
AMENDED FINAL ENVIRONMENTAL IMPACT STATEMENT

**SUFFOLK TECHNOLOGY PARK
PIP-2 CODE AMENDMENT, CHANGE OF ZONE, SUBDIVISION, AND SITE PLAN
HAMLET OF WYANDANCH, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK**

NPV No. 21022

Prepared for Submission to:

Town Board of the Town of Babylon
Babylon Town Hall, 200 East Sunrise Highway
Lindenhurst, New York 11757
Contact: Richard Groh, Chief Environmental Analyst
281 Phelps Lane
North Babylon, New York 11719
Phone: (631) 422-7640
dec@townofbabylon.com

Prepared by:



NELSON POPE VOORHIS
environmental • land use • planning

70 Maxess Road
Melville, NY 11747
Contact: Carrie O'Farrell, Senior Partner
office: 631.427.5665 | cvoorhis@nelsonpopevoorhis.com

August 2025

Date Accepted by Lead Agency September 10, 2025

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SUFFOLK TECHNOLOGY PARK

SCTM: 0100-038.00-01.00-001.00, 0100-010.00-04.00-043.00,
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Hamlet of Wyandanch, Town of Babylon
Suffolk County, New York

Prepared for:

Applicant
Bristol Suffolk, LLC
c/o Bristol Group, LLC
350 Sansome Street, Suite 900
San Francisco, CA 94104
Contact: Mr. David Williams
(415) 398-1022

For Submission to:

Lead Agency
Town Board of the Town of Babylon
Babylon Town Hall
200 East Sunrise Highway
Lindenhurst, NY 11757
Contact: Richard Groh, Chief Environmental Analyst
281 Phelps Lane
North Babylon, New York 11719
(631) 422-7640
dec@townofbabylon.com

Prepared by:

*Environmental Analysis and Planning
Economic and Fiscal Analysis*
Nelson, Pope & Voorhis, LLC
70 Maxess Road
Melville, New York 11747
Contact: Carrie O'Farrell
(631) 427-5665

Civil Engineering
Bohler Engineering 275 Broadhollow
Road, Suite 100
Melville, New York 11747
Contact: Dale E. Koch, P.E., Project
Manager
(631) 738-1200

*Wastewater, Traffic and Parking
Engineering*
N+P Engineering, Architecture & Land
Surveying, PLLC
70 Maxess Road
Melville, New York 11747
Contact: Tom Lembo PE (*wastewater*)
Osman Barrie, PE, PTOE, PTP (*traffic
and parking*)
(631) 427-5665

Noise Analysis
B. Laing Associates, Inc.
Certified NYS WBE
380 N Broadway, Suite 407,
Jericho, NY 11753
Contact: Danna Cuneo
631 261 7170

Prepared by:

Architecture

Ware Malcomb
110 Edison Place, Suite 303
Newark, NJ 07102
Contact: Jon Anderson
(732) 692-6815

Cultural Resources

TRACKER Archaeology
62 Pickerel Road
Monroe, NY 10950
(631) 321-1380
Contact: Alfred Cammisa

Legal

Weber Law Group
290 Broadhollow Road, Suite 200E
Melville, New York 11747
Contact: Bram Weber
631-549-2000

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A Supporting Documents

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A-2- Second Public Hearing Transcript, *November 14, 2024*

B Involved Agency Comments, May 20, 2024 – November 12, 2024

C Written Comments and Correspondence, October 25, 2024- November 25, 2024

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F Signal Warrant Analysis- Little East Neck Rd at Site Driveway, Updated December 2024

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H Supplemental Town and County Infrastructure Information

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I-1- USF&WS Comment Letter, Ian Drew, Field Supervisor, September 20, 2024

1-2 New York State Natural Heritage Program Letter, November 20, 2023

I-3- Edgewood Environmental Consulting, LLC Mist Net & Acoustic Bat Survey,
July 14, 2025

I-4- NYSDEC Article 11 Application & Letter of No Jurisdiction Endangered Species Act,
March 14, 2025; August 11, 2025

ATTACHMENTS

Attachment 1- Preferred Plan, prepared by Bohler Engineering, *last revised January 2025*

Note: Printed copies include Overall Sheets only, see Town of Babylon website for full set

Attachment 2- Landscape Plan Set, prepared by N+P, last revised December 2024- (11 sheets)

Attachment 3- Full Size Rendering, prepared by NPV, *last revised December 18, 2024*

SECTION 1.0 INTRODUCTION

1.0 INTRODUCTION

1.1 Purpose of this Document

This document is the Amended Final Environmental Impact Statement (“Amended FEIS” or “FEIS”) for the proposed Suffolk Technology Park PIP-2 Zoning Code Amendment, Change of Zone, Two-Lot Subdivision, and Site Plan (hereafter “Proposed Action”). The FEIS dated January 2025 is herein and hereby amended to address a comment letter that was inadvertently not addressed in the original FEIS and to provide the additional information and analyses necessary to ensure that all comments submitted within the designated comment period are addressed, that the project has undergone the requisite “hard look,” and that all potentially significant environmental impacts are adequately addressed or mitigated to the maximum extent practicable as required by SEQRA. The amendments specifically pertain to comments submitted by the US Fish & Wildlife Service (USF&WS) as an interested agency, which requested that the site be further assessed for the possible presence of rare and endangered species. Despite extensive environmental review already contained in the original DEIS and FEIS, once the omission was discovered by the Applicant’s consultants and the lead agency was notified, additional assessment was conducted to ensure a full, accurate and complete record and ensure that any previously unknown or unforeseen impacts could be prevented or suitably mitigated.

All FEIS amendments are contained in **Section 2.9.3** of the “**Ecology**” section which now includes an expanded discussion, additional details, and final conclusions on the topic of rare and endangered species at the subject site. Also included in the Amended FEIS are amendments to **Table 2-1, “Written Comments Received”** provided below and the original USF&WS letter, an extensive July 14 2025 Mist Net and Acoustic Bat Survey report for the site, and a final New York State Department of Environmental Conservation (NYSDEC) memo with final conclusions as to potential impacts on rare and endangered species provided together in a new appendix (**Appendix I**). Site coverages have also been updated to reflect retention of additional forested area (2.52 acres) and correct the slight increase in impervious cover (0.10 acres) depicted on the FEIS Preferred Plan (see **Attachments 1 and 2**, hereafter “Preferred Plan”) and outlined in **Section 1.5.1** below, “Site Plan and Other Improvements,” “Changes to Site Coverages.” No new significant adverse impacts or changes in site or area circumstances have been identified since the January 2025 FEIS was accepted.

The Subject Property is located north of the Long Island Railroad (LIRR) and Long Island Avenue, south of Circle Drive, east of Little East Neck Road, and west of North 28th Street in the Hamlet of Wyandanch, Town of Babylon, Suffolk County, New York (SCTM Nos. 0100-38-1-1, 0100-10-4-43, 0100-10-4-44, and 0100-11-1-11).

This Amended FEIS incorporates the accepted and filed October 2024 Draft Environmental Impact Statement (“DEIS”) for the Proposed Action by reference as per Section 617.9(b)(8) of the implementing regulations of the State Environmental Quality Review Act (“SEQRA”), so that the combination of these two documents constitute the full Environmental Impact Statement (“EIS”) for the Proposed Action.

The filed October 2024 DEIS and this Amended FEIS are available for review in hard copy at the following locations:

Babylon Town Hall East Wing 200 E. Sunrise Highway Lindenhurst, NY 11757	Half Hollow Hills Community Library 55 Vanderbilt Parkway Dix Hills, NY 11746	Wyandanch Public Library 14 South 20th Street Wyandanch, NY 11798
Mon., Wed. - Friday: 9:00 am - 4:30 pm; Tues.: 9:00 am - 6:00 pm	Mon–Fri 9:30 am–9:00 pm; Sat. 9:30 am–5:00 pm; Sun. 12:00 pm–5:00 pm	Mon. 9:00 am–8:00 pm; Tue. 9:00 am– 9:00 pm; Wed. 11:00 am–8:00 pm; Thur. 9:00 am–9:00 pm; Fri. 9:00 am–5:00 pm; Sat. 9:00 am– 5:00 pm; Closed Sun.

The DEIS and Amended FEIS are also available any time online at the Town’s official website at the following link: <https://www.townofbabylonny.gov/753/Environmental-Control-Documents> or by topic search on the website.

As required by SEQRA’s implementing regulations, once the Babylon Town Board, as Lead Agency in this matter accepts the Amended FEIS as suitable for posting and distribution, a minimum 10-day FEIS public consideration period will be provided before a SEQRA Findings Statement is formally accepted. When a project involves an “applicant,” as in this case, SEQRA requires that the Lead Agency adopt its Findings Statement within 30 days of FEIS filing.

The purpose of this FEIS is to:

- Assemble all substantive verbal and written comments received from the public and involved and interested agencies during the public review and participation process beginning upon formal acceptance and filing of the DEIS, through two public hearings, to the close of the written comment period on November 25, 2024.
- Consider each substantive related question and comment and provide written responses to each.¹

¹ The SEQR Handbook, Fourth Edition (2020) states that “[t]he lead agency may choose to group comments by topic, and respond only once for each topic, so that responses in the final EIS are not repetitive. Comments do not need to be responded to individually or in order of receipt.”

- Identify any necessary revisions, amendments, or further mitigation to the project or SEQRA record.
- Demonstrate compliance with SEQRA and its implementing legislation 6 NYCRR Part 617.

This Amended FEIS is part of the official record under the SEQRA process outlined in 6 NYCRR Part 617, with statutory authority and enabling legislation under Article 8 of the New York State Environmental Conservation Law (“ECL”).

1.2 Project Description

Based on input received from the Town and public during initial community outreach, it has been determined that the alternative identified in the DEIS as the “Preferred Alternative” is the preferred course of action for developing proposed Lot 1 as it further reduces impacts, while being reasonable, feasible and still achieving Applicant and landowner goals. The Preferred Alternative (Alternative 2 of the DEIS, as modified based on comments received in this Amended FEIS “Preferred Plan”) involves a very similar project and design as the previously considered “Proposed Action” but is modified to address key issues raised by the public and involved and interested agencies during preliminary public outreach. This includes providing deeper building setbacks adjacent or opposite to residential land uses, retaining wider woodland perimeter buffers, planting more landscaping for screening and site enhancement, and relocating the proposed recharge basin farther to the west, away from North 28th Street, increasing this buffer from 25 feet to more than 120 feet. These changes are achieved by a reduction in total building coverage from the previously proposed 1,617,471 SF to 1,596,921 SF or 20,550 SF less space; although, the total number of buildings (nine) would stay the same. The smaller overall building footprints result in other benefits including reduced impervious building coverage, increased naturally vegetated areas, and slight decreases in potable water demand, sewage generation, energy use, and passenger vehicle trip generation. The decrease in building size and coverage is accomplished by reducing the north ends of warehouse buildings 3 and 4 by 112± feet which also allows the north access driveway located adjacent to these buildings to be realigned farther to the south providing an additional 108 to 110 feet of building setback for the adjacent residential neighborhood to the north. This would bring the total Building 3 and Building 4 setbacks to 303’6” and 316’8” from the northerly property boundary to the nearest building and over 400 feet from the closest residential structure. It also offers greater separation between the north access road and northerly property line and homes in the Circle Drive neighborhood. With these adjustments, the total number of proposed parking spaces would increase by 60 from 1,880 to 1,940, including 57 ADA accessible spaces and 90 land-banked parking spaces; however, the total number of truck loading spaces is reduced by 19 from 403 to 384. See **Preferred Plan** in **Attachment 1**.

As with the previous version of the plan, there will be two access points off Little East Neck Road (one to the north and one to the south) and two primary east/west internal driveways with cross

connecting drive aisles to provide passenger vehicle and truck access to the nine buildings and their respective loading areas. A stormwater recharge basin will be constructed on the northeast side of the property, but again, this feature has been relocated an additional 95± feet west of North 28th Street allowing for more natural area and landscaping adjacent to the North 28th Street neighborhood. In addition, a 900 SF (30'x30') bike and alternative transportation center building will be provided on the north side of the property north of Warehouse Building 3 for use by future warehouse workers and the site pump station will be moved farther from residential areas. All other primary features will be the same (connection to public water and sewer mains, installation of solar on warehouse roofs, EV charging stations, compliance with drainage requirements, an easement for SCWA to install a main to increase area water pressure, construction of four soundwalls, and various other beneficial features). Roadway and intersection improvements are also proposed at Little East Neck Road and Colonial Springs Road and Little East Neck Road and Long Island Avenue. See also **Section 1.5.1** below.

1.3 SEQRA Procedure

1.3.1 Completion of a full Environmental Assessment Form (EAF), Lead Agency Coordination and SEQRA Determination of Significance

On February 6, 2024, the project Applicant, Bristol Suffolk, LLC and its representatives submitted a formal application for the Proposed Action, including a property survey, full set of site plans, deed, proposed PIP-2 zoning code, full EAF Part 1 dated February 2, 2024, and other essential materials to the Babylon Town Board. Upon submission and review by Town staff and Board, it was determined that the Proposed Action is best classified as a “Type I Action” pursuant to SEQRA and the regulating provisions of 6 NYCRR Part 617, thereby requiring Lead Agency coordination. The Town Board identified all involved agencies (i.e., those agencies that have or will have a discretionary decision, permit or approval associated with some aspect of the Proposed Action) and coordinated with these agencies to identify the most appropriate entity to lead the environmental review. Upon conclusion of the required 30-day Lead Agency coordination period and having received no express interest or objections, Babylon Town Board assumed the role of Lead Agency for the environmental review.

Town staff prepared the full EAF Parts 2 and 3 to identify potential adverse environmental impacts and assess the general magnitude of potential impacts from the currently proposed action (“Preferred Alternative”). The Town Board formally reviewed said documentation, considered the magnitude and importance of each identified impact, and based on this review determined that one or more moderate to large environmental impacts may result if not properly mitigated. The Town Board, by Resolution 291 dated March 27, 2024, then formally voted to adopt a “Positive Declaration” pursuant to SEQRA and Chapter 114 “Environmental Quality Review” of the Babylon Town Code. The Board directed staff to publish a Positive Declaration/ Determination of Significance as required under 6 NYCRR Section 617.12(c) and file a notice with the NYSDEC’s Environmental Notice Bulletin (ENB). Applicable documents

were filed and made available to all involved agencies and the ENB notice was published on April 17, 2024. Finally, the Applicant was directed to prepare and submit a Draft Scoping Document as per 6 NYCRR Part 617, Subsection 617.8, “Scoping.”

1.3.2 Scoping

The scope and content of all DEISs, with the exception of Supplemental EISs, must be guided by a formal public scoping process and written scoping document to ensure that issues of environmental concern are identified and adequately considered and addressed. A “Draft Scope” was prepared by the Applicant and its consultants and was submitted to the Town Board on April 28, 2024, to begin the formal scoping process per 6 NYCRR Part 617.8 “Scoping” and 617.9 (b) “Environmental impact statement content.” On May 8, 2024, by Resolution 434, the Town Board accepted the Draft Scope and launched a 20-day review and comment period. The Draft Scope was made available for the public to review online and in hardcopy at the Town’s 281 Phelps Lane North Babylon office.

On June 5, 2024, the Town Board adopted a second resolution (Resolution 515) extending the Draft Scope review period by an additional three weeks to June 21, 2024. This resolution extended the minimum statutorily required draft scoping review period from 20 days to 41 days, thereby doubling the length of time for the public to consider the project and scope and submit issues, concerns, comments and recommendations. The Draft Scope was revised and finalized on June 26, 2024, and resubmitted to the Board in accordance with input received. The Town Board reviewed the document and formally accepted the Final Scope on July 10, 2024, by Resolution 592. The Town filed the required Notices of Final Scope Acceptance with involved agencies and the NYSDEC ENB which posted the notice on July 24, 2024.

1.3.3 Preparation and Acceptance of the DEIS and Scheduling of a Public Hearing

A DEIS was prepared by the Applicant and its consultants which was reviewed by Town staff and its environmental and traffic consultants. The DEIS was revised and amended based on input received and the final DEIS document was submitted to the Town Board for review. On October 9, 2024, the Town Board formally considered the DEIS for consistency with its prior adopted Positive Declaration, Final Scope, and the scope and content requirements for DEISs set forth by Section 617.9(b) of SEQRA and a public hearing was scheduled for Saturday October 26, 2024. Notices were sent to involved and interested agencies, copies of the DEIS were distributed, filed and posted, and on October 23, 2024, a Notice of DEIS Acceptance and Scheduling of a Public Hearing was published in the NYSDEC’s Environmental Notice Bulletin (ENB). Notices of a public hearing were also published in the *Beacon Herald* twice before the public hearing was held. The Saturday October 26, 2024, public hearing was left open to allow additional time for the community to voice thoughts, opinions, issues and concerns, and a

second public hearing was scheduled and held Thursday November 14, 2024. This second hearing was published in *Newsday*.

The written comment period was also extended from the originally intended November 6th date to November 25, 2024, providing a 47-day written comment period from the time the DEIS was accepted and filed on October 9, 2024, to the close of the extended written comment period on November 25, 2024. The 47-day comment period thereby exceeded the 30-day review period prescribed by SEQRA by 17 days. The Lead Agency (Town Board) maximized the opportunity for public input throughout the SEQRA process.

The DEIS was made available to the public in hard copy at Babylon Town Hall, Half Hollow Hills Community Library, and Wyandanch Public Library to optimize public accessibility and convenience and was posted on the Town's website² as required, to provide remote "24/7" access. Hard copies, flash drives, and/ or instructions on how to access the document were also sent to involved and interested agencies.

The Applicant's legal representatives, Weber Law Group, in coordination with the Town of Babylon, sent certified notices of the proposed action's public hearing to property owners within a 200-foot radius of the Subject Property and prominently displayed notice of public hearing signs at several locations along the frontage of the property.

The first public hearing was held on Saturday October 26, 2024, at 10:00 AM at the Babylon Town Hall, in Lindenhurst and livestreamed on the Town's YouTube Channel. Town staff, the Applicant's legal representative, Weber Law Group, and representatives from the consulting team provided comments and a PowerPoint presentation describing the project and the SEQRA process. Informational flyers were made available at the hearing in both English and Spanish explaining how, where and when the DEIS could be accessed for review in hard copy and online, how to submit written comments, and the deadline for comments. The public hearing was opened up for comment and a total of 25 individuals spoke. The hearing was recorded, and a full public hearing transcript was generated to document comments as entered into the record and facilitate the preparation of the FEIS including responses to all substantive related comments.

During the second public hearing held Thursday November 14, 2024, at 3:00 PM, at the Town Board meeting room in Lindenhurst and online via livestream on the Town's YouTube Channel, two individuals provided verbal comments. The hearing was closed, and the written comment period was left open until the close of business on November 25, 2024.

² The link for online access is: <https://www.townofbabylonny.gov/753/Environmental-Control-Documents>

1.3.4 Final Environmental Impact Statement Preparation, Submission and Acceptance

Acceptance of this Amended FEIS represents one of the final steps in the SEQRA review process, and along with the DEIS provides the basis from which the Town Board/Lead Agency will prepare its final “Statement of Findings.” The Amended FEIS identifies and addresses all agency consultations and substantive verbal and written comments received from the public and involved and interested agencies from the October 26, 2024 and November 14, 2024 public hearings and 47-day written comment period ending November 25th.

This Amended FEIS also provides the public and involved and interested agencies and organizations with the following essential information:

- descriptive information about the proposal under review;
- documentation of the SEQRA process and the Proposed Action’s consistency with that process;
- a summary of written and verbal comments received during the designated public review and comment period;
- the source and manner of delivery of each comment (i.e., verbal comments during the hearing, or letter, memo, petition or email, etc.);
- responses to all substantive comments received during the designated public review phase;
- any necessary corrections, amendments or modifications to the Action and/or DEIS;
- additional analyses of the Action’s potential environmental effects; and
- any further strategies and techniques identified for mitigating impacts that may not have been previously identified.

In addition, all information contained within the accepted DEIS, including all text, figures, diagrams, simulations, maps, plans, tables, and appendices, are incorporated by reference, with details on how to access the full DEIS (and this Amended FEIS) for review as required by SEQRA. Both the DEIS and this FEIS were prepared in accordance with the standards and procedures of SEQRA and its implementing regulations set forth in 6 NYCRR Part 617.

Once this Amended FEIS is accepted by the Town Board as accurately reflecting the Board’s responses and opinions, a minimum 10-day public/agency FEIS consideration period will be provided before a Findings Statement is completed by the Lead agency and a final decision on the environmental review may be rendered in this matter.

1.3.5 Findings Statement

Once the public/agency Amended FEIS consideration period has lapsed, a SEQRA Statement of Findings (“Findings Statement”) will be prepared by the Babylon Town Board as Lead Agency for the Proposed Action. A Findings Statement is a written document that outlines the review

process and demonstrates its compliance to SEQRA, certifies that all SEQRA standards and procedures have been met, and identifies environmental, as well as the social and economic considerations that have been weighed in making a decision to approve or disapprove the Proposed Action from an environmental perspective. The Findings Statement also outlines identified impacts, required mitigation, and discusses alternatives considered. The adoption of a Findings Statement concludes the environmental review process.

1.3.6 Additional Public Outreach

Additional public outreach was conducted beyond typical SEQRA procedures to ensure that the public was duly informed that information and materials were readily available for review in both hard copy and electronically, and the public had plenty of opportunity to provide input. Section 3.2.2 of the DEIS includes a list of pre DEIS public outreach and meetings with several civic groups, public officials, town staff, community service providers (School Board, Suffolk County Water Authority, local library, etc.), representatives of the MTA, and others.

1.4 Organization of this Document

Appendix A-1 contains the October 26, 2024, public hearing transcript and **Appendix A-2** contains the November 14, 2024 hearing transcript, including a presentation by the Town staff and the project team and verbal comments from the public and Town Board that were entered into the record at the hearings. **Appendix B** contains all written comments from involved agencies received during the scoping process and DEIS written comment period. **Appendix C** contains all written comments received from members of the public during the scoping process and DEIS written comment period. As required by SEQRA, only those comments that are “substantive” and related to the Proposed Action and environmental review require a response.

Section 2.0 of this document presents a summary of all relevant and substantive written and verbal comments on the DEIS and project that were received from the public, local civic groups and local organizations, and involved and interested agencies beginning when the DEIS was accepted on October 9, 2024, through the second hearing held November 14, 2024, until the close of the written public comment period on November 25, 2024. A reasoned evaluation and written response to all substantive related comments was then provided for each substantive comment received as required by SEQRA.

Comments that are directed toward the content, scope, subject matter, information and data provided, tables, figures, analyses, rationale, conclusions, analyses, procedures or other substantive aspects of the DEIS (e.g., impacts, mitigations, and alternatives) or the plans and documents comprising the Proposed Action are considered “substantive” and are responded to in **Section 2**. General statements that express only opposition or support for the Action without elaboration are acknowledged but do not require a direct response. Comments and responses

are grouped by topic and subtopic (where necessary) to prevent unnecessary redundancy and to provide fuller more detailed responses to related issues of concern.

Each substantive comment or question appearing in the hearing transcripts (H) or written correspondence (W) received from the public was identified and assigned an identification code based on the whether the comment came from the October 26, 2024, hearing (HA), the November 14, 2024, hearing (HB) or if it was received in the form of written comments including letters, memoranda, emails, or a comment form (W). Each speaker at each hearing was assigned a speaker number in the order that they spoke, and each individual comment from each speaker was assigned a letter in the order their comment was received (a, b, c, etc.). Therefore, the third comment (c) from the fourth speaker (4) at the second public hearing (B) would be HB4-c. Similarly, the first comment (a) in writing (W) of the third letter (3) received in order of date and time would be identified as W3-a. Written comments received from involved or interested agencies were coded using the Agency acronym. For example, the second comment from the Suffolk County Sewer Agency would be identified as “SCSA-b.”

The described coding system allows those reviewing the FEIS to refer to the table below and easily identify the commentor, specific comment, and the venue or method of comment delivery and to facilitate cross referencing to the original comment as provided in the transcript or letter in the **Appendices**.

Table 1-1 lists the names, affiliations, and speaker identification numbers for substantive related questions and comments associated with the project including the proposed PIP-2 Code, two-Lot subdivision, the rezoning of proposed Lot 1, Suffolk Technology Park Site Plan, and environmental review under SEQRA (i.e., the DEIS) that were received during the October 26 and November 14 public hearings. Names of people who spoke at the hearings are spelled as provided in the hearing transcripts. **Table 1-2** contains a list of written correspondence received by the Town Board/Lead Agency during the DEIS review process, from the acceptance of the DEIS on October 9, 2024 to the close of the written comment period on November 25, 2024, including the name of the person who authored the correspondence; the agency, office or organization they are affiliated with, or whether they are a resident; date of correspondence; and the assigned comment code for easy reference. The section of the FEIS in which a comment or question is addressed is also indicated in the margin of the hearing transcripts, next to the original comment or question (**Appendix A**) or written correspondences (letter/ email/ memo) (**Appendix B & C**) to facilitate cross-referencing.

Table 1-1
PUBLIC HEARING COMMENTS ENTERED INTO THE RECORD
During Public Hearings Held Saturday October 26, 2024 at 10:00 AM &
Thursday November 14, 2024 at 3:00 PM

Speaker Number	Name	Planning Board Member, Resident, Agency or Organization	Comment Codes	Total Comments
<i>Hearing A (October 26, 2024)</i>				
HA-1	Anthony Manetta	Town Council	HA-1	1
HA-2	Duwayne Gregory	Town Council	HA-2	1
HA-3	Grant Newburger	Nassau Suffolk Building Trades	HA-3	1
HA-4	Kent Katter	Babylon Resident	HA-4	1
HA-5	Robert Lutz	Wheatley Heights Resident	HA-5a – HA-5c	3
HA-6	Lois Fricke	Long Island Builders Institute	HA-6	1
HA-7	Alan Kennemer	Long Island Builders Institute	HA-7a - HA-7b	2
HA-8	Kevin Key	Wyandanch Resident	HA-8a - HA-8d	4
HA-9	Marie Martineck	Long Island Builders Institute & Long Island Home Builders Care	HA-9	1
HA-10	Sandra Thomas	Concerned Taxpayers of Wheatley Heights/Dix Hills Civic Association	HA-10	1
HA-11	Diane Lloyd	North 28th Street Resident	HA-11a - HA-11h	8
HA-12	Gina Farese	Long Island Builders Institute	HA-12	1
HA-13	Carol Williams	Wheatley Heights Resident	HA-13a - HA-13c	3
HA-14	Robert Eatz	Wyandanch Resident	HA-14	1
HA-15	Jean Rodriguez	North 28th Steet Resident	HA-15a - HA-15f	6
HA-16	Love Foy	Wheatley Heights Resident	HA-16a- HA-16e	5
HA-17	Margie Robinson	Flushing Resident Family Members Interred on Lot 2	HA-17	1
HA-18	Lenny Minervini	Checkmate Security	HA-18	1
HA-19	Adhiambo Okomba	Wyandanch Resident	HA-19a - HA-19b	2
HA-20	Kevin Hesslon	Wheatley Heights Resident	HA-20a - HA-20n	14
HA-21	Karen Turk	Wheatley Heights Resident	HA-21a – HA-21c	3
HA-22	Judy Santana	Wheatley Heights Resident	HA-22a – HA-22b	2
HA-23	Maxilau O'Keefe	North 28th Steet Resident	HA-23a – HA23-e	5
HA-24	Chris Black, President	Concerned Taxpayers of Wheatley Heights/Dix Hills Civic Association	HA-24a – HA-24e	5
HA-25	Latesha Walker, President	Concerned Citizens of Wyandanch	HA-25	1
25	<i>Hearing A Totals</i>			74

Speaker Number	Name	Planning Board Member, Resident, Agency or Organization	Comment Codes	Total Comments
<i>Hearing B</i> <i>(November 14, 2024)</i>				
HB-1	Kevin Hesslon	Wheatley Heights Resident	HB-1a to HB-1h	8
HB-2	Robert Lutz	Wheatley Heights Resident	HB-2a to HB-2c	3
2	<i>Hearing B Totals</i>			11
27	TOTALS			85

*See October 26, 2024 public hearing transcript provided in **Appendix A**.

Based on the review of the October 26, 2024 and November 14, 2024 public hearing transcripts, a total of 27 individuals spoke, providing a total of 85 comments or questions. All substantive action-related verbal comments and questions are addressed or acknowledged in **Section 2.0** of this Amended FEIS.

Table 1-2
WRITTEN COMMENTS RECEIVED
October 9, 2024 to November 25, 2024

Author Code	Author Name	Affiliation/Agency/Residency	Date of Letter	Written Comments Codes	Total Comments
Written Agency Comments					
SCDPW	Niamh Perrota, Director of Traffic Engineering	Suffolk County Department of Public Works	05/20/24	N/A	N/A ¹
SCSA	Criag A. Platt, Public Works Special Project Supervisor	Suffolk County Sewer Agency	10/21/24	SCSA-1	1
SCDPW	Craig Lovallo, Asst. Director of Traffic and Permits	Suffolk County Department of Public Works	06/25/24	N/A	N/A ¹
SCDEDP	Joseph Sanzano, Planning Director	Suffolk County Department of Economic Development and Planning	10/25/24	N/A	N/A ²
SCPD SCPC	John Corral, Environmental Projects Coordinator	Suffolk County Planning Commission Division of Planning and Environment	11/04/24	SCPD-PC-1 - SCPD-PC-8	8
NYSCB	New York State Cemetery Board	New York State Division of Cemeteries	11/12/24	NYSCB-1 to NYSCB-8	8
SCDHS	Suffolk County Department of Health Services	Suffolk County Division of Environmental Quality	12/02/2024	SCDHS-1 to SCDHS-2	2
USFWS ³	Ian Drew, Field Supervisor	United States Fish & Wildlife Service	9/20/24	USFWS-1 to USFWS-12	12
8	<i>Written Agency Comment Totals</i>				31

Author Code	Author Name	Affiliation/Agency/Residency	Date of Letter	Written Comments Codes	Total Comments
Written Public Comments					
W1	Scott Richer & Christina Lanzillotto	West Babylon Employee & Lindenhurst Business Owner	10/26/24	W1-1 to W1-3	3
W2	Thomas Crist	No information	11/03/24	W2-1 to W2-2	2
W3	Denise Bonilla	Newsday	11/03/24	W3-1 to W3-4	4
W4	Katina & Carol Williams	Resident	11/07/24	W4-1 to W4-3	3
W5	Robert Lutz	Concerned Citizen (Electrical Contractor)	11/08/24	W5-1 to W5-3	3
W6	Linda M Jones	Trustee of Bridge Street African Wesleyan Methodist Episcopal (AWME) Church	no date	W6-1	1
W7	Ruthie Shek	Circle Drive Resident	11/10/24	W7-1 to W7-3	3
W8	Robert Eatz	Resident	11/21/24	W8-1 to W8-5	5
W9	David Winzelberg	Newsday	03/08/24	W9-1 to W9-2	N/A
W10	Ruhamah Shek	Resident	11/25/24	W10-1 to W10-17	17
W11	Love Foy	Resident	11/23/24	W11-1 to W11-14	14
W12	Concerned Neighbors of 28th Street and Washington Street	Diane Lloyd 28 th Street Residents	11/21/24	W12-1 to W12-9	9
W13	---	Long Island Builder's Institute	10/26/24	W13-1 to W13-3	3
W14	---	Long Island Builder's Institute	10/26/24	W14-1 to W14-3	3
W15	---	Long Island Builder's Institute	10/26/24	W15-1 to W15-3	3
W16	Jaqueline Palicon	Long Island Builder's Institute	10/26/24	W16-1 to W16-3	3
W17	Nancy D'Amicko	Long Island Builder's Institute	10/26/24	W17-1 to W17-3	3
W18	Scott Funcke	Long Island Builder's Institute	10/26/24	W18-1 to W18-3	3
W19	Michael Florio, CEO	Long Island Builder's Institute	10/26/24	W19-1 to W19-3	3
W20	Jennifer Lobansky	Long Island Builder's Institute	10/26/24	W20-1 to W20-3	3
W21	---	Long Island Builder's Institute	10/26/24	W21-1 to W21-3	3
W22	---	Long Island Builder's Institute	10/26/24	W22-1 to W22-3	3
W23	---	Long Island Builder's Institute	10/26/24	W23-1 to W23-3	3
W24	---	Long Island Builder's Institute	10/26/24	W24-1 to W24-3	3
W25	---	Long Island Builder's Institute	10/26/24	W25-1 to W25-3	3
W26	---	Long Island Builder's Institute	10/26/24	W26-1 to W26-3	3
W27	Bill Ganz, Mayor	Deerfield Beach	10/25/24	W27-1	1
W28	Latesha S. Walker, President	Concerned Citizens of Wyandanch	10/26/24	W28-1	1

Author Code	Author Name	Affiliation/Agency/Residency	Date of Letter	Written Comments Codes	Total Comments
W29	Yvonne Varas	Resident	No date	W29-1	1
W30	Charles Barrett	Resident	No date	W30-1 to W30-3	3
30	Written Public Comment Totals				112
38	TOTALS				143

Notes:

1. Agency letter stating it has no further comment
2. Incomplete Application letter; requested materials submitted; see November 11, 2024 SCPD-PC letter and responses.
3. This letter, the July 14, 2025 Mist Net and Acoustic Bat Survey prepared by Edgewood Environmental Consulting LLC and NYSDEC's Non-Jurisdiction Determination letter are provided in **Appendix I** and represent the documents that were added to the FEIS.
4. Written correspondence include letters, memoranda, and emails received during the designated written comment period. All written correspondence received on the DEIS are provided in **Appendix B & C**.

During the written comment period, a total of 38 written correspondences were received, containing a total of 143 comments or questions.

Adding the total number of comments received during the two public hearings to the total number of written comments received during the written comment period, a total of 228 individual comments or questions were entered into the record. Each of these comments and questions are addressed or acknowledged in **Section 2.0** of this FEIS and are identified by comment code in either the hearing transcript or written correspondence.

The comments and responses in this FEIS provide information for the Lead Agency and other involved agencies to consider when preparing their Findings Statements and making informed decisions on the environmental review for the Proposed Action. Once the FEIS is accepted by the Planning Board as Lead Agency and the required minimum 10-day public consideration period for the FEIS is set and elapses, the Town Board/Lead Agency's responsibility for completing the FEIS under SEQRA at 6 NYCRR Part 617.9 (b)(8) will be satisfied and the Board will issue its Statement of Findings, concluding the SEQRA process.

1.5 Modifications to Proposed Action, Site Plan, and Additional Information and Mitigations

1.5.1 Site Plan and Other Improvements

Preferred Plan

As described above in **Section 1.2 "Project Description"** the plan having the least impact on the environment and area is the Preferred Plan (Attached) which was discussed and analyzed in detail in the DEIS. This Preferred Plan was specifically designed to address preliminary environmental and quality of life issues and concerns raised by the public during initial

community outreach and has been found to be reasonable, viable and consistent with Town and Applicant objectives. See attached **Preferred Overall Site Plan**. Major modifications to the Plan that was part of the DEIS are as follows:

Preferred Plan Improvements

The Preferred Plan involves a very similar project, process, and site layout and design as the previously proposed plan, including the two-lot subdivision, change of zone from A Residence to PIP-2 on proposed Lot 1, a proposed site plan with nine warehouse buildings, and retention of proposed Lot 2 as its existing cemetery/interment use. The Preferred Alternative, however, was modified as discussed in the Section 5 of the DEIS to address key issues raised by the public and involved and interested agencies during preliminary public outreach. This included providing deeper building setbacks opposite residential uses, a greater amount of preserved green space, enhanced perimeter buffers and screening, and relocation of the proposed recharge basin farther to the west away from North 28th Street from the currently proposed 25 feet to more than 120 feet.

These changes required a reduction in total building coverage from 1,617,471 SF to 1,596,921 SF or -20,550 SF; although, the total number of buildings (nine) would stay the same. The north ends of warehouse buildings 3 and 4 would be reduced in length by 112± feet and the section of the north access road adjacent to these buildings would be realigned farther to the south providing an additional 108 and 110 feet of building setback for the adjacent residential neighborhood to the north. This would bring the total Building 3 and 4 setbacks to 303'6" and 316'8" from the northerly property boundary and over 400 feet from the closest home. It also would offer greater separation between the north access road and northerly property line and homes in the Circle Drive neighborhood. With these adjustments, the total number of proposed parking spaces would increase by 60 from 1,880 to 1,940, including 57 ADA accessible spaces and 90 landbanked spaces. Total truck loading spaces, however, would decrease by 19 from 403 to 384.

Bike and Alternative Transportation Center

As previously discussed, a 900 SF (30'x30') bike and alternative transportation center building will be provided on the north side of the property north of Warehouse Building 3 for use by future warehouse workers and the site pump station will be moved farther from residential areas. Revisions to the plan also include making the site bicycle accessible and providing necessary amenities and a patio area for employees adjacent to the transportation center building.

Modified Park Entrance

Additional modifications are proposed to the adjacent Kevin Ver Pault Memorial Park. The DEIS included a relocated and redesigned memorial park entrance which was provided as Attachment 4 of the DEIS. The purpose of this improvement was to provide greater separation between the Memorial Park and the proposed project's northerly signalized access by

relocating the park entrance an additional 170± feet to the north to minimize traffic conflicts and improve traffic efficiency and public safety. This was accomplished by relocating the Park access farther to the north, away from the proposed site access, restricting large truck traffic between Colonial Springs Road and the Park, installing a traffic signal at the proposed Suffolk Technology Park's northerly access, construction of new southbound left turn lanes at the new park entrance and the proposed project's northerly entrance, as well as installation of a new section of sidewalk from Long Island Avenue to the Park entrance, road striping, and signage. This design has since been modified slightly by reconfiguring the park access driveway so that traffic does not need to pass through the west parking lot to proceed to the main east/west park driveway and easterly parking lot. The currently proposed curvilinear access driveway will also make it easier for larger vehicles such as busses to maneuver through the site. A pedestrian path is now also provided between the south side of the north access driveway, northeast of the decorative pond to the Park. See **Appendix E** for the revised park access plan. The Town of Babylon Commissioner of Public Works, Vincent Piccoli, has agreed to this change.

Modified Landscape Plan

As discussed above, the proposed stormwater recharge basin on the northeast side of the property near North 28th Street is relocated an additional 95 feet from 25 feet under the Proposed Action to more than 120 feet under the currently proposed Preferred Alternative. The previously proposed Landscape Plan for the Preferred Alternative, however, showed the natural woodlands on the east side of the proposed recharge basin adjacent to North 28th Street as being cleared and replanted with native landscape species. Instead of clearing this area and revegetating the entire area with landscaping, a naturally wooded buffer will be retained and supplemental landscape plantings will be planted where needed including evergreens such as Eastern red cedar and American holly and other native species. This change retains more of the existing mature natural forest and native wildlife habitat between the recharge basin and North 28th Street while still providing the dense evergreen screening and landscaping. The result is an improved taller vegetated buffer, enhanced visual screening, the retention of the natural aesthetic character along the street, and a higher quality wildlife habitat at this location. More natural vegetation will also be retained adjacent to the northwest side of the cemetery (Lot 2) in place of previously proposed landscaping.

Changes to Site Coverages

The site coverages have been updated based on the Preferred Alternative Plan, including the retention of an additional 2.52 acres of existing natural land, more natural vegetation and habitat and 2.69-acres less landscaping and other minor adjustments. The addition of the bike and alternative transportation center building and patio area as well as several modifications to pedestrian pathways also resulted in a slight increase in impervious cover (0.10 acres).

**TABLE 1-3
CHANGES TO SITE COVERAGES**

<i>Site Coverages (acres)</i>	Existing	Previous DEIS Preferred Plan⁽¹⁾	FEIS Preferred Plan	Change
Buildings	0	36.60	36.62	+0.02
Paved Parking Lots, Internal Streets, Driveways, Walkways	0	39.17	39.25	+0.08
Forest or Naturally Vegetated ⁽²⁾	98.86	7.80	10.32 ⁽³⁾	+2.52
Landscaping ⁽²⁾	1.25	14.50	11.81	-2.69
Existing Cemetery (Lot 2 of Proposed Action)	11.28	11.28	11.28	0
Stormwater Recharge Basin	0	1.81	1.87	+0.05
Decorative Pond	0	0.24	0.24	0
Total (includes area of Lots 1 and 2)	111.39	111.39	111.39	0

(1) Preferred Alternative Plan included as Attachment 2 of the DEIS

(2) Does not include existing wooded and lawn/landscaped areas of cemetery to remain on Lot 2.

(3) 10.27 acres of mixed forest and 0.5 acres of successional old field on Lot 1.

Pine Lawn Memorial Park Cemetery Improvements (Lot 2)

For the existing cemetery to remain on Lot 2, the property owner proposes a number of improvements to Lot 2 to enhance property access and appearance from North 28th Street. A 6-foot-high decorative fence (as per the plan provided in **Appendix E-2**) will be installed 12-feet back from the street along the eastern property line adjacent to North 28th Street and vegetation including evergreens will be planted on both sides of the fence. A gated entrance off North 28th Street, short driveway, and a six-space off-street parking lot including one ADA accessible space will be provided at the northeast end of the cemetery/Lot 2. (This access will not provide through access to the Suffolk Technology Park, it is limited to access for the existing cemetery use). Sidewalks and benches will be provided onsite along with themed ornamental flowers and trees, smart irrigation, signage, a kiosk, educational outreach, and digital mapping of individual gravesites. See **Appendix E-2**.

The Beautification and Enhancement Plan on Lot 2 (Greenlawn East) (**Appendix E-2**) will help to eliminate the destructive and illegal activities, such as unauthorized ATV use, dumping and trespassing, and provide enhanced security, maintenance and an overall improved appearance along North 28th Street.

Traffic Signal Warrant Analysis

Nelson + Pope has conducted a Traffic Signal Warrant Analysis to evaluate whether a traffic signal should be installed at the proposed intersection of Little East Neck Road and the northerly access driveway to the Suffolk Technology Park. This analysis was performed in accordance with the latest version of the Federal Manual on Uniform Traffic Control Devices

(MUTCD), taking into account existing traffic volumes on Little East Neck Road as well as projected future traffic volumes following the construction of the Suffolk Technology Park.

The satisfaction of a traffic signal warrant, or warrants shall not in itself require the installation of a traffic control signal. The signal warrant is the threshold criteria that should be met in order to consider the installation of a traffic control signal. Based on the analysis documented herein, MUTCD Warrant 1, Condition A/B (Eight-Hour Vehicular Volume), MUTCD Warrant 2 (Four-Hour Vehicular Volume), and MUTCD Warrant 3 (Peak Hour Vehicle Volumes) are met. As such, signalization is warranted at the intersection of the proposed intersection of Little East Neck Road and the Suffolk Technology Park Center Driveway. See **Appendix F** for the full November 2024 Signal Warrant Analysis report.

Offsite Road and Intersection Improvements and Associated Land Dedications

As noted previously and in the DEIS, offsite road and intersection improvements are proposed. These improvements include road widening to allow for new turning lanes and other improvements necessitating some limited land dedications along Little East Neck Road. Dedications include the following as shown on the **Anticipated Dedication Areas** plans provided in **Appendix E-4** subject to final survey, design and regulatory agency review of the proposed roadway improvements. Any roadway dedications required will be minimized as much as possible.

Anticipated Dedications:

- Area 1: Project Site Frontage (Little East Neck Road) (0.22 acres)
- Area 2: Little East Neck Road (South of Long Island Ave) [Roadway Widening & Buffer Req] (0.11 acres)

The overall site area of proposed Lot 1 is 4,360,949 SF or 100.11 acres prior to the land dedications, including 24 acres of pervious area, 75.87 acres) of impervious area and 0.24 acres of decorative pond.

After the proposed land dedications, the overall site area will be 4,351,466 SF or 99.896 acres. This includes 24.12 acres of pervious land area, 75.75 acres of impervious area and 0.24 acres of decorative pond.

Town Office/Community Space

The Applicant has agreed to reserve a total of 4,000 SF of the proposed industrial/warehouse space for use by the Town of Babylon office space or community space.

Trash Compactors

A total of two trash compactors for every 100,000 SF will be needed. The additional compactors will be sited within currently proposed truck docks or truck parking spaces.

1.5.2 Project Benefits

General Benefits

- The project will be located on a currently vacant and underutilized parcel that is intended for future cemetery use and that is in close proximity to downtown Wyandanch, which can help with area goals for increased business activity, creation of jobs and tax generation (see details below under Economic Benefits).
- The project will include significant improvements to two poorly functioning intersections that are important to the community - Little East Neck Road (CR 95) and Colonial Springs Road (CR 5) and at Little East Neck Road and Long Island Avenue. Additionally, the project will provide a signalized site access (the north access) for the proposed development and relocate and improve the main access for the adjacent park to the north (Kevin Ver Pault Memorial Park), as well as provide additional parking for park users.
- The Proposed Action plans to participate in New York State's (NYS) Community Solar program that will allow solar power generated from solar panels installed on the proposed building rooftops to be donated back to the electrical power grid and used to provide power for the local school district buildings and, if possible, reduce energy costs for nearby residents (to be determined based on the final power demand of the Wyandanch School District school buildings and the maximum power generation limits permitted under NYS regulations). All of the proposed buildings will be constructed to support the additional weight/load to allow for solar panel installations.
- The project sponsor, in efforts to collaborate with the Wheatley Heights community and mitigate potential project impacts to the most disproportionately affected homeowners, initiated discussions with National Grid to explore leveraging the Suffolk Technology Park development to push for a gas main extension that would provide natural gas service to both the proposed project, as well as nearby local residents. Due to the Applicant's substantial investment in bringing natural gas service to the proposed Suffolk Technology Park, National Grid has acknowledged that they are supportive of using the proposed project as an avenue to expand gas service to residents located in close proximity to the site. As a result, National Grid is willing to take the next steps in analyzing the feasibility of extending gas service to nearby Wheatley Heights and Wyandanch residents. For National Grid to determine the anticipated demand for service, the residents in the proposed expansion area will need to express interest. The Applicant's team will work with National Grid to identify the exact streets and number of homes for the mailing.
- The project sponsor has also been coordinating with the Suffolk County Water Authority ("SCWA") to establish a utility easement on the property so that the SCWA can provide a direct water main connection to the Suffolk Technology Park facilities from the wellfield located on Circle Drive, while also extending a secondary water main connection to

Colonial Springs Road/Main Avenue. This water main extension will help to increase the distribution system's water pressure for the area, thereby improving service and providing an overall benefit to local customers.

- The proposed project would connect to public sewers, use indoor and outdoor water conservation techniques in the project design and will prevent impacts on adjacent and nearby properties and roadways by containing all stormwater runoff generated on the subject property. In addition, although not part of this project, it should be noted that in July of 2024 County Executive, Ed Romaine, signed the County's capital infrastructure budget which includes \$150,000,000 for sewer infrastructure for Carlls River-Wyandanch, Wheately Heights, and Deer Park to improve wastewater management and to protect and improve area groundwater quality. See **Appendix G-2**.
- The proposed project has been designed with several sustainable design elements, including use of energy efficient fixtures, compliance with applicable State Building and Energy Code requirements, installation of solar panels on the proposed building rooftops to generate clean and renewable energy and inclusion of 18 electric vehicle (EV) charging stations and wiring each building to allow for ready installation of two EV truck bays per building to assist in the transition to a cleaner and more efficient energy system. These improvements will also encourage the use of green energy and help to transition from nonrenewable fossil fuel dependency.
- Installation of four soundwalls at key locations to minimize noise related impacts on adjacent neighborhoods.
- The proposed project has been designed to maintain existing mature wooded buffers adjoining residential and cemetery uses on the north, east and southeast sides of the property and install substantial evergreen screening and decorative screening street trees and landscaping along the southern and western property frontages. Additionally, the landscape plan has been designed as a sustainable plan, which utilizes native plant species or species that are suitably adapted to regional climate and soil conditions to significantly reduce the demand for irrigation and fertilization, with only 2.17± acres requiring long-term periodic maintenance.

Anticipated Fiscal and Economic Benefits

Table 1-4 provides an overview of the fiscal benefits anticipated from the Proposed Action Preferred Alternative.

TABLE 1-4
FISCAL IMPACTS COMPARISON

Parameter	Preferred Alternative (August 2024)
Building Size (SF)	1,596,921
Taxes Per SF	\$3.52

Parameter	Preferred Alternative (August 2024)
Total Taxes	\$5,617,898
Taxes Allocated to School District	\$3,686,720
Construction Cost per SF	\$118.35
Total Construction Costs	\$188,991,477
Construction Jobs (FTE)	234
SF per Operations Employees	1,065
Annual Operations Employment	1,500

Economic Benefits

Economic benefit includes direct economic impacts, as well as those indirect and induced impacts that are projected to occur – on output, employment and labor income – during both the 48-month active construction period, and annually upon stabilized operations of the proposed project.³ The subject project will create economic activity by providing construction jobs over the estimated 48-month (four-year) construction period and future operational employment opportunities and support local and regional businesses. Site improvements will also generate new property tax revenues on the currently vacant 111.39-acre property that will help to support local taxing districts without placing any additional strain on the most-costly community service — public schools. The proposed warehouses and non-medical office spaces will also help to fulfill the increasing interest in and demand for storage and distribution facilities.

Economic Benefits During Construction (Preferred Alternative):

A summary of key economic findings projected to occur during the 48-month construction period for the Preferred Plan is provided in **Table 1-5**.

TABLE 1-5
SUMMARY OF KEY ECONOMIC FINDINGS (PREFERRED ALTERNATIVE)
DURING 48-MONTH CONSTRUCTION PERIOD

Impact Type	Output (Total Revenue) ⁴	Employment (Total Number of Jobs)	Labor Income (Total Wages)
Direct Impact	\$188,991,477	273.70	\$75,596,591
Indirect Impact	\$49,160,225	186.02	\$16,268,509
Induced Impact	\$57,772,897	307.47	\$19,458,596
Total Impact	\$295,924,599	767.19	\$111,323,696

Source: Data provided by Bristol Group, Inc.; Analysis by Nelson, Pope & Voorhis, LLC, via IMPLAN software.

³ See **Appendix C** of the DEIS.

⁴ The direct impact of output is equal to the total construction cost of the proposed project over the 48-month construction period.

The proposed project is anticipated to result in total impacts⁵ of:

- \$295,924,599 in output,
- 767.19 jobs (equivalent to 657.86 total full-time equivalent [FTE] jobs), and
- \$111,323,696 in labor income (total wages).

During Annual Operations:

A summary of key economic findings projected to occur during annual operations is provided in **Table 1-6**.

TABLE 1-6
SUMMARY OF KEY ECONOMIC FINDINGS
DURING ANNUAL OPERATIONS (PERFFERED ALTERNATIVE)

Impact Type	Output (Annual Revenue)	Employment (Number of Annual FTE Jobs)	Labor Income (Annual Wages)
Direct Impact	\$28,744,578	1,500.00	\$131,056,131
Indirect Impact	\$9,242,737	40.85	\$2,585,845
Induced Impact	\$80,868,392	416.96	\$26,858,368
Total Impact	\$118,855,707	1,957.81	\$160,500,345

Source: Data provided by Bristol Group, Inc.; Analysis by Nelson, Pope & Voorhis, LLC, via IMPLAN software.

The detailed Fiscal and Economic Impact Analysis is provided in Appendix C of the DEIS.

The proposed project is anticipated to result in total impacts of:

- \$118,855,707 in output (total revenue),
- 1,957.81 jobs (equivalent to 1,836.22 FTE jobs), and
- \$160,500,345 in labor income (total wages).

Sales Tax Revenue

In addition to property tax generation, the proposed project will result in the generation of significant sales tax revenues. Sales tax applies to retail sales of certain tangible personal property and services. Sales tax is collected for applicable items at the point of sale. It is noted that annual/ongoing sales tax revenues will occur as related to the final tenant mix and goods and services sold that are subject to sales (and use) tax; however, it is premature to determine this added value until owner/tenant occupancy is determined.

Sales are subject to the applicable sales tax rates applied in Suffolk County, which include NYS Sales Tax (4.00%), Suffolk County Sales Tax (4.25%), and Special Tax (0.375%).^{6,7} The total

⁵ Total impacts refer to the sum of the direct, indirect, and induced impacts.

⁶ <https://www.salestaxhandbook.com/new-york/rates/west-babylon>

⁷ www.tax-rates.org/new_york/suffolk-county_sales_tax; The Special District Sales Tax is used to fund transportation districts, local attractions, etc.

construction cost used for economic analysis was reported to be \$188,911,477 over the four-year period of construction. Approximately 40% of this total involves labor related costs.⁸ Of the remaining 60%, it is expected that 50% involves construction material costs and 10% is unrelated to material costs and not subject to sales tax. As a result, the Preferred Plan is anticipated to generate:

- Total Sales Tax of \$102,055,398 (or \$25,513,849 per year over the four-year construction period).

In summary, the proposed project is beneficial to economic conditions in the hamlet of Wyandanch, the Town of Babylon, Suffolk County, and the region as a result of investment in a large undeveloped property, increased property tax generation and business activity, job creation (construction and operations), and providing much needed warehouse space to serve the community and region. The proposed project is also supportive of the Town's long-term land use plan, economic growth, and revitalization initiative for nearby downtown Wyandanch known as *Wyandanch Rising* (April 2016). Overall, the project is economically and socially beneficial as discussed in more detail in the full Economic and Fiscal Analysis in Appendix C of the DEIS.

In addition, the Proposed Action/Preferred Plan is also expected to generate significant revenue for Pinelawn Memorial Park and Arboretum that may be placed in its permanent maintenance fund and used for cemetery projects and renovations. The permanent maintenance fund is used when a cemetery runs out of available interment space to maintain the cemetery's appearance and avoid abandonment to, and becoming a financial burden on, the Town pursuant to Town Law Section 291. Pinelawn also anticipates retaining some buildings for cemetery purposes at the conclusion of the lease. Finally, Pinelawn has indicated that it may seek Cemetery Board approval to use a portion of lease proceeds for capital projects.

⁸ See Section 3.

SECTION 2.0 COMMENTS AND RESPONSES

2.0 COMMENTS AND RESPONSES

2.1 Project Need, Objectives and Benefits

2.1.1 Comment SCPD-PC(Corral)-2: The DEIS indicates that the installation of solar panels on the proposed warehouse building roofs is under consideration. Based on the proposed square footage of the warehouse buildings this represents a significant opportunity to provide clean renewable energy and to mitigate the impact of the proposed projects energy demand and generation of greenhouse gases. The installation of rooftop solar panels is also consistent with the Suffolk County Planning Commission Guidebook's Specific Renewable Energy & Energy Efficiency Policies.

The DEIS also indicates that electric vehicle and truck bay charging stations are proposed and that the buildings will be made "EV Ready" so that the number of EV stations can be increased based on future demand. This represents an important project mitigation to reduce air emissions and the generation of greenhouse gases. It is recommended that the related electric infrastructure (i.e., electric transformers, etc.), and the space needed for this infrastructure, be considered and incorporated into the project design.

Response: The Applicant, Bristol Group, has committed to install the referenced solar panels, consistent with the standards of the Suffolk County Planning Commission Guidebook's Specific Renewable Energy and Efficiency Policies, as well as the infrastructure necessary for the proposed warehouses to be "EV Ready". The Applicant will provide the necessary electric infrastructure and set aside the space needed for these infrastructure. See response to comments below for more on the proposed "Community Solar" initiative and Section 1.5.2, "Project Benefits".

2.1.2 Comment HA(Key)-8a, HA(Hession)-20b: The comments prompt the applicant to provide additional clarification regarding the specifics of the proposed community solar program. Namely, the comments seek information regarding who the recipients of the generated electricity will be, how community members that already use solar panels will be included in this program, and whether the applicant will be responsible for the cost of transmission-related improvements to Wyandanch High School and other recipients of solar-generated electricity?

Response: Dave Williams of Bristol Suffolk LLC electronically submitted a letter to Dr. Lawrence Aronstein, the Interim Superintendent of Schools, Honorable Latesha Walker, Board President, and the Members of the Board of Education of Wyandanch Union Free School District. In this letter Mr. Williams details the benefits offered by the Suffolk Technology Park through the applicant's participation in the proposed Community Solar Program. Williams states:

"Bristol Suffolk LLC intends to voluntarily participate in a "Community Solar" initiative. This program will allow for discounted electric power to be provided to residential homes around the project site and provide no cost power to Wyandanch Memorial High School.

Through the community solar program, Bristol Suffolk LLC will eliminate the electric power charge for Wyandanch Memorial High School thereby projecting the saving of approximately \$150,000 annually to the Wyandanch Union Free School District, which equates to an estimated total utility savings of approximately \$4.8 million dollars over twenty-five (25) years. We are also committed to working with the district on an energy audit for the remaining school buildings. This audit will provide the district administration data and strategies so that the district can take additional steps to lower energy costs.”

A copy of Bristol Suffolk LLC’s October 24, 2024 letter to the Interim Superintendent of Schools, and the Members of the Board of Education of Wyandanch UFSD is available for review in **Appendix D** of this FEIS.

From the DEIS **Section 1.1.2 “Public Needs and Objectives”**:

“The Proposed Action also includes the installation of solar panels on the proposed building roofs to generate electricity and participation in a NYS Community Solar Program whereby power generated from solar panels installed on the site would be donated back to the electrical power grid and used to provide power for the local school district buildings and, if possible, reduce energy costs for nearby residents (to be determined based on the final power demand of the Wyandanch School District school buildings and the maximum power generation limits permitted under NYS regulations). All of the proposed buildings will be constructed to support the additional weight/load to allow for solar panel installations.”

The Applicant intends to equip each proposed warehouse with rooftop solar panels which will provide enough energy to meet the electricity demands of the Wyandanch Schools to the south of Long Island Avenue. This electricity will be provided free of charge to the Wyandanch Schools. Any remaining energy will be divided among nearby communities to reduce the energy costs of residents most heavily impacted by the proposed development. These benefits will be extended to nearby residents regardless of whether the residence is already equipped with solar panels. The energy generated by the Suffolk Technology Park Community Solar program is to be provided at no-cost to the high school and at low-cost to the nearby residents. Detailing more specifically where this low-cost energy will be provided and at what cost, Mr. Williams provides the following explanation in an electronically submitted letter to Mr. Christopher Black, President, and Members of the Board of Directors of The Concerned Taxpayers of Wheatley Heights/Dix Hills, Inc.:

“If the Suffolk Technology Park receives its approvals timely and after completion of Phase I of the project, Bristol Group intends on participating in a community solar initiative which will allow for homeowners and renters within a designated area within the Wheatley Heights community to receive at least a twenty-two (22%) percent credit on their monthly energy bills. This area, forming a triangle from the Little East Neck Road/Colonial Springs Road nexus to the north and bounded on the west by Little Neck Road, to the east by Colonial Springs Road, and to the south by Circle Drive, is eligible to participate in this

program. As we discussed at our meeting, the homeowner or renter does not install solar panels on their property. They just receive the benefit of the bill credits generated by solar installed at Suffolk Technology Park. This is an innovative and substantial community benefit Bristol is offering to the residents closest to the Suffolk Technology Park property.”

A copy of Bristol Suffolk LLC’s October 25, 2024 letter to Mr. Black and the Board of Directors of The Concerned Taxpayers of Wheatley Heights/Dix Hills, Inc. is available for review in **Appendix D** of this FEIS.

2.1.3 Comment HA(Thomas)-10, HA(Santana)-22b, HA(Black)-24e, W10(Shek)-12, W12(Lloyd)-6, W12(Lloyd)-9: The comments note that the Wheatley Heights community bears a disproportionate amount of the burden associated with this project yet receives comparatively far fewer benefits than the Wyandanch community. Based on the October 2024 Accepted DEIS the Wheatley Heights Community members do not believe that the benefits offered by the applicant sufficiently mitigate the impacts that will occur as a result of the proposed action. These commenters ask the applicant what additional benefits will be extended to the Wheatley Heights residents to mitigate the potential impacts of the Suffolk Technology Park project. Specifically, will tax benefits and incentives be yielded to the Wheatley Heights community commensurate to the benefits extended to Wyandanch and will the applicant be performing any public infrastructure improvements such as installation of sewers or gas lines.

Response: Following the October 26, 2024 and November 14, 2024 Town Board meetings the applicant engaged in frequent communication with members of the Wheatley Heights community. As noted in Bristol Group LLC’s October 24, 2024 letter to Mr. Christopher Black, President and Members of the Board of Directors The Concerned Taxpayers of Wheatley Heights/Dix Hills, Inc., a number of commitments were made toward the organization contingent upon timely project approval. These commitments included direct economic support of the organization’s community programs and projects including:

1. “A \$5,000 contribution to the organization in 2025 and subsequent \$2,500 contributions annually for twenty-four (24) years. Every five (5) years the contribution will increase by \$250.”
2. “A \$2,500 annual contribution to the organization for twenty-five (25) years for Thanksgiving, Christmas, and other holiday programs. Every five (5) years the contribution will increase by \$250.”
3. “Ten (10) annual scholarships of \$1,500 each for twenty-five (25) years to be used for college or trade schools to deserving High School graduates. Every five (5) years the contribution will increase by \$250 per scholarship.”
4. “A commitment to follow all State, County, and Town laws and regulations regarding the storage of lithium-ion batteries on the property.”
5. “A commitment to work with the tenants at the property on job opportunities and a

summer job fair for internships for area young people.”

6. “A commitment to encourage, and facilitate, if possible, the tenants at the property to advertise and list job openings directly with The Concerned Taxpayers of Wheatley Heights/Dix Hills, Inc.”

7. “A commitment to provide multiple points of contact between the organization and property ownership and management to address any site-related issues and to coordinate cooperation between the organization and the property.”

8. “As a gesture to continue the good will the Applicant believes was built up between them and the Wheatley Heights community since its initial meeting in 2020, Bristol agreed to send a check for \$2,500 specifically for The Concerned Taxpayers of Wheatley Heights/Dix Hills, Inc.’s 2024 Thanksgiving and Christmas activities representing the first of the twenty-five (25) installments of an annual contribution.”

In addition, as noted in Bristol Group LLC’s October 24, 2024 letter to Supervisor Schaffer and Members of the Babylon Town Board, the following additional benefits to the Wheatley Heights community or the larger surrounding community subject to timely approval of the project:

1. “An initial \$50,000 contribution for Town beautification projects in Wyandanch and Wheatley Heights to be paid within ninety (90) days of the issuance of the building permits for construction of the buildings identified in Phase I at the Suffolk Technology Park. On the anniversary of the initial \$50,000 payment, Bristol Suffolk LLC will contribute an additional \$16,000 per year for nine (9) years towards these beautification projects in the Wyandanch and Wheatley Heights communities.”
2. “A \$25,000 contribution to the Babylon EIP – Empire State MWBE Connection initiative, which facilitates the connection between local entrepreneurs and the New York State Minority and Women’s Business Enterprise (MWBE) program, to be paid within ninety (90) days of the issuance of the building permits for construction of the buildings identified in Phase I at the Suffolk Technology Park. An annual contribution to this initiative, on the anniversary of the initial payment, will be made for four (4) additional years for a total contribution to this initiative of \$125,000.”
3. “A commitment to providing opportunities during and after construction of the Suffolk Technology Park – a total of an anticipated five (5) year period – to provide construction, professional services, and supplier opportunities for companies qualified under the New York State Minority and Women’s Business Opportunity Program and Service Disabled Veteran-owned Businesses.”
4. “A commitment to provide a twenty-five (25%) percent reduction in the electric power cost currently being incurred by the existing Wyandanch Ambulance Corps building and the Wyandanch Library through participation in the Community Solar program to be implemented by Bristol Suffolk LLC at the Suffolk Technology Park.”

5. “A commitment to include Wyandanch Memorial High School in the community solar program which will eliminate entirely the electric bill for the High School thereby saving the Wyandanch School District approximately \$150,000 annually.”

Regarding local utilities and capital infrastructure as discussed in **Section 1.5.2**:

- “The Proposed Action plans to participate in New York State’s (NYS) Community Solar program that will allow solar power generated from solar panels installed on the proposed building rooftops to be donated back to the electrical power grid and used to provide power for the local school district buildings and, if possible, reduce energy costs for nearby residents (to be determined based on the final power demand of the Wyandanch School District school buildings and the maximum power generation limits permitted under NYS regulations). All of the proposed buildings will be constructed to support the additional weight/load to allow for solar panel installations.”
- “The project sponsor, in efforts to collaborate with the Wheatley Heights community and mitigate potential project impacts to the most disproportionately affected homeowners, initiated discussions with National Grid to explore leveraging the Suffolk Technology Park development to push for a gas main extension that would provide natural gas service to both the proposed project, as well as nearby local residents. Due to the Applicant’s substantial investment in bringing natural gas service to the proposed Suffolk Technology Park, National Grid has acknowledged that they are supportive of using the proposed project as an avenue to expand gas service to residents located in close proximity to the site. As a result, National Grid is willing to take the next steps in analyzing the feasibility of extending gas service to nearby Wheatley Heights and Wyandanch residents. For National Grid to determine the anticipated demand for service, the residents in the proposed expansion area will need to express interest. The Applicant’s team will work with National Grid to identify the exact streets and number of homes for the mailing.”
- “The project sponsor has also been coordinating with the Suffolk County Water Authority (“SCWA”) to establish a utility easement on the property so that the SCWA can provide a direct water main connection to the Suffolk Technology Park facilities from the wellfield located on Circle Drive, while also extending a secondary water main connection to Colonial Springs Road/Main Avenue. This water main extension will help to increase the distribution system’s water pressure for the area, thereby improving service and providing an overall benefit to local customers.”
- “The proposed project would connect to public sewers, use indoor and outdoor water conservation techniques in the project design and will prevent impacts on adjacent and nearby properties and roadways by containing all stormwater runoff generated on the subject property.”

A full copy of Bristol Group’s commitment letters are available for review in **Appendix D**. See

also discussion of anticipated area employment benefits below and the benefits listed in **Section 1.5.2** of this FEIS. Overall, the benefits offered by this project are extensive and unprecedented.

Regarding the requests by the commenters for the applicant to consider providing the installation of a sewer extension to the Wheatley Heights and Wyandanch communities, please see **Appendix H-1** “Signed Romaine Capital Budget Rebuilds Suffolk Infrastructure, Invests in Safety and Affordability” which details Suffolk County’s financial dedications for sewer improvements, including a dedication of \$150 million for Carlls River-Wyandanch, Wheatley Heights and Deer Park sewer infrastructure.

Finally, please note that the project includes numerous project mitigations covering many important topics including offsite road and intersection improvements, sound walls, deep buffers, enhanced landscaping and screening, cemetery amenities and improvements on Proposed Lot 2 (the existing interment area), and many others.

2.1.4 Comment HA(Rodriguez)-15c, HA(Hession)-20j, W10(Shek)-15: The commenters contend that the temporary creation of construction jobs is not a permanent benefit of the project and will extend only until the conclusion of construction and that the jobs created will not be reserved for the local workforce. These commenters argue that due to the temporary nature of these construction jobs they cannot be considered public benefits as far as job creation is concerned, and that during construction and operation the jobs created by the Suffolk Technology Park (such as construction jobs, contractor jobs, trucker jobs, delivery jobs, warehouse operator jobs, etc.) will be out for bid and therefore will not be offered to nor will they benefit the local workforce.

Response: The Proposed Action will create economic activity by providing construction jobs over the estimated 5.5± year construction period and future operational employment opportunities and support local and regional businesses. Although the construction period will be temporary, the fiscal and economic impacts of construction will be substantial. The proposed project is anticipated to result in total impacts¹ of:

- \$295,924,599 in output,
- 767.19 jobs (equivalent to 657.86 total full-time equivalent [FTE] jobs), and
- \$111,323,696 in labor income (total wages).

Following the construction phases of this project, the operation of the Suffolk Technology Park will continue to generate fiscal and economic output from direct, indirect, and induced sources, and the number of jobs created increase beyond what is anticipated for the construction phases. The annual operation of the proposed project is anticipated to result in total impacts of:

- \$118,855,707 in output (total revenue),
- 1,957.81 jobs (equivalent to 1,836.22 FTE jobs), and

¹ Total impacts refer to the sum of the direct, indirect, and induced impacts.

- \$160,500,345 in labor income (total wages).

See also DEIS **Section 1.1.4 General Benefits** for additional information regarding the fiscal and economic impacts of the Proposed Action and Preferred Alternative.

Additionally, the DEIS notes in **Section 1.1.2 Public Need and Municipality Objectives** that:

“The Applicant is also investigating potential future apprentice/training programs and will collaborate with Town of Babylon and Suffolk County officials to explore potential opportunities to integrate job training and apprentice programs at the construction level and on a permanent job basis upon completion of the development.”

The Applicant’s support for this initiative is further elaborated on in a letter from Dave Williams of Bristol Suffolk LLC to Dr. Lawrence Aronstein, the Interim Superintendent of Schools, Honorable Latesha Walker, Board President, and the Members of the Board of Education of Wyandanch Union Free School District, where Mr. Williams states:

“The Applicant is also investigating potential future apprentice/training programs and will collaborate with Town of Babylon and Suffolk County officials to explore potential opportunities to integrate job training and apprentice programs at the construction level and on a permanent job basis upon completion of the development.”

In a letter by Mr. Williams to the Honorable Rich Schaffer, Supervisor, and Members of the Town Board of the Town Of Babylon he additionally notes that the Applicant will be upholding the following commitments:

“A commitment to providing opportunities during and after construction of the Suffolk Technology Park – a total of an anticipated five (5) year period – to provide construction, professional services, and supplier opportunities for companies qualified under the New York State Minority and Women's Business Opportunity Program and Service Disabled Veteran-owned Businesses.”

“A commitment to work with the tenants at the property on job opportunities for area young people and a summer job fair for internships.”

“A commitment to encourage, and facilitate, if possible, the tenants at the property to advertise and list job openings directly with The Concerned Taxpayers of Wheatley Heights/Dix Hills, Inc. and the Concerned Citizens of Wyandanch Civic Association, Inc.”

Furthermore, during the construction and operation phases of the Suffolk Technology Park project will stimulate economic activity and growth in the Wyandanch and Wheatley Heights area through direct, indirect, and induced job creation and economic output.

2.1.5 Comment HA(Foy)-16c, W7(Shek)-2, W10(Shek)-14, W10(Shek)-16, W30(Barrett)-3: The commenters contend that the need for more residential properties in Long Island outweighs the need for commercial warehouse space and that other relatively close locations such as Melville and Woodbury would be better suited for the proposed use than the Wyandanch/Wheatley Heights area which does not have the infrastructure to handle larger industrial operations. The commenters note that locations like the abandoned Grumman site are in need of rehabilitation and make more sense for commercial redevelopment than the selected vacant wooded lot.

Response: The purpose of the Proposed Action, including the creation of the proposed PIP-2 zoning district, is to promote sustainable economic growth, stimulate job creation, foster innovation, and create a well-planned and coordinated technology, business and industrial park development which will drive economic development, significantly increase the local tax base, provide many jobs for area residents, help to address strong demand for warehousing facilities in the region, and provide for a well-planned industrial/business park environment for the operation of a range of businesses. The proposed project will make productive use of a large currently vacant and undeveloped, privately-owned property intended for future cemetery use and provide long-term funding for existing nearby cemetery maintenance under the same ownership. Residential development of the site, including the subdivision of the property into as many as 279 privately owned house lots would make it impossible for the property to be used as a cemetery in the future when additional burial space will be needed. The proposed use of the property as a technology park differs from a typical A Residence single-family residential subdivision, as a residential use would likely add hundreds of students to the school district, increase fiscal demands and local property taxation, and significantly increase the local population without creating new full-time long-term employment opportunities and the numerous benefits described herein. The PIP-2 Code and DEIS have identified numerous ways in which to prevent or significantly mitigate impacts from the proposed use and includes deep vegetated setbacks and buffers to provide the necessary transition between land uses. The project involves considerable investment and will contribute to the economic growth and well-being of the surrounding community as well as businesses that utilize its facilities.

2.2 Project Design and Layout

2.2.1 Comment SCPD-PC(Corral)-3: “The applicant and Town should be encouraged to review the Suffolk County Planning Commission’s publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein. By utilizing green methodologies, it may be possible to reduce the number of proposed stormwater catch basins, leaching pools and the size of the proposed recharge basin. This would thereby reduce the amount of excavated materials that is proposed to be removed from the site.”

Response: The proposed action includes both green and gray stormwater capture methods to meet the required design storm per the Town of Babylon code. The proposed site landscaping plan makes use of predominantly native vegetation that will require little to no landscaping following establishment. This native landscaped vegetation, along with retained natural vegetation and to a lesser extent the non-native landscaping proposed will capture some of the stormwater runoff from proposed impervious surfaces. The majority of stormwater runoff will be directed to a proposed recharge basin at the northeast corner of the property. This recharge basin will include native vegetation. Sixteen bioretention areas are also proposed, mainly along the center medians of the north and south access roads to absorb, filter and promote the uptake and evaporation of stormwater. The only buildings that will make use of gray stormwater infrastructure (i.e., catch basins and leaching pools) are warehouses 1, 2, and 5a which will be constructed during Phase 1 of the site construction. This is seen by the Applicant as a necessary measure to ensure that compliance with the stormwater standards is maintained throughout each Phase of the project.

2.2.2 Comment HA(Manetta)-1, HA(Lloyd)-11d: The commenters, including Councilman Anthony Manetta, note the need for spaces for small businesses and question whether the applicant has given consideration to leasing smaller 10,000 square foot units for smaller sized manufacturers, rather than setting a minimum lease area of thirty to forty thousand square feet. The commenters additionally question whether a thirty six-foot tall roof would really be conducive to small businesses if the applicant were to provide options for smaller scale lease areas.

Response: The proposed modern light industrial research and technology park will consist of nine (9) single-story warehouse buildings with a total gross floor area of 1,596,921 square feet (SF), ranging in size from 108,680± to 229,160± square feet (SF), including warehouse and associated office space that will serve a diverse pool of tenants for a wide variety of uses.

The final configuration of tenant occupied spaces within each of the nine proposed warehouse buildings will be dependent on the needs of each business leasing space at Suffolk Technology Park. There

2.2.3 Comment HA(Key)-8d, HA(Lloyd)-11g, W12(Lloyd)-4: These commenters seek clarification regarding the plan for proposed Lot 2, particularly with respect to the streetside improvements to this lot along North 28th Street. These commenters ask whether an entrance to Lot 2 will be installed on North 28th Street and if so where it would be located and how it would impact traffic in the residential area. Additionally, the commenters ask if landscaping of any kind is proposed along the North 28th Street perimeter of the subject property, whether sidewalk installation has been contemplated as part of the project, and if any other beautification efforts will be made to improve the visual character of the west side of North 28th street.

Response: The only future access available for Lot 2 will be on the west side of North 28th Street, which would require a curb cut, vehicle gate, short driveway, and small parking lot at the northeast end of Lot 2. A six-foot-high chain link fence is also proposed along North 28th Street and sidewalks and benches will be provided onsite along with themed ornamental flowers and trees, smart irrigation, signage, and digital mapping of individual gravesites. For many of the aforementioned improvements, Pinelawn would have to first seek approval of the final plans for such projects from the New York State Cemetery Board. We note that there are no current plans to include sidewalks on North 28th Street.

The Beautification and Enhancement Plan on Lot 2 (Greenlawn East) will eliminate the current destructive and illegal activities, such as unauthorized ATV use, dumping and trespassing, and provide enhanced security, maintenance and an overall improved appearance. However, there are no plans at this time to expand usage on Lot 2.

Lot 1 will *only* be accessed by the two proposed entrances located off Little East Neck Road on the western side of the development. As such, the potential traffic that will come through the North 28th Street residential area will remain residential in nature. The plans provide sufficient landscaping around the perimeter of the property that will act as a visual buffer between the Technology Park and residential areas. The primary source of the perimeter screening will be created by the planting of four evergreen species, which will provide year-round coverage. This planted buffer will extend from the northeast corner of the proposed Technology Park, southwards approximately 771 feet until it meets Lot 2, which will remain unchanged.

2.2.4 Comment HA(Lloyd)-11c, HA(Rodriguez)-15a, HA(Rodriguez)-15d: The commenters question the applicant regarding the proposed layout of stormwater related site improvements including the recharge basin at the northeastern corner of the property, near Circle Drive and North 28th Street. The commenters note that in previous iterations of the project design, the recharge basin was located elsewhere on the property but that in the Accepted October 2024 DEIS project plans this recharge basin was repositioned to an area that the commenters believe will more directly impact the neighborhood. The commenters accept that this may be the best location for a recharge area in terms of natural site grading, however the commenters maintain that this location will disproportionately impact the North 28th Street community and provides a much more favorable buffer to the Circle Drive residents.

Response: Due to excavation/grading, clearing for the Technology Park, development of the land, and installation of drainage infrastructure, the flow of stormwater on the property will be significantly altered, thus requiring structures such as the recharge basin, which is designed to manage 914,553 CF of stormwater. The recharge basin has been placed on the east side of Lot 1 as that area has sufficient space for the basin's square footage, in addition to minimize clearing to the north and abide by SCDHS regulations. The setback for Circle Drive is more significant as there is an SCWA wellfield area located north of the subject property. The SCDHS has a 500-foot down-water table-gradient Water Supply Sensitive Area to protect wells that draw water from the Upper Glacial Aquifer.¹ The recharge basin is located outside of this 500-foot area.

The proposed stormwater recharge basin will be obscured to residents on North 28th Street by its relocation from the originally proposed 25 feet from North 28th Street to over 120 feet and the planting of an evergreen tree buffer, which will provide year-round coverage for residents. Furthermore, the excavated nature of the basin will make it an inconspicuous feature, especially as the nearby native vegetation begins to flourish. See Cross-Section View from North 28th Street and the Recharge Basin Improvement Plan (**Appendix G-1 and G-2**, respectively).

Based on input received from the Town and public during initial community outreach, it was determined that the Preferred Alternative identified in the DEIS (hereafter the "Preferred Plan") is the preferred course of action for developing proposed Lot 1 as it further reduces impacts, while being reasonable, feasible and still achieving Applicant and land owner goals. The Preferred Plan involves a very similar project and design as the previously considered "Proposed Action" but was modified to address key issues raised by the public and involved and interested agencies during preliminary public outreach. This includes providing deeper building setbacks adjacent or opposite to residential land uses, retaining wider woodland perimeter buffers, planting more landscaping including evergreens for screening and aesthetic enhancement, and relocating the proposed recharge basin farther to the west away from North 28th Street, increasing this buffer from 25 feet to more than 120 feet. These changes were achieved through a reduction in total building coverage from the previously proposed 1,617,471 SF to 1,596,921 SF or 20,550 SF less space. This Preferred Alternative is assessed in detail in **Section 5**, the "Alternatives" section of the DEIS, and has been refined as appropriate based on additional analysis and input received during the SEQRA process (see attached plan).

2.2.5 Comment HA(Lloyd)-11d: "...[T]hey are proposing 384 loading births, and I agree with the man that spoke earlier, that's a lot of trucks, that's a lot of loading births. I don't know if they're going to use them all, I don't know if they just put it in there because that's what they're proposing, but I would like -- I would like to know exactly how many warehouses are going to be there, and how many businesses."

¹ One well draws from the Upper Glacial aquifer and the others draw from the deeper and better protected Magothy aquifer.

Response: From the DEIS **Section 1.3.1:**

There will be nine (9) one-story warehouse buildings onsite including:

- **Building 1:** 175,881 SF warehouse building at the northwest end of the property consisting of 162,881 SF of storage space and 13,000 SF of warehouse office space. The office space will be divided between five (5) offices, all located along the west edge of the building facing Little East Neck Road, in five (5) of the six (6) tenant occupied spaces of the building.
- **Building 2:** 229,160 SF warehouse building at the central northwest side of the property just east of Building 1 consisting of 218,760 SF of storage space and 10,400 SF of office space. The office space will be divided between four (4) offices, all located along the east edge of the building, one in each of the four (4) tenant occupied spaces of the building.
- **Building 3:** 222,360 SF warehouse building at the central-north side of the property just east of Building 2, consisting of 211,960 SF of storage space and 10,400 SF of office space. The office space will be divided between four (4) offices, all located along the west edge of the building, one in each of the four (4) tenant occupied spaces of the building.
- **Building 4:** 222,360 SF warehouse building located at the central-north side of the property just east of Building 3, with 206,760 SF of storage space and 15,600 SF of office space. The office space will be divided between six (6) offices, all located along the east edge of the building, one in each of the six (6) tenant occupied spaces of the building.
- **Building 5a:** 166,240 SF warehouse building located at the southwest end of the property just south of Building 2, with 158,440 SF of storage space and 7,800 SF of office space. The office space will be divided between three (3) offices, all located along the south edge of the building, one in each of the three (3) tenant occupied spaces of the building.
- **Building 5b:** 166,240 SF warehouse building located at the central-south end of the property just south of Building 3 and Building 4, with 158,440 SF of storage space and 7,800 SF of office space. The office space will be divided between three (3) offices, all located along the south edge of the building, one in each of the three (3) tenant occupied spaces of the building.
- **Building 6:** 164,650 SF warehouse building located at the southeast end of the property just east of Building 4, with 154,250 SF of storage space and 10,400 SF of office space. The office space will be divided between four (4) offices, all located along the west edge of the building, one in each of the four (4) tenant occupied spaces of the building.
- **Building 7:** 141,700 SF warehouse building located at the southeast end of the property just east of Building 6, with 131,300 SF of storage space and 10,400 SF of office space. The office space will be divided between four (4) offices, all located along the east edge of the building, one in each of the four (4) tenant occupied spaces of the building.
- **Building 8:** 108,330 SF warehouse building located at the northeast end of the property just north of Building 6 and Building 7, with 110,080 SF of storage space and 15,600 SF of office space. The office space will be divided between six (6) offices, all located along the north edge of the building, one in each of the six (6) tenant occupied spaces of the building.

As previously noted, the final configuration of tenant occupied spaces within each of the nine proposed warehouse buildings will be portioned off in accordance with the needs of each business' leasing space at Suffolk Technology Park.

Two trash compactors will be provided for each building. The compactors will be mobile but will be located within proposed berthing areas thereby reducing the total number of berths available at any time by 18. Loading berths are aligned along one side of the building opposite warehouse storage spaces. Once a storage space is full or occupied it may remain so for an extended period of time. Therefore, even though 384 loading berths are proposed, the actual number of berths that will be used on any given day will be far fewer.

2.2.6 Comment HA(Hession)-20m: The commenter notes the proximity of the proposed action to the Long Island Rail Road and asks the applicant whether future plans include connection of the Suffolk Technology Park to the railroad via a spur for loading and unloading of freight storage and garbage. "...[A]re you going to have truckloads of train tracks put on this facility in the future so rail can come in there to unload? I see where you have those giant parking lots, are those just meant for the dumping of the garbage in the future?"

Response: There are no plans in the Proposed Application to utilize the nearby MTA LIRR tracks for loading/unloading materials at the project site. Additionally, the proposed parking lots are designed to support passenger vehicles of any employees and visitors to the Technology Park, as well as to provide sufficient room for vehicle traffic to safely navigate throughout the property. The land is privately owned by Pinelawn which would like to lease the property for development pursuant to a lease agreement lasting up to 99 years, while preserving the right to convert the property into a cemetery when the lease lapses and the additional cemetery space is needed. After the lease has ended, the improvements made to the property (buildings, pavement, etc.) will most likely be removed and converted to grass or landscape in favor of cemetery needs.

2.2.7 Comment NYSCB-7: "The Cemetery Board recommends that the reference to Proposed Lot 2 as a buffer, at pg. 3-37, should be removed because, contrary to the introductory statement, the existence of the cemetery interments within Proposed Lot 2 are not a result of the Preferred Alternative Plan."

Response: It is noted that the cemetery interments within Lot 2 are not a result of the Preferred Alternative Plan considered in the DEIS and that the interment area is not a buffer in the typical sense of the word. However, noise analyses consider among other things the normal decrease of sound levels over distance using the inverse square law. The statement in the DEIS relates to an assessment of noise impacts on residential properties to the south, including the reduction of sound levels due to receptor distance which is a major consideration with this type of assessment. The proposed soundwalls, yard setbacks, vegetated buffers, site activity restrictions, and various other mitigations discussed on pp. 3-37 and 3-38 and 3-62 through 3-65 demonstrate that noise related impacts are mitigated to the maximum extent practicable and will not result

in any significant adverse sound related impacts to residents to the south or the existing interment area.

2.2.8 Comment HB(Hession)-1a, HB(Hession)-1d: The commenter questions design elements of the proposed warehouse spaces including the apparent absence of rooftop ventilation for propane exhaust, overnight trailer parking spaces, and refrigeration units, and the low quantity of egresses from the warehouses to meet fire safety requirements. “I’m not sure what you’re trying to build here. This appears to be more of a source separation facility or resource recovery center.” The commenter also questions, “if it’s a warehouse, where’s the trailer parking space, if you have a half load you can’t move for 3 weeks you’re not going to leave it in the bay, where do you park it?”

Response: The proposed facility has been designed by experienced professional engineers and architects who must routinely demonstrate compliance with applicable public health and safety requirements. The project will comply with all building and fire codes for the land use expressly indicated in the DEIS (storage/warehousing). The Town Planning Board, Building Inspector and Fire Marshal will each provide their own independent reviews to certify that such requirements have been met to their satisfaction. Each warehouse will have numerous means of entrance and exit and fire hydrants and fire suppression infrastructure will be provided as required. As indicated in the proposed PIP-2 Zoning Code, source separation facilities or resource recovery centers, and all other uses not expressly listed in 213-573 A. and B. are prohibited land uses. Since a solid waste management facility is not listed as a permitted or special permit use in the PIP-2 Code, it is prohibited in the PIP-2 zone. Moreover, as stated in:

§ 213-570 Purpose and intent of the proposed PIP-2 Code states that:

- A. “The purpose of the **PIP-2 Planned Industrial Park District-2** (also referred to as the “PIP 2 District”) is to promote sustainable economic growth, stimulate job creation, foster innovation, and create a well-planned and coordinated technology, business and industrial park development which will drive economic development, significantly increase the local tax base, locate a significant number of jobs in the local Wyandanch area, and provide for a well-planned industrial/business park environment for the operation of a range of businesses.
- Development will result in a modern and business and industrial park that will:”
- (1) “Provide a favorable operating environment for local industry;”
 - (2) “Be developed in a manner that is respectful of surrounding land use;”
 - (3) “Attractive particularly as visible from public spaces and right of ways;”
 - (4) “Well designed for its purpose and potential mix of industrial tenant uses; and”
 - (5) “Incorporate sustainable design elements to reduce potential impacts to the surrounding community and the environment.”

Sections 213-591 “Standards of usage” and 213-592 “Property maintenance” go on to say:

§ 213-591 Standards of usage.

“It is the intent of these regulations to prevent land and/or buildings within the PIP-2 District from being used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous conditions; noise or vibration; smoke, dust, fumes, odor or other forms of air pollution; electrical or other disturbances; glare or heat; or the disposal of liquid or solid wastes or refuse contrary to the environmental regulations of the Town of Babylon; conditions conducive to the breeding of rodents or insects; or other dangerous or objectionable elements in an amount or manner so as to adversely affect the surrounding area

Uses within the PIP-2 Zoning District shall be in conformance with Suffolk County Department of Health Services Articles 7 and 12 for the location within Suffolk County Hydrological Zone I, a groundwater deep recharge zone.”

§ 213-592 Property maintenance.

- A. “The property will be maintained in a professional manner and ensure that the property, including buildings, improvements and appurtenances are safe, aesthetically pleasing, clean, and neat condition and shall comply in all respects with all governmental requirements.”
- B. “All tenants shall keep outdoor areas, including paved parking and landscaped areas, neat, well maintained, and free and clear of debris.”
- C. “All solid waste containers are to be stored inside the building structure or within adequately screened enclosures to be approved by the Planning Board through the site plan review process. Trash compactors may be installed within loading bays. Solid waste shall never be disposed of on the property or by burning in open fires or incinerators. There shall be no solid waste storage in areas facing a public road or park.”
- D. “During construction, the site shall be kept in a reasonably clean and neat condition, and all solid waste and construction and demolition debris shall be managed on site and periodically removed, with final removal to be accomplished promptly after completion of such work. Stormwater management and erosion control facilities shall be maintained by the owner/operator in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP) and post construction stormwater covenants and

restrictions for the duration of construction in accordance with Chapter 189 of the TownCode.”

- E. “All buildings, structures, signs, and landscaping shall be maintained in accordance with the provisions of this article and all other applicable codes and ordinances of the Town of Babylon, and violations thereof may be prosecuted and enforced in the same manner as provided therein.”

Regarding trailer parking, it is the Applicant’s experience as the developer of several similar warehouse uses that it is not expected that all loading bays will be in use simultaneously on a per tenant basis. Unused loading bays will be available to the tenants for use as temporary trailer parking. Additionally, many tenants may not have a need for full sized loading bays, should their delivery fleet vehicles consist mainly of vans.

2.3 Community Engagement

2.3.1 Comment HA(Lloyd)-11a, HA(Rodriguez)-15b, HA(Rodriguez)-15e, W7(Shek)-3, W11(Foy)-2, W11(Foy)-3, W11(Foy)-4, W11(Foy)-13: These commenters express their frustrations regarding perceived inconsistencies in public outreach and community coordination, many of whom specifically refer to the lesser number of attempts to reach out to the Wheatley Heights Community for project feedback as compared to the Wyandanch Community, and vice versa. These commenters cite issues with locating and accessing the completed October 2024 DEIS and any noticing materials for the Town's review of this project on the Town of Babylon website and call into question the sufficiency of the provided public comment period provided for community members to voice their comments about the project.

Response: The past and future public outreach and review procedures for the proposed project have been and will be extensive until the end of the environmental review process and are consistent with the objectives, spirit and intent of the Environmental Justice procedural requirements of NYSDEC's Commissioner Policy 29, including ensuring easy and convenient public access to pertinent information and many opportunities for written and verbal input, even though the Proposed Action does not require the specific permit approvals that trigger this process.

An extensive information sharing and public outreach plan along with full compliance with the requirements of SEQRA has and continues to be followed to ensure that all members of the public, local organizations and interested and involved agencies can review the available information, understand the process, are adequately informed and have a voice in the process.

The public outreach processes have and will continue to provide various times, formats and locations for persons, organizations, agencies, and their respective representatives, including minority populations and persons from households of limited income, to review the proposed plans and materials, identify issues, concerns, data, studies, reports, opinions and recommendations into the record for the project team and decisionmakers to consider.

The extensive public outreach that has been conducted by the Applicant far exceeds the requirements of SEQRA and is consistent with Environmental Justice Guidance and Disadvantage Communities guidance. See also the response to comments provided in **Section 2.13.1** which includes a list of the numerous steps and approaches in the public outreach process for this project as well as **Section 1.1** which discusses the availability and public accessibility of pertinent information and documentation throughout the process.

2.4 Construction Schedule and Operations

2.4.1 Comment SCPD-PC(Corral)-4: “The DEIS indicates a large amount of soil (245,000 cubic yards) that is proposed to be removed off site. A large number of trucks trips will be required to remove this soil. Consideration should be given to whether a designated construction truck route should be developed to minimize the impact that these construction truck trips have on the surrounding community.”

Response: As noted in Section 1.2, the Applicant is proposing the “Preferred Plan”, which involved modifications to address key issues raised by the public and involved and interested agencies. These included refinements of building setbacks and relocating the proposed recharge basin farther to the west away from North 28th Street, and creating a landscaped berm along the perimeter of the proposed recharge basin. These adjustments to the overall plan, as well as grading refinements, reduced the engineer’s estimate for export of cut to approximately 50,000 cubic yards. If 30-yard dump trucks were used to remove soil from the site, a total of approximately 1,750± dump truck trips would be needed to remove the projected 50,000 CY of excess soil from the site. Construction is anticipated to occur in three phases, with the first six months of site work requiring the largest exports of soil during the first phase, and then the first four months of phases two and three (for a total of 14± months of planned soil export off-site). Considering that each trip would be a round trip (3,500± trips total), typical peak construction operations are expected to average an estimated 10-13 dump truck trips/day during peak soil removal periods.

The Applicant will provide due consideration to the designation of a construction truck route for soil removal vehicles as well as other heavy vehicle traffic throughout the phases of the project’s construction. The preferred construction route that these vehicles will be instructed to take will be the same route that will be utilized by future trucks and delivery vehicles during post-construction operations to avoid residential areas.

During operations, the impact of truck traffic will be minimized to the surrounding residential communities through restricted site access and egress points along Little East Neck Road as well as clear road signage to restrict northbound truck trips. All dump trucks removing soil from the site will be washed down at an onsite wash-off station prior to exiting the site, the exported soil (truck loads) will be covered during shipment, and stabilized construction exits will be installed to reduce the potential for tracking soil on to public streets. Construction vehicles and equipment will be staged onsite to the maximum extent possible to minimize construction-related trips. Construction vehicle traffic (including vehicle accesses and departures) will be limited to the Town’s permissible construction hours as prescribed by Chapter 156, “Noise,” of the Town Code (8:00 AM through 7:00 PM Monday through Friday, except for major holidays). Clean soil that is excavated from the site that has suitable texture shall be reincorporated (backfilled or regraded) back into the site to the extent practicable to prevent unnecessary shipments of soil off site.

2.4.2 Comment HA(Turk)-21c: “[W]hat's the timeline for building the road? Does it come before the industrial park, during the industrial park or after it's created?”

Response: While no definitive timeline for road improvements has been provided by the developer or applicant, the road mitigations must be in place prior to the occupancy of each phase of development. Addressing roadway improvements to accommodate increased traffic volume resulting from the proposed development is a critical step.

2.4.3 Comment HA(Lloyd)-11h: “...[T]here is going to be a four or five-year time period during this construction with those types of trucks coming in and out and in and out and all the excavating and things like that, and what is in place to protect our neighborhoods, Wyandanch and Wheatley Heights during that five years? And you know and I know that a proposed time of four to five years could end up six or seven. And so, we are -- I mean, the other thing that was just briefly is the value of our homes. The value of our homes having this big industrial area, especially being built. If I want to sell my home during this construction time, it's going to impact what I -- what I can get and lower it, for all of us. So, that's -- that's something also I -- I don't know what -- nothing has been said about what they're going to do during those times.”

Response: Construction best management practices will be employed to reduce soil erosion and possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances, street sweeping at the entrances as needed and adherence to a Storm Water Pollution Prevention Plan (SWPPP), which provides Erosion and Sediment Control. Specific steps identified in **Section 4.5 of the DEIS** include:

- “Erosion and sediment controls including work perimeter silt fencing and drainage inlet protection around all grated drainage inlets will be installed to prevent sediments from being deposited in catch basins and subsurface drainage structures. Areas to remain undisturbed including buffer areas and Lot 2 will be identified in the field to prevent accidental encroachment.”
- “Clearing and rough grading of the site will be conducted in accordance with the approved Site Plan and under the supervision of the Town Building Department.”
- “Stabilized construction exits will be installed to reduce the potential for tracking soil on to public streets.”
- “Concrete washout areas will be provided near all construction exits to wash dust and sediment from trucks and equipment prior to exiting site.”
- “Dust control in the form of soil wetting will be conducted if and as needed based on weather and other factors to prevent impacts on adjacent land uses.”
- “Reseeding, landscaping, paving and construction will be implemented as soon as possible after ground disturbance to stabilize exposed soils.”
- “Drainage infrastructure will be installed to meet the requirements of the Town and will be designed to the satisfaction of the Planning Board and Town Engineer.”

- “Project developers will strictly abide by the requirements of a State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity and Stormwater Pollution Prevention Plan (SWPPP) to minimize adverse effects from erosion, sedimentation, and stormwater runoff.”
- “Clean soil that is excavated from the site that has suitable texture shall be reincorporated (backfilled or regraded) back into the site to the extent practicable to prevent unnecessary shipments of soil off site.”
- “Construction debris and excess soil shall be responsibly managed onsite and removed as soon as possible and disposed, recycled or reused at approved licensed or registered facilities.”
- “Vehicle, equipment and material staging areas and designated stockpile locations will be provided on-site and stockpiles will be stabilized if they are to remain for more than a few days.”
- “Construction activities will be restricted to permissible hours of the day and days of the week as prescribed by Chapter 156, “Noise,” of the Town Code (8:00 AM through 7:00 PM Monday through Friday, except for major holidays).”

With respect to the marketability and the value of surrounding properties during the construction phases, many mitigation techniques have been carefully thought out and proposed to ensure that the impact from construction and the general operation of the facility will be mitigated to the fullest extent possible. These mitigation measures have been proposed to maintain the quality of life and character of the community.

Please see the response from **Section 2.11.1** of this FEIS for an elaboration of mitigation measures proposed.

2.4.4 Comment W12(Lloyd)-3: This comment acknowledges that excavation and construction will occur over a four-to-five-year period and requests that the applicant consider specific mitigation measures to lessen the impact of construction on the nearby community. The mitigation measures requested include consistent cleanup of all streets that are made unclean by disturbed soils including North 28th Street and Washington Street, and providing power washing, street cleaning, car washing and other sanitation services to impacted residents until completion of the proposed project.

Response: The applicant will continue to work with the community diligently during and after construction to ensure that impacts to the community’s quality of life and character as a result, construction will be mitigated to the fullest extent possible. Implementation of the Stormwater Pollution Prevention Plan includes street sweeping and regular maintenance of construction limiting fence. Please see the response from **Section 2.4.3** above for an elaboration of the many mitigation measures proposed to prevent impacts.

2.5 Involved Agencies and Required Permits, Approvals and Reviews

2.5.1 Comment SCSA(Platt)-1: “The proposed project is not within the boundary of Suffolk County Sewer District No. 3 – Southwest (the “District”). However, on February 5, 2024, the Suffolk County Sewer Agency granted Conceptual Certification to the above-referenced project as a possible out of district connectee. Sewer Agency resolution 15-2024 conceptually granted Sixty-Seven Thousand One Hundred Fifty-Eight gallons per day (67,158 GPD) of capacity to the proposed project, with the understanding that the final approval can only be granted after the SEQRA process is completed.

Accordingly, in order to connect to the facilities of the District an application for Formal Approval, once SEQRA is complete must be submitted to the Sewer Agency for approval and the connectee must verify that the connection to the District is feasible. This verification may include hydraulic analysis of the collection system, up and downstream of the projected connection. Additionally, the Suffolk County Legislature and NYS Department of Environmental Conservation must approve the connection.”

Response: To date the Suffolk County Sewer Agency has granted Conceptual Certification for the sewer connection Suffolk Technology Park to Suffolk Sewer District No. 3 - Southwest by Resolution dated February 5, 2024 (**Appendix E-1 of the DEIS**) and Nelson & Pope Engineers (N+P) has prepared a “Sewer Service Feasibility Report For Suffolk Technology Project” dated September 26, 2023 (**Appendix E-2 of the DEIS**) and a “Pump Station & Force Main Engineering Report” dated June 2024 (**Appendix E-3 of the DEIS**). The Applicant will continue with a Formal Approval application once the SEQRA process has been completed.

2.5.2 Comment SCPD-PC(Corral)-5: “Coordination should continue between the applicant, the Town and the Suffolk County Department of Public Works (SCDPW) in connection with the required Suffolk County Department of Public Work’s Road Work Permit that is noted in the DEIS and the proposed traffic mitigations that involve County roadways and intersections.”

Response: The Applicant will continue coordination with SCDPW for all required Road Work Permits and proposed traffic mitigation measures involving county roadways and intersections.

2.5.3 Comment SCPD-PC(Corral)-6: “Coordination should continue between the applicant, the Town and the Suffolk County Department of Public Works (SCDPW) and Suffolk County Department of Health Services regarding the disposition and treatment of generated wastewater from the proposed development.”

Response: The Applicant will continue to coordinate with the Town, SCDPW, Suffolk County Sewer Agency (SCSA), and SCDHS regarding the disposition, management, conveyance and treatment of generated wastewater from the proposed development to Suffolk Sewer District No. 3 - Southwest and the Bergen Point treatment facility. Any feedback from these agencies will

be noted and addressed in the Final EIS and SEQRA Findings Statement.

2.5.4 Comment SCPD-PC(Corral)-7: “Coordination should continue between the applicant, the Town and the New York State Department of State, Division of Cemetery Board to ensure that the project is in conformance with New York State Laws regarding the lease of cemetery lands and to ensure that the proposed project does not negatively impact the existing Pinelawn Cemetery. In addition, the project’s designed in ways that will allow for the future potential reuse of the property as a cemetery.”

Response: The Applicant will continue to coordinate with the New York State Department of State, Division of Cemetery Board as well as Pinelawn Cemetery to ensure that the proposed action meets all standards of the lease of cemetery lands and will be conducive to future potential reuse of the property as a cemetery.

2.5.5 Comment NYSCB-1: “The addition of a parking lot, gate, and associated improvements to Proposed Lot 2, discussed on pg. 3-10, would require Cemetery Board review and approval of a Major Alteration application. The Permit/Approval/Review Type column of Table S-2, on pg. S-13, should include "Land Sale Approvals" from the New York State Department of State, Division of Cemeteries, Cemetery Board if:”

- a. “the easement from the Cemetery sought by the Suffolk County Water Authority to supply water to the Project, as discussed on pg. 1-8, and Appendix J, 14th page, is necessary; or”
- b. “the mitigations discussed on pgs. S-54 to S-55 and in section 3.4.3, including the road widening at Little East Neck Road and Colonial Springs Road on pg. 3-112 and road widening at Little East Neck Road and Long Island Avenue on pg. 3-113 would require a sale, other acquisition, or easement of land from the Cemetery.”

Response: Pinelawn Cemetery will continue coordination with the New York State Department of State Division of Cemeteries, Cemetery Board for all required approvals for work proposed involving Lot 2. As discussed in Section 1, minor land dedications for roadway improvements will be required from Pinelawn Cemetery to provide additional roadway right of way for necessary roadway improvements (see **Appendix E-4**).

2.5.6 Comment SCDHS-1: “The Department has not received a subdivision wastewater application for the above referenced project, as required by Article VI of the Suffolk County Sanitary Code. The project sponsor should submit an application to our agency's Office of Wastewater Management at the earliest possible date so that a complete technical assessment of this proposal can be undertaken.”

Response: The applicant acknowledges this comment and will submit a subdivision wastewater application to the SCDHS Office of Wastewater Management following the environmental review per SEQRA.

2.5.7 Comment SCDHS-2: “The SCDHS maintains jurisdiction over the final lot area, density and use. The applicant, therefore, should not undertake the project without Health Department approval. Density, design and flow specifications, location, subsurface soil conditions, and complete site plan details are essential to the review of this project. These considerations are reviewed completely at the time of SCDHS application.”

Response: The applicant will continue to coordinate with SCDHS concerning the review of this project. No action will be taken until a full review by SCDHS has been completed and a formal approval has been rendered.

2.6 Water Resources and Sewer

2.6.1 Comment W11(Foy)-11: “The project site also adjoins a New York State Critical Environmental Area – Wheatley Heights Special Groundwater Protection Area. It will be virtually impossible for this industrial structure to not cause detriment. It will have a negative impact on this NYS-protected area.”

Response: The subject property is near but is not within and does not directly adjoin New York State Critical Environmental Area – Wheatley Heights Special Groundwater Protection Area.

In addition, as noted in **Section 3.3.3 - Mitigation** of the DEIS:

“The proposed development and recharge basin are down-water-table-gradient of the wellfield and the proposed recharge basin will be outside SCDHS’s down-gradient Water Supply Sensitive Area to protect the water supply.”

Furthermore, groundwater flow in the area moves from northwest to southeast beneath the Subject Property, thereby flowing away from the Wheatley Heights Special Groundwater Protection Area.

As indicated by the PIP-2 Zoning code § 213-591 “Standards of usage”:

“It is the intent of these regulations to prevent land and/or buildings within the PIP-2 District from being used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous conditions; noise or vibration; smoke, dust, fumes, odor or other forms of air pollution; electrical or other disturbances; glare or heat; or the disposal of liquid or solid wastes or refuse contrary to the environmental regulations of the Town of Babylon; conditions conducive to the breeding of rodents or insects; or other dangerous or objectionable elements in an amount or manner so as to adversely affect the surrounding area.”

“Uses within the PIP-2 Zoning District shall be in conformance with Suffolk County Department of Health Services Articles 7 and 12 for the location within Suffolk County Hydrological Zone I, a groundwater deep recharge zone.”

In addition, all sewer generated from the proposed operation of the warehouse facility will be collected onsite and conveyed to Sewer District 3 and the Bergen Point wastewater treatment facility for treatment and disposal. As such, it is not expected that the proposed development will have any effect on the Wheatley Heights Special Groundwater Protection Area.

2.6.2 Comment HA(Hession)-20c, HA(Hession)-20h, HA(Hession)-20n, W10(Shek)-4, W10(Shek)-7, W11(Foy)-5: These commenters express concerns regarding the impact of the proposed project on the quality of groundwater in proximity to the Suffolk County Water Authority's Wellfield located on Circle Drive. The commenters particularly took issue with the industrial nature of the proposed Suffolk Technology Park, noting that stormwater runoff to the recharge basin near the circle drive wellfield would contain contaminants from trucking activity including "brake dust, oil, and antifreeze", as well as other "garbage" and hazardous materials associated with the standard operation of industrial uses.

Response: Please see **Section 2.2.1- Existing Conditions** from the DEIS which states:

"SCDHS has established what it refers to as "Water Supply Sensitive Areas" (WSSAs) which are defined in part as: "Areas in close proximity to existing or identified future public water supply wellfields. In general, for the purposes of this Article, 'close proximity' shall mean within 1,500 feet upgradient or 500 feet downgradient of public supply wells screened in the Upper Glacial aquifer." Upgradient portions of the site (north of the wellfield) are within the WSSA. The purpose of this designation is to regulate or restrict certain hazardous land uses that may have a detrimental effect on public water supplies due to proximity and on-site activities that may be hazardous..."

"The Circle Drive wellfield has four wells, one that draws from the Upper Glacial aquifer (Well No. 2) and three that draw from the Magothy aquifer (Wells 3a, 4 and 5). One of the wells (Well No. 2) is drawing from the Upper Glacial aquifer and the subject property is within 500 feet downgradient where groundwater flows away from the well toward the southeast. The Water Supply Sensitive Area as defined in Article 7 of the Suffolk County Sanitary Code is not expected to be affected because the proposed stormwater recharge basin is located outside of this area..."

"**Figure 2-3b** shows the area downgradient of the wellfield that is within 500 feet of the closest well. The stormwater recharge basin is located outside of this area."

With respect to the healthy and safe operation of Circle Drive Well No. 2, the proposed location of the recharge basin meets the standards of the Suffolk County Sanitary Code and remains outside of the Water Supply Sensitive Area as defined in Article 7 of the Suffolk County Sanitary Code. Moreover, groundwater flow in the area flows from northwest to southeast across the subject property. The proposed recharge basin bottom will consist of sandy soils and depth to groundwater is sufficient to provide proper infiltration. The recharge basin will also be vegetated to allow for plant absorption and bioretention. Proposed landscape plantings will consist almost entirely of native plant species or other well adapted species to minimize the need for long-term maintenance such as fertilization and irrigation thereby minimizing impacts on groundwater. The project team has coordinated with and will continue to coordinate with the Suffolk County Water Authority to ensure that the area water supply is protected. Significant adverse impacts to the quality of potable water drawn from this well are not expected.

2.7 Stormwater Infrastructure

2.7.1 Comment HA(Gregory)-2: “I think it’s a great idea, the grading, I just want to know what impact it has as far as, like, water runoff. Does that affect the size of the recharge basin.”

Response: Existing topographic conditions for most of the site are generally flat to gently sloping with a relatively small portion of the site on the northeast side consisting of moderate to steep slopes. Considering these conditions, it is expected that the removal and/or grading of the slopes will be limited, and grading, although across a large property, will not result in any significant adverse impacts with proper engineering and implementation of standard best management practices during construction.

The Town of Babylon requires that all stormwater runoff generated on a development site be collected and recharged through a drainage system that is designed to accommodate a minimum two-inch rainfall event, when directed to drywells or subsurface leaching pools, and a minimum five-inch storm event, when directed to a stormwater recharge basin. In order to comply with the Town’s requirements, the recharge basin must be of adequate size to provide sufficient capacity to accommodate the runoff from impervious surfaces– in the case of this proposal, 75.77± acres. In addition, all NYSDEC water quality requirements will be met for the project.

The proposed recharge basin, as well as proposed system of subsurface leaching pools and the fifteen median bioretention areas distributed throughout the site will capture in excess of the volume of runoff required to be controlled onsite and safely recharge it into the ground through many feet of sand before entering groundwater. The proposed recharge basin, like the proposed bioretention areas and vegetated buffer areas, will be vegetated to help filter, absorb, and transpire some of the stormwater while the remainder of the runoff filters through the site’s soils. Moreover, it should be noted that the proposed recharge basin is located over 500 feet from the nearby SCWA wellfield to the north and groundwater flow in the area is to the south, away from the wellfield. Native plantings proposed by the Landscape Plan are well adapted to site conditions and do not require any long-term fertilization that can affect groundwater. The soils on site are well drained and there is sufficient soil above the groundwater table to ensure the rapid recharge of stormwater and protection of groundwater quality.

2.7.2 Comment HA(Lloyd)-11b: “I do have some concerns for, one of the things with the recharge buffer, when we saw it, we were concerned about what was going to go into that water, because that water is only, like, two hundred feet away from our homes. And even though there is a buffer, and there is going to be some foliage that is there currently, we were concerned about smells, we were concerned about flooding, if the – the drain -- that is -- I -- I’m not so sure is -- I’m not a architect or involved with the environment, but the drainage from there, it -- it looks small for that -- for 111 acres to drain. What is going in there?”

Response: Stormwater runoff from proposed on-site improvements will be expected to include typical compounds that may accumulate in large areas of impermeable surfaces with vehicle traffic – such as salts, sediments, etc. Stormwater runoff will be effectively managed in accordance with Town engineering standards and recharged through the proposed onsite network of catch basins, drywells, the proposed recharge basin and bioretention areas within planted onsite street medians. These bioretention areas serve the dual purpose of providing sustainable, low-impact solutions for stormwater management (bioretention, evaporation, plant uptake and transpiration, and recharge) as well as providing visually enriching native landscaping that would lessen demand for irrigation.

As stated in the response to comments in **Section 2.7.1**, the Town of Babylon requires that all stormwater runoff generated on a development site be collected and recharged through a drainage system designed to accommodate a minimum two-inch rainfall event when directed to drywells or subsurface leaching pools and a minimum five-inch storm event when directed to a stormwater recharge basin. To comply with the Town's requirements that seek to minimize the risk of flooding, the recharge basin must be of adequate size – in the case of this proposal, 1.81± acres. Furthermore, the woodlands immediately surrounding the recharge basin and to the south within Lot 2 will help to mitigate potential floods. The preserved areas of natural vegetation and perimeter landscaping and screening will provide additional buffering in the event of severe storm events that exceed the design minimum storm, by slowing runoff, capturing stormwater in permeable soils, and stabilizing sediment that might otherwise be carried in runoff.

The project site has excellent soils consisting of Haven loam and Riverhead sandy loam which are both excellent soils with minimal constraints to development and are optimal for recharge at the project location (Soil Survey of Suffolk County, New York, 1975).

Additionally, please see **Appendix H-2** which includes a written correspondence from Town Chief Environmental Analyst Rich Groh detailing information received from the Town of Babylon Department of Public Works regarding alleged flooding at North 28th Street. The letter states:

“The Department of Environmental Control contacted the Town of Babylon Department of Public Works (DPW) Engineering Division regarding any drainage issues on 28th Street, Wyandanch, NY. DPW was not aware of any recurrent flooding issues on North 28th Street. It is possible that during the August 19 and 20th 2024 "Super" rainstorm, water may have accumulated after this historic event. In September/October 2024, the upgradient drainage system, a series of recharge basins and drainage infrastructure underwent significant maintenance which would improve its capacity. In any case the developer will be providing substantial drainage to Town of Babylon Planning Board Specification requirements for the site in the form of a drainage collection system, drainage structures and the recharge basin. The plans are reviewed by the Town to, at minimum, meet these requirements. Stormwater runoff will not be discharged off the site onto N. 28th Street from this development.”

2.7.3 Comment W11(Foy)-6: “The report clearly states the following:

- “The proposed action will generate a new demand for water (118,000 gallons a day),”
- “The proposed action will use an existing public water supply – (the same that we use in Wheatley Heights),”
- “Water line extensions will be necessary to supply the project (that means digging and disrupting our own water lines),”
- “The proposed action will generate 67,159 gallons a day of liquid waste, and
- The proposed action will disturb more than one acre and will create stormwater runoff during construction and post-construction. The runoff will then be directed to a management facility onsite. The report states that the stormwater will not runoff to adjacent properties, but how will they ensure this and how will they keep any mitigative practices in place should a new company take over the facility? There is clearly the possibility of cross contamination and long-term degradation of our water supply. With the increase of flooding and superstorms related to climate change, it is absurd and completely disingenuous for the Town to promise that the surrounding areas will not be corrupted by toxic runoff from this industrial site.”

Response: The Applicant consulted with Suffolk County Water Authority regarding the proposed project and received a letter of water availability. The project will connect to an existing water main that runs along the north side of the project site directly on to the subject property (Lot 1), which is not anticipated to require significant water distribution disruptions (see Section 3.3 of the DEIS).

The Applicant has conducted extensive planning for the stormwater design and mitigation measures for the proposed development and the proposed grading will ensure that all runoff generated by the proposed design storm on impervious surfaces will be collected and recharged onsite. The increasing frequency and intensity of severe storm events due to climate change certainly poses a threat to communities and commercially developed spaces and in many instances municipal standards cannot predict or regulate future conditions. With these limitations in mind and a dedication to creating a sustainable and resilient development that is protective of the neighboring community, the Applicant has designed the proposed stormwater infrastructure to be capable of handling up to a 5-inch rainfall event for all impervious surfaces, meeting the minimum design requirements, and is sufficient to accommodate a volume greater than the average rainfall event that occurs on Long Island. Moreover, it should be noted that the Subject Property is located in a FEMA “X” zone or upland area that is outside of any of FEMA’s Special Flood Hazard Areas or 100-year flood plains and is not considered to be prone to flooding.

As discussed in Section 2.2.2 of the DEIS, the Town of Babylon requires that all stormwater runoff generated on a development site be collected and recharged through a drainage system that is designed to accommodate a two-inch rainfall event when directed to drywells or subsurface leaching pools and a five-inch storm event when directed to a stormwater recharge basin. The proposed drainage system will be constructed in accordance with applicable State and local

standards and guidelines, will be designed by professional engineers in accordance with standard engineering principles and practices, and will be reviewed by the Town's engineer or engineering consultants to ensure consistency and compliance.

Covenants and restrictions will be required to ensure that drainage and best management practices will be followed in perpetuity. Additionally, should the applicant stay in charge of the proposed facility, or should a new company take over, the facility would be required by law, according to the Town of Babylon, to adhere to stormwater and runoff regulations.

2.7.4 Comment HB(Hession)-1f, HB(Lutz)-2b: One commenter states that, "Dirty recharge basins are what we commonly call sumps which is one you're proposing for this property. Now the fact that you put it right next to the water pump means you haven't really thought this out any good engineer looks at some project like this and says where do we put the water and they look at what's around and they don't put it next to the water pump." The other commenter similarly raises concern about the effectiveness of the catch basin once it become dirty and emphasizes the need for ongoing monitoring and maintenance to ensure the system remains clean and effective.

Response: See the response to comments in **Section 2.6.2** and the discussion of Suffolk County Department of Health Services Water Supply Sensitive Areas in DEIS **Section 2.2.1 Existing Conditions**. These referenced sections provide a comprehensive discussion of why water quality concerns with respect to the location of the recharge basin pose no significant threat to groundwater quality from the Suffolk County Department of Health Services's perspective. Furthermore, to ensure that the stormwater runoff from proposed impervious surfaces is of high quality and does not transport harmful contaminants, the Applicant's proposed PIP-2 Code imposes requirements for property maintenance including, "All tenants shall keep outdoor areas, including paved parking and landscaped areas, neat, well maintained, and free and clear of debris; All solid waste containers are to be stored inside the building structure or within adequately screened enclosures to be approved by the Planning Board through the site plan review process; Trash compactors may be installed within loading bays; Solid waste shall never be disposed of on the property or by burning in open fires or incinerators; There shall be no solid waste storage in areas facing a public road or park; During construction, the site shall be kept in a reasonably clean and neat condition, and all solid waste and construction and demolition debris shall be managed on site and periodically removed, with final removal to be accomplished promptly after completion of such work; and Stormwater management and erosion control facilities shall be maintained by the owner/operator in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP) and post construction stormwater covenants and restrictions for the duration of construction in accordance with Chapter 189 of the Town Code." See DEIS **Appendix A-4 Draft PIP-2 Zoning Code** for additional details.

A solid waste management plan has been prepared for the project and in **Section 3.1.2 Potential Impacts** the Applicant also discusses the schedule for garbage removal, stating, "A routine trash

pick-up schedule will be maintained (likely one or two times per week) to ensure a clean, safe and healthy site and that all solid waste and recyclables are properly disposed of or managed at a registered waste disposal facility.” Additionally, the Applicant seeks to maintain compliance with and uphold the goals of the Babylon Solid Waste Management Plan to ensure that the site is well maintained, solid waste is properly managed, and the site is kept clean and neat. Strict adherence to these plans will result in a reduction of the quantities of contaminants carried via runoff into the proposed stormwater collection infrastructure including catch basins.

2.7.5 Comment NYSCB-8: “The Cemetery Board desires clarification as to whether, there should be any inadequacy in the capacity of the recharge basin for stormwater drainage, such inadequacy would affect nearby burials in Lot 2 due to the slope of the land or underground water migration (see pg. 3-9, 3-47, and elsewhere).”

Response: Should any overflow occur as a result of a storm event, that exceeds a minimum of 5-inches or exceeds the overall capacity of the site stormwater infrastructure of 1,194,193± CF (962,976 CF for the phase II recharge basin only), it does not appear likely that overflow would impact the Lot 2 burials. A five-inch rainfall event would generate 962,976 CF runoff for the recharge basin and the design capacity for the stormwater drainage basin is 962,976 CF or 3,571 CF more than required. Moreover, there is significant freeboard in the recharge basin above the design storm storage requirements that would prevent an overflow event. The internments at Lot 2 are predominantly located to the south near the Long Island Railroad, far from the recharge basin area and in addition to the intervening space, there is an approximately two-foot slope rising in a southerly direction between the south end of the recharge basin and the north end of Lot 2 (the Cemetery internment area) providing additional protection. As noted in the DEIS, soils onsite are generally described as deep, nearly level to gently sloping, medium textured and moderately coarse textured soils found on outwash plains. Both the Riverhead sandy loam and Haven loam are “well-drained” and the Plymouth loamy sand is “excessively drained” allowing for rapid infiltration, there are no nearby surface waterbodies, the property is within a FEMA X zone (very low likelihood of flooding), and the groundwater table is well beneath the ground surface providing significant subsurface storage.

2.8 Air Quality

2.8.1 Comment W10(Shek)-4, W10(Shek)-7, W10(Shek)-12, W11(Foy)-7: The commenters contend that the industrial activities proposed will negatively impact air quality and the health of nearby residents (particularly young children in developmental stages) during construction and operation by way of construction vehicle emissions, truck and other heavy vehicle emissions, passenger vehicle emissions, and industrial activities and a more detailed discussion of emissions, (e.g., carbon dioxide (CO₂), nitrous oxide (N₂O), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), and hazardous air pollutants (HAPs)) is requested. Additionally, the commenters note that loose sediment from soil disruption may be carried airborne offsite during the construction period.

Response: Air quality impacts are evaluated by considering changes in intersection delays or Levels of Service (“LOS”) as recommended in the NYSDOT TEM’s first level of “air quality screening.” Per TEM I-1 Level of Service (LOS) Screening, intersections potentially impacted by the Project must be screened for overall Level of Service (LOS). If the LOS is A, B, or C, no further analyses are required. If any signalized intersections have LOS predicted D, E, or F, significant vehicle queuing may occur, and further analysis may be required for up to the three worst intersections. In this case, N+P’s traffic engineers conducted an analysis of LOSs in its Traffic Impact Study (TIS) to assess LOSs and found that the intersections studied all had LOSs that remain essentially unchanged with only minor changes due to proposed road improvement mitigations. Thus, no further quantitative analysis was required.

Truck idling is the primary source of potential emissions resulting from the Proposed Action; however, idling is restricted based upon New York State Department of Environmental Conservation Heavy Duty Vehicle Idling Law:

“6 NYCRR, Subpart 217-3, prohibits heavy duty vehicles, including non-diesel and diesel trucks and buses with a gross vehicle weight rating of more than 8,500 pounds, from idling for more than five minutes at a time. The idling regulation is enforced by DEC Conservation Officers.”

The Town has its own restrictions on idling, as well, but restrictions on idling of heavy trucks is limited to 15 minutes except in certain unusual circumstances.

- A. “For purposes of this chapter, a heavy-duty vehicle is a bus, truck or other vehicle that has a gross vehicle weight rating (GVWR) exceeding 8,500 pounds and is designed primarily for transporting persons or properties, whether the motive power for such vehicle is provided by a diesel or non-diesel fueled engine.”
- B. “No person who owns, operates or leases a heavy-duty vehicle or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy-duty vehicle on such land, shall allow or permit the engine of such heavy-duty

vehicle to idle for more than 15 consecutive minutes when the heavy-duty vehicle is not in motion, except as otherwise permitted in Subsection C below.”

These exceptions are outlined in the Town of Babylon Town Code, §TC-5-4 “Idling of heavy-duty vehicles” which include the following relevant exceptions. Relevant exceptions outlined in Subsection C include:

- “A heavy-duty vehicle is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.”
- “A diesel-fueled truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25°F.”
- “A diesel-fueled vehicle is queued for or is undergoing a state-authorized periodic or roadside diesel emissions inspection pursuant to New York State law.”

The exceptions would not apply to operations within the project site and NYS and Town regulations will be adhered to with respect to idling. As no significant truck idling will occur on the site, no significant increases in air emissions are anticipated.

In addition, air quality impacts can also result from commuting heavy trucks and passenger vehicles when roadway levels of service (LOSs) are degraded and vehicles are delayed and sit idling at intersections. Again, N+P’s traffic engineers conducted an analysis of LOSs in its Traffic Impact Study (TIS) to assess LOSs and found that the intersections studied all had LOSs that remain essentially unchanged with only minor changes due to proposed road improvement mitigations such as road widening, new turning lanes and the relocation of the proposed park entrance that will facilitate traffic movement (Appendix D-1 of the DEIS). Therefore, no significant increase in air pollutants from localized traffic are anticipated from the proposed project.

The short-term use of heavy equipment operations may also result in a temporary, minor increase in pollutant emissions from various equipment used in the construction process. However, construction hours are limited as discussed above under noise impacts. The major concern during construction will be the control of fugitive dust during site clearing, excavation, demolition grading and blasting operations. Fugitive dust is essentially airborne soil particles caused by heavy equipment operations entraining the freshly exposed soil into the air. To a lesser extent, some fugitive dust emissions will arise from wind erosion of the exposed soils.

Best construction management practices will be employed to reduce soil erosion and possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances, street sweeping at the entrances as needed and adherence to a Storm Water Pollution Prevention Plan (SWPPP), which provides Erosion and Sediment Control.

Efforts will be maximized to reduce construction haul distances, minimize idling, use alternative fuels, use hybrid equipment, or retrofit construction equipment to reduce the potential for impacts to air quality during the construction phase of the project. Trucks, compressors, cranes, excavators and other equipment will be maintained in good working condition and turned off when not in use. This will reduce the idling of unused equipment in adherence of state regulations as cited above. Reduced idling will reduce potential air pollution.

Although no significant adverse air quality impacts are expected, several mitigation approaches exist or were incorporated into the site plan to reduce operational air quality impacts including:

- locating truck activity toward the center of the property, away from residential areas;
- Obeying State and Town restrictions on long term idling.

Other efforts to reduce the long-range and regional impacts of air emissions include:

- providing for up to 18 EV charging stations;
- making every building “EV-Ready” so that the number of EV stations can be increased in the future based on future demand;
- they will only be cooling the office portion of the buildings (which is expected to be less than 20% at a maximum);
- installing Town and dark sky compliant LED lighting outdoors;
- high insulation values for building walls, roofs, and windows;
- high-efficiency mechanical and HVAC systems;
- providing onsite shuttle stops in support of mass transit commuting;
- equipping the site with bike racks and installing a sidewalk along the Little East Neck Road frontage of the property to support pedestrian and bicycle activity;
- Constructing an onsite bike and alternative transportation storage center for workers and visitors to the site;
- providing preferred parking onsite for carpools; and
- buildings designed with the structural integrity to support future rooftop solar systems to provide a source of clean renewable energy.

In New York State, businesses that are considered to be major emitters of air pollutants require permits from the NYSDEC. Businesses defined as major air pollution sources by New York State Law must apply for a Title V Permit. Registration is required for smaller operations that generate air pollutants into the air, such as dry cleaners or body shops, or other operations which use equipment that can create emissions. The project does not require an air emissions permit or an air facility registration from the NYSDEC and would generate far less emissions than any major road or highway.

Finally, it should be noted that the U.S. Environmental Protection Agency (EPA) has set new

emissions standards for heavy-duty trucks and engines to reduce air pollution and greenhouse gas emissions including NOx emissions. Also, by 2032, 30% of “heavy-heavy-duty vocational” trucks and 40% of short-haul “day cabs” must be zero-emission vehicles. There are also powertrain options that include advanced combustion vehicles, hybrids, and electric and hydrogen fuel cells.

These standards are part of the EPA’s Clean Trucks Plan, which seek to:

- Reduce air pollution from large trucks
- Clean up some of the nation’s largest sources of greenhouse gases
- Provide cleaner air and less pollution
- Make communities safer and more vibrant

The standards apply to:

- Heavy-duty vocational vehicles, such as delivery trucks, refuse haulers, and public utility trucks
- Tractors, such as day cabs and sleeper cabs on tractor-trailer trucks
- Light heavy-duty and medium heavy-duty vocational vehicles beginning with model year 2027
- Short-haul (day cab) tractor vehicles beginning with model year 2028
- Long-haul (sleeper cab) tractor vehicles beginning with model year 2030

2.8.2 Comment W12(Lloyd)-8: This comment asserts that the loss of most of the natural vegetation at the project site will result in an impact to local air quality and thereby requests that the applicant provide interior air purifiers to nearby residents. “Quality of air losing most the natural foliage will impact quality of air to surrounding area – interior air purifiers provided?”

Response: According to Section 3 of the DEIS, no adverse impacts on local air quality are anticipated as a result of vegetation loss, traffic activity, construction, or related factors. An estimated 89.79± acres of existing woodlands, successional old field, and landscaped area on proposed Lot 1 will be cleared to accommodate the construction of the nine warehouse buildings (decreased by 2.52 acres), associated parking and loading areas, interior access driveways/roads, two onsite shuttle/bus stops, stormwater recharge basin, decorative pond, sewer pump station, and proposed landscaping. This clearing will leave 10.32± acres of natural woodlands primarily within deep vegetated perimeter buffers that are adjacent to residential neighborhoods. Upon completion of the construction, an additional 11.81± acres of the site will be revegetated (landscaped) and an additional 1.87± acres will become a vegetated recharge basin bringing the total pervious vegetated ground cover to 24.24± acres (nearly a quarter of Lot 1). The remaining portion of the site (excluding 0.24 acres of decorative pond) will consist of impervious surfaces including warehouse buildings, the sewer pump house, paved parking and loading areas, site and building access driveways and interior streets and sidewalks.

The Proposed Action includes various design and mitigative practices that reduce greenhouse gas emissions and the release of other air pollutants. Greenhouse gas emissions and common air pollutants result from combustion of fossil fuels, including direct/ indirect emissions and stationary and mobile sources. The Proposed Action/Preferred Plan incorporates mandatory NYS Energy Code features and is located just 1.25± miles from Amityville Station and 1.0± from Pinelawn Station as measured from the intersection of Little East Neck Road and Long Island Avenue. The area is also served by Suffolk Transit Bus Routes 3, 4 and 12 with the closest stops being Bus Route 12 to the north along Colonial Springs Road. Two ride share/shuttle stops are proposed on the Subject Property along with preferred parking for carpoolers, bicycle racks, and an alternative transportation storage building in support of clean/cleaner methods of transportation and site access. Initially 18 EV-ready electric vehicle charging stations and the wiring to allow for two EV truck bays per building will also be provided to further assist in the transition from gasoline powered vehicles to cleaner and more energy efficient electric vehicles. The Preferred Plan also includes the installation of solar panels on warehouse roofs in accordance with the County's solar program to generate clean renewable electricity for the school district and some nearby residents. The applicant, in conjunction with the Town of Babylon and the environmental consultant, will implement and adhere to appropriate mitigation measures to ensure compliance with environmental standards and the minimization of air quality and GHC impacts. See also the response to comments provided in **Section 2.8.1** above.

2.9 Ecology

2.9.1 Comment W8(Eatz)-2 and W8(Eatz)-5: The commenter notes the presence of endangered species at the subject property, stating, “This property is home to endangered species, namely the red headed woodpecker, and is also a migration path for certain birds, including the robin. We need to preserve this refuge for all the animals that call it home.” The commenter continues by urging the Town Board to halt this development until a “true and complete study is made of the impact this project would have on the endangered species who make this area their home.”

Response: From the DEIS **Section 2.3.2** as modified per the Preferred Plan and this Amended FEIS:

The habitat within the development area consists primarily of successional old field, pitch pine-oak forest and pitch pine-scrub oak barrens. The property functions as a refuge for rare native flora or fauna and provides habitat or a stopover for a variety of bird species, as well as raccoons, squirrels, chipmunks, deer, eastern cottontails, eastern box turtles and other wildlife. The eastern box turtle which was noted during one of the site visits is a species of Special Concern. Most of the species expected on the property are at least somewhat tolerant of human activity, but others will be impacted by the proposed clearing operation and increased onsite human and vehicle activity. It is also expected that particular species of wildlife (particularly avian species) will migrate to undisturbed areas adjacent or near the site as a result of development.

A total of 10.32¹± acres of natural vegetation are proposed to remain. Although the proposed 11.81± acres of additional landscaped vegetation within the development (not counting the 1.87± acres of vegetated recharge basin) provides less habitat than the existing natural area, the landscaped areas (comprised entirely of native species) are expected to provide some habitat for some human tolerant wildlife. A total of 0.02 acres of building area and 0.08 acres of additional non-building impervious area (0.10 acres) has been added to the current Preferred Plan to address requests for a bicycle and alternative transportation building, adjacent employee patio area, and adjustments to pedestrian pathways and the required number of trash compactors. An additional 0.06 acres was added to the stormwater recharge basin area.

Seven site visits were conducted by qualified and trained NPV and B. Laing Associates’ ecological staff between 2020 – 2024 to identify site habitat and document species diversity and existing conditions. Red-bellied woodpeckers, downy woodpeckers and hairy woodpeckers were identified but red-headed woodpeckers were not identified. (See Section 2 of the DEIS which contains lists of species that were identified onsite including avian species). In addition, correspondence from NYSDEC’s Natural Heritage Program (NHP) dated November 30, 2023

¹ The amount of natural vegetation to remain has been increased from the previously Proposed Action (6.33 acres) and Preferred Alternative (7.8 acres) indicated in the DEIS to 10.32 acres, while the amount of landscaping was reduced by 2.69 acres.

(Appendix K-2 of the DEIS) had no record of the red-headed woodpecker onsite or in the area, since the red-headed woodpecker is not listed as an Endangered or Threatened species in New York State, but is instead, classified as a species of Special Concern. Special Concern species are native species which are not recognized as endangered or threatened, but for which there is documented concern about their welfare in New York State as a whole. Unlike threatened or endangered species, species of special concern receive no additional legal protection under Environmental Conservation Law (ECL) Section 11-0535.

Finally, the DEIS identified several strategies and techniques to mitigate impacts on common and rare wildlife, including the following which has been updated upon further consultation with the NYSDEC and USF&WS:

- Identify milkweed onsite. Avoid clearing milkweed from May 15 through September 30 when monarch caterpillars may be present.
- Native plant species that provide food and shelter to wildlife including lepidopteran's will be utilized in the landscaped areas. The proposed landscape plan will include various pitch pine-scrub oak species and specific plant species that typically support lepidopterans and other wildlife that are or may be present onsite. This includes planting of a "Beneficial Insect Habitat Mix" consisting of monarch butterfly and other lepidopteran host plants such as common milkweed, swamp milkweed, purple coneflower, New England aster, black-eyed Susan, early and gray goldenrod, and various others.
- When feasible, maintenance of landscaping should occur between October 1 and May 15 when monarchs are overwintering.
- Avoid using herbicides for maintenance and extend this conservation measure to all portions of the project area where milkweed is likely to occur.
- Prior to any site clearing or other construction activities a qualified professional should conduct a "wildlife inventory/sweep" of the project area as necessary and appropriate, to relocate any fauna such as amphibians (e.g., frogs, toads) or reptiles (e.g., box turtles) that might otherwise be directly impacted by clearing activities, so they may be relocated to buffer or non-disturbance areas.
- The project has undergone consultation by both the USF&WS and the NYSDEC regarding any potential impacts to rare wildlife, and an additional study was undertaken to assess the potential presence of endangered species as discussed in **Section 2.9.3** below.
- Disturbance will be minimized to the maximum extent practicable, including providing perimeter buffers, enhanced screening, and delineating tree-clearing limits at the site prior to construction to avoid inadvertent clearing.

2.9.2 Comment W10(Shek)-3, W10(Shek)-6, W10(Shek)-8, W10(Shek)-9, W10(Shek)-12, W11(Foy)-8: These commenters express concerns that the removal of a majority of the 100+ acre of forest will disrupt the natural balance and displace many wildlife species, causing the proliferation of pest species, including rodents, to the nearby residential areas. The commenters

also expressed their opposition to the removal of natural habitat for sake of industrial development, parking, and roads.

Response: The impacts to the ecological resources of a site are generally a direct result of clearing of natural vegetation, an increase in human activity and associated wildlife stressors, and the resulting loss and fragmentation of wildlife habitat. The proposed development area is currently wooded (55± acres) and successional old field (43± acres). A combined total of 89.79± acres of successional old field and natural woodlands will be cleared leaving 10.27± acres of forest, 0.05± acres of successional old field and an additional 11.81± acres of landscaping, 1.87± acres of vegetated recharge basin, and 0.24± acres of decorative pond will be provided onsite bringing the total pervious native vegetated or other landscaping to 24.0± acres or 24± percent of the 100.11-acre PIP-2-zoned Lot 1 development site.² Most of the species expected on the property are at least somewhat tolerant of human activity, but others will be impacted by the proposed clearing operation and increased onsite human and vehicle activity. It is also expected that particular species of wildlife (particularly avian species) will migrate to undisturbed areas adjacent or near the site as a result of development.

In the short term, lands adjacent to the property will experience an increase in the abundance of some wildlife populations due to displacement of individuals during construction but phasing the construction activities (three phases proposed) will help to reduce this impact. Mobile species and particularly large mammals such as fox and deer may find suitable habitat within buffers and/or offsite on the nearby Pinelawn Cemetery, adjacent park to the north, golf course, and Federation of Jewish Philanthropists land and the Henry Kauffman campground, Adventure Park and Sports Pavilion properties north of Colonial Springs Road or in other partially vegetated areas. However, ultimately, the reduced habitat and competition with both conspecifics and other species already utilizing the resources of the surrounding land would be expected to result in a net decrease in population size for most affected species. Some common and adaptable human tolerant species may become more abundant on the site, such as European starling, American robin and blue jay. Various techniques and strategies were identified to mitigate impacts to the maximum extent practicable. These mitigations include those identified in the response to comments in **Section 2.9.1** above, as well as the following additional measures to minimize impacts including existing natural damage to site ecology and to ensure that appropriate species are planted.

- The Subject Property was recently determined to be within an Asian Long-horned beetle quarantine zone. Any proposed maples, birches, willows, poplars, and buckeyes identified on the proposed Landscape Plan or in this document for planting will therefore be replaced with other site appropriate species and the Landscape Plan will be revised, accordingly for resubmission. Examples of acceptable landscape species include but are

² Does not include the 0.24-acre decorative pond. The 0.24-acre decorative pond, plus 24.0 native vegetated or landscaped and total impervious surfaces (building and pavement) totaling 75.87 acres equals 100.11 acres.

not limited to American beech, sweetgum, blackgum/sourgum, tulip tree, and hackberry. In addition, all tree removal will be performed by a State-certified contractor following quarantine procedures.

- No known invasive plant species will be utilized, including those species specifically listed in the “New York State Prohibited and Regulated Invasive Plants”.

2.9.3 Comments USFWS(Drew)-1, USFWS(Drew)-2, USFWS(Drew)-3, USFWS(Drew)-4, USFWS(Drew)-5, USFWS(Drew)-6, USFWS(Drew)-7, USFWS(Drew)-8, USFWS(Drew)-9, USFWS(Drew)-10, USFWS(Drew)-11, USFWS(Drew)-12: See **Appendix I-1** for the full letter. The commenter identifies vulnerable, imperiled, rare threatened and endangered species that could potentially inhabit or might visit the site and potential impacts on these species and any supporting habitat. Potential impacts and mitigations are discussed below:

Comments USFWS(Drew)-1, USFWS(Drew)-6: Commenter cites a November 30, 2023 letter from New York Natural Heritage Program letter (see **Appendix I-2**) which indicates the presence of a regionally and globally rare pitch pine-scrub oak plant community on site and that the property supported a vulnerable and imperiled moth and vascular plant species in the past.

Response: As discussed in the DEIS **Section 2.3.2** and modified per the updated site coverages associated with the Preferred Plan (outlined in **Section 1.5** of this Amended FEIS):

The NYNHP identified records of one known occurrence of an endangered plant known as Low St. John’s Wort (*Hypericum stragulum*) within a half-mile on a nearby property back in 1998. This species was not found on the subject property during the field surveys, and no other rare, threatened or endangered plant was found but two exploitably vulnerable plant species were, including American holly (*Ilex opaca*) and spotted wintergreen (*Chimaphila maculata*). These exploitably vulnerable plant species are, however, relatively common in Long Island’s natural habitats. “Exploitably vulnerable” plants are species which are not currently threatened or endangered but are commonly collected for flower arrangements or other uses. Under ECL 1503.3, no person may “*knowingly pick, pluck, sever, damage by the application of herbicides or defoliants or carry, without the consent of the owner thereof, protected plants*” (**NYSDEC, 1975**). As per this section of the NYS Environmental Conservation Law, the project sponsor (i.e., owner) would not be restricted in utilizing the site for the intended purpose. Therefore, the presence of protected plants would not restrict use of the site under the NYS Environmental Conservation Law.

The subject property also contains a NYS Rare and Globally Rare pitch pine-scrub oak barrens ecological community onsite. This habitat type is located on the north central portion of the subject property along the northerly property boundary and is estimated to encompass approximately 16.54± acres or 14.85 percent of the site. The Preferred Plan would preserve approximately 2.75± acres of pitch pine-scrub oak barrens on the site (or NHP stated in its letter that this pitch pine-scrub oak barrens represents “a good occurrence, but it is very disturbed and

located within cemetery boundaries. The rank of “C” was assigned because the area is likely to be developed.” In addition, since some of the pitch pine-scrub oak barrens are along the northerly property boundary some of this habitat will not be cleared as part of this project.

Regarding potential rare lepidopteran species, Edward’s hairstreak (NYS Unlisted/ Vulnerable) and coastal barrens buckmoth B. (NYS Special Concern/Imperiled and Globally Uncommon), Laing Associates Inc. and Nelson Pope Voorhis staff undertook four seasonal, day-time lepidopteran surveys over two years to understand whether these species still utilized the site, considering the habitat was sufficient for both species. In addition to searching for the target species, additional insects, birds, and other general wildlife were noted and documented in the DEIS. Observers located three clusters of feeding buckmoth larvae throughout the site in June 2022, and one flying Edward’s hairstreak adult in July 2022. As such, it should be presumed that these historically identified populations, last observed in the mid-1980’s and early 1990’s, have persisted to date based on the presence of available onsite habitat (Pitch Pine-Scrub Oak Barrens). Under the Preferred Plan, 2.75± acres of the existing 16.54± acres of Pitch Pine-Scrub Oak habitat will remain onsite, and the site Landscape Plan includes replanting of 11.81± acres of native landscape species and 1.87± acres of native species in the recharge basin.

Special concern species are native species which are not recognized as endangered or threatened, but for which there is documented concern about their welfare in New York State as a whole. Unlike threatened or endangered species, species of special concern receive no additional legal protection under Environmental Conservation Law Section 11-0535. Mitigation is provided below.

The DEIS identified several strategies and techniques to mitigate impacts on common and rare wildlife, including the following as updated by the Preferred Plan and previously noted above:

- Identify milkweed onsite. Avoid clearing milkweed from May 15 through September 30 when monarch caterpillars may be present.
- Native plant species that provide food and shelter to wildlife including lepidopteran’s will be utilized in the landscaped areas. The proposed landscape plan will include various pitch pine-scrub oak species and specific plant species that typically support lepidopterans and other wildlife that are or may be present onsite. This includes planting of a “Beneficial Insect Habitat Mix” consisting of monarch butterfly and other lepidopteran host plants such as common milkweed, swamp milkweed, purple coneflower, New England aster, black-eyed Susan, early and gray goldenrod, and various others.
- When feasible, maintenance of landscaping should occur between October 1 and May 15 when monarchs are overwintering.
- Avoid using herbicides for maintenance and extend this conservation measure to all portions of the project area where milkweed is likely to occur.

- Prior to any site clearing or other construction activities a qualified professional should conduct a “wildlife inventory/sweep” of the project area as necessary and appropriate, to relocate any fauna such as amphibians (e.g., frogs, toads) or reptiles (e.g., box turtles) that might otherwise be directly impacted by clearing activities, so they may be relocated to buffer or non-disturbance areas.
- The project has undergone consultation by both the USF&WS and the NYSDEC regarding any potential impacts to rare wildlife, and an additional study was undertaken to assess the potential presence of endangered species as discussed in responses to comments USFWS(Drew)-2, USFWS(Drew)-7 below.
- Disturbance will be minimized to the maximum extent practicable, including providing perimeter buffers, enhanced screening, and delineating tree-clearing limits at the site prior to construction to avoid inadvertent clearing.

Comments USFWS(Drew)-2, USFWS(Drew)-7: Commenter states that the project site is within the buffer zone of three known [offsite] northern long-eared bat detections and discusses mitigations to protect this endangered species. Commenter also expresses the need for protection of any Tri-colored bats which are proposed for listing in New York State.

Response: As discussed in **Section 2.3.1** of the DEIS, the New York Natural Heritage Program (NYNHP) (ECL 9-1503) which maintains a comprehensive database on more than 15,000 locational records for rare plants, animal, and natural communities within the State of New York, was contacted in 2022 and 2023 to determine if there were any records of rare habitats, plants or wildlife on or in the vicinity of the Subject Property. The NYNHP does not have any occurrence data for the northern long-eared bat (NLEB) within the vicinity of the project site. NYSDEC was also contacted, and an application was submitted to NYSDEC for an Article 11 Determination of No-Take under the New York State Environmental Conservation Law and 6 NYCRR Part 182 for the proposed development in March 2025 (see **Appendix I-4**).

To further assess the property for the potential presence of NLEB, mist net and acoustic presence/probable absence surveys were conducted onsite from June 16, 2025 through June 18, 2025 by qualified professionals from Edgewood Environmental Consulting, LLC (see **Appendix I-3**). As discussed in the **Mist Net and Acoustic Bat Survey (Appendix I-3)**, survey protocols were based on the methods outlined in Appendix B and C of the Federal Protocol. Site-specific methods were outlined in a study plan that was dated and submitted to the USFWS Long Island Field Office on June 2, 2025, approved by USF&WS on June 5, 2025, and submitted/approved by NYSDEC on May 29, 2025.

The findings of the **Mist Net and Acoustic Bat Survey (Appendix I-3)** were, *“This combined mist net and acoustic bat survey resulted in the capture of 11 bats, representing 2 common species: big brown bat and eastern red bat. The acoustic survey detected 5 bat species: big brown bat, eastern red bat, hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), and little brown bat (*Myotis lucifugus*).”* No NLEB or tri-colored bats were found to be utilizing the

project site. As the species were not found to be occurring on-site, the proposed development of the site is not anticipated to impact either of the species considered in the comment above. The study was submitted to both NYSDEC and USF&WS. It is noted that the Proposed Project does not require federal agency authorization or funding, and is not being carried out by a Federal agency; therefore, further consultation with USF&WS is not required under the Endangered Species Act.

The NYSDEC reviewed the **Mist Net and Acoustic Bat Survey** and in its letter to the Applicant, Bristol Suffolk, LLC, dated August 11, 2025, titled “**Letter of No Jurisdiction Endangered Species Act**” the NYSDEC states:

“Based on the information you have submitted, the Department of Environmental Conservation has determined that the proposed activity is not subject to regulation under NYS Endangered Species Regulations. This determination is valid for one year from the date of issuance of this letter (**August 11, 2026**) as long as there are no changes to the activities or locations proposed in the jurisdictional request, and no federally listed species are confirmed within the project footprint prior to the expiration of one year.”

“Be advised that any changes in location of modifications of the scope of work not identified in the submission referenced above may trigger DEC authorization. Please contact this office if such activities are contemplated.”

“Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities.”

Again, based on the NYSDEC “Letter of No Jurisdiction Endangered Species Act,” the proposed development of the site is not anticipated to impact threatened or endangered bat species. See **Appendix I-4** for a copy of the above-referenced letter.

Comments USFWS(Drew)-3, USFWS(Drew)-9: Commenter recommends that proposed plans address any potential adverse impacts to Monarch butterflies and their habitats.

Response: As stated in **Appendix I-1**, the monarch butterfly “*is currently a candidate species for listing, but the Service anticipates a listing decision in September 2024.*” As of the writing of this Amended FEIS, the species remains a candidate species and has not been formally listed as endangered under the Endangered Species Act. Nevertheless, the DEIS identified several strategies and techniques to mitigate potential impacts on monarch butterflies, including the following:

- Identify milkweed onsite. Avoid clearing milkweed from May 15 through September 30 when monarch caterpillars may be present.
- Native plant species that provide food and shelter to wildlife including lepidopteran’s will be utilized in the landscaped areas. The proposed landscape plan will include various pitch

pine-scrub oak species and specific plant species that typically support lepidopterans and other wildlife that are or may be present onsite. This includes planting of a “Beneficial Insect Habitat Mix” consisting of monarch butterfly and other lepidopteran host plants such as common milkweed, swamp milkweed, purple coneflower, New England aster, black-eyed Susan, early and gray goldenrod, and various others.

- When feasible, maintenance of landscaping should occur between October 1 and May 15 when monarchs are overwintering.
- Avoid using herbicides for maintenance and extend this conservation measure to all portions of the project area where milkweed is likely to occur.

Comments USFWS(Drew)-4, USFWS(Drew)-10: Commenter indicates that care should be taken to avoid the taking of any of the migratory bird species listed in the original comment during their breeding and migration seasons.

Response: As discussed in the **DEIS Section 2.3.2:**

“Avian species which might be expected on the property include a variety of species that prefer a mix of old field and forest environments. During the 2021-2024 field investigations the following birds were heard or directly observed: cedar waxwing, red-tailed hawk, Northern cardinal, chimney swift, Northern flicker, American crow, fish crow, blue jay, gray catbird, barn swallow, Baltimore oriole, red-bellied woodpecker, song sparrow, Northern mockingbird, downy woodpecker, hairy woodpecker, black-capped chickadee, chipping sparrow, European starling, house wren, Eastern kingbird, American robin, and mourning dove. However, many other bird species are likely to inhabit or visit the site. In order to provide a more detailed representation of the avian species potentially present on site, the NYS Breeding Bird Atlas was reviewed to obtain data from the 2000-2005 Breeding Bird Survey for the census block encompassing the subject parcel (Appendix K-1). This study surveyed the entire State by 25 km² census blocks over a five-year period (2000 to 2004) to determine the bird species which breed within the State. Table 2-6 contains a list of bird species that may live on or visit the site based on the Breeding Bird Survey. Birds that were heard or seen by NPV and B. Laing staff during the seven field visits (4 joint visits were conducted with B. Laing staff) are signified by an asterisk ().”*

Seven site visits were conducted by qualified and trained NPV and B. Laing Associates’ ecological staff between 2020 – 2024 to document species diversity and existing conditions (See Section 2 of the DEIS which contains lists of species that were identified onsite including avian species). Additionally, the DEIS included mitigation stating “prior to any site clearing or other construction activities a qualified professional should conduct a “wildlife inventory/sweep” of the project area as necessary and appropriate, to relocate any fauna such as amphibians (e.g., frogs, toads) or reptiles (e.g., box turtles) that might otherwise be directly impacted by clearing activities, so they may be relocated to buffer or non-disturbance areas,” It is anticipated that during these wildlife sweeps any occupied migratory bird nests will be observed and can be avoided until no longer

active in order to avoid a potential take of a migratory species under the Migratory Bird Treaty Act.

In July 2024, the USF&WS published Nationwide Avoidance & Minimization Measures for Birds which proposes “*effective measures that should be employed at all project development sites nationwide as applicable and practicable with the goal of avoiding and minimizing impacts to birds and their habitats.*” Per recommended Stressor Management Measure 1, to the maximum extent practicable, all removal of vegetation and grading of vegetated areas will occur outside of peak bird breeding season. When the clearing or grading of vegetated areas will occur within peak bird breeding season, as stipulated in Measure 2, and outlined in the DEIS Section 2.3.3., a wildlife survey/sweep will be conducted to assess any potential breeding bird locations. If active nests or breeding behavior are observed, and the clearing of vegetation must occur, a buffer zone around the nest will be established and all clearing activities will be prohibited within the buffer zone until nestlings have fledged and left the nest area or the nest is determined to be no longer active.

Comments USFWS(Drew)-5, USFWS(Drew)-11: Commenter states that eagles regulated under the Bald and Golden Eagle Protection Act could potentially exist within the project area.

Response: As discussed in the **DEIS Section 2.3.2:**

“Avian species which might be expected on the property include a variety of species that prefer a mix of old field and forest environments. During the 2021-2024 field investigations the following birds were heard or directly observed: cedar waxwing, red-tailed hawk, Northern cardinal, chimney swift, Northern flicker, American crow, fish crow, blue jay, gray catbird, barn swallow, Baltimore oriole, red-bellied woodpecker, song sparrow, Northern mockingbird, downy woodpecker, hairy woodpecker, black-capped chickadee, chipping sparrow, European starling, house wren, Eastern kingbird, American robin, and mourning dove. However, many other bird species are likely to inhabit or visit the site. In order to provide a more detailed representation of the avian species potentially present on site, the NYS Breeding Bird Atlas was reviewed to obtain data from the 2000-2005 Breeding Bird Survey for the census block encompassing the subject parcel (Appendix K-1). This study surveyed the entire State by 25 km² census blocks over a five-year period (2000 to 2004) to determine the bird species which breed within the State. Table 2-6 contains a list of bird species that may live on or visit the site based on the Breeding Bird Survey. Birds that were heard or seen by NPV and B. Laing staff during the seven field visits (4 joint visits were conducted with B. Laing staff) are signified by an asterisk ().”*

Seven site visits were conducted by qualified and trained NPV and B. Laing Associates’ ecological staff between 2020 – 2024 to identify site habitat and document species diversity and existing conditions. Bald eagles were not identified onsite. (See Section 2 of the DEIS which contains lists of species that were identified onsite including avian species). In addition, correspondence from

NYSDEC's Natural Heritage Program (NYHP) dated November 30, 2023 (Appendix K-2 of the DEIS) had no record of the bald eagles onsite or in the area.

The DEIS identified the following strategies and techniques to mitigate impacts on common and rare wildlife:

- Prior to any site clearing or other construction activities a qualified professional should conduct a "wildlife inventory/sweep" of the project area as necessary and appropriate, to relocate any fauna such as amphibians (e.g., frogs, toads) or reptiles (e.g., box turtles) that might otherwise be directly impacted by clearing activities, so they may be relocated to buffer or non-disturbance areas.

Should any active or inactive bald eagle nests be observed within the area for development, the project sponsor will contact the NYSDEC as well and the USF&WS.

Comments USFWS(Drew)-8, USFWS(Drew)-12: Commenter discusses general species and habitat protection strategies, available resources and requirements or recommendations for continued coordination.

Response: All general species and habitat protection strategies, resources, recommendations and requirements have been thoroughly reviewed and analyzed. The project sponsor has further reduced the clearing that was presented in the initial consultation to the USF&WS made in May 8, 2024. As discussed in **Section 1.5** of this Amended FEIS, the total area of clearing has been reduced and 10.32± acres of forested or naturally vegetated area³ will remain under the FEIS Amended Preferred Plan as opposed to 7.8± acres under the Previous Preferred Plan included in the DEIS. As noted by the responses to the comments above, a number of mitigation measures have been incorporated into site planning, including a landscape plan comprised of all native species, providing an additional 13.68± acres⁴ of native landscape species and habitat. Per the recommendation of the USFWS, the project sponsor will utilize the Information Planning for Conservation at IPaC: Home (fws.gov) regularly to ensure that listed species presence/probable absence information for the FEIS Amended Preferred Plan remains up to date.

In conclusion, as previously detailed above, the NYSDEC has considered the **Mist Net and Acoustic Bat Survey** and other available information and issued a Letter of No Jurisdiction Endangered Species Act" concluding that:

"Based on the information you have submitted, the Department of Environmental Conservation has determined that the proposed activity is not subject to regulation under NYS Endangered Species Regulations." See **Appendix I-4**.

³ A total of 10.27 acres of forest and 0.05 acres of successional old field.

⁴ 11.81± acres of native landscape species and 1.87± acres of native species in the recharge basin

2.10 Land Use, Zoning and Plans

2.10.1 Comment HA(Williams)-13b: “This is not something that you normally build in a residential area. This you put over there near -- near the highways or something like that. You’re changing the zoning rules just to do that.”

Response: Please see **Section 3.1.2- Potential Impacts** of the DEIS:

“The [previously] Proposed Action and the Preferred Alternative [Preferred Plan] (detailed in **Section 5** of this DEIS) both request a change of zone of proposed Lot 1 to a newly proposed PIP-2 district. This district takes into account applicable recommendations of the Town of Babylon 1998 Comprehensive Plan, as well as other goals of the Town of Babylon established in other community plans and as communicated in continuing discussions with the Babylon Planning Department. To minimize impacts from the transition from the proposed warehouse/office uses to the nearby residential uses, the Proposed Action and Preferred Alternative discussed in **Section 5**, fully adhere to all PIP-2 dimensional and bulk standards. The Preferred Alternative specifically provides additional wooded buffering adjacent to the residential uses to the north and east of the subject property.”

“In both Actions, noise and light attenuation strategies will be implemented at the development perimeter to reduce conflicts and maintain the value and quality of life in residential areas. Whereas the 1998 Plan recommends a minimum of 10-25 feet for commercial/light industrial uses adjacent to residences, the PIP-2 zoning code requires a minimum 100 feet setback where the lot abuts residential uses, including a minimum 50-foot vegetative buffer.”

As described in **Section 1** of this FEIS, the proposed stormwater recharge basin on the northeast side of the property was relocated 95 feet farther west of North 28th Street (from 25 feet to more than 120 feet) to increase the depth of the buffer between the proposed project and the North 28th Street neighborhood. The total lengths of proposed Buildings 3 and 4 were reduced by 112± feet, allowing the north access driveway located adjacent to these buildings to be realigned farther to the south providing increased driveway separation and an additional 108 to 110 feet of building setback for the adjacent Circle Drive neighborhood to the north. These plan modifications would bring the total Building 3 and Building 4 setbacks to 303’6” and 316’8”, respectively, from the northerly property boundary, and over 400 feet from the closest building to the closest residential structure. In addition to the proposed buffers and setbacks on the north side of the property, Kevin Ver Pault Memorial Park provides an extra 400 feet of separation between the subject property and Ridge Road residences, and all heavy truck traffic will now be prohibited between Colonial Springs Road and the proposed northerly site access to minimize truck traffic and associated noise.

In addition to adhering to the Town of Babylon Code and Comprehensive Plan, there is an existing slope that descends from the residential neighborhood north of the subject property. This lower

surface elevation on the project site, the existing mature forest buffer (that is to remain), the proposed landscaped vegetation, and development layout will significantly obscure the Technology Park from the northern residences. The perimeter of the Technology Park will be supplemented with a variety of evergreen and native deciduous trees and shrubs that will provide visual/sound buffering in addition to mitigating the effects of forest clearing. Furthermore, the project will retain 10.27± acres of natural forest, most of which will act as a buffer between the development and residential areas, as well as an additional 0.05 acres of successional old field vegetation.

2.10.2 Comment HA(Hession)-20d, HB(Hession)-1e, HB(Hession)-1g, HB(Hession)-1h: The commenter states, “As far as the technology center, this isn't a technology center, this is a waste dump transfer site”. The comments call into question the tenancy of these warehouses and suggest that future tenants will engage in activities that are prohibited or not supported by the Applicant’s proposed code and may pose health and safety concerns to the nearby residents. Specifically, a commenter calls to the request for a restriction on lithium battery storage on site, stating that, “the owner of the property can't guarantee what the tenant's going to move in and out, because the tenants can move in and out whatever they want.”

Response: The Applicant in collaboration with the Town of Babylon Planning Department drafted the language for the PIP-2 Zoning Code to specifically allow only certain types of commercial and light industrial uses to lease warehouse space from the nine proposed buildings in the Suffolk Technology Park. The uses allowable by permit and special exception specifically prohibit the generation, storage, or disposal of hazardous wastes. Additionally, the code specifically prohibits other uses such as motor vehicle services, laundromats, and coal or petroleum product storage and distribution as these are known generators of wastes which may be damaging to local water quality and human health and safety. From the proposed **PIP-2 Zoning Code:**

- A. “Permitted uses. No building, structure or land shall be used, and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for one or more of the following uses. All operations and activities shall occur within fully enclosed structures, and there shall be no outdoor storage of materials, or equipment except as permitted pursuant to subsection D(3).”
 - (1) “Light industrial establishments in which the principal activity shall be the manufacture, intermediate processing or assembly of goods or similar operations which conform to the standards of usage contained in § 213-591 of this article.”
 - (2) “Professional and job skills training, vocational training, industrial, medical research and development, scientific research and development, laboratory.”
 - (3) “Warehousing, storage and/or distribution.”
 - (4) “Manufacturing, assembly, and/or distribution, except that no manufacture or disposal of hazardous materials shall be permitted nor

- shall storage of hazardous materials in violation of law be permitted.”
- (5) “Offices, as accessory to an industrial warehouse use and not to exceed 25% of the floor area of the unit or 5,000 SF for an individual tenant.”
 - (6) “Wholesale packaging, supply and/or distribution.”
 - (7) “Construction trade contractors.”
 - (8) “Craft/artisan production.”
 - (9) “Food and drink preparation and distribution.”
 - (10) “Cemetery purposes.”
- B. “The following uses, when allowed as a Special Exception by the Board of Appeals and not to exceed more than 20 percent of the occupied floor area of the overall technology park, subject to conditions, restrictions and safeguards as may be imposed by the Board of Appeals:”
- (1) “Health clubs, personal fitness facilities.”
 - (2) “Childcare Center.”
 - (3) “Indoor sports and recreation.”
 - (4) “Banks.”
 - (5) “Commercial kitchen.”
 - (6) “Printing.”
- C. “All uses other than those expressly listed above are to be considered as prohibited uses with the following expressly prohibited uses:”
- (1) “Wholesale club.”
 - (2) “Motor vehicle repair, painting and engine rebuilding.”
 - (3) “Warehousing and distribution of coal, petroleum or petroleum products as a primary use.”
 - (4) “Outdoor overnight storage, except as permitted pursuant to subsection D(2) below.”
 - (5) “Commercial laundromat.”
 - (6) “Any use with a drive-thru component.”
 - (7) “Funeral homes”
- D. “Accessory Uses.”
- (1) “Showroom/Display Area.”
 - (2) “Outdoor overnight parking of registered vehicles accessory to a permitted principal use shall be limited to the following:”
 - i. “Trucks, box trucks, tractor trailers, delivery vans, etc. parked within loading bays, or any other area on the property approved for such parking (not to exceed 10% of the required parking for each building), so as to not interfere or infringe upon any travel aisles, site circulation, or adjacent tenancies.”
 - ii. “Passenger vehicles, excluding buses, limousines, cabs, or the like,

when located within marked parking stalls and subject to compliance with site plan standards.”

Finally, it should be noted that PIP-2 Zoning code § 213-591 “Standards of usage” Specifically states that:

“It is the intent of these regulations to prevent land and/or buildings within the PIP-2 District from being used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous conditions; noise or vibration; smoke, dust, fumes, odor or other forms of air pollution; electrical or other disturbances; glare or heat; or the disposal of liquid or solid wastes or refuse contrary to the environmental regulations of the Town of Babylon; conditions conducive to the breeding of rodents or insects; or other dangerous or objectionable elements in an amount or manner so as to adversely affect the surrounding area.”

“Uses within the PIP-2 Zoning District shall be in conformance with Suffolk County Department of Health Services Articles 7 and 12 for the location within Suffolk County Hydrological Zone I, a groundwater deep recharge zone.”

Pursuant to the proposed PIP-2 code, a waste transfer use or any other similar intensive industrial land use would not be allowed in this development.

2.10.3 Comment W11(Foy)-1: “A March 8, 2024 article in Long Island Business reports that the Town of Babylon began the process of approving an Industrial Park located in Wheatley Heights. There is some debate as to whether the location is actually Wheatley Heights or Wyandanch. The Town of Babylon’s website says that hamlets have no official boundaries, and since the project adjoins the Wheatley Heights community via Little East Neck Road, I am going with the article’s premise that the location is Wheatley Heights.”

Response: There appears to be some misunderstanding regarding the location of the proposed project. To clarify, it is situated within the Hamlet of Wyandanch, not Wheatley Heights as indicated throughout the DEIS. This confusion, which has been noted among members of the public and the media, may arise from the fact that the project site borders the southern boundary of Wheatley Heights.

For more clarification, please see DEIS **Executive Summary, Page S-2**

“The subject property is a 111.39-acre site, owned by Pinelawn, located on the northeast corner of Little East Neck Road and Long Island Avenue, immediately north of the Long Island Railroad (LIRR), south of Circle Drive, and west of North 28th Street in the Hamlet of Wyandanch, Town of Babylon, Suffolk County, New York.”

2.10.4 Comment W11(Foy)-14: This comment highlights concern about the general location of the proposed project and suggests that other locations for the proposed project will be more appropriate. “This project should be built in one of the Town’s already designated industrial zones. There are spaces on Pinelawn Avenue near the Southern State Parkway and also in Lindenhurst that would be better suited for this project. I recognize that there are financial incentives for this project – these incentives do not have to be compromised by moving the industrial park to a more appropriate location.”

Response: Please see DEIS **Section 1.1.3-** Objectives of the Project Sponsor:

“The site is ideal for the proposed use based on its location, size which is sufficient to accommodate the proposed use, while still providing deep setbacks, soundwalls, vegetated buffers, and construction at a lower elevation than the adjacent neighborhood to the north.”

See also the response to comments in **Section 2.10.1** above.

2.10.5 Comment NYSCB-5: “Concerns regarding vandalism, illegal dumping and trespass involving ATVs, discussed at pg. 5-4 for the No Build Alternative, should also be highlighted in the summary on pg. S-70.”

Response: The Applicant has reviewed the New York State Cemetery Board’s comment and acknowledges that the information identified in the *No Build Alternative* section of the DEIS is important and therefore could have been reflected in the executive summary. According to the SEQR Handbook, “In a final EIS, the lead agency responds to the substantive comments or issues identified during the public review period.” While the Cemetery Board’s comment is recognized as important, the comment is not considered a substantive comment which raises important, new environmental issues not previously addressed as the comment is documented both within the DEIS and this FEIS. Therefore, a reissuance of the referenced section of the DEIS is not thought to be necessary. The conclusions of the environmental review and future development of the site are informed by the DEIS and FEIS but are ultimately guided primarily by the SEQRA Findings Statement and Determination of Significance, adopted final Resolutions of Approval for the Change of Zone, Subdivision and Site Plan, and any conditions of that or other required approvals.

2.11 Community Character

2.11.1 Comment HA(Williams)-13a, HA(Williams)-13c, HA(Eatz)-14, HA(Foy)-16a, HA(Foy)-16b, W4(Williams)-3, W7(Shek)-1, W7(Shek)-2, W8(Eatz)-3, W10(Shek)-2, W10(Shek)-13, W10(Shek)-14, W11(Foy)-8: These comments express concerns that the proposed project will adversely affect the quality of life, property values, and the overall residential character of the community expressed passionately by the commenters. The commenters specifically note that the project will impact their neighborhoods, however the applicant and its team do not live in the project vicinity and their homes will not be impacted by it.

Response: Careful consideration and thought has been undertaken by the applicant, the Town of Babylon, and the environmental consultant to ensure that impacts to the surrounding community and the encompassing community character have been mitigated to the fullest extent possible.

Please see Section **3.2.3- Mitigation** from the DEIS below for the mitigation measures being undertaken.

- “The lighting plan has been designed to address light trespass, glare, sky glow, and wasteful energy use. The Applicant will work closely with the Town Planning Board as needed in its review of the attached exterior Lighting Plans and ensure conformance to applicable provisions of the PIP-2 §213-582 “Outdoor lighting” and its referenced standards to existing Town Code Article XVIII Supplementary Regulations §213-245 Exterior lighting standards and Dark-Sky compliance.”.
- “Installation of dark sky compliant LED lighting outdoors;”
- “All LED indoor lighting packages will be equipped with occupancy sensors and daylight dimming sensors to prevent wasteful illumination and excessive energy use.”
- “Shade trees, enhanced landscaping design, and landscaped drive aisle medians will be provided to reduce the heat island effect, enhance the appearance of parking areas, and provide personal comfort and habitat, cover, and nesting areas for birds.”
- “Odor-related impacts from construction, sewer infrastructure (pump station, collection system and force main), and the future use of the property are not anticipated; therefore, no further mitigation is recommended”
- “The project is to be developed in the most aesthetically pleasing manner with preservation of existing buffers and vegetation, and the planting of additional supplemental vegetation to enhance screening and buffering to the greatest extent practicable.”
- “The project includes deep vegetated setbacks and buffers, particularly adjacent to residential areas. In addition, soundwalls as shown on the proposed plans will be provided to attenuate noise levels and the proposed development will be constructed at elevations

that are several feet lower than the adjacent neighborhood to the north to minimize visual impacts.”

- “Four 12-foot-high soundwalls will be constructed at the terminuses of onsite driveway intersections that face residential neighborhoods to further mitigate sound levels at these locations and block headlights of oncoming cars and trucks.”
- “Loading areas shall be located between buildings in the interior of the site to the maximum extent practicable as shown on the preliminary plans and will incorporate a “wing-tip” building design to isolate loading areas from exposure to surrounding properties.”
- “Road widening, intersection improvements, new turning lanes, and traffic signalization at the north access to properly control access, circulation and ensure public safety.”
- “Strict adherence to SEQRA, Change of Zone, Subdivision and Site Plan procedures, including public participation, and continued coordination and input from the Town and public through the process to ensure standards are followed and public input is considered and addressed as applicable.”
- “Implementation of an Environmental Justice public information and participation plan to ensure appropriate public outreach and input.”
- “Heavy truck traffic will be prohibited on Little East Neck Road from Colonial Springs Road to the north entrance of the proposed project site. This will eliminate current heavy truck traffic and traffic activity along this stretch of roadway. “

2.12 Noise, Odors, and Outdoor Lighting

2.12.1 Comment HA(Lloyd)-11e: This comment prompts the applicant to provide specifications of noise barriers and their effectiveness at buffering sound. “I know that there is going to be that sound buffer, exactly how high is that buffer, what is it made of? And I -- and how -- you know, how much sound does it buff? I live on 28th Street, and we have that gas station on the corner. I sleep with a sound machine, so I don't hear, you know, the -- at night, they deliver gas -- gas. So, we are very concerned about sound, and when these deliveries and garbage pickups are going to be, they're going to be during the day, is there going to be a timeline when there can't be deliveries? Like, there is like 10:00 p.m., I think in the Town in terms of noise and things like that. So, is there a timeline of collecting garbage, trucking deliveries and things like that.”

Response: Notwithstanding, the deep vegetated buffers that attenuate sound over distance, adjacent parkland, the recharge area off North 28th Street, Lot 2, and various Town and State operational restrictions, the applicant also proposes to construct three 12-foot-high sound walls at key locations. Sound walls act as sound barriers and reduce traffic and other vehicle noise due to insertion loss (i.e., the reduction of sound levels when a sound barrier is placed in the transmission path between the sound source and receiver). A sound barrier constructed of wood or concrete will block sound transmission (Sound Transmission Class rating) while wood panels will also absorb sound waves with a higher Noise Reduction Coefficient (NRC) rating. STC is the most common sound reduction measurement currently in use and has been adopted by many cities and states as code standards. The heavier/denser concrete/precast concrete walls will have a higher STC rating. The surface of the noise barriers facing the source will be roughened (i.e., either unplanned wood surfaces or a textured, uneven concrete surface). In general terms, an effective barrier can reduce noise levels between 5 to 10 dB(A). See also the “Sound Measurements and Impact Review” study prepared by B. Laing Associates provided in Appendix M of the DEIS, as well as Section 3.2.3, pages 3-62 through 3-65 of the DEIS for full noise assessment and the numerous noise mitigation strategies and techniques identified.

Site access is proposed via two access driveways along Little East Neck Road. A new signalized site driveway proposed near the northwest corner of the subject property would provide full access and egress for passenger vehicles. All trucks will be directed south to Long Island Avenue and truck traffic will be restricted between Colonial Springs Road and the project site access. A second unsignalized access is proposed near the center of the property's frontage on Little East Neck Road and would provide right turn access into the site for passenger vehicles and trucks and egress from the property for passenger vehicles. The property will feature a looped boulevard style internal roadway suitable for accommodating both truck traffic and passenger vehicles, with dedicated loading areas separated from passenger vehicle parking. Overall, the driveways and parking layout are designed to provide safe traffic flow and efficient on-site traffic circulation for passenger vehicles, trucks and emergency vehicles. The internal roadway, traffic circulation, and site access layout was intentionally designed to ensure that truck traffic to and from the site is setback a suitable distance from adjacent residential neighborhoods and that

deep vegetated buffers that are enhanced by staggered rows of mixed deciduous and evergreen species and four 12-foot-high soundwalls are provided where needed to minimize sound. The project design also locates warehouse loading areas behind buildings and at the interior of the site away from residential land uses to reduce noise exposure. The proposed unsignalized southerly access off Little East Neck Road is designed to permit only right-in and right-out access and egress with the right out restricted to passenger vehicles. Trucks that wish to exit the internal roadway network and access Little East Neck Road are directed to the north access which will be signalized. The signalized access at the north end of the property will be full access (rights in and rights out for cars and trucks) with the exception of trucks turning right out and heading north from this intersection. Therefore trucks must turn left out of the northerly egress and head south with limited ability to access local roads of the residential communities to the north of the subject property. To further restrict northbound truck traffic from the subject property along Little East Neck Road, the Lead Agency will prohibit truck traffic along the section of Little East Neck Road between the southwest corner of Kevin Ver Pault Memorial Park and Colonial Springs Road. The Town of Babylon Traffic Safety Committee will determine the specific standard for this prohibition. Access to Lot 2 (interment area) would be from North 28th Street.

Construction Period Activities

Site preparation and construction will inevitably generate sound including construction vehicle activities that may be heard from neighboring properties. Strict adherence to Chapter 156 (Noise) will be required which states that “[n]o person shall operate or permit to be operated any tools or equipment used in construction, drilling or demolition work:

- (1) “Between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on Sundays or legal holidays such that the sound therefrom creates unreasonable noise across a residential real property boundary line or within a noise sensitive zone.”
- (2) “At any other times such that the continuous sound in air level at or across a real property boundary exceeds an L10 of 80 dB(A).”
- (3) “At any other time, such that the impulsive sound in air has a peak sound pressure level at or across a real property boundary in excess of 130 dB(A).”
- (4) “The provisions of this subsection shall not apply to emergency work or work conducted under a special variance issued pursuant to §§ 156-14 and 156-15 of this chapter.”

Operations

Site operational activities must also adhere to restrictions on loading and unloading per § 156-9F. of the Town’s noise ordinance as follows:

“Loading and unloading. No person shall engage in, cause, permit or suffer the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or any other objects between the hours of 8:00 p.m. and 7:00

a.m. the following day, in such a manner as to cause unreasonable noise across a residential real property boundary.”

In addition, truck activities must comply with §156-9.H.(3) of the Town Code, Parking of certain vehicles which states that:

“No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 30 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion on a public right-of-way or public space so that the sound therefrom is audible across a residential real property boundary or designated noise sensitive zone between the hours of 8:00 p.m. and 7:00 a.m. of the following day.”

2.12.2 Comment HA(Lloyd)-11b: The commenter expresses concerns regarding the impact of the proposed recharge basin with respect to odors. “But we did -- and I do have some concerns for, one of the things with the recharge buffer, when we saw it, we were concerned about what was going to go into that water, because that water is only, like, two hundred feet away from our homes. And even though there is a buffer, and there is going to be some foliage that is there currently, we were concerned about smells.”

Response: Recharge basins differ from stormwater detention ponds as they are designed to accept stormwater runoff collected onsite and quickly and efficiently discharge/recharge the water into the ground. The engineering team has designed the proposed recharge basin in accordance with Town and State standards and specifications and found that based on site soils, the recharge basin’s elevation above groundwater, and system design the recharge basin will fully accept runoff from the required design storm and function properly. The recharge basin will also be vegetated as a green infrastructure feature as shown on the proposed landscape plan to allow for plant absorption of water and proper filtration. Respective Town departments have and will continue to independently review the proposed plans to ensure that the drainage system is designed in accordance with specifications. In addition, the recharge basin will not accept any discharges that will produce odors.

As stated in **Section 3.2.2** of the DEIS:

“Stormwater runoff will be effectively managed in accordance with Town engineering standards and recharged through the proposed onsite network of catch basins, drywells, the proposed recharge basin and bioretention areas within planted onsite street medians which have the dual purpose of stormwater management (bioretention, evaporation, plant uptake and transpiration, and recharge) as well as for landscaping that would be less likely to require ongoing irrigation. Based on the above, significant odors from the subject action are not anticipated.”

2.12.3 Comments HA(Hession)-20e, HA(Hession)-20i, HA(O’Keefe)-23b, HA(O’Keefe)-23c, W11(Foy)-9, W12(Lloyd)-5, W30(Barrett)-2: The comments highlight concerns over potential elevated noise levels in the surrounding community as a result of increased traffic from the proposed development. Commenters also note that truck activity at distances greater than the proposed development can be heard at night and express concerns that noise from this development will be unavoidable.

Response: Please see DEIS **Section 3.2.2- Potential Impacts:**

“A doubling of traffic volume (assuming speeds and vehicle mixes do not change) equates to an increase in sound of 3 dB(A). A change of 3 dB(A) would be inaudible to most people and only barely audible to a few people. Pursuant to the Nelson & Pope Traffic Impact Analysis, traffic volume at the intersection of Little East Neck Road and Long Island Avenue in the peak AM hour existing scenario has a total volume of 1,475 vehicles, whereas the Build 2026 peak AM hour scenario has 1,788 vehicles. That equates to a 21.22% increase in traffic volume for this principal intersection. Traffic volume at the intersection of in the peak PM hour scenario has a total volume of 1,604 vehicles, whereas the peak Build 2026 PM scenario has 2,079 vehicles. That equates to a 29.6% increase in traffic volume for this principal intersection. Traffic volume at the intersection of Little East Neck Road and Colonial Springs Road in the peak AM existing scenario has a total volume of 1,527 vehicles, whereas the peak Build 2026 AM scenario has 1,750 vehicles. That equates to a 14.6 % increase in traffic volume for this principal intersection. Traffic volume at this intersection the peak PM existing scenario has a total volume of 1,548 vehicles, whereas the peak Build 2026 PM scenario has 1,928 vehicles. That equates to a 24.5% increase in traffic volume for this principal intersection. The Little East Neck Road and Colonial Springs Road will see an increase of approximately 8% in traffic volume from the existing to build AM condition and 10.8% in traffic volume from the existing to build PM condition. As above, the project will cause an increase in traffic volumes of less than a doubling. A doubling of existing traffic would cause an increase of 3 dB(A), which is considered unnoticed to tolerable according to the NYSDEC noise evaluation guidelines in “Assessing and Mitigating Noise Impacts.” Traffic volumes at these intersections will not increase more than 29.6 %. Thus, there will not be a substantial impact due to traffic noise.”

See also the response to comments in **Section 2.12.1** of this FEIS.

Please also note that despite overall increases in traffic volumes in the area, proposed road and intersection improvements have been designed to accommodate the additional traffic flow, minimize impacts, and ensure appropriate levels of service. In addition, as previously noted, heavy truck traffic will be prohibited along Little East Neck Road between Colonial Springs Road and the proposed project’s northerly site access.

2.12.4 Comment HA(Rodriguez)-15f, HA(Foy)-16e, HA(Hession)-20f, HB(Lutz)-2a, W5(Lutz)-3, W10(Shek)-4, W11(Foy)-9, W12(Lloyd)-5: These comments prompt the applicant to provide lighting studies to show lighting impacts to the community when the park is operating. Additionally, the comments note concerns regarding light pollution effects on the surrounding community.

Response: From the proposed **PIP-2 Zoning Code:**

- A. “Outdoor lighting must be compliant with Town Code Article XVII Supplementary Regulations **§213-245** Exterior lighting standards and must be Dark-Sky compliant, except as specified herein.”
 - (1) “An outdoor lighting plan shall be submitted to the Planning Board as part of the site plan application, and shall provide the type, height, location, intensity, and hours of operation of all exterior lighting devices.”
 - (2) “In reviewing the outdoor lighting plan, the Planning Board shall consider the potential impacts of outdoor lighting on adjoining properties. Exterior illumination of building entrances, parking areas, common areas, and accessways shall be limited to providing illumination for security and safety and shall direct light downward. The intensity of such illumination shall be the minimum necessary for such purposes. Site lighting shall be provided along walkways throughout the project that is pedestrian scale, and low in height and intensity. Lighting devices shall be so shielded or arranged that no direct glare be cast toward any residence or adjoining property”
- B. “The outdoor lighting pursuant to this article shall be subject to the approval of the Planning Board at the time of site plan review.”

The Applicant prepared an Overall outdoor lighting plan and several partial lighting plans that looked closely at sections of the property and undertook a comprehensive review of outdoor lighting (See **Attachment 2, Sheet C-701 through C-709**). The outdoor lighting plans included photometric data showing illumination levels throughout the site indicated lighting levels of 0.00 footcandles in areas adjacent to or opposite residential land uses and at negligible levels (0.01 footcandles) of illumination along a small section of the property along Little East Neck Road, thereby preventing unwanted light trespass and associated impacts. Compliance with the proposed plans and Dark Sky requirements for outdoor lighting therefore demonstrates no significant impact. Neighboring residential properties will additionally be separated from the proposed development by large naturally vegetated buffers, supplemented by evergreen and deciduous screening, and strategically placed 12-foot-tall sound walls which will further reduce light trespass offsite.

From the DEIS **Section 1.3.7 Landscaping, Exterior Lighting, and Signage:**

“Outdoor lighting will be provided to establish a safe and secure environment with illumination in those areas where it is necessary. Lighting will be consistent with Town standards and specifications including installation of dark-sky compliant lighting as

required by Town Code that is shielded and directed downward to mitigate potential impacts, and the standards outlined by Town Code **§ 213-245** and the new PIP-2 zoning district.”

“In addition, as shown on the cross sections provided in **Appendix N-3**, there is an existing slope that descends from the residential neighborhood to the north to the subject property. As such, the at-grade surface elevations of future buildings on the site will be several feet lower than adjacent areas to the north. Based on the difference in elevation, the existing forest buffer to remain, and landscaping to be provided, views of buildings from homes located north of the site will be significantly reduced and mitigated.”

Impacts to neighboring properties and night skies from proposed outdoor lighting are not anticipated.

From the DEIS **Section 3.2.2**:

“None of the proposed lights will exceed the 20-foot-high Town restriction and all luminaires are either LEDs or ALEDs. Lights are shown to be properly spaced to provide uniform coverage of work areas at levels that ensure a safe and secure site without over illumination and nuisance impacts. Proposed lighting will be directed downward and will be equipped with programable motion and daylight sensors to reduce unnecessary lighting when and where possible.”

The Applicant is working with PSEG Long Island for the electrical connection coordination. The construction of a new substation will not be required as a result of this proposed project. Please refer to the above-mentioned DEIS for the **Overall** and **Partial Lighting Plan** for additional technical and specification information.

2.12.5 Comment W5(Lutz)-1: The comment notes suggestions to the applicant concerning lighting and adding occupancy controls to the lighting of the project which could benefit the local community and ecosystem. “With the Site Lighting, if Occupancy Controls are added to the Designed Fixtures. The Site Lighting can be programmed to be on for Roughly 2-hours at Sunset at 100% Illuminations, then Dropdown to about 20% Output at a Standby Mode, if any Occupancy (vehicle traffic) is on the roads, the lighting will come back up to 100% then Time-out and Return to 20% Output This would be good for both the Neighbors Dark Sky. Astronomy. Airport Approach. Birds and other Animals. Plus, a Return on Investment of Less Than 3-years. with the possibility of over 3-million in Utility Bills over the 100-years. Also, would Improve the Solar Payback to the Community with Less Electricity used for Lighting when it is Not needed”

Response: Please discuss in Section 3.2.2 of the DEIS, none of the proposed lights will exceed the 20-foot-high Town restriction and all luminaires are either LEDs or ALEDs. Lights are shown to be properly spaced to provide uniform coverage of work areas at levels that ensure a safe and secure

site without over illumination and nuisance impacts. Proposed lighting will be directed downward and will be equipped with programable motion and daylight sensors to reduce unnecessary lighting when and where possible.

2.12.6 Comment NYSCB-3: “Pg.3-44 and Appendix M, Noise Analysis, on pg. 26, incorrectly concludes that proposed Lot 2, the location of Receiver South 7, and the west side of Little East Neck Road, the location of Receiver West 8, are non-residentially zoned lots and the Noise Analysis applies a higher nighttime decibel limit of 65 for those tests. Table 3.2-6 on pg. 3-45 and Table 6 of Appendix M, Sound PLAN Results, notes a "Level w/o NP" of 61.3 dB(A) at proposed Lot 2, the location of Receiver South 7, which exceeds the applicable residential night limit of 55. However, because the Cemetery ends visitation hours at 6 pm, no visitors should be in Lot 2 during the nighttime period to be impacted by these sound levels. The Cemetery Board recommends that the analysis be amended to reflect the correct zoning and decibel limits for those areas, along with the acknowledgement that visitors should not be in those areas during the nighttime period.”

Response: Table 6 - SoundPLAN Results of the noise study has been updated to note that Receiver 7 and Receiver 8 are in the Town of Babylon Residential Zone A. As such, Receiver South 7, in proposed Lot 2, exceeds The Town of Babylon noise level under Town Code Chapter 156: Noise. In Chapter 156-9 “Specific regulations.” Several mitigation options can be implemented to reduce sound levels to Town limitations. This includes utilizing white noise back up beepers during the evening operational hours, constructing/erecting HVAC sound barriers and/or relocating rooftop equipment in a more central manner and constructing a sound barrier similar to the proposed wall on the northern portion of the site. Implementing mitigation measures will reduce sound levels at Receiver South 7. However, the Cemetery Board has indicated that the Cemetery ends visitation hours at 6 pm. Thus, no visitors would be in Lot 2 during the nighttime period to be impacted by the projected sound levels.

TABLE 2.12-1
(Noise Study Table 6 Revised)
SoundPLAN Results

No.	Receiver name	Building side	Floor	Limit				Level w/o NP			
				Day	Night	Ldn	Lmax	Day	Night	Ldn	Lmax
1	Receiver East 5	-	1.FI	65	55	-	-	48.6	47.8	54.7	0.0
			2.FI	65	55	-	-	50.9	49.8	56.7	0.0
2	Receiver East 6	-	1.FI	65	55	-	-	48.1	47.8	54.6	0.0
			2.FI	65	55	-	-	48.8	48.5	55.3	0.0
3	Receiver North 1	-	1.FI	65	65	-	-	63.1	59.2	66.7	0.0
4	Receiver North 2	-	1.FI	65	65	-	-	63.2	59.8	67.2	0.0
5	Receiver North 3	-	1.FI	65	55	-	-	59.5	56.1	63.5	0.0
			2.FI	65	55	-	-	59.6	56.3	63.7	0.0
6	Receiver North 4	-	1.FI	65	55	-	-	52.0	51.4	58.3	0.0
			2.FI	65	55	-	-	53.3	52.3	59.2	0.0
7	Receiver South 7	-	1.FI	65	55	-	-	64.0	61.3	68.5	0.0
8	Receiver West 8	-	1.FI	65	55	-	-	50.9	49.3	56.3	0.0

None of the monitoring locations will impact residential properties.

2.12.7 Comment NYSCB-4: “The Cemetery Board desires clarification or additional analysis as to the anticipated, modelled decibel levels set forth in Appendix M, Section 3.2 as follows:”

- a. “Inclusion of a point source and associated analysis for the proposed sanitary pump station that, according to the Attachment 2, 204-0702 Preferred Alternative Rendered Plan, appears to be sited north of Warehouse 1 and, according to pg. 3-81, will include a non-site generator;”
- b. “Whether Table 3.2-6 on pg. 3-45 and Table 6 of Appendix M, Level w/o NP column, which indicates the projected/modelled decibels, takes into account the existing background noise gathered in Appendix M, section 1.3, Sound Monitoring, to determine a cumulative sound level as discussed in Appendix M, section 3.1.1 (the areas of potential concern to cemetery visitors and staff are at Points 2, 7, and 8, as identified on pg. 3-45 and elsewhere);”
- c. “Whether Table 3.2-6 on pg. 3-45 and Table 6 of Appendix M, Level w/o NP column, indicates the projected/modelled decibels at each receiver was calculated with or without any projected/ modeled reduction due intervening buildings, vegetation, distance, the proposed soundwall, or other mitigations;”
- d. “Whether projected/modelled decibels at each receiver, taking into account the existing background noise and its cumulative impact, and any reductions due to intervening buildings, vegetation, distance, sounds walls or other mitigations, results in an increase in decibel levels that, according to the DEC’S Assessing and Mitigation Noise Impacts referenced in Appendix M, section 2.1, should result in further consideration of mitigation or avoidance.”

Response: An analysis of the proposed sanitary pump station can be performed; however, equipment associated with the wastewater system will be inside the station’s building. Mechanical sounds and exhaust vents can contribute to the sound levels. Vents can be placed away from receptors to reduce potential elevated sound levels. The proposed 12-foot-high sound wall can be extended to the west to provide sound reduction/mitigation, if necessary. B. Laing Associates, Inc. can work with the Town to discuss options for a post-construction noise survey to ensure baseline measurements are in compliance with Town Code Chapter 156: Noise.

Table 6 of Appendix M, Level w/o NP (without Noise Protection) column provides project generated noise levels. Background levels are not included in Table 6. The projected levels do not include any mitigation as a result of the proposed sound walls, vegetation or soft ground. The table below depicts the raw results for the areas of potential concern and cumulative results.

TABLE 2.12-2
SOUND LEVELS WITHOUT NOISE PROTECTION

Monitoring ID/Receiver	Time Period	Measured Leq dB(A)	Projected Leq dB(A)	Cumulative Leq dB(A)	With Mitigation Leq dB(A)
Sample Location 1/Receiver 2	AM Peak	48.9	63.2	63.2	Min 53.2
	Evening Peak	55.7	59.8	60.8	Min 50.8
Sample Location 2/Receiver 8	AM Peak	77.3	50.9	77.3	No change from ambient
	Evening Peak	68.8	49.3	68.8	No change from ambient
24 hour Sample 2/Receiver 7	AM Peak	55	64	65	N/A
	Evening Peak	55	61.3	62.3	N/A

The sound wall can/will act as a sound barrier and will reduce traffic/vehicle noise due to insertion loss (i.e., the reduction of sound levels when a sound barrier is placed in the transmission path between the sound source and receiver). A sound barrier constructed of wood or concrete will block sound transmission (Sound Transmission Class rating) while wood panels will also absorb sound waves with a higher Noise Reduction Coefficient (NRC) rating. STC is the most common sound reduction measurement currently in use and has been adopted by many cities and states as code standards. The heavier/denser concrete/precast concrete walls will have a higher STC rating. The surface of the noise barriers facing the source will be roughened (i.e., either unplanned wood surfaces or a textured, uneven concrete surface). In general terms, an effective barrier can reduce noise levels between 5 to 10 dB(A).

Per the Noise Analysis Chapter 4.0 Mitigation, an example of a sound barrier wall is Durisol Precast Noise Barrier Systems. Per Durisol sound acoustical performance data, the pre-cast noise barrier wall specifies a STC of 35 and a Noise NRC of 0.70 to 0.90. These numbers reflect both a high sound absorption and transmission block performance. Other equivalent examples include the Fort Miller Precast noise barrier walls or Precast Wall Systems, Inc. Thus, it would be expected that a wall with a STC rating of 35 will provide a greater noise reduction level than 10 dB(A). As part of final design, the sound walls will perform, at minimum, this reduction of noise level which can be achieved through a solid barrier constructed of wood or concrete. With the implementation of the sound wall, estimated sound levels, as generated from the proposed

action, will be equal to, or below, the residential and commercial/industrial standards provided by the Town of Babylon.

The New York State Department of Environmental Conservation (NYSDEC) published “Assessing and Mitigating Noise Impacts” (October 6, 2000 and revised February 2, 2001) to provide guidance and policy on existing and proposed sound levels. This document states that sound level increases of 0 to 5 dB(A) have no appreciable effect on receptors, increases of 5 to 10 dB(A) can be intrusive and may have the potential for adverse impact but only in cases where the most sensitive receptors are present. In this case, Receiver 7 would require further analysis for existing sensitive receptors. Several mitigation options can be implemented to reduce sound levels at this location. This includes utilizing white noise back up beepers during operational hours, constructing/erecting HVAC sound barriers and/or relocating rooftop equipment in a more central manner and constructing a sound barrier similar to the proposed walls on the northern portion of the site. However, the Cemetery Board notes that the Cemetery ends visitation hours at 6 pm. Thus, no visitors would be in Lot 2 during the nighttime period to be impacted by the projected sound levels.

2.12.8 Comment HA(Foy)-11e, W12(Lloyd)-1, W12(Lloyd)-2: The comments highlight questions about the hours in which truck activity will occur at the Suffolk Tech Park, particularly late night hours. Additionally, comments suggested changing shifts for deliveries and pickups at the park.

Response: The Applicant has coordinated the careful and extensive analysis of trip generation from similar warehouse uses such as the Heartland Business Center. Peak trip generation for trucks and heavy vehicles will be during the daytime, however, the Suffolk Technology Park will allow for round the clock entrance and egress of trucks and other heavy vehicles. The number of trucks anticipated during nighttime hours is expected to be far lower than the number of trucks anticipated during daytime peak trip generation periods. Additionally, all trucks and heavy vehicles that access the subject property during nighttime hours will be adherent to the requirements of the Town of Babylon Noise Ordinance, and mitigation measures have been incorporated into the project design to reduce any noise-related impacts.

As noted in **Section 3.2.3** in the DEIS, in order to reduce noise levels from trucking that may impact the residential community on Little East Neck Road between Colonial Springs Road and the southwest corner of Kevin Ver Pault Memorial Park, the Lead Agency will prohibit truck traffic along this section of Little East Neck Road. The specific standard of the prohibition, e.g., vehicle weight shall be determined by the Town of Babylon Traffic Safety Committee.

The restriction of northbound truck traffic will ensure that during both daytime and nighttime operations, truck noise is kept at a distance from the residential areas north and east of the subject property. Additionally, the operations related to the Technology park must abide by Town of Babylon’s regulations such as §156-9.H.(3), Parking of certain vehicles:

No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 30 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion on a public right-of-way or public space so that the sound therefrom is audible across a residential real property boundary or designated noise sensitive zone between the hours of 8:00 p.m. and 7:00 a.m. of the following day.

Additional mitigation measures intended to limit noise related impacts during both daytime and nighttime operations can be found in DEIS **Section 3.2.3**, specifically:

- Adherence to restrictions on loading and unloading per § 156-9F. of the Town's noise ordinance as follows: "Loading and unloading. No person shall engage in, cause, permit or suffer the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or any other objects between the hours of 8:00 p.m. and 7:00 a.m. the following day, in such a manner as to cause unreasonable noise across a residential real property boundary.
- While backup alarms must meet Occupational Safety and Health Administration (OSHA) standards for the trucking operations on the site, in the event any issues arise in terms of noise the lessee of the development shall mandate operational changes for tenant's vehicles to address in accordance with OSHA requirements.
- The project includes deep vegetated setbacks and buffers, particularly adjacent to residential areas. In addition, soundwalls as shown on the proposed plans will be provided to attenuate noise levels and the proposed development will be constructed at elevations that are several feet lower than the adjacent neighborhood to the north to minimize visual impacts.
- Loading areas shall be located between buildings in the interior of the site to the maximum extent practicable as shown on the preliminary plans and will incorporate a "wing-tip" building design to isolate loading areas from exposure to surrounding properties.

2.13 Environmental Justice

2.13.1 Comment SCPD-PC(Corral)-8: “The subject property is located in a NYS designated Disadvantaged Community (DAC). DACs are identified based on 45 total indicators including demographics such as race and income, health measures, and potential exposure to various pollutants. The New York State Climate Leadership and Protection Act of 2019 mandates that at least 35% of benefits from New York State climate and energy efficiency investments be realized in DACs.”

“As the subject property is located in a Potential Environmental Justice Area and a designated Disadvantaged Community it is recommended that the Town should coordinate, prepare and implement an enhanced Public Participation Plan. Traditional forms of outreach, as well as modern forms of social networking should be utilized. Other forms of outreach, especially to local civic associations and neighborhood religious organizations should not be overlooked. In addition, to ensure that this development does not disproportionately impact residents in a Potential Environmental Justice Area, the potential environmental impacts should be carefully considered and mitigated during this SEQRA environmental review process and the Town’s zoning and site plan review process.”

Response: The project sponsor has made extraordinary, unprecedented efforts towards environmental justice. According to the NYSDEC’s Office of Environmental Justice (OEJ), the project site and adjacent areas are located within a New York State “Potential Environmental Justice Area” (PEJA) based on Census Block Group demographic data. Environmental Justice is defined by the OEJ as the “fair and meaningful treatment of all people, regardless of race, income, national origin or color, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Environmental Justice allows for disproportionately impacted residents to access the tools to address environmental concerns across all of DEC’s operations.”

Similarly, the property is located in a NYS designated Disadvantaged Community (DAC) pursuant to the New York State Climate Leadership and Protection Act. The State of New York and NYS’s Energy Research and Development Authority (NYSERDA) undertook an ambitious effort to meet the challenge of climate change through the State Climate Act which recognizes that climate change doesn’t affect all communities equally. The Climate Act created the Climate Justice Working Group (CJWG) which developed criteria to identify disadvantaged communities to ensure that frontline and otherwise underserved communities benefit from the State’s historic transition to cleaner, greener sources of energy, reduced pollution and cleaner air, and economic opportunities.

Neither the Town Code, SEQR’s implementing regulations at 6 NYCRR Part 617, nor the SEQR Handbook currently specify environmental justice or disadvantaged communities standards, policies, recommendations, procedures, or any mandate for local implementation.

NYSDEC's Commissioner Policy 29 clearly sets forth the applicability of the policy. Based on the thresholds of NYSDEC's Commissioner Policy 29, the Proposed Action does not trigger Environmental Justice procedural requirements as the project does not require the specific permit approvals that trigger this process. Nevertheless, the project and the past and future public outreach and review procedures have been and will be extensive until the end of the environmental review process and are consistent with the objectives, spirit and intent of the State's policy, including ensuring easy and convenient public access to pertinent information and many opportunities for written and verbal input.

An extensive information sharing and public outreach plan has and continues to be followed to ensure that all members of the public, local organizations and interested and involved agencies can review the available information, understand the process, are adequately informed and have a voice in the process:

The outreach process has included the following:

1. 12/16/2021 Meeting with Wyandanch School Board
2. 12/16/2021 Meeting with various community groups including the Wheatley Hills Civic Association, Concerned Citizens of Wyandanch/Wheatley Heights and representatives of Legislator Richberg and Assemblywoman Jean Pierre
3. 12/17/2021 Meeting with representatives of Rosa Parks Civic Association and Wyandanch Library
4. 1/11/2022 Meeting with Wheatley Heights Civic Association
5. 1/24/2022 Meeting with Town Hall staff
6. 1/24/2022 Meeting with Concerned Citizens of Wyandanch/Wheatley Heights
7. 2/2/2022 Meeting with Legislator Richberg, Assemblywoman Jean Pierre and representatives of various community organizations including the Wheatley Hills Civic Association and Rosa Parks Civic Association
8. 6/8/2022 Meeting with Peter Scully – Suffolk County
9. 3/1/2022 Meeting with Senator Martinez
10. 3/1/2022 Meeting with Wheatley Heights Civic Association
11. 3/3/2022 Meeting with Concerned Citizens of Wyandanch/Wheatley Heights
12. 2/22/2023 Meeting with Presiding Officer of Suffolk County Assembly, Kevin McCaffrey
13. 5/24/2023 Meeting with staff of various Town Departments
14. 5/25/2023 Meeting with Senator Martinez
15. 6/22/2023 Meeting with Town Planning Staff
16. 7/27/2023 Meeting with MTA Long Island Railroad including Hector Garcia and Anabel Frias
17. 10/19/2023 Meeting with Various Town Staff
18. 2/27/2024 Meeting with Various Town Staff
19. 4/3/2024 Meeting with representatives of Suffolk County Water Authority (SCWA)
20. 5/22/2024 Meeting with Various Town Staff

21. 6/25/2024 Meeting with Wheatley Heights Civic Association
22. 6/25/2024 Meeting with Concerned Citizens of Wyandanch/Wheatley Heights
23. 10/24/2024 Correspondence from the Applicant Bristol Group to the Babylon Town Board indicating the benefits to be provided and that the Applicant is committed to
24. 10/24/2024 Correspondence from the Applicant Bristol Group to the Wyandanch Union Free School District including the anticipated tax revenues to be generated for the school district and number of jobs to be created for the public from the project
25. 10/24/2024 Correspondence from the Applicant Bristol Group to the President and Members of the Board of Directors of the Concerned Citizens of Wyandanch Civic Association indicating additional benefits the Applicant is committed to for the organization
26. 10/24/2024 and 10/25/2024 Correspondence from the Applicant Bristol Group to President and Members of the Board of Directors of The Concerned Taxpayers of Wheatley Heights/Dix Hills, Inc. indicating additional benefits the Applicant is committed to for the organization
27. 11/21/2024 Meeting with residents living along North 28th Street
28. DEIS scoping to identify issues for review in the DEIS, including a duly noticed open public scoping session for the submission of verbal and written comments into the record during and after scoping to determine the final scope of work and outline for the DEIS;
29. Nine-week (63-day) written comment period for the scoping process beginning May 8, 2024 when the Draft Scope was accepted to July 10, 2024 when the Final Scope was accepted to allow the public additional time to consider the Proposed Action and submit written comments and identify any related issues, concerns, unidentified impacts, recommended mitigations, topics that should be assessed, etc. into the record to guide the scope and content of the DEIS;
30. The requirement established by SEQRA that the Town review the submitted DEIS and find the DEIS consistent with the approved Final Scope which was finalized by the Town with input from the Town's Division of Environmental Protection (DEP) and public, prior to acceptance and commencement of DEIS review;
31. Inclusion of an Environmental Justice Component as part of the environmental review and DEIS per the Final Scope accepted by the Town Board/lead agency;
32. Publishing a public hearing notice in a local newspaper of area wide distribution prior to the public hearing held on Saturday October 26, 2024 to inform the public of the upcoming meeting and where documents could be reviewed.
33. Keeping the written comment period open, filing a second notice of hearing in *Newsday* and holding a second public hearing on Thursday November 14, 2024 to provide another opportunity for public input.
34. Publishing major milestones in the SEQRA process in the NYSDEC's Environmental Notice Bulletin (filing of a Positive Declaration, Scoping, acceptance of a DEIS as adequate in terms of scope and content, acceptance of a FEIS, etc.); and posting filed documents on the Town's website to make them easily accessible and reviewable by the public;

35. Distributing essential information to involved and interested agencies (lead agency coordination process, completed Long EAF, Town Positive Declaration, finalized Scoping documents, DEIS, FEIS and Findings Statement).
36. Other involved agencies have their own environmental reviews, hearings, and public outreach and participation requirements, as well as opportunities to speak or submit written comments so that persons with concerns have additional opportunities;
37. Filing and making documents available to the public at Town Hall, two local libraries, and online at the Town's official website. Distribution of informational flyers written in both English and Spanish.
38. Providing a DEIS written comment period beginning upon filing of the DEIS to November 25, 2024, after the close of the public hearing pursuant to State and local laws to provide many opportunities;
39. Preparing a Final EIS (FEIS) containing written responses to substantive related comments and questions relating to the project, site plan and environmental review and posting this document online; and
40. Preparing a SEQRA Findings Statement that documents that the SEQRA process has been filed, the impacts expected, and the mitigations required.

The above steps in the SEQRA, Zoning Code and Official Zoning Map amendments, Site Plan, and public outreach processes have and will continue to provide various times, formats and locations for persons, organizations, agencies, and their respective representatives, including minority populations and persons from households of limited income, to review the proposed plans and materials, identify issues, concerns, data, studies, reports, opinions and recommendations into the record for the project team and decisionmakers to consider.

The extensive public outreach that has been conducted by the Applicant far exceeds the requirements of SEQRA and is consistent with Environmental Justice Guidance and Disadvantage Communities guidance. The proposed action provides a variety of public benefits (e.g., community solar, jobs, tax revenues, etc.) while identifying and preventing or significantly mitigating impacts. Furthermore, as discussed in detail in DEIS, several measures are proposed to minimize concerns related to climate and disadvantaged communities. To offset impacts on energy resources and climate, the Applicant plans to install solar panels on the rooftops of the warehouses. In addition, wiring for (2) electric passenger vehicle (EV) chargers and two EV truck docks will be installed per building (18 passenger and 18 EV truck docks, total) and every building will be made "EV-Ready" so that the number of EV stations may be increased in the future based on future demand and efficient LED Dark Sky-consistent outdoor lighting will be installed. Outdoor lighting will be controlled by photosensors or timers and indoor lighting packages will be equipped with occupancy sensors and daylight dimming sensors. In addition, two ride share/shuttle stops, at least one bike rack per warehouse, and a 900 SF bike and alternative transportation storage center are proposed onsite for use by future warehouse workers. This will help support mass transit and low energy transportation alternatives such as bus and train travel from nearby bus stops and train stations. Designated preferred parking areas for carpools will

also be provided. The Applicant and project team will continue to work with local utility providers to ensure service is provided. In addition, the project will comply with State building and energy codes to reduce overall energy demand and high-efficiency HVAC systems, equipment and mechanical systems will be installed.

2.14 Community Facilities and Services

2.14.1 Comment W11(Foy)-10: “Among other problems, the report leaves out the fact that the site will be next to the Kevin Ver Pault Memorial Park in Wheatley Heights that houses a children’s playground, basketball court, baseball court, and a walking/jogging area for residents. The report only cites Wyandanch children’s spaces as affected and completely ignores Wheatley Heights even though the structure will be built in Wheatley Heights.”

Response: Kevin Ver Pault Memorial Park is the only park in the area that is located adjacent to the subject property and is the only local park that could be impacted. The Park is 11± acres, currently contains two junior baseball fields, an outdoor basketball court, two outdoor tennis courts, a playground, and public restrooms, and is owned and maintained by the Town of Babylon. The proposed development of Lot 1 will include a minimum 52-foot setback between the project’s northerly site access driveway and the park, a 122-foot setback between the closest proposed building and the park, a wooded buffer that will be supplemented with landscaping, and a section of 12-foot-high soundwall. This will provide the needed separation and transition area between the two land uses, vegetative screening, and noise attenuation to minimize impacts. The entrance to the park will also be relocated north as a mitigation measure. As part of the Subject Action, the access to the park will be relocated 170± feet (center line to center line) north of its current location to reduce potential traffic conflicts with the proposed access, increase motorist sight distance for park users, and improve traffic flow and safety on Little East Neck Road. Overall, significant adverse environmental impacts on Kevin Ver Pault Memorial Park are not expected due to buffering, soundwalls, landscaping, proposed sidewalks along Little East Neck Road the various mitigation strategies proposed addressing aesthetic/visual, noise, traffic, access, and community character impacts. See the attached revised plans as well as **Appendix E-3** which shows the proposed park access, circulation and safety improvements. As discussed throughout this FEIS, various public benefits are proposed that will benefit Wheatley Heights and other nearby neighborhoods.

2.14.2 Comment W5(Lutz)-2: “Where is the Utility Power coming from? Will a New Substation be Required? How much Disruption will be needed to Install the Overhead Primary Utility System? How Long will this Take for the Utility Company to get to the Project?”

Response: PSEG Long Island (PSEG LI) is the public utility supplying the area with electricity. Above ground utilities are available along the east side of Little East Neck Road, along the LIRR and along North 28th Street. National Grid serves as the natural gas provider in the area and has service mains in the area. The project sponsor, in efforts to collaborate with the Wheatley Heights community and mitigate potential project impacts to the most disproportionately affected homeowners, initiated discussions with National Grid to explore leveraging the Suffolk Technology Park development to push for a gas main extension that would provide natural gas service to both the proposed project, as well as nearby local residents. Due to the Applicant’s substantial investment in bringing natural gas service to the proposed Suffolk Technology Park,

National Grid has acknowledged that they are supportive of using the proposed project as an avenue to expand gas service to residents located in close proximity to the site. As a result, National Grid is willing to take the next steps in analyzing the feasibility of extending gas service to nearby Wheatley Heights and Wyandanch residents. For National Grid to determine the anticipated demand for service, the residents in the proposed expansion area will need to express interest. The Applicant's team will work with National Grid to identify the exact streets and number of homes for the mailing.

Furthermore, The proposed project has been designed with several sustainable design elements, including use of energy efficient fixtures, compliance with applicable State Building and Energy Code requirements, installation of solar panels on the proposed building rooftops to generate clean and renewable energy for the school and area residents and inclusion of 18 electric vehicle (EV) charging stations and wiring each building to allow for ready installation of two EV truck bays per building to assist in the transition to a cleaner and more efficient energy system. These improvements will also encourage the use of green energy and help to transition from nonrenewable fossil fuel dependency.

All required utility infrastructure to serve the project will be provided onsite.

2.14.3 Comment NYSCB-6: "The Cemetery Board desires clarification as to whether the Preferred Alternative will include solar panels or merely have roofs sufficient to support future solar panels. For example, on pg. 1-8, the language indicates the proposal includes installation of solar panels, whereas on pg. S-50, the language indicates the Applicant is merely considering installation of solar panels. Additional references are found at S-4, S-36, S-72, 1-12, 3-63, 3-84, 4-3, 4-8, 4-9, 4-12, 5-5, 5-10, and 5-18."

Response: The applicant is committed to placing solar panels on the roofs of the buildings in the proposed development. Additionally, the applicant has guaranteed many community benefits as a result of the solar from the development including free energy for the Wyandanch Memorial High School and significant tax credits for the surrounding residents who will be impacted from the development.

2.15 Transportation

2.15.1 Comment SCPD-PC (Corral)-1: “A pedestrian connection linking the northeast corner of the project site to the Suffolk County Bus Transit Route 12 on Colonial Springs Road should be considered. Suffolk County Bus Transit Route 12 includes a bus stop located on Colonial Springs Road located near the northeast portion of the project site. This Suffolk County Bus Transit stop is located on Colonial Springs Road in front of the Shopping Center directly west of the Wheatley Heights Post Office.”

“A pedestrian/bike connection linking the project to the Wyandanch Train Station should also be considered. These pedestrian/bike linkages have the potential to reduce vehicle traffic, reduce on-site parking and provide workers/visitors with an alternative means of transportation to the proposed light industrial research and technology park (aka “Suffolk Technology Park”). These pedestrian/bike linkages are also consistent with the Suffolk County Planning Commission Guidebook’s Transportation policies.”

Response: The Proposed Action includes the installation of safe pedestrian and bicycle infrastructure along the east side of the Little East Neck Road right-of-way and throughout the interior of the property, in accordance with the proposed PIP-2 Zoning Code. Per the PIP-2 Code:

“[t]he site plan for development of the subject industrial park development shall incorporate a system of sidewalks to provide safe and accessible pathways within the property and connect parking areas to the entrances to the buildings. A minimum of two rideshare/shuttle drop-off and pick up accommodations, including sheltered bench seating shall be incorporated within the site along internal roadways with connections via the internal sidewalk system. At a minimum, one bicycle rack shall be installed per building.”

(Appendix A-4, § 213-585 of the DEIS)

Two ride-share shuttle stops are proposed on the site under the Preferred Alternative plan and at least one bike rack will be provided for every building. A 900 SF bike and alternative transportation storage center will be constructed on the north side of the north access road, northwest of Warehouse 3. A sidewalk will be constructed along the property’s frontage on Little East Neck Road and will extend to the proposed relocated and redesigned access driveway to Kevin Ver Pault Memorial Park, approximately 170 feet north of the current park access. Sidewalks exist between the pedestrian-bicycle access and egress to the Park off Circle Drive and Little East Neck Road. A new sidewalk will be constructed from the proposed park entrance to Little East Neck Road and the subject property, and a network of sidewalks will be constructed onsite to provide easy pedestrian access to each building. Kevin Ver Pault Memorial Park also has pedestrian-bicycle access/egress at its east end off of Circle Drive which leads out to Colonial Springs Road and the Colonial Springs Road bus stop. The various transportation amenities

proposed as well as existing pedestrian and bicycle improvements in the area will facilitate local bus and train travel to and from nearby bus stops and train stations and provide a pedestrian and bicycle link from the Colonial Springs bus stop to the subject property.

Various strategies and improvements have been identified in support of safe and efficient multimodal and alternative transportation access to the facility. Nevertheless, the proposed Suffolk Technology Park property is privately owned. To prevent unauthorized access, maintain a safe and secure facility, and to retain the intended vegetated buffers and screening requested by the public, secondary access at the east end of the property is not under consideration at this time.

2.15.2 Comment HA(Lutz)-5b: “There was something that we did speak about at our community meeting that on the north road, what they're calling the middle road, there's two entrances, okay, there's a northbound and a southbound entrance into that northern road, okay. We had asked that that buffer between those two entrances be extended all the way out to the roadway and some type of monument, sign or something be added there so no trucks could ever possibly come on southbound Little East Neck and turn into that development. Again, we had spoken about this, they had verbally agreed that it was a great idea and then, you know, have that in conversation. Obviously, that hasn't been added into their design yet, but that doesn't mean it will not be.”

Response: As noted in **Section 1.3** of the DEIS, site access is proposed via two access driveways on Little East Neck Road. A new signalized site driveway is proposed at the northwest portion of the subject property would provide full access and egress for passenger vehicles and trucks may enter via a northbound right turn. Any trucks using this driveway for egress must turn left and head south. The Town has committed to enacting legislation that would prohibit truck traffic along the section of Little East Neck Road between the southwest corner of Kevin Ver Pault Memorial Park and Colonial Springs Road. The specific standard for this prohibition will be identified by the Town of Babylon Traffic Safety Committee.

A second unsignalized access is proposed near the center of the property's frontage on Little East Neck Road and would provide right turn access into the site for passenger vehicles and trucks and egress from the property for passenger vehicles. The unsignalized southerly access off Little East Neck Road is designed to permit only right-in and right-out access and egress with the right out restricted to passenger vehicles. Trucks that wish to exit the internal roadway network and access Little East Neck Road are directed to the north access which will be signalized. The signalized access at the north end of the property will be full access for passenger vehicles; however, heavy truck traffic will be prohibited between Colonial Springs Road and the project site. Therefore, trucks must turn left out of the northerly egress and head south with limited ability to access local roads of the residential communities to the north of the subject property. The access design was modified to incorporate a concrete splitter island to physically prohibit exiting truck right turns from the site. Additional pavement markings were also added to the

southbound turn lane on Little East Neck Road; physical barriers were investigated, but could not be accommodated without impacting the exiting left turn truck turning movements.

The Applicant understands the impact that increased truck traffic would have on the adjacent neighborhoods if no mitigation was provided, which has led to the proposed roadway improvements and the Town's new truck restriction.

2.15.3 Comment HA(Lutz)-5c, HA(Hesslon)-20g, HA(Hesslon)-20i, HA(Turk)-21a, HB(Hession)-1b, W8(Eatz)-4, W10(Shek)-5, W10(Shek)-10, W30(Barrett)-2: These comments highlight concerns that the volume of daily truck traffic as a result of the proposed project will be too much for these existing roadways to accommodate, even after the recommended roadway improvements are completed. Quotes that characterize these comments include, "I just can't in the life of me understand how we can accommodate 344, bare minimum, on a daily basis coming in and out of this development after a full buildout," "the traffic jam will be endless, never-ending," "Traffic on that road is phenomenal now... You're talking hundreds and hundreds of trucks day and night," "Little East Neck Road will not be able to handle it. Traffic there is already horrible. The truck traffic, it's not going to be able to handle it," "the industrial traffic would clog our roads, even if our single-lane roads were to be 'improved' according to the proposal presented at the Town hearing on October 26," and "These roads cannot sustain traffic added by the trucks and other non-residential traffic that would come with Bristol's plans for truck bays and warehouses. The turning lane road improvements suggested would help alleviate existing traffic - by no means would they make it possible to add "industrial park" traffic for a site spanning more than 100 acres."

Response: The Traffic Impact Study conducted for the Proposed Action considered both current and anticipated vehicle traffic, including trucks and passenger cars, on the adjacent roads and intersections. Table 11 on page 26 of the Traffic Impact Study (Appendix D of the DEIS) summarized the trip generation of the proposed project. The proposed project will generate 35 truck trips (9 entering and 26 exiting) during the weekday AM peak hour, 43 truck trips (21 entering and 22 exiting) during the weekday midday peak hour, 22 truck trips (14 entering and 8 exiting) during the PM peak hour and 7 truck trips (5 entering and 2 exiting) during the Saturday midday peak hour. These peak periods represent the highest traffic condition on the roadways and intersections in the study area. Separate loading spaces are needed for different tenants, not because each loading space would have traffic activity at the same time or necessarily on the same day. Furthermore, the number of total truck loading stalls does not equate to and is not entirely indicative of the number of truck trips anticipated at any peak periods, nor would it represent the number of trucks idling at the site at one time. The separate loading spaces provided are needed to accommodate the needs of individual tenants, not because each loading space would have truck activity at the same time or necessarily on the same day. The study assessed the traffic impacts associated with the proposed project and outlined measures to address and reduce these impacts. These measures included infrastructure improvements at the intersections of Little East Neck Road with Long Island Avenue and Colonial Springs Road,

specifically by adding dedicated through lanes and turn lanes at both locations. The suggested improvements resulted in levels of service ("LOS") that are comparable to or better than the current conditions after the development and full occupancy of the Suffolk Technology Park. Tables 12 through 15 on pages 34 through 41 in the Traffic Impact Study (Appendix D of the DEIS) summarized the LOS at the study intersections with and without the proposed improvements. As demonstrated by the Traffic Impact Study, the proposed improvements led to the conclusion that the roads and intersections in the study area will be capable of handling both automobile and truck traffic once the project is completed. Please see additional discussion in Section 2.15.6 below.

2.15.4 Comment HA (Key)-8b: "Also, the heading southbound on Little East Neck Road, those making a left into the park, is there a left turn lane?"

Response: As part of the proposed site access improvements for the Technology Park, the southbound approach on Little East Neck Road will be restriped to provide a left turn lane into Kevin Ver Pault Memorial Park. The current Park access is proposed to be relocated approximately 170± feet to the north, which will separate traffic conflict points, increase motorist sight distance, support safer access and egress to both the Park and the Technology Park, and provide greater traffic control and efficiency. The newly proposed signalized access to the Technology Park will also provide a southbound left turn lane in the Technology Park for non-restricted vehicles (meaning, no trucks).

2.15.5 Comment HA(Key)-8c: "There are many truck limits throughout the community on Colonial Spring Road, south of Long Island Avenue, south of Little East Neck Road, south of the railroad, there are 5,000-pound truck limits. So, my understanding is, where do these -- all these trucks that are going to supposedly be coming into the park, how do they get there, where do they come in without going through the community. So, I have a really clear question about that, Colonial Spring Road has truck limits, like I said, Little East Neck Road south of the railroad has truck limits, so how are they going to get into the park?"

Response: The Lead Agency will prohibit truck traffic from Colonial Springs Road to the project site. Truck traffic to and from the site will be limited to Little East Neck Road south of the Kevin Ver Pault Memorial Park Entrance, at which point they must turn onto Long Island Avenue. The anticipated route to and from the LIE would be south along Broad Hollow Road (SR 110) then east along Long Island Avenue and north on to Little East Neck Road to the site access.

2.15.6 Comments HA(Lloyd)-11f, HA(O'Keefe)-23a: These comments highlight concerns about increased traffic on the surrounding residential roads as a result of the proposed development and suggests adding extra lanes to accommodate the potential rise in traffic.

Comment HA-11f: "They were concerned, of course, about Little East Neck Road, because that impacts all of our community in that area. And they were -- we were -- we thought we saw four lanes on these plans. Some, you know, they thought they were going to increase from the two

lanes on Little East Neck Road to four. We thought that was there, not just at the intersections. Now, I have no idea if that is even humanly possible. But, you know, that's -- that's something, again, if that could be addressed to us and explained to us, you know, is that possible to make four lanes on Little East Neck Road? I don't know, I don't know. I'm not -- it would be nice -- not four, you know what I mean, but so that, yeah, four lanes, two going each way. Like, you're creating at the intersections, I'm not sure that's enough. I do go down Little East Neck Road, and I do go down Colonial Springs Road every day, and it's almost all day, it's not during one part."

Comment HA-23a: "[T]he traffic is going to be insane on Little East Neck Road. So, we obviously, you know, living in the community, we take that street like literally religiously to get home. So with that being said, even though they're, you know, putting in, like, two lanes each way and whatever they're going to do, just same thing, that amount of traffic that's going to build and the amount of trucks that's going to be there, you know, day and night, is just going to be a never-ending story."

Response: The traffic study that observed existing conditions at Little East Neck Road and Colonial Springs Road determined that the intersection was operating at poor levels of service with some traffic movements experiencing average delays in excess of 4 minutes per vehicle. These poor levels of service conditions would be exacerbated after the construction of the project, hence measures to mitigate these poor operating conditions will be implemented. In order to mitigate these impacts, the following mitigations will be implemented:

- Widen the eastbound approach to provide one through lane and one exclusive right turn lane with a 150-foot storage length.
- Widen the westbound approach to provide one through lane and one shared left/through lane with a 150-foot storage length.
- Widen the northbound approach to provide two exclusive left turn lanes and one channelized right turn with a storage length of 100 feet.

These improvements will increase the capacity of the intersection and will help the eastbound, westbound, and northbound heavy traffic volumes clear the intersection quickly, thereby improve the operation, reduce the queue length, and improve safety at the intersection. The overall high intersection delays during the weekday AM and PM peak hours that are currently in excess of 2 minutes per vehicle will improve to less than 16 seconds per vehicle.

The intersection at Little East Neck Road and Long Island Avenue is also proposed to undergo roadway improvements to mitigate the impacts of existing conditions and the operating conditions from the completed construction. The following improvements will be implemented:

- Widen the eastbound approach to provide one dedicated left turn lane with a 200-foot storage length, one through lane and one exclusive right turn lane with a 100-foot storage length.

- Widen the westbound approach provide one shared left/through lane and one dedicated right turn lane with a 150-foot storage length.
- Widen the northbound/southbound approaches to provide a shared left/through lane and a shared through/right turn lane with a storage length of 200 feet.
- The proposed improvement includes widening of Little East Neck Road over the railroad crossing to accommodate the proposed two southbound travel lanes.
- Reconstruction of traffic signal to include a protected-permitted eastbound left-turn phase, along with optimized cycle length to improve the overall operation of the intersection.

These improvements will increase the capacity of the intersection and will help the northbound and southbound heavy traffic volumes to clear the intersection quickly, thereby improving the operation, reduce the queue length, and improve safety at the intersection. The high intersection delays on the southbound approach during the weekday PM peak hour that is in excess of 2 minutes per vehicle will improve to less than 17 seconds per vehicle.

2.15.7 Comments HA(Okomba)-19a: “So as there are two access points into the development, one is Charleston, that's the one I use most frequently. At any given time, specifically in the morning or in the evenings, as you're trying to make a left, it's often difficult. And looking right, you're already sighted, so I'm wondering what you -- whether the people who did the traffic study actually came into the development and tried to exit the development onto Little East Neck Road. You've made changes to the Little East Neck Road and Colonial Springs Road to accommodate more traffic on Little East Neck Road. So that means that we will be impacted significantly...”

Response: With respect to the proposed site development, the additional site generated traffic on Little East Neck Road amounts to less than one vehicle per minute during the AM peak hour and approximately three (3) vehicles per minute during the PM peak hour.

To mitigate both the existing traffic conditions and minor increase due to site generated traffic, a proposed road widening and lane reconfiguration at the intersections of Little East Neck Road at Colonial Springs Road and Long Island Avenue, both north and south of the residential community in question, will provide for increased traffic capacity at each approach, effectively reducing the overall queuing along Little East Neck Road. After the proposed improvements, the northbound queue on Little East Neck Road at Colonial Springs Road will decrease from 829 feet to 208 feet, while the southbound queue on Little East Neck Road at Long Island Avenue will drop from 984 feet to 265 feet. This reduction in queuing along Little East Neck Road will in turn provide for the increased gap time in the vehicular traffic on Little East Neck Road to better accommodate the turning movements from the residential side streets of Charlestown Place and Westmore Place.

2.15.8 Comments HA (Santana)-22a, W10 (Shek)-10: The comments highlight concerns about how the proposed project will impact traffic cutting through residential neighborhoods during rush-hour build-ups. Quotes that characterize this comment include, “Right now, when the traffic

is built up, as I said, people continue to cut through, and I'm just wondering what's going to happen, how can you stop it when you build this place here?" and "The added traffic would inspire more cars to cut through residential neighborhoods in Wheatley Heights and Wyandanch.

Response: Cut through traffic to residential side streets typically occurs when there are significant delays on major roadways. See responses above in Sections 2.15.6 and 2.15.7, which detail the proposed intersection improvements and anticipated improvement to traffic flow through area intersections. Based on the analysis of Preferred Vehicle Routes, it is understood that the preferred and most efficient route, post implementation of mitigation improvements, will be via Little East Neck Road, Colonial Springs Road, or Long Island Avenue in the immediate vicinity of the site. It does not appear that there would be any advantage for cut-through travel to utilize the residential streets to the north. In an effort to curb any concerns for cut through traffic, proposed 'Local Traffic Only' signs will be proposed on Little East Neck Road prior to the intersections of Charlestown Place and Westmore Place.

2.15.9 Comment W10 (Shek)-11: "Please also note that the state of our roads suggest no confidence that they could stand up to truck traffic. Residents and neighbors who bicycle down these roads would face exponentially more danger during their rides. Our roads would need much more frequent re-paving, and cause more issues for cars and tires driving over large potholes. Costs of car maintenance will go up for everyone. These impacts add up to quite a public drawback!"

Response: The design of the proposed driveways will restrict truck traffic to Little East Neck Road, specifically between the entrance to The Kevin Ver Pault Memorial Park and Long Island Avenue. As a result, no trucks will access the site via residential streets. To ensure compliance with these truck restrictions, the Lead Agency will prohibit truck traffic from Colonial Springs Road to the project's northerly access.

2.15.10 Comment W10(Shek)-12: "Add any level of "business park" traffic to and from Little East Neck Road north of the LIRR tracks, and the traffic jam to the west promises to extend to 110 - the traffic of nightmares. If trucks are an increasing part of that traffic jam, not only will cars idle for hours every week, the air for commuters and residents will be extremely toxic. Trees and other plants are a great resource to clean the air, but we'll lose a hundred acres worth of trees from our backyards. The environmental and health disasters simply from the added road traffic from this project promises to bring will be wide-ranging and disastrous for generations of Babylon town residents, and many others seeking to live peacefully on Long Island."

Response: See responses above in Sections 2.15.6 and 2.15.7, which detail the proposed intersection improvements and anticipated improvement to traffic flow through area intersections. See also the response to comments in Section 2.15.3. The number of loading spaces is not directly commensurate with the number of truck trips, nor the number of trucks idling at a given time.

As discussed in Section 3.2.2 of the DEIS, air quality impacts can also result from commuting heavy trucks and passenger vehicles when roadway levels of service (LOSs) are degraded and vehicles are delayed and sit idling at intersections. N+P's traffic engineers conducted an analysis of LOSs in its Traffic Impact Study (TIS) to assess LOSs and found that the intersections studied all had LOSs that remain essentially unchanged with only minor changes due to proposed road improvement mitigations such as road widening, new turning lanes and the relocation of the proposed park entrance that will facilitate traffic movement (see TIS included as Appendix D-1 in the DEIS). Therefore, no significant increase in air pollutants from localized traffic are anticipated from the proposed project. See also ecological responses in **Section 2.9**.

2.15.11 Comment W11(Foy)-8: The comment highlights concerns of increased traffic and impacted school bus routes as a result of the proposed project. "There will be a substantial increase in traffic (in a quiet, residential neighborhood), and due to the listed hours of operation, will compromise school bus routes in the mornings and in the afternoons."

Response: See responses above in Sections 2.15.6 and 2.15.7, which detail the proposed intersection improvements and anticipated improvement to traffic flow through area intersections. The Traffic Impact Study results are detailed in **Section 3.4.3** of the DEIS and provided in Appendix D-1 of the DEIS. The findings of the traffic study (as summarized in Section 3.4.3 of the DEIS) indicate constructing the proposed development and the associated roadway improvements will not result in any adverse traffic impacts in the study area. Given the extensive traffic mitigation measures proposed, there is no evidence to support that school bus routes will be negatively impacted in the area.

2.15.12 Comment W12(Lloyd)-7: The comment suggests the implementation of signalized intersections/all way stops on Colonial Springs Road and North 27th Street.

Response: The proposed project's primary traffic goals revolve around the intersections between Colonial Springs Road/Little East Neck Road and Long Island Avenue/Little East Neck Road as this is where most of the Technology Park related traffic would exist. The existing plans do not provide supplemental traffic control for the Colonial Springs Road/North 27th Street intersection as this is outside the scope of the project.

Furthermore, the traffic volume on Colonial Springs Road is considerably greater than that on North 27th Street, which means the intersection may not meet the criteria for an all-way stop. A signal warrant or an All-Way Stop Control study may be necessary to assess whether a traffic signal or an all-way stop is justified at this intersection. The community is encouraged to request such a study from the Town.

2.15.13 Comment NYSCB(New York State Cemetery Board)-2: "The proposed prohibition of truck traffic along Little East Neck Road between Colonial Springs Road and the project site

entrance, as discussed at S-4, S-7, S-8, S-34, S-41, S-53, 1-18, 1-19, 3-38, 3-64, 3-103, 3-110, 5-20, and Appendix D may increase truck traffic on Wellwood Avenue. The Cemetery and a number of other cemeteries are located on Wellwood Avenue. The Cemetery Board desires further analysis as to whether additional truck traffic diverted from Little East Neck Road will primarily utilize Wellwood Avenue and, if so, include further discussions about the impact of any additional truck traffic on Wellwood Avenue, or clarification where that analysis is already present.”

Response: The traffic impact study report indicates that 1,512 vehicles traverse the intersection of Little East Neck Road and Colonial Spring Road during the morning peak hour, which has the highest volume of trucks. Of these vehicles, 19 (1.3%) are trucks on Little East Neck Road. Truck traffic will be restricted on Little East Neck Road between Colonial Springs Road and the site entrance, so some of these 19 trucks could be redirected to Wellwood Road. This amount of truck traffic is not expected to be noticeable to motorists and is unlikely to create any further traffic issues on Wellwood Road.

2.15.14 Comment HB(Lutz)-2c: “The traffic study just quickly it looked like they took Hartland [sic] Industrial Park as their resource for figuring out the amount of volume of traffic to handle truck traffic and everything else while that kind of makes sense in one respect what doesn't make sense is they took a road that's non-residential so the north south corridor that they're looking at their industrial park to try to comply to Little East Neck Road excuse me in my mind doesn't seem to comply as a good comparison, that's a complete industrial park there is no north south corridor there at all while Little East Neck is a north south corridor of residential.”

Response: The trip generation characteristics of the proposed development are not heavily influenced by the surrounding roads, but rather by the type of use. When estimating trip generation for vehicles (both cars and trucks), the ITE Trip Generation Manual—a widely accepted industry standard—advises utilizing local data whenever possible. Following this guidance, traffic generation estimates for the proposed project were based on trip generation rates derived from data collected at the Heartland Business Center, a mixed-use industrial park in Brentwood, Long Island. Since the Heartland Business Center is comparable in operating characteristics and types of occupancy to the proposed Suffolk Technology Park, it is suitable to use Heartland-based trip rates for calculating traffic generation at the Suffolk Technology Park. Additionally, both passenger car and truck traffic volumes were taken into account in the traffic analyses for the intersections and roadways in the study area related to the proposed Suffolk Technology Park. The results indicate that, with the planned improvements, the project will not significantly affect the operation of the study area’s roadways and intersections.

2.15.15 Comment HA(Okamba)-19b: “So imagine when the traffic is increased threefold, fourfold, how that is going to impact us. So, I -- I see that you have relocated the entrance to the park. Do you plan to relocate those two access points into the development? And if not, what are you going to do?”

Response: See responses provided in **Sections 2.15.2., 2.15.3, and 2.15.6.** The location of the two access points for the developments will not significantly affect traffic flow on Little East Neck Road, particularly with the planned improvements at the intersections of Little East Neck Road with Colonial Springs Road and Long Island Avenue, which are expected to enhance traffic flow once the project is completed. Therefore, relocating these access points is unnecessary.

2.15.16 Comment HA(Lutz)-5a: “It was mentioned that the road, the backup on the road on Little East Neck only goes up to the park, that's not a true statement, all right. I'm two houses north of the park, and I'm going to tell you there's a minimum of a two-hour delay starting at 3:00, every single afternoon behind my house, until 5:00, 5:30, sometimes 6:00. So, it's a tremendous backup, all right, on Little East Neck Road, okay.”

Response: The Traffic Impact Study details existing conditions along Little East Neck Road and the significant queues that occur due to poor levels of service at the two signalized intersections (Little East Neck Road at Colonial Springs Road and Little East Neck Road at Long Island Avenue). See responses above in Sections 2.15.6 and 2.15.7, which detail the proposed intersection improvements and anticipated improvement to traffic flow through area intersections. The Traffic Impact Study results are detailed in **Section 3.4.3** of the DEIS and provided in Appendix D-1 of the DEIS. The findings of the traffic study (as summarized in Section 3.4.3 of the DEIS) indicate that after the proposed improvements, the northbound queue on Little East Neck Road at Colonial Springs Road will decrease from 829 feet to 208 feet, while the southbound queue on Little East Neck Road at Long Island Avenue will drop from 984 feet to 265 feet.

2.16 Cultural Resources

2.16.1 HA(Robinson)-17, W2(Crist)-1, W3(Bonilla)-1, W3(Bonilla)-2, W4(Williams)-2, W6(Jones)-1, W10(Shek)-16: The comments highlight community members' desire for further details regarding the plans for Lot 2 and their potential impact on the existing interments and gravesites at Greenlawn Cemetery. Additionally, they emphasize the need for proper management initiatives to ensure the cemetery is well-maintained, its graves are respected, and access is preserved.

Response: There are no plans in the Proposed Application to disturb the existing burial sites located in the southeastern portion of the subject property. In terms of visibility, the burial sites are already obscured from the west and north by forest and the south by overgrown vegetation and the MTA LIRR right-of-way. Lot 2 is only visually accessible via North 28th Street, which abuts the eastern perimeter of the property. The proposed structures are setback from the existing burial sites and separated by a natural forested area and an evergreen landscape buffer, in addition to a decorative soundwall buffer. Please read the following from the DEIS **Section 3.3.1** for the Applicant's proposed plans and the plans beyond the scope of the lease agreement:

"The 100.11-acre project site (Lot 1) and proposed PIP-2 zone currently contains a mix of mostly forest and successional field growth, provides wildlife habitat, and is open space from the standpoint of being undeveloped, but is privately owned and is not open for or used as public open space, parkland, or as recreational facility. Undeveloped land will be developed but future development will not increase the local population as would the existing residential zoning and therefore will not create additional demand for public recreational resources. The proposed 11.28-acre lot (Lot 2) contains past burial sites and may be used for additional burials in the future and therefore will remain largely, if not entirely undeveloped, partially wooded and landscaped. Eventually, 200+ years from now, the entire property will be converted to its originally intended cemetery use with one or more possible cemetery structures (e.g., mausoleum, maintenance building, etc.) depending on the cemetery's needs."

In addition, several improvements are contemplated for Lot 2 including fencing, a gated driveway off North 28th Street, six parking spaces including one ADA accessible space to enhance site access and visitation to the Cemetery, sidewalks and benches, digital mapping (find your loved one), smart irrigation, and themed ornamental flowers and trees, and evergreens to provide screening along North 28th Street. For many of the aforementioned improvements, Pinelawn would have to first seek approval of the plans for such projects from the New York State Cemetery Board. See **Appendices E-1 and E-2**.

2.16.2 Comment W2(Crist)-2: The comment requests the applicant clarify the developer's planned actions in the event an unknown burial site is discovered during construction. "Since the

entire area was once a cemetery, I would like to know what happens if previously unknown burials are discovered in the development area during construction.”

Response: Pinelawn Cemetery maintains detailed records per State requirements and knows the locations of all graves on the property. There are no graves on proposed Lot 1. All graves are documented as being within the boundaries of proposed Lot 2.

Also, please see **Section 3.5.2** which addresses potential cultural resource Impacts from the DEIS:

“Between August 21 and December 31, 2023, TRACKER Archaeology, Inc. conducted a Phase IA documentary study and a Phase IB archaeological survey for the proposed Suffolk Technology Park in the community of Wyandanch, Town of Babylon. As discussed in TRACKER’s February 2024 report:”

Phase IA Documentary Study Purpose

“The purpose of the Phase IA documentary study was to determine the prehistoric and historic potential of the property for recovery of archaeological remains. This was accomplished by a review of the original and current environmental data, archaeological site files, other archival literature, maps, and documents. A prehistoric site file search was conducted utilizing the CRIS resources of the New York State Historic Preservation Office - Field Services Bureau in Waterford, New York. Various historical and archaeological web sites were reviewed for any pertinent information.”

“The purpose of the Phase IB survey was to recover physical evidence for the presence or absence of archaeological sites on the property. This was accomplished through subsurface testing and ground surface reconnaissance.”

Walkover-Reconnaissance

“Exposed ground surfaces (70 to 100 percent visibility) were subjected to a close-quarters walkover, at 3-to-5-meter intervals, to observe for artifacts. Covered ground terrain was reconnoitered at about 15-meter (50-foot) intervals to observe for any above ground features, such as berms, depression, or rock configurations, which could be evidence for a prehistoric or historic site. Photographs were taken of the project area. “

Shovel Testing

“Based upon topographic characteristics, distance to other known prehistoric sites and an Indian trail, the property was assessed as having a higher-than-average potential for encountering prehistoric sites. Based upon topographic characteristics, distance to historic map documented structures or sites, Indian trails or wigwams, the property was assessed as having a higher-than- average potential for encountering historic sites.”

“Shovel tests (ST’s) were excavated at about 15-meter (50-foot) intervals across the project area. Each ST measured about 30 to 40 cm. in diameter and was dug into the underlying subsoil (B horizon) 10 to 20 cm when possible. All soils were screened through ¼-inch wire mesh and observed for artifacts. Shovel tests and surface finds were flagged in the field. All ST’s were mapped on the project area map at this time.”

“Field testing of the project area included the excavation of 1,666 ST’s across the project area. No prehistoric artifacts or features were encountered. No historic artifacts or features were encountered. The project area was a heavily overgrown thicket and was brush hogged before field work. There is an adjacent unmarked historic cemetery that would require a buffer around it from the proposed development. No further archaeological investigation is recommended.”

“Finally, it should be noted that coordination has occurred between the Town of Babylon and the New York State Department of State Division of Cemeteries and the New York State Cemetery Board to request feedback (Appendix B [of the DEIS]). Comments provided have been addressed as possible and the Town and Applicant will continue to work with Cemetery Board throughout the environmental and planning reviews.”

Finally, the NYS OPRHP issued a letter of no effect stating that:

“OPRHP has reviewed the Phase I Archaeological Survey Report entitled “Phase I Archaeological Investigation for the proposed Suffolk Technology Park Wyandanch, Town of Babylon, Suffolk County, New York” (February 2024; 24SR00365). No archaeological sites were identified by the survey. Therefore, it is the opinion of the OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

See **Appendix L of the DEIS**.

The Applicant has worked closely with Pinelawn and NYS OPRHP to map out and design the proposed Technology Park. Pinelawn has a grid map that identifies where all interments have taken place and none exist within the Proposed Technology Park (proposed Lot 1). Given the information provided by Pinelawn and the findings (or lack thereof) from archaeological studies, the uncovering of past burials is not anticipated. In the very unlikely circumstance that remains were ever encountered, work would of course stop, and Pinelawn Cemetery, the Cemetery Board, and applicable authorities would be contacted.

2.16.3 Comment HB(Hesslon)-1c: The commenter notes concern that a previous application to make a road improvement was denied due to an existing indigenous burial ground on the site and questions whether the proper channels have been notified concerning this burial ground. “Now I remember when I was a kid, an application was made for this to go two or three lanes

each way and one of the reasons that application was shut down is because the Indian burial grounds located at this property, has there been any reach out to the Indian people about the Native Americans that may be buried here, it's a concern."

Response: Please see **Section 3.5.3** - Mitigation from the DEIS:

"There are no other nearby historic landmarks, resources or districts and no documented archaeological resources on or adjacent to the site that would be adversely affected by the Proposed Action. No further mitigation is needed. The property is, however, located in an area that has been determined by the NYS OPRHP as being archaeological sensitivity due to past archaeological discoveries in the area. For this reason, Tracker Archaeology, Inc. conducted a Phase IA documentary study and a Phase IB archaeological survey for the Proposed Action and all requisite referrals were made to the OPRHP and State Historic Preservation Office (SHPO). Based on these studies and the NYS OPRHP's review, it was determined that no archaeological sites were identified by the survey and no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project."

2.17 SEQRA Process

Comment W8(Eatz)-1: “I am writing this letter to prevent rezoning for the Bristol Project in Wheatley Heights until an environmental study is conducted.”

Response: The Town Board, as Lead Agency for this environmental review process, will complete the environmental review of the Proposed Action in accordance with the SEQRA process outlined in 6 NYCRR Part 617, and adopt a Findings Statement prior to making any decisions on the pending zoning and site plan applications. This process will include a full assessment of the proposed plans and PIP-2 Zoning Code, all relevant environmental and planning documents, applicable standards and regulations, and comments received from the Applicant, land owner, and their representatives, Town staff, involved and interested agencies, fellow Board members, civic groups, and the general public.

2.18 General Opposition

2.18.1 Comments HA-16d, HA-20a, HA-20k, HA-20l, HA-21b, HA-23d, HA-23e, HA-24a, HA-24b, HA-24c, HA-24d, W3-3, W3-4, W4-1, W10-1, W10-17, W11-12, W29-1, W30-1

Response: Comments acknowledged. General statements of opposition without elaboration are acknowledged here but do not require a direct response as indicated by SEQRA. See **Appendices A, B and C** for the respective comments.

2.19 General Support

2.19.1 Comments HA-3, HA-4, HA-6, HA-7a, HA-7b, HA-9, HA-12, HA-18, HA-25, W1-1, W1-2, W1-3, W13-1, W13-2, W13-3, W14-1, W14-2, W14-3, W15-1, W15-2, W15-3, W16-1, W16-2, W16-3, W17-1, W17-2, W17-3, W18-1, W18-2, W18-3, W19-1, W19-2, W19-3, W20-1, W20-2, W20-3, W21-1, W21-2, W21-3, W22-1, W22-2, W22-3, W23-1, W23-2, W23-3, W24-1, W24-2, W24-3, W25-1, W25-2, W25-3, W26-1, W26-2, W26-3, W27-1, W28-1

Response: Comments acknowledged. General statements of support without elaboration are acknowledged here but do not require a direct response as indicated by SEQRA. See **Appendices A, B and C** for the respective comments.