SUFFOLK REGIONAL OFF TRACK BETTING
DRAFT ENVIRONMENTAL IMPACT STATEMENT

FINAL SCOPE

March 2020

CONTENTS

1.0 INTRODUCTION

This document provides a brief site and project description for the proposed Suffolk Off Track Betting ("OTB") Video Lottery Terminal ("VLT") Medford Facility and identifies the required scope, content and extent and quality of information to be included in the Draft Environmental Impact Statement ("DEIS") for this project. The information below is designed to provide the framework for a thorough examination of existing conditions and the potential for adverse environmental impacts from the Proposed Action, and to identify practicable impact prevention and mitigation strategies in accordance with the standards and procedures set forth in 6 NYCRR Part 617, State Environmental Quality Review ("SEQRA"). This Final Scope contains the topics, information and analyses requested by the Suffolk Regional Off Track Betting Corporation, as "Lead Agency" under SEQRA, in its adopted "Positive Declaration" which identified the potential for one or more moderate or large environmental impacts from the Subject Action if such impacts are not avoided or suitably mitigated, and that an Environmental Impact Statement ("EIS") addressing identified potential environmental issues must be prepared. The Final Scope also incorporates relevant comments received from the public and involved or interested agencies during the public and agency participation component of the DEIS scoping process.

The DEIS for the proposed OTB VLT Facility, including all essential calculations, analyses, tables, maps, figures, appendices and written materials will assist the Lead Agency, i.e., SROTBC, in achieving the following goals and requirements:

- complying with the standards, requirements and procedures of 6 NYCRR Part 617, "State Environmental Quality Review";
- identifying and assessing potential adverse environmental impacts from the Proposed Action;
- developing reasonable and appropriate environmental impact prevention and mitigation strategies to reduce possible adverse effects to the maximum extent practicable; and
- providing important information for the ultimate adoption of a Statement of Findings by the Lead Agency and the rendering of a final decision ("Determination of Significance") in accordance with SEQRA and its implementing regulations in connection with the construction and operation of the OTB VLT.

A copy of this Final Scope will be forwarded to involved agencies responsible for funding, approval, and/or permitting the subject project. A notice of acceptance of a Final Scope for the required DEIS will be filed with the New York State Department of Environmental Conservation's ("NYSDEC's") Environmental Notice Bulletin ("ENB") immediately following the SROTBC's formal acceptance of the Final Scope, along with instructions on how interested parties can access the document. The notice will indicate that a Final Scope outlining the required scope and content of the DEIS has been completed and accepted. The notice will also specify that the Final Scope may be reviewed in hard copy at the Patchogue-Medford Library, 54-60 East Main Street, Patchogue, NY and SROTBC's office, located at 425 Oser Avenue, Suite 2, Hauppauge, NY, or on the SROTB's official website at http://www.suffolkotb.com/pages/boardminutes.html.

2.0 DESCRIPTION OF ACTION

The project involves the construction and operation of an Indoor Amusement Establishment with pari-mutuel off track betting and Video Lottery Terminals ("VLTs"). The 160,516 SF single-story building with 31,816 SF mezzanine (192,332 SF GFA total) will contain: 123,790 SF of gaming area including 3,263 SF of VIP space; 25,210 SF of amenity space (9,000 SF performance area, 2,974 SF of restaurant, 2,018 SF kitchen, 2,860 SF buffet area, 1,944 SF kitchen, 3,263 SF coffee bar, 3,151 SF of bar space, and 3,326 SF of cashier/vault/sally port space); 25,000 SF of office space; and 18,332 SF of miscellaneous space including 3,323 SF of cashier/vault/sally port space, 5,006 SF loading area, and 10,000 SF of mechanical space. A 4,800 SF STP will serve the site. Three levels of subsurface parking containing 1,384 spaces (including 24 ADA spaces) will be provided beneath the building and an additional 963 outdoor/surface spaces (including 20 ADA spaces) will be provided around the building for a total of 2,347 spaces. Access to the site is proposed from the LIE's south service road (Expressway Drive South) and an emergency access (only) will be provided from Long Island Avenue. The property is 30.083 acres, including 22.959 acres that are zoned Commercial Recreation ('CR") and will be developed and 7.124 acres that are zoned Residential A-1 which will not be developed as part of this project. The part of the site to be redeveloped was previously cleared and paved and contained a multiplex movie theater which has since been removed.

The proposed facility will have its own on-site sewage treatment facility ("STP"). The proposed STP will have a design flow of 45,000 gallons per day ("gpd") and the projected wastewater flow of the OTB facility is 37,605 gpd. The STP will feature a dual train sequencing batch reactor ("SBR") process. The SBR treatment process is known to be highly effective and has been evaluated and found acceptable for use by the Suffolk County Department of Health Services. The SBR process provides five-day Biochemical Oxygen Demand (BOD_5) oxidation, nitrification, and denitrification by alternating between aerated and anoxic conditions, settling, and decanting cycles all within the same tank. This design allows for a reduced facility footprint as compared to conventional activated sludge systems with denitrification capability. The STP will be designed to utilize both treatment trains under regular conditions, but one of the treatment trains will have enough capacity to process the entire plant flow in the event of an emergency or for maintenance/repairs purposes. The plant will be designed to meet and exceed NYSDEC State Pollutant Discharge Elimination System ("SPDES") effluent standards for discharge into the ground. The plant will feature influent screens, equalization tanks, SBR process tanks (pre-react zone and process), polishing filters, and aerated sludge holding tanks, all enclosed within a masonry control building equipped with an odor control system. The STP will also feature a natural gas emergency standby generator to power the entire facility in the event of an outage. Effluent from the plant will be discharged to below grade precast concrete leaching pools. Stormwater runoff from the site will also be contained and recharged on-site using a system of catch basins and subsurface leaching structures as well as an on-site bioretention facility which will be relocated at the south end of the property in an area that currently contains two stormwater recharge basins.

The proposed Indoor Amusement Establishment will provide convenient access to a modern VLT and pari-mutuel wagering facility for Long Island residents' use and entertainment and create many new and diverse jobs for locals.

3.0 LOCATION

The subject property is located south of the Long Island Expressway's south service road ("Expressway Drive South"), north of Long Island Avenue, east of SR 112 and west of Horseblock Road. The subject property's address is 440 Expressway Drive South, Medford, NY, which is further identified as Suffolk County Tax Map # 0200-0736-01.00-02.002. The property is also within the following special districts:

- Patchogue-Medford Union Free School District
- Suffolk County Police Department, 6th Precinct
- Medford Fire District (administration)
- Medford Volunteer Fire Department (service provider)
- Medford Volunteer Ambulance District
- Suffolk County Department of Health Services Groundwater Management Zone III
- SCWA Distribution Area #12
- PSEG Long Island Electrical Service Area
- National Grid Service Natural Gas Service Area

4.0 PURPOSE AND INTENT OF FINAL SCOPE

The required DEIS will focus on environmental issues of concern (i.e., potential moderate and/or large environmental impacts) that were identified in the Lead Agency's November 6, 2019 Positive Declaration or by substantive environmental comments relating to its scope and content received from involved and interested agencies and the general public during the DEIS scoping process. The DEIS will provide the background information and analyses necessary to assist the SROTBC and involved agencies in fulfilling SEQRA's "hard look" mandate, and ensure that impacts are avoided or mitigated to the maximum extent practicable, and that the DEIS fully conforms to the applicable standards, specifications and procedures set forth by 6 NYCRR Part 617, Section 617.9, "Preparation and Content of Environmental Impact Statements."

According to the Full Environmental Assessment Form ("EAF") Parts 1, 2 and 3 and the Positive Declaration adopted by the SROTBC, the Proposed Action has the potential to result in one or more moderate and/or large environmental impacts; therefore, additional environmental review in the form of an EIS is necessary so that the potential environmental impacts identified can be further analyzed and vetted and associated impacts prevented or mitigated to the maximum extent practicable as required by SEQRA. Additional input was provided by the public and involved and interested agencies during the scoping process which has been incorporated into this Final Scope as applicable or was already considered and to be included.

5.0 INVOLVED AND INTERESTED AGENCIES AND REQUIRED PERMITS, APPROVALS AND/OR REVIEWS

SEQRA defines "involved agency" as "an agency that has jurisdiction by law to fund, approve or directly undertake an action. If an agency will ultimately make a discretionary decision to fund, approve or undertake an action, then it is an 'involved agency' notwithstanding that it has not received an application for funding or approval at the time the SEQR process is commenced. The lead agency is also an 'involved agency.'"

Involved agencies for the subject action are as follows:

- SROTBC (undertaking and funding the project and duly established Lead Agency in accordance with SEQRA);
- Town of Brookhaven Planning Board (site plan approval and special use permits for accessory restaurant uses);
- Suffolk County Department of Health Services (abandonment of existing septic system, approval of SBR STP, water supply approvals, and registration of bulk petroleum storage for backup diesel generators and conformance with Article 12 of the Suffolk County Sanitary Code);
- Suffolk County Water Authority (water connection);
- Suffolk County Department of Public Works (building permit, curb cut from LIE service road);
- New York State Department of Environmental Conservation (State Pollution Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from

Construction Activity, Stormwater Pollution Prevention Plan (SWPPP) and SPDES Sewage Discharge Permit);
- New York State Department of Transportation (Road Work/Curb Cut Permit for LIE South Service Road/"Expressway Drive South"); and
- New York State Gaming Commission (Tax Law Section 1617a and Race Law Section 1003.

The Final Scope is also being made available to Suffolk County Planning Commission as an interested agency and coordination has and will continue to take place with utility providers (PSEG and National Grid) and essential community and emergency services providers.

6.0 POTENTIAL MODERATE OR LARGE IMPACTS IDENTIFIED

The following potential moderate and/or large impacts were identified by the Environmental Assessment Form Parts 1, 2 and 3 and must be examined further in the Environmental Impact Statement:

1. Impact on Land: The project involves development on 22.959 acres of previously disturbed land, including construction of a 192,332 SF GFA building, on-site Sewage Treatment Plant ("STP"), and parking for 2,347 vehicles, including both surface and subsurface parking facilities. The project will take more than one year to construct (approximately 12-14 months) after all approvals and permits are in place. An estimated 9,360 CY of soil (cut) will be removed from the site. Construction management, dust, erosion and sedimentation controls will be necessary. Proper management and disposal of soil. Assessment of proposed land use and zoning including compliance with applicable special permit standards must be included. Review of land use and zoning needed.

2. Impact on Water/Groundwater: Site in a Hydrogeologic Sensitive Zone (Hydrogeologic Zone III) per Section 85-570 of the Brookhaven Town Code. Project will generate an estimated 37,605 gpd of sanitary waste and STP design flow will be 45,000 gpd. Sanitary waste will be collected and treated in a proposed on-site STP and discharged into the ground. Above-ground diesel storage tanks will be installed to provide fuel for emergency backup generators to be used in the event of a power outage. The storage tanks will have a combined total storage capacity of 2,128 gallons and will provide 24-hours of runtime and tanks must be designed in accordance with applicable regulations. Stormwater runoff must be properly controlled and recharged on-site per State and local requirements. The project will increase potable water demand. Water conservation should be explored.

3. Impact on Air: On-site construction activities and increased motor vehicle activity with a capacity of 2,347 parking spaces, including outdoor surface and subsurface parking will generate vehicle emissions during construction and operations. Proper ventilation of the subsurface parking area will also be necessary.

4. Impact on Plants and Animals: The subject 22.959-acre development site is mostly cleared but is identified by NYSDEC Environmental Mapper as being in the vicinity of a

documented rare/listed long-eared bat population. Future site disturbance, including the proposed limited clearing, require further on-site assessment by a qualified ecologist to determine if bats or bat habitat (or any other rare species) is present and ensure that there is no significant impact on rare species, including identification of mitigation as warranted.

5. Impact on Aesthetic Resources: The project site, building and signage may be visible year-round from the Long Island Expressway and possibly Long Island Avenue and other vantage points. Potential aesthetic impacts from the proposed building, STP, parking lot, outdoor lighting, areas to be cleared, and setbacks, buffers, screening, landscaping must be assessed, and mitigation identified as needed to protect aesthetic/visual qualities and community character.

6. Impact on Transportation: Increased traffic is expected during construction and operation of the OTB facility. During construction, construction vehicle traffic will be generated, including truck traffic from an estimated 9,360 CY of soil that must be removed from the site. The maximum on-site parking when project is completed exceeds 500-parking space threshold identified in the EAF Part II (2,347 spaces proposed). Safe access, egress and on-site circulation are required. Traffic and parking impacts must be assessed and mitigated to the maximum extent practicable.

7. Impact on Energy: The 192,332 SF GFA building will be heated and cooled, and the building and parking lot will be lit as necessary to ensure a safe and secure environment. VLTs will be installed and various indoor amenities and office space will be provided. Project operations will have significant energy demand. Connected electrical loads have been estimated to be 4,736 kVA for the proposed facility plus an estimated 102 kVA for the fire pump and 62.2 kVA for the STP. to be. The total estimated new natural gas BTU input is 17,098,000. Energy demand and conservation and greenhouse gas emissions must be assessed. Outreach to utilities is necessary.

8. Impacts from Noise, Odor and/or Light: Outdoor lighting will be necessary on the large and currently undeveloped site. Lighting may be seen from the highway and possibly other vantage points if not properly controlled and could have visual impacts. Lighting must be shown to comply with Town standards and any impacts must be suitably addressed. Construction activities will generate noise. Construction activities must be performed during hours and days prescribed by Town Code.

9. Impact on Human Health: Project will generate solid waste including construction and demolition debris ("C&D") from remaining concrete and paving and trash generated during operation of the facility which must be properly managed and disposed. Public health and safety must be ensured as it relates to sewer management, water, traffic/access/pedestrian activity, storage of fuel for backup generators, and dust generation during construction.) Issues relating to emergency response demands and capabilities (police, fire, ambulance, site security) must be considered (see #10 below).

10. Consistency with Community Plans: Increased community services and utility demands will result from the project including police, fire, ambulance, solid waste, potable water,

and onsite sewer collection, treatment and disposal). Outreach must be conducted with applicable service and utility providers and impacts prevented or avoided to the maximum extent practicable. Review in connection with existing area plans and zoning necessary.

11. Consistency with Community Character: A new large land use will be constructed on a currently vacant lot that is visible from a major highway during all seasons. Increased demand for community services and utilities will occur. Special permits will be required for the accessory restaurant uses. Applicable special permit standards must be addressed.

7.0 DEIS OUTLINE

The proposed scope, content and general format of the DEIS are as follows:

Cover Sheet
Inside Cover Sheet
Table of Contents

EXECUTIVE SUMMARY

1.0 DESCRIPTION OF THE PROPOSED ACTION

1.1 **Project Background, Need, Objectives and Benefits**

1.1.1 Project Background *(Provide description of the site and current application's history; discuss OTB status, restrictions and authority for project; Describe project in the context of other projects on adjacent and nearby sites.)*

1.1.2 State Policy, Public Need and Objectives *(Justify proposed project in terms of Town goals.)*

1.1.3 Objectives of the Project Sponsor (SROTBC) *(Provide discussion of the applicant's goals in pursuing proposed project.)*

1.1.4 Benefits of the Project *(Provide discussion of the benefits to accrue from the proposed project.)*

1.2 Location *(Using appropriate mapping and/or tables, describe location of site, in terms adjacent/nearby significant properties, property address, tax map number, special districts/service areas, etc.)*

1.3 Project Design and Layout

1.3.1 Overall Site Layout *(Description of the site and project layout; note site acreage, existing and proposed structures and/or features, access points, traffic circulation, road/features, services, utilities; site quantities table; describe restoration and landscaping of site; figures, plans, and renderings to be included in DEIS.)*

1.3.2 Grading and Drainage *(Describe the area and portion of site to contain impervious surfaces; any necessary clearing or grading, volumes of soil to be excavated, cut/fill brought to or removed from site, and maximum depths of cut/fill; describe existing drainage and proposed drainage system and provide capacity and functional information, as necessary; drainage plans to be provided with DEIS submission)*

1.3.3 Building Characteristics *(Describe the proposed building characteristics including proposed interior uses and activities and space devoted to each*

use or service; discuss conformance to zoning; reference to building plans, elevations, and renderings.)

1.3.4 Access, Road System and Parking *(Describe/discuss access, driveway layout, traffic circulation, access to subsurface garage, loading areas, conformance to design requirements for fire/emergency access, and parking design, arrangement, and approximate timeframe of storage.)*

1.3.5 Water Supply, and Sewage and Stormwater Infrastructure *(A brief overview of the availability of public water and sewer infrastructure and a description of the proposed on-site sewage treatment plant and on-site drainage system including green and hard infrastructure.)*

1.3.6 Site Landscaping and Vegetative Screening *(Provide information on the type, amount and location of landscaping and/or screening necessary and proposed; indicate any fencing.)*

1.4 Construction and Operations

1.4.1 Construction *(Brief description of site preparation for use; removal of existing pavement and abandonment of existing septic system; construction of subsurface parking area, new building, parking lots)*

1.4.2 Operations *(Discuss security measures, hours of operation, deliveries/loading areas, parking.)*

1.5 Permits and Approvals Required *(Brief discussion of the required permits, reviews and approvals; expected permits and approvals and involved agencies include: SROTBC, funding, sponsorship and SEQRA review; NYS Gaming Commission, gaming license; Town of Brookhaven Planning Board, site plan/special permit; NYSDOT, highway access/work/curb cut permit; SCDPW building Permit, curb cut; SCDHS abandonment of existing septic system, fuel storage for generators, sanitary system (STP) approval, and water connection; NYSDEC SPDES Stormwater General Permit/SWPPP & SPDES wastewater discharge permit; interested agencies; referral to Suffolk County Planning Commission; assess potential need for air quality permits or registrations.)*

2.0 NATURAL ENVIRONMENTAL RESOURCES

2.1 Topography and Soils

2.1.1 Existing Conditions (*Using mapping, narrative and/or tables, describe site topography and surface soils found on-site based on the site survey, topographic maps, Suffolk County Soil Survey and soil borings (if available); discuss characteristics and limitations/ constraints of each soil type that may have an effect on the project; quantify coverage of each soil; discuss existing site drainage and soil leaching capabilities; describe any known past or present soil contamination based on previous Phase I Environmental Site Assessments provided by client.)*

2.1.2 Anticipated Impacts *(Discuss suitability for development based on topography and any soil limitations and how same will be addressed through site design; indicate projected volume of soil to be removed; discuss drainage and sanitary recharge and suitability of soils for installations; discuss known or possible soil contamination; dust, erosion and sedimentation controls and stormwater management.)*

2.2.3 Proposed Mitigation

2.2 Water Resources

2.2.1 Existing Conditions *(Using mapping, narrative and/or tables and quantitative methods where possible, identify any onsite or adjacent surface waters or wetlands including existing stormwater recharge basins*

if standing water or wetlands are present, conduct analysis of runoff volumes, current surface and groundwater quality quantity, elevation, direction of flow; known localized groundwater contamination (if any), and proximity to public supply wells and groundwater contributing areas; identify any special water resource protection districts.)

2.2.2 Anticipated Impacts *(Using qualitative methods, discuss potential for impact to groundwater resources and characteristics including both quantity and quality; assess nitrogen loading using mass balance model; discuss Suffolk Sanitary Code, Article 6 conformance; dust, erosion and sedimentation controls; stormwater and wastewater management; on-site storage of diesel fuel for backup generators.)*

2.2.3 Proposed Mitigation

2.3 Ecology

2.3.1 Existing Conditions *(Part of the site is cleared for prior use; site has some wooded vegetation, and disturbed/barren areas; describe existing habitat conditions and provide existing habitat coverages; discuss flora and fauna based on habitat; check for rare species and habitats and any special designations on the site or in the area using Environmental Resource Mapper and contact NY Natural Heritage Program.)*

2.3.2 Anticipated Impacts *(Discuss limited need for removal of vegetation; potential vegetation/wildlife impacts based on existing and proposed use; quality of proposed habitats and wildlife use of the site; describe perimeter buffers.)*

2.3.3 Proposed Mitigation

2.4 Air Quality

2.4.1 Existing Conditions *(Describe existing air quality conditions, NAAQS, regulatory parameters and status of State implementation Plan. Use data from existing air quality monitoring stations.)*

2.4.2 Anticipated Impacts *(Qualitative, and if necessary, Quantitative air quality analysis; assess air quality impacts from mobile and stationary sources (dust addressed in Sections 2.1 and 4.6); assess impacts relating to intersections evaluated in traffic impact study; determine if air quality permits or registrations are required as they relate to the subsurface parking facility and facility backup generators; discuss anticipated energy use and greenhouse gas emissions as warranted and any potential issues associated with STP operations.)*

2.4.3 Proposed Mitigation

3.0 HUMAN ENVIRONMENTAL RESOURCES

3.1 Land Use, Zoning and Plans

3.1.1 Existing Conditions *(Using mapping, narrative and/or tables, describe current land use and zoning of site and adjacent properties, and the pattern of land use and zoning in the vicinity; discuss existing zoning, permitted uses and dimensional zoning requirements; discuss Town Comprehensive Land Use Plan and Medford Vision Plan Update Recommendations.)*

3.1.2 Anticipated Impacts *(Discuss conformance of proposed project to existing or anticipated future land use and zoning patterns of site and vicinity, conformance to land use and appropriate land use plans; and conformance to special permit standards; conformance to commercial-recreational zoning.)*

3.1.3 Proposed Mitigation

3.2 Community Character

3.2.1 Existing Conditions *(Using mapping, narrative, photographs and graphics, describe the visual community character of the site and area for observers along roadways and from other public vantage points and indicate any existing noise sources and sensitive receptors; identify any nearby State or National Register listed or eligible sites, buildings or archaeological resources near the site.)*

3.2.2 Anticipated Impacts *(Discuss potential impacts; analyze potential visual or aesthetic impacts and potential change to community character; project signage discussion; project lighting; project/construction and operational noise; obtain information on signage, lighting and noise from client; inspect site and take ambient noise readings along highway and site perimeters, compile data and conduct tabular noise calculations; determine ambient noise environment and identify noise related impacts and need for mitigation; evaluate the need for and suitability of visual screening; use graphic materials from design team members if available, discuss on-site operations, discuss potential crime, facility security plan provided by client, and mitigation; determine if there will be any significant impact on any listed or eligible State or Federal Register cultural resource.)*

3.2.3 Proposed Mitigation

3.3 Community Services

3.3.1 Existing Conditions *(Describe existing community services and utilities present in project area; including public schools, police (and OTB surveillance and security plan), discuss any available police reports and precinct that covers area; fire, ambulance (public health and safety), public water, sewer, drainage, and solid waste management.)*

3.3.2 Anticipated Impacts *(Assess anticipated demands and identify and assess potential impacts on above listed utilities and services; consider emergency vehicle access; additional information to be provided from project team and requested from utilities and community service providers; prepare and discuss fiscal and economic analysis; identify related impacts/benefits; discuss fiscal and economic analysis.)*

3.3.3 Proposed Mitigation

3.4 Transportation

3.4.1 Existing Conditions *(Describe the existing roadway characteristics including sight distance and nearby intersections along SR 112 and Horseblock Road; existing traffic patterns; capacity analysis; related information as presented in traffic impact study prepared by others.)*

3.4.2 Anticipated Impacts *(Discuss anticipated traffic circulation and ability of roads to accommodate traffic; truck traffic routes to be used; evaluate adequacy of sight distance of the proposed access; capacity analysis as presented in traffic impact study prepared by others; discuss bus and rail service and any shuttles between train station and facility.)*

3.4.3 Proposed Mitigation

4.0 OTHER REQUIRED SECTIONS

4.1 Cumulative Impacts *(Describe other pending projects in vicinity, determine potential for impacts due to implementation of proposed project in combination with others and discuss/analyze impacts.)*

4.2 **Adverse Impacts That Cannot Be Avoided** *(Provide brief listing of those adverse environmental impacts described/discussed previously which are anticipated to occur, which cannot be completely mitigated.)*

4.3 **Irreversible and Irretrievable Commitment of Resources** *(Provide brief discussion of those natural and human resources which will be committed to and/or consumed by the proposed project.)*

4.4 **Growth-Inducing Aspects** *(Provide brief discussion of those aspects of the proposed project which will or may trigger or contribute to future growth in the area.)*

4.5 **Effects on the Use and Conservation of Energy** *(Provide a brief discussion on those aspects of the proposed project which would contribute to an increase in energy as well as potential options for conservation.)*

4.6 **Construction Impacts** *(Provide a brief description and analysis of potential impacts to the community associated with the construction process and/or construction activities, such as truck movements, equipment operations, import/export of soil, etc. Note that these impacts could only occur during the construction period which, as addressed in Section 1.4, would be limited in duration.)*

5.0 **ALTERNATIVES**

5.1 **No Action Alternative** (*Alternative whereby the site remains in its current condition.)*

5.2 **Alternative Use Under Existing Zoning** *(Evaluate an alternative use of the site under current zoning.)*

6.0 **REFERENCES**

8.0 INITIAL IDENTIFICATION OF MITIGATION MEASURES

Preliminary mitigation actions are listed below; however, additional mitigation may be required by the DEIS based on the findings and conclusions of the environmental analyses and would be documented in the DEIS and finalized in the Findings Statement for the current action. In addition, the preliminary mitigation measures listed below may be modified or eliminated during the environmental review if information supports changes.

Topography and Soils

- Short-term soil impacts will be mitigated through implementation of the standard erosion and sedimentation control measures for construction activities and proper grading and drainage.
- Sanitary and drainage system installations will be installed in soil that it is suitable for leaching and if unsatisfactory soils are encountered, they shall be removed and replaced with suitably drained soil. Green stormwater infrastructure will also be provided.
- A SWPPP, including a detailed erosion and sediment control plan, will be prepared and approved to manage stormwater generated on the site during construction activities, and for post-construction stormwater management.
- Installation of silt fencing, rumble strips, and inlet protection during construction, watering of bare soils to control dust (if necessary), stabilizing soils as soon as possible after disturbance

by proper work scheduling, and the maintenance of vegetated perimeter buffers properties will help to reduce erosion, sedimentation, and dust generation.

- In the case of nonhazardous C&D, these materials shall be temporarily managed on-site and will be transported, disposed and/or recycled at facilities that are licensed or registered to receive C&D, as soon as possible after their removal.
- Additional mitigation may be proposed based on the environmental analyses and conclusions of the DEIS.

Water Resources

- A suitably designed, sited, operated, monitored and maintained STP must be provided and must adhere to requisite permit and design standards to ensure protection of groundwater, any nearby waterbodies or wetlands, and public health.
- The drinking water supply and on-site wastewater facilities will be subject to Town, County, SCWA and state standards and requirements as applicable.
- On-site diesel storage for backup generators will be subject to applicable bulk petroleum storage requirements of the NYSDEC including but not limited to secondary containment and spill protection and would have to be registered with Suffolk County Department of Health Services. Diesel storage to comply with Article 12 of the Suffolk County Sanitary Code.
- Stormwater catch basins, drainpipes, vegetated swale, and a bioretention retention area will be provided and shall comply with state and local requirements.
- Irrigation demands for landscaping shall be reduced to the extent possible by using native, well-adapted and/or drought-tolerant plant species as appropriate, drip irrigation systems or other water efficient systems, and installation of timers (for nighttime watering) or sensors (watering only when it is needed), if irrigation is necessary.
- Species listed on the NYSDEC's invasive and prohibited species lists shall not be planted.
- Properly functioning low-flow toilets, urinals, fixtures, fittings and appliances should be used to reduce total potable water consumption and lessen wastewater discharges.
- Additional mitigation may be proposed based on the environmental analyses and conclusions of the DEIS.

Ecological Resources

- The entirety of the existing 7.12 acres A-1 zoned of pitch pine-oak forest in the western portion of the Subject Property will not be disturbed by this project.
- Inadvertent disturbance in areas to remain naturally vegetated/undisturbed should be prevented by establishing clearing limits at the site prior to construction adjacent to areas to be cleared.
- Plant species that provide food and shelter to wildlife will be utilized in landscaped areas;
- A comprehensive landscape plan that will utilize native or well adapted four-season plantings to create habitat for wildlife will be provided to maintain habitat.
- No known invasive plant species will be utilized, including those species specifically those species listed in Resolution 614-2007 enacted by the Suffolk County Legislature and 6 NYCRR Part 575 enacted by New York State.
- There are no known endangered or threatened wildlife species on-site but there is the potential for the presence of a documented threatened species, the Northern long-eared bat, due to an

occurrence of the species at a different site in the general area. During DEIS preparation, NYSDEC will be contacted to determine locations of hibernacula and a survey of habitat will be conducted to ascertain whether long-eared bats or long-eared bat habitat is present. If bats or habitat are found to be present, recommendations will be provided such as restrictions on clearing during certain times of the year and potentially others if and as applicable.

- Additional mitigation may be proposed based on the environmental analyses and conclusions of the DEIS.

Air Quality

- Mitigation of fugitive dust related to construction activities, use of proper construction management techniques including dust and erosion control measures, wetting of bare excessively dry soils, and prompt reseeding, landscaping and/or soil stabilization through paving or building construction, as planned.
- Use of current building materials and energy efficient systems to ensure minimal emissions, minimal heating/cooling loss and maximum energy efficiency and conservation.
- The proposed STP will be equipped with an odor control system.
- An air resource analysis will be prepared.
- Additional mitigation may be proposed based on the environmental analyses and conclusions of the DEIS.

Land Use, Zoning and Plans

- The Proposed Project will retain the existing 7.12 acres of A-1 zoned land to the west.
- Special permits are required for the accessory restaurant uses. These special permit uses shall be assessed for consistency with special permit standards and mitigations or project modifications shall be proposed if necessary.
- No variances are believed to be required at this time, but a full analysis will be conducted to determine this and whether additional mitigation may be needed.

Community Character

- The building will be of a quality architectural style and design and will use quality materials in its construction.
- Signage is to be designed consistent with Town zoning standards.
- Retention of a naturally-vegetated buffer on the west side of the Subject Property to provide a ±290-foot buffer between the proposed development and the next property owned by the Town and over 500 feet of wooded buffer from the edge of clearing on the Subject Property to the closest home which is to the west.
- Site landscaping and/or retention of existing natural vegetation will serve to enhance the views of the proposed development for passing observers to the north and south and screen and enhance views of landowners to the east and west and along Long Island Avenue. A fence will be installed around the STP.
- The site shall be suitably landscaped to enhance aesthetic qualities, provide shade for parking lots and walkways, reduce the urban heat island effect to the extent possible and reasonable, and improve stormwater treatment and management. Plantings in the bioretention area shall

be suitably adapted to anticipated conditions including sunlight, soil conditions and moisture levels to ensure survivability. Any potentially visually negative components of a development that are unavoidable (e.g., dumpster and truck loading areas, STP building, etc.) shall be properly screened and/or buffered from public view and adjacent properties.

- Any future work required to access or exit the Expressway Drive South right-of-way will adhere to the standards and requirements of the NYSDOT and applicable requirements of the NYSDOT's Highway Design Manual including any noise and/or air quality analyses if required by the NYSDOT or FHWA.
- Outdoor lighting shall be designed to provide a safe and secure environment without casting excessive light that may result in light trespass, glare, skyglow or other potentially adverse effects of lighting that may affect adjoining property owners and passing motorists. Outdoor light posts and fixtures shall be properly spaced, and lighting shall be shielded and cast downward to cover areas that require lighting without causing significant adverse impacts. Bulb type, wattage, energy efficiency, light sensors and/or timers shall be considered to maximize energy conservation without affecting the need and quality of lighting necessary for public safety and security and vegetative screening may also assist in reducing impacts. Lighting fixtures and posts shall complement the appearance of development sites and the character of the area. LED lighting is proposed.
- Ambient noise readings will be taken along the highway and site perimeter, tabular calculations of noise conditions and impacts will be provided, and recommendations for mitigation if warranted will be provided.
- The proposed STP will be equipped with an odor control system.
- Additional mitigation may be proposed based on the environmental analyses and conclusions of the DEIS.

<u>Community Services</u>

- The proposed building including subsurface and surface parking areas will be constructed in conformance with applicable New York State Fire and Building Codes and the recommendations of local emergency service providers in terms of appropriate emergency access and circulation, availability of fire hydrants, and other fire suppression and pedestrian and traffic circulation and safety facilities. In addition, sprinkler systems and fire/smoke alarms shall be installed as required in accordance with Existing Building and Fire Codes to protect public health and safety and minimize the potential need for fire protective services.
- Efforts shall be taken to reduce potable water demand and in-turn reducing wastewater discharge by incorporating faucets, fixtures, toilets, process water (food preparation) and irrigation systems that are designed to conserve water and reduce wastewater loading. Plantings will include native or suitably-adapted plant species to reduce irrigation demands. The need for a landscaping irrigation system should be reduced but if necessary, this system shall conserve water as practicable by applying water directly to the roots of vegetation (drip irrigation) and are controlled by water sensors, timers and/or other acceptable technologies. Watering at night and only when it is needed would also help.
- Additional mitigation measures as warranted based on DEIS review.

Transportation

Traffic, access, circulation and parking mitigations will be determined based on the detailed traffic study that will be prepared for the Proposed Action but may include but not necessarily be limited to the following.

- Coordination with appropriate authorities depending on jurisdiction (Town, NYSDOT, SCDPW). Required permits and approvals shall be obtained for road work/curb cuts/access, etc.
- Work will be performed in accordance with the standards, regulations and design manuals of the approving authority.
- Adequate off-street parking, site access, egress, and site circulation shall be demonstrated.
- Adequate sidewalks, crosswalks and signage or signalization will be provided as needed at accesses and egresses in support of public safety and a pedestrian-friendly community.
- All work shall comply with Americans with Disabilities Act ("ADA") requirements.
- An emergency access/egress will be provided on/off Long Island Avenue.
- Consideration of alternative transportation opportunities as practicable (e.g., rail, shuttle, bus).
- Consideration of electric vehicle charging stations.

Energy Use and Conservation and Greenhouse Gas Emissions

- The Proposed Development will comply with New York State Building and Energy Code and/or County requirements as applicable.
- Innovative energy conservation techniques and the reduction of greenhouse gas emission techniques such as those identified by LEED are supported and some should be considered as practicable and cost effective. Energy conservation not only reduces excessive energy use and depletion of nonrenewable energy resources but can also reduce monthly energy bills. Examples of innovative energy conservation techniques include but are not limited to:
    a) building commissioning;
    b) use of alternative renewable energy sources (install photovoltaic panels on roof);
    c) installation of electric vehicle fueling stations for employees and preferred parking spaces for fuel efficient vehicles;
    d) construction of sidewalks, installation of bicycle racks and bike storage facilities, and other pedestrian, bicycle and/or bus amenities that promote alternative transportation activities;
    e) use of energy efficient indoor and outdoor lighting and fixtures and HVAC systems;
    f) planting of parking lot shade trees to reduce the urban heat island effect and associated air conditioning loads;
    g) planting of water efficient landscaping that does not require excessive irrigation (pumping), etc.

Construction-Related Impacts

- Construction management plans shall be discussed.
- Construction management plans may address a number of topics as applicable including but not limited to: construction phasing; stormwater, erosion, sedimentation, and dust control; temporary site limiting fencing; silt fencing; drain inlet protection; stabilized construction entrances; soil wetting (as needed), etc.; designation of on-site construction equipment, vehicle, and materials staging areas; solid waste/C&D management; the days of the week, hours of the day, and holiday schedule for construction activities; construction vehicle traffic routes and access points; and septic system abandonment if needed.
- Future demolition, site preparation and construction activities should conform to the standards and specifications of the Town's noise ordinance as set forth in Chapter 50 of the Town of Brookhaven Code, including conformance to the maximum prescribed noise levels for specified activities and times. Mitigation shall be required for activities that exceed these standards or that may adversely affect nearby noise sensitive land uses. The large size of the site, presence of the adjacent multilane Long Island Expressway, and considerable distance to nearby development suggests that significant impacts can be avoided.

9.0 EXTENT AND QUALITY OF INFORMATION NEEDED

The DEIS will be prepared in conformance with the Lead Agency's approved Final Scope of Work and the standards and specifications outlined in SEQRA Section 617.9, "Preparation and Content of Environmental Impact Statements." The DEIS is intended to provide important and relevant qualitative and quantitative information and analyses to assist the lead agency (The SROTBC) and other involved agencies in the SEQRA decision-making process including the preparation of SEQRA Findings and the issuance of decisions on necessary approvals at the end of the process. The DEIS will be concise but thorough, analytical but not encyclopedic. It shall be well-documented, accurate, and consistent with the requisite standards and specifications of SEQRA. Technical information may be summarized in the body of the document and supplemental support materials will be attached in a separate appendix.

Information sources for the DEIS include but are not limited to the following: Soil Survey of Suffolk County, NY; USDA Natural Resources Conservation Service website and database; SOSH Architects Phase I Geotechnical Report (2014) for the subject property; soil boring data/report by Mueser Rutledge (2015) for the subject property; LIDAR and USGS topographic maps; Suffolk County Sanitary Code; New York State Stormwater Management Design Manual and New York Standards and Specifications for Erosion and Sediment Control; Nationwide Urban Runoff Program ("NURP") Study; SCWA water quality monitoring data and Annual Drinking Water Quality Report; The Long Island Regional Planning Board "208 Study"; Suffolk County Comprehensive Water Resources Management Plan; SONIR nitrogen mass balance model; proposed engineering and architectural plans (project team); Official Zoning Map of the Town of Brookhaven; Brookhaven Town Code; 1994 Medford Hamlet Comprehensive Plan; 2010 Medford Vision Update; miscellaneous GIS generated maps; proposed site plans and architectural drawings

for the proposed action; SEQRA Environmental Assessment Forms Parts 1, 2 and 3/Determination of Significance, EAF narratives, and the SROTBC's adopted SEQRA Positive Declaration for this project; EAFs and Expanded EAF for previous projects proposed on the site; NYSDEC Freshwater Wetlands maps; National Wetland Inventory maps; NYSDEC's Environmental Mapper and Spills and Site Remediation databases; NYSDEC petroleum bulk storage standards; Suffolk County Sanitary Code; previous Environmental Site Assessment Reports for the subject property including FPM, 2012 Phase I ESA; Enviroscience, 2014 Phase I and 2016 Phase I ESAs); Suffolk County Planning Commission guidelines for public safety; NYSDEC Ecological Communities inventory report (Edinger *et al.*, 2014); 2000-2005 Breeding Bird Survey; various published ecological field guides; Long Island Index database; Institute of Transportation Engineers ("ITE") publication entitled Trip Generation, 10th Edition; available traffic and accident data and reports; National Ambient Air Quality Standards ("NAAQS") and State Implementation Plan; AERSCREEN dispersion model; Highway Capacity Manual; The Environmental Manual (NYSDOT) or latest guidance document; Guidelines for Modeling Carbon Monoxide from Roadway Intersections (US EPA); US Census Bureau; IMPLAN; Occupational Employment Statistics Survey (US Bureau of Labor Statistics and NY Department of Labor); Rutgers demographic multipliers; input from consultations with involved agencies and local and regional service providers; site and area inspections; and other sources as needed.

10.0 ISSUES DETERMINED TO BE NEITHER RELEVANT NOR ENVIRONMENTALLY SIGNIFICANT OR THAT HAVE BEEN ADEQUATELY ADDRESSED

See attached Scoping Session Comments and Responses Table provided online at the OTB website for additional general information.