America

Print Name of KTR Interviewer:
 Kelly Brewer, Paul Chmura,
 Anthony J. Galasso, Patrice Saint-Amand

SOIL-4

Are any of the following documents available for review as a part of this assessment?

- 1. Environmental Site Assessment reports;
- 2. Environmental Audit reports;
- 3. Environmental Permits;
- 4. Registration for Tanks;
- 5. Material Safety Data Sheets (MSDS);
- 6. Community Right-to-Know Plan;
- 7. Spill Prevention, Countermeasure, and Control Plan (SPCC);
- 8. Groundwater condition report;
- 9. Environmental violation notices;
- 10. Hazardous waste generator notices or manifests;
- 11. Geotechnical studies.
- 12. ACM documentation
- 13. LBP documentation
- 14. Radon documentation
- 15. Potable water quality documentation

Yes

No

Which are available?

3, 4, 5, 6, 10, 12

Are other types of site information available?

Appraisal Report

Onsite septic system plans and configurations

SOIL-4

2017

Page I-158

P.W. GROSSER CONSULTING



Client Questionnaire

P.W. Grosser Consulting Inc. (PWGC) has been contracted to perform a Phase I Environmental Site Assessment (ESA) of the property listed below. The Phase I investigation will include site observations, interviews, and review of available documentation. To ensure the success of the assessment, and in accordance with the ASTM 1527-13 which documents certain user responsibilities, we are submitting this questionnaire to assist you in meeting those responsibilities. If you could please complete this questionnaire and return it via email within one business day of receipt it will allow us to complete the Phase I ESA in a timely and efficient manner.

Name of person completing questionnaire: *Marigone Gallizchio* Date: *5/18/17*
 Company: *Gyrodur*
 Length of association with property: *approx 13 yrs.* Phone #: *(91) 584-5400*

Property Name/Address:
 PWGC Project #:

Directions: Please read and answer all questions very carefully, to the best of your knowledge and in good faith. Mark the column corresponding to the appropriate response. Supplemental details necessary to explain any yes or unknown responses should be provided in the "Comments" column. Note: U/NR indicates "Unknown" or "No Response," and "N/A" indicates not applicable. If "Comment" box proves too small to fit your comment please attach an additional form with your full response.

	Question	Y	N	U/NR	Comment
1	Are you aware of any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property?		✓		
2	Are you aware of any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property?		✓		
3	Are you aware of any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products?		✓		
4	Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law?		✓		
5	Are you aware of any Activity and Use Limitations, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law?		✓		



SOIL-4



	Question	Y	N	U/NR	Comment
6	As the user of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or previous occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?		✓		
7	Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be				N/A
8	Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened		✓		
8(a)	Do you know past uses of the property?		✓		
8(b)	Do you know of specific chemicals that are present or once were present at the property?		✓		
8(c)	Do you know of any spills or other chemical releases that have taken place at the property?		✓		
8(d)	Do you know of any environmental cleanups that have taken place at the site?		✓		
9	As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the		✓		

In addition, are you aware of any of the following documents, and if so, please forward copies of the document(s) to P.W. Grosser Consulting at 630 Johnson Ave, Ste 7, Bohemia, NY 11716-2618 (along with a copy of this form):

Helpful Documents to be forwarded to PWGC:

Environmental site assessment reports (i.e. Phase I or II, tank testing results, radon, lead paint, or asbestos testing, etc.)

Environmental compliance audit reports; risk assessments; and recorded Activity and Use Limitations (AULs)

Environmental permits (i.e. solid waste disposal, hazardous waste disposal, wastewater, NPDES, etc.)

Registrations for underground storage tanks (USTs) and aboveground storage tanks (ASTs)

Registrations for underground injection systems Material safety data sheets

Community right to know plan

Safety plans; preparedness and prevention plans; spill prevention, countermeasure/control plans, etc.

Reports regarding hydrogeological or geotechnical conditions on the property and surrounding area

Notices/correspondence from any agency relating to past or current violations of environmental laws, or liens encumbering the property

Hazardous waste generator notices or reports

Other:

David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 9:53 AM
To: David Barnes (DEW)
Subject: FW: Please vote No to Gyrodene Development

From: JOANIE [mailto:jdenim@aol.com]
Sent: Friday, January 24, 2020 9:51 AM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>; Peter Hans (Planning) <phans@smithtownny.gov>; Supervisor's Office <supervisor@smithtownny.gov>; tmmcarthy@smithtownny.gov; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>; Hon. Lisa Inzerillo (Town Council) <linzerillo@smithtownny.gov>; twlomann@smithtownmy.gov
Subject: Please vote No to Gyrodene Development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

To Whom it may concern,

As a life long resident of the town of Smithtown and a 30 plus year homeowner in St. James, my family and myself are against the development of the Gryodene Properties. Please consider the quality of life for us living so close to this. Traffic, noise, congestion, displaced deer and wildlife and disturbing the already contaminated land and ground waters. I am a cancer survivor and I can look down my street and count so many others. I do not want to have to move, please don't do this to us. Thank you !

A very concerned citizen and voter, Joan Caton 8 Floral Lane, St. James NY 11780 631 862 7867

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PN-14

David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 12:46 PM
To: David Barnes (DEW)
Subject: FW: Comments re: Gyrodyne DEIS

From: Elaine Maas [mailto:nysbirder@gmail.com]
Sent: Friday, January 24, 2020 12:46 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Comments re: Gyrodyne DEIS

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

Good afternoon -

My name is Elaine Maas, resident of 1 Smith Lane, Stony Brook, NY.

I speak to you, not only as a nearby resident, but also as a retired Biology teacher of Smithtown East High School, former administrator at Smithtown CSD, current member of the Executive Board of Directors of Four Harbors Audubon, and Education Coordinator for our local Audubon Chapter as well. In addition, for the last several years, I have been employed as an educator/naturalist on the West Meadow Creek, and volunteer my services as an appointed member of the Town of Brookhaven West Meadow Beach Stewardship Committee.

My wealth of experience in the natural fields, particularly in our local area, inspired me to hope that at least part of the pristine grounds of Flowerfield would be designated and saved for educational purposes in our local community. What better location for our school children and families to attend outdoor education programs, learn about the local fauna and flora, investigate the interconnected ecosystem, and examine our role to assist in attaining ecological sustainability. Research is overwhelming as to the deficit in outdoor experiences among our youth and their families in this increasingly technologically distracting world. Flowerfield could be St James' answer to Avalon, right here at our children's doorstep, right here in the backyards of High School East, Nesaquake Middle School, Mills Pond, Dogwood, and St. James Elementary Schools.

In the past, I personally recommended my former Smithtown students and supported their applications to various field work programs in assorted topics of biology, both locally and nationally. Unfortunately, none of those programs were directly in their own backyard, the closest being offered a few miles east in Avalon.

Why not here at Flowerfield? What a marvelous legacy this could be for present families, their children, the students in our schools, and for those who choose to reside here in the future?

However, my comments will be taking a different turn.

Since the news of this past week, I am no longer interested in promoting a learning park for students or their families on the grounds of Flowerfield, at least not at this time.

Not in light of what has transpired at the grounds of nearby Northport Middle School.

Not in light of the circumstances which surfaced this week, closing that school down until further notice, requiring the relocation of over 700 students and staff to other buildings until mitigation of the current site, if at all possible, takes place.

SOIL-11
cont.

Volatile organic compounds emanating from the school grounds, feelings of nausea, lightheadedness, and headaches among students and staff, related incidences of cancer within the student population and greater community, public outcry, negative national publicity, lawsuits, and State intervention - - - all of these were preventable, had an appropriately thorough environmental study been undertaken PRIOR to building a school on that site. Instead there now exist dire consequences, with some calling for a Superfund designation, and others hearing a frightened and angry community addressing the needs of sick children and staff.

Will Smithtown do the same here?

We can more than hope not. We can learn from our neighbors and be proactive instead. You of the Planning Board can work towards making certain that such a disaster as occurred at Northport, does NOT happen here at Gyrodyne.

You of the Planning Board can prevent the untoward consequences of multiple health hazards, and those of costly and endless legal actions sought by ill employees, sickened hotel guests, and compromised residents.

Consider this: would the Town of Smithtown endeavor to allow the frailest of our citizens - (our nursing home seniors) - reside on a site known to contain legacy chemicals, among which include, lead arsenate, methyl bromide, naphthalene, and calcium cyanide?

Remedy moving forward:

The Smithtown Planning Board must seek a thorough and immediate investigation mapping the remaining pools of contaminants and analyzing their concentrations within the surface and underground soils.

The Smithtown Planning Board must seek a comprehensive study of the effects, both short- and long-term, to human health by exposure to these legacy chemicals.

The Smithtown Planning Board must seek a thorough investigation of the potential environmental hazards to wildlife on property, as well as to those in local waters from exposure to leached legacy chemicals.

Overall, any DEIS submitted to the Smithtown Planning Board for development of Gyrodyne property must include a thorough and comprehensive study of its legacy chemicals, including the analysis of discrepancies between the 2004 study by Stony Brook University, and the more recent citations of a Gyrodyne employee about legacy pollutants, as noted by the last speaker at the Jan 8th public hearing.

The current DEIS failed to address these matters, and for this reason underserved the residents of St. James, those in its surroundings, the residents of the Town of Smithtown, the legacy of Flowerfield moving forward, as well as any of Gyrodyne's future employees, guests, or residents of the site.

A DEIS which fails to mention or investigate legacy contaminants present at its site renders it invalid.

I ask that you reject the submitted DEIS, and seek a more investigative study that addresses its deficiencies.

Respectfully submitted,
Elaine Maas

David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 3:23 PM
To: David Barnes (DEW)
Subject: FW: Gyrodyne Over-development

From: victoria conklin [mailto:vconklin2792@yahoo.com]
Sent: Friday, January 24, 2020 1:29 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>; Smithtown Planning <smithtownplanning@smithtownny.gov>; Supervisor's Office <supervisor@smithtownny.gov>
Subject: Gyrodyne Over-development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

This email is being sent to inform you of my disapproval/concern over the proposed Gyrodyne over-development. I grew up in Smithtown and went to church in Setauket using route 25A frequently to youth group and church events, the planned development will cause traffic in an area in which the congestion will not be tolerated well by the existing protected and historic route. I am concerned for the environmental impact this will impose on the surrounding landscape, subjecting the groundwater flowing into Stony-Brook Harbor to be overrun with nitrogen-laden waste resulting in algal blooms which kill off our precious fishery environment.

Thank you for your prompt attention to the concerns of my community,
Victoria Fortunato

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PN-15

David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 3:23 PM
To: David Barnes (DEW)
Subject: FW: Gyrodyne Project

From: Alison Fortunato [mailto:alisonmfortunato@gmail.com]
Sent: Friday, January 24, 2020 1:59 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>; Peter Hans (Planning) <phans@smithtownny.gov>; Supervisor's Office <supervisor@smithtownny.gov>; tmmcarthy@smithtownny.gov; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>; Hon. Lisa Inzerillo (Town Council) <linzerillo@smithtownny.gov>; Hon. Thomas W. Lohmann (Town Council) <TWLohmann@smithtownny.gov>
Subject: Gyrodyne Project

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To whom it may concern,

I'm composing this email to inform you that I have serious concerns about the proposed Gyrodyne OVER-development project. The recent release of the DEIS is a cause for concern. The unhealthy effect to our environment from previously discarded toxic chemicals such as: methyl bromide and lead arsenic was not even identified in the study. These dangerous chemicals have not been removed from the property. Our health should be your concern too.

Also, 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.

Regards,
Alison Fortunato
16 Colonial Rd., Smithtown, NY 11787

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TR-25

SOIL-
12

David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Monday, January 27, 2020 9:16 AM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Gyrodyne

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Richard Kampf <randjl1rising@optonline.net>
Sent: Friday, January 24, 2020 2:13 PM
To: Peter Hans (Planning)
Subject: Gyrodyne

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails.
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I am opposed to the development at gyrodyne. Once done never turn back you will be responsible for the ruin of the north shore

Sent from my iPad

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PN-13

David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 3:23 PM
To: David Barnes (DEW)
Subject: FW: Gyrodyne

-----Original Message-----

From: Richard Kampf [mailto:randj11rising@optonline.net]
Sent: Friday, January 24, 2020 2:11 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails.
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I am opposed to the development of the gyrodyne area. This will absolutely ruin the north shore. You will be responsible

Sent from my iPad

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PN-13

David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 3:24 PM
To: David Barnes (DEW)
Subject: FW: Over Development - Gyrodyne

PN-15

From: Joe Fortunato [mailto:jfortunatoiii@optimum.net]
Sent: Friday, January 24, 2020 2:22 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>; Peter Hans (Planning) <phans@smithtownny.gov>; Supervisor's Office <supervisor@smithtownny.gov>; tmmcarthy@smithtownny.gov; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>; Hon. Lisa Inzerillo (Town Council) <linzerillo@smithtownny.gov>; twlomann@smithtownny.gov
Subject: Over Development - Gyrodyne

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Once again we find ourselves having to present to the town reasons not to Over develop our community. This time it is the proposed development at Gyrodye. The following are brief bullet points that you all need to consider with regards to this project.

TR-3

- The currently over burdened route 25 A 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
- SOIL-10 • Documented residual pollutants at the site and the remediation have not been considered in this plan. Our water supply is already contaminated as noted on the news and we do not need the additional development to add to this. We need it cleaned up
- GW-1 • Addition nitrogen will pollute Stony Brook Harbor and destroy the remaining water/aquatic marine life we have left
- ECON-6 • 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.

I would ask to you not provide approval for this disaster of a project.

Joe Fortunato

Sent from Mail for Windows 10

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David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 3:24 PM
To: David Barnes (DEW)
Subject: FW: Gyrodyne property

From: Linda [mailto:whatsdemotta@aol.com]
Sent: Friday, January 24, 2020 2:46 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne property

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT
To Whom It May Concern:

I am writing to express my objections to the subdivision of the Gyrodyne property. I live in the neighborhood between moriches and mills pond. Aside from the overdevelopment and traffic, i am concerned about the natural habitat for wildlife and the open space. I am also very concerned about the effects of the sewage treatment plant on the waters along the north shore.

I hope you will deny this request by gyrodyne.

Linda De Motta
Saint James, ny

"The truth does not change according to our ability to stomach it."

PN-15

--FLANNERY O'CONNOR, letter, Sep. 6, 1955

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David Barnes (DEW)

From: Smithtown Planning
Sent: Friday, January 24, 2020 3:24 PM
To: David Barnes (DEW)
Subject: FW: Gyrodyne

-----Original Message-----

From: Letitia Krauer [mailto:lkrauer@optonline.net]
Sent: Friday, January 24, 2020 2:14 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne

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Board,

All of the environmental, ethical and quality of life issues presented at the January 8th, 2020 meeting make it very clear you must deny the project. What if anything has the board done to address all the very serious issues presented at this meeting?

The health and safety of Smithtown and Brookhaven residents demands nothing less.

In light of the conflict of interest of Mr. Ryan, all of the approvals to this point should be put aside and the entire project should be rejected.

Sincerely,
Letitia Krauer
Chairperson, Friends of Stony Brook Road.

Sent from my iPad

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PN-16

David Barnes (DEW)

From: Hon. Thomas McCarthy (Town Council)
Sent: Sunday, January 26, 2020 8:17 AM
To: Dr. Melissa Tommasino-Storz; David Barnes (DEW)
Subject: Re: Gyrodyne Flowerfield Development

Thank you for your input. I will forward this to our DEW department.

Sincerely,
Thomas J. McCarthy
Deputy Supervisor | Councilman
Town of Smithtown

On Jan 26, 2020, at 2:53 AM, Dr. Melissa Tommasino-Storz <nurturingchiro@optonline.net> wrote:

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

Dear Smithtown official and Planning Board member,

We have major concerns in our neighborhood regarding the Gyrodyne Flowerfield Development:

The development seeks to allow:

- 150 room hotel
- 125,00 square feet of medical office space
- 220-bed assisted living facility
- 7-acre sewage plant

Our concerns are many including:

- Traffic on already over-capacity 25A and Stony Brook Rd. **TR-2**
- The destruction of historically-designated 25A **VIS-1**
- Pollution in Stony Brook Harbor and surrounding waterways **GW-1**
- Board's failure to consider the impact of other development and uses in the area **SEQRA-2**
- Low-wage jobs predominating after construction is completed. **ECON-7**

Thank you for your attention!
Dr. Melissa Tommasino-Storz

David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Monday, January 27, 2020 9:15 AM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Gyrodyne

This one appears to have been sent after deadline....

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Wendy <scullyw@optonline.net>
Sent: Saturday, January 25, 2020 6:14 PM
To: Peter Hans (Planning)
Subject: Gyrodyne

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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.

Thank you
Wendy Scully

Sent from my iPhone

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TR-31

David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Monday, January 27, 2020 9:15 AM
To: Howard Barton III (DEW); David Barnes (DEW)
Subject: Fw: Say NO to Gyrodyne/Flower Fields Development

This one appears to have been sent after deadline...

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: Rosemary Brown <rfonsecabrown@hotmail.com>
Sent: Friday, January 24, 2020 9:39 PM
To: Peter Hans (Planning) <phans@smithtownny.gov>
Subject: Say NO to Gyrodyne/Flower Fields Development

ATTENTION: External Email: Do not open attachments or click on links from unknown senders or unexpected emails. NEVER give out your User ID or Password: Town of Smithtown IT

Dear Peter Hans:

PN-17

I am writing to you to express my grave concerns about the plans to develop the Gyrodyne property in Flower Fields. My first concern is for the environment, particularly about the effects of a sewage treatment plant that would eventually discharge treated water into Stony Brook Harbor. This is a pristine jewel of the North Shore coast that is already strained under the runoff it must currently handle. More would be a travesty that would threaten wildlife, native plants, and even the health of the people who fish, kayak, and swim there.

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.

Please do whatever you can to make these urgent concerns known to the Planning Board of Smithtown.

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.

Yours truly,
Rosemary F. Brown

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OPEN-4

TR-2

David Barnes (DEW)

From: Peter Hans (Planning)
Sent: Monday, January 27, 2020 9:16 AM
To: David Barnes (DEW); Howard Barton III (DEW)
Subject: Fw: Against Gyrodyne Project

3 This one appears to have been sent after deadline....

Peter Hans, Town Planning Director
Town of Smithtown Planning Department

(631) 360-7540

From: lizperrone23 <lizperrone23@gmail.com>
Sent: Friday, January 24, 2020 7:10 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>; Peter Hans (Planning) <phans@smithtownny.gov>; Supervisor's Office <supervisor@smithtownny.gov>; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>
Subject: Against Gyrodyne Project

EXEC-5

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I wanted to address this Gyrodyne project. My household is against the scale of this project. We did not move to St.James from East Meadow to live in yet another overdeveloped area. Additionally, if they are not paying taxes, this would also be a detrement to our economy. We enjoy the rural nature of St. James/Head of the Harbor. We are also concerned with the environmental and traffic impacts this project would have on the community. Please don't ruin our new beloved community.

ECON-11

VIS-1
TR-2

Sincerely,

Elizabeth Perrone
20 Thompson Hill Road
St. James. NY 11780
lizperrone23@gmail.com

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:23 AM
To: David Barnes (DEW)
Subject: FW: Against Gyrodyne Project

From: lizperrone23 [mailto:lizperrone23@gmail.com]
Sent: Friday, January 24, 2020 7:10 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>; Peter Hans (Planning) <phans@smithtownny.gov>; Supervisor's Office <supervisor@smithtownny.gov>; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>
Subject: Against Gyrodyne Project

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EXEC-5

I wanted to address this Gyrodyne project. My household is against the scale of this project. We did not move to St. James from East Meadow to live in yet another overdeveloped area. Additionally, if they are not paying taxes, this would also be a detrement to our economy. We enjoy the rural nature of St. James/Head of the Harbor. We are also concerned with the environmental and traffic impacts this project would have on the community. Please don't ruin our new beloved community.

ECON-11

VIS-1
TR-2

Sincerely,

Elizabeth Perrone
20 Thompson Hill Road
St. James. NY 11780
lizperrone23@gmail.com

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:21 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne. Vote no.

From: Phil muller [mailto:phil0839@hotmail.com]
Sent: Saturday, January 25, 2020 2:09 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne. Vote no.

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TR-31

Vote no to gyrodyne developement. The area cant handle any more traffic. Our roads are dangerous enough.

Sent from my Sprint Samsung Galaxy S8.

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:22 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne Project

From: Jack Rodolico [mailto:jcrodolico@gmail.com]
Sent: Saturday, January 25, 2020 1:02 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne Project

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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. Additionally, the danger posed by sewage seepage and the lack of an environmental study show disregard for the present inhabitants and users of the area.

TR-24

GW-5

This project should not go forward.

Sincerely,

Jack Rodolico
70 Midwood Ave, Nesconset, NY 11767

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:22 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne

From: Harry Peterman [mailto:hpski501@icloud.com]
Sent: Saturday, January 25, 2020 5:19 AM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne

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Please take into consideration that the request for this location to be overwhelmed with, TWO assisted living facilities, TWO medical office buildings 1 hotel complex, 1 catering facility, 7 acres of sewage treatment close to Stony Brook Grist Mill and SB Harbor, conveyance into and out of onto Stony Brook Road = monumental traffic/safety issues, sewage effluent seeping into harbor, AND complete lack of study of existing chemical contaminants already on site from former industries (including lead arsenate, naphthalene, among others), is, abusive to the surrounding community, an insane example of corporate greed, and if approved, will be bogged down with multiple lawsuits not to mention accusations of bribery and deceit

Sent from my iPhone

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EXEC-6

David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:23 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne Project

From: William Giardelli [mailto:wgiardelli@luxcompanies.com]
Sent: Friday, January 24, 2020 5:01 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne Project

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To whom it may concern:

Good Afternoon,

My name is Bill Giardelli and I have been a resident of Stony Brook for over 35 years. I would like to address some of my concerns as others in the community have. I am very much opposed to this development project.

First and foremost I am more than concerned over the potential contaminants caused by the sewer treatment plant and the disruption of the soil. What studies have been done to date?

The second obvious concern is the increase in traffic.

PN-12

This is not a good fit for this area...

TR-29

Sincerely
Bill Giardelli

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:23 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne

From: Maria LaMalfa [mailto:lamalfa@mac.com]
Sent: Friday, January 24, 2020 5:00 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>; Peter Hans (Planning) <phans@smithtownny.gov>
Cc: Supervisor's Office <supervisor@smithtownny.gov>; trnmcCarthy@smithtownny.gov; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>; Hon. Thomas W. Lohmann (Town Council) <TWLohmann@smithtownny.gov>; Hon. Lisa Inzerillo (Town Council) <linzerillo@smithtownny.gov>
Subject: Gyrodyne

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To Whom It May Concern,

I would like to voice my opposition to the Gyrodyne development project at the time.

- PN-7 | • Major development in the town should be on moratorium until the Comprehensive Master Plan is released. The Master Plan cost over \$500K and solicited the input from town residents over the course of many months. What was the purpose of the Master Plan, if not to guide future development? Why are developments being pushed through without sufficient evaluation of the ensuing ramifications?
- GROW-3 | • 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.
- TR-2 | • 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.
- SOIL-8 | • I am concerned that there is not enough study of possible toxins in the area. Remediation should be part of the plan.
- SEQRA-7 | • 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.
-
- Respectfully submitted
- Maria LaMalfa

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:23 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne

From: Patty Stoddard [mailto:pstoddard@gmail.com]
Sent: Friday, January 24, 2020 4:59 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>; Peter Hans (Planning) <phans@smithtownny.gov>; Supervisor's Office <supervisor@smithtownny.gov>; tmmcarthy@smithtownny.gov; Hon. Lynne C. Nowick (Town Council) <lnowick@smithtownny.gov>; Hon. Lisa Inzerillo (Town Council) <linzerillo@smithtownny.gov>; Hon. Thomas W. Lohmann (Town Council) <TWLohmann@smithtownny.gov>
Subject: Gyrodyne

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To Whom It May Concern:

I am totally against the Gyrodyne Project. This is just another case where the Town of Smithtown is rushing into over development before we have a master plan. PN-18

The environmental factors and traffic congestion will be detrimental to the community. TR-2

I agree with all the extremely valid reasons mentioned at the Jan. 8th planning board meeting by the eloquent speakers who opposed this project. I suggest that you review the video. PN-19

Regards,
Patty Stoddard

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David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:24 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne

From: Grace Bertolone [mailto:amazin2843@gmail.com]
Sent: Friday, January 24, 2020 4:54 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne

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Can't you leave anything beautiful alone? Must every spare piece of green be built upon? Leave the property alone, green, maybe every plant flowers there again. It's restful.

On the other hand, you can make money on it as usual, get more tax \$\$\$ from it, cause more traffic, destroy more roads, cause more rage. Hey, it's up to you.

Personally, I say leave the land alone.

Grace Bertolone
14 Friends Rd
Setauket, NY 11733

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PN-10

David Barnes (DEW)

From: Smithtown Planning
Sent: Monday, January 27, 2020 9:25 AM
To: David Barnes (DEW)
Subject: FW: Gyrodyne property

From: Susan Castagna [mailto:suecast@yahoo.com]
Sent: Friday, January 24, 2020 4:49 PM
To: Smithtown Planning <smithtownplanning@smithtownny.gov>
Subject: Gyrodyne property

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To the Members of the Planning Board,

I am in opposition to the currently planned development of the Gyrodyne property for several reasons.

PN-10

First, the negative impact on the environment is of extreme concern to me. The water and the wildlife that will be harmed by this development is not to be overlooked. When water and wildlife are negatively impacted, so is human life in the process.

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.

TR-2

Third, this development could devalue our property because of the environmental and traffic concerns.

I urge the Board to reject this current plan for development.

Sincerely,

Susan Castagna
14 Westbrook Lane
Smithtown, NY 11787

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ECON-10

February 5, 2019

Richard Parrish, PG
15 Chestnut Street
Poquott, New York 11733
(516) 805-8900

Department Head of Environmental & Waterways
David. A. Barnes
124 West Main Street.
Smithtown, NY 11787

RE: Gyrodyne, LLC, Map of Flowerfield, Subdivision Application and DEIS

To Whom it May Concern:

SOIL-1

Please find public comment with respect to the above referenced DEIS document. The DEIS establishes but does not detail the vertical and horizontal extent of arsenic contamination in site soils. Further, the document fails to identify the likely source of the contamination and offers no details with respect to the concentrations of the arsenic on the soil as determined through a sampling plan. Arsenic is highly toxic from dermal contact, ingestion or inhalation exposures. The plan identifies that the arsenic will be mitigated through a process of mixing it with clean materials. This practice is strongly prohibited by the US Resource Conservation and Recovery Act (RCRA). Mixing waste is only allowed when mixing for purposes of addressing a RCRA characteristic. The contaminated soil should be excavated in controlled conditions by qualified personnel and removed to a secure waste management facility that can address exposure issues. This is common throughout the county where soils are routinely found to be impacted by lead arsenate herbicides. The plan as presented will actually threaten the health and safety of local community members by disturbing it and putting arsenic contaminated soil into the air. There is no reason the developer should be granted this prohibited exemption from safe industry and engineering practices.

Richard Parrish, PG

FINAL
Environmental
Impact Statement

For the:

Gyrodyne, LLC

**Map of Flowerfield
Subdivision Application**

Hamlet of St. James, Town of Smithtown
Suffolk County, New York

VOLUME 2 OF 4

December 2020



Cameron Engineering & Associates, LLP

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VOLUME 2 OF 4

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Appendix D: Conservation Board Hearing Transcript

Appendix E: Municipal Comments from 2017 and 2018

Appendix F: Final Engineering Plans

Cover Sheet through Sheet C-8

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

December 2020

Appendix C: Public Hearing Transcript

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THE SMITHTOWN PLANNING BOARD

PUBLIC HEARING

January 8, 2020

Held at:

EUGENE A. CANNATARO SENIOR CITIZEN HALL

**420 Middle Country Road
Smithtown, New York 11787**

SMITHTOWN PLANNING BOARD:

BARBARA DeSORBE, Chairman

WILLIAM MARCHESI, Board Member

DESMOND RYAN, Board Member

THOMAS UNVERZAGT, Board Member

TINA PARIS, Board Member

**HONORABLE JOHN J. TOOMEY, JR, Attorney to the
Planning Board**

MATTHEW G. CALADO, Planner

**DARLENE M. DEVLIN, OCR
SENIOR COURT REPORTER**

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A G E N D A
January 8, 2020

I RECESSED MATTERS:

ZONING PETITIONS:

- * 1. #2012-04 Story Book Homes, Nesconset, PB & R-15 to RMGA 06/20/12
- * 2. #2012-02 Carlson Associates, Kings Park R-43 & LI to WSI & HI 03/05/14
- * 3. #2010-06 KVC Holdings, MLC Holdings, DWC Mgt., LLC (Michael Cox) LI to WSI 10/20/11

WAIVER REQUESTS:

- * 4. #773 Scholar Estates, Commack, Board conducted on-site inspection 09/21/11

II NEW HEARINGS/DECISIONS:

- * 5. #1178 DEIS for Preliminary Subdivision - Gyrodyne LLC, St. James

III OTHER MATTERS:

ADOPTION OF MINUTES:

- * 6. November 20, 2019
- * 7. December 11, 2019

* The Planning Department will suggest adjournment.

For further information please contact:

Planning & Community Development
Town Hall
99 West Main Street
Smithtown, New York 11787
(631) 360-7540

[Http://smithtownny.igq2.com/Citizens/Calendar.aspx](http://smithtownny.igq2.com/Citizens/Calendar.aspx)

SMITHTOWN PLANNING BOARD

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SMITHTOWN PLANNING BOARD

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2	<u>SPEAKERS :</u>	
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4	J. TIMOTHY SHEA, JR.	10
5	KEVIN McANDREW	13
6	JOHN CAMERON	23
7	BROOKHAVEN TOWN SUPERVISOR ED ROMAINE	29
8	MARIA T. HOFFMAN	40
9	RICHARD MURDOCCO	47
10	CURT CROLEY	50
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CHAIRMAN DeSORBE: All right.

Good evening everybody.

This is the January 8, 2020 meeting of the Planning Board of the Town of Smithtown. We are going to begin it with the pledge of allegiance and you are all invited to join us.

[ALL PRESENT RECITED THE PLEDGE.]

CHAIRMAN DeSORBE: Thank you.

Please be seated.

SMITHTOWN PLANNING BOARD

1 **CHAIRMAN DeSORBE:** Before we get to
2 this evening's agenda, I would like to
3 introduce our new board member, Tina Paris.
4 Congratulations and welcome, Tina.

5 **BOARD MEMBER PARIS:** Thank you.
6 Thank you.

7 **CHAIRMAN DeSORBE:** Matt?

8 **PLANNER CALADO:** Good evening,
9 Members of the Planning Board. The
10 Planning Department would like to recommend
11 the following items be recessed, because
12 the applicants are not ready to be heard at
13 this time:

14 Under ZONING PETITIONS:

15 * 1. #2012-04, Story Book Homes,
16 Nesconset.

17 * 2. #2012-02, Carlson Associates,
18 Kings Park.

19 * 3. #2010-06, KVC Holdings,
20 MLC Holdings, DWC Mgt.

21 Under WAIVER REQUESTS:

22 * 4. #773, Scholar Estates, Commack.

23 **CHAIRMAN DeSORBE:** Is there anyone
24 here who wishes to be heard in any of the
25 matters that were just recommended to be

SMITHTOWN PLANNING BOARD

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recessed?

Hearing none, I move that we recess items 1 through 4 as read. Second?

BOARD MEMBER MARCHESI: I second.

CHAIRMAN DeSORBE: All those in favor?

(Whereupon, all Board Members said "aye".)

CHAIRMAN DeSORBE: Opposed?

(Whereupon, there was no response.)

CHAIRMAN DeSORBE: So recessed.

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CHAIRMAN DeSORBE: Tonight's hearing is for comments from the public on the Draft Environmental Impact Statement for the preliminary subdivision Gyrodyne, LLC, St. James. There will be no vote tonight.

The DEIS is on the Smithtown Town website for your review. The public comment period will end on January 24, 2020. You are all invited, and you can send the comments on the website, so if you have any comments to make, please go onto the Town website, and it's very easy, and you can make your comments there if you would like.

Is there anyone here representing the applicant? Please step up to the microphone and state your name and address for the record.

BOARD MEMBER RYAN: Madam Chairwoman, before these proceedings start, I would just like to make an announcement that I will be recusing myself from any action on this matter to prevent any apparent conflict of interest that I may have with the applicant.

SMITHTOWN PLANNING BOARD

1 So I would like the record to duly
2 note that at the time of the vote as a
3 member of this Planning Board, I will be
4 recusing myself. Thank you.

5 **PLANNER CALADO:** Before we begin,
6 the affidavit of posting has been
7 submitted.

8 **MR. TOOMEY:** That's good.

9 **CHAIRMAN DeSORBE:** Mr. Shea?

10 **J. TIMOTHY SHEA, JR.** Good evening,
11 Madam Chairwoman, Members of the Board.
12 J. Timothy Shea, Jr., from Certilman,
13 Balin, 100 Motor Parkway, Hauppauge,
14 New York. I am representing the applicant.

15 I am joined here tonight by John
16 Cameron and Kevin McAndrew of Cameron
17 Engineering, who will also be speaking.

18 As indicated, we are here mainly to
19 listen to the comments from the public
20 related to the Draft Environmental Impact
21 Study supplied to and accepted by the Board
22 pursuant to the scoping, which was
23 previously done.

24 Although we are here mostly to
25 listen, we do want to provide a very brief

SMITHTOWN PLANNING BOARD

1 presentation to describe the overall
2 approach to the study, and to address some
3 specific aspects of the DEIS, and to clear
4 up some of the issues that have been
5 raised.

6 First, from an overall perspective,
7 we want the Board and the public to know
8 that Gyrodyne has been located at its
9 current location for over 60 years, and its
10 operations are governed by a board of
11 directors, many of whom live within the
12 vicinity of the site.

13 Throughout the process, the Board
14 has stressed the need to balance its
15 fiduciary duties to its shareholders and
16 the company with the need to be cognizant
17 of the neighborhood they live in and
18 cherish.

19 In furtherance of the same and to
20 better control the overall development of
21 the site, we came in with specific
22 alternatives limited much greater than
23 would be allowed under the existing zoning.

24 These alternatives were designed to
25 balance the potential impacts to the

SMITHTOWN PLANNING BOARD

1 community, and providing the community with
2 a clear expectation of what the development
3 scheme will probably look like.

4 Gyrodyne limited the potential
5 development schemes to the ones studied in
6 the DEIS.

7 I would further like to remind the
8 Board that although the subdivision
9 references studies in creation of up to
10 nine lots in the alternatives, we are only
11 really proposing three new lots using only
12 25 acres or developing 25 acres of the
13 75-acre parcel.

14 The nine lots include -- or up to
15 nine lots, depending on which development
16 scheme we are looking at, include the
17 existing Flowerfield's Celebration Center,
18 the existing Gyrodyne Industrial Office
19 Park. Each of the alternatives present
20 little physical change to those developed
21 areas other than upgrading of the site
22 conditions and establishing of new lot
23 lines.

24 The alternative studies -- study
25 revolves around design of the site with

SMITHTOWN PLANNING BOARD

1 potential users being an assisted-living
2 facility, office space slash R&D, and a
3 hotel. Each alternative was designed to
4 balance and account for traffic,
5 groundwater, aesthetic, and other impacts
6 of the subdivision.

7 I will now hand the presentation
8 over to Mr. Cameron and Mr. McAndrew, and
9 we look forward to hearing from the public
10 on this matter. Thank you.

11 **CHAIRMAN DeSORBE:** Thank you.

12 **KEVIN McANDREW:** Thank you, Tim.

13 Good evening, Madam Chair, Members
14 of the Board. Kevin McAndrew, partner with
15 Cameron Engineering, 177 Crossways Park
16 Drive, Woodbury, New York. Engineers,
17 planners, and landscape architects for
18 Gyrodyne.

19 As Mr. Shea expressed, we have a
20 brief PowerPoint presentation with six
21 slides. I will take you through the first
22 five slides. John Cameron, managing
23 partner with Cameron Engineering, will take
24 you through the sixth and final slide.

25 The first several slides that I will

SMITHTOWN PLANNING BOARD

1 take you to will expand upon Mr. Shea's
2 opening remarks, outlining the approach to
3 the Draft Environmental Impact Statement,
4 referred to, typically, as DEIS.

5 The remaining slides are going to
6 focus on the specific and relevant
7 engineering, environmental, and planning
8 details associated with this mixed-use
9 subdivision application.

10 The three-volume DEIS is a
11 science-based and engineering-based
12 document with many progressive and advanced
13 environmental, ecological, and engineering
14 solutions that are integral to the
15 mixed-use subdivision plan.

16 The DEIS document includes
17 comprehensive chapters. They range from
18 subject matters on soils, groundwater,
19 flora and fauna, traffic, to visual
20 resources.

21 Most distinctive is what Mr. Shea
22 just referenced, and that is, the extensive
23 analysis of ten alternative plans within
24 the DEIS.

25 This is an approach that far exceeds

SMITHTOWN PLANNING BOARD

1 traditional DEIS's in terms of quantity,
 2 scope, and level of detail. The analysis
 3 of these alternative plans includes
 4 engineering drawings, modeling analysis, as
 5 well as comparative and cumulative impact
 6 analysis.

7 The purpose of including the
 8 extensive amount of ten alternative plans
 9 is to demonstrate that varying combinations
 10 of preferred land uses can be built in a
 11 sustainable manner while minimizing impacts
 12 and providing a multitude of benefits.

13 I want to just briefly further
 14 clarify what Mr. Shea referenced when he
 15 said that the property is not developing 75
 16 acres; it's really 25 acres. As Mr. Shea
 17 stated, the property today is improved for
 18 Flowerfield Caterers, approximately 13
 19 acres. It is improved with the original
 20 Gyrodyne buildings, approximately 13 acres.

21 Each of the mixed-use plans that are
 22 studied in this document propose a commonly
 23 owned parcel, approximately 24 acres, that
 24 is primarily comprised of open space, the
 25 internal road, and the acre and-a-half

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1 dedicated to the STP. That leaves a
 2 remaining 25 acres of undeveloped property,
 3 which is the specific focus of that. And
 4 Mr. Shea said -- stated, we are talking
 5 about three to five undeveloped lots that
 6 are the focus of this build-out.

7 The planning and engineering
 8 approach associated with this application
 9 would be referred to as a conservation
 10 subdivision. The mixed-use subdivision
 11 plan does not seek to maximize density or
 12 build out. It represents a sustainable
 13 approach that would result in far less
 14 intense development that is permissible
 15 under the as-of-right zoning plan. This is
 16 both with regard to the number of parcels
 17 that would be created, as well as the
 18 overall density of the application.

19 Each of the plans studied in this
 20 DEIS, that includes the ten alternatives,
 21 exclusive of the as-of-right light
 22 industrial plan, includes over 30 acres of
 23 open space; over more than 40 percent.
 24 That translates to more than 40 percent of
 25 this property being set aside as open

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1 space.

2 A key, fundamental detail for this
3 mixed-use plan is utilizing what is
4 referred to as established development
5 thresholds resulting in significantly
6 mitigating potential environmental impacts
7 and effectively regulating the total
8 build-out.

9 And what that means is that key
10 development thresholds, as they relate to
11 traffic, this proposal sets a limit on
12 maximum trips to be generated at the full
13 build-out, as well as the total sanitary
14 flow which in effect regulates the
15 intensity and the development associated
16 with this property.

17 The land uses that are studied
18 within the DEIS are not arbitrary. Going
19 back many years, Gyrodyne invested in a
20 significant market research that supported
21 the proposed and studied land uses; office,
22 medical office, R&D, hotel, and assisted
23 living.

24 Validating the market research that
25 was done by Gyrodyne is the Benchmark

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1 senior living update. Benchmark is a
 2 regionally recognized leader in providing
 3 the highest quality assisted-living
 4 communities. Benchmark has recently
 5 entered into a contract of sale with
 6 Gyrodyne for approximately 10 acres.
 7 That's 10 acres of the 25 undeveloped acres
 8 that I just previously referenced; a
 9 significant piece of that.

10 The market study was further
 11 advanced where an economic and fiscal
 12 impact study shows significant economic
 13 benefits. I will just highlight a couple:

14 The project, that build-out, would
 15 generate over \$3.5 million in net new
 16 annual property taxes. At full build-out,
 17 this proposed project is estimated to
 18 generate approximately \$90 million in
 19 direct economic output on an annual basis
 20 with hundreds of high-quality jobs
 21 generated.

22 Noteworthy, is that this proposed
 23 mixed-use development will result in no
 24 increased school enrollment, and minimal
 25 public resources expended with regard to

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1 infrastructure.

2 All of the roads, the drainage, the
3 water supply, the sanitary, the open
4 space -- there is a number of amenities
5 which I'll touch upon -- all of this
6 infrastructure will be privately owned and
7 maintained by a property owner's
8 association.

9 I'm going to repeat to this Board
10 what I said when I presented the initial
11 application two years ago: The concern for
12 traffic is entirely understood.

13 Cameron Engineering has studied the
14 traffic on the surrounding road network
15 here for the last 15 years. Our traffic
16 impact study validated that concern for
17 traffic. There are long-standing issues
18 that warrant traffic mitigation around the
19 Gyrodyne property.

20 Gyrodyne is proposing to address
21 these long-standing traffic issues in a
22 sustainable approach, and it starts with
23 the distinct benefits of a mixed-use plan
24 where reduced trip generation is realized
25 by offsetting land uses that have different

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1 peak times of operation, and a mix of land
2 uses that generate different intensities of
3 trips.

4 The assisted-living land use is an
5 ideal example of this. It is one of the
6 lowest intensity land uses as far as trip
7 generation. The assisted-living land use
8 will be a substantial portion of the new
9 development on this property.

10 The traffic impact study spells out
11 a set of offsite mitigation measures. This
12 offsite mitigation has been coordinated
13 with both the Town and New York State DOT,
14 that includes the key intersections of
15 Stony Brook Road and 25-A, Mills Pond Road
16 and 25-A, as well as four other
17 intersections in the immediate area.

18 Noteworthy is that the proposed
19 mitigation that the traffic impact study
20 identifies for Stony Brook Road, both of
21 those intersection have recently been
22 completed as far as the mitigation that was
23 outlined.

24 The work was performed by the Town
25 of Brookhaven. It's the intersection of

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1 Stony Brook Road and South Drive. That's
 2 the main intersection into the University
 3 from Stony Brook Road side, as well as the
 4 intersection of Stony Brook Road and Oxhead
 5 Road.

6 Regarding an update on the
 7 intersection of Stony Brook Road and 25-A,
 8 Cameron Engineering recently met with
 9 New York State DOT staff right before the
 10 holidays. The State confirmed that they
 11 are currently evaluating two design options
 12 for this intersection; and the State has a
 13 projected build year of 2023 for
 14 improvements to the intersection of
 15 Stony Brook Road and 25-A.

16 By regulating the mixed-use
 17 development with a limit to new vehicle
 18 trips, the extent of the physical change
 19 required to implement the offsite
 20 mitigation is minimized, preserving the
 21 historic right of way, while effectively
 22 managing the traffic associated with the
 23 mixed-use development.

24 I have spoken to the fact that each
 25 of the alternative plans would preserve a

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1 minimum of 30 acres, or more than 40
2 percent of the overall 75 acres.

3 I just want to provide a couple of
4 more pieces of clarification to that. Much
5 of that area, most importantly, is adjacent
6 to 25-A. There will be an expansive
7 buffer, a minimum of 200 foot in width
8 along the entire frontage of 25-A. It's
9 over a half a mile, preserving this
10 historic road scape, preserving all the
11 mature trees, with the exception of the
12 limited right-in/right-out driveway that
13 will provide access to this development
14 about the midpoint of the frontage on 25-A.

15 There is going to be over 330
16 indigenous species trees that will be
17 strategically planted within this buffer
18 along 25-A, again, further augmenting this
19 to provide visual screening from this road
20 scape into the property.

21 There will be two miles of walking
22 and nature trails within the open space on
23 this property, open to the public. There
24 will be permanent bicycle lanes, part of
25 the internal road network that tie to the

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1 external routes.

2 There is extensive green
3 infrastructure component that Gyrodyne is
4 committed to with this development. Storm
5 water management will be designed in an
6 ecological manner where there will be
7 extensive use of roadside bioswales,
8 vegetative detention and rain gardens. All
9 of this has been coordinated with the Town
10 and endorsed specifically with New York
11 State DEC.

12 There will be a proposed integrated
13 pest management, an IPM program approach,
14 to the long-term management of the
15 landscape on the property.

16 Groundwater recharge, storm water,
17 and wastewater, all a major focus of the
18 proposed green infrastructure design.

19 John Cameron will address our final
20 slide as it relates further to the issue of
21 water quality.

22 **JOHN CAMERON:** Thank you, Kevin.

23 Good evening. My name is John
24 Cameron. I am the founder and managing
25 partner of Cameron Engineering &

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1 Associates.

2 Due to some misinformation that has
3 been circulating in the community regarding
4 the wastewater treatment and nitrogen
5 discharge issues surrounding the Gyrodyne
6 project, I believe it important that I
7 publically state some of my qualifications
8 to lend some credence to some of the
9 statements that we are going to make here
10 this evening.

11 Firstly, I am a licensed
12 professional engineer with an undergraduate
13 degree in marine engineering, and a masters
14 degree in marine and environmental science.
15 I have over 40 years of experience in the
16 design, construction, and operation of
17 wastewater treatment facilities, including
18 regulatory oversight of such plants, as
19 well as ten years of instruction of
20 treatment plant operators in New York State
21 DEC certified courses.

22 I have been actively involved in
23 professional and environmental
24 organizations throughout my career,
25 including having served as the president of

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1 the New York State Water Environment
2 Association, as well as State Vice Chairman
3 of the New York League of Conservation
4 Voters.

5 Both my firm and I personally have
6 received numerous awards for our
7 professional and environmental
8 achievements.

9 One of the pro bono positions I hold
10 is the Chairman of the Long Island Regional
11 Planning Council, which for the past three
12 years has been co-managing with the New
13 York State DEC, the Long Island Nitrogen
14 Action Plan. I am intimately involved with
15 the management of that program on a daily
16 basis.

17 What I would like to convey tonight
18 is the potential environmental benefit of
19 this project; in that, the present method
20 of discharging wastewater through onsite
21 septic systems, much like I would assume
22 most of your homes, will with the
23 development of this property now be
24 upgraded to be treated in an advanced
25 wastewater treatment facility, which will