

EXHIBIT D

TOWN OF SMITHTOWN

SUPERVISOR

EDWARD R. WEHRHEIM

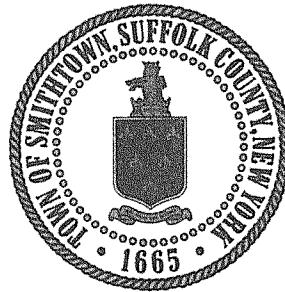
TOWN COUNCIL

THOMAS J. McCARTHY

LYNNE C. NOWICK

LISA M. INZERILLO

THOMAS W. LOHMANN



Department of Environment & Waterways

RUSSELL K. BARNETT, DIRECTOR

124 West Main Street

PO Box 9090

Smithtown, NY 11787

**SEQRA POSITIVE DECLARATION
DETERMINATION OF SIGNIFICANCE
AND
NOTICE OF SCOPING**

DATE: MAY 9, 2018

LEAD AGENCY: SMITHTOWN PLANNING BOARD

ADDRESS: C/O SMITHTOWN DEPARTMENT OF ENVIRONMENT & WATERWAYS
124 WEST MAIN STREET
SMITHTOWN, NEW YORK 11787

THIS NOTICE IS ISSUED PURSUANT TO 6 N.Y.C.R.R. PART 617, THE IMPLEMENTING REGULATIONS PERTAINING TO ARTICLE 8 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW (STATE ENVIRONMENTAL QUALITY REVIEW ACT).

THE LEAD AGENCY HAS DETERMINED THAT THE PROPOSED ACTION DESCRIBED BELOW MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THAT PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT WILL BE REQUIRED.

THE LEAD AGENCY HAS ALSO DETERMINED THAT FORMAL SCOPING OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT WILL BE CONDUCTED. A COPY OF THE DRAFT SCOPE IS AVAILABLE ON-LINE AT WWW.SMITHTOWNNY.GOV. WRITTEN COMMENTS ON THE DRAFT SCOPE ARE REQUESTED AND WILL BE ACCEPTED BY THE LEAD AGENCY UNTIL JUNE 22, 2018.

PROJECT: Gyrodyne Subdivision # 1178

PETITIONER: Gyrodyne LLC
ADDRESS: One Flowerfield – Suite 24
St. James, New York 11780

SUFFOLK COUNTY TAX MAP PARCEL #: 0800-40-2-4, 13.3, 13.4, 14, & 15

LOCATION: SE/c/o NYS Route 25A and Mills Pond Road, St. James, Town of Smithtown, Suffolk County, New York.

DESCRIPTION OF PROJECT: Application for subdivision approval to create eight (8) industrial lots (up to six new industrial building lots) and a ninth lot consisting of open space and a sewage treatment plant, with miscellaneous facilities including roadways and recharge facilities, from a partially developed 74.98 acre parcel of land zoned LI and R-43.

SEQRA CLASSIFICATION: Type I Action

Main Office: (631) 360-7514, **Waste Generation Fee Billing:** (631) 754-4998

E Mail: DEW@tosgov.com

www.smithtownny.gov

SEQRA POSITIVE DECLARATION AND NOTICE OF SCOPING – PAGE 2**PROJECT:** Gyrodyne Subdivision # 1178**REASONS SUPPORTING THIS DETERMINATION:**

- A. The proposal has the potential to result in significant adverse visual and community character-related impacts upon unique and highly valuable cultural resources, including but not limited to the adjacent Route 25A Historic Corridor and Mills Pond Road Historic Corridor;
- B. The proposal has the potential to result in significant adverse drainage and wastewater-related impacts upon unique and highly valuable environmental resources, including but not limited to the on-site New York State DEC-mapped freshwater wetlands and the nearby Stony Brook Harbor;
- C. Full details and calculations must be provided and reviewed to ensure that the proposed non-standard drainage system will not result in any discharges to the on-site wetlands and will not exacerbate existing local flooding conditions;
- D. Full details and calculations must be provided and reviewed to ensure that the proposed sewage treatment plant will not result in any significant adverse impacts upon quality or quantity of surface waters or groundwater. The proposed location of the sewage treatment plant must be evaluated relative to the “Subwatersheds Wastewater Plan Groundwater Contributing Area” so as to minimize potential adverse impacts upon Stony Brook Harbor;
- E. The proposal appears to be inconsistent with the Draft Master Plan and Planning Board recommendations regarding the subject parcel, including but not limited to the proposed uses of the subdivided parcels, the depth of the proposed buffer from Route 25A, and the amount of open space to be preserved on-site;
- F. The proposal has the potential to result in significant adverse traffic impacts upon the local roadway network, with associated secondary impacts upon air quality and public safety (by adversely impacting emergency vehicle response times). The feasibility and effectiveness of all proposed traffic mitigation measures must be fully described, documented, and subjected to public review;
- G. Plans for the remediation of on-site arsenic contamination and the prevention of future industrial or medical contamination must be fully described, documented, and subjected to public review;
- H. Cumulative impacts associated with future development of Stony Brook University’s adjacent property, particularly in light of Gyrodyne’s stated intent to re-open the LIRR grade crossing so as to allow the free flow of traffic between the two properties, must be fully described, documented, and subjected to public review;
- I. Growth inducing impacts associated with the potential re-design of the proposed sewage treatment plant with additional capacity to accommodate the sewerage of the St. James business district must be fully described, documented, and subjected to public review;

SEQRA POSITIVE DECLARATION AND NOTICE OF SCOPING – PAGE 3**PROJECT:** Gyrodyne Subdivision # I178

- J. The viability of the project, as well as the specific limitations which the applicant may be willing to impose upon proposed uses and site design parameters such as building height, floor area, limits of clearing, etc., must be fully described, documented, and subjected to public review; and
- K. Alternatives to the proposed action must be identified, considered, and subjected to public review. At a minimum, these alternatives include:
1. No action;
 2. Public acquisition for open space preservation; and
 3. Development of the subject parcel in full conformance with the Draft Master Plan and Planning Board recommendations, including but not limited to 300' deep buffers, fifty-percent open space preservation, and prohibitions of specific uses;

FOR FURTHER INFORMATION AND TO SUBMIT WRITTEN SCOPING COMMENTS CONTACT:

MR. RUSSELL K. BARNETT, DIRECTOR
ENVIRONMENT AND WATERWAYS
124 WEST MAIN STREET
SMTHTOWN, NEW YORK 11787
PHONE: (631) 360-7514

BY ORDER OF: SMITHTOWN PLANNING BOARD
AS PER RESOLUTION DATED MAY 9, 2018

CC: EDWARD R. WEHRHEIM, TOWN SUPERVISOR
DAVID FLYNN, PLANNING DIRECTOR
VINCENT PULEO, TOWN CLERK
SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES
SUFFOLK COUNTY DEPARTMENT OF PUBLIC WORKS
SUFFOLK COUNTY PLANNING DEPARTMENT
SUFFOLK COUNTY WATER AUTHORITY
SAINT JAMES WATER DISTRICT
DIVISION OF REGULATORY AFFAIRS, NYS-DEC REGION I
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TOWN OF BROOKHAVEN
ENVIRONMENTAL NOTICE BULLETIN
APPLICANT

**Standards for the Preparation of
Draft and Final Environmental Impact Statements**

I. The following five standards must be met in the preparation of all Environmental Impact Statements:

A. Clarity

1. The proposed activity and all proposed alternatives to the activity must be described in detail. All proposed alternatives must be discussed at a level of detail sufficient to allow objective comparisons between the impacts associated with those alternatives and the impacts expected from the proposed activity;
2. All illustrations (tables, charts, graphs, figures, etc.) must be fully labeled in such a manner that they will be understandable to the general public;
3. The labeling of all illustrations must include the source of the illustration itself (if previously published elsewhere) or of the data presented in the illustration;
4. A Glossary of all technical terms used in the EIS (both body and appendices) must be included in the EIS;
5. All pages in the body of the EIS must be numbered consecutively. All pages within appendices must be consecutively numbered, either independently or as an extension of the numbering system in the body of the EIS;
6. All references to information presented elsewhere in the EIS must include the page number where the cited information is found.

B. Consistency

1. All assumptions and values (or ranges of values) must be consistent throughout the document(s);
2. Narrative discussions must be consistent with all information presented in tables, charts, graphs, etc.

C. Substantiation

1. Absolute statements regarding potential environmental impacts are not acceptable, unless such statements can be fully documented. An example of an unacceptable absolute statement is:

“The project will not adversely impact groundwater quality.” An acceptable alternative to the above would be: “The project is not expected to have a significant adverse impact upon groundwater quality.”, provided that adequate supporting documentation is provided;

2. All assumptions, figures and values which are not empirically derived must be referenced with footnotes. Said footnotes must include the page number within the cited document where the referenced information may be found;
3. Personal communications with officials (e.g. police, fire department, LIPA, SCWA, etc.) which are relied upon to support information presented in the document must be confirmed in writing, either from the cited official or from a representative of the preparer of the EIS. In the latter instance, the confirming letter should be sent via Certified Mail, Return Receipt Requested and copies of both the letter and the signed receipt included in an appendix to the EIS;
4. All necessary appendices are to be included in the EIS and any appendices specifically prepared for this project must meet all standards applicable to the preparation of an EIS;
5. A complete bibliography, in compliance with all requirements of 6NYCRR Part 617.14, must be attached to the EIS.

D. Format

The proposed Draft Environmental Impact Statement must contain all sections specified in 6NYCRR Part 617.14 and the format must be in conformance with all requirements of said part.

E. Grammar and Syntax

EIS's shall be clearly and concisely written in plain language that can be read and understood by the public. Poor grammar and syntax, as well as the presence of numerous typographical errors, diminish the readability of this EIS and result in the following four additional problems:

1. Such errors diminish the credibility of the EIS when the document is released for public review;
2. Such errors may result in voluminous public comments in which examples of such errors are repeatedly cited, to the exclusion of consideration of the substantive issues addressed in the EIS;

3. Such errors may create confusion among the public and among involved agencies regarding the actual nature of the proposal, mitigating measures and alternatives; and
4. Such errors may affect the clarity and sustainability of the Lead Agency's SEQRA Findings, which include the quotation or citation of sections of the EIS in support of listed findings of fact.

Accordingly, all preparers of EIS's are advised that submitted documents will be reviewed for grammar, syntax, etc. and are encouraged to carefully proofread their work prior to its submittal.

II. All issues identified in the SEQRA Positive Declaration must be addressed in detail. It is recommended that a Scoping Meeting be conducted to discuss the information to be included in the DEIS with regard to these issues. Please contact this department to arrange the Scoping Meeting.

III. If not already addressed in Part II, above, background information regarding the following issues must be presented and discussed in the EIS:

A. Geology

Identify the geological formations underlying the subject parcel, including all water-bearing strata.

B. Soils

Include a map of the soil types on the site, and a summary of the Development Constraints associated with those soil types, both as per the United States Department of Agriculture Soil Conservation Service Soil Survey of Suffolk County.

C. Topography

Include a map of the existing topography, with existing slope ranges (0-10%, 10-15%, 15-25%, >25%) clearly delineated.

Include a map of the existing topography, presented at -2 foot contour intervals based upon USGS elevations.

Present regrading plans for the proposed action and each alternative, including calculations of the amounts of material to be deposited on or removed from the site.

D. Vegetation and Wildlife

Include a map of the vegetation/habitat types on the site and adjacent to the site.

Present an analysis by a qualified expert of the quality and carrying capacities of the on-site habitat types.

Identify the faunal species associated with the on-site habitat types (modified for location and size) and estimate the numbers of individuals of each species likely to be present on this site.

Calculate the extent of land clearing necessary for the proposed action and each alternative.

Discuss changes in habitat type(s) and carrying capacity which would be expected to result from the proposed action and each alternative.

E. Groundwater and Surface Water Quality

Include a detailed discussion of the local hydrology (based upon the 208 Study and related investigations).

Identify existing groundwater quality.

Calculate and discuss water balance (water use, recharge, precipitation, evapotranspiration, runoff, etc.) and nitrogen loading (considering contributions from both sewage loading and fertilizer use) for existing conditions, the primary proposal and all alternatives. Identify the proposed method of sewage disposal and address compliance with applicable SCDHS standards for sewage effluent.

F. Traffic

Include a current traffic study of the surrounding area, with full consideration of existing and anticipated traffic conditions at major routes and intersections.

Calculate and discuss traffic generated by the primary proposal and by all alternatives during both peak and off peak hours.

Discuss potential impacts upon pedestrian traffic.

Discuss the availability of public transportation in the vicinity of the project.

G. Community Services

Provide written confirmation regarding the availability of public utility services (LIPA, SCWA, etc.) for the proposed action and all alternatives.

Provide written confirmation in support of your discussions of the impacts of the proposed action and all alternatives upon existing community services (e.g. police, fire and ambulance services, local school district, etc.).

Calculate solid waste generation rates for the proposed action and all alternatives.

H. Taxes/Economic Impacts

List the tax revenues currently generated by the subject parcel.

Calculate and list the projected tax revenues which would be generated by the primary proposal and by all alternatives.

Identify and discuss any beneficial or adverse economic impacts associated with the primary proposal and with all alternatives.

I. Land Use and Open Space Preservation

Identify existing zoning and development patterns in the vicinity of the site. Include accurate maps of both zoning and development patterns.

Discuss the impacts of the primary proposal and all alternatives upon existing zoning and development patterns.

Discuss any growth-inducing aspects of the primary proposal and all alternatives.

Address the loss of open space resulting from the development of the subject parcel.

Identify any design measures (e.g. clustering, land banking of parking, etc.) which will be included in the primary proposal and/or any alternatives to preserve open space at this site.

J. Air Quality

Identify the existing air quality in the vicinity of the subject parcel.

Identify, quantify and discuss the air quality impacts of the primary proposal and all alternatives, including those impacts associated with construction activities on the subject parcel.

K. Noise

Identify the existing noise regime in the vicinity of the subject parcel.

Identify, quantify and discuss the noise impacts of the primary proposal and all alternatives, including those impacts associated with construction activities on the subject parcel.

L. Visual Impacts

Identify any significant visual resources in the vicinity of the subject parcel.

Assess the potential visual impacts of the primary proposal and all alternatives.

M. Historic and Cultural Resources

Identify any significant historic and cultural resources in the vicinity of the subject parcel.

Assess the potential impacts of the primary proposal and of all alternatives upon these historic or cultural resources.

IV. Alternatives

The alternatives which **must** be addressed in the DEIS have been identified in the SEQRA Positive Declaration, the attached scoping letter, and/or the previously conducted scoping meeting. The applicant is free to discuss any additional alternatives in the DEIS, but is encouraged to limit said discussion to those additional alternatives which the applicant may actually wish to pursue or to those activities which would currently be permitted at the subject parcel(s). All alternatives must be addressed at a level of detail sufficient to permit a comparative assessment of the potential impacts associated with each alternative.