

EXHIBIT 7

PART 1 OF 2

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

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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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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.

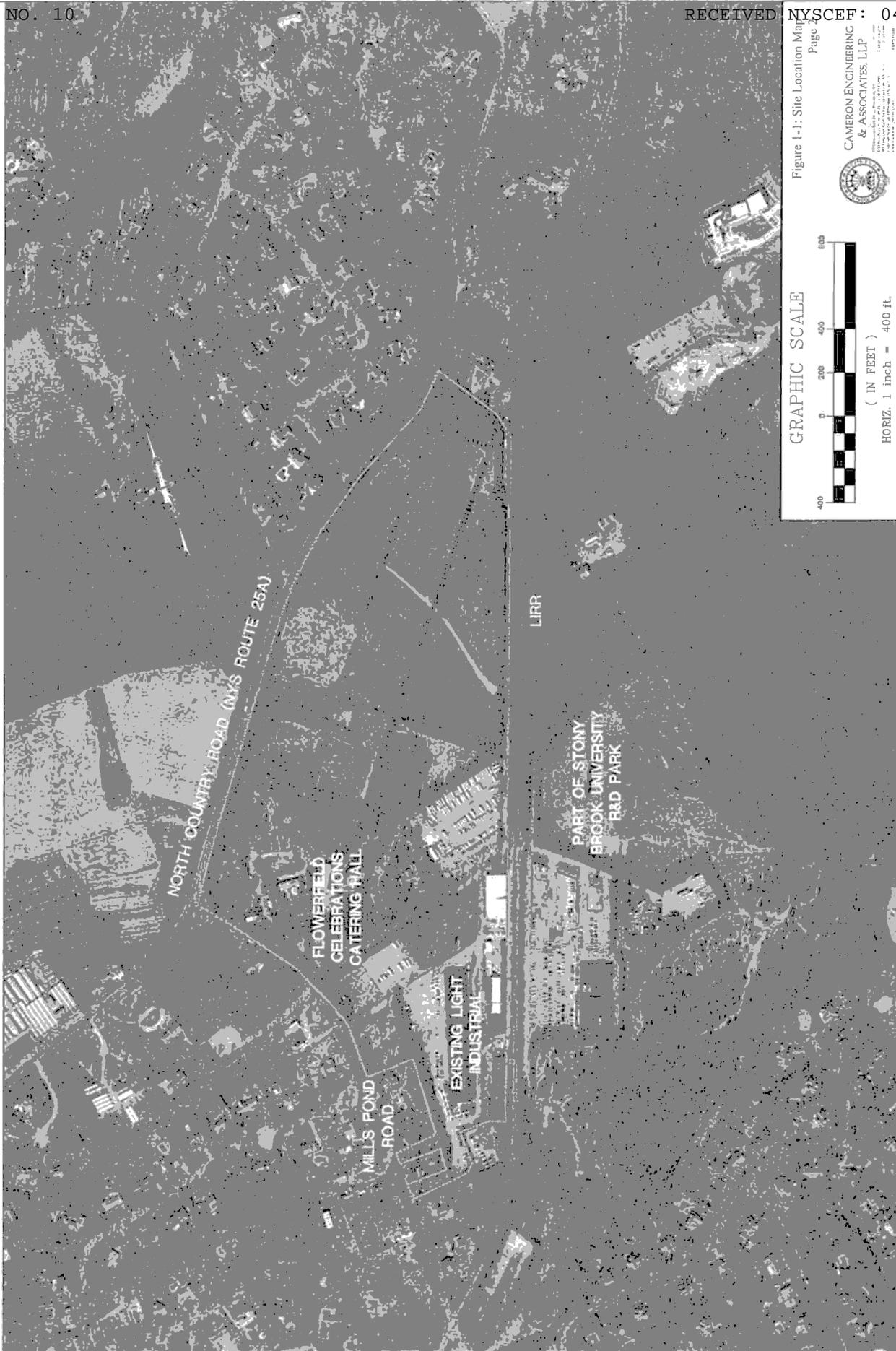
In accordance with 6 NYCRR § 617.9(b)(8):

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



GRAPHIC SCALE



(IN FEET)

HORIZ. 1 inch = 400 ft.

Figure 1-1: Site Location Map
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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: ± 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

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- | | |
|--|--|
| 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.

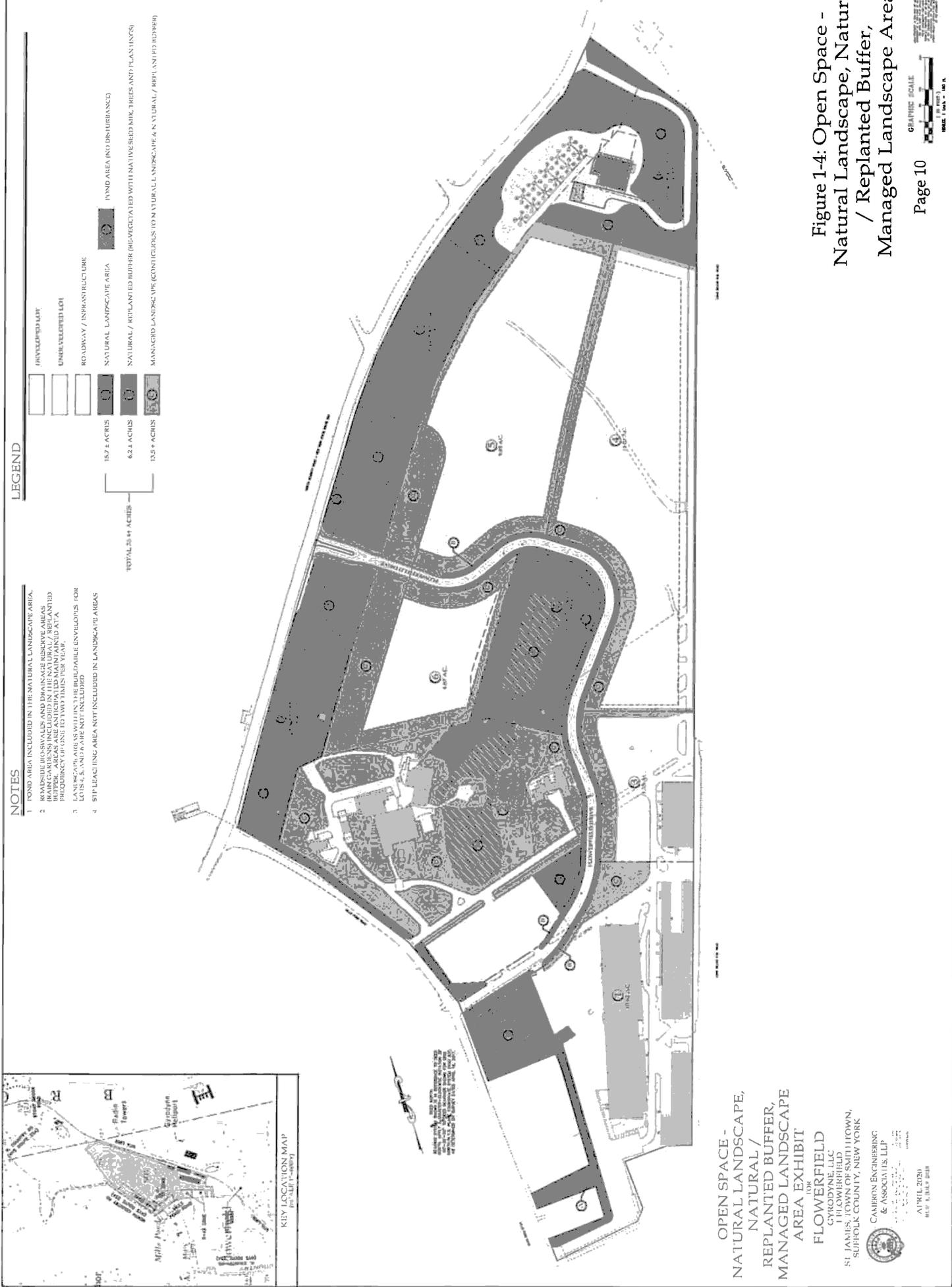


Figure 1-4: Open Space - Natural Landscape, Natural / Replanted Buffer, Managed Landscape Area

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

CAMBRON ENGINEERING
 & ASSOCIATES LLP
 APRIL 2020
 REV. 1/10/2020

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

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<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

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<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.”

Gyrodynne has designed the STP without the intention of accepting outside flows. However, at the request from the Town of Smithtown, Gyrodynne 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)

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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)

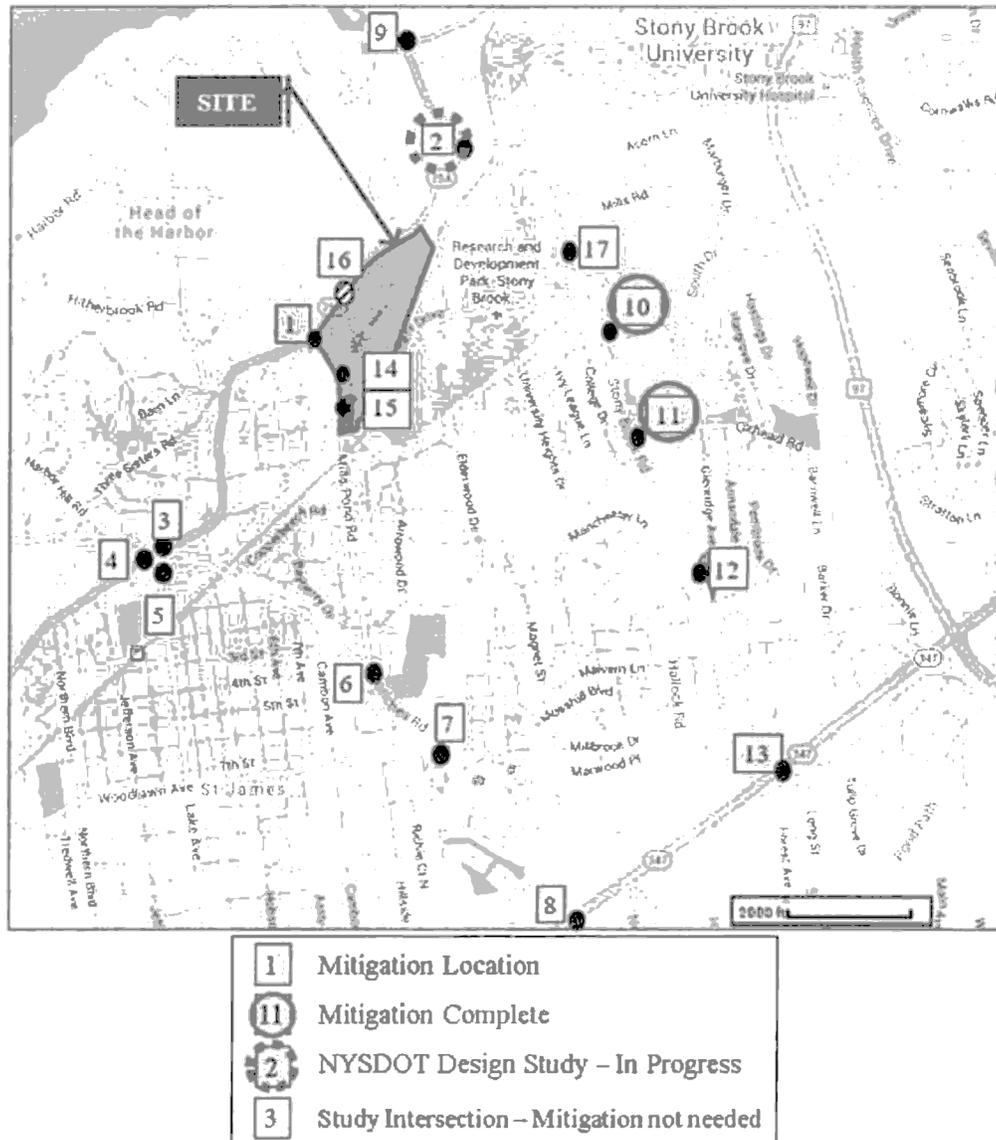
“My household is against the scale of this project. We did not move to St. James from East Meadow to live in yet another overdeveloped area.” (62)

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 ±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)

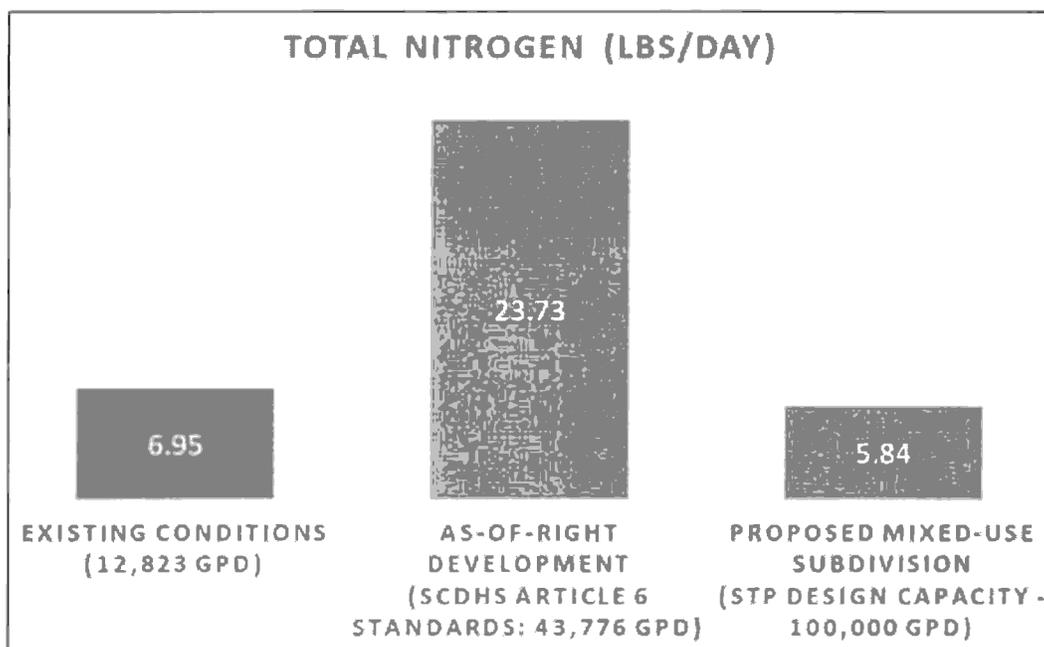
Response 7: As shown in Figure 2-1, traffic impacts were evaluated at 17 intersections, and mitigation was identified at six locations to address identified impacts in the DEIS. Please see Section 9.4 of the DEIS (Pages 9-12 through 9-15) for a more detailed overview of potential mitigation measures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

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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.”

- o Nitrogen contribution will decrease with the Proposed Action, as depicted in Figure 2-2 on page 20
- o 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
- o 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

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

- 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

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

*Final Environmental Impact Statement
Map of Flowerfield Subdivision Application*

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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)

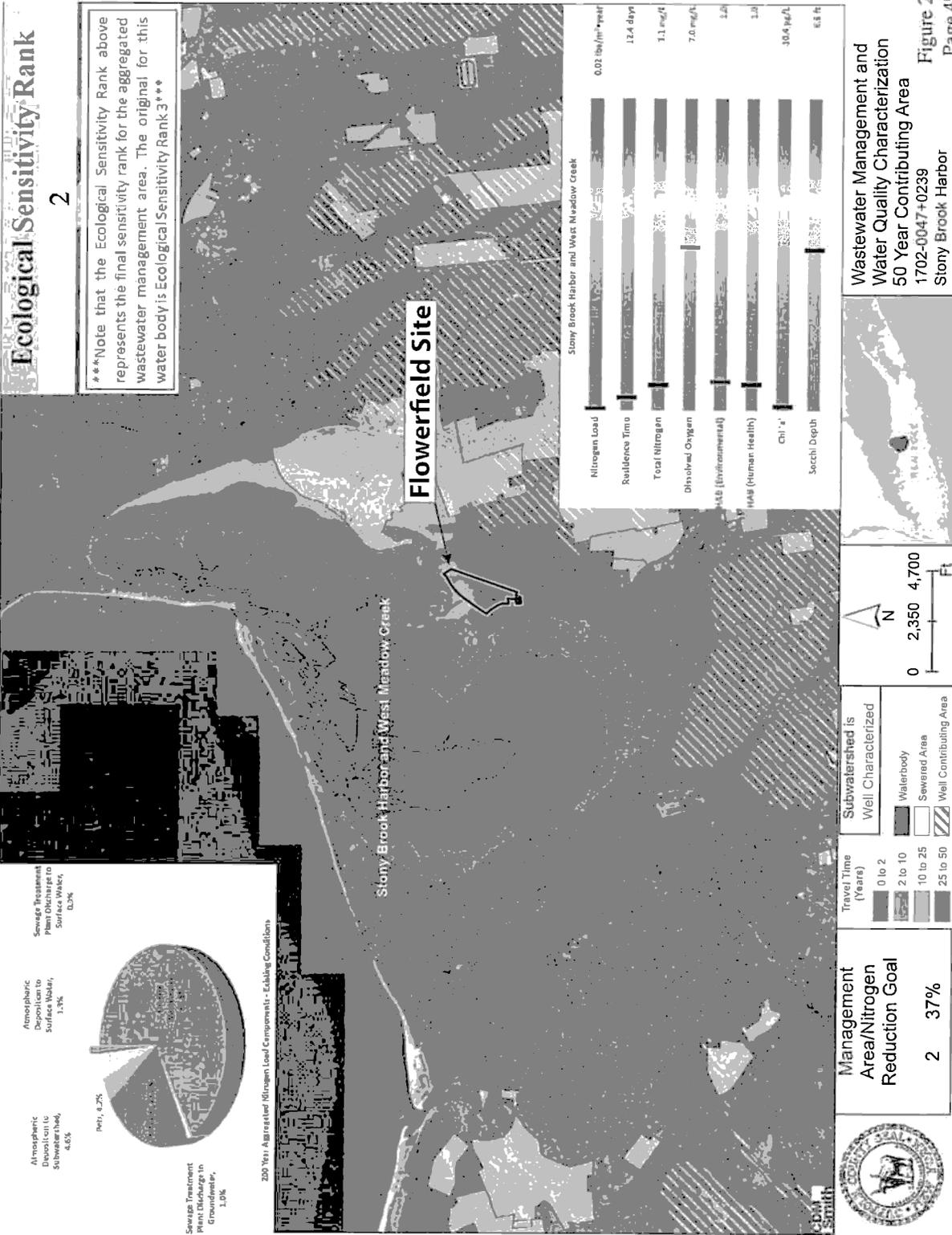
	Existing Conditions lbs/day (lbs/yr)	Proposed Buildout Conditions lbs/day (lbs/yr)	Change in Nitrogen lbs/day (lbs/yr)
Gyrodyne FEIS Subdivision Plan	6.78 (2,474.7)	6.59 (2,406.8)	-0.19 (-69.4)
SCSWP – Stony Brook Harbor & West Meadow Creek Subwatershed*	530.5 (193,632.5)	581.4 (212,211)	+50.9 (18,578.5)
Gyrodyne’s percent contribution (FEIS)	1.28%	1.13%	-0.15%

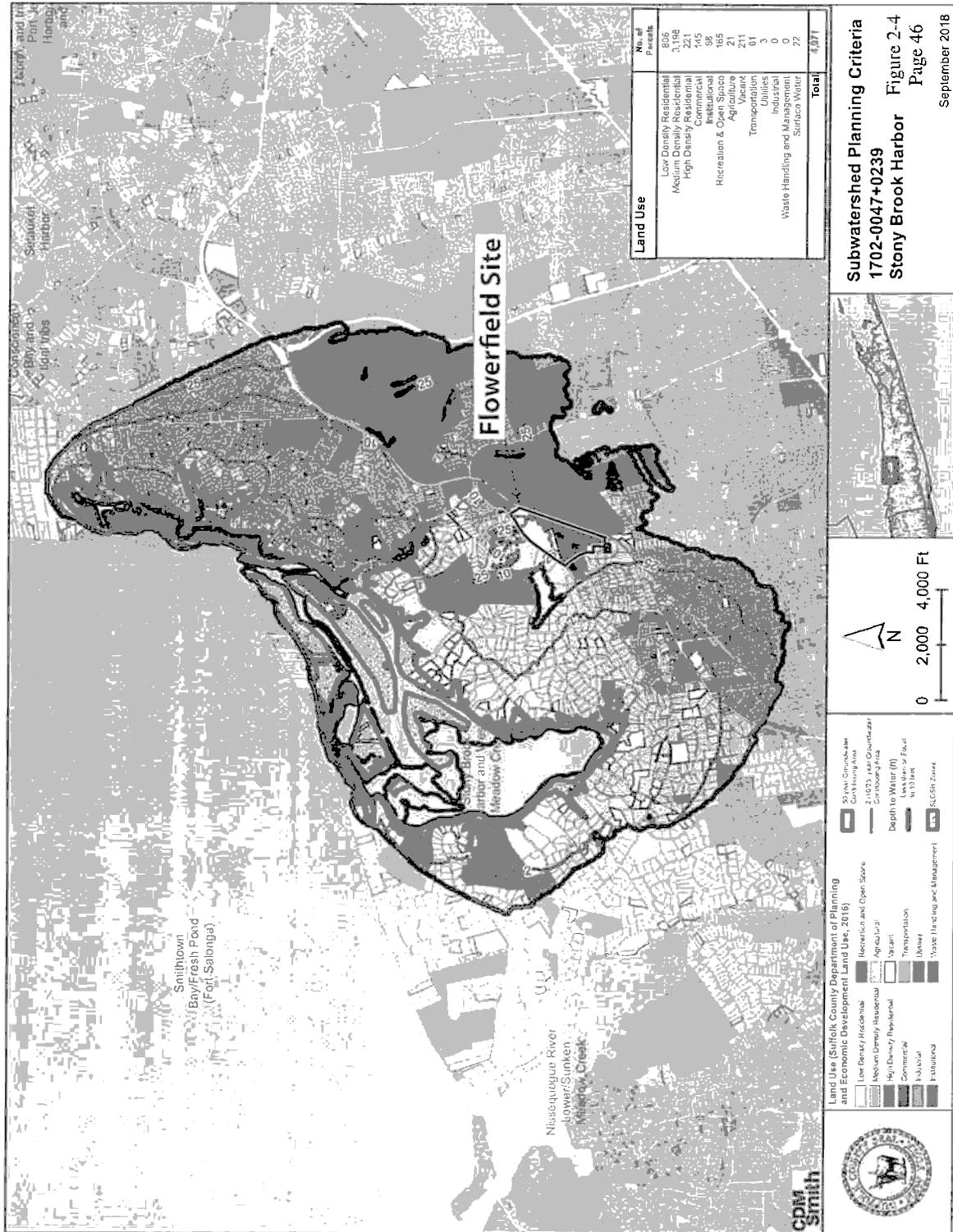
*Build-out Scenario completed in SCSWP based on recommendations from SC Department of Economic Development and Planning

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.





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 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. 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/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.” (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 SEQRA 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