
HARDSHIP WAIVER APPLICATION

EXPRESSWAY DRIVE NORTH WAREHOUSE BUILDINGS

Compatible Growth Area, Central Pine Barrens Zone

Hamlet of Yaphank, Town of Brookhaven
Suffolk County New York

NPV No. 02045

Prepared for Submission to:

Central Pine Barrens Joint Planning &
Policy Commission (CPBJPPC)
624 Old Riverhead Road
Westhampton Beach, NY 11978

Prepared by:



NELSON POPE VOORHIS
environmental • land use • planning

70 Maxess Road
Melville, NY 11747
Contact: Charles J. Voorhis, CEP, AICP, Principal
office: 631.427.5665 | cvoorhis@nelsonpopevoorhis.com

September 1, 2022

HARDSHIP WAIVER APPLICATION

Expressway Drive North Warehouse Buildings Compatible Growth Area, Central Pine Barrens Zone

Hamlet of Yaphank, Town of Brookhaven
Suffolk County, New York

Applicant: WF Industrial XII LLC
80 8th Avenue, Suite 1602
New York, New York 10011
Contact: Matthew Dicker, Authorized Signatory

For Submission to: Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, New York 11978
Contact: Judy Jakobsen, Executive Director
(631) 288-1079

Prepared by: Nelson, Pope & Voorhis, LLC
70 Maxess Road
Melville, New York 11747
Contact: Charles Voorhis, CEP, AICP, Principal
(631) 427-5665

Key Civil Engineering
664 Blue Point Road, Unit B
Holtsville, NY 11742
Contact: Daniel J. Peveraro, P.E., Project Manager
(631) 961-0506

September 1, 2022

TABLE OF CONTENTS

COVERSHEET

TABLE OF CONTENTS

TRANSMITTAL LETTER

PROJECT DATA SHEET

PERMIT INFORMATION

STANDARDS AND GUIDELINES FOR LAND USE

CONFORMANCE TO HARDSHIP WAIVER CRITERIA OF ECL 57-0123(3)(b)

ATTACHMENTS

- A **Consistency Analysis**, Nelson Pope Voorhis, *May 9, 2022*
- B **SEQRA Review Memo**, Town Division of Environmental Protection, *June 6, 2022*
- C **Town IDA Submission**, Certilman Balin Adler & Hyman, LLP, *May 24, 2022*

PLANS (*in pouches at the back of this document*)

- Overall Site Plan, Proposed Warehouse**, Key Civil Engineering, *revised 05/03/2022*
- Existing Slope Analysis Plan, Proposed Warehouse**, Key Civil Engineering, *revised 05/03/2022*
- Previous Development Overlay Exhibit**, Key Civil Engineering, *5/17/2022*
- Previous Development Overlay Exhibit, with Slopes**, Key Civil Engineering, *revised 5/25/2022*

Expressway Drive North Warehouse Buildings
Hamlet of Yaphank, Town of Brookhaven
Hardship Waiver Application

TRANSMITTAL LETTER

**COMPATIBLE GROWTH AREA APPLICATION
TRANSMITTAL LETTER**

Dear Commissioners:

Please accept this package as an application for development review of the project known as
Expressway Drive North Warehouse Buildings

submitted on June 17, 2022 by WF Industrial XII LLC
Date Applicant's Name

This project is located within the Compatible Growth Area of the Central Pine Barrens as described in §57-0107 of the New York State Environmental Conservation Law. I realize that this proposal must meet the criteria for hardship pursuant to Environmental Conservation Law §57-0121 subdivision nine of the Pine Barrens Protection Act.

I believe that this project meets the criteria for a hardship, and appropriate supporting documentation is included in this application. Please find below an explanation, and specific page references to the accompanying support materials, showing how the project is in non-conformance with the standards and how it meets the criteria for a hardship. I have also enclosed the required additional materials as noted below. I understand that it is important that I read the enclosed standards and criteria for a hardship thoroughly and that my application may be considered incomplete if an explanation is not provided for each of the items described therein and listed below.

In addition to the information noted above, the following requisite material has also been included in this packet: *(please check those items that are included)*

N/A A copy of any and all approvals that have been received to date

N/A Three copies of the final approved map or site plan including any required conditions or revisions.

✓ Copies of other maps or data that document and support the information presented in the attached forms.

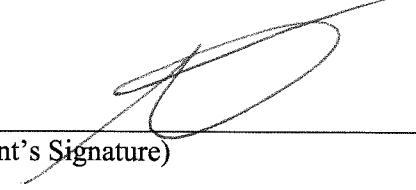
✓ A Full Environmental Assessment Form or final State Environmental Quality Review Act finding statement and supporting documentation (Environmental Assessment Form, Draft and Final Environmental Impact Statements) (in Attachment A)

N/A A copy of the Suffolk County Planning Commission determination.

N/A Completed and Notarized Owner's Affidavit (form attached) - only required if the applicant does not own the property.

✓ Documentation on how the application meets ECL 57-0123(3)(b), including the criteria contained in Town Law §267-b.

I understand that public hearing will be scheduled for this project once my application has been deemed complete.



(Applicant's Signature)

Matthew Dicker, Authorized Signatory
(Applicant's Name Printed)

I authorize the following individual to act as my agent throughout the review process for this application. Please contact them with all information pertaining to this matter.

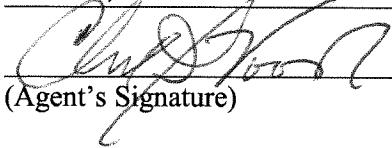
Agent's Name, Address and Phone Number:

Charles J. Voorhis, CEP, AICP; Principal

Nelson, Pope & Voorhis, LLC

70 Maxess Road

Melville, New York 11747



(Agent's Signature)

Expressway Drive North Warehouse Buildings
Hamlet of Yaphank, Town of Brookhaven
Hardship Waiver Application

PROJECT DATA SHEET

**COMPATIBLE GROWTH AREA APPLICATION
PROJECT DATA SHEET**

September 1, 2022

Applicant Information	
Name	WF Industrial XII LLC; Matthew Dicker, Authorized Signatory
Address	80 8 th Avenue, Suite 1602, New York, NY 10011
Phone/Fax	(310) 490-0526 (phone)
Agent's Name	Charles J. Voorhis, CEP, AICP: Principal Nelson Pope Voorhis LLC
Address	70 Maxess Road Melville, NY 11747
Phone/Fax	(631) 427-5665/ (631) 427-5620
Project Information	
Project Name	Expressway Drive North Warehouse Buildings
Tax Map Number(s)	District 0200; Section 662; Block 2, Lot 5.16
Street Location	North side of LIE North Service Road, west of Sills Road; SCTM: 200-662-5.16
Hamlet & Town	Yaphank, Brookhaven
Total Acreage	71.45 acres
Existing Land Use	Vacant, wooded
Present Zoning	Industrial Warehouses
Project Description	<p>The proposed project involves a Site Plan application for 549,942 SF of warehouse space in three structures, on a 71.45-acre portion of the overall 192±-acre Silver Corporate Park property. The Silver Corporate Park project underwent review under SEQRA, and subsequent litigation between the Applicant and the Town. That litigation concluded in a Stipulation of Settlement to allow development of a 14-lot subdivision of the site, for about 550,000 SF of warehouse space. A Subdivision application was submitted to the Town. The Town Planning Board adopted a Negative Declaration for the Subdivision Plan, indicating that, in its judgement, the Subdivision Plan would not result in significant adverse environmental impacts. It is noteworthy that the Subdivision Plan was also reviewed by the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC), which adopted its own Findings Statement that supports the DRS approval and is further described in Section 2.0 of Appendix A.</p> <p>Subsequently, the Applicant revised the project to occur on a single lot and reduce the area of steep slopes that would be impacted. A Town Site Plan application is being processed. The Site Plan conforms to the CLUP and therefore is expected to gain the same approvals as were granted for the Subdivision Plan. A Consistency Analysis (dated February 8, 2022) comparing the anticipated impacts of the approved subdivision against those of the site plan was prepared for the Brookhaven Planning Board, to demonstrate that the latter was at least as protective of steep slopes as the former, so that no further analysis under SEQRA would be warranted. It should be noted that, since the Consistency Analysis was prepared, the Site Plan has been subject to further revisions to reduce impacts to steep slopes. Consequently, the Consistency Analysis was revised to reflect these Site Plan revisions. A copy of the revised Consistency Analysis (dated May 9, 2022) is contained in Appendix A.</p>

The Site Plan revisions are presented in the attached **Existing Slope Analysis Plan (revised 5/3/22)** and **Overall Site Plan (revised 5/3/22)**, and are the subject of this DRS application.

The applicant submitted a Development of Regional Significance (DRS) application on May 9, 2022, and a Compatible Growth Area (CGA) Hardship application on June 13, 2022. Staff of the Central Pine Barrens Joint Planning & Policy Commission (CPBC or Commission) prepared a Draft Staff Report for the Commission meeting of August 17, 2022, for the subject application. The hearing was adjourned on August 17, 2022, in order for the applicant to provide an updated application that reflects modified conditions on the subject site, specifically, limited clearing for test borings that was conducted by the prior site owner, prior to WF Industrial XII LLC taking ownership of the property. **Appendix B** of the DRS Application dated 9/1/2022 includes a response to the Draft Staff Report dated August 17, 2022 and a full set of project plans.

Expressway Drive North Warehouse Buildings
Hamlet of Yaphank, Town of Brookhaven
Hardship Waiver Application

PERMIT INFORMATION

Permit Information

(please note which permits or plans are required and why, if they have been received and as of what date)

State Environmental Quality Review Act (SEQRA) (please note if positive declaration, date of DEIS and FEIS, etc)	DEIS- Silver Corporate Park Subdivision FEIS- Silver Corporate Park Subdivision Findings- Silver Corporate Park Subdivision Stipulation of Settlement Negative Declaration Stipulation of Settlement Negative Declaration Subdivision Adopted Decision to Approve Subdivision, CPBJPPC	October 2005 December 2005 December 2005 February 2015 March 2015 January 2020 June 2020
Town Permits - subdivision, site plan, tree clearing, variance, special permit (please note from which board)	Special Permit - Town Planning Board (overnight outdoor parking) Site Plan- Town Planning Board Variance- Town Planning Board (landscaping in front yard)	
Project Plans Enclosed (site plan, subdivision, etc.) Including drainage or landscape plans	(in pouches at the back of this document)	
NYS DEC - wetlands, WSR, mining, SPDES, etc.	SWPPP	
Suffolk County Department of Health Services - Article 6, 7, 12	SCSC Article 6	
Suffolk County Planning Commission	N/A	

Expressway Drive North Warehouse Buildings
Hamlet of Yaphank, Town of Brookhaven
Hardship Waiver Application

STANDARDS AND GUIDELINES FOR LAND USE

STANDARDS AND GUIDELINES FOR LAND USE

Standard (S)/Guideline (G)		Explanation and Document Page Reference
5.3.3.1 Nitrate-nitrogen		
S 5.3.3.1.1	SCSC Article 6 compliance	The project's sanitary wastewater will be treated and recharged via on-site septic systems conforming to SCSC Article 6 requirements. The estimated 549,942 SF of warehouse spaces would generate an estimated 21,998 gpd of sanitary wastewater. This would exceed the allowable sanitary flow under SCSC Article 6, which is 21,423 gpd. The proposed project is far along through review by Suffolk County Department of Health Services (SCDHS) for compliance with Article 6 of the Suffolk County Sanitary Code (SCSC). The most recent Notice of Incomplete (NOI), dated July 29, 2022, has only three (3) outstanding items listed. All three (3) items are being addressed. Conformance with Article 6 density requirements will be achieved by use of Pine Barrens Credits which are currently owned by WF Industrial and will be redeemed as part of the SCDHS project review. The project will conform with this Standard based on SCDHS review and redemption of Pine Barrens Credits.
S 5.3.3.1.2	STP discharge	The proposed project will conform to SCSC Article 6 requirements, so that no STP will be necessary. It is acknowledged that the project's effluent will be recharged within the CGA. However, the project will operate under the jurisdiction of the SCDHS and in conformance with SCSC Article 6, thereby assuring that no impact to underlying groundwater quality will occur.
G 5.3.3.1.3	Nitrate-nitrogen goal	No surface water bodies or wetlands are present on the site or in the vicinity that could be impacted by the site's recharge and as a result, this Guideline does not apply. The proposed project includes measures that will minimize potential nitrogen impacts to groundwater (i.e., conformance to SCSC Article 6, use of an Innovative/Alternative septic system, elimination of fertilizer use on landscaping). The project density is unchanged and therefore if applicable, the nitrogen concentration in recharge will be less than 2.5 mg/l.
5.3.3.2 Other chemical contaminants of concern		
S 5.3.3.2.1	SCSC Articles 7 & 12 compliance	The Site Plan will be consistent with SCSC Article 7 in that it will not involve an industrial process or use hazardous or toxic materials in excess of the quantities allowed under Article 7 of the SCSC. The project will conform to the applicable storage and handling restrictions and requirements of SCSC Article 12. The proposed project will obtain proper permits, if needed and required.
5.3.3.3 Wellhead protection		
S 5.3.3.3.1	Significant discharges and public supply well locations	There are no public water supply wellfields within 200 feet of the subject site. The nearest public drinking water supply well is the Suffolk County Water Authority (SCWA) Patchogue-Yaphank Road well field located on the west side of Sills Road (CR 101) generally south of the Long Island Expressway between the Long Island Railroad and Horseblock Road. This well field is more than 3,500 feet south of the subject site. Groundwater flow is toward the east, southeast in the vicinity of the subject site. As a result, there are no potential impacts of site use upon the well field.
G 5.3.3.3.2	Private well protection	The project conforms to SCSC Articles 6 and 7, and all wastewater recharge will flow in an east-southeasterly direction. There are no SCWA public water supply wellfields in this direction that are near enough to the project site to be impacted by the site's sanitary recharge.
5.3.3.4 Wetlands and surface waters		
S 5.3.3.4.1	Non-disturbance buffers	There are no surface water bodies or freshwater wetlands on the subject site.
S 5.3.3.4.2	Buffer delineations, covenants, and conservation easements	The eastern and northern portions of the site, and the naturally-vegetated buffer along the LIE (totaling 30.15 acres), will be retained in their naturally-vegetated condition, and permanently protected by covenant filed with the County Clerk.
S 5.3.3.4.3	WSRR Act compliance	The subject site is not within the regulated distance from any State-designated WSRR.
G 5.3.3.4.4	Additional non-disturbance buffers	No additional buffer areas are necessary or proposed.
5.3.3.5 Stormwater runoff		
S 5.3.3.5.1	Stormwater recharge	All stormwater runoff generated on developed surfaces will be retained on-site and recharged to groundwater. The project's drainage system will utilize a recharge basin. The system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project notification and preparation of a SWPPP. The applicant has obtained SWPPP approval by the appropriate authority, the Town of Brookhaven. The applicant will obtain all necessary SWPPP and SPDES coverage and will file the necessary submissions with the New York State Department of Environmental Conservation (NYSDEC) prior to site disturbance.
G 5.3.3.5.2	Natural recharge and drainage	No suitable natural low areas are present on the site that could be used for drainage purposes.
G 5.3.3.5.3	Ponds	No artificial ponds are proposed.
G 5.3.3.5.4	Natural topography in lieu of recharge basins	No natural topographic low points or swales are available to be utilized for stormwater recharge.
G 5.3.3.5.5	Soil erosion and	The project's drainage system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project

	stormwater runoff control during construction	notification and preparation of a SWPPP. The applicant has obtained SWPPP approval by the appropriate authority, the Town of Brookhaven. The applicant will obtain all necessary SWPPP and SPDES coverage and will file the necessary submissions with the New York State Department of Environmental Conservation (NYSDEC) prior to site disturbance.
5.3.3.6 Natural vegetation and plant habitat		
S 5.3.3.6.1	Vegetation Clearance Limits	<p>The subject parcel is now and was zoned L-1 in 1995, when the CPB CLUP was adopted. Figure 5-2 of the CLUP indicates that the overall maximum allowed site clearance is 65% (46.44 acres; conversely, a minimum of 35% of the site, or 25.01 acres, would have to be preserved as natural). Based on the May submission, the proposed project will clear an estimated 41.30 acres of the site (57.80%), thereby conforming to this requirement. Conversely, the Site Plan would retain 30.15 acres on natural vegetation, or 42.20% of the site. Since the May submission, it was determined that limited clearing occurred on the site and was completed by the prior owner for the purpose of test hole installation. It is noted that all of that clearing is within areas of the site that will be cleared as a result of the proposed development except for 3,803 SF. The clearing and grading that is depicted on the site plan is needed in order to construct the project. The proposed project is designed to conform to both Standard 5.3.3.6.1 Vegetation Clearance Limits. In terms of clearing, the amount of clearing noted on the Site Plan included with the original application is 1,799,176 SF, or 41.30 acres (57.81% of the site). As noted, limited additional clearing occurred by a prior owner to install test borings. Prior clearing that occurred in areas intended to remain natural on the current plans amounts to 3,803 SF, or 0.087 acres. When considering this area, the clearing calculation is as follows: 1,799,176 SF + 3,803 SF = 1,802,979 SF (57.93% of the site)</p> <p>The maximum clearing allowed is 65% of the 71.45-acre site or 46.44 acres. The proposed clearing is 41.391 acres, or 57.93% of the site as compared to a clearing limit of 65% of the site. Therefore, clearing is 5.05 acres, or 7.07%, less than what is allowed by the Standard.</p>
S 5.3.3.6.2	Unfragmented open space	This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. As a result, substantial areas of natural contiguous habitat will be retained; these areas will be contiguous to naturally-vegetated spaces adjacent to the north, east and west, thus forming an open space continuum as intended by this standard.
S 5.3.3.6.3	Fertilizer dependent vegetation limit	The Standard allows 15% fertilizer-dependent vegetation. In fact, the fertilizer dependent vegetation is limited to 4.2% of the overall site, which is more than 10%, or 10.8 acres less than the Standard. Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the CLUP are shown on the site plan landscape design plans.
S 5.3.3.6.4	Native Plantings	Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the CLUP are shown on the site plan landscape design plans.
5.3.3.7 Species and communities of special concern		
S 5.3.3.7.1	Special Species and Ecological Communities	<ul style="list-style-type: none"> The Applicant will ensure that the Site Plan will conform to NYSDEC guidance regarding habitat protection and accommodation for rare, threatened endangered and species of special concern. As directed by the NHP, clearing will be limited to occur within the time period specified by the NYSDEC, to protect the habitat of the Northern Long-eared Bat. No clearing will occur on the Project Site from April 1 to October 31 of any given year to protect the habitat of the Northern Long-eared Bat unless otherwise authorized by NYSDEC. Host plants for the Persius Duskywing are not expected within proposed development areas.
5.3.3.8 Soils		
G 5.3.3.8.1	Clearing envelopes	The Site Plan was revised in part to maximize use of slopes less than 10%, and reduce impacts to slopes 10 to 15%, as well as to slopes in excess of 15%. This goal is achieved to a large degree by the Site Plan, where more of the site's slopes of less than 10% will be disturbed than the Subdivision Plan, but less of the site's 10 to 15% slopes and less of the site's 15+% slopes will be impacted. Guideline 5.3.3.8.1 states, " <i>Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).</i> " Technically, the application is not a subdivision. However, avoidance of slopes is accomplished on the proposed project plans as is evident in review of the plan superimposed on the slope analysis (see Existing Slope Analysis Plan ESAP-1 in the Hardship Application, Key Civil Engineering, last dated 5/03/2022).
G 5.3.3.8.2	Stabilization and erosion control	An Erosion & Sediment Control Plan has been prepared as part of the Site Plan for the project. Erosion prevention measures to be taken during construction include groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this standard. Guideline 5.3.3.8.2 states, " <i>Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.</i> " This Guideline clearly states that homes (structures), roads and drives may be approved on slopes greater than 10% if there are sufficient site stabilization measures and erosion control to avoid environmental impacts. The site plan includes Soil Erosion & Sediment Control Plan in Sheets 17 (C-15) and 18 (C-16) of the package. These plans clearly show stabilization and erosion control practices that mitigate potential environmental impacts.
G 5.3.3.8.3	Slope analysis	A map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15%. As shown in the Existing Slope Analysis Plan, Proposed Warehouse for the Site Plan, there are 8.33 acres of steep slopes (defined as >15%) on the subject site. It should be noted that 91.67% of the site has slopes of less than 15%. Natural steep slopes are found in the central and northern parts of the site. For the proposed project, regrading is not expected to produce slopes in excess of 1:3. Guideline 5.3.3.8.3 states, " <i>Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.</i> " This Guideline is met as a result of submission of detailed slope mapping using the slope intervals identified in the Guideline (see Existing Slope Analysis Plan ESAP-1 in the Hardship Application, Key Civil Engineering, last dated 5/03/2022).
G 5.3.3.8.4	Erosion and sediment	The potential for erosion to occur during construction or after construction is completed will be controlled by implementing the SWPPP, which includes engineered Erosion Control Plans that are

	control plans	approved through the site plan review process. Guideline 5.3.3.8.4 states, "Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes." As noted, full erosion and sediment control plans are included in with the site plan, which include the Soil Erosion & Sediment Control Plan. These plans demonstrate conformance with this Guideline and further show stabilization and erosion control practices that mitigate potential environmental impacts.
G 5.3.3.8.5	Placement of roadways	One of the goals of the Site Plan is to reduce the area of impact to slopes in excess of 10% to a greater degree than achieved for the Subdivision Plan. It is estimated that 0.98 acres of slopes 10% and greater will be impacted by the Site Plan. In comparison, the Subdivision Plan (assuming the current slope map) would impact 1.45 acres of slopes in excess of 10%. Guideline 5.3.3.8.5 states, "Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills." This Guideline works in conjunction with G 5.3.3.8.2 which states that construction on slopes greater than 10% may be approved with proper erosion control. The site plan provides erosion control. The Existing Slope Analysis Plan ESAP-1 in the Hardship Application, Key Civil Engineering, last dated 5/03/2022 clearly identifies that driveways are designed to avoid slopes greater than 10%.
G 5.3.3.8.6	Retaining walls and control structures	It is estimated that 0.20 acres of slopes 15% and greater will be impacted by the Site Plan. In comparison, the Subdivision Plan (assuming the current slope map) would impact 0.32 acres of slopes in excess of 15%. Use of naturally vegetated slopes is not feasible in all cases. Based on site plan design, retaining walls are used for grade transitions where a vegetated slope is not possible. Retaining walls are effective in making grade transitions in order to retain greater natural open space as a vegetated slope would require more clearing. The Grading & Drainage Plan(s), including retaining walls, are included in Drawings C-4 through C-6 (Sheets 4-6) of the KCE Site Plan, Proposed Warehouse. Review of the applicable Guideline finds that the proposed project is in conformance. Guideline 5.3.3.8.6 states, "Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%)." As noted, the site plan provides retaining wall details and erosion control structures for roads/driveways that traverse slopes greater than 10%.
5.3.3.9 Coordinated design for open space management		
S 5.3.3.9.1	Receiving entity for open space dedications	No dedication of the open space on the site is proposed. The open space will be protected by a Conservation Easement or other appropriate instrument as required by the Commission. An appropriate delineator will be placed at the limit of the cleared area/open space to ensure that no additional clearing occurs. Temporary fencing will be installed prior to clearing and will be maintained during construction.
G 5.3.3.9.2	Clustering	Clustering of the project is a central tenet of the Site Plan, to allow for retention of substantial acreages of natural vegetation in the site's eastern and northern portions, to abut similar areas on adjacent properties. This principle also enables the Applicant to locate the disturbed area preferentially on the low-slope areas of the site.
G 5.3.3.9.3	Protection of dedicated open space	The Applicant will participate in the preparation of a covenant to permanently protect the open spaces on the site. The open space will be protected by a Conservation Easement or other appropriate instrument as required by the Commission. An appropriate delineator will be placed at the limit of the cleared area/open space to ensure that no additional clearing occurs. Temporary fencing will be installed prior to clearing and will be maintained during construction.
5.3.3.10 Agriculture and horticulture		
G 5.3.3.10.1	Best Management Practices	N/A; the project is a warehouse in nature, and no new or expanded agricultural or horticultural uses are included.
5.3.3.11 Scenic, historic, and cultural resources		
G 5.3.3.11.1	Cultural resource consideration	The project design will retain a 100 foot-deep naturally-vegetated buffer along the site's southern boundary with the LIE. Additionally, plantings of appropriate landscape species to protect and enhance the natural aesthetics of the site and area will be made within the disturbed area. The project's buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses. Site reconnaissance and aerial photograph review finds that there are no passive hiking corridors on the subject site. There are trails on the 120 acres owned by the Town that was previously of SCP. These can align with open space and adjoining trail opportunities. The subject site is visible from the LIE North Service Road. A wide natural buffer is present along the LIE frontage. Two (2) curb cuts are required per NYS Fire Code. One (1) curb cut has been considered but cannot be accommodated as a result of the Fire Code requirements.
G 5.3.3.11.2	Inclusion of cultural resources in application	N/A; there are no known or suspected cultural resources on the subject site that could be impacted by the proposed project, based on review of NYS OPRHP records. There are no known "established" recreational trails on the site. The site does adjoin the LIE North Service Road. The site plan provides a wide natural buffer adjoining the LIE.
G 5.3.3.11.3	Protection of scenic and recreational resources	The project design will retain a 100 foot-deep naturally-vegetated buffer along the site's southern boundary with the LIE. Additionally, plantings of appropriate landscape species to protect and enhance the natural aesthetics of the site and area will be made within the disturbed area. The project's buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.
G 5.3.3.11.4	Roadside design and management	Unlike the Subdivision Plan, the Site Plan includes two ingress/egress curb cuts on the site's frontage on the LIE North Service Road. One (1), 9-foot high monument sign is provided to the east of the east curb cut. The sign is of small size and will be reviewed by the Town Planning Board in connection with site plan review. All site lighting will be dark sky compliant. All lighting and signage will be reviewed by the Town Planning Board for conformance with stringent Town Code requirements.
5.3.3.12 Commercial and industrial development		
S 5.3.3.12.1	Commercial and industrial compliance with SCSC	The proposed project will comply with all applicable Town, County and/or State regulations and requirements insofar as practicable; where variances would be necessary, each will be applied for to the appropriate entity having jurisdiction.

CONFORMANCE TO HARSHIP WAIVER CRITERIA OF ECL 57-0123(3)(b)



CONFORMANCE TO HARSHIP WAIVER CRITERIA OF ECL 57-0123(3)(b)

Prepared by: Nelson Pope Voorhis
70 Maxess Road
Melville, NY 11747

Prepared for: WF Industrial XII LLC
80 8th Avenue, Suite 1602
New York, NY 10011

Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton, NY 11978

Date: September 1, 2022

The following provides an analysis of the proposed project's conformance to the standards necessary to justify a use variance listed in NYS Town Law Section 267-b, which the New York State Environmental Conservation Law, Article 57, Section 57-0121.9 utilizes as a basis for consideration of a hardship exemption for development proposals in the Central Pine Barrens Zone, Compatible Growth Area.

Town Law Section 267-b states, in pertinent part:

- (b) No such use variances shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.
- (c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Following are the applicant's responses to each of the four above-noted criteria for approval of the requested hardship application:

(1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

The proposed project is the result of a negotiated Stipulation of Settlement between the Town and the prior owner, which establishes the use and yield of the 72±-acre subject site. The Applicant is not seeking an increase in yield for the site, and the Town is not seeking a decrease in the project's yield.

The prior owner had obtained both Development of Regional Significance (DRS) approval and hardship approval or the prior plan. That plan conformed to clearing and received a hardship for minor disturbance of steep slope areas. The Applicant is pursuing the project with substantially the same configuration of development; however, the site plan establishes three (3) industrial buildings rather than an industrial subdivision with buildings to be constructed in the future. The current site plan disturbs steep slope areas to a lesser degree than the prior approved plan.

The Applicant purchased the property in December 2021 with the prior approval in-place. There is a reasonable expectation that a similar square footage of anticipated development would be permitted, albeit, in a different configuration. Similarly, it is reasonable to expect that a project that conforms to the vegetation clearance limits and disturbs steep slopes to a lesser degree would be permitted. The only changes are slightly greater clearing that remains in conformance with vegetation clearance limits, less slope disturbance and three (3) industrial buildings instead of multiple buildings to be built in the future within an industrial subdivision.

The Applicant has also submitted a full application to the Brookhaven Industrial Development Agency. This package seeks tax deferral in order to ensure an economically viable project. With the costs of materials, construction, fuel and related items increasing, this is even more important. The IDA submission is attached. This submission includes competent financial evidence to support the importance of the project with respect to construction/operational employment, beneficial economic ripple effect, a negotiated Payment in Lieu of Taxes (PILOT) program to offset certain community service costs and phased in real estate taxation of the property. The IDA application also includes evidence pertaining to development costs and the need for IDA relief. Without these incentives, the economic viability of the project is compromised. With these thin margins, should there be a reduction of yield, the project would not be viable. As a result, the Applicant would not be able to realize a reasonable economic return. That lack of return is substantial, and is supported by the reasonable expectations for approval of a project similar to what was previously approved as outlined above, as well as competent financial evidence included as **Attachment C**.

(2) *that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;*

The Applicant is not claiming any Hardship in regard to the approved use and/or yield of the property. The Applicant notes that the proposed project is unique to the site and would not set a precedent for additional, similar projects in the neighborhood, as it is the result of a negotiated Stipulation of Settlement between the Town and Applicant.

The Applicant notes that the proposed Site Plan layout represents a substantial reduction in the acreage of impacts to areas of steep slopes (defined as slopes of 10% and above) as compared to that for the industrial subdivision, which had received Town and CPBJPPC approvals.

The Town and CLUP tend to encourage avoidance of impacts to slope areas, so that an underlying goal of the Site Plan was to shift the disturbed area into those portions of the property that have low (i.e., less than 10% grade) slopes. As a result, the disturbed area of the Site Plan is in the site's central area near and along the LIE North Service Road to a greater degree than that shown in the Subdivision Plan (see **Attachment A, Table 2**). This shift results in greater impact to slopes less than 10%, less impacts to slopes in excess of 10%, and less impacts to slopes in excess of 15%, as compared to the impacts of the Subdivision Plan.

The Subdivision Plan would disturb 1,666,482 SF (38.26 acres) of slopes less than 10%, 49,201 SF (1.13 acres) of slopes between 10 and 15%, and 14,153 SF (0.32 acres) of slopes in excess of 15%, while the Site Plan would disturb 1,756,347 SF (40.32 acres) of slopes of less than 10%, 33,981 SF (0.78 acres) to slopes between 10 and 15%, and 8,898 SF (0.20 acres) to slopes in excess of 15%.

It is noteworthy that both development scenarios will conform to the applicable CLUP clearing requirement: up to 46.44 acres of site may be cleared, while the approved Subdivision would clear 39.71 acres, and the Site Plan would clear 41.30 acres (a 1.59-acre increase in clearing). This difference is because the Site Plan includes more landscaped area than the Subdivision Plan and requires a larger recharge basin than the Subdivision Plan.

The Applicant acknowledges that the acreage of naturally-vegetated open space under the Site Plan that would be retained on-site will be slightly less (1.55 acres; 30.15 acres versus 31.70 acres, a 4.89% reduction) than that for the approved Subdivision; however, the clearing remains in conformance with the vegetation clearance limits.

In summary, the subject site had received DRS and Hardship approval for a similar development, and the proposed project will reduce disturbance of steep slopes and will conform with clearing. The difference from the approved plan to the current plan is a

slightly modified configuration of development and construction of three (3) buildings as compared to an industrial subdivision. As a result, the project is unique and does not apply to a substantial portion of the district or neighborhood.

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood;

Approval of the requested Hardship waiver would not change the character of the neighborhood; it is zoned for industrial use, occupies a site that is buffered from its neighbors by a substantial acreage of vacant, wooded land, and lies along a major regional roadway (the LIE). The use of the overall property (of which the subject site is a part) has been settled by the Stipulation of Settlement, so that potential impacts of a land use change have been considered by the Town and CPBJPPC when giving their approvals for the Subdivision. The land use of the Site Plan duplicates that for the approved Subdivision.

(4) that the alleged hardship has not been self-created.

The proposed project is the result of a negotiated Stipulation of Settlement between the Town and the Applicant, which establishes the use and yield of the 72±-acre subject site. The Applicant purchased the property with a reasonable expectation that a similar project would be approved. The difference from the approved plan to the current plan is a slightly modified configuration of development and construction of three (3) buildings as compared to an industrial subdivision. Given these circumstances, there is a reasonable expectation that a similar DRS approval and similar but lesser hardship would be approved. As a result, the conditions pertaining to this application are not self-created, but were created through the prior negotiated settlement and approvals for a similar project on the same property with minor beneficial changes resulting from the proposed project.

ATTACHMENTS

ATTACHMENT A CONSISTENCY ANALYSIS

Nelson Pope Voorhis, *May 9, 2022*

CONSISTENCY ANALYSIS

Expressway Drive North Warehouse Buildings

Hamlet of Yaphank, Town of Brookhaven
Suffolk County, New York

NPV No. 02045

Prepared for Submission to:

Town of Brookhaven, Planning Board
c/o Department of Planning & Environment
1 Independence Hill
Farmingville, NY 11738
Contact: James M. Tullo; Commissioner



NELSON POPE VOORHIS
environmental • land use • planning

70 Maxess Road
Melville, NY 11747
Contact: Charles J. Voorhis, CEP, AICP; Principal
office: 631.427.5665 | cvoorhis@nelsonpopevoorhis.com

May 9, 2022

CONSISTENCY ANALYSIS

Expressway Drive North Warehouse Buildings

Hamlet of Yaphank, Town of Brookhaven
Suffolk County, New York

NPV No. 02045

Prepared For:

Town of Brookhaven, Planning Board
c/o Department of Planning & Environment
1 Independence Hill
Farmingville, New York 11738

Prepared By:

Nelson Pope Voorhis
70 Maxess Road
Melville, New York 11747
(631) 427-5665

May 9, 2022

Copyright © 2022 by Nelson Pope Voorhis

TABLE OF CONTENTS

	<u>Page</u>
Cover Sheet	i
Table of Contents	ii
1.0 Introduction	1
2.0 Project Background and History	1
3.0 Description of Site Plan and Comparison to Subdivision Plan	6
4.0 Comparison of Impacts of Site Plan to Impacts of Subdivision Plan	9
4.1 Land Use, Zoning and Community Character	9
4.2 Topography and Soils	10
4.3 Water Resources	11
4.4 Pine Barrens/Ecology	12
4.5 Community Facilities and Services	13
4.6 Transportation	14
4.7 Aesthetics and Cultural Resources	14
5.0 Comparison of Conformance to Central Pine Barrens CLUP	15
6.0 Summary and Conclusions	15

TABLES

1	Comparison of Site and Development Characteristics, Subdivision Plan & Site Plan	7
2	Comparison of Slope Impact Areas, Subdivision Plan & Site Plan	9

APPENDICES

A	Adopted Negative Declaration, Settlement of Silver Corporate Park Subdivision, Brookhaven Town Board, March 26, 2015
B	Adopted Negative Declaration, Silver Corporate Park Subdivision, Brookhaven Town Planning Board, January 13, 2020
C	Adopted Decision to Approve, Silver Corporate Park Industrial Subdivision, Central Pine Barrens Joint Planning & Policy Commission, June 17, 2020
D	Project Renderings
E	Comparison of Conformance to Central Pine Barrens CLUP, Subdivision Plan & Site Plan

PLANS (in pouches at the back of this document)

Overall Site Plan, Proposed Warehouse, Key Civil Engineering, 05/03/2022

Overall Site Plan, Proposed Industrial Park Subdivision, Key Civil Engineering, revised 04/21/2020

Existing Slope Analysis Plan, Proposed Warehouse, Key Civil Engineering, 05/03/2022

1.0 INTRODUCTION

This document supports a site plan application for a proposed revision to a pending industrial development project that has undergone a complete review under the New York State (NYS) Environmental Quality Review Act (SEQRA), and subsequent litigation between the Applicant and the Town of Brookhaven. That litigation concluded in a Stipulation of Settlement between the two parties. This document compares the anticipated impacts of the two development plans for the subject site, one for a previously-reviewed subdivision (hereafter, “the Subdivision Plan”) against those of the currently-proposed site plan application (hereafter, “the Site Plan”), to demonstrate to the Brookhaven Planning Board that no further analysis under SEQRA is warranted. Copies of these plans can be found in pouches at the back of this document, and are titled, **“Overall Site Plan, Proposed Industrial Park Subdivision”** and **“Overall Site Plan, Proposed Warehouse”**, respectively.

It is noted that the Subdivision Plan was prepared based on a site survey and slope map that indicated the site as approximately 71.41 acres in size (3,110,611 square feet [SF]), while the Site Plan has been prepared on a more recent site survey and slope map that indicates the site is 71.45 acres in size, or 3,112,444 SF. While the site differs by a relatively insignificant 0.04 acres (1,833 SF) between these two plans, there are more substantial differences in the slopes delineated on the site. Therefore, in order to provide the “apple-to-apples” comparison of the Subdivision Plan and the Site Plan with respect to impacts to slopes, this document analyzes these two scenarios based on the current, 71.45-acre site acreage and slope map (see **Existing Slope Analysis Plan, Proposed Warehouse**) which is the most current and accurate information available.

The subject site is a 72±-acre portion of the overall 192±-acre Silver Corporate Park site, the review for which has been completed (see **Section 2.0** below). The history of the project is outlined herein for the purpose of background information and supporting information as to the reasons to undertake the requested plan changes.

It is noteworthy that the Subdivision Plan was also reviewed by the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC) for the required Development of Regional Significance (DRS) and Hardship application. The CPBJPPC adopted their own Findings Statement that supports the project and is further described in Section 2.0.

2.0 PROJECT BACKGROUND AND HISTORY

The narrative in this section describes the history of the Subdivision Plan (see **Overall Site Plan, Proposed Industrial Park Subdivision**) and has been adapted from the Town Board Negative Declaration on the Stipulation of Settlement for the overall Silver Corporate Park Industrial Subdivision application (see **Appendix A**).

In August of 2003, a Change of Zone application from L-Industrial-1 to PRCHC was submitted to the Office of the Town Clerk for portions of the 192 acres of subject properties. A SEQRA Positive Declaration was adopted by the Town Board in August of 2005 and a Draft Environmental Impact Statement (DEIS) was accepted for public review in October of 2005. A public hearing was held on November 15, 2005, and public comments were received until November 25, 2005. A Final Environmental Impact Statement (FEIS) was prepared in response to the comments received and was adopted by the Town Board on December 6, 2005. On December 20, 2005, a SEQRA Findings Statement was adopted for the approval of a Change of Zone of portions of the subject property from L-Industrial-1 to PRCHC to include 117 acres of PRCHC uses and 75 acres of L-Industrial-1 [on what would be the subject site].

Subsequently, the Town Board approved the Change of Zone from L-Industrial-1 to PRCHC for 22,400 square feet [SF] of office/retail space, a 59-acre industrial park of 19 lots not less than three (3) acres, each, and 544 units comprised of 50 single-family, 82 attached Townhomes, 120 Assisted Living units, 240 Independent Living apartments, 50 one-story duplexes, and two resident manager units. The Change of Zone approval was amended on December 30, 2005, to correct a “scrivener errors” to change the above 544 unit mix to a 622-unit mix comprised of 50 single family, 82 attached Townhomes, 120 Assisted Living units, 240 Independent Living apartments, 50 one-story duplexes (Village I), 78 one-story duplexes (Village II) and 2 resident manager units.

A Town Board resolution rescinding both the December 20 and 30, 2005 grants was adopted on January 24, 2006. This resolution cited that both approvals failed to condition a CPBJPPC DRS decision, allowed additional construction, changed buffers, and allowed an on-site STP [sewage treatment plant] without updated SEQRA Findings, as well as modified conditions and covenants without a public hearing and resolved to hold the application until successful CPBJPPC application, full SEQRA review and a public hearing.

On April 19, 2006, the applicant commenced a special proceeding against the Town and Town Board, pursuant to Article 78 of the New York Civil Practice Law and Rules (Index No. 06-10360), which seeks, among other things, a judgment annulling, reversing, and setting aside the Town Board’s January 24, 2006, resolution on the basis that it was unlawful, arbitrary, and capricious, and an abuse of discretion. In an effort to avoid the expense of further litigation, the parties desired to resolve the claims in the proceeding/action upon the terms and conditions contained in a Stipulation of Settlement.

In the Stipulation,

...the Town Board proposed adoption and implementation of a settlement between the property owner and the Town that would result in a land division dividing the 192-acre subject property into 7 lots: one (1) 50-acre lot and five (5) 14-acre lots (totaling 120 acres) to be acquired by the Town, and one (1) 72-acre lot to be retained by the property owner.

The 72-acre lot referred to in the foregoing is the subject site. The Stipulation continues:

Future industrial subdivision, land division, or future site plan(s) on the 72-acre lot to be retained by the property owner is contemplated wherein a 47-acre portion of the 72-acre lot is proposed for future development and a 25-acre portion proposed to satisfy the requirements for open space set forth in Section 5.3.3.6 of the Central Pine Barrens Comprehensive Land Use Plan [CLUP] and Town Code § 85-723(E).

Subsequently, the applicant revised the 192-acre plan to an industrial subdivision and submitted a revised application to the Town Planning Board. The following has been taken from the Planning Board's Negative Declaration on the Silver Corporate Park project (see **Appendix B**).

The Town Board of the Town of Brookhaven at their March 26, 2015 meeting adopted a SEQRA Negative Declaration and a Stipulation of Settlement between the property owner and the Town of Brookhaven resulting in a land division of the 192-acre subject property into 7 lots: one (1) 50- acre lot and five (5) 14-acre lots (totaling 120 acres), to be acquired by the Town of Brookhaven, and one (1) 72-acre lot to be retained by the property owner.

It was further stipulated that the 72 acres retained by the applicant were to be the subject of a twelve (12) lot subdivision to comply with the current requirements of the Town of Brookhaven L-Industrial-1 zoning use district to develop the property as an industrial subdivision.

The property is located in the Central Pine Barrens Compatible Growth Area [CGA] and is subject to the Vegetation Clearance Limits set forth in Section 5.3.3.6.1 and Figure 5-1 of the Central Pine Barrens CLUP and Town Code § 85-723(E)(1), the boundaries of the 72-acre lot were delineated by the Town's surveyor, in consultation with the Town's Planning Department to ensure that a 47-acre portion of the 72-acre lot can be fully cleared for future development and that the 47-acre portion does not contain any environmental constraints (i.e., steep slopes areas, wetlands, etc.) that would restrict the applicants ability to clear and develop that portion of the lot in the future, and that a 25-acre portion of the 72-acre lot will satisfy the requirements for Unfragmented Open Space set forth in Section 5.3.3.6.2 of the CLUP and Town Code §85-723(E)(2).

On January 25, 2018, the applicant submitted a subdivision application for the 72-acre lot to the Planning Board of the Town of Brookhaven which was deemed a Type I action and coordinated to the involved and interested agencies for the purposes of Lead Agency Determination on February 6, 2018. The Planning Board, after receiving no objections, assumed Lead Agency on March 6, 2018. Comments were received from the involved and interested agencies including the CPBJPPC, the SCDHS [Suffolk County Department of Health Services], the SCDPW [Suffolk County Department of Public Works], and the Town of Brookhaven Open Space and Farmland Acquisition Advisory Committee.

Due to the proposed 550,000 square foot size of the [industrial] development, as per the Stipulation of Settlement and the applicant request to eliminate areas of steep slopes on lots 3, 6 and 7 totaling an estimated 18,948 SF or 0.435 acres, a DRS and CGA Hardship Waiver application was submitted to the CPBJPPC on December 7, 2018, with an amended hardship waiver application submitted on January 7, 2019. A public hearing on the application was held by the CPBJPPC on January 23, 2019, and subsequently adjourned for the applicant to provide supplemental information. On February 11th the CPBJPPC deferred lead agency status and sent the Town all materials received by the CPBJPPC related to the Silver Corporate Park application including the January 23rd hearing transcript.

At the February 27, 2019, and June 19, 2019, CPBJPPC meetings, motions were approved to grant extensions of the decision deadline of the application. At the July 17, 2019, CPBJPPC meeting a draft letter was authorized to be sent to the Town of Brookhaven Planning Board in response to revised plans, dated July 17, 2019. Then, at the September 18, 2019, CPBJPPC meeting a six-month extension of the decision deadline was approved. The CPBJPPC, as an involved agency pursuant to the SEQRA, is awaiting a determination of significance from the Town of Brookhaven Planning Board as the lead agency. [The Town Planning Board classified the proposed project as a Type I Action under SEQRA; see **Appendix B**.]

The proposed twelve (12) lot commercial and/or industrial subdivision to develop approximately 550,000 SF of commercial and/or industrial land uses as allowed in the L-Industrial-1 Light Industrial Zoning District of the Town of Brookhaven is considered consistent with the adopted Stipulation of Settlement.

Upon the Planning Board's issuance of its SEQRA Negative Declaration, the CPBJPPC was free to reach a decision on the DRS and Hardship application pending before it. The SEQRA Negative Declaration (dated June 17, 2020; see **Appendix C**) stated the following:

Angelo Silveri c/o Silver Corporate Park LLC owns a 71.41-acre unimproved parcel of land identified as Suffolk County Tax Map Number 200-662-2-5.16 (the Project Site), in the CGA of the Central Pine Barrens. The Project Site is located on the north side of the North Service Road of the Long Island Expressway (LIE; NYS Route 495), west of Sills Road, in Yaphank, Town of Brookhaven. The Project Site is in the L1 Industrial Zoning District.

On December 7, 2018, the Applicant, through their agent, Philip Butler of Farrell Fritz, P.C., applied to the CPBJPPC for a DRS and CGA Hardship Exemption for development of a 12-lot subdivision with 550,000 SF of commercial/industrial land uses. The Applicant seeks to have the CPBJPPC waive strict compliance with the Central Pine Barrens CLUP to remove 18,948 SF of steep slopes on the Project Site. The Application for the DRS and hardship waiver request are collectively referred to as the Project.

The Existing Slope Analysis Plan, Proposed Industrial Park Subdivision, last dated April 21, 2020, prepared by Key Engineering, provides clearing data and slope analyses on each lot and on the overall Project Site. The Slope Plan identifies three lots, Lots 3, 6 and 7, that are the subject of the waiver request to remove 18,948 SF of steep slopes. The same three lots (3, 6 and 7) also contain 1.74 acres of steep slopes that will remain undisturbed and be voluntarily protected by the Applicant.

Except for 1.74 acres of undisturbed area on Lots 3, 6 and 7, the 12 building lots, ranging in size from 2.76 acres to 4.93 acres, will be cleared in their entirety. The subtotal of clearing in building lots is 41.94 acres and 4.48 acres of clearing will occur to develop a new access road named Silver Corporate Park Boulevard. The total clearing limit on the Project Site is 46.41 acres or 65%. The open space is placed in Lots 13 and 14 totaling 25 acres or 35%. The Applicant is required to maintain at least 25 acres as natural.

The Project Site is in Groundwater Management Zone III. Conventional sanitary systems will be constructed and discharge wastewater to groundwater. Each building lot has frontage on the new interior road, which terminates in a cul-de-sac. A 1.02-acre recharge basin with an 8-inch rainfall capacity will be constructed in the cul-de-sac.

Public water will be supplied to the Project Site by a new water main extension that will be constructed from Sills Road for a length of 4,038 feet on the North Service Road. The nearest public water supply well field is more than 1,500 feet away.

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and submitted to NYSDEC [New York State Department of Environmental Conservation] for review and approval prior to disturbance. The SWPPP is a requirement to manage stormwater and implement erosion controls during construction. Reinforcing silt fencing will be installed. Erosion and sediment control plans will be prepared to develop Lot 7 where steep slopes of 15% or greater are present.

Disturbance to steep slopes has been significantly minimized to cluster the extent of natural steep slopes in the open space, outside of building lots, except for the waiver request. The Existing Slope Analysis Plan, Proposed Industrial Park Subdivision identifies categories of existing slopes, vegetation clearance limits, and steep slope disturbance. On the Project Site, areas of slopes of 0 to 10% grade comprises 58.25 acres; the area of 10-15% slopes is 7.83 acres; and the area of slopes 15-59.8% comprises 5.32 acres. Construction on slopes greater than 10% will not occur, except in the steep slope waiver area including:

- Lot 3: 2,847 SF (10 to 15% grade slopes)
- Lot 6: 3,514 SF (10 to 15% grade slopes)
- Lot 7: 12,256.4 SF including:
 - 11,218.52 SF (10 to 15% grade slopes)

- o 1,368.35 SF (15 to 59.8% grade slopes)
- Total disturbance: 18,947.87 SF (0.43 acres) (17,579.52 SF on 10 to 15% slopes and 1,368.35 SF on slopes greater than 15%)

Silver Corporate Park Boulevard will be constructed on slopes less than 10% grade. Details of retaining walls on slopes greater than 10% will be prepared and submitted to the Town Engineer. Where feasible, planted slopes are preferred over hard structures such as retaining walls.

In its correspondence dated January 18, 2019, and February 12, 2019, the New York Natural Heritage Program (NHP) reported that a Federal or State-listed Threatened mammal, specifically the Northern Long Eared Bat (NLEB), has been documented within one mile of the Project Site and may utilize the site's natural habitat. The impact of concern is for cutting and removal of potential roost trees. To protect the NLEB habitat in Suffolk County, no clearing will occur on the Project Site from April 1 to October 31 of any given year. The NHP reported an historical documented occurrence of the Persius Duskywing, a New York State-listed Endangered butterfly species. NYSDEC recommended surveys be performed to determine the presence or absence of host plants for this species.

In its December 20, 2018, correspondence, the New York State Office of Parks, Recreation and Historic Preservation stated the Project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

3.0 DESCRIPTION OF SITE PLAN AND COMPARISON TO SUBDIVISION PLAN

Table 1 presents a comparative listing of some of the site and project characteristics and impacts discussed herein for the Subdivision and the Site Plans. The following provides a discussion of the characteristics of the Subdivision and Site Plans to demonstrate the differences between these two development scenarios as well as consistency for the purpose of SEQRA comparison.

- The Subdivision Plan was a 14-lot subdivision of the 71.41-acre site, for industrial development. Lots 1 through 12 of the subdivision would be disturbed, leaving Lots 13 and 14 as naturally-vegetated open spaces (24.99 acres total of both). The Subdivision Plan would provide an additional 6.71 acres, for a total of 31.70 acres (44.39% of the site) to remain natural. The additional voluntary natural areas are in a roadside buffer and undisturbed steep slopes within the lots.
- The Site Plan does not involve a subdivision of the site; instead, it includes three warehouse structures totaling 549,942 SF of floor space, with preservation of 42.20% of the site (30.15 acres) in its naturally-vegetated condition (see renderings in **Appendix D**).

Table 1
Comparison of Site and Development Characteristics
Subdivision Plan & Site Plan

Parameter	Subdivision Plan	Site Plan
Use	Industrial, Warehouse, and/or Office	Warehouse
Yield	550,000 SF	549,942 SF
Application Type	Subdivision	Site Plan ⁽¹⁾
Zoning		L-Industrial-1
Sanitary System ⁽²⁾		Innovative/Alternative Septic Systems
Coverages (acres):	---	---
Building	12.63	12.62
Paved	22.17	20.46
Landscaped	4.91 ⁽³⁾	8.22 ⁽³⁾
Natural	31.70	30.15
Total Site	71.41	71.45
Domestic Water Use ⁽⁴⁾	22,000	21,998
Parking Spaces Required, min.	1,375	1,375
Parking Spaces Provided	1,376 ⁽⁵⁾	1,375 ⁽⁶⁾

(1) Requires Variance per Town Code 85-843 A. 2: minimum of half of all required landscaping or natural must be in front yard: 466,866 SF required; 309,188 SF provided.

(2) Both conform with SCSC Article 6 for allowable density using conventional sanitary system.

(3) Assuming irrigated but not fertilized.

(4) Assuming SCSC Article 6 design rate of 0.04 gpd/SF.

(5) Includes 727 spaces landbanked.

(6) Includes 608 spaces landbanked.

- For a site zoned L-Industrial-1, the CLUP allows up to 65% to be cleared for development; conversely, a minimum of 35% of the site shall remain in an undisturbed condition. For this 71.45-acre site, at most 46.44 acres may be cleared, and at least 25.01 acres shall remain in a naturally-vegetated condition.
- The Subdivision Plan would clear 39.71 acres, or 55.61% of the site. The Site Plan would clear 41.30 acres of the site, or 57.80%. Thus, both scenarios would conform to their respective CLUP standard for clearing, though the Site Plan would clear more (1.59 acres) area than the Subdivision Plan. This difference is because the Site Plan includes more landscaped area than the Subdivision Plan and has a larger recharge basin than the Subdivision Plan. As a result, the Site Plan requires a somewhat larger disturbed area than the Subdivision Plan, which leaves slightly less natural land available to be retained in a natural condition.
- The Subdivision Plan was designed to locate development to the greatest extent practicable on the portion of the site having slopes of 10% and less, which is found in the central part of

the property, along the LIE North Service Road. The Site Plan essentially, if not exactly, stays within the same precisely-approved cleared area of the Subdivision Plan.

- The Town and CLUP tend to encourage avoidance of impacts to slope areas, so that an underlying goal of the Site Plan was to shift the disturbed area into those portions of the property that have low (i.e., less than 10% grade) slopes. As a result, the disturbed area of the Site Plan is in the site's central area near and along the LIE North Service Road to a greater degree than that shown in the Subdivision Plan (see **Table 2**). This shift results in greater impact to slopes less than 10%, less impacts to slopes in excess of 10%, and less impacts to slopes in excess of 15%, as compared to the impacts of the Subdivision Plan.
- Specifically, assuming the current slope map is applied to the Subdivision Plan (see **Existing Slope Analysis Plan, Proposed Warehouse, in a pouch at the back of this document**), the Subdivision Plan would disturb 1,666,482 SF (38.26 acres) of slopes less than 10%, 49,201 SF (1.13 acres) of slopes between 10 and 15%, and 14,153 SF (0.32 acres) of slopes in excess of 15%, while the Site Plan would disturb 1,756,347 SF (40.32 acres) of slopes of less than 10%, 33,981 SF (0.78 acres) to slopes between 10 and 15%, and 8,898 SF (0.20 acres) to slopes in excess of 15%.
- The Subdivision Plan would utilize a single vehicle access point on the LIE North Service Road, at the site's southwestern corner. It would be configured for right turns entering and right turns exiting, and would be controlled by a Stop sign for exiting drivers. There would be no other vehicle access to the site.
- The Site Plan would utilize two vehicle accesses, one located near the site's southeastern corner (configured for right turns entering and right turns exiting), and the other at the site's southwestern corner (configured for right turns exiting only). Both accesses would be controlled by a Stop sign for exiting drivers. There would be no other vehicle access to the site.
- Both scenarios would utilize on-site sanitary, drainage and lighting systems. Conventional sanitary systems would be allowed under Suffolk County Sanitary Code Article 6 and are proposed. The drainage system for either scenario would utilize a single recharge basin. However, the recharge basin for the Site Plan would be significantly larger than that for the Subdivision Plan, necessitating greater excavation and associated slope disturbance for the Site Plan compared to the Subdivision Plan. This ensures conformance with Town drainage requirements pursuant to design standards. Lighting would be provided at the site accesses, along the building facades, and within and along the perimeter of the parking areas and roadways. All lighting will comply with Town "dark sky" lighting requirements.

Table 2 is a comparative listing of the anticipated impacts to slope areas of the site, for both the Subdivision and the Site Plans, assuming the current slope map. As can be seen, compared to

the Subdivision Plan, the Site Plan would clear more land having slopes of 10% and less, less land having slopes between 10 and 15%, and less land having slopes in excess of 15%. It is noteworthy that the Applicant, when preparing the Site Plan, sought to limit the disturbed/impacted area as near as practicable to the same outline as that of the Subdivision Plan.

Table 2
Comparison of Slope Impact Areas
Subdivision Plan & Site Plan

Slope Interval	Subdivision Plan (with Current Slope Map)		Site Plan (with Current Slope Map)	
	Existing Condition (SF)	To Be Disturbed (SF)	Existing Condition (SF)	To Be Disturbed (SF)
0 to 10%	2,443,225	1,666,482	2,443,225	1,756,347
10% to 15%	306,334	49,201	306,334	33,981
15%+	362,885	14,153	362,885	8,898

The above comparison of the Site Plan to the Subdivision Plan quantifies and describes the two plans and their characteristics. Based on the description and analysis, the two plans are comparable with only minor differences, and in each case, the differences will not result in significant adverse environmental impacts compared to those of the Subdivision Plan. The Subdivision Plan was already found to not have any significant adverse environmental impacts as documented in the Town's Negative Declaration dated January 13, 202 and the CPBJPPC decision to approve the DRS dated June 17, 2020. Minor changes involving drainage are justified and necessary based on Town drainage requirements. For the Site Plan, reductions in the area of disturbance of steep slope will reduce impacts to steep slopes, and are logical in terms of design and layout of the plan and conformance to the original approval. These are considered to be beneficial changes, maintain conformance with the CLUP and will not result in any significant adverse environmental impacts. The slight change in open space retention is minor and the Site Plan will remain within the clearing limits of the CLUP. **Tables 1 and 2** demonstrate the minor nature of any differences between the two plans and the discussion demonstrates that the plans are comparable, and no significant adverse impact is expected as a result of the Site Plan.

4.0 COMPARISON OF IMPACTS OF SITE PLAN TO IMPACTS OF SUBDIVISION PLAN

4.1 Land Use, Zoning and Community Character

- Development under the Site Plan will change the land use of the site, from vacant and wooded to warehouse, with a similar amount of development (in terms of building square

footage) as the Subdivision Plan. As a result, the potential for impact on the pattern of land uses in the area would be similar in degree and manner to the Subdivision Plan.

- As neither the Subdivision Plan nor the Site Plan would change the zoning of site, neither scenario would represent a potential impact on the pattern of zoning in the area.
- Both the Subdivision Plan and the Site Plan conform to the standards and guidelines of the CLUP see **Appendix E**).
- Like the Subdivision Plan, the Site Plan will conform to the industrial use recommended for the site in the 1996 Town Comprehensive Land Use Plan.
- The Longwood Mini-Master Plan recommends that the property (and the area west to County Road 101, north and south of the LIE) be disturbed under L-1 zoning. Both the Subdivision Plan and the Site Plan conform to this recommendation.
- The overall Silver Corporate Park project, of which the subject site is a part, would provide a total of about 120 acres of contiguous open space, of which approximately 30 acres would be retained on the subject site under the Subdivision Plan and the Site Plan. Thus, either the Subdivision Plan or the Site Plan would enable this vision for the overall property to be realized by the Town and will preserve the present community character in perpetuity.

Potential impacts of both the Subdivision Plan and the Site Plan are comparable with respect to land use, and no significant adverse environmental impacts are expected as a result of the Site Plan.

4.2 Topography and Soils

- The applicable CLUP clearing standard would allow up to 65% of the site (46.42 acres for the Subdivision Plan and 46.44 acres for the Site Plan) to be cleared for development. The Subdivision Plan would clear 39.71 acres, or 55.61% of the site. The Site Plan would clear 41.30 acres, or 57.80%. Thus, both scenarios would conform to their respective CLUP standard for clearing, though the Site Plan would clear 1.59 more acres than the Subdivision Plan, and would retain 1.55 acres less land in a natural condition. This difference is because the Site Plan includes more landscaped area than the Subdivision Plan and has a larger recharge basin than the Subdivision Plan. As a result, the Site Plan requires a somewhat larger disturbed area than the Subdivision Plan, which leaves slightly less natural land available to be retained in a natural condition.
- The Subdivision Plan was designed to locate development to the greatest extent practicable on the portion of the site having slopes of 10% and less, which is found in the central part of

the property, along the LIE North Service Road. The Site Plan essentially, if not exactly, stays within the same precisely-approved cleared area of the Subdivision Plan.

- The Town and CLUP encourage avoidance of impacts to slope areas, so that an underlying goal of the Site Plan was to shift the disturbed area into those portions of the property that have low (i.e., less than 10% grade) slopes. As a result, the disturbed area of the Site Plan is in the site's central area near and along the LIE North Service Road to a greater degree than that shown in the Subdivision Plan. This shift results in greater impact to slopes less than 10%, less impacts to slopes in excess of 10%, and less impacts to slopes in excess of 15%, as compared to the impacts of the Subdivision Plan.
- Specifically, the Subdivision Plan would disturb 1,666,482 SF (38.26 acres) of slopes less than 10%, 49,201 SF (1.13 acres) of slopes between 10 and 15%, and 14,153 SF (0.32 acres) of slopes in excess of 15%, while the Site Plan would disturb 1,756,347 SF (40.32 acres) of slopes of less than 10%, 33,981 SF (0.78 acres) to slopes between 10 and 15%, and 8,898 SF (0.20 acres) to slopes in excess of 15%.

Potential impacts of both the Subdivision Plan and the Site Plan are comparable with respect to topography and soils, and no significant adverse environmental impacts are expected as a result of the Site Plan.

4.3 Water Resources

- Both the Subdivision Plan and the Site Plan assume that each building would be served by Innovative/Alternative septic systems for sanitary wastewater treatment and that the sanitary systems will conform with Article 6 of the SCSC.
- Both the Subdivision Plan and the Site Plan assume drainage containment that will conform with Town requirements; however, the Site Plan advanced drainage design and determined that additional drainage capacity was needed. As a result, the Site Plan is better able to conform with Town drainage requirements for storage and recharge of stormwater.
- Neither scenario would generate a volume of recharge large enough to cause a change in the direction of groundwater flow beneath the site or in the vicinity from a mounding in the water table.
- The depth to the water table beneath the site is sufficient to not represent a potential impact on the operation of the site's Innovative/Alternative septic system or drainage system.

- As there are little differences in the acreage of impervious surfaces and the amount of wastewater generated, it is expected that the volume of water recharged on the site will not differ significantly between the Subdivision Plan and the Site Plan.
- As the wastewater volumes are similar for the Subdivision Plan and the Site Plan, and no fertilizers would be used for either scenario, the anticipated concentration of nitrogen in recharge is expected to be similar as well.
- As the acreage of landscaping is anticipated to be larger for the Site Plan than for the Subdivision Plan, the volume of water to be used for irrigation would be larger for the Site Plan than for the Subdivision Plan. However, the difference in the volumes of water for irrigation is not significant, as the difference in acreage irrigated is only 3.31 acres.
- As the Subdivision Plan assumes industrial use of the site while the Site Plan assumes warehouse use, it is expected that the potential for the presence and use (and, therefore, of leakage or spillage) of hazardous liquids on the site would be greater for the Subdivision Plan than for the Site Plan. Thus, the Site Plan would represent a somewhat lower potential for impact to groundwater quality than the Subdivision Plan.
- As both scenarios will utilize conforming on-site drainage systems, it is expected that the potential for impact to the Carman's River from surface flow of stormwater or from site recharge would not be significant.
- For either the Subdivision Plan or the Site Plan, a SWPPP will be prepared and will include erosion and sedimentation controls and methods by which stormwater will be accommodated during construction, consistent with the New York Standards and Specifications for Erosion and Sediment Control and the NYS Stormwater Management Design Manual. Therefore, no significant adverse impacts related to erosion, sedimentation or storm water runoff will result from proposed construction activities for either scenario.

Potential impacts of both the Subdivision Plan and the Site Plan are comparable with respect to water resources, and no significant adverse environmental impacts are expected as a result of the Site Plan.

4.4 Pine Barrens/Ecology

- No rare, threatened, or endangered plants were observed on site during the SEQRA review of the overall Silver Corporate Park project. The NHP has no records of known occurrences of rare or state-listed plants, significant natural communities, or other significant habitats on or in the vicinity of the subject site. Christmas fern, bayberry and striped wintergreen are “exploitably vulnerable” species that have been identified on the property. “Exploitably vulnerable” plants are species which are not currently threatened or endangered, but which

are commonly collected for flower arrangements or other uses. As per the NYS Environmental Conservation Law, the Applicant (i.e., owner) would not be restricted in utilizing the site for the intended purpose because the exploitably vulnerable plants are not protected from harm by the landowner. As such, neither the Subdivision Plan nor the Site Plan is impacted by rare, threatened, or endangered plants or significant habitats.

- To protect the NLEB habitat, no clearing will occur on the Project Site from April 1 to October 31 of any given year. As directed by the NHP, clearing will be limited to occur within the time period specified by the NYSDEC, to protect the habitat of the NLEB.
- The site is a large naturally vegetated tract in proximity to Town and County Open Space and the Carmans River and regional impacts to habitat and wildlife will be mitigated as approximately 120 acres of the subject property will be preserved in a natural state. Either the Subdivision Plan or the Site Plan will contribute a similar amount of open space (30± acres) to this total.
- The Subdivision Plan gained approval of the CPBJPPC. The Site Plan is not substantially different than the Subdivision Plan and as a result, CLUP conforms will still be maintained.

Potential impacts of both the Subdivision Plan and the Site Plan are comparable with respect to pine barrens and ecology, and no significant adverse environmental impacts are expected as a result of the Site Plan.

4.5 Community Facilities and Services

- As neither the Subdivision Plan nor the Site Plan includes a residential component, no residents will be generated by either scenario. As a result, no school-age residents are expected, so that no enrollment impact to the Longwood Central School District would occur for either plan.
- It was determined during the overall Silver Corporate Park SEQRA review that that project would not adversely impact community facilities and services (i.e., fire and police protection, the local school district, and solid waste facilities or regional solid waste management practices). As neither the Subdivision Plan nor the Site Plan would include a new land use not previously evaluated, neither scenario would represent a significant potential impact on community facilities or services.

Potential impacts of both the Subdivision Plan and the Site Plan are comparable with respect to community facilities and services, and no significant adverse environmental impacts are expected as a result of the Site Plan.

4.6 Transportation

- The Traffic Impact Study for the Subdivision Plan indicated that the local roads and intersections would have accommodated the expected trips generated by that scenario and would operate satisfactorily.
- The Site Plan requests nearly the same yield as the Subdivision Plan but would generate fewer vehicle trips than the Subdivision Plan, as the warehouse use would generate fewer jobs, and so vehicle trips to and from the site would primarily be from trucks delivering to the site and removing stored products from the site.
- Like the Subdivision Plan, no significant impacts are expected to local roads or intersections from the Site Plan, as the Site Plan would have no access onto the local road network. All trips to and from the site would be from the westbound LIE North Service Road.

Potential impacts of both the Subdivision Plan and the Site Plan are comparable with respect to transportation, and no significant adverse environmental impacts are expected as a result of the Site Plan.

4.7 Aesthetics and Cultural Resources

- It was determined during the overall Silver Corporate Park SEQRA review that there are no cultural resources listed on the State or National Registers of Historic Places within, or substantially contiguous to, the subject site. A Phase I archaeological investigation was conducted for the subject property and consisted of a Phase IA documentary study and a Phase IB archeological survey. Results of the Phase IA study did not identify any records or files which would indicate the presence of prehistoric sites on or in the area of the subject property. As such, there are no known or suspected cultural resources on the site that could be impacted by either the Subdivision Plan or the Site Plan.
- Both the Subdivision Plan and the Site Plan include a 100-foot-deep buffer including natural vegetation along the site's southern boundary, along the LIE North Service Road, to serve as a visual and aesthetic buffer for passing motorists.

Potential impacts of both the Subdivision Plan and the Site Plan are comparable with respect to aesthetics and cultural resources, and no significant adverse environmental impacts are expected as a result of the Site Plan.

5.0 COMPARISON OF CONFORMANCE TO CENTRAL PINE BARRENS CLUP

The table in **Appendix E** compares conformance to the standards and guidelines of the CLUP for both the Subdivision and Site Plans; the table has been adapted from the version contained in the CPBJPPC Decision on the Subdivision Plan (see **Appendix C**).

The table demonstrates that the Site Plan, like the Subdivision Plan, would conform to all of the CLUP standards and guidelines. Where the Site Plan would present a lesser degree of conformance than the Subdivision Plan (i.e., clearing and slopes in excess of 15%), the differences are not significant.

6.0 SUMMARY AND CONCLUSIONS

This document supports a site plan application for a proposed revision to a pending industrial development project that has undergone a complete review under SEQRA, and subsequent litigation between the Applicant and the Town of Brookhaven. Toward this goal, this document compares the anticipated impacts of the Site Plan against those of the Subdivision Plan for the site, to demonstrate to the Brookhaven Planning Board that no further analysis under SEQRA is warranted.

Compared to the Subdivision Plan, the Site Plan will:

- Clear slightly more of the site than the Subdivision Plan but maintain compliance with the CLUP,
- Impact more area of slopes less than 10% than the Subdivision Plan, impact less area of slopes 10% to 15% than the Subdivision Plan, and impact less area of slopes 15% and greater than the Subdivision Plan, and on balance will not be substantially different than the Subdivision Plan, will not significantly impact steep slope areas, and will maintain conformance with the CLUP.

The Town Planning Board adopted a Negative Declaration for the Subdivision Plan, indicating that, in its judgement, the Subdivision Plan would not result in any significant adverse impacts on the environment. The Site Plan has been devised to further reduce potential impacts from the proposed warehouse use of the site.

It is noteworthy that the Subdivision Plan was also reviewed by the CPBJPPC (the Subdivision Plan is, and the Site Plan would be, a DRS under the CLUP) and requires a Hardship Exemption, and the CPBJPPC voted to approve both requests. That review included an evaluation of the Subdivision Plan's conformance to the CLUP standards and guidelines. Ultimately, the CPBJPPC adopted a SEQRA Findings Statement that supports the Subdivision Plan. Similar to the request

for Town approvals, the Site Plan is expected to conform to the CPBJPPC reviews and similarly gain the same approvals as were granted for the Subdivision Plan.

The evaluation in this document shows that the proposed Site Plan would incrementally reduce the impacts associated with community character, grading of slopes 10 to 15%, and grading of slopes in excess of 15%, as compared to those of the Subdivision Plan. With respect to the other types of impact evaluated here (i.e., zoning, ecology, water resources, community facilities and services, transportation, and aesthetics), the impacts from the Site Plan would generally be similar to those of the Subdivision Plan. Only the acreage of clearing would be greater for the Site Plan than for the Subdivision Plan, and this difference would be only 1.59 acres.

Based on the above, it can be concluded that the proposed Site Plan would conform to the prior agency impact analyses and reviews at least as well as the Subdivision Plan and would not result in any significant adverse environmental impacts. As such, no further SEQRA review is necessary or warranted.

APPENDIX A

Adopted Negative Declaration, Settlement of Silver Corporate Park Subdivision

Brookhaven Town Board

March 26, 2015

SEQR
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF SIGNIFICANCE

Lead Agency: The Town Board of the Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

Title of Action: Settlement of Silver Corporate Park, LLC v. Town of Brookhaven
Litigation

Applicant/Sponsor: The Town Board of the Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

SEQRA Status: Type I

Description of Action: The adoption and implementation of a stipulation of settlement between the property owner and the Town of Brookhaven resulting in a land division dividing the 192 acre subject property into 7 lots: one (1) 50-acre lot and five (5) 14-acre lots (totaling 120 acres) to be acquired by the Town of Brookhaven (see Exhibit "A" "Map of the Property" and Exhibit "B" "Conceptual Land Transaction with Town of Brookhaven", dated November 13, 2014) and one (1) 72-acre lot to be retained by the property owner.

Future industrial subdivision, land division, or future site plan(s) on the 72-acre lot to be retained by the property owner is contemplated wherein a 47-acre portion of the 72-acre lot is proposed for future development and a 25-acre portion (depicted on the map attached hereto as Exhibit "J") proposed to satisfy the requirements for open space set forth in Section 5.3.3.6 of the Central Pine Barrens Comprehensive Land Use Plan and Town Code § 85-723(E).

Location: N/s Long Island Expressway (SR 495) North Service Road, approx. 95 feet W/o Patchogue-Yaphank Road (CR 101), Yaphank

Suffolk County Tax Map Parcel Nos. District 200, Section 611, Block 2, Lots 33 and 40; District 200, Section 636, Block 1, Lot 6.1; District 200, Section 662, Block 2, Lots 5.12, 5.13, 5.14 and 5.15; Section 663, Block 1, Lot 1.1, 2, 3.5, 4, 7.2, 10.1, 11.1, 12.1 and 17.2

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Town Board of the Town of Brookhaven, as lead agency for the action contemplated herein, and after due deliberation, review and analysis of the proposed action, the criteria set forth in 6 NYCRR §617.7, and thresholds set forth in 6 NYCRR § 617.4 and 6 NYCRR § 617.5 hereby determines that the proposed action will not result in significant adverse impacts to the environment. This determination is supported by the following:

Reasons Supporting Determination:

SEQRA History

In August of 2003, a Change of Zone application from L-Industrial-1 to PRCHC was submitted to the Office of the Town Clerk for portions of the 192 acres of subject properties. A SEQR Positive Declaration was adopted by the Town Board in August of 2005 and a Draft Environmental Impact Statement (DEIS) was accepted for public review in October of 2005. A public hearing was held on November 15, 2005 and public comments were received until November 25, 2005. A Final Environmental Impact Statement (FEIS) was prepared in response to the comments received and was adopted by the Town Board on December 6, 2005. On December 20, 2005, a SEQR Findings Statement was adopted for the approval of a Change of Zone of portions of the subject property from L Industrial 1 to PRCHC to include 117 acres of PRCHC uses and 75 acres of L-Industrial-1.

Subsequently, the Town Board approved the Change of Zone from L-Industrial-1 to PRCHC for 22,400 square feet of office/retail space, a 59 acre industrial park of 19 lots not less than three (3) acres, each, and 544 units comprised of 50 single-family, 82 attached Townhomes, 120 Assisted Living units, 240 Independent Living apartments, 50 one-story duplexes, and two resident manager units. The Change of Zone approval was amended on December 30, 2005 to correct a “scrivener errors” to change the above 544 unit mix to a 622 unit mix comprised of 50 single-family, 82 attached Townhomes, 120 Assisted Living units, 240 Independent Living apartments, 50 one-story duplexes (Village I), 78 one-story duplexes (Village II) and 2 resident manger units.

A Town Board resolution rescinding both the December 20 and 30, 2005 grants was adopted on January 24, 2006. This resolution cited that both approvals failed to condition a CPBJPPC regional significance decision, allowed additional construction, changed buffers and allowed an on-site STP without updated SEQR Findings, as well as modified conditions and covenants without a public hearing and resolved to hold the application until successful CPBJPPC application, full SEQR review and a public hearing.

On April 19, 2006, the applicant commenced a special proceeding against the Town and Town Board, pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”) (Index No. 06-10360), which seeks, among other things, a judgment annulling, reversing and setting aside the Town Board’s January 24, 2006 resolution on the basis that it was unlawful, arbitrary and capricious, and an abuse of discretion. In an effort to avoid the expense of further litigation, the parties desire to resolve the claims in the proceeding/action upon the terms and conditions contained in the Stipulation of Settlement.

The action before the Town Board proposes adoption and implementation of a stipulation of settlement between the property owner and the Town of Brookhaven resulting in a land division dividing the 192 acre subject property into 7 lots: one (1) 50-acre lot and five (5) 14-acre lots (totaling 120 acres) to be acquired by the Town of Brookhaven (see Exhibit "A" "Map of the Property" and Exhibit "B" "Conceptual Land Transaction with Town of Brookhaven", dated November 13, 2014) and one (1) 72-acre lot to be retained by the property owner.

Future industrial subdivision, land division, or future site plan(s) on the 72-acre lot to be retained by the property owner is contemplated wherein a 47-acre portion of the 72-acre lot is proposed for future development and a 25-acre portion (depicted on the map attached hereto as Exhibit "J") proposed to satisfy the requirements for open space set forth in Section 5.3.3.6 of the Central Pine Barrens Comprehensive Land Use Plan and Town Code § 85-723(E).

This determination is further supported by the following subjects that were analyzed in the previously adopted DEIS, FEIS and Findings Statement:

Land Use, Zoning and Community Character

The subject property is a square shaped parcel totaling approximately 192 acres and is one of the largest vacant L-Industrial-1 zoned properties in the Town of Brookhaven. The site is primarily naturally vegetated, vacant woodland, with the exception of the existing Long Island Power Authority (LIPA) right-of-way (ROW) which allows access to tower-mounted power lines that traverse the south-central portion of the site from east to west. Present within but not included as part of the subject site is a land parcel identified as Suffolk County Tax Map District 200, Section 663, Block 1, Lot 21 which is owned by LIPA. A provision had been provided within the Bargain and Sale Deed for this lot which allows for the construction of a cross over roadway to allow access for adjacent parcels to the north and south. Preservation of the northern section of the property will render this provision mute.

Land use patterns directly abutting the northern border of the property are comprised of detached, single-family dwellings south of Mill Road along Garden Lane and Landsberger Streets. The land use to the north of Mill Road is currently agricultural. The remainder of the land use in this vicinity is vacant woodland and undeveloped including open space dedications along the eastern property boundary associated with the Enchanted Forest Subdivision. Residential use continues east of the open space parcels along Patchogue-Yaphank Road as detached, single family residences. However, at the southeast corner of the subject property, at the intersection of Patchogue-Yaphank Road and Long Island Avenue, there are commercial uses which include a gasoline service station and a local farm stand. Eastward of Patchogue-Yaphank Road is predominately vacant woodland and intermittent residential use.

The site is subject to restrictions and development guidelines under several land use plans and described below.

Central Pine Barrens District — Town Code Chapter 85

The subject property is located within the Compatible Growth Area (CGA) of the Central Pine Barrens District of the Town of Brookhaven. Pursuant to Article 57 of the State Environmental Conservation Law the “Long Island Pine Barrens Protection Act” (“the Act”) requires: Each local government with land use jurisdiction over lands within the Central Pine Barrens area shall enact land use regulations, which conform to the Central Pine Barrens Comprehensive Land Use Plan. In addition this project has been deemed a Development of Regional Significance by the Central Pine Barrens Joint Policy and Planning Commission and is therefore subject to the requirements of all standards and guidelines contained within the Central Pine Barrens Comprehensive Management Plan.

Article XXXVII is promulgated in accordance with the mandates of Article 57 of the Environmental Conservation Law with the express intent of implementing the objectives and goals of the Central Pine Barrens Comprehensive Land Use Plan. These goals and objectives are outlined in the Central Pine Barrens Comprehensive Land Use Plan which is part of the Town of Brookhaven Code which is intended to protect the sole source aquifer watershed of Suffolk County and ensure preservation of important habitat.

1996 Brookhaven Draft Comprehensive Land Use Plan

Brookhaven Town completed an update to the Town’s Comprehensive Plan in 1996. This plan reviewed zoning, land use, demographic and environmental trends and provided a basis for land use recommendations to guide the Town into the 21st Century. The subject property is recognized in this plan as appropriate for light industrial (L-Industrial-1) land use.

The Longwood Mini-Master Plan

The Longwood mini-master plan was submitted to the Town of Brookhaven on behalf of the Longwood Alliance to provide a supplement to the Town's Comprehensive Plan. The purpose of the mini-master plan is to provide planning goals, recognize existing problems, identify needed public community facilities and provide guidance for planned future development regarding the specific needs and concerns of the hamlets included within the Longwood set of communities. The plan does recognize that industrial activities are necessary for job generation and stabilization of tax base in the area. The plan recommends that the property (which it identifies as "Racannelli's property"), located west to County Road 101, north and south of the Long Island Expressway, be developed under the L-Industrial-1 zoning classification.

The proposed action would include approximately 120 acres of contiguous open space to be purchased by the Town, approximately 25 acres to be retained in a natural and undisturbed state pursuant to the Standards of the Central Pine Barrens Comprehensive Land Use Plan. Thus, the proposed action will result in the preservation of approximately 75 percent of the subject site as dedicated open space. This open space acquisition with potential clustered development adjacent to the Long Island Expressway will preserve the present community character in perpetuity.

The 72 acres retained by the applicant will remain in L-Industrial-1 zoning in conformance with the above mentioned Land Use Plans and no significant adverse impacts to Land Use, Zoning and Community Character are anticipated if the applicant retained properties are developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

Topography and Soils

Regionally the area surrounding the site is dominated by a glacial outwash channel which extends from just north of the Ronkonkoma terminal moraine in Middle Island to outwash plains which begin within Southaven Park. The subject site exhibits a maximum elevation of 120 feet above mean sea level (msl) within the western portion of the property and a minimum elevation of 60 feet in the eastern portion of the property. The uppermost elevated portion of the property lies atop the western bank of the glacial outwash channel and descends towards the northeast exhibiting a slope of approximately 15 percent. At the base of this slope the remainder and majority of the property exhibits a relatively flat topography gently sloping east to the Carman's River.

The USDA Soil Survey of Suffolk County, New York (Warner et al., 1975) identifies the subject site as lying within an area characterized by Riverhead-Plymouth-Carver Association soils which consist of deep, nearly level to gently sloping, well drained and excessively drained, moderately coarse textured and coarse textured soils on the southern outwash plain. The majority of the site consists of Carver and Plymouth sands (CpE) with areas of Riverhead sandy loam in the north and eastern sections and Plymouth loamy sand (PLA) in the southern section of the properties.

Test holes were completed on the subject property in line with the LIPA right-of-way in order to avoid substantial disturbance to the site. Test holes were installed to determine the quality of subsurface soils for leaching of storm water and sanitary effluent, as well as to determine the sand-site content for preliminary structural design. The borings were installed to depths for 20 feet, and all borings showed SP and/or SW rated fine to coarse sand below a surface layer of silty sand which existed to a maximum depth of 3 feet. Test hole profiles were shown on the Slope Analysis plan included as Plate 2 of the DEIS. It is noted that no groundwater was encountered in any of the test holes.

As approximately 120 acres of the subject property will be preserved in a natural state and twenty-five of the 72 acres retained by the applicant will most likely be preserved in conjunction with the Standards of the Central Pine Barrens Comprehensive Land Use Plan as administered by the Central Pine Barrens Joint Policy and Planning Commission, no significant adverse impacts to Topography and Soils are anticipated if the applicant retained properties are developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

Water Resources

It is estimated that groundwater is encountered from 24 to 79 feet below ground surface (bgs). Regionally, groundwater is observed to flow in a southeasterly direction, however, groundwater at the site exhibits a more easterly component due to the Carmans River located 1,400' east of the site and Lower Lake located 1,800' northeast of the subject site. It is noted that the landform of the site slopes down to the east and slightly north of east. It is anticipated that groundwater flow from the site will eventually enter the river as indicated in the Carmans River Conservation and Management Plan. A small portion of the properties in the northeast corner are in the estimated 2 to 5 year travel time to the Carmans River where the remainder of the properties are within the 5 to 10 year and 10 to 25 year travel time to the Carmans River.

The subject site is located in Groundwater Management Zone III, and is characterized as a deep flow system possessing considerable potential for water supply development due to good groundwater quality and the high hydraulic conductivity's in both the Upper Glacial and Magothy aquifers (SCDHS, 1985). The site is located within a Special Groundwater Protection Area (SGPA) as defined in the Long Island Comprehensive Special Groundwater Protection Area Plan published by the Long Island Regional Planning Board because of the potential for development of future drinking water supplies.

Test holes conducted on the site documented no encountered groundwater to twenty (20) feet below ground surface (bgs). This depth is sufficient for the proper functioning of drainage structures and sanitary leaching structures, which will protect groundwater. Any sanitary waste resulting from the applicant retained properties, developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven, will be accommodated by individual on-site sanitary systems, which will be designed in accordance with Article 6 of the Suffolk County Sanitary Code ("SCSC"). Moreover, sanitary discharge will be within the limits established by Article 6 of the SCSC. Therefore, no significant adverse impacts to groundwater associated with on-site sanitary discharge will result from implementation of the proposed action.

The proposed development would be situated over 150 feet from existing wetlands, and therefore, no significant adverse impacts to wetlands will result from implementation of the proposed action.

In the event of development of the applicant retained properties, a Storm Water Pollution Prevention Plan ("SWPPP") will be prepared and will include erosion and sedimentation controls and methods by which storm water will be accommodated during construction, consistent with the New York Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual. Therefore, no significant adverse impacts related to erosion, sedimentation or storm water runoff will result from proposed construction activities.

As approximately 120 acres of the subject property will be preserved in a natural state and twenty-five of the 72 acres retained by the applicant will be preserved in conjunction with the Standards of the Central Pine Barrens Comprehensive Land Use Plan as administered by the

Central Pine Barrens Joint Policy and Planning Commission, no significant adverse impacts to Water Resources are anticipated if the applicant retained properties are developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

Ecology

No rare, threatened or endangered plants were observed on site, although only one site visit was conducted during the preparation of the EIS, so this observation cannot be considered final. The N.Y. Natural Heritage Program (ECL 9-1503) was contacted to determine if there is any record of rare plants, habitats or wildlife in the vicinity. The Natural Heritage Program has no records of known occurrences of rare or state-listed plants, significant natural communities or other significant habitats on or in the vicinity of the subject site. Christmas fern, bayberry and striped wintergreen are “exploitably vulnerable” species that have been identified on the property. “Exploitably vulnerable” plants are species which are not currently threatened or endangered, but which are commonly collected for flower arrangements or other uses. As per this section of the ECL the Applicant (i.e. owner) would not be restricted in utilizing the site for the intended purpose because the exploitably vulnerable plants are not protected from harm by the land owner.

The site is a large naturally vegetated tract in proximity to Town and County Open Space and the Carmans River and regional impacts to habitat and wildlife will be mitigated as approximately 120 acres of the subject property will be preserved in a natural state. Approximately twenty-five (25) of the seventy two (72) acres retained by the applicant will be preserved in conjunction with the Standards of the Central Pine Barrens Comprehensive Land Use Plan, no significant adverse impacts to Ecology are anticipated if the applicant retained properties are developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

Community Facilities and Services

It was determined during the development of the DEIS that implementation of the proposed action will not adversely impact community facilities and services (i.e., fire and police protection, health care providers, local school district, and solid waste facilities or regional solid waste management practices). As approximately 120 acres of the subject property will now be preserved in a natural state rather than a high-density residential development and twenty-five of the 72 acres retained by the applicant will be preserved in conjunction with the Standards of the Central Pine Barrens Comprehensive Land Use Plan, no significant adverse impacts to Community Facilities and Services are anticipated if the applicant retained properties are developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

Transportation

Based on the Traffic Impact Analysis prepared for the original proposal, the roadways adjacent to the subject site and key intersections would have accommodated the projected additional traffic volumes from the proposed action and will operate satisfactorily upon completion of the proposed project. As approximately 120 acres of the subject property will now be preserved in a natural state rather than a high-density residential development and twenty-five of the 72 acres retained by the applicant will be preserved in conjunction with the Standards of the Central Pine Barrens Comprehensive Land Use Plan, no significant adverse impacts to the Traffic of the local roadway network are anticipated if the applicant retained properties are developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

Aesthetics and Cultural Resources

There are no cultural resources listed on the State or National Registers of Historic Places within, or substantially contiguous to, the subject site. A Phase I archaeological investigation was conducted for the subject property and consisted of a Phase IA documentary study and a Phase IB archeological survey. A copy of the complete report was included as Appendix H of the DEIS. A map identifying the location of the archaeological test pit locations was included as Plate 3 of the DEIS. Results of the Phase IA study did not identify any records or files which would indicate the presence of prehistoric sites on or in the area of the subject property. However, the review did reveal that the site is located on level to steeply sloping terrain with well drained soils and that an intermittent stream once flowed through the northeast section of the project area that eventually emptied into the Carmans River located 1,440 feet east of the project site. Reviews of historic files revealed that several historic trails and structures were or are situated nearby but not on or adjacent to the subject property.

As approximately 120 acres of the subject property will now be preserved in a natural state rather than a high-density residential development and twenty-five of the 72 acres retained by the applicant will be preserved in conjunction with the Standards of the Central Pine Barrens Comprehensive Land Use Plan, no significant adverse impacts to the Traffic of the local roadway network are anticipated if the applicant retained properties are developed in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

The layout of the proposed acquisition clusters the L-Industrial-1 areas primarily in the south central portion of the subject site, adjacent to the existing Long Island Expressway which allows approximately 120 acres to be preserved. Therefore, the proposed subdivision will not result in significant adverse impacts related to aesthetics.

Other Impacts

The proposed action will not result in a major change in the use of either the quantity or type of energy.

The uses associated with the proposed action would not result in a significant adverse change in existing air quality or noise levels.

Implementation of the proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a significant adverse impact on the environment.

Implementation of the proposed action will not result in cumulative impacts that would meet any of the criteria set forth in 6 NYCRR §617.7.

Parts I and II of the Environmental Assessment Form were completed and reviewed. While environmental impacts will occur as a result of the proposed activity, located within the watershed area of the Carmans River, the impacts are below the threshold that requires an Environmental Impact Statement under the State Environmental Quality Review Act. Environmental impacts have been mitigated through an agreement that has resulted in contiguous open space dedications amounting to approximately 145 acres, equivalent to 75% of the project area and development of the remaining 47 acres of property as far from the Carmans River as reasonably practicable. Site visits, review of aerial photographs, topographic maps, zoning maps, New York State Department of Environmental Conservation Wild, Scenic and Recreational maps, and New York State Heritage Program maps was completed. No significant impact is expected to occur to: air, land, aesthetic, ground water, surface water, cultural, open space, recreational, transportation or energy resources.

Review Agency: The Town Board of the Town of Brookhaven
Contact Person: Peter E. Fountaine, Division of Environmental Protection
Address: One Independence Hill, Farmingville, NY 11738
Phone: (631) 451-6455

Copies of this notice sent to:

Town of Brookhaven:
Tullio Bertoli, Commissioner PELM
Chip Wiebelt, Sr. Site Plan Reviewer
Anthony Graves, Chief Environmental Analyst
SILVER CORPORATE PARK, LLC
Petitioner/Plaintiff
Angelo Silveri, Managing Member
NORTH SILVER PARK, LLC
Petitioner/Plaintiff
Angelo Silveri, Managing Member
TOWN OF BROOKHAVEN and
TOWN BOARD OF THE TOWN OF BROOKHAVEN
Respondents/Defendants
Hon. Edward P. Romaine, Town Supervisor
Hon. Joseph C. Pastorella, JSC
Keith Williams, Town of Brookhaven, Division of Fire Prevention
Daniel P. Losquadro, Town of Brookhaven, Highway Department
John Pavacic, Central Pine Barrens Joint Planning & Policy Commission
Gilbert Anderson, Suffolk County, Department of Public Works
James Tomarken, Suffolk County, Department of Health Services
Mark Wolfgang, New York State, Department of Transportation

This determination is not authorized and complete until signed and dated as follows:

Town Clerk: _____
Signature

Date Resolution Adopted: _____

APPENDIX B

Adopted Negative Declaration, Silver Corporate Park Subdivision

Brookhaven Town Planning Board

January 13, 2020



Town of Brookhaven Long Island

Edward P. Romaine, Supervisor

DATE: January 22, 2020

TO: John Pavacic, Central Pine Barrens Joint Planning & Policy Commission
Gilbert Anderson, Suffolk County Department of Public Works
James Tomarken, Suffolk County Department of Health Services
Kimberly Kennedy, Suffolk County Water Authority
Claire Werner, New York State Department of Environmental Conservation
Shaik A. Saad, P.E., New York State Department of Transportation

FROM: Peter E. Fountaine
Division of Environmental Protection

PEF

RE: Subdivision of Silver Corporate Park, LLC, Log # 2018-001-PS
12 Lot subdivision
N/s NYS Route 495, W/o Sills Rd., Brookhaven
Suffolk County Tax Map #: 0200 66200 0200 005016 (72 acres)

Please be advised that the Planning Board of the Town of Brookhaven adopted a Type I Negative Declaration at their January 13, 2020 meeting for the above referenced action. For your review and consideration, please find enclosed a copy of the Negative Declaration.

Thank you for your continued cooperation. If you have any questions or need any further information, please contact this Division.

Enclosure

Cc: Environmental Notice Bulletin: <http://www.dec.ny.gov/emb/emb.html>
Applicant: Silver Corporate Park, LLC, Angelo Silveri, Managing Member
Town of Brookhaven:
Beth Reilly, Assistant Town Attorney, Department of Law
Tullio Bertoli, Commissioner, PELM
Chip Wiebelt, Sr. Site Plan Reviewer, PELM
Anthony Graves, Chief Environmental Analyst, PELM
John Lessler, Open Space Committee, Department of Law
Keith Williams, Division of Fire Prevention
Daniel P. Losquadro, Highway Department

State Environmental Quality Review (SEQR)
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF SIGNIFICANCE

Lead Agency: The Planning Board of the Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

Title of Action: Subdivision of Silver Corporate Park, LLC

Applicant/Sponsor: Silver Corporate Park, LLC
520 Old Country Road
Hicksville, NY 11801

SEQRA Status: Type I

Description of Action:

The implementation of a stipulation of settlement (Index No.:06-10360 and 06-10359) between the property owner and the Town of Brookhaven resulted in a land division dividing the 192 acre subject property into 7 lots: one (1) 50-acre lot and five (5) 14-acre lots, totaling 120 acres, to be acquired by the Town of Brookhaven and one (1) approximately 72-acre lot to be retained by the property owner.

The proposed action involves the subdivision of the lot, consisting of 71.41-acres, into twelve (12) buildable lots of between 2.76 acres and 4.93 acres, each, intended for approximately 550,000 square feet of industrial, warehouse, and/or office space use as per the current requirements of the Town of Brookhaven's L-Industrial-1 zoning district, a 60-foot wide roadway, and two (2) open space lots. The project is intended to be a phased project to allow for the immediate development of the proposed roadway and recharge basin. The remaining twelve (12) buildable lots will be developed in separate phases of design, site plan review, permitting, and construction.

The twelve (12) buildable lots and 60-foot right of way will occupy 46.42 acres (65%) of the 71.41-acre parcel. The remaining 24.99 acres (35%) of the 71.41-acre parcel will remain as open space as per the stipulation of settlement and to satisfy the standards of the Central Pine Barrens Comprehensive Land Use Plan and Town Code.

Location: N/s Long Island Expressway (SR 495) North Service Road, approx. 95 feet W/o Patchogue-Yaphank Road (CR 101), Yaphank

Suffolk County Tax Map #: 0200 66200 0200 005016 (72.0 acres)

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Planning Board of the Town of Brookhaven, as lead agency for the action contemplated herein, and after due deliberation, review and analysis of the proposed action, the criteria set forth in 6 NYCRR §617.7, and thresholds set forth in 6 NYCRR § 617.4 and 6 NYCRR § 617.5 hereby determines that the proposed action will not result in significant adverse impacts to the environment. This determination is supported by the following:

SEQR History:

On April 19, 2006, the applicant commenced a special proceeding against the Town and Town Board, pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”) (Index No. 06-10360), which seeks, among other things, a judgment annulling, reversing and setting aside the Town Board’s January 24, 2006 resolution on the basis that it was unlawful, arbitrary and capricious, and an abuse of discretion. To avoid the expense of further litigation, the parties desire to resolve the claims in the proceeding/action upon the terms and conditions contained in the Stipulation of Settlement.

The Town Board of the Town of Brookhaven at their March 26, 2015 meeting adopted a SEQRA Negative Declaration and a stipulation of settlement between the property owner and the Town of Brookhaven resulting in a land division of the 192 acre subject property into 7 lots: one (1) 50-acre lot and five (5) 14-acre lots (totaling 120 acres), to be acquired by the Town of Brookhaven, and one (1) 72-acre lot to be retained by the property owner.

The adopted stipulation required that the Town of Brookhaven subdivide the 192-acre parcel into 120 acres to be purchased by the Town of Brookhaven and 72 acres to be retained by the applicant. It was further stipulated that the 72 acres retained by the applicant were to be the subject of a twelve (12) lot subdivision to comply with the current requirements of the Town of Brookhaven L-Industrial-1 zoning use district to develop the property as an industrial subdivision.

The property is located in the Central Pine Barrens Compatible Growth Area and is subject to the Vegetation Clearance Limits set forth in Section 5.3.3.6.1 and Figure 5-1 of the Central Pine Barrens Comprehensive Land Use Plan (hereinafter the “Pine Barrens Plan”) and Town Code § 85-723(E)(1), the boundaries of the 72-acre lot were delineated by the Town’s surveyor, in consultation with the Town’s Planning Department to ensure that a 47-acre portion of the 72-acre lot can be fully cleared for future development and that the 47-acre portion does not contain any environmental constraints (i.e., steep slopes areas, wetlands, etc.) that would restrict the applicants ability to clear and develop that portion of the lot in the future, and that a 25-acre portion of the 72-acre lot will satisfy the requirements for Unfragmented Open Space set forth in Section 5.3.3.6.2 of the Pine Barrens Plan and Town Code § 75-723(E)(2).

On January 25, 2018, the applicant submitted a subdivision application for the 72-acre lot to the Planning Board of the Town of Brookhaven which was deemed a Type I action and coordinated to the involved and interested agencies for the purposes of Lead Agency Determination on February 6, 2018. The Planning Board, after receiving no objections, assumed Lead Agency on March 6, 2018. Comments were received from the involved and interested agencies including the Central Pine Barrens Joint Policy and Planning Commission (CPBJPPC), the Suffolk County Department of Health Services (SCDHS), the Suffolk County Department of Public Works (SCDPW), and the Town of Brookhaven Open Space and Farmland Acquisition Advisory Committee (OSAAC).

Due to the proposed 550,000 square foot size of the development, as per the stipulation of settlement, and the applicant request to eliminate areas of steep slopes on lots 3, 6 and 7, totaling an estimated 18,948 square feet or 0.435 acres, a Development of Regional Significance and Compatible Growth Area Hardship Waiver application was submitted to the Central Pine Barrens Joint Policy and Planning Commission (CPBJPPC) on December 7, 2018 with an amended hardship waiver application submitted on January 7, 2019.

A public hearing on the application was held by the CPBJPPC on January 23, 2019 and subsequently adjourned for the applicant to provide supplemental information. On February 11th the Commission deferred lead agency status and sent the Town all materials received by the Commission related to the Silver Corporate Park application including the January 23rd hearing transcript.

At the February 27, 2019 and June 19, 2019 CPBJPPC Meetings motions were approved to grant extensions of the decision deadline of the application. At the July 17, 2019 CPBJPPC Meeting a draft letter was authorized to be sent to the Town of Brookhaven Planning Board in response to revised plans, dated July 17, 2019. Then, at the September 18, 2019 CPBJPPC Meeting a six-month extension of the decision deadline was approved. The CPBJPPC, as an involved agency pursuant to the SEQRA, is awaiting a determination of significance from the Town of Brookhaven Planning Board as the lead agency.

The proposed twelve (12) lot commercial and/or industrial subdivision to develop approximately 550,000 square feet of commercial and/or industrial land uses as allowed in the L-Industrial-1 Light Industrial Zoning District of the Town of Brookhaven is considered consistent with the adopted stipulation of settlement.

Reasons Supporting This Determination:

Significant environmental impacts have been mitigated through an agreement between the Town of Brookhaven and the applicant that has resulted in contiguous open space dedications amounting to approximately 145 acres of the original 192-acre parcel and allowed for development of the remaining 47 acres in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven. The twelve (12) buildable lots will be developed in separate phases of design, site plan review, permitting, and construction.

Site visits, historical aerial photographs, topographic maps, zoning maps, NYSDEC environmental databases, the previously adopted Draft Environmental Impact Statement (DEIS) (October 2005), Final Environmental Impact Statement (FEIS) (December 2005) and SEQRA Findings Statement (December 20, 2005) for the previous proposal, the 2006 special proceeding against the Town and Town Board, pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”) (Index No. 06-10360), materials submitted by the applicant including engineering analysis, correspondence with the involved agencies and the above mentioned Development of Regional Significance and Compatible Growth Area Hardship Waiver application have been reviewed and considered.

The proposed action would result in concise and orderly L-Industrial-1 uses concentrated on 46.42-acres of the approximately 72-acre property adjacent to the Long Island Expressway and intense agricultural uses. Approximately 25 acres will be retained in a natural and undisturbed state pursuant to the Standards of the Central Pine Barrens Comprehensive Land Use Plan (CLUP) and a 100' natural and undisturbed buffer will be maintained along the north service road of the Long Island Expressway.

Parts 1, 2, and 3 of the Full Environmental Assessment Form were completed and reviewed. While environmental impacts will occur as a result of the proposed activity, the impacts are below the threshold that requires an Environmental Impact Statement under the State Environmental Quality Review Act (SEQRA).

No significant adverse impacts are expected to occur to: land, geologic features, surface water, groundwater, flooding, air, plants and animals, agricultural resources, aesthetic resources, historic and archeological resources, open space and recreation, critical environmental areas, transportation, energy, noise, odor, light, human health, community plans and/or community character.

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Planning Board of the Town of Brookhaven, as lead agency for the action contemplated herein, and after due deliberation, review and analysis of the proposed action, the criteria set forth in 6 NYCRR §617.7, and thresholds set forth in 6 NYCRR § 617.4 and 6 NYCRR § 617.5 hereby determines that the proposed action will not result in significant adverse impacts to the environment.

Review Agency: The Planning Board of the Town of Brookhaven
Contact Person: Peter E. Fountaine, Division of Environmental Protection
Address: One Independence Hill, Farmingville, NY 11738
Phone: (631) 451-6455

Copies of this notice sent to:

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>
Applicant: Silver Corporate Park, LLC, Angelo Silveri, Managing Member
Town of Brookhaven:
Beth Reilly, Assistant Town Attorney, Department of Law
Tullio Bertoli, Commissioner, PELM
Chip Wiebelt, Sr. Site Plan Reviewer, PELM
Anthony Graves, Chief Environmental Analyst, PELM
John Lessler, Open Space Committee, Department of Law
Bruce P. Schroder, Division of Street Lighting
Keith Williams, Division of Fire Prevention
Daniel P. Losquadro, Highway Department
Interested/Involved Agencies:
John Pavacic, Central Pine Barrens Joint Planning & Policy Commission
Gilbert Anderson, Suffolk County Department of Public Works
James Tomarken, Suffolk County Department of Health Services
Kimberly Kennedy, Suffolk County Water Authority
Claire Werner, New York State Department of Environmental Conservation
Shaik A. Saad, P.E., New York State Department of Transportation

This determination is not authorized and complete until signed and dated as follows:

John E. Pavacic
Signature
Date Resolution Adopted: 4/13/20

APPENDIX C

Adopted Decision to Approve, Silver Corporate Park Industrial Subdivision

Central Pine Barrens Joint Planning & Policy Commission

June 17, 2020

Central Pine Barrens Joint Planning and Policy Commission
June 17, 2020
Adopted Decision to Approve
Silver Corporate Park Industrial Subdivision
Development of Regional Significance Compatible Growth Area Hardship
Yaphank, Town of Brookhaven, Suffolk County Tax Map Number 200-662-2-5.16

Present: Ms. Gallagher, for the Governor of the State of New York
Mr. Dale, for the Suffolk County Executive
Mr. Romaine, Brookhaven Town Supervisor
Ms. Aguiar, Riverhead Town Supervisor
Mr. Schneiderman, Southampton Town Supervisor

I. The Project, Project Site, and Application

Angelo Silveri c/o Silver Corporate Park LLC (the Applicant) owns a 71.41-acre unimproved parcel of land identified as Suffolk County Tax Map Number 200-662-2-5.16 (the Project Site), in the Compatible Growth Area (CGA) of the Central Pine Barrens. The Project Site is located on the north side of the North Service Road of the Long Island Expressway (New York State Route 495, LIE), west of Sills Road, in Yaphank, Town of Brookhaven. The Project Site is in the L1 Industrial Zoning District.

On December 7, 2018, the Applicant, through their agent, Philip Butler of Farrell Fritz, P.C., applied to the Central Pine Barrens Joint Planning and Policy Commission (the Commission) for a Development of Regional Significance (DRS) and Compatible Growth Area (CGA) Hardship Exemption for development of a 12-lot subdivision with 550,000 square feet of commercial/industrial land uses. The Applicant seeks to have the Commission waive strict compliance with the Central Pine Barrens Comprehensive Land Use Plan (the Plan) to remove 18,948 square feet of steep slopes on the Project Site. The Application for the DRS and hardship waiver request are collectively referred to as the Project.

The Slope Analysis Plan, last dated April 21, 2020, prepared by Key Engineering, provides clearing data and slope analyses on each lot and on the overall Project Site. The Slope Plan identifies three lots, Lots 3, 6 and 7, that are the subject of the waiver request to remove 18,948 square feet of steep slopes. The same three lots (3, 6 and 7) also contain 1.74 acres of steep slopes that will remain undisturbed and be voluntarily protected by the Applicant.

Except for 1.74 acres of undisturbed area on Lots 3, 6 and 7, the 12 building lots, ranging in size from 2.76 acres to 4.93 acres, will be cleared in their entirety. The subtotal of clearing in building lots is 41.94 acres and 4.48 acres of clearing will occur to develop a new access road named Silver Corporate Park Boulevard. The total clearing limit on the Project Site is 46.41 acres or 65%. The open space is placed in Lots 13 and 14 totaling 25 acres or 35%. The Applicant is required to maintain 25 acres as natural. The Applicant exceeds that by 6.71 acres, for a total of 31.71 acres to remain natural. The additional voluntary natural areas are in a roadside buffer (4.93 acres) and undisturbed steep slopes (1.74 acres).

The Project Site is in Groundwater Management Zone III. Conventional sanitary systems will be constructed and discharge wastewater to groundwater. Each building lot has frontage on the new interior road, which terminates in a cul-de-sac. A 1.02-acre recharge basin with an 8" rainfall capacity will be constructed in the cul-de-sac.

Public water will be supplied to the Project Site by a new water main extension that will be constructed from Sills Road for a length of 4,038 feet on the North Service Road. The nearest public water supply well field is more than 1,500 feet away.

A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and submitted to NYSDEC for review and approval prior to disturbance. The SWPPP is a requirement to manage stormwater and implement erosion controls during construction. Reinforcing silt fencing will be installed. Erosion and sediment control plans will be prepared to develop Lot 7 where steep slopes of 15% or greater are present.

Disturbance to steep slopes has been significantly minimized to cluster the extent of natural steep slopes in the open space, outside of building lots, except for the waiver request. The Slope Analysis Plan identifies categories of existing slopes, vegetation clearance limits, and steep slope disturbance. The Project Site area of slopes of 0 to 10% grade comprises 58.25 acres; the area of 10-15% slopes comprises 7.83 acres; and the area of slopes 15-59.8% comprises 5.32 acres. Construction on slopes greater than 10% will not occur, except in the steep slope waiver area including:

- Lot 3: 2,847 square feet (10 to 15% grade slopes)
- Lot 6: 3,514 square feet (10 to 15% grade slopes)
- Lot 7: 12,256.4 square feet including:
 - 11,218.52 square feet (10 to 15% grade slopes)
 - 1,368.35 square feet (15 to 59.8% grade slopes)
- Total disturbance: 18,947.87 square feet (0.43 acres) (17,579.52 square feet on 10 to 15% slopes and 1,368.35 square feet on slopes greater than 15%)

Silver Corporate Park Boulevard will be developed on slopes less than 10% grade. Details of retaining walls on slopes greater than 10% will be prepared and submitted to the Town Engineer. Where feasible, planted slopes are preferred over hard structures such as retaining walls.

In its correspondence dated January 18, 2019 and February 12, 2019, the New York Natural Heritage Program (NHP) reported that a Federal or State-listed Threatened mammal, specifically the Northern Long Eared Bat (NLEB), has been documented within one mile of the Project Site and may utilize the site's natural habitat. The impact of concern is for cutting and removal of potential roost trees. To protect the NLEB habitat, no clearing will occur on the Project Site from April 1 to October 31 of any given year. The NHP reported an historical documented occurrence of the Persius Duskywing, a New York State-listed Endangered butterfly species. NYSDEC recommended surveys be performed to determine the presence or absence of host plants for this species.

In its December 20, 2018 correspondence, the New York State Office of Parks, Recreation and Historic Preservation stated the Project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

II. The Long Island Pine Barrens Protection Act of 1993, the Commission, Development and the Central Pine Barrens Comprehensive Land Use Plan

The Commission was created by the Long Island Pine Barrens Protection Act (the “Act”) adopted in 1993 and codified in Article 57 of the Environmental Conservation Law (ECL). The Act empowered the Commission to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area. Section §57-0107(13) of the ECL defines development to be the “performance of any building activity, . . . , the making of any material change in the use or intensity of use of any . . . land and the creation . . . of rights of access.”

ECL Section §57-0123(3)(a)) provides that, “[s]ubsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by . . . the [C]ommission . . . unless such approval or grant conforms to the provisions of such land use plan; provided, however, that the [C]ommission by majority vote is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, for an application for development of any person, upon finding that such waiver is necessary to alleviate hardship for proposed development in the core preservation area according to the conditions and finding of extraordinary hardship . . . pursuant to subdivision ten of section 57-0121 of this title, and every application is consistent with the purposes and provisions of this article and would not result in substantial impairment of the resources of the Central Pine Barrens.”

The Project is a Development of Regional Significance (DRS) as defined in Section 4.5.5.1 since it exceeds 300,000 square foot gross floor area for commercial/industrial development. As a DRS, the Applicant must demonstrate that the Project conforms to Standards and Guidelines, outlined in Chapter 5 of the Plan, and seek a hardship waiver to disturb the slopes as identified.

III. The Public Process, Testimony, and Supplemental Materials

The Application includes a Part I of the Full Environmental Assessment Form (EAF), a review of Standards and Guidelines for Land Use, the Subdivision Map, a Slope Analysis Plan, Stipulation of Settlement dated 2014, and a narrative addressing the hardship exemption pursuant to the Act.

On December 19, 2018, the Commission scheduled a public hearing on the Application. The hearing was held on January 23, 2019. At the hearing, a Commission Staff Report with Exhibits was introduced into the record. The Applicant, under sworn testimony, expressed they would address the concerns in the Staff Report and provide responses. Only one member of the public commented. A stenographic transcript was made of the hearing and provided to Commission members.

On April 10, 2019, the Applicant submitted supplemental and revised materials, plans, a review of Standards and Guidelines and a response to items raised in the Staff Report. A Traffic Impact Study, dated and submitted on April 18, 2019, prepared by Stonefield Engineering and Design, concluded no significant level of service changes or increases occur from the Project.

On April 6, 2020, the Applicant submitted a copy of plans prepared by Key Engineering that were transmitted to the Town to address Town concerns on road design and lot layout. This revision affected and reduced the overall number of lots from 15 to 14. The Applicant prepared a revised Slope Analysis Map, dated April 21, 2020, and prepared by Key Engineering, to provide clearing and slope analysis data necessary to identify and assess impacts to steep slopes, as per the comments in the Staff Report.

IV. State Environmental Quality Review Act (SEQRA) and Other Agency Jurisdictions

On December 19, 2018, the Commission commenced the State Environmental Quality Review Act (SEQRA) process and performed a coordinated review with Involved Agencies for this Type I action. Additional material submitted on January 3, 2019 included Part I of the EAF and a revised slope analysis plan, in which a third lot was added to the steep slope waiver request.

On February 6, 2019, the Town of Brookhaven Planning Board coordinated Lead Agency with the Commission. On February 11, 2019, the Commission deferred Lead Agency to the Town which subsequently assumed Lead Agency status.

On July 2, 2019, the Town sent the Commission a revised Site Plan accompanied by a referral letter and indicated a Traffic Impact Study was underway, which once completed, would also conclude the SEQRA process. On July 17, 2019, Commission staff responded to the referral and provided comments on the referral materials for the Town's consideration.

The Town, as Lead Agency, prepared a Part II of the EAF, dated October 8, 2019, and Part 3 dated December 5, 2019, and adopted a Negative Declaration on January 13, 2020. On January 21, 2020 and February 10, 2020, the Applicant and the Town forwarded copies of the SEQRA documents to the Commission. Collectively, these materials constitute the SEQRA Record. Extensions of the decision deadline were submitted by the Applicant and granted by the Commission during this time, the latest of which was submitted on February 12, 2020 with the decision deadline extended to June 17, 2020.

The Project requires additional permits and/or approvals from other involved agencies including the New York State Department of Transportation (NYSDOT), Suffolk County Department of Health Services, New York State Department of Environmental Conservation, and the Town of Brookhaven.

V. History of the Project Site

The Applicant has made numerous proposals for the Project Site. In 2003 when a development proposal for a Planned Retirement Community on 192 acres and a request to change the zoning district from L1 and A1 to Planned Retirement Congregate Housing Community (PRCHC) was

submitted to the Town Board of the Town of Brookhaven. At that time, the proposals were under entitled Silver Island Pines, Silver Glen and Silver Corporate Park. The change of zone was approved on December 20, 2005 with a correction on December 30, 2005 to incorporate items omitted in the approval. In January 2006, the Town Board rescinded the approval.

In April 2006, the Applicant commenced an Article 78 proceeding against the Town. The Stipulation is the result of the litigation. The acquisition by the Town of 120 acres of the original 192-acre site area as natural public open space was a key element of the Stipulation. To date, approximately 63% of the original site has been protected. The Applicant proposes to protect 31.71 acres of the Project Site, resulting in 79% or 151 acres of the original site in open space.

VI. The Project Site and the Study Area

At the Commission's public hearing, the Staff Report described the Project Site and defined a Study Area that extends one mile from the site in all directions. The Study Area describes the land use pattern in the vicinity of the Project Site.

The Project Site is presently undeveloped and contains a natural terrestrial habitat that is generally classified as a pitch pine-oak heath woodland ecological community type, except in the maintained overhead electric utility right of way corridor subject to a LIPA Easement. Historical aerial photography going back roughly 72 years to 1947, reveals the site has not been the subject of large-scale disturbance. It has remained the intact terrestrial woodland habitat it is today with a healthy dispersion of large pitch pine and oak trees, an understory of heath shrubs (e.g., huckleberry), natural leaf litter, and groundcover including spotted wintergreen and trailing arbutus.

In the immediate vicinity of the site, the south side borders on the North Service Road of the LIE. The west side adjoins a composting facility, and the northern and eastern boundaries adjoin public land. The LIE bisects the Study Area in half and forms the southern boundary of the Central Pine Barrens in this area. The area south of the LIE is outside of the Central Pine Barrens, although it is in the Study Area, and is therefore out of the Commission's jurisdiction. However, this area contains non-residential uses consistent with the proposed land use.

North of the LIE, on the east side of the Study Area and east of Sills Road, is an area of land that was placed in the Core Preservation Area in the 2014 expansion of the Central Pine Barrens to further protect the Carmans River and its watershed. The undeveloped, wooded Map of Enchanted Forest, located in this area, was subsequently protected by conservation easements through the Pine Barrens Credit Program.

The remainder of the Study Area is in the CGA. The north side of the Project Site adjoins natural open space owned by the Town. Residential land use development is located in the northerly portion of the Study Area. Adjoining the site to the west is a large agricultural/composting land use, beyond which are situated residentially developed communities.

VII. Development of Regional Significance Review and Plan Conformance

Summary

The Act authorizes the Commission, by majority vote, to waive strict compliance with the Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship. Chapter 4 of the Plan outlines the review process for development that meets the thresholds constituting a DRS. The Commission's review is limited to compliance with the Standards and Guidelines set forth in Volume 1, Chapter 5 of the Plan.

The Application demonstrates conformance with Standards and Guidelines, except for the area that is the subject of a hardship waiver, i.e., removal of steep slopes on 18,948 square feet of the Project Site.

Standards and Guidelines that are Not Applicable

Not all Standards and Guidelines apply to the Project. This section identifies the Standards and Guidelines that do not apply to the Project either because the Project does not include a facility or structure that will cause an impact, the resource is not present, or the activity is not occurring. Specifically, no sewage treatment plant is proposed (S5.3.3.1.2); freshwater wetland habitat is not present (S5.3.3.4.1); the site is not within the jurisdiction of the Wild, Scenic and Recreational Rivers Act (S5.3.3.4.3); no ponds are proposed (G5.3.3.5.3); the vegetation clearing limit is met (S5.3.3.6.1); open space is unfragmented to the maximum extent (S5.3.3.6.2); the Project maximizes the clustering technique (G5.3.3.9.2); no land dedications will occur therefore no receiving entity is identified, and covenants will be recorded to protect natural areas (G5.3.3.9.3).

Applicable Standards and Guidelines

A summary of the Standards and Guidelines identifies the status of conformance. Details are provided where relevant and applicable to explain conclusions of conformity. It is noted where conformance is deferred to other agencies such as the Suffolk County Department of Health Services or NYSDEC who regulates protection of public health, groundwater and other natural resources. Since the proposed land use is commercial/industrial, the uses may be subject to regulations that pertain to management and storage of chemicals and hazardous materials and control of stormwater runoff to minimize water pollution. Site specific land uses for each lot and site plans have not been identified or prepared by the Applicant. The Applicant will adhere to these regulations and seek to obtain permits or seek a hardship waiver(s).

Standard or Guideline	Title	Conformance
Standard 5.3.3.1.1	Suffolk County Sanitary Code Article 6 Compliance	Compliance to be demonstrated upon Suffolk County Department of Health Services approval. Absent redemption of Pine Barrens Credits, the sewage flow is capped at 21,423 gallons per day.
Guideline 5.3.3.1.3	Nitrate-nitrogen goal of 2.5 mg/l	<ul style="list-style-type: none">• The Applicant shall provide proof that this Guideline will be met in the full buildup of the Project, prior to disturbance and development on the Project Site.• If conformance is not demonstrated, a waiver request must be submitted, subject to review and decision.

Standard 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance	Compliance to be demonstrated upon Suffolk County Department of Health Services approval.
Standard 5.3.3.3.1	Significant discharges and public supply well locations	Compliance to be demonstrated upon Suffolk County Department of Health Services (SCDHS) and New York State Department of Environmental Conservation approval.
Guideline 5.3.3.3.2	Private well protection	Compliance to be demonstrated SCDHS and NYSDEC approval.
Standard 5.3.3.5.1	Stormwater recharge	Compliance to be demonstrated upon other agency approval of a Stormwater Pollution Prevention Plan
Guideline 5.3.3.5.2	Natural recharge and drainage	The Project conforms.
Guideline 5.3.3.5.4	Natural topography in lieu of recharge basins	A recharge basin will be constructed in a less steeply sloped area of the Project Site; however, natural wales and depressions are not proposed.
Guideline 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	Compliance to be demonstrated upon other agency approval of a Stormwater Pollution Prevention Plan
Standard 5.3.3.6.1	Vegetation Clearance Limits	<ul style="list-style-type: none"> • The Project conforms • 65% or 46.41 acres of the site will be cleared • 35% or 21.79 acres will remain natural consisting of existing pitch pine oak ecological community in Lot 13 (11.41 acres) and Lot 14 (13.58 acres). • Voluntary protection of 6.71 acres including: <ul style="list-style-type: none"> ◦ 4.97 acres in a 100-foot-wide natural roadside buffer on Lots 1, 8, 9, 10, 11 and 12 ◦ 1.74 acres of undisturbed steep slopes on Lots 3, 6 and 7 • Natural areas will be fenced before, during, and after construction.
Standard 5.3.3.6.2	Unfragmented open space	<ul style="list-style-type: none"> • The Project conforms • Unfragmented open space on Lots 13 and 14 totals 25 acres • Connectivity of open space with the adjacent 120 acres of Town-owned open space • Open space protects natural ecological communities including terrestrial habitat and steep slope topographic features
Standard 5.3.3.6.3	Fertilizer-dependent vegetation limit	The Project appears to demonstrate compliance with this Standard.
Standard 5.3.3.6.4	Native Plantings	<ul style="list-style-type: none"> • Landscaping plans will be reviewed by the Town and submitted to the Commission office as necessary. • Utilize native species of local genotypes. • Transplanting is encouraged but not required. • Flag trees to be protected in place during construction.
Standard 5.3.3.7.1	Special species and ecological communities	<ul style="list-style-type: none"> • The Project conforms if the Applicant adheres to NYSDEC guidance. • In its correspondence dated January 18, 2019 and February 12, 2019, the New York Natural Heritage Program (NHP) reported that a Federal and New York State-listed Threatened mammal, specifically the Northern Long Eared Bat (NLEB) (<i>Myotis septentrionalis</i>), has been documented within one mile of the Project Site and may utilize the site's natural habitat. These bats may travel 1.5 miles or more from documented locations. The impact of concern for bats is the cutting or removal of potential roost trees. No clearing will occur on the Project Site from April 1 to October 31 of any given year to protect the habitat of the

		<p>Northern Long-eared Bat.</p> <ul style="list-style-type: none"> • The NHP reported an historical documented occurrence from 1979 of the Persius Duskywing, a New York State-listed Endangered butterfly species. NYSDEC recommended surveys be performed to determine the presence or absence of host plants for this species. If suitable habitat for this animal is present in the vicinity of the Project Site, it is possible that it may still occur there. Field Surveys are recommended to include a search for this species particularly at sites currently undeveloped that may contain suitable habitat. Seek NYSDEC Guidance.
Guideline 5.3.3.8.1	Clearing envelopes	Each lot will be cleared in its entirety including steep slopes, except for 1.74 acres of undisturbed steep slopes on Lots 3, 6 and 7.
Guideline 5.3.3.8.2	Stabilization and erosion control	<p>Construction will not occur on slopes greater than 10% except for the waiver request to remove steep slopes including:</p> <ul style="list-style-type: none"> • Lot 3: 2,847 square feet (10 to 15% slopes) • Lot 6: 3,514 square feet (10 to 15% slopes) • Lot 7: Total of 12,256.4 square feet <ul style="list-style-type: none"> ◦ 11,218.52 square feet (10 to 15% slopes) ◦ 1,368.35 square feet (15% and greater slopes) • Total steep slope disturbance: 18,947.87 square feet (0.43 acres) (17,579.52 square feet on 10 to 15% slopes and 1,368.35 square feet on 15% or greater slopes)
Guideline 5.3.3.8.3	Slope analysis	The Slope Analysis Plan contains a detailed analysis on the amount and location of disturbance and areas of lots left “undisturbed.” Disturbance to steep slopes has been significantly minimized in the Plan to 1) protect steep slopes where possible within building lots, and 2) to cluster building lots outside of steep slope areas and inversely cluster steep slopes in the open space.
Guideline 5.3.3.8.4	Erosion and sediment control plans	Erosion and sediment control plans will be prepared where development occurs in areas of 15% slopes or greater.
Guideline 5.3.3.8.5	Placement of roadways	<ul style="list-style-type: none"> • Development of the Boulevard and recharge basin will occur on slopes 10% or less. The activity will displace 11,229 cubic yards of topsoil. The cut material will be temporarily distributed over the lots in the 100-foot wide roadside buffer on the North Service Road. This equates to an estimated 0.75 inches per square foot within the buffer. No other disturbance will occur in the buffer. • Construction plans will be submitted to the Town Engineer.
Guideline 5.3.3.8.6	Retaining walls and control structures	<ul style="list-style-type: none"> • Details of retaining walls for development including roads on slopes greater than 10% will be prepared and submitted to the Town Engineer. • Disturbance of 1,368.35 square feet containing slopes 15 to 59.8% grade will occur on Lot 7. This is part of the waiver request. • Planted slopes are encouraged where feasible over hard structures.
Guideline 5.3.3.9.2	Clustering	Conforms, clustering is maximized to enhance adjacent open space and provide contiguous open space connections
Guideline 5.3.3.9.3	Protection of dedicated open space	<ul style="list-style-type: none"> • Open space will be protected with covenants, covenants should be provided for review prior to recording. • No dedications are proposed.
Guideline 5.3.3.11.1	Cultural resource consideration	<ul style="list-style-type: none"> • The Project provides protection measures for viewsheds, character and undisturbed roadsides and connects to adjacent open space, hiking trails. • SHPO concluded no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.
Guideline	Inclusion of cultural	• The existing undisturbed roadside character will be preserved in a

5.3.3.11.2	resources in applications	100-foot wide natural buffer to protect the Project Site and regional resources. • No State or National Register resources are present.
Guideline 5.3.3.11.3	Protection of scenic and recreational resources	• The Project retains a visually shielding natural roadside buffer. • The future monument signage should be in keeping in both style and scale with the community character. Signage details shall be provided for review and comment.
Guideline 5.3.3.11.4	Roadside design and management	One ingress/egress curb cut for the access road is proposed on the North Service Road. The remaining roadside area will be undisturbed and protected in a 100-foot wide natural buffer. Manmade structures such as signage and lighting will be compliant and in keeping with the character of the CGA.
Guideline 5.3.3.12.1	Commercial and industrial compliance with Suffolk County Sanitary Code	Compliance to be demonstrated upon Suffolk County Department of Health Services approval, as applicable.

VIII. Commission Review of the Hardship Exemption Request

Pursuant to the Act, in determining whether to grant a CGA hardship exemption for the Project, the Commission shall consider, among other things, the criteria set forth in New York State Town Law §267-b(2) and determine whether the Project is consistent with the purposes and provisions of the Act and whether the Project will result in a substantial impairment of the resources of the Central Pine Barrens area.

In considering the criteria set forth in Town Law §267-b(2)(b)(1), the Applicant asserts that the Project requires the development of all 12 lots to be financially viable and the entire Project is jeopardized if the hardship is not granted. The Application states that fundamental to the Applicant's decision to sell 120 acres to the Town and the Town's decision to acquire land at the negotiated price was a collective expectation that the Applicant would be able to develop a 12 lot subdivision on the balance of the property without the need for relief, as per the Stipulation of Settlement. As engineering design progressed, the parties discovered that the Project would disturb steep slopes and require a hardship. After several attempts to redesign the layout, the alternative of leaving steep slopes undeveloped, would require that Lots 6 and 7 be underdeveloped or not developed at all. This would not only alter the expectations of the parties but could jeopardize the entire Project, which requires the development of all 12 lots in order the Project to be financially viable. The waiver area is strictly and significantly limited to specific isolated patches on building Lots 3, 6 and 7 and is 0.58% of the Project Site.

The majority of the 13 acres of existing natural steep slopes distributed on the Project Site is preserved in a clustered plan layout and contained in the area to remain as natural open space, outside of building lots and envelopes. The Applicant attempted to design the Project to avoid the waiver utilizing different layouts and adjusting lot lines, however, the Applicant asserts the financial viability of the Project cannot be achieved if not for a waiver that affects removal of steep slopes on 18,948 square feet or 0.58% of the Project Site.

In considering the criteria set forth in Town Law §267-b(2)(b)(2), the Commission finds that the hardship is unique due the Project Site's history. The Applicant asserts the waiver is the result of the Stipulation of Settlement to develop 12 lots on the Project Site. These circumstances and

history are unique to this Applicant and Project and does not apply to a substantial portion of the neighborhood. The Applicant further protects approximately 6.71 acres as natural open space in excess of the Stipulation resulting in protection of 79% or 151 acres of the original 192 acres.

Natural open space connectivity is accomplished by situating open space contiguous to the northerly adjacent natural, Town-owned open space. The subdivision layout creates protects terrestrial ecological communities and succeeds in connecting northerly adjacent public lands to adjoin natural resources. The clustering technique is maximized in the open space arrangement and building lot layout. The Application encourages compatible industrial development in the CGA to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual cumulative adverse impacts thereof. The roadside character of the CGA is protected through the 100-foot wide natural buffer.

In considering the criteria set forth in Town Law §267-b(2)(b)(3), as it relates to character of the neighborhood, the Project is consistent with the Study Area. The Project Site is on a major transportation corridor (the LIE). The Project mimics the industrial development and plan layout for sites in the Study Area, on the south side of the LIE. The Project adjoins the developed westerly adjacent cleared site of a composting facility.

The Project adjoins development on its west and south sides. And where open space is adjacent, the cluster plan connects open space uses. The presence of the overhead utility corridor causes an intrusive developed element in the Project Site. The Project's industrial land use is consistent with the existing zoning district and permitted uses; no Town Board action is needed such as a change of zone that deviates from the Town Code. The Project is not inconsistent with the existing character of the area, uses, and generally conforms to its surroundings and pattern of development and land uses. The Project may become a commercial/industrial distribution center that is well situated on a major highway. The Commission finds that the Project will not alter the essential character of the neighborhood.

Pursuant to Town Law §267-b(2)(b)(4), the Commission finds that the hardship is not self-created. The Applicant asserts the Project is the result of a process that included the sale of a large portion of the original 192 acre site to the Town to preserve open space, leaving the balance to the Applicant to develop 72 acres and the Applicant's expectation to realize a financially viable Project. The Applicant and Town have achieved protection of 120 acres and reduced the scale of development significantly from its inception to arrive at the Application. The Project is consistent with the current industrial zoning classification in effect since before the Act. Prior proposals required Town Board actions and resulted in greater development in size and scale than the Project.

IX. Conclusion

The Project entitled Silver Corporate Park Compatible Growth Area Development of Regional Significance and Compatible Growth Area Hardship Waiver is depicted in the Slope Analysis Plan, Drawing No. SAP-1, and the Overall Site Plan, last dated April 21, 2020, and prepared by Key Civil Engineering is entitled to a hardship exemption for the foregoing reasons, is approved, and is subject to the following conditions.

1. General conditions
 - a. Sewage flow is capped at 21,423 gallons per day.
 - b. The final Subdivision Map and Site Plans identify clearing limits, open space, and fertilizer dependent vegetation limits.
 - c. Copies of the recorded subdivision map and future approved site plans are provided to the Commission office.
2. Protection of natural vegetation and clearing
 - a. Open space
 - i. The Project protects 31.71 acres of natural open space as identified on the map. The natural area must remain in its natural condition. No disturbance, clearing, encroachments, landbanked parking, other uses, emergency access, road widening, or other development shall occur in the natural area. The open space must remain protected and noted as sterilized and yielding no additional density or intensity, disturbance or wastewater flow, except as defined in the Application.
 - ii. Protect large trees as street trees, where feasible, in their existing place. Delineate the road clearing limits and flag trees that may remain in place during and after construction.
 - iii. The natural open space shall be identified in all maps for the Project.
 - b. Clearing
 - i. No more than 46.42 acres of the Project Site will be cleared.
 - ii. No clearing activity shall occur from November 1 to March 31 of any calendar year to protect the Federal and New York State-listed Threatened Northern Long Eared Bat and its habitat, unless otherwise directed by NYSDEC.
 - c. Declaration of Covenants and Restrictions shall protect a total of 31.71 acres of the site as natural open space. The Draft Covenants and Restrictions shall be prepared for review by the Commission Counsel and upon approval of Commission Counsel, filed with the Suffolk County Clerk within one year of this resolution, prior to disturbance on the Project Site. The Applicant shall provide proof of recording to the Commission
 - d. Prior to the commencement of development activities on the Project Site, the Applicant shall:
 - i. Install and maintain snow fencing along the clearing limits/natural area to protect the area to remain natural during construction. Notify the Commission office within one week prior to disturbance to inspect the clearing limits. No clearing shall occur until the Commission office has field inspected and issued

written approval to the Applicant. Notify the Commission when all construction is completed on the Project Site.

- ii. Install and maintain permanent split rail fencing on the open space on the boundaries of Lots 13 and 14, as per the Map, which states “proposed split rail wood fence delineating unfragmented open space and areas of steep slopes” and including the undisturbed steep slopes on Lots 3, 6, and 7, as per the Map, which states “proposed split rail wood fence delineating unfragmented open space and areas of steep slopes” and “undisturbed area as per steep slope requirement to be protected with fencing and covenants and restrictions.”
- iii. For efficient and expedited site plan review, consider uniform fencing and other design standards including signage color palette, material, height, and other details for when each of the 12 site plans is developed.
- iv. Once development of each phase is complete, remove snow fencing and install split rail fencing in its place along clearing limit boundaries to delineate areas to remain natural.

3. Commission shall have the right to inspect the open space on an annual basis.
4. Prior to disturbance, contact NYSDEC for guidance on performing a survey to identify the presence or absence of Persius Duskywing butterfly habitat in the LIPA right of way easement area. Perform the survey as per NYSDEC guidelines. Submit results of the survey to NYSDEC and the Commission office. If the species and/or its habitat are present, wait for further instructions from NYSDEC before commencing development including clearing and preparation of the site for construction.
5. Lighting must be minimal and should not spill off site. It should consist of downward facing fixtures. The Lighting Plan, Sheet SD-5, contains specifications for illuminating the Project Site. Light posts are 25 feet tall. Reduce the pole height to a maximum of 12 feet to minimize excess lighting, energy, and cost to achieve the same amount of lighting necessary on site.
6. A maximum of 11,229 cubic yards of soil may temporarily be distributed over the 100-foot wide natural roadside buffer. Once this is complete, no further disturbance may occur in buffer.
7. Site specific landscaping and signage plans must be prepared, submitted to the Town for review and referred to the Commission office for approval.
 - a. Landscaping plans must be composed of native species of local genotypes. Transplanting is encouraged but not required. And where feasible, flagging of existing trees should be conducted to designate trees to be protected and kept in place during construction.
 - b. Space is reserved at the curb cut to accommodate a monument sign. Keep colors, materials, height, and lighting minimal and consistent with the landscape to protect the Central Pine Barren’s character and resources
 - c. If lighting is proposed on the sign or if it is backlit, it will be dark sky compliant in accordance with the Town Code and in keeping with the character of the CGA.

8. Submit a Stormwater Pollution Prevention Plan for review and approval to the NYSDEC. If not approved by NYSDEC, no activity may occur under this approval. Provide evidence of NYSDEC approval.
9. Construction phasing
 - a. Development of each of the 12 lots may occur individually or simultaneously, depending on interested tenants and needs.
 - b. This approval shall expire five (5) years from the date of this Resolution. The Applicant may seek an extension of this approval in one (1) year increments and reauthorization from the Commission, subject to its review.
10. Any changes of the Project, as approved, must be reviewed and approved by the Commission.

Motion to Approve Silver Corporate Park Compatible Growth Area Development of Regional Significance and Hardship Waiver

Date: June 17, 2020

Motion By: Mr. Romaine

Seconded: Ms. Gallagher

Vote:

Yes: Ms. Gallagher, Mr. Dale, Mr. Romaine, Ms. Aguiar and Mr. Schneiderman

No: None

Abstain: None

Absent: None

Copies of This Decision Will be Sent To:

New York State Department of Environmental Conservation, Division of Environmental Permits, Region 1

New York State Department of Transportation

Suffolk County Planning Commission

Suffolk County Department of Health Services

Suffolk County Department of Public Works

Suffolk County Sewer Agency

Suffolk County Water Authority

Town of Brookhaven Supervisor

Town of Brookhaven Town Clerk

Town of Brookhaven Town Board

Town of Brookhaven Board of Zoning Appeals

Town of Brookhaven Planning Environment and Land Management (PELM)

Town of Brookhaven Building Department

Town of Brookhaven Parks and Recreation Department

Applicant/Attorney

APPENDIX D

Project Renderings





LOGISTICS INC.

APPENDIX E

Comparison of Conformance to Central Pine Barrens CLUP, Subdivision Plan & Site Plan

COMPARISON OF CONFORMANCE TO CENTRAL PINE BARRENS CLUP
Subdivision Plan & Site Plan

Standard (S)/Guideline (G)		Explanation and Document Page Reference		
		Subdivision Plan	Site Plan	
5.3.3.1 Nitrate-nitrogen				
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	All development proposals subject to Article 6 of the Suffolk County Sanitary Code (SCSC) shall meet all applicable requirements of the Suffolk County Department of Health Services (SCDHS). Projects which require variances from the provisions of Article 6 shall meet all requirements of the SCDHS Board of Review in order to be deemed to have met the requirements of this standard.	Compliance to be demonstrated upon SCDHS approval. Absent redemption of Pine Barrens Credits, the sewage flow is capped at 21,423 gpd.	The project's sanitary wastewater will be treated and recharged via on-site septic systems conforming to SCSC Article 6 requirements. The estimated 549,942 SF of warehouse spaces would generate an estimated 21,998 gpd of sanitary wastewater. This would exceed the allowable sanitary flow under SCSC Article 6, which is 21,423 gpd. However, according to the Town Planning Board Negative Declaration and the Stipulation of Settlement, the Town acknowledges that the site may yield 550,000 SF of industrial space, which the Site Plan satisfies. The Site Plan will obtain all necessary and appropriate variances and/or permits, including the SCDHS Board of Review.
S 5.3.3.1.2	Sewage treatment plant discharge	Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. Denitrification systems that are approved by the New York State Department of Environmental Conservation (NYSDEC) or the SCDHS may be used in lieu of a sewage treatment plant.	N/A; no sewage treatment plant is proposed	The proposed project will conform to SCSC Article 6 requirements, so that no STP will be necessary. It is acknowledged that the project's effluent will be recharged within the CGA. However, the project will operate under the jurisdiction of the SCDHS and in conformance with SCSC Article 6, thereby assuring that no impact to underlying groundwater quality will occur.
G 5.3.3.1.3	Nitrate-nitrogen goal	A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.	<ul style="list-style-type: none"> The Applicant shall provide proof that this Guideline will be met in the full buildup of the Project, prior to disturbance and development on the Project Site. If conformance is not demonstrated, a waiver request must be submitted, subject to review and decision. 	No surface water bodies or wetlands are present on the site or in the vicinity that could be impacted by the site's recharge and as a result, this Guideline does not apply. The proposed project includes measures that will minimize potential nitrogen impacts to groundwater (i.e., conformance to SCSC Article 6, use of an Innovative/Alternative septic system, elimination of fertilizer use on landscaping). The project density is unchanged and therefore if applicable, the nitrogen concentration in recharge will be less than 2.5 mg/l.
5.3.3.2 Other chemical contaminants of concern				
S 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance	All development projects must comply with the provisions of Articles 7 and 12 of the SCSC, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.	Compliance to be demonstrated upon SCDHS approval.	The Site Plan will be consistent with SCSC Article 7 in that it would not involve an industrial process or use hazardous or toxic materials in excess of the quantities allowed under Article 7 of the SCSC. The project will conform to the applicable storage and handling restrictions and requirements of SCSC Article 12. The proposed project will obtain proper permits, if needed and required.

5.3.3.3 Wellhead protection				
S 5.3.3.1	Significant discharges and public supply well locations	The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State (NYS) Environmental Conservation Law (ECL) Article 17.	Compliance to be demonstrated upon SCDHS and NYSDEC approvals.	There are no public water supply wellfields within 200 feet of the subject site.
G 5.3.3.3.2	Private well protection	The SCDHS guidelines for private wells should be used for wellhead protection.	Compliance to be demonstrated SCDHS and NYSDEC approvals.	The project conforms to SCSC Articles 6 and 7, and all wastewater recharge will flow in an east-southeasterly direction. There are no SCWA public water supply wellfields in this direction that are near enough to the project site to be impacted by the site's sanitary recharge.
5.3.3.4 Wetlands and surface waters				
S 5.3.3.4.1	Nondisturbance buffers	Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a nondisturbance buffer area which shall be no less than that required by the NYS Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers (WSRR) Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the NYSDEC, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances, and associated regulations, shall meet all requirements imposed in a permit by the NYSDEC or a municipality in order to be deemed to have met the requirements of this standard.	N/A; freshwater wetland habitat is not present.	There are no surface water bodies or freshwater wetlands on the subject site.
S 5.3.3.4.2	Buffer delineations, covenants, and conservation easements	Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the NYS ECL and local ordinances, shall be imposed to protect these areas as deemed necessary.	N/A	The eastern and northern portions of the site, and the naturally-vegetated buffer along the LIE (totaling 30.15 acres), will be retained in their naturally-vegetated condition, and permanently protected by covenant filed with the County Clerk.
S 5.3.3.4.3	Wild, Scenic & Recreational Rivers Act compliance	Development shall conform to the provisions of the New York State WSRR Act, where applicable. Projects which require variances or exceptions under the NYS WSRR Act shall meet all requirements imposed by the NYSDEC in order to be deemed to have met the requirements of this standard.	N/A; the site is not within the jurisdiction of the WSRR Act	The subject site is not within the regulated distance from any State-designated WSRR.
G 5.3.3.4.4	Additional nondisturbance buffers	Stricter nondisturbance buffer areas may be established for wetlands as appropriate.	N/A	No additional buffer areas are necessary or proposed.
5.3.3.5 Stormwater runoff				
S 5.3.3.5.1	Stormwater recharge	Development projects must provide that all stormwater runoff originating from development on the property is recharged on site unless surplus capacity exists in an off-site drainage system.	Compliance to be demonstrated upon other agency approval of a SWPPP.	All stormwater runoff generated on developed surfaces will be retained on-site and recharged to groundwater. The project's drainage system will utilize a recharge basin. The system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project notification and preparation of a SWPPP.
G 5.3.3.5.2	Natural recharge and drainage	Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.	The Project conforms.	No suitable natural low areas are present on the site that could be used for drainage purposes.
G 5.3.3.5.3	Ponds	Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.	N/A; no ponds are proposed.	No artificial ponds are proposed.
G 5.3.3.5.4	Natural topography in lieu	The use of natural swales and depressions should be permitted and encouraged	A recharge basin will be constructed in a less	No natural topographic low points or swales are available

	of recharge basins	instead of excavated recharge basins, whenever feasible	steeply sloped area of the Project Site; however, natural wales and depressions are not proposed.	to be utilized for stormwater recharge.
G 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	During construction, the standards and guidelines promulgated by the NYSDEC pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.	Compliance to be demonstrated upon other agency approval of a SWPPP.	The project's drainage system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project notification and preparation of a SWPPP.
5.3.3.6 Natural vegetation and plant habitat				
S 5.3.3.6.1	Vegetation Clearance Limits	<p>The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.</p> <p>Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1 [of the Plan]. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites and drainage structures. The clearance standard that would be applied to a project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.</p> <p>To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan.</p>	<ul style="list-style-type: none"> • The Project conforms • 65% or 46.41 acres of the site will be cleared • 35% or 21.79 acres will remain natural consisting of existing pitch pine oak ecological community in Lot 13 (11.41 acres) and Lot 14 (13.58 acres). • Voluntary protection of 6.71 acres including: <ul style="list-style-type: none"> ◦ 4.97 acres in a 100-foot-wide natural roadside buffer on Lots 1, 8, 9, 10, 11 and 12 ◦ 1.74 acres of undisturbed steep slopes on Lots 3, 6 and 7 • Natural areas will be fenced before, during, and after construction. 	<p>The subject parcel is now and was zoned L-1 in 1995, when the CPB CLUP was adopted. Figure 5-2 of the CLUP indicates that the overall maximum allowed site clearance is 65% (46.44 acres; conversely, a minimum of 35% of the site, or 25.01 acres, would have to be preserved as natural). The proposed project will clear an estimated 41.30 acres of the site (57.80%), thereby conforming to this requirement. Conversely, the Site Plan would retain 30.15 acres on natural vegetation, or 42.20% of the site.</p> <p>In summary, the Site Plan will conform to the CLUP clearing standard, though it will clear 1.59 acres more land than the Subdivision Plan, and will retain 1.55 acres less of the site's naturally-vegetated land than the Subdivision Plan. These differences are because the Site Plan includes more landscaped area than the Subdivision Plan and has a larger recharge basin than the Subdivision Plan. As a result, the Site Plan requires a somewhat larger disturbed area than the Subdivision Plan, which leaves slightly less natural land available to be retained in a natural condition.</p>
S 5.3.3.6.2	Unfragmented open space	<p>Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.</p> <p>For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory, and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses, and sedges such as little bluestem, Pennsylvania sedge and Indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan.</p> <p>It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the plan when such action would result in the creation of large contiguous natural open space areas and or the protection of rare, threatened, or endangered species or their habitat.</p>	<ul style="list-style-type: none"> • The Project conforms • Unfragmented open space on Lots 13 and 14 totals 25 acres • Connectivity of open space with the adjacent 120 acres of Town-owned open space • Open space protects natural ecological communities including terrestrial habitat and steep slope topographic features. 	<p>This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. As a result, substantial areas of natural contiguous habitat will be retained; these areas will be contiguous to naturally-vegetated spaces adjacent to the north, east and west, thus forming an open space continuum as intended by this standard.</p>
S 5.3.3.6.3	Fertilizer dependent	No more than 15% of an entire development project site shall be established in	The Project appears to demonstrate compliance	The Applicant does not intend to include fertilizer-


	vegetation limit	fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization; therefore, planting of such nonnative species shall be limited to the maximum extent practicable. The use of the nonnative plants in Figure 5-2 [of the Plan] is specifically not recommended.	with this Standard.	dependent landscape species in the project's landscape design, other than a potential initial application, to establish healthy growth. Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the CLUP will be used in the final site plan landscape design plans.
S 5.3.3.6.4	Native Plantings	Development designs shall consider the native planting suggestions contained in Figure 5-2 [of the Plan].	<ul style="list-style-type: none"> Landscaping plans will be reviewed by the Town and submitted to the CPBJPPC office as necessary. Utilize native species of local genotypes. Transplanting is encouraged but not required. Flag trees to be protected in place during construction 	Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the CLUP will be used as part of the final site plan landscape design plans.
5.3.3.7 Species and communities of special concern				
S 5.3.3.7.1	Special Species and Ecological Communities	Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.	<ul style="list-style-type: none"> The Project conforms if the Applicant adheres to NYSDEC guidance. In its correspondence dated January 18, 2019, and February 12, 2019, the New York Natural Heritage Program (NHP) reported that a Federal and New York State-listed Threatened mammal, specifically the Northern Long Eared Bat (NLEB) (<i>Myotis septentrionalis</i>), has been documented within one mile of the Project Site and may utilize the site's natural habitat. These bats may travel 1.5 miles or more from documented locations. The impact of concern for bats is the cutting or removal of potential roost trees. No clearing will occur on the Project Site from April 1 to October 31 of any given year to protect the habitat of the Northern Long-eared Bat. The NHP reported an historical documented occurrence from 1979 of the Persius Duskywing, a New York State-listed Endangered butterfly species. NYSDEC recommended surveys be performed to determine the presence or absence of host plants for this species. If suitable habitat for this animal is present in the vicinity of the Project Site, it is possible that it may still occur there. Field Surveys are recommended to include a search for this species particularly at sites currently undeveloped that may contain suitable habitat. Seek NYSDEC Guidance. 	<ul style="list-style-type: none"> The Applicant will ensure that the Site Plan will conform to NYSDEC guidance regarding habitat protection and accommodation for rare, threatened endangered and species of special concern. As directed by the NHP, clearing will be limited to occur within the time period specified by the NYSDEC, to protect the habitat of the Northern Long-eared Bat. No clearing will occur on the Project Site from April 1 to October 31 of any given year to protect the habitat of the Northern Long-eared Bat unless otherwise authorized by NYSDEC. Host plants for the Persius Duskywing are not expected within proposed development areas.
5.3.3.8 Soils				
G 5.3.3.8.1	Clearing envelopes	Clearing envelopes should be placed upon lots within a subdivision so as to maximize	Each lot will be cleared in its entirety including	The Site Plan was revised in part to maximize use of slopes

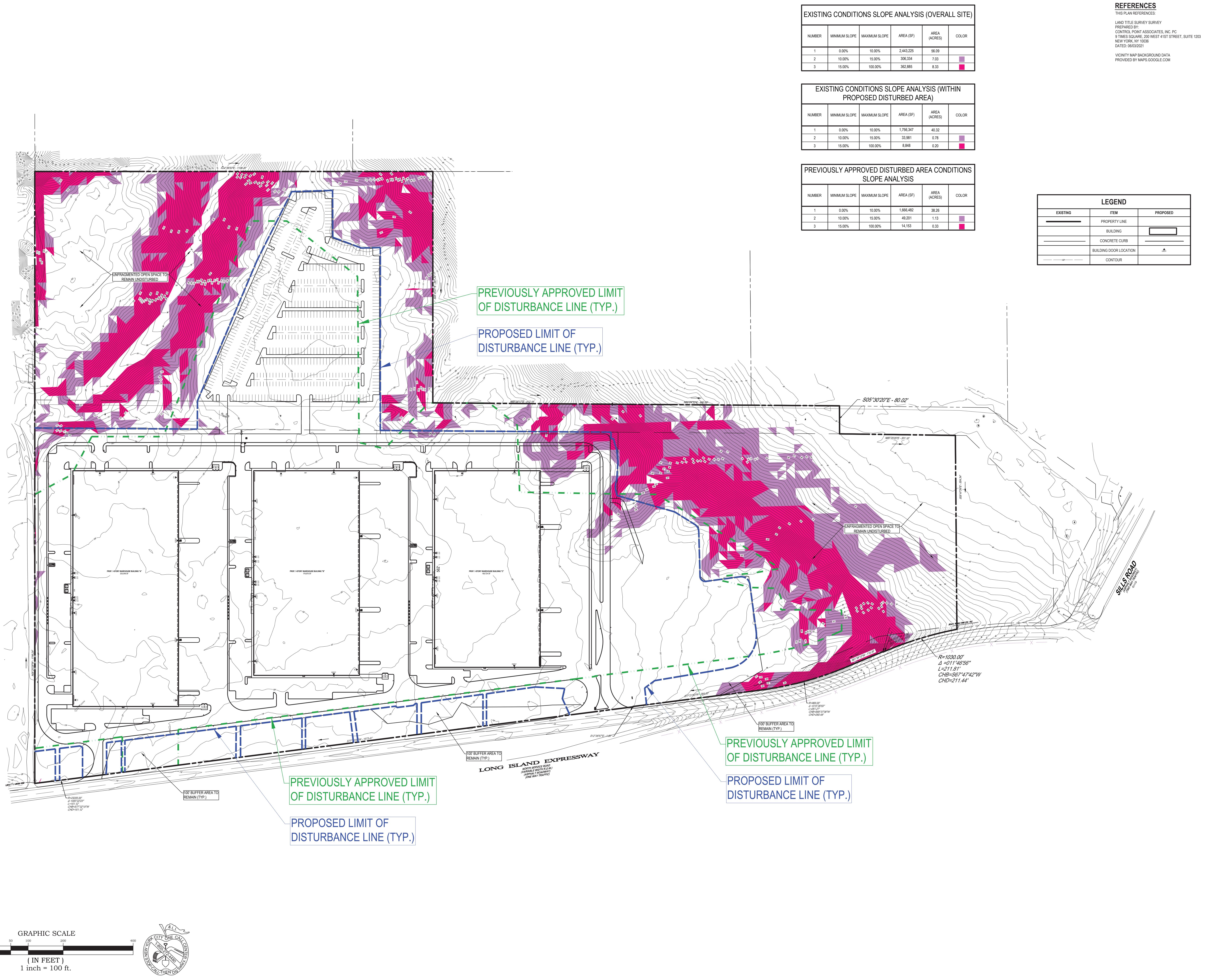
		the placement of those envelopes on slopes less than ten percent (10%).	steep slopes, except for 1.74 acres of undisturbed steep slopes on Lots 3, 6 and 7.	less than 10%, and reduce impacts to slopes 10 to 15%, as well as to slopes in excess of 15%. This goal is achieved to a large degree by the Site Plan, where more of the site's slopes of less than 10% will be disturbed than the Subdivision Plan, but less of the site's 10 to 15% slopes and less of the site's 15+% slopes will be impacted.
G 5.3.3.8.2	Stabilization and erosion control	Construction of homes, roadways, and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.	<ul style="list-style-type: none"> Construction will not occur on slopes greater than 10% except for the waiver request to remove steep slopes including: <ul style="list-style-type: none"> Lot 3: 2,847 SF (10 to 15% slopes) Lot 6: 3,514 SF (10 to 15% slopes) Lot 7: Total of 12,256.4 SF <ul style="list-style-type: none"> 11,218.52 SF (10 to 15% slopes) 1,368.35 SF (15% and greater slopes) Total steep slope disturbance: 18,947.87 SF (0.43 acres): <ul style="list-style-type: none"> (17,579.52 SF on 10 to 15% slopes) 1,368.35 SF on 15% or greater slopes 	An Erosion & Sediment Control Plan will be prepared as part of the Site Plan for the project. Erosion prevention measures to be taken during construction may include groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this standard.
G 5.3.3.8.3	Slope analysis	Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.	The Existing Slope Analysis Plan [for the Subdivision Plan] contains a detailed analysis on the amount and location of disturbance and areas of lots left "undisturbed." Disturbance to steep slopes has been significantly minimized in the Subdivision Plan to 1) protect steep slopes where possible within building lots, and 2) to cluster building lots outside of steep slope areas and inversely cluster steep slopes in the open space.	A map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15%. As shown in the Existing Slope Analysis Plan, Proposed Warehouse for the Site Plan, there are 8.33 acres of steep slopes (defined as >15%) on the subject site. It should be noted that 91.67% of the site has slopes of less than 15%. Natural steep slopes are found in the central and northern parts of the site. For the proposed project, regrading is not expected to produce slopes in excess of 1:3.
G 5.3.3.8.4	Erosion and sediment control plans	Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.	Erosion and sediment control plans will be prepared where development occurs in areas of 15% slopes or greater.	The potential for erosion to occur during construction or after construction is completed will be controlled by implementing a SWPPP, which will include engineered Erosion Control Plans during the site plan review process.
G 5.3.3.8.5	Placement of roadways	Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills.	<ul style="list-style-type: none"> Development of the Boulevard and recharge basin will occur on slopes 10% or less. The activity will displace 11,229 cubic yards of topsoil. The cut material will be temporarily distributed over the lots in the 100-foot wide roadside buffer on the North Service Road. This equates to an estimated 0.75 inches per square foot within the buffer. No other disturbance will occur in the buffer. Construction plans will be submitted to the Town Engineer. 	One of the goals of the Site Plan was to reduce the area of impact to slopes in excess of 10% to a greater degree than achieved for the Subdivision Plan. It is estimated that 0.98 acres of slopes 10% and greater will be impacted by the Site Plan. In comparison, the Subdivision Plan (assuming the current slope map) would impact 1.45 acres of slopes in excess of 10%.
G 5.3.3.8.6	Retaining walls and control structures	Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).	<ul style="list-style-type: none"> Details of retaining walls for development including roads on slopes greater than 10% will be prepared and submitted to the Town 	One of the goals of the Site Plan was to reduce the potential need of retaining walls by reducing impacts to

			<p>Engineer.</p> <ul style="list-style-type: none"> • Disturbance of 1,368.35 SF containing slopes 15 to 59.8% grade will occur on Lot 7. This is part of the waiver request. • Planted slopes are encouraged where feasible over hard structures 	<p>steep slope areas. However, should retaining walls still be needed, details will be prepared for and submitted to the Town Engineer.</p> <p>It is estimated that 0.20 acres of slopes 15% and greater will be impacted by the Site Plan. In comparison, the Subdivision Plan (assuming the current slope map) would impact 0.32 acres of slopes in excess of 15%.</p>
5.3.3.9 Coordinated design for open space management				
S 5.3.3.9.1	Receiving entity for open space dedications	Applications must specify the entity to which dedicated open space will be transferred.	N/A	No dedication of the open space on the site is proposed.
G 5.3.3.9.2	Clustering	Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.	Conforms; clustering is maximized to enhance adjacent open space and provide contiguous open space connections.	Clustering of the project is a central tenet of the Site Plan, to allow for retention of substantial acreages of natural vegetation in the site's eastern and northern portions, to abut similar areas on adjacent properties. This principle also enables the Applicant to locate the disturbed area preferentially on the low-slope areas of the site.
G 5.3.3.9.3	Protection of dedicated open space	Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.	<ul style="list-style-type: none"> • Open space will be protected with covenants, covenants should be provided for review to recording. • No dedications are proposed 	The Applicant will participate in the preparation of a covenant to permanently protect the open spaces on the site.
5.3.3.10 Agriculture and horticulture				
G 5.3.3.10.1	Best Management Practices	Any existing, expanded, or new activity involving agriculture or horticulture in the CGA should comply with best management practices as defined herein and relevant requirements including local law. Best management practices are, for purposes of this Plan, the same practices stated in the most recent version of <i>Controlling Agricultural Nonpoint Source Water Pollution in New York State</i> (Bureau of Technical Services and Research, Division of Water, NYSDEC, 1991 and as later amended).	N/A	N/A; the project is a warehouse in nature, and no new or expanded agricultural or horticultural uses are included.
5.3.3.11 Scenic, historic, and cultural resources				
G 5.3.3.11.1	Cultural resource consideration	<p>Development should account for, review, & provide protection measures for:</p> <ol style="list-style-type: none"> 1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this Plan. 2. Active recreation sites, including existing sites and those proposed as part of a development. 3. Scenic corridors, roads, vistas, and viewpoints located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111, and William Floyd Parkway. 4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute. 5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum. 	<ul style="list-style-type: none"> • The Project provides protection measures for viewsheds, character and undisturbed roadsides and connects to adjacent open space, hiking trails. • SHPO concluded no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. 	The project design will retain a 100 foot-deep naturally-vegetated buffer along the site's southern boundary with the LIE. Additionally, plantings of appropriate landscape species to protect and enhance the natural aesthetics of the site and area will be made within the disturbed area. The project's buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.
G 5.3.3.11.2	Inclusion of cultural	Development proposals should note established recreation and educational trails and		N/A; there are no known or suspected cultural resources

	resources in application	<p>trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.</p> <p>A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.</p>	<ul style="list-style-type: none"> The existing undisturbed roadside character will be preserved in a 100 foot-wide natural buffer to protect the Project Site and regional resources. No State or National Register resources are present. 	on the subject site that could be impacted by the proposed project, based on review of NYS OPRHP records.
G 5.3.3.11.3	Protection of scenic and recreational resources	Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.	<ul style="list-style-type: none"> The Project retains a visually shielding natural roadside buffer. The future monument signage should be in keeping in both style and scale with the community character. Signage details shall be provided for review and comment. 	The project design will retain a 100 foot-deep naturally-vegetated buffer along the site's southern boundary with the LIE. Additionally, plantings of appropriate landscape species to protect and enhance the natural aesthetics of the site and area will be made within the disturbed area. The project's buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.
G 5.3.3.11.4	Roadside design and management	Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access, and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.	<ul style="list-style-type: none"> One ingress/egress curb cut for the access road is proposed on the North Service Road. The remaining roadside area will be undisturbed and protected in a 100 foot-wide natural buffer. Manmade structures such as signage and lighting will be compliant and in keeping with the character of the CGA. 	<ul style="list-style-type: none"> Unlike the Subdivision Plan, the Site Plan includes two ingress/egress curb cuts on the site's frontage on the LIE North Service Road. The project's signage and lighting will be compliant and in keeping with the character of the area.
5.3.3.12 Commercial and industrial development				
S 5.3.3.12.1	Commercial and industrial compliance with Suffolk County Sanitary Code	All commercial and industrial development applications shall comply with the provisions of the SCSC as applied by the SCDHS, and all other applicable federal, state, or local laws. Projects which require variances from the provisions of the SCSC shall meet all requirements of the SCDHS Board of Review in order to be deemed to have met the requirements of this standard.	Compliance to be demonstrated upon SCDHS approval, as applicable.	The proposed project will comply with all applicable Town, County and/or State regulations and requirements insofar as practicable; where variances would be necessary, each will be applied for to the appropriate entity having jurisdiction.

PLANS





EXISTING CONDITIONS SLOPE ANALYSIS (OVERALL SITE)					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	2,443,225	56.09	
2	10.00%	15.00%	306,334	7.03	
3	15.00%	100.00%	362,885	8.33	

EXISTING CONDITIONS SLOPE ANALYSIS (WITHIN PROPOSED DISTURBED AREA)					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	1,756,347	40.32	
2	10.00%	15.00%	33,981	0.78	
3	15.00%	100.00%	8,848	0.20	

PREVIOUSLY APPROVED DISTURBED AREA CONDITIONS SLOPE ANALYSIS					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	1,666,482	38.26	
2	10.00%	15.00%	49,201	1.13	
3	15.00%	100.00%	14,153	0.33	

LEGEND		
EXISTING	ITEM	PROPOSED
—	PROPERTY LINE	
	BUILDING	□
—	CONCRETE CURB	—
	BUILDING DOOR LOCATION	▲ ENEXT
— — — 122 — —	CONTOUR	

NO.	DATE	BY	DESCRIPTION
6	05/03/22	DP	MISC. REVISIONS
5	4/15/22	JR	REV. PER TOWN COMMENTS
4	3/29/22	DP	MISC. REVISIONS
3	2/18/22	DP	REV. TO SLOPE COLORS
2	01/14/22	JR	MISCELLANEOUS REV.
1	10/08/21	JR	REV. PREVIOUSLY APPROVED LIMIT OF DISTURBANCE LINE

The logo for Key Civil Engineering features the letters 'KEY' in a large, bold, blue sans-serif font. The 'O' in 'KEY' is replaced by a smaller, dark grey rectangle. Below 'KEY', the words 'CIVIL ENGINEERING' are written in a smaller, bold, dark grey sans-serif font.

PROJECT NAME

PROPOSED WAREHOUSE

NORTH OF NYS ROUTE 495 & WEST OF SILLS ROAD
YAPHANK, NEW YORK 11980

TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK
DIST.:0200, SECT.: 662, BLOCK: 2, LOT: 5.16

DRAWING TITLE

EXISTING SLOPE ANALYSIS PLAN

DATE:	09/16/2021
SCALE:	1" = 100'
PROJECT NUMBER:	21063
DRAWING BY:	JR
CHECKED BY:	DP
APPROVED BY:	JP

SEAL & SIGNATURE:		ALTERATION OR ADDITION TO THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.	
		DRAWING No: ESAP-1	
DANIEL J. PEVERARO, P.E. <small>NEW YORK STATE PROFESSIONAL ENGINEER #089025</small>		PAGE No: 1 OF 1	

ATTACHMENT B

SEQRA REVIEW MEMO

Town Division of Environmental Protection, *June 6, 2022*



Town of Brookhaven Long Island

Edward P. Romaine, Supervisor

To: Michael J. Albano, Site Plan Reviewer, Planning Division, PELM

From: Peter E. Fountaine, Pr. Environmental Analyst, DEP, PELM

Date: June 6, 2022

Re: Site Plan for Brookhaven Logistics Center
N/s Long Island Expressway (SR 495) North Service Road, approx. 95 feet W/o
Patchogue-Yaphank Road (CR 101), Yaphank
Town Log # 21SP0055
SCTM # 0200 66200 0200 005016 (71.45 acres)

PEF

The Division of Environmental Protection (DEP) has reviewed the materials supplied with the above-mentioned site plan application. The applicant proposes the construction of three (3) one-story warehouse buildings totaling approximately 549,942 square feet (sf) with associated truck docks, vehicle parking, landscaping, pavement, storm drainage, utilities, and other associated site improvements. The site was the subject of a project formerly known as Silver Corporate Park which involved the implementation of a stipulation of settlement (Index No.:06-10360 and 06-10359) between the property owner and the Town of Brookhaven which resulted in a land division dividing the 192 acre subject property into 7 lots: one (1) 50-acre lot and five (5) 14-acre lots, totaling 120 acres, to be acquired by the Town of Brookhaven and one (1) approximately 72-acre lot to be retained by the property owner.

The action previously reviewed by the Planning Board involved the subdivision of the lot, consisting of 71.41-acres, into twelve (12) buildable lots of between 2.76 acres and 4.93 acres, each, intended for approximately 550,000 square feet of industrial, warehouse, and/or office space use as per the current requirements of the Town of Brookhaven's L-Industrial-1 zoning district, a 60-foot-wide roadway, and two (2) open space lots. The twelve (12) buildable lots and 60-foot right of way were to occupy 46.42 acres (65%) of the 71.41-acre parcel. The remaining 24.99 acres (35%) of the 71.41-acre parcel was to remain as open space as per the stipulation of settlement and to satisfy the standards of the Central Pine Barrens Comprehensive Land Use Plan (CLUP) and Town Code.

The applicant has submitted a *Consistency Analysis – Expressway Drive North Warehouse Buildings*, dated May 9, 2022 to establish to the Town of Brookhaven Planning Board that no further analysis under the New York State (NYS) Environmental Quality Review Act (SEQRA) is warranted. In review of the document, the proposed site plan is in conformance with and does not exceed any thresholds or impacts previously considered for the March 26, 2015, Town Board adopted SEQRA negative declaration or the January 13, 2020, Planning Board adopted SEQRA negative declaration. Significant environmental impacts have been mitigated through an agreement between the Town of Brookhaven and the applicant that has resulted in contiguous open space dedications amounting to approximately 145 acres of the original 192-acre parcel and allowed for development of a remaining 47 acres in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

The impacts from the site plan would generally be similar to those of the subdivision plan apart from a greater overall clearing of 1.59-acres which will still allow for compliance with Town Code, would conform to the prior impact analyses and reviews, and would not result in any significant adverse environmental impacts. The proposed development of the three (3) one-story warehouse buildings, totaling approximately 549,942 square feet (sf), with the associated site improvements will result in clearing 41.30 acres of the site, or 57.8%, with 30.15 acres, or 42.2%, of the 71.45-acre subject site to remain natural and undisturbed. The proposed site plan is found to be less intensive than that of the previously considered proposal and allows for a more contiguous, orderly, and compact design. No further SEQRA review is necessary or warranted.

Division of Environmental Protection

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6455 • Fax (631) 451-6459
www.brookhavenny.gov

Thank you for the opportunity to comment on this application. If you have any questions, comments, or concerns please do not hesitate to contact me.

PEF

Cc: Karen Sullivan, Senior Office Assistant, Office of the Town Clerk
File

Expressway Drive North Warehouse Buildings
Hamlet of Yaphank, Town of Brookhaven
Hardship Waiver Application

ATTACHMENT C TOWN IDA SUBMISSION

Certilman Balin Adler & Hyman, LLP, *May 24, 2022*

DANIEL J. BAKER
PARTNER
DIRECT DIAL 516.296.7158
dbaker@certilmanbalin.com

May 24, 2022

VIA FEDERAL EXPRESS

Town of Brookhaven Industrial Development Agency
Attn: Ms. Lisa MG Mulligan, Chief Executive Officer
One Independence Hill
Farmingville, New York 11738

Re: WF Industrial XII LLC's Application for Financial Assistance

Dear Ms. Mulligan:

As you may know, this firm is counsel to WF Industrial XII LLC (the "Applicant") in connection with its Application for Financial Assistance (the "Application") to the Town of Brookhaven Industrial Development Agency (the "IDA") for their proposed project, located at the Northern Side of the Long Island Expressway (SR495), North Service Road, Yaphank, New York.

In furtherance of same, please find enclosed an original fully executed copy of the Application, together with a check in the amount of \$4,000.00, representing the fees due to the IDA for same. Please note that Applicant is a new single-purpose entity, and as a result, has no annual or quarterly reports, nor NYS Form 45 for the IDA's review.

Please do not hesitate to contact me immediately if you have any questions or comments regarding this Application. Thank you kindly in advance for your prompt attention to this matter.

Very truly yours,

Daniel J. Baker

Daniel J. Baker

cc: WF Industrial XII LLC

WF INDUSTRIAL XII LLC
c/o Wildflower Ltd LLC
80 Eighth Avenue, Suite 1602
New York, NY 10011

First Republic Bank
11-8166/3210

1058

5/21/2022

PAY TO THE ORDER OF TOWN OF BROOKHAVEN IDA \$ 4,000.00
FOUR THOUSAND AND 00/00 DOLLARS

PROTECTED AGAINST FRAUD



MEMO

001058 321081669 80009572456



MP

Details on Back



Intuit® CheckLock™ Secure Check

WF INDUSTRIAL XII LLC
c/o Wildflower Ltd. LLC
80 EIGHTH AVENUE, SUITE 1602
NEW YORK, NY 10011
www.wildflowerltd.com

May 24, 2022

Town of Brookhaven Industrial Development Agency
Attn: Ms. Lisa M.G. Mulligan, Chief Executive Officer
1 Independence Hill, 2nd Floor
Farmingville, New York 11738

Re: Expressway Drive North Warehouse Buildings
(100' West of Sills Road, North Side of SR459, North Service Road, Yaphank, New York)

Dear Ms. Mulligan:

Please find enclosed WF Industrial XII LLC's (the "Applicant") application for Town of Brookhaven Industrial Development Agency benefits for its intended development at the vacant parcel 100' West of Sills Road, North Side of SR459, North Service Road, Yaphank, New York (the "Property").

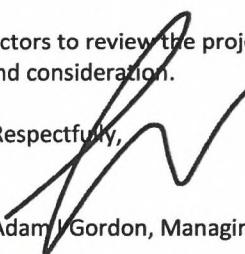
Applicant is an affiliate of Wildflower Ltd LLC ("Wildflower"). Wildflower is a New York-based developer of industrial warehouses, film studios and self-storage facilities in the New York metropolitan area. Wildflower has a 21-year track record of successfully developing institutional quality real estate. Wildflower is a vertically integrated firm with expertise in the full spectrum of acquisitions, development, construction, leasing, asset management and financing of its projects. Wildflower enjoys long-standing relationships with top-tier lending institutions, capital partners and tenants, and is committed to improving the built environment and communities in which it develops.

Wildflower and its related entities purchased the Property in December 2021, and intends to develop same into a three (3) building warehouse campus consisting of approximately 549,942 total square feet of buildings with truck docks, vehicle parking, landscaping, pavement, storm drainage, utilities, and other site improvements. The Property directly fronts the Long Island Expressway North Service Road and is currently underutilized as a vacant, undeveloped parcel of land. The proposed use as a thoughtfully designed warehouse campus meets the critical needs of the community, as warehouse space in Suffolk County is over 96% occupied and the average industrial inventory does not meet modern users' specifications. Wildflower is confident that the intended use of the Property will create jobs for the local community and improve the local tax base.

As you already know, construction materials and labor costs, as well as the cost for undeveloped land in Long Island, have increased dramatically over the past two years due to the COVID-19 pandemic. These costs, coupled with Suffolk County's burdensome real estate taxes, require Wildflower to market the project at lease rates that are significantly higher than the current market rates. To remain competitive with existing industrial buildings in the market and to ensure the project is financially viable, we respectfully request the IDA's assistance with benefits relating to real estate taxes, mortgage recording taxes, and sales & use taxes for the Property.

We look forward to visiting with the IDA Board of Directors to review the project together and answer any questions you may have. Thank you in advance for your time and consideration.

Respectfully,


Adam J. Gordon, Managing Partner

Cc: Daniel J. Baker, Esq. (*via email*)
George W. Peters, Esq. (*via email*)

FORM APPLICATION FOR FINANCIAL ASSISTANCE
TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY
1 Independence Hill, 2nd Floor, Farmingville, New York 11738

DATE: 5/24/2022

APPLICATION OF: WF Industrial XII LLC
Name of Owner and/or User of Proposed Project

ADDRESS: 80 8th Avenue, Suite 1602
New York, NY 10011

Type of Application: Tax-Exempt Bond Taxable Bond
 Straight Lease Refunding Bond

Please respond to all items either by filling in blanks, by attachment (by marking space "see attachment number 1", etc.) or by N.A., where not applicable. Application must be filed in two copies. A non-refundable application fee is required at the time of submission of this application to the Agency. The non-refundable application fee is \$3,000 for applications under \$5 million and \$4,000 for applications of \$5 million or more.

Transaction Counsel to the Agency may require a retainer which will be applied to fees incurred and actual out-of-pocket disbursements made during the inducement and negotiation processes and will be reflected on their final statement at closing.

Information provided herein will not be made public by the Agency prior to the passage of an official Inducement Resolution, but may be subject to disclosure under the New York State Freedom of Information Law.

Prior to submitting a completed final application, please arrange to meet with the Agency's staff to review your draft application. Incomplete applications will not be considered. The Board reserves the right to require that the applicant pay for the preparation of a Cost Benefit Analysis, and the right to approve the company completing the analysis.

PLEASE NOTE: It is the policy of the Brookhaven IDA to encourage the use of local labor and the payment of the area standard wage during construction on the project.

INDEX

PART I OWNER AND USER DATA

PART II OPERATION AT CURRENT LOCATION

PART III PROJECT DATA

PART IV PROJECT COSTS AND FINANCING

PART V PROJECT BENEFITS

PART VI EMPLOYMENT DATA

PART VII REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

PART VIII SUBMISSION OF MATERIALS

EXHIBIT A	Proposed PILOT Schedule
SCHEDULE A	Agency's Fee Schedule
SCHEDULE B	Construction Wage Policy
SCHEDULE C	Recapture and Termination Policy

Part I: Owner & User Data

1. Owner Data:

A. Owner (Applicant for assistance): **WF Industrial XII LLC**
Address: **80 8th Avenue, Suite 1602**
New York, NY 10011
Federal Employer ID #: **85-4251893** Website: _____
NAICS Code: **531120**
Owner Officer Certifying Application: **Matthew Dicker**
Title of Officer: **Authorized Signatory**
Phone Number: **310-490-0526** E-mail: **matt@wildflowerltd.com**

B. Business Type:

Sole Proprietorship Partnership Limited Liability Company

Privately Held Public Corporation Listed on _____

State of Incorporation/Formations: **New York**

C. Nature of Business:

(e.g., "manufacturer of _____ for _____ industry"; "distributor of _____"; or "real estate holding company")

Commercial Real Estate Owner & Lessors

D. Owner Counsel:

Firm Name: **Certilman Balin Adler & Hyman, LLP**

Address: **90 Merrick Avenue, 9th Floor**

East Meadow, NY 11554

Individual Attorney: **Daniel J. Baker**

Phone Number: **516-296-7158** E-mail: **dbaker@certilmanbalin.com**

E. Principal Stockholders, Members or Partners, if any, of the Owner:

Name	Percent Owned
B-W Brookhaven Holdings LLC	100%

F. Has the Owner, or any subsidiary or affiliate of the Owner, or any stockholder, partner, member, officer, director or other entity with which any of these individuals is or has been associated with:

- i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

No

- ii. been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

No

G. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the Owner, list all other organizations which are related to the Owner by virtue of such persons having more than a 50% interest in such organizations.

N/A

H. Is the Owner related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

No

I. List parent corporation, sister corporations and subsidiaries:

WF Industrial Holdings XII LLC and MM Brookhaven Member LLC

have respective 5% and 95% interest in the Principal Member of Owner

J. Has the Owner (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

No

K. List major bank references of the Owner:

Santander Bank, John Gunther-Mohr, jgunther@santander.us

CIT, Garrett Thelander, garrett.thelander@cit.com

First Republic Bank, Martin Gibson, mgibson@firstrepublic.com

2. User Data

(for co-applicants for assistance or where a landlord/tenant relationship will exist between the owner and the user)

A. User (together with the Owner, the “Applicant”): _____

Address: _____

Federal Employer ID #: _____ Website: _____

NAICS Code: _____

User Officer Certifying Application: _____

Title of Officer: _____

Phone Number: _____ E-mail: _____

B. Business Type:

Sole Proprietorship Partnership Privately Held

Public Corporation Listed on _____

State of Incorporation/Formations: _____

C. Nature of Business:

(e.g., “manufacturer of _____ for _____ industry”; “distributor of _____”; or “real estate holding company”)

D. Are the User and the Owner Related Entities? Yes No

i. If yes, the remainder of the questions in this Part I, Section 2 (with the exception of "F" below) need not be answered if answered for the Owner.

ii. If no, please complete all questions below.

E. User's Counsel:

Firm Name: _____

Address: _____

Individual Attorney: _____

Phone Number: _____ E-mail: _____

F. Principal Stockholders or Partners, if any:

Name	Percent Owned
_____	_____
_____	_____
_____	_____

G. Has the User, or any subsidiary or affiliate of the User, or any stockholder, partner, officer, director or other entity with which any of these individuals is or has been associated with:

i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

ii. been convicted of a felony or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

H. If any of the above persons (see "F", above) or a group of them, owns more than 50% interest in the User, list all other organizations which are related to the User by virtue of such persons having more than a 50% interest in such organizations.

I. Is the User related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

J. List parent corporation, sister corporations and subsidiaries:

K. Has the User (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

L. List major bank references of the User:

Part II – Operation at Current Location **N/A**

(if the Owner and the User are unrelated entities, answer separately for each)

1. Current Location Address: _____
2. Owned or Leased: _____
3. Describe your present location (acreage, square footage, number buildings, number of floors, etc.):

4. Type of operation (manufacturing, wholesale, distribution, retail, etc.) and products and/or services:

5. Are other facilities or related companies of the Applicant located within the State?

Yes No

A. If yes, list the Address: _____

6. Will the completion of the project result in the removal of any facility or facilities of the Applicant from one area of the state to another OR in the abandonment of any facility or facilities of the Applicant located within the State? Yes No

A. If no, explain how current facilities will be utilized: _____

B. If yes, please indicate whether the project is reasonably necessary for the Applicant to maintain its competitive position in its industry or remain in the State and explain in full:

7. Has the Applicant actively considered sites in another state? Yes No

A. If yes, please list states considered and explain: _____

8. Is the requested financial assistance reasonably necessary to prevent the Applicant from moving out of New York State? Yes No

A. Please explain: _____

9. Number of full-time employees at current location and average salary (indicate hourly or yearly salary):

Part III – Project Data

1. Project Type:

A. What type of transaction are you seeking? (Check one)

Straight Lease Taxable Bonds Tax-Exempt Bonds
Equipment Lease Only

B. Type of benefit(s) the Applicant is seeking: (Check all that apply)

Sales Tax Exemption Mortgage Recording Tax Exemption
PILOT Agreement:

2. Location of project:

A. Street Address: North side of LIE (SR495), North Service Road, Yaphank, New York

B. Tax Map: District 0200 Section 662 Block 02 Lot(s) 5.16

C. Municipal Jurisdiction:

- i. Town: Brookhaven
- ii. Village: N/A
- iii. School District: Longwood

D. Acreage: 71.45

3. Project Components (check all appropriate categories):

A. Construction of a new building Yes No
i. Square footage: 549,942

B. Renovations of an existing building Yes No
i. Square footage: _____

C. Demolition of an existing building Yes No
i. Square footage: _____

D. Land to be cleared or disturbed Yes No
i. Square footage/acreage: 42.11

E. Construction of addition to an existing building Yes No
i. Square footage of addition: _____
ii. Total square footage upon completion: _____

F. Acquisition of an existing building Yes No
i. Square footage of existing building: _____

G. Installation of machinery and/or equipment Yes No
i. List principal items or categories of equipment to be acquired: _____

HVAC, Dock Door Equipment

4. Current Use at Proposed Location:

A. Does the Applicant currently hold fee title to the proposed location? Yes.

i. If no, please list the present owner of the site: _____

B. Present use of the proposed location: **Vacant land**

C. Is the proposed location currently subject to an IDA transaction (whether through this Agency or another?) Yes No

i. If yes, explain: _____

D. Is there a purchase contract for the site? (if yes, explain): Yes No

E. Is there an existing or proposed lease for the site? (if yes, explain): Yes No

5. Proposed Use:

A. Describe the specific operations of the Applicant or other users to be conducted at the project site: Applicant intends to construct three (3) one (1) story warehouses totaling 549,924 square feet for use as warehouses/distribution facilities.

B. Proposed product lines and market demands: Applicant intends to meet the market demands for industrial and warehouse users.

C. If any space is to be leased to third parties, indicate the tenant(s), total square footage of the project to be leased to each tenant, and the proposed use by each tenant:

TBD - Applicant does not have proposed end users for its contemplated facilities as of even date.

D. Need/purpose for project (e.g., why is it necessary, effect on Applicant's business):

Applicant is pursuing this project to meet the growing demand across Long Island for warehouse/distribution facilities.

E. Will any portion of the project be used for the making of retail sales to customers who personally visit the project location? Yes No

i. If yes, what percentage of the project location will be utilized in connection with the sale of retail goods and/or services to customers who personally visit the project location? _____

F. To what extent will the project utilize resource conservation, energy efficiency, green technologies and alternative / renewable energy measures?

Applicant will utilize environmentally friendly technologies to the extent that same are available and/or commercially reasonable.

6. Project Work:

A. Has construction work on this project begun? If yes, complete the following:

i. Site Clearance:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
ii. Foundation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
iii. Footings:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
iv. Steel:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
v. Masonry:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	_____
vi. Other:	<u>None</u>			

B. What is the current zoning? Light Industrial

C. Will the project meet zoning requirements at the proposed location?

Yes No

D. If a change of zoning is required, please provide the details/status of the change of zone request: N/A

E. Have site plans been submitted to the appropriate planning department? Yes No

7. Project Completion Schedule:

A. What is the proposed commencement date for the acquisition and the construction/renovation/equipping of the project?

i. Acquisition: Closed on December 15, 2021

ii. Construction/Renovation/Equipping: Upon issuance of building permits.

B. Provide an accurate estimate of the time schedule to complete the project and when the first use of the project is expected to occur: 24 months to complete construction phase; occupancy of

first building within 16 months of commencement of construction

Part IV – Project Costs and Financing

1. Project Costs:

A. Give an accurate estimate of cost necessary for the acquisition, construction, renovation, improvement and/or equipping of the project location:

<u>Description</u>	<u>Amount</u>
Land and/or building acquisition	\$ 44,000,000
Building(s) demolition/construction	\$ 54,040,000
Building renovation	\$ 0
Site Work	\$ 10,000,000
Machinery and Equipment	\$ 1,960,000
Legal Fees	\$ 992,540
Architectural/Engineering Fees	\$ 2,910,700
Financial Charges	\$ 7,925,201
Other (Specify)	\$ Other Hard and Soft Costs \$34,183,470 (See attached schedule)
Total	\$ 156,011,911

Please note, IDA fees are based on the total project costs listed above. At the completion of your project, you are required to provide both a certificate of completion along with a cost affidavit certifying the final project costs. The IDA fees may be adjusted as a result of the certified cost affidavit. Money will not be refunded if the final project cost is less than the amount listed above.

2. Method of Financing:

	<u>Amount</u>	<u>Term</u>
A. Tax-exempt bond financing:	\$ 0	years
B. Taxable bond financing:	\$ 0	years
C. Conventional Mortgage:	\$ 95,604,099	years
D. SBA (504) or other governmental financing:	\$ 0	years
E. Public Sources (include sum of all State and federal grants and tax credits):	\$ 0	
F. Other loans:	\$ 0	years
G. Owner/User equity contribution:	\$ 60,407,812	years
Total Project Costs	\$ 156,011,911	

i. What percentage of the project costs will be financed from public sector sources?

0%

3. Project Financing:

A. Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? Yes No

i. If yes, provide detail on a separate sheet. Please see Schedule of Costs Incurred annexed hereto.

B. Are costs of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of bond proceeds? Give details:

N/A

C. Will any of the funds borrowed through the Agency be used to repay or refinance an existing mortgage or outstanding loan? Give details:

No

D. Has the Applicant made any arrangements for the marketing or the purchase of the bond or bonds? If so, indicate with whom:

No

Part V – Project Benefits

1. Mortgage Recording Tax Benefit:

A. Mortgage Amount for exemption (include sum total of construction/permanent/bridge financing):

\$ 95,604,099.00

B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount and .75%):

\$ 717,030.74

2. Sales and Use Tax Benefit:

A. Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax (such amount to benefit from the Agency's exemption):

\$ 40,384,000.00

B. Estimated State and local Sales and Use Tax exemption (product of 8.625% and figure above):

\$ 3,483,120.00

C. If your project has a landlord/tenant (owner/user) arrangement, please provide a breakdown of the number in "B" above:

i. Owner: \$ _____

ii. User: \$ _____

3. Real Property Tax Benefit:

A. Identify and describe if the project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit: N/A

B. Agency PILOT Benefit:

i. Term of PILOT requested: 15 Years (5 year freeze at land only value plus 2% increases and 10 years at double 485-B.)

ii. Upon acceptance of this application, the Agency staff will create a PILOT schedule and attach such information to Exhibit A hereto. Applicant hereby requests such PILOT benefit as described on Exhibit A.

***** This application will not be deemed complete and final until Exhibit A hereto has been completed. *****

Part VI – Employment Data

1. List the Applicant's and each users present employment, and estimates of (i) employment at the proposed project location at the end of year one and year two following project completion and (ii) the number of residents of the Labor Market Area* ("LMA") that would fill the full-time and part-time jobs at the end of year second year following completion:

Present number of employees: 0 5/24/22 N/A
 Date Average Annual Salary of Jobs to be Retained
 First Year: 2024 (fill in year)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Full-time													170*
Part-time													21*

*estimates at this time

Second Year: 2025 (fill in year)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Full-time													170*
Part-time													21*

*estimates at this time

Number of Residents of LMA:

Full-Time: 170

Part-Time: 21

Cumulative Total Employees After Year 2 191

* The Labor Market Area includes the County/City/Town/Village in which the project is located as well as Nassau and Suffolk Counties.

** Agency staff converts Part-Time jobs into FTEs for state reporting purposes by dividing the number of Part-Time jobs by two (2).

2. Salary and Fringe Benefits:

Category of Jobs to be Created	Average Salary	Average Fringe Benefits
Salary Wage Earners	\$55,000-\$75,000*	Health & Pension/401k (30% of base salary)
Commission Wage Earners		
Hourly Wage Earners	\$25 per hour*	Health (30% of base salary)
1099 and Contract Workers		

*estimates at this time

What is the annualized salary range of jobs to created? _____ to _____

Note: The Agency reserves the right to visit the facility to confirm that job creation numbers are being met.

Part VII – Representations, Certifications and Indemnification

1. Is the Applicant in any litigation which would have a material adverse effect on the Applicant's financial condition? (if yes, furnish details on a separate sheet)

Yes No

2. Has the Applicant or any of the management of the Applicant, the anticipated users or any of their affiliates, or any other concern with which such management has been connected, been cited for a violation of federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices? (If yes, furnish details on a separate sheet)

Yes No

3. Is there a likelihood that the Applicant would proceed with this project without the Agency's assistance? (If no, please explain why; if yes, please explain why the Agency should grant the benefits requested)

Yes No

Due to rising construction materials and labor costs, increased real estate taxes, and uncertainty of taxes required by lenders,

Applicant would not be able to proceed with the proposed project without the Agency's financial assistance.

4. If the Applicant is unable to obtain financial assistance from the Agency for the project, what would be the impact on the Applicant and on the municipality?

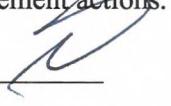
If Applicant is unable to obtain financial assistance from the Agency, Applicant would have to identify other areas for investment with lower taxes,

and the Town would lose the benefit of new industrial real estate stock within its borders.

5. The Applicant understands and agrees that in accordance with Section 858-b(2) of the General Municipal Law, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the project will be listed with the New York State Department of Labor, Community Services Division and with the administrative entity of the service delivery area created pursuant to the Job Training Partnership Act (PL 97-300) in which the project is located (collectively, the "Referral Agencies"). The Applicant also agrees, that it will, except as otherwise provided by collective bargaining contracts or agreements to which they are parties, where practicable, first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the Referral Agencies.

Initial 

6. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project as well as may lead to other possible enforcement actions.

Initial 

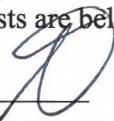
7. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

Initial 

8. The Applicant represents and warrants that to the Applicant's knowledge neither it nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representatives or agents is, nor will they become a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List or under any statute, executive order including the September 24, 2001, Executive Order Block Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism, or other governmental action and is not and will not assign or otherwise transfer this Agreement to, contract with or otherwise engage in any dealings or transactions or be otherwise associated with such persons or entities.

Initial 

9. The Applicant confirms and hereby acknowledges it has received the Agency's fee schedule attached hereto as Schedule A and agrees to pay such fees, together with any expenses incurred by the Agency, including those of Transaction Counsel, with respect to the Facility. The Applicant agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the project. The IDA fees are based on the total project costs listed in this application. At the completion of the project, you are required to provide both a certificate of completion along with a cost affidavit certifying the final project costs. The IDA fees may be increased as a result of the certified cost affidavit. Monies will not be refunded if the final costs are below the amount listed in the application.

Initial 

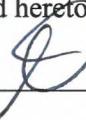
10. The Applicant confirms and hereby acknowledges it has received the Agency's Construction Wage Policy attached hereto as Schedule B and agrees to comply with the same.

Initial 

11. The Applicant hereby agrees to comply with Section 875 of the General Municipal Law. The Company further agrees that the financial assistance granted to the project by the Agency is subject to recapture pursuant to Section 875 of the Act and the Agency's Recapture and Termination Policy, attached hereto as Schedule C.

Initial 

12. The Applicant confirms and hereby acknowledges it has received the Agency's PILOT Policy attached hereto as Schedule D and agrees to comply with the same.

Initial 

13. The Company hereby authorizes the Agency, without further notice or consent, to use the Company's name, logo and photographs related to the Facility in its advertising, marketing and communications materials. Such materials may include web pages, print ads, direct mail and various types of brochures or marketing sheets, and various media formats other than those listed (including without limitation video or audio presentations through any media form). In these materials, the Agency also has the right to publicize its involvement in the Project.

Initial 

Part VIII – Submission of Materials

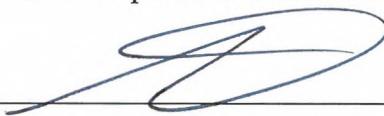
1. Financial statements for the last two fiscal years (unless included in the Applicant's annual report).
2. Applicant's annual reports (or 10-K's if publicly held) for the two most recent fiscal years.
3. Quarterly reports (form 10-Q's) and current reports (form 8-K's) since the most recent annual report, if any.
4. In addition, please attach the financial information described in items A, B, and C of any expected guarantor of the proposed bond issue.
5. Completed Environmental Assessment Form.
6. Most recent quarterly filing of NYS Department of Labor Form 45, as well as the most recent fourth quarter filing. Please remove the employee Social Security numbers and note the full-time equivalency for part-time employees.

(Remainder of Page Intentionally Left Blank)

Part IX – Special Representations

1. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed project. The Applicant hereby indicates its compliance with Section 862(1) by signing the applicable statement below. **(Please sign only one of the following statements a. or b. below).**

- a. The completion of the entire project will not result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state.

Representative of the Applicant: 

- b. The completion of this entire project will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state because the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

Representative of the Applicant: 

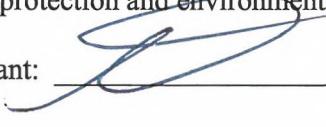
2. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

Representative of the Applicant: 

3. In accordance with Section 862(1) of the New York General Municipal Law the Applicant understands and agrees that projects which result in the removal of an industrial or manufacturing plant of the project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the project occupant within the State is ineligible for financial assistance from the Agency, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or to discourage the project occupant from removing such other plant or facility to a location outside the State.

Representative of the Applicant: 

4. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving financial assistance for the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

Representative of the Applicant: 

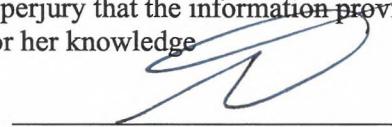
Part X – Certification

MATTHEW DICKER _____ (name of representative of entities submitting application) deposes and says that he or she is the Authorized Signatory _____ (title) of WF Industrial XII LLC _____, the entities named in the attached application; that he or she has read the foregoing application and knows the contents thereof; and that the same is true to his or her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of the entities named in the attached Application (the "Applicant") and to bind the Applicant. The grounds of deponent's belief relative to all matters in said Application which are not stated upon his/her personal knowledge are investigations which deponent has caused to be made concerning the subject matter this Application, as well as information acquired by deponent in the course of his/her duties in connection with said Applicant and from the books and papers of the Applicant.

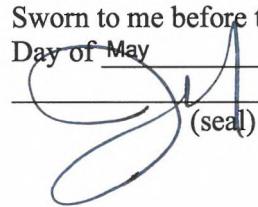
As representative of the Applicant, deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the Town of Brookhaven Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this Application, the attendant negotiations and all matters relating to the provision of financial assistance to which this Application relates, whether or not ever carried to successful conclusion. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels or neglects the application or if the Applicant is unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, and all other appropriate fees, which amounts are payable at closing.

The Applicant hereby subscribes and affirms under the penalties of perjury that the information provided in this Application is true, accurate and complete to the best of his or her knowledge



Representative of Applicant

Sworn to me before this 23
Day of May, 20 22



(seal)

JACQUELYN SEGAL
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SE6190719
Qualified in New York County
My Commission Expires 09-02-2024

**** Note: If the entities named in this Application are unrelated and one individual cannot bind both entities, Parts VII, IX and X of this Application must be completed by an individual representative for each entity ****

EXHIBIT A

Proposed PILOT Schedule

Upon acceptance of the Application and completion of the Cost Benefit Analysis, the Agency will attach the proposed PILOT Schedule to this Exhibit.

Town of Brookhaven Industrial Development
Schedule of Fees

Application -	\$3,000 for projects with total costs under \$5 million \$4,000 for projects with total costs \$5 million and over (non-refundable)
Closing/Expansion Sale/Transfer/Increase of Mortgage Amount/ Issuance of Refunding Bonds -	$\frac{3}{4}$ of one percent up to \$25 million total project cost and an additional 1/4 of one percent on any project costs in excess of \$25 million. Projects will incur a minimum charge of \$10,000 plus all fees incurred by the Agency including, but not limited to publication, legal, and risk monitoring.
Annual Administrative -	\$2,000 administrative fee plus \$500 per unrelated subtenant located in the project facility. This fee is due annually.
Termination -	Between \$1,000 and \$2,500
Refinance (excluding refunding bonds) -	1/4 of one percent of mortgage amount or \$5,000, whichever is greater.
Late PILOT Payment -	5% penalty, 1% interest compounded monthly, plus \$1,000 administrative fee.
PILOT extension -	a minimum of \$15,000
Processing Fee -	\$275 per hour with a minimum fee of \$275
Lease of Existing Buildings (partial or complete) -	Fee is based on contractual lease amount.

The Agency reserves the right to adjust these fees.

Updated: November 17, 2020

SCHEDULE B

CONSTRUCTION WAGE POLICY

EFFECTIVE January 1, 2005

The purpose of the Brookhaven IDA is to provide benefits that reduce costs and financial barriers to the creation and to the expansion of business and enhance the number of jobs in the Town.

The Agency has consistently sought to ensure that skilled and fair paying construction jobs be encouraged in projects funded by the issuance of IDA tax exempt bonds in large projects.

The following shall be the policy of the Town of Brookhaven IDA for application for financial assistance in the form of tax-exempt financing for projects with anticipated construction costs in excess of \$5,000,000.00 per site received after January 1, 2005. Non-profit corporations and affordable housing projects are exempt from the construction wage policy.

Any applicant required to adhere to this policy shall agree to:

- (1) Employ 90% of the workers for the project from within Nassau or Suffolk Counties. In the event that this condition cannot be met, the applicant shall submit to the Agency an explanation as to the reasons for its failure to comply and;
- (2) Be governed by the requirements of Section 220d of Article 8 of the Labor Law of the State of New York; and when requested by the Agency, provide to the Agency a plan for an apprenticeship program;

OR

- (3) Provide to the Agency a project labor agreement or alternative proposal to pay fair wages to workers at the construction site.

Furthermore, this policy may be waived, in the sole and final discretion of the Agency, in the event that the applicant demonstrates to the Agency special circumstances or economic hardship to justify a waiver to be in the best interests of the Town of Brookhaven.

Adopted: May 23, 2005

SCHEDULE C

RECAPTURE AND TERMINATION POLICY

EFFECTIVE JUNE 8, 2016

Pursuant to Sections 874(10) and (11) of Title 1 of Article 18-A of the New York State General Municipal Law (the “**Act**”), the Town of Brookhaven Industrial Development Agency (the “**Agency**”) is required to adopt policies (i) for the discontinuance or suspension of any financial assistance provided by the Agency to a project or the modification of any payment in lieu of tax agreement and (ii) for the return of all or part of the financial assistance provided by the Agency to a project. This Recapture and Termination Policy was adopted pursuant to a resolution enacted by the members of the Agency on June 8, 2016.

I. Termination or Suspension of Financial Assistance

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so) to terminate or suspend the Financial Assistance (defined below) provided to a project upon the occurrence of an Event of Default, as such term is defined and described in the Lease Agreement entered into by the Agency and a project applicant (the “**Applicant**”) or any other document entered into by such parties in connection with a project (the “**Project Documents**”). Such Events of Default may include, but shall not be limited to, the following:

- 1) Sale or closure of the Facility (as such term is defined in the Project Documents);
- 2) Failure by the Applicant to pay or cause to be paid amounts specified to be paid pursuant to the Project Documents on the dates specified therein;
- 3) Failure by the Applicant to create and/or maintain the FTEs as provided in the Project Documents;
- 4) A material violation of the terms and conditions of the Project Agreements; and
- 5) A material misrepresentation contained in the application for Financial Assistance, any Project Agreements or any other materials delivered pursuant to the Project Agreements.

The decision of whether to terminate or suspend Financial Assistance and the timing of such termination or suspension of Financial Assistance shall be determined by the Agency, in its sole discretion, on a case-by-case basis, and shall be subject to the notice and cure periods provided for in the Project Documents.

For the purposes of this policy, the term “**Financial Assistance**” shall mean all direct monetary benefits, tax exemptions and abatements and other financial assistance, if any, derived solely from the Agency’s participation in the transaction contemplated by the Project Agreements including, but not limited to:

- (i) any exemption from any applicable mortgage recording tax with respect to the Facility on mortgages granted by the Agency on the Facility at the request of the Applicant;

- (ii) sales tax exemption savings realized by or for the benefit of the Applicant, including and savings realized by any agent of the Applicant pursuant to the Project Agreements in connection with the Facility; and
- (iii) real property tax abatements granted under the Project Agreements.

II. Recapture of Financial Assistance

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so) to recapture all or part of the Financial Assistance provided to a project upon the occurrence of a Recapture Event, as such term is defined and described in the Project Documents. Such Recapture Events may include, but shall not be limited to the following:

- 1) Sale or closure of the Facility (as such term is defined in the Project Documents);
- 2) Failure by the Applicant to pay or cause to be paid amounts specified to be paid pursuant to the Project Documents on the dates specified therein;
- 3) Failure by the Applicant to create and/or maintain the FTEs as provided in the Project Documents;
- 4) A material violation of the terms and conditions of the Project Agreements; and
- 5) A material misrepresentation contained in the application for Financial Assistance, any Project Agreements or any other materials delivered pursuant to the Project Agreements.

The timing of the recapture of the Financial Assistance shall be determined by the Agency, in its sole discretion, on a case-by-case basis, and is subject to the notice and cure periods provided for in the Project Documents. The percentage of such Financial Assistance to be recaptured shall be determined by the provisions of the Project Documents.

All recaptured amounts of Financial Assistance shall be redistributed to the appropriate affected taxing jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

For the avoidance of doubt, the Agency may determine to terminate, suspend and/or recapture Financial Assistance in its sole discretion. Such actions may be exercised simultaneously or separately and are not mutually exclusive of one another.

III. Modification of Payment In Lieu of Tax Agreement

In the case of any Event of Default or Recapture Event, in lieu of terminating, suspending or recapturing the Financial Assistance, the Agency may, in its sole discretion, adjust the payments in lieu of taxes due under the Project Agreements, so that the payments in lieu of taxes payable under the Project Agreements are adjusted upward retroactively and/or prospectively for each tax year until such time as the Applicant has complied with the provisions of the Project Agreements. The amount of such adjustments shall be determined by the provisions of the Project Documents.

SCHEDULE D

Agency Payment in Lieu of Taxes (PILOT) Policy

An annual fee of \$1,000 will be due to the Agency in addition to the PILOT payment to cover ongoing costs incurred by the Agency on behalf of the project.

1. The Town of Brookhaven Industrial Development Agency (IDA) may grant or be utilized to obtain a partial or full real property tax abatement for a determined period. To be eligible for this abatement there would be a requirement of new construction, or renovation, and a transfer of title of the real property to the Town of Brookhaven IDA.
2. The Chief Executive Officer (CEO) or their designee shall consult with the Town Assessor to ascertain the amounts due pursuant to each PILOT Agreement. Thereafter, the PILOT payment for each project shall be billed to the current lessees. The lessees can pay the PILOT payment in full by January 31st of each year, or in two equal payments due January 31st and May 31st of each year of the PILOT Agreement. The CEO or their designee shall send all PILOT invoices to the lessees on a timely basis.
3. The Town of Brookhaven IDA shall establish a separate, interest bearing bank account for receipt and deposit of all PILOT payments. The CEO or their designee shall be responsible for depositing and maintaining said funds with input from the Chief Financial Officer (CFO).
4. The CEO or their designee shall remit PILOT payments and penalties if any, to the respective taxing authorities in the proportionate amounts due to said authorities. These remittances shall be made within thirty (30) days of receipt of the payments to the Agency.
5. Payments in lieu of taxes which are delinquent under the agreement shall be subject to a late payment penalty of five percent (5%) of the amount due. For each month, or part thereof, that the payment in lieu of taxes is delinquent beyond the first month, interest shall on the total amount due plus a late payment penalty in the amount of one percent (1%) per month until the payment is made.
6. If a PILOT payment is not received by **January 31st** of any year or **May 31st** of the second half of the year the lessee shall be in default pursuant to the PILOT Agreement. The Agency may give the lessee notice of said default. If the payment is not received within thirty (30) days of when due, the CEO shall notify the Board, and thereafter take action as directed by the Board.
7. The CEO shall maintain records of the PILOT accounts at the Agency office.
8. Nothing herein shall be interpreted to require the Agency to collect or disburse PILOT payments for any projects which are not Agency projects.

9. Should the Applicant fail to reach employment levels as outlined in their application to the Agency, the Board reserves the right to reduce or suspend the PILOT Agreement, declare a default under the Lease or the Installment Sale Agreement, and/or convey the title back to the Applicant.
10. This policy has been adopted by the IDA Board upon recommendation of the Governance Committee and may only be amended in the same manner.

WF Industrial XII LLC - Costs Spent to Date

Section 3. Project Financing (B)

Property	\$44,000,000
Fees	\$437,826
Legal Acquisition	\$36,777
Due Diligence	\$60,851
Pre-Construction Consulting	\$35,000
Electrical Service Extension	\$174,791
Surveys	\$11,950
Geotechnical	\$115,000
Environmental	\$13,794
Architect	\$530,301
M/E/P Engineer	\$355,645
Structural Engineer	\$265,075
Traffic Engineer	\$51,917
Civil Engineer	\$111,369
Peer Review	\$8,700
Legal (JV)	\$255,762
Title Insurance	\$129,194
Broker	\$837,388
Legal	\$22,420
Land Use Legal	\$77,885
TDR Allowance	\$3,775
PM Fees	\$99,000
Permits	\$200,251
SEQRA	\$16,536
Expediter	\$3,698
Marketing	\$38,419
Renderings	\$9,000
Lobbyist	\$52,500
Annual Filing Fees	\$3,250
Partner Costs	\$5,475
Accounting	\$1,286
Consultant Reimbursables	\$1,465
Professional Photos	\$250
Real Estate Taxes	\$19,793
Insurance	\$18,641
Developer Fee	\$353,679
Total	\$48,358,661

WF Industrial XII LLC BUDGET	Total
OTHER HARD COSTS	
Pre Con	\$55,000
DOT Bond	\$50,000
DOT Work	\$1,000,000
Emergency Radio Coverage	\$280,000
Water Main	\$600,000
Electrical Service Extension	\$198,000
Gas Service Extension	\$202,000
Cameras	\$100,000
Tenant Improvement Cost	\$2,200,000
Surveys	\$165,000
Geotechnical	\$180,000
Environmental	\$50,000
SWPPP Inspections	\$55,440
Commissioning	\$240,000
Miscellaneous	\$65,000
Contingency	\$7,435,114
OTHER SOFT COSTS	
Acquisition Fee	\$440,000
Pro-Rations	(\$1,523)
Deposit Interest	(\$651)
Environmental Phase I	\$2,800
Survey	\$29,375
Geotech	\$15,250
Entity Formation, Notice of Publication	\$2,775
Civil Due Diligence	\$9,500
Site Plan Review (PZR)	\$1,150
IDA Application Fee	\$564,030
Pine Barrens TDR Allowance	\$175,000
Project Manager	\$405,000
Permits	\$1,815,000
Environmental Allowance	\$45,000
Environmental - SEQRA	\$75,000
Expediter	\$130,000
Marketing	\$150,000
Renderings	\$40,000
Violations Allowance	\$25,000
Lobbyist Allowance	\$90,000
Annual Filing fees	\$7,500
Working Capital	\$75,000
Barings Development Oversight	\$160,000
CBRE Consultant Costs	\$85,900
CBRE Consultant Close Out Costs	\$5,000
Building Enclosure PreCon - MA Caputo	\$6,000
Building Enclosure Con - MA Caputo	\$9,600
Lender Construction Consultant Inspections	\$72,900
Accounting/Tax Prep/Cost Segregation	\$30,000
Consultant Reimbursables, DOB Violations	\$40,000
Drone Professional Photos	\$10,000
Tax Attorney	\$15,000
Utilities Deposits: Water/Sewer, Electricity, Gas, Security	\$175,000
Real Estate Taxes	\$418,263
Leasing Commissions - Outside Broker	\$4,760,045
Leasing Commissions - Wildflower	\$2,380,022
CM & OPPI Insurance	\$355,000
Environmental Insurance and CPL	\$500,000
Insurance - Builder's Risk and GL	\$1,670,145
Insurance - First Year of Operations	\$300,000
Developer Fee	\$3,872,798
Contingency	\$2,347,036
Total Other Hard & Soft Costs	\$34,183,470

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Expressway Drive North Warehouse Buildings		
Project Location (describe, and attach a general location map): N/s Long Island Expressway (SR 495) North Service Road, approx. 99.58 feet W/o Sills Road, Yaphank		
Brief Description of Proposed Action (include purpose or need): Proposed construction of three (3) one story warehouse buildings totaling approximately 549,942 sf with associated truck docks, vehicle parking, landscaping, pavement, storm drainage, utilities, and other associated site improvements.		
Name of Applicant/Sponsor: WF Industrial XII LLC c/o Matthew Dicker		Telephone: 310-490-0526 E-Mail: matt@wildflowerltd.com
Address: 80 8th Avenue, Suite 1602		
City/PO: New York		State: NY Zip Code: 10011
Project Contact (if not same as sponsor; give name and title/role): Key Civil Engineering c/o Dan Peveraro		Telephone: (631) 961-0506 E-Mail: DP@KeyCivilEngineering.com
Address: 664 Blue Point Road, Unit B		
City/PO: Holtsville		State: NY Zip Code: 11742
Property Owner (if not same as sponsor): Same as Sponsor		Telephone: (516) 681-0562 E-Mail: mth@dascontracting.com
Address:		
City/PO:		State: Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Brookhaven Planning Board (Site Plan)	TBD
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Suffolk County Water Authority (backflow prevention)	TBD
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Suffolk County Department of Health Services	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC (SWPPP), NYSDOT	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iii. Is the project site within a Coastal Erosion Hazard Area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the Yes No only approval(s) which must be granted to enable the proposed action to proceed?

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

NYS Heritage Areas: LI North Shore Heritage Area

Town of Brookhaven Hydrogeologic Sensitive Zone

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, Yes No or an adopted municipal farmland protection plan?

If Yes, identify the plan(s):

Central Pine Barrens Comprehensive Land Use Plan

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
L-1 (Light Industry) within the Hydrogeologic Sensitive Zone	
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. What is the proposed new zoning for the site?	
C.4. Existing community services.	
a. In what school district is the project site located?	Longwood Central School District
b. What police or other public protection forces serve the project site?	Suffolk County Police Department, Sixth Precinct (Sector 619)
c. Which fire protection and emergency medical services serve the project site?	Ridge Fire District
d. What parks serve the project site?	None

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial	
b. a. Total acreage of the site of the proposed action?	71.45 acres
b. Total acreage to be physically disturbed?	42.11 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	71.45 acres
c. Is the proposed action an expansion of an existing project or use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____	Units: _____
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
ii. Is a cluster/conservation layout proposed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Number of lots proposed?	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If No, anticipated period of construction:	24 months
ii. If Yes:	
• Total number of phases anticipated	
• Anticipated commencement date of phase 1 (including demolition)	month year
• Anticipated completion date of final phase	month year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:	

f. Does the project include new residential uses? If Yes, show numbers of units proposed.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____
g. Does the proposed action include new non-residential construction (including expansions)? If Yes,				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>i. Total number of structures <u>3</u></p> <p>ii. Dimensions (in feet) of largest proposed structure: <u><50' height; 302 width; and 674 length</u></p> <p>iii. Approximate extent of building space to be heated or cooled: <u>549,942 square feet</u></p>				
h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes,				
<p>i. Purpose of the impoundment: <u>Stormwater disposal areas (drainage reserve areas and drywells) and sanitary disposal septic tanks</u></p> <p>ii. If a water impoundment, the principal source of the water: <u>Ground water</u> <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater and sanitary wastewater</u></p> <p>iii. If other than water, identify the type of impounded/contained liquids and their source. <u>N/A</u></p>				
<p>iv. Approximate size of the proposed impoundment. Volume: <u>1 million gallons</u>; surface area: <u>1.8 acres</u></p> <p>v. Dimensions of the proposed dam or impounding structure: <u>N/A height; N/A length</u></p> <p>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>No impounding structure is proposed. Drainage Reserve Areas are to be constructed by creating by proposed grading to create a localized low point</u></p>				
D.2. Project Operations				
a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)				
If Yes:				
<p>i. What is the purpose of the excavation or dredging? _____</p> <p>ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?</p> <ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ <p>iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____</p>				
<p>iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____</p>				
<p>v. What is the total area to be dredged or excavated? _____ acres</p> <p>vi. What is the maximum area to be worked at any one time? _____ acres</p> <p>vii. What would be the maximum depth of excavation or dredging? _____ feet</p> <p>viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>				
<p>ix. Summarize site reclamation goals and plan: _____ _____</p>				
b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:				
<p>i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____</p>				

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

• acres of aquatic vegetation proposed to be removed: _____

• expected acreage of aquatic vegetation remaining after project completion: _____

• purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

• proposed method of plant removal: _____

• if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: 35,000 gallons/day

Yes No

ii. Will the proposed action obtain water from an existing public water supply?

If Yes:

• Name of district or service area: Suffolk County Water Authority (SCWA)

Yes No

• Does the existing public water supply have capacity to serve the proposal?

Yes No

• Is the project site in the existing district?

Yes No

• Is expansion of the district needed?

Yes No

• Do existing lines serve the project site?

Yes No

iii. Will line extension within an existing district be necessary to supply the project?

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: _____

A main extension of ±3,850 feet is required.

• Source(s) of supply for the district: SCWA - public main in Lincoln Road

Yes No

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

If Yes:

• Applicant/sponsor for new district: _____

• Date application submitted or anticipated: _____

• Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: 22,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Sanitary Wastewater to be disposed of via use of an on-site sanitary disposal system consisting of concrete septic tanks and leaching pools in accordance with SCDHS requirements.

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

• Name of wastewater treatment plant to be used: _____

• Name of district: _____

• Does the existing wastewater treatment plant have capacity to serve the project? Yes No

• Is the project site in the existing district? Yes No

• Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> Do existing sewer lines serve the project site? Will a line extension within an existing district be necessary to serve the project? 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<ul style="list-style-type: none"> Describe extensions or capacity expansions proposed to serve this project: _____ 	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
<ul style="list-style-type: none"> Applicant/sponsor for new district: _____ Date application submitted or anticipated: _____ What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): <u>Sanitary Wastewater to be disposed of via use of an on-site sanitary disposal system consisting of concrete septic tanks and leaching pools in accordance with SCDHS requirements.</u>	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: <u>No recycling or re-use of wastewater is proposed.</u>	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? <ul style="list-style-type: none"> Square feet or <u>34.8</u> acres (impervious surface) Square feet or <u>71.45</u> acres (parcel size) 	
ii. Describe types of new point sources. _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>100 year storm to be contained onsite and directed to groundwater utilizing drywells and drainage reserve areas.</u>	
<ul style="list-style-type: none"> If to surface waters, identify receiving water bodies or wetlands: _____ <u>N/A</u> Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify:	
<ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>Trucks utilizing the proposed truck docks and employee vehicles utilizing the proposed parking areas.</u> ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) 	
<ul style="list-style-type: none"> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) <u>Natural gas fired generators are proposed for backup power generation. Building heating is to use natural gas fired equipment.</u> 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
<ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> _____ Tons/year (short tons) of Carbon Dioxide (CO₂) _____ Tons/year (short tons) of Nitrous Oxide (N₂O) _____ Tons/year (short tons) of Perfluorocarbons (PFCs) _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs) _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Estimate methane generation in tons/year (metric): _____	
ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____	
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?	
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____	
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?	
If Yes:	
i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input checked="" type="checkbox"/> Evening <input type="checkbox"/> Weekend	
<input type="checkbox"/> Randomly between hours of _____ to _____.	
ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ 150, box trucks and tractor trailers	
iii. Parking spaces: Existing _____ 0 Proposed _____ 1,375 Net increase/decrease _____ +1,375	
iv. Does the proposed action include any shared use parking?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>1 right-in/right-out and 1 egress-only driveway along Service Road: Potential relocation of existing on-ramp from Service Road to LIE mainline.</u>	
vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?	
If Yes:	
i. Estimate annual electricity demand during operation of the proposed action: _____ <u>26,100,000 kWh</u>	
ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>Primary as grid/local utility</u>	
iii. Will the proposed action require a new, or an upgrade, to an existing substation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
l. Hours of operation. Answer all items which apply.	
i. During Construction:	ii. During Operations:
• Monday - Friday: _____ 24 hours	• Monday - Friday: _____ 7AM - 6PM
• Saturday: _____ 24 hours	• Saturday: _____ N/A
• Sunday: _____ 24 hours	• Sunday: _____ N/A
• Holidays: _____ 24 hours	• Holidays: _____ N/A

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Provide details including sources, time of day and duration:	
Noise of levels typical to construction sites will be generated during construction (i.e. excavators, dump trucks, various motorized equipment, etc.). Noise levels to conform to Chapter 50 of the Town of Brookhaven Town Code. Construction will be limited to 7am - 6pm on weekdays, except as permitted by Town Code	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Describe: Existing trees within the disturbed area of the site are to be removed.	
n. Will the proposed action have outdoor lighting?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:	
Proposed area and building lighting located throughout the site for site safety. Heights and photometrics are proposed to conform to Town of Brookhaven requirements. The nearest structure is a gas station (+-750' from prop. lighting)	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Describe: Existing trees within the disturbed area of the site are to be removed.	
o. Does the proposed action have the potential to produce odors for more than one hour per day?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Product(s) to be stored	
ii. Volume(s) _____ per unit time _____ (e.g., month, year)	
iii. Generally, describe the proposed storage facilities:	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe proposed treatment(s):	
Pesticides may be utilizing in proposed landscaped areas in quantities typical of commercial/industrial developments and in conformance with any pertinent local, State, or Federal requirements.	
ii. Will the proposed action use Integrated Pest Management Practices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe any solid waste(s) to be generated during construction or operation of the facility:	
• Construction: _____ 5 tons per _____ month (unit of time)	
• Operation : _____ 45 tons per _____ month (unit of time)	
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	
• Construction: N/A	
• Operation: N/A	
iii. Proposed disposal methods/facilities for solid waste generated on-site:	
• Construction: Private Carter to approved off-site solid waste disposal area in accordance with local, State, and Federal requirements.	
• Operation: Private Carter to approved off-site solid waste disposal area in accordance with local, State, and Federal requirements.	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:

- Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:

- Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- Generally describe processes or activities involving hazardous wastes or constituents: _____
- Specify amount to be handled or generated _____ tons/month
- Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
- Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____
- If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): PSEG easement, Long Island Expressway

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	33.11	+33.11
• Forested	71.45	29.15	-42.3
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: Landscape Area _____	0	9.19	+9.19

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: <hr/> 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: <hr/> 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: <hr/> iii. Describe any development constraints due to the prior solid waste activities: _____ <hr/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: <hr/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input type="checkbox"/> Yes – Spills Incidents database _____ Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database _____ Provide DEC ID number(s): _____ <input type="checkbox"/> Neither database _____ ii. If site has been subject of RCRA corrective activities, describe control measures: <hr/> iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): <hr/> <hr/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Explain: _____ _____ _____ 								
E.2. Natural Resources On or Near Project Site								
a. What is the average depth to bedrock on the project site? _____		>1,000 feet						
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
c. Predominant soil type(s) present on project site:		<table border="1"> <tr> <td>Plymouth loamy sand</td> <td>75 %</td> </tr> <tr> <td>Carver & Plymouth sands</td> <td>21 %</td> </tr> <tr> <td>Carver & Plymouth sands</td> <td>4 %</td> </tr> </table>	Plymouth loamy sand	75 %	Carver & Plymouth sands	21 %	Carver & Plymouth sands	4 %
Plymouth loamy sand	75 %							
Carver & Plymouth sands	21 %							
Carver & Plymouth sands	4 %							
d. What is the average depth to the water table on the project site? Average: _____		80 feet						
e. Drainage status of project site soils:		<table border="1"> <tr> <td><input checked="" type="checkbox"/> Well Drained:</td> <td>100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td>_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td>_____ % of site</td> </tr> </table>	<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ % of site
<input checked="" type="checkbox"/> Well Drained:	100 % of site							
<input type="checkbox"/> Moderately Well Drained:	_____ % of site							
<input type="checkbox"/> Poorly Drained	_____ % of site							
f. Approximate proportion of proposed action site with slopes:		<table border="1"> <tr> <td><input checked="" type="checkbox"/> 0-10%:</td> <td>78 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td>10 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td>12 % of site</td> </tr> </table>	<input checked="" type="checkbox"/> 0-10%:	78 % of site	<input checked="" type="checkbox"/> 10-15%:	10 % of site	<input checked="" type="checkbox"/> 15% or greater:	12 % of site
<input checked="" type="checkbox"/> 0-10%:	78 % of site							
<input checked="" type="checkbox"/> 10-15%:	10 % of site							
<input checked="" type="checkbox"/> 15% or greater:	12 % of site							
g. Are there any unique geologic features on the project site? If Yes, describe: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
h. Surface water features.								
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
ii. Do any wetlands or other waterbodies adjoin the project site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
If Yes to either i or ii, continue. If No, skip to E.2.i.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:								
<ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 								
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
If yes, name of impaired water body/bodies and basis for listing as impaired: _____								
i. Is the project site in a designated Floodway?								
j. Is the project site in the 100-year Floodplain?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
k. Is the project site in the 500-year Floodplain?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
If Yes:								
i. Name of aquifer: Sole Source Aquifer Names:Nassau-Suffolk SSA								

m. Identify the predominant wildlife species that occupy or use the project site:		
Songbirds	Eastern Grey Squirrel	Eastern Cottontail
Mice		
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?		
If Yes:		
i. Species and listing (endangered or threatened): _____		
Northern Long-eared Bat, Persius Duskywing		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No special concern?		
If Yes:		
i. Species and listing: _____		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, give a brief description of how the proposed action may affect that use: _____		
E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Agriculture and Markets Law, Article 25-AA, Section 303 and 304?		
If Yes, provide county plus district name/number: SUFF003		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. If Yes: acreage(s) on project site? _____		
ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Natural Landmark?		
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. CEA name: SGPA, Central Suffolk Pine Barrens		
ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water		
iii. Designating agency and date: Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District		
ii. Name: _____		
iii. Brief description of attributes on which listing is based: _____		
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. Describe possible resource(s): _____		
ii. Basis for identification: _____		
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:		
i. Identify resource: <u>Carmans River Wild, Scenic and Recreational River (WSRR) Area</u>		
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>The Carmans River and associated river basin</u>		
iii. Distance between project and resource: _____ 0.70 miles.		
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. Identify the name of the river and its designation: _____		
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

F. Additional Information

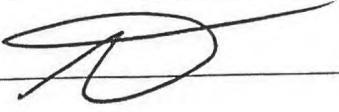
Attach any additional information which may be needed to clarify your project.

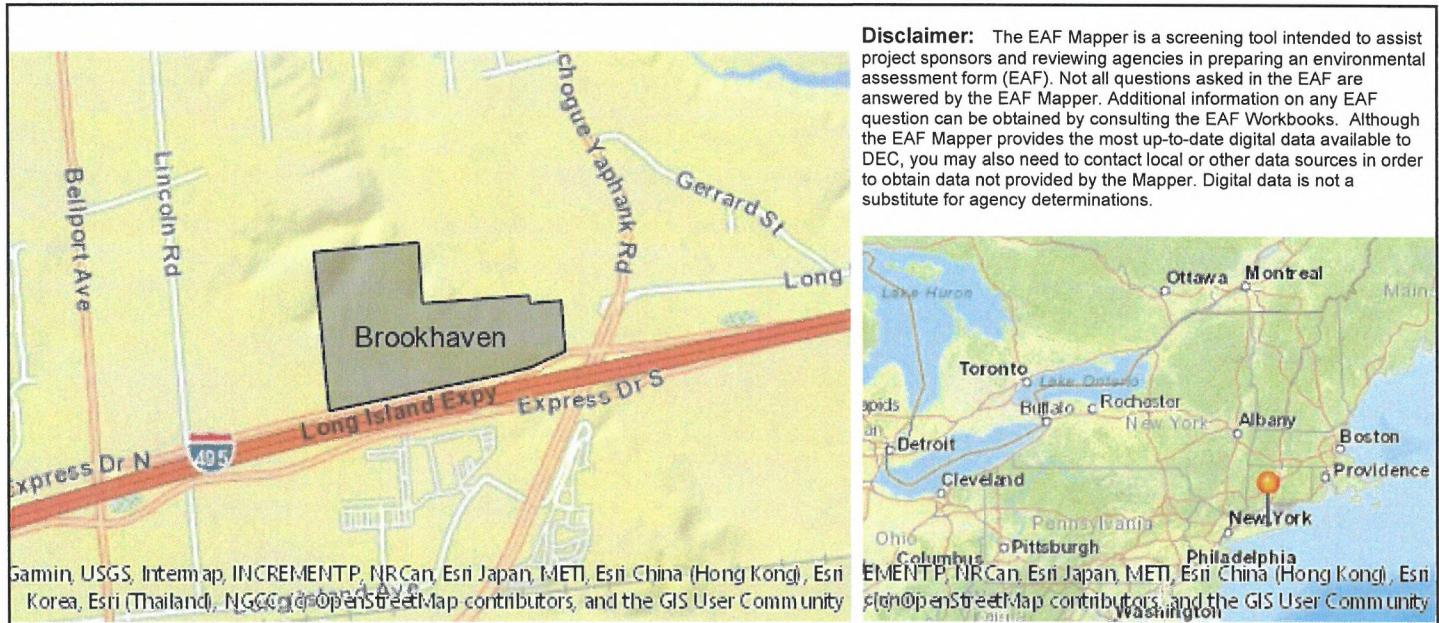
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Matthew A. Dicker Date 5/23/2022

Signature  Title Authorized Signatory



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: LI North Shore Heritage Area
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes State & Federal Maps checked: not present on site
E.2.h.ii [Surface Water Features]	Yes State & Federal Maps checked; not present on site
E.2.h.iii [Surface Water Features]	Yes - State & Federal Maps checked; not present on site water
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters State & Federal Maps checked; not present on site
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names: Nassau-Suffolk SSA

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Persius Duskywing
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	SUFF003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	SGPA, Central Suffolk Pine Barrens
E.3.d.ii [Critical Environmental Area - Reason]	Protect groundwater, Benefit to human health & protect drinking water
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

FISCAL & ECONOMIC IMPACT ANALYSIS

Expressway Drive North Warehouse Buildings Yaphank, NY

NPV No.02045

Prepared for:

WF Industrial XII, LLC
80 8th Avenue, Suite 1602
New York, NY 10011

Prepared by:



NELSON POPE VOORHIS
environmental • land use • planning

70 Maxess Road

Melville, NY 11747

Contact: Charles J. Voorhis, CEP, AICP

o: 631.427.5665 | cvoorhis@nelsonpopevoorhis.com

May 16, 2022

TABLE OF CONTENTS

1.0	Introduction and Purpose.....	1
2.0	Methodology	4
3.0	Demographics and Local Trends	7
3.1	Demographics	7
3.2	Warehousing Trends.....	11
4.0	Consistency with Existing Comprehensive Planning Documents.....	12
5.0	Summary of Fiscal and Economic Impacts.....	14
5.1	Definition of Economic Impacts.....	15
5.2	Key Findings	15
5.2.1	Existing Conditions	15
5.2.2	Economic Impacts of Construction.....	17
5.2.3	Economic Impacts of Annual Operations	19
5.2.4	Anticipated Fiscal Impacts.....	21
6.0	References.....	23

ATTACHMENTS

A NPV Qualifications

EXECUTIVE SUMMARY

This analysis examines the economic and fiscal impacts that are anticipated to occur through the construction and annual operations of three single-story warehouse buildings, known as Expressway Drive North Warehouse Buildings. The analysis is submitted in support of Brookhaven Industrial Development Agency (IDA) tax deferral which supports the financial viability of the project and serves Town goals in terms of project need as well as construction/operation employment, and projected tax revenue. The report includes demographic information, land use plan review, need for the project, economic (job creation) and fiscal (tax revenue) impact analysis. The report serves as a “feasibility study” for IDA review and reliance in considering tax assistance to facilitate the construction and operation of the project as described herein, and to summarize the resulting economic/fiscal benefits.

The subject site is approximately 71 acres in size and is located on the North Service Road (Express Drive North) of the Long Island Expressway (LIE), approximately 100 feet west of Sills Road in the **hamlet of Yaphank, Town of Brookhaven**, Suffolk County, New York. The property is bounded by privately-owned vacant land to the west, town-owned vacant land to the north and east, and the Long Island Expressway to the south. Beyond the town-owned property to the east and fronting on Sills Road are residential homes, a gas station, and a farm stand. The subject property is currently vacant land.

The proposed project involves the construction of three single-story distribution warehouses, consisting of a total of 549,942 square-feet (sf) of space. The three buildings are proposed to be 203,548 sf, 176,670 sf, and 169,724 sf.

As economic stability returns following the coronavirus pandemic of 2020-22, the proposed project is expected to contribute to the long-term economic health of the community. The proposed project will create strong economic activity by providing jobs and a solid tax base as quantified in this report. The new warehouse development proposed will support local businesses in Yaphank and the surrounding areas, bringing increased patronage and spending power to the community. Consumer activity will ripple through the local community, creating beneficial economic and fiscal impacts throughout Yaphank, the Town of Brookhaven, Suffolk County, and the region as a whole. The proposed project will also create a short- and long-term economic benefit by providing increased revenue to taxing jurisdictions.

Economic impacts include direct impacts, as well as those indirect and induced impacts that are projected to occur – on output, employment and labor income – during both the 24-month construction period, and annually upon stabilized operations of the Expressway Drive North Warehouse Buildings. During **construction**, direct, indirect, and induced impacts of the proposed project is anticipated to result in **\$104,638,803 in total output, 362.4 jobs** (total FTE jobs), and **\$40,605,006 in labor income** (total wages). During **annual operations** following the proposed construction, direct, indirect, and induced impacts of the proposed project are projected to be

\$18,896,600 in output (total revenue), **235.9 jobs** (total FTE jobs), and **\$16,993,856 in labor income** (total wages).

The Applicant will be applying to the Town of Brookhaven to participate in its PILOT program. Since the exact terms of the PILOT have not yet been negotiated, this study analyzes the projected fiscal impacts based on a stabilized year of operations and full taxation based on current assessments and projected revenues. This projection of tax revenues is useful in assisting with an understanding of existing and future taxes to help structure a PILOT agreement. Any tax deferral programs will delay and phase-in full taxation.

At full build-out and during annual operations, the proposed project is projected to generate significantly more tax revenue than the current conditions of the property. It is estimated that the proposed project will generate **\$1,907,714 in annual taxes** under full taxation of the property, of which **\$1,349,293** is allocated to the **Longwood Central School District** with no increase in school-aged children or additional expenditures incurred by the district. The current taxes generated by the property are \$39,585 in annual taxes, of which \$27,998 is allocated to the school district.

In summary, the proposed project is beneficial to economic conditions in the hamlet of Yaphank, the Town of Brookhaven, Suffolk County, and the region, as a result of job creation (construction and operations), and increasing revenue to local taxing jurisdictions. Overall, the project is economically and socially beneficial as discussed in more detail in the full report.

1.0 INTRODUCTION AND PURPOSE

Nelson Pope Voorhis (NPV) has been requested to prepare a fiscal and economic impact summary for the proposed development of three single-story warehouse buildings, known as Expressway Drive North Warehouse Buildings, located in the hamlet of Yaphank, Town of Brookhaven, Suffolk County. This analysis examines the fiscal and economic impacts that are anticipated to occur through the construction and annual operations of the three buildings, which are proposed to be 203,548 square feet (sf), 176,670 sf, and 169,724 sf, resulting in a total of 549,942 sf of warehouse space. The site location is more specifically described as the north side of Long Island Expressway (I-495) North Service Road, approximately 100 feet west of Sills Road. The Suffolk County Tax Map (SCTM) number of the subject site is: 200-662-2-5.16.

NPV is a professional environmental and planning firm with qualifications and expertise to prepare fiscal and economic impact analyses, and has a track record of similar completed projects, as well as residential and commercial market analysis and related economic development services to private and municipal clients. The economic qualifications of the firm and personnel are provided in **Attachment A**.

As economic stability returns following the coronavirus pandemic of 2020-22, the proposed project is expected to contribute to the long-term economic health of the community. More specifically, the proposed project will advance the planning goals of the Town and will establish many new construction jobs and operational jobs that will help in the post-pandemic recovery. The proposed project will create strong economic activity by providing jobs and a solid tax base. Consumer activity will ripple through the local community, creating beneficial economic and fiscal impacts throughout the hamlet of Yaphank, the Town of Brookhaven, Suffolk County, and the region as a whole.

The following analysis examines and quantifies the fiscal and economic impacts that are anticipated to result from the proposed development. **Section 2.0** outlines the methodology and the sources of data used to project the fiscal and economic impacts generated in this analysis. **Section 3.0** examines and summarizes demographics and trends specific to the hamlet of Yaphank, the Town of Brookhaven and Suffolk County. **Section 4.0** analyzes relevant town and local planning documents specific to the Yaphank community and summarizes the proposed project's consistency with such reports.

Section 5.0 summarizes the existing fiscal conditions – including enrollment, budget, and current tax rates and levies for the Longwood Central School District. This section also summarizes the land use and tax base composition, detailed budgets and the current tax rates and levies for the Town of Brookhaven and Suffolk County. Moreover, this section summarizes the fiscal impacts that are anticipated to result from the proposed project. These include tax revenues that would

be allocated to each of the local taxing jurisdictions. This information is useful in understanding the future tax benefit and structuring a PILOT agreement.

In addition, Section 5.0 outlines the direct economic impacts, as well as those indirect and induced impacts that are estimated to occur – on output, employment and labor income – during both the 24-month construction period, and annually upon stabilized operations . These projections anticipate stabilization of the economy in post-pandemic conditions. A summary of these key economic findings is provided in **Table 1**.

TABLE 1
SUMMARY OF KEY ECONOMIC FINDINGS

Impact Type	Output (Total Revenue)	Employment (Total Number of FTE Jobs)	Labor Income (Total Wages)
<i>Economic Impacts during Construction</i>			
Direct Impact	\$69,903,240	183.1	\$27,961,296
Indirect Impact	\$15,530,442	68.8	\$5,718,079
Induced Impact	\$19,205,121	110.5	\$6,925,630
Total Impact	\$104,638,803	362.4	\$40,605,006
<i>Projected Economic Impacts during Operations</i>			
Direct Impact	\$8,249,130	180.5	\$13,284,262
Indirect Impact	\$2,728,039	12.6	\$842,878
Induced Impact	\$7,919,431	42.8	\$2,866,716
Total Impact	\$18,896,600	235.9	\$16,993,856

Source: Data provided by Wildflower Industrial XII, LLC.; Analysis by Nelson, Pope & Voorhis, LLC, via IMPLAN software.

The Applicant will be applying to the Town of Brookhaven to participate in its PILOT program. Since the exact terms of the PILOT have not yet been negotiated, this study analyzes the projected fiscal impacts based on a stabilized year of operations and full taxation based on current assessments and projected revenues. This projection of tax revenues is useful in assisting with an understanding of existing and future taxes to help structure a PILOT agreement. Any tax deferral programs will delay and phase-in full taxation.

At full build-out and during annual operations, the proposed project is projected to generate significantly more tax revenue than the current conditions of the property. It is estimated that the proposed project will generate \$1,907,714 in annual taxes under full taxation of the property, of which \$1,349,293 would be allocated to the Longwood Central School District with no increase in school-aged children or increased expenditures incurred by the district. The current taxes generated by the property are \$39,585 in annual taxes, of which \$27,998 is allocated to the school district. The distribution of anticipated tax revenues is shown in **Table 2**.

TABLE 2
TAX REVENUE COMPARISON

Taxing Jurisdiction	Current Tax Revenue	Projected Tax Revenue	Tax Revenue Percent Distribution
Total School Taxes	\$29,433	\$1,418,420	74.4%
School District- Longwood CSD	\$27,998	\$1,349,293	70.7%
Library District- Longwood CSD	\$1,434	\$69,127	3.6%
Total County Taxes	\$4,361	\$210,175	11.0%
County of Suffolk	\$290	\$13,977	0.7%
County of Suffolk - Police	\$4,071	\$196,197	10.3%
Total Town Taxes	\$2,376	\$114,512	6.0%
Town - Town Wide Fund	\$566	\$27,268	1.4%
Highway - Town Wide Fund	\$154	\$7,403	0.4%
Town- Part Town Fund	\$183	\$8,831	0.5%
Highway- Part Town Fund/Snow Removal	\$1,473	\$71,009	3.7%
Other Taxes	\$3,416	\$164,607	8.6%
New York State MTA Tax	\$14	\$673	0.0%
Open Space Preservation	\$216	\$10,402	0.5%
Fire Districts - Yaphank	\$2,693	\$129,776	6.8%
Lighting Districts- Brookhaven	\$114	\$5,494	0.3%
Real Property Tax Law	\$293	\$14,106	0.7%
Out of County Tuition	\$66	\$3,177	0.2%
Suffolk County Community College Tax	\$20	\$980	0.1%
TOTAL: ALL TAXING JURISDICTIONS	\$39,585	\$1,907,714	100.0%

Source: Data provided by the Town of Brookhaven Assessor's Office; Analysis by Nelson, Pope & Voorhis, LLC.

Lastly, **Section 6.0** outlines the references and sources of information utilized in this analysis.

2.0 METHODOLOGY

Various data and information from federal, state, local, and commercial data sources was used to analyze the existing conditions and projected fiscal and economic impacts stemming from the construction and annual operation of the proposed Expressway Drive North Warehouse Buildings.

WF Industrial XII, LLC supplied information regarding the project, construction costs and construction schedule, estimated rental rates, and employment and employee salaries during annual operations of the proposed project.

Longwood Central School District (CSD) provided data pertaining to the district budget, enrollment trends and per-pupil education costs.

The Town of Brookhaven and Suffolk County provided information regarding approved budgets and current tax rates for the parcels that comprise the subject property. This tax information was used to compare the existing revenues to those that are projected to be generated upon the full build-out of the proposed project.

The Office of the New York State Comptroller provided data pertaining to the annual district budget for the Longwood Central School District.

New York State Education Department provides District Report Cards and the Fiscal Accountability Summary reports specific to the Longwood CSD.

New York State Office of Real Property Services provides data pertaining to the existing tax base and tax revenues for the Town of Brookhaven. This information was used to better understand how local budgets and taxing jurisdictions will be affected by the proposed project.

United States Bureau of Labor Statistics and New York State Department of Labor publish the Occupational Employment Statistics survey. This survey was used to estimate the wages earned among those employed within “construction and extraction” occupations in the Long Island labor market. These wages were assumed for each of the workers responsible for the construction of the proposed project.

United States Census Bureau provides pertinent demographic data for the hamlet of Yaphank, Town of Brookhaven, Suffolk County.

Environmental Systems Research Institute, Inc. (ESRI) generated on-demand demographic reports specific to hamlet of Yaphank, the Town of Brookhaven and Suffolk County through their *Business Analyst Online* program. Specifically, data was collected for 2000 Census, 2010 Census

and 2021 estimates for population and housing characteristics, as well as five-year population projections and housing (2026) for the Yaphank hamlet, Town of Brookhaven and Suffolk County. All estimates and projections provided by ESRI draw upon data from sources including the Current Population Survey, American Community Survey, Census of Retail Trade (all via the United States Census Bureau), Consumer Expenditure Survey (via the United States Bureau of Labor Statistics), United States Postal Service, Internal Revenue Service, National Bureau of Economic Research, and other commercial and federal data sources.

IMPLAN (formerly known as the Minnesota IMPLAN Group) developed an economic impact modeling system called IMPLAN, short for “impact analysis for planning.” The program was developed in the 1970s through the United States Department of Agriculture’s Forest Service, and was privatized in 1993.

IMPLAN is built on a mathematical input-output (I-O) model to express relationships between various sectors of the economy in a specific geographic location. The I-O model assumes fixed relationships between producers and their suppliers based on demand, and the inter-industry relationships within a region largely determine how that economy will respond to change. In an I-O model, the increase in demand for a certain product or service causes a multiplier effect; increased demand for a product affects the producer of the product, the producer’s employees, the producer’s suppliers, the supplier’s employees, and so on, ultimately generating a total impact in the economy that is greater than the initial change in demand.

The IMPLAN model is a method for estimating local economic multipliers, including those pertaining to production, value-added, employment, wage and supplier data. IMPLAN differentiates in its software and data sets between 546 sectors that are recognized by the United States Department of Commerce. Multipliers are available for all states, counties and zip codes, and are derived from production, employment and trade data from sources including the United States Census Bureau, County Business Patterns, Annual Survey of Government Employment, Annual Survey of Retail Trade; United States Bureau of Labor Statistics, Quarterly Census of Employment and Wages, Consumer Expenditure Survey; United States Department of Labor; Office of Management and Budget; United States Department of Commerce; Internal Revenue Service; United States Department of Agriculture, National Agricultural Statistical Service; Federal Procurement Data Center; and United States Bureau of Economic Analysis, Regional Economic Information System, Survey of Current Business, among other national, regional, state and local data sources.

IMPLAN is widely accepted as the industry standard for estimating how much a one-time or sustained increase in economic activity in a particular region will be supplied by industries located in the region. Federal government agencies such as the Army Corps of Engineers, Bureau of Economic Analysis, Bureau of Land Management, Environmental Protection Agency, Federal Reserve Bank, Fish and Wildlife Service, and National Park Service have used the multipliers to

study the local impact of government regulation on specific industries and to assess the local economic impacts of Federal actions. State and local governments including New York State Department of Labor, New York State Division of the Budget, New York State Office of the State Comptroller, New York State Assembly and New York City Economic Development Corporation, have used the multipliers to estimate the regional economic impacts of government policies and projects and of events, such as the location of new businesses within their state, or to assess the impacts of tourism. Likewise, businesses, universities and private consultants have used the multipliers to estimate the economic impacts of a wide range of projects, such as building a new sports facility or expanding an airport; of natural disasters; of student spending; or of special events, such as national political conventions.

NPV personnel have received formal IMPLAN training through IMPLAN, and possess the qualifications to project economic impacts for a multitude of project types using this software. For the purpose of this analysis, multipliers specific to socio-economic data in Suffolk County's "Construction of new commercial structures" industry were analyzed to determine the direct, indirect and induced economic impacts during the construction period of the proposed project. Moreover, multipliers specific to socio-economic data in Suffolk County's "Warehousing and storage," industry was analyzed to determine the direct, indirect and induced economic impacts during the annual operations. A summary of these economic impacts can be found in **Section 5.0** of this analysis.

3.0 DEMOGRAPHICS AND LOCAL TRENDS

As noted in **Section 1.0**, this section examines demographics and socioeconomic characteristics, as well as trends specific to the Yaphank community, the Town of Brookhaven and Suffolk County. In addition, this section summarizes national and local trends among the warehousing market.

3.1 Demographics

Population

Trends in the residential population and in the number of households were examined for the hamlet of Yaphank, the Town of Brookhaven and Suffolk County. An analysis of past data, coupled with current estimates and projections, illustrate the changing needs of the community.

According to ESRI Community Profile Reports, and as seen in **Table 3** and **Chart 1**, the population within Yaphank increased significantly between 2000 and 2010, by over 23% to 5,945 residents.¹ The population within Yaphank has continued to grow, but at a slower rate, through 2021 and is projected to continue growing through 2026. The Town of Brookhaven also witnessed population growth between 2000 to 2010, although at slower rates than Yaphank. The population of Brookhaven is estimated to have experienced a slight increase of 0.23% according to 2021 estimates, and is projected experience a slight decline by 2026 to approximately 482,958 residents. Suffolk County population was the greatest in 2010 and projections indicate a small decline will occur through 2026 (from 1,492,708 to 1,479,167 persons as compared to 2021 estimates).

It is important to note that population projection does not account for specific developments currently in the planning or approval process. Moreover, while such factors are examined at the local level, projections are not based solely upon specific build-out scenarios or land use analyses. Rather, the projections are based upon historical trends and current estimates at the county level, a time series of county-to-county migration data, a historical analysis of residential building permit data and residential postal delivery counts. Such data is supplemented with available information generated by nationwide databases, statistics providers and demographic and spatial analysis tools.

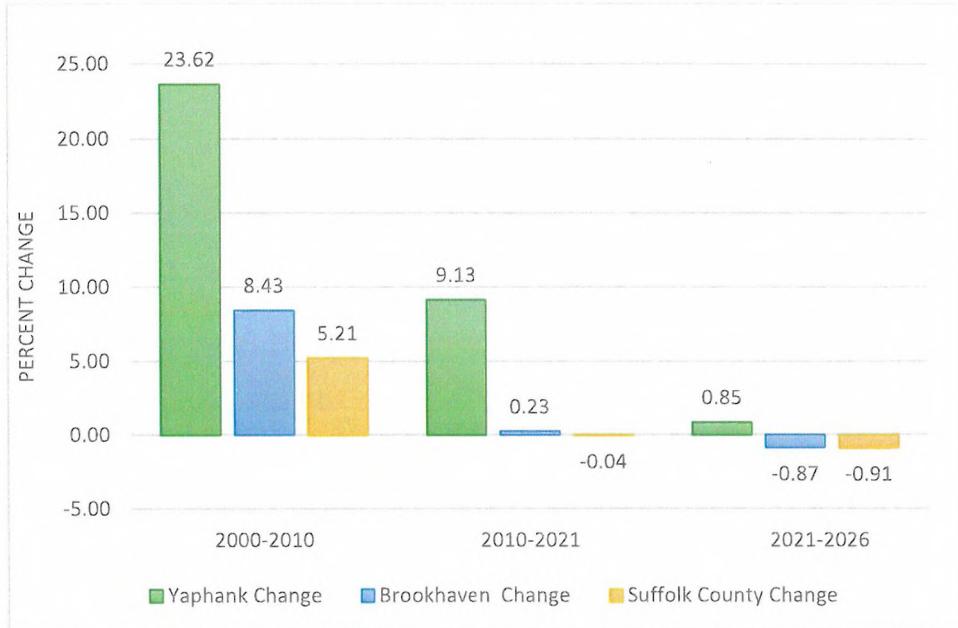
¹ ESRI, Community Profile Report. All reports accessed via ESRI Business Analyst Online, April 2022.

TABLE 3
POPULATION TRENDS

Year	Yaphank	Town of Brookhaven	Suffolk County
2000	4,809	448,245	1,419,369
2010	5,945	486,040	1,493,250
2021 (Estimate)	6,488	487,182	1,492,708
2026 (Projection)	6,543	482,958	1,479,167

Source: United States Bureau of the Census; ESRI Business Analyst; Analysis by Nelson, Pope & Voorhis, LLC.

CHART 1
PERCENT CHANGE IN POPULATION



Source: United States Bureau of the Census; ESRI Business Analyst; Analysis by Nelson, Pope & Voorhis, LLC.

Housing Units

The number of housing units within each geographic area has witnessed an increase in each of the time periods analyzed since 2000 as seen in **Table 4** and **Chart 2**. The increase in housing units was greatest between 2000 and 2010 when the increases in population were also the greatest. The 2026 projections for number of housing units are 2,293 units, 181,430 units, and 590,806 units in Yaphank, Brookhaven, and Suffolk County, respectively.²

² ESRI, Community Profile Report. All reports accessed via ESRI Business Analyst Online, April 2022.

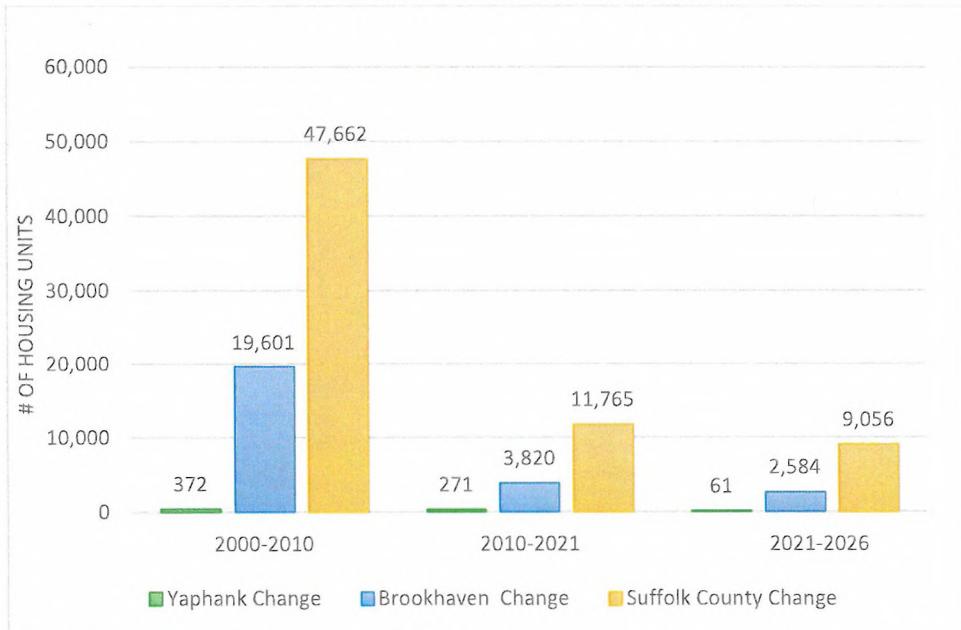
Housing unit projection does not account for specific developments currently in the planning or approval process. Moreover, while such factors are examined at the local level, projections are not based solely upon specific build-out scenarios or land use analyses. Rather, the projections are based upon historical trends and current estimates at the county level, a time series of county-to-county migration data, and historical analysis of residential building permit data.

TABLE 4
HOUSING UNIT TRENDS

Year	Yaphank	Town of Brookhaven	Suffolk County
2000	1,589	155,425	522,323
2010	1,961	175,026	569,985
2021 (Estimate)	2,232	178,846	581,750
2026 (Projection)	2,293	181,430	590,806

Source: United States Bureau of the Census; ESRI Business Analyst; Analysis by Nelson, Pope & Voorhis, LLC.

CHART 2
CHANGE IN NUMBER OF HOUSING UNITS



Source: United States Bureau of the Census; ESRI Business Analyst; Analysis by Nelson, Pope & Voorhis, LLC.

As seen in **Table 5**, the average household size in 2021 in Yaphank was 2.64 persons.³ This is slightly lower than the average household size of that in the Town of Brookhaven at 2.88 persons

³ ESRI, Community Profile Report. All reports accessed via ESRI Business Analyst Online, April 2022.

per household and Suffolk County at 2.92 persons per household.

TABLE 5
AVERAGE HOUSEHOLD SIZE: 2021

Geographic Area	Household Size
Yaphank	2.64
Town of Brookhaven	2.88
Suffolk County	2.92

Source: United States Bureau of the Census; Analysis by Nelson, Pope & Voorhis, LLC.

Tenure

As seen in **Table 6**, the majority of the housing units in each geographic location are owner-occupied. The percentage of renter-occupied housing units in each geographic area are fairly similar (16.5% in Suffolk, 17.97% in Brookhaven and 18.6% in Yaphank). Yaphank has lower vacancy rates (5.5%) compared to the Town (8.2%) and County (13.8%).

TABLE 6
HOUSING TENURE: 2021 (ESTIMATE)

Housing Type	Yaphank	Town of Brookhaven	Suffolk County
Total Housing Units	2,232	178,846	581,750
Owner-Occupied	75.9%	73.9%	69.7%
Renter-Occupied	18.6%	17.9%	16.5%
Vacant Housing Units	5.5%	8.2%	13.8%

Source: United States Bureau of the Census; ESRI Business Analyst; Analysis by Nelson, Pope & Voorhis, LLC.

Income

Household income serves as a primary measure in determining affordability among various housing options within a given community. As seen in **Table 7**, the median household incomes in Yaphank, the Town of Brookhaven, and Suffolk County are fairly similar and all slightly over \$100,000.⁴

TABLE 7
MEDIAN HOUSEHOLD INCOME: 2021

Geographic Area	Household Income
Yaphank	\$106,314
Town of Brookhaven	\$102,497
Suffolk County	\$106,692

Source: ESRI Business Analyst; Analysis by Nelson, Pope & Voorhis, LLC.

⁴ ESRI, Community Profile Report. All reports accessed via ESRI Business Analyst Online, April 2022.

3.2 Warehousing Trends

Current and projected local, regional and national warehousing space conditions are an important component to understanding the market for new distribution warehouse space in the Town of Brookhaven. Many external economic forces are shaping the local conditions in the community, the Long Island region, and even nationally.

Warehousing space is becoming increasingly scarce throughout the country. It is estimated that the United States may need an additional one billion square feet of warehouse space by 2025, resulting from the recent increases in e-commerce sales.⁵ The trends observed nationally are also applicable to Long Island.

Demand for industrial space on Long Island is increasing and outpacing the existing supply. The inventory of available industrial space on Long Island has shrunk to a historic low, with an overall vacancy rate of only 3.5% in 2021, compared to a vacancy rate of 4.8% in 2020.⁶ The need for additional warehousing space was exacerbated by the success of e-commerce businesses and the need for delivery services during and continuing throughout the coronavirus pandemic. While the pandemic contributed to the increased need, these trends are anticipated to continue after the pandemic subsides, resulting in a long term need for additional warehousing space.⁷

Warehousing space is necessary for the operations businesses of all sizes in order to track inventory, centralize products, ensure safe storage of items, and fulfill orders. The proposed project will provide additional warehousing space, which is beneficial to local businesses in the hamlet of Yaphank, Town of Brookhaven, as well as to the community in general as these businesses are able to operate successfully and provide job opportunities both during construction and operations.

⁵ CNBC. "U.S. may need another 1 billion square feet of warehouse space by 2025 as e-commerce booms" July 9, 2020. <https://www.cnbc.com/2020/07/09/us-may-need-another-1-billion-square-feet-of-warehouse-space-by-2025.html>

⁶ Business Insider. "Spaced Out" August 13, 2021. <https://libn.com/2021/08/13/spaced-out-2/>

⁷ CNBC. "U.S. may need another 1 billion square feet of warehouse space by 2025 as e-commerce booms" July 9, 2020. <https://www.cnbc.com/2020/07/09/us-may-need-another-1-billion-square-feet-of-warehouse-space-by-2025.html>

4.0 CONSISTENCY WITH EXISTING COMPREHENSIVE PLANNING DOCUMENTS

As noted in **Section 1.0**, this section analyzes relevant town and local planning documents specific to the community and summarizes the proposed project's consistency with such reports. This includes the Town of Brookhaven Zoning Code and Town of Brookhaven Comprehensive Land Use Plan (1996).

Town of Brookhaven Zoning Code

According to the Town of Brookhaven adopted zoning map, the property of the proposed Expressway Drive North Warehouse Buildings is located within the Light Industry (L1) zoning district. Warehouses are defined as buildings used primarily for the storage of goods and materials, with limited trucking activity, and may include an office. Warehouses are a permitted use within the L1 zoning district.

The property is located within a hydrogeologic sensitive zone, which results in stricter dimensional requirements, such as a required minimum lot size of 120,000 square feet when typically, only 40,000 square feet is required in the L1. In addition, a greater roadway frontage (200') is required for parcels within a hydrogeologic sensitive zone (otherwise 100') and the maximum permitted FAR is 30%, compared to 35% for parcels outside of the hydrogeologic sensitive zone.

The property is located within the Pine Barrens Compatible Growth Area (CGA). Per the Town of Brookhaven Incentive Zoning Overlay District, the L1 zoning district is designated as a receiving district, where Pine Barrens credits can be redeemed, indicating that this is a location suitable for development.

The proposed project complies with the intent of the Town of Brookhaven Zoning Code since warehousing is a permitted use within the L1 district and complies with dimensional regulations. The proposed distribution warehouse facility is compatible with the environmental considerations of the property since the proposed use has relatively low water demand and sanitary flow.

Town of Brookhaven Comprehensive Land Use Plan (1996)

The *Town of Brookhaven Comprehensive Land Use Plan* (1996 Comprehensive Plan) sets several general goals, identifies environmental resources, discusses existing land uses, provides broad policies and recommendations, and includes a land use map. The land use map recommends future land uses and development patterns for the Town and depicts the subject property as an industrial use. Industrial uses, as defined by the Plan, include manufacturing, warehouses, concrete producers, corporate offices, and related uses.

Many of the industrial zoned properties within the Town are also located with the Pine Barrens Compatible Growth Area (CGA), including the subject property. As stated in the Land Use Plan, “the Central Pine Barrens is a valuable ecosystem located in the eastern half of Brookhaven Town which lies over a predominantly pristine portion of a deep-recharge aquifer known as Hydrogeologic Zone III. The area also has one of the highest concentrations of rare, endangered and threatened wildlife and plant species to be found anywhere in the State of New York and perhaps the northeast.” The implementation of the Central Pine Barrens Comprehensive Land Use Plan resulted in the creation of a transfer of development rights program where credits are transferred out of the Pine Barrens Core Preservation Area into the Compatible Growth Area.

Many types of land uses are permitted in the Compatible Growth Area as determined by the underlying zoning district. However, the Land Use Plan emphasizes the importance of maintaining industrial zoning in the Compatible Growth Area as a source of tax revenue, especially since it will not increase the expenditures of the local school districts.

Overall, the proposed project complies with the intent and advances the recommendations provided in the *Town of Brookhaven Comprehensive Land Use Plan* as the Expressway Drive North Warehouse Buildings are consistent with the recommended future land use of the property and Pine Barrens Compatible Growth Area, while providing beneficial tax revenues.

5.0 SUMMARY OF FISCAL & ECONOMIC IMPACTS

As noted in **Section 1.0**, this analysis summarizes the existing fiscal conditions and the projected economic and fiscal impacts that are associated with the the construction and annual operations of the proposed three single-story warehouse buildings, totaling 549,942 sf of warehouse space. Fiscal impacts include the generation of tax revenues and their anticipated distribution among local taxing jurisdictions. Economic impacts include direct, indirect and induced benefits on output, employment and associated labor income during the 24-month construction phase and annually upon stabilized operations of the proposed project.

As economic stability returns following the coronavirus pandemic of 2020-22, the proposed project is expected to contribute to the long-term economic health of the community. The proposed project will also create a short- and long-term economic benefit by providing revenue to taxing jurisdictions. Moreover, the proposed project will generate immediate construction jobs. Such fiscal and economic benefits are most crucial for the economic well-being throughout the town of Brookhaven, the greater Long Island region and New York State.

A summary of findings is provided herein, with detailed methodologies and references provided throughout this analysis. This analysis was prepared using methods, data and information that are considered to be industry standard for such fiscal and economic impact analyses.

5.1 Definition of Economic Impacts

A *direct impact* arises from the first round of buying and selling and includes the production of changes and expenditures made as a result of the proposed action. These direct impacts can be used to identify additional rounds of buying and selling for other sectors of the economy and to identify the impact of spending by local households. An *indirect impact* refers to the increase in sales of other industry sectors stemming from business-to-business purchases in the supply chain due to the initial input purchases, which include further round-by-round sales. An *induced impact* accounts for the changes in household spending resulting from the labor income generated by the employees of the proposed action during construction and operations, resulting from direct and indirect impacts. The total impact is the sum of the direct, indirect and induced impacts.

5.2 Key Findings

5.2.1 Existing Conditions

- According to the U.S. Census Bureau American Community Survey Five-Year Estimates and as noted in **Section 3.0**, in 2021 there were estimated to be approximately 6,488 persons residing within 2,232 housing units in the hamlet of Yaphank. Additionally, in 2021, there were approximately 487,182 persons residing within 178,846 housing units in the Town of Brookhaven and approximately 1,492,708 persons residing in 581,750 housing units in Suffolk County in 2021.⁸
- The proposed project is located within the boundaries of the Longwood CSD.
- Most assessed parcels in the Town of Brookhaven are residential properties, comprising 74% of the total number of parcels and 46.9% of the Town's tax base.
- The Town of Brookhaven adopted a balanced operating budget for the 2021-22 fiscal year of \$135.1 million, compared to an operating budget of \$130.3 million for the 2020-21 fiscal year.⁹
- Suffolk County adopted a 2022 operating budget of over \$4.738 billion in revenues and \$4.018 in expenditures.¹⁰
- Prior to the coronavirus pandemic of 2020-22, unemployment had been decreasing substantially since its peak in 2010-2012. Unemployment in the Town, County, Long Island and New York State increased significantly in 2020; but started to decline in 2021 and has continued to decline into 2022. As of February 2022, approximately 9,400 persons – 3.7% of the Town's labor force – were unemployed. While it is important to note that this data has not been seasonally adjusted, the February 2022 unemployment rate for the Town was equal to Long Island's unemployment rate (3.7% of the labor force)

⁸ ESRI, *Community Profile Report*. All reports accessed via ESRI Business Analyst Online, April 2022.

⁹ Town of Brookhaven, "2022 Adopted Operating Budget."

¹⁰ Suffolk County, "2022 Operating Budget, Volume 1."

and marginally lower than Suffolk County's unemployment rate (approximately 30,000 person or 3.9% of Long Island's labor force). However, the Town, County, and Long Island unemployment rates are all lower than New York State's overall unemployment rate of 5.1% (477,100 persons).

- The project site is currently taxed at a total rate of 416.689 per \$100 of assessed valuation. This translates into a current generation of \$39,585 in property tax revenues.¹¹ The existing distribution of tax revenues is shown in **Table 8**.

TABLE 8
EXISTING TAX REVENUES

Taxing Jurisdiction	Current Tax Rate (per \$100 Assessed Valuation)	Current Tax Revenue	Percent of Total Tax Revenue
Total School Taxes	309.816	\$29,433	74.4%
School District- Longwood CSD	294.717	\$27,998	70.7%
Library District- Longwood CSD	15.099	\$1,434	3.6%
Total County Taxes	45.907	\$4,361	11.0%
County of Suffolk	3.053	\$290	0.7%
County of Suffolk - Police	42.854	\$4,071	10.3%
Total Town Taxes	25.012	\$2,376	6.0%
Town - Town Wide Fund	5.956	\$566	1.4%
Highway - Town Wide Fund	1.617	\$154	0.4%
Town- Part Town Fund	1.929	\$183	0.5%
Highway- Part Town Fund/Snow Removal	15.51	\$1,473	3.7%
Other Taxes	35.954	\$3,416	8.6%
New York State MTA Tax	0.147	\$14	0.0%
Open Space Preservation	2.272	\$216	0.5%
Fire Districts - Yaphank	28.346	\$2,693	6.8%
Lighting Districts- Brookhaven	1.2	\$114	0.3%
Real Property Tax Law	3.081	\$293	0.7%
Out of County Tuition	0.694	\$66	0.2%
Suffolk County Community College Tax	0.214	\$20	0.1%
TOTAL: ALL TAXING JURISDICTIONS	416.689	\$39,585	100.0%

Source: Town of Brookhaven Assessor's Office; Analysis by Nelson, Pope & Voorhis, LLC.

¹¹ Town of Brookhaven Assessor's Office.

5.2.2 Economic Impacts of Construction

A detailed analysis of direct, indirect and induced impacts generated during the 24-month construction period is outlined below. It is important to note that each of these impacts are temporary and are projected to occur only while the proposed project is being constructed. As previously noted, these projections anticipate stabilization of the economy in post-pandemic conditions.

- For the purpose of this analysis, it is anticipated that construction of the proposed project will commence in December 2022, with the construction period anticipated to occur over a period of approximately 24 months.¹²
- The proposed project is projected to represent approximately \$69.9 million¹³ in construction costs over the 24-month construction period.¹⁴ This \$69.9 million in direct annual output is projected to generate an indirect impact of over \$15.5 million, and an induced impact of an additional \$19.2 million, bringing the total economic impact on output to over \$104.6 million during the 24-month construction period.¹⁵
- During the construction period, direct employment refers to the number of short-term jobs necessary to complete the construction of the proposed project. The construction period is anticipated to generate 183.1 FTE jobs, which are anticipated to last the entire duration of the 24-month construction period for the purpose of this analysis.
- Construction will also result in indirect impact of 68.8 FTE employees and an induced impact of 110.5 FTE employees in other industry sectors, bringing the total impact of the 24-month construction period to 362.4 FTE jobs.¹⁶ This job creation – direct, as well as indirect and induced – is most crucial during Long Island's present economic state, and presents opportunities for persons who remain unemployed throughout the region. During the construction period, direct labor income refers to the annual earnings, wages, or salary paid to each of the workers responsible for the construction of the proposed project. Labor income typically comprises approximately 40% of the cost of industrial construction; the remaining portion represents the cost of materials.¹⁷

¹² Construction schedule provided by WF Industrial XII, LLC in March 2022.

¹³ For the purpose of this analysis, this figure and all other figures in the construction portion of this analysis reflect 2022 dollars, the year in which construction is assumed to commence.

¹⁴ Construction costs provided by WF Industrial XII, LLC in March 2022. It is important to note that all costs are estimates based upon market conditions as of the date of preparation of this analysis.

¹⁵ According to IMPLAN, a multiplier of 1.579270 represents the total dollar change in output that occurs in all industries for each additional dollar of output delivered to final demand through the "Construction of new commercial structures" (IMPLAN Sector 55) in Suffolk County, New York.

¹⁶ According to IMPLAN, a multiplier of 9.690000 represents the total change in the number of jobs that occurs in all industries for each additional one million dollars of output delivered to final demand through the "Construction of new commercial structures" (IMPLAN Sector 55) in Suffolk County, New York.

¹⁷ Construction/renovations labor and materials estimates per architectural design group Nelson and Pope.

- Labor income is projected to total \$73,779 per year, per employee.¹⁸ When applied to the 24-month construction period, this represents approximately \$147,558 per employee, and over \$27.9 million in collective earnings among the 183.1 FTE employees. This labor income is projected to have an indirect impact of \$5.7 million and an induced impact of \$6.9 million, bringing the total economic impact of the 24-month construction period to over \$40.6 million in labor income.¹⁹

A summary of key economic findings projected to occur during the 24-month construction period is provided in **Table 9**.

TABLE 9
SUMMARY OF KEY ECONOMIC FINDINGS
DURING 24-MONTH CONSTRUCTION PERIOD

Impact Type	Output (Total Revenue)	Employment (Total Number of FTE Jobs)	Labor Income (Total Wages)
Direct Impact	\$69,903,240	183.1	\$27,961,296
Indirect Impact	\$15,530,442	68.8	\$5,718,079
Induced Impact	\$19,205,121	110.5	\$6,925,630
Total Impact	\$104,638,803	362.4	\$40,605,006

Source: Data provided by Wildflower Industrial XII, LLC.; Analysis by Nelson, Pope & Voorhis, LLC, via IMPLAN software.

¹⁸ New York State Department of Labor's Occupational Employment Statistics survey reports a mean wage of \$71,630 among those employed within construction and extraction occupations in the Long Island labor market. Data was collected between November 2017 and May 2020, and then updated to the first quarter of 2021 by making cost-of-living adjustments. An additional annual inflation factor of three percent (3%) was applied to the average wage, to reflect wages at the commencement of the construction period – estimated to occur in 2022 for the purpose of this analysis.

¹⁹ According to IMPLAN, a multiplier of 0.731501 represents the total dollar change in labor income of households employed by all industries for each additional dollar of output delivered to final demand through the "Construction of new commercial structures" (IMPLAN Sector 55) in Suffolk County, New York.

5.2.3 Economic Impacts of Annual Operations

A detailed analysis of direct, indirect and induced impacts generated annually during operations is outlined below. It is important to note that each of these benefits will be permanent and on-going and they are projected on an annual basis, assuming continued stabilized operations. These projections anticipate stabilization of the economy in post-pandemic conditions and fully utilized warehouses following construction.

- The analysis assumes that the operational phase of development will begin upon the completion of the 24-month construction period. For the purpose of this analysis, the first year of stabilized operations is assumed to occur in 2026 in the second full year of operations.
- Annual output will be generated in the form of monthly rental income from the warehouses, which is based on a rental rate of \$15 per square foot per year,²⁰ which totals approximately \$8.2 million per year.
- The annual operational revenues are projected to generate an indirect impact of over \$2.7 million and an induced impact of over \$7.9 million per year. This additional output is generated through round-by-round sales made at various merchants in other sectors of the regional economy. These include local retailers, insurance companies, banks, grocers, restaurants, financial institutions, health and legal services providers, and other establishments in the region.
- The sum of the direct, indirect and induced impacts results in a total economic impact on output of over \$18.8 million during annual operations.²¹
- The proposed project is anticipated to generate a total of 180.5 FTE jobs during future annual operations, consisting of 170 full-time jobs and 21 part-time jobs.
- Operations will have an indirect impact of 12.6 FTE employees and an induced impact of 42.8 FTE employees in other industry sectors, bringing the total economic impact of employment to 235.9 FTE jobs during annual operations.²²
- The 180.5 FTE jobs will generate a total of \$13.2 million in employee salaries and benefits.²³ This represents the collective employee labor income during annual operations.

²⁰ Assumptions pertaining to monthly rental rates provided by WF Industrial XII, LLC in March 2022. It is important to note that all costs are estimates based upon market conditions as of the date of preparation of this analysis.

²¹ According to IMPLAN, a multiplier of 1.734651 represents the total dollar change in output that occurs in all industries for each additional dollar of output delivered to final demand by "Warehousing and storage" (IMPLAN Sector 422), in Suffolk County, New York.

²² According to IMPLAN, a multiplier of 12.730000 represents the total change in the number of jobs that occurs in all industries for each additional one million dollars of output delivered to final demand by "Warehousing and storage" (IMPLAN Sector 422), in Suffolk County, New York.

²³ Assumptions pertaining to the number of operations employees and salaries provided by WF Industrial XII, LLC, in May 2022. An additional multiplier of 1.14559036 was applied to the salaries to reflect the average fringe benefits among those employed within the "Warehousing and storage" (IMPLAN Sector 422), in Suffolk County, New York. It

- The \$13.2 million in labor income will have an indirect impact of \$842,878 and an induced impact of \$2.8 million, bringing the total economic impact of labor income to \$16.9 million during a stabilized year of annual operations.²⁴

A summary of key economic findings projected to occur during annual operations is provided in **Table 10**.

TABLE 10
SUMMARY OF KEY ECONOMIC FINDINGS DURING ANNUAL OPERATIONS

Impact Type	Output (Total Revenue)	Employment (Total Number of FTE Jobs)	Labor Income (Total Wages)
Direct Impact	\$8,249,130	180.5	\$13,284,262
Indirect Impact	\$2,728,039	12.6	\$842,878
Induced Impact	\$7,919,431	42.8	\$2,866,716
Total Impact	\$18,896,600	235.9	\$16,993,856

Source: Data provided by Wildflower Industrial XII, LLC.; Analysis by Nelson, Pope & Voorhis, LLC, via IMPLAN software.

is important to note that all assumptions are estimates based upon market conditions as of the date of preparation of this analysis.

²⁴ According to IMPLAN, a multiplier 0.842701 represents the total dollar change in labor income of households employed by all industries for each additional dollar of output delivered to final demand by the "Warehousing and storage" (IMPLAN Sector 422), in Suffolk County, New York.

5.2.4 Anticipated Fiscal Impacts

- For taxing purposes, the total estimated market valuation of the proposed project is based upon an annual rental rate of \$15²⁵ per square foot, resulting in total rental revenues of \$8,249,130.
- After applying estimated loss from vacancies of 5%, as well as an estimated expense ratio of 20% for industrial uses, a capitalization rate of 0.1 and an equalization rate of 0.74%, the estimated assessed valuation of the industrial development upon full build-out and occupancy is approximately \$457,827. This is shown in **Table 11**.

TABLE 11
PROJECTED ASSESSED VALUATION

Parameter	Value
Gross Annual Rents	\$8,249,130
Estimated Loss from Vacancies	5%
Expense Ratio	20%
Net Income	\$6,186,848
Capitalization Rate	0.1
Estimated Market Value	\$61,868,475
Equalization Rate	0.74%
Projected Assessed Value	\$457,827

Source: Data provided by Wildflower Industrial XII, LLC.; Analysis by Nelson, Pope & Voorhis, LLC.

- Fiscal impacts are projected based on a stabilized year of operations and full taxation based on current assessments and projected revenues. It is noted that any tax deferral programs will delay and phase-in full taxation. The projection of tax revenues is useful in determining future taxation and in assisting with an understanding of existing and future taxes to help structure a PILOT agreement.
- It is important to note that the projected tax information provided in **Table 12** was derived from the current assessment factors and tax rates provided by the Town of Brookhaven. It is also important to note that all analyses are based on current tax dollars, and the revenue allotted among taxing jurisdictions will vary from year to year, depending on the annual tax rates, assessed valuation and equalization rates. Further, the final assessment and levy will be determined by the sole assessor at the time of occupancy. Projections included herein are as accurate as possible using fiscal impact methodologies, for the purpose of the planning and land use approval process.

²⁵ Annual rental rate per square foot provided by WF Industrial XII, LLC in March, 2022.

TABLE 12
ANTICIPATED TAX REVENUE GENERATION

Taxing Jurisdiction	Current Tax Revenue	Projected Tax Revenue	Change in Tax Revenue
Total School Taxes	\$29,433	\$1,418,420	\$1,388,988
School Districts- Longwood CSD	\$27,998	\$1,349,293	\$1,321,295
Library Districts- Longwood CSD	\$1,434	\$69,127	\$67,693
Total County Taxes	\$4,361	\$210,175	\$205,813
County of Suffolk	\$290	\$13,977	\$13,687
County of Suffolk - Police	\$4,071	\$196,197	\$192,126
Total Town Taxes	\$2,376	\$114,512	\$112,135
Town - Town Wide Fund	\$566	\$27,268	\$26,702
Highway - Town Wide Fund	\$154	\$7,403	\$7,249
Town- Part Town Fund	\$183	\$8,831	\$8,648
Highway- Part Town Fund/Snow Removal	\$1,473	\$71,009	\$69,535
Other Taxes	\$3,416	\$164,607	\$161,191
New York State MTA Tax	\$14	\$673	\$659
Open Space Preservation	\$216	\$10,402	\$10,186
Fire Districts - Yaphank	\$2,693	\$129,776	\$127,083
Lighting Districts- Brookhaven	\$114	\$5,494	\$5,380
Real Property Tax Law	\$293	\$14,106	\$13,813
Out of County Tuition	\$66	\$3,177	\$3,111
Suffolk County Community College Tax	\$20	\$980	\$959
TOTAL: ALL TAXING JURISDICTIONS	\$39,585	\$1,907,714	\$1,868,128

The proposed project includes the development of a warehouse facility and therefore, will not generate additional students to the Longwood Central School District. The proposed project is anticipated to levy approximately \$1,418,420 in property tax revenues for the school district, without generating additional costs stemming from an increased student enrollment. This net revenue could ease the district's need to tap into additional fund balances and could also help alleviate an increased burden on other taxpayers throughout the district.

6.0 REFERENCES

IMPLAN, 2022. IMPLAN Economic Modeling System. Huntersville, North Carolina.

Environmental Systems Research Institute, Inc., 2022. Community Profile: Yaphank CDP, New York. Prepared in April 2022. Accessed via ESRI Business Analyst, Redlands, California, 2022.

Environmental Systems Research Institute, Inc., 2022. Community Profile: Brookhaven Town Subdivision, New York. Prepared in April 2022. Accessed via ESRI Business Analyst, Redlands, California, 2022.

Environmental Systems Research Institute, Inc., 2022. Community Profile: Suffolk County, New York. Prepared in April 2022. Accessed via ESRI Business Analyst, Redlands, California, 2022.

New York State Department of Labor, in partnership with United States Bureau of Labor Statistics, 2022. Occupational Employment Statistics Survey. Long Island Region, 2011.

New York State Office of Real Property Services, 2022. 2021 Annual Assessment Rolls, 2021 Parcel Counts by Individual Property Class Code. Albany, New York, 2022.

Suffolk County, 2022. 2022 Adopted Operating Budget. Volume No. 1, 2021. Hauppauge, New York, 2021.

Town of Brookhaven, 2022. 2022 Adopted Operating Budget. Brookhaven, New York, 2021.

Town of Brookhaven Receiver of Taxes, 2022. Statement of Taxes. Brookhaven, New York, 2022.

ATTACHMENT A

Nelson, Pope & Voorhis, LLC

Economic Analysis Qualifications

STATEMENT OF QUALIFICATIONS ECONOMIC AND FISCAL IMPACT ANALYSIS



NELSON POPE VOORHIS
environmental • land use • planning

70 Maxess Road
Melville, NY 11747
Contact: Charles J. Voorhis, CEP, AICP, Principal
o: 631.427.5665 | cvoorhis@nelsonpopevoorhis.com

TABLE OF CONTENTS

INTRODUCTION	1
KEY PERSONNEL.....	3
RELEVANT EXPERIENCE.....	5

INTRODUCTION

Nelson, Pope & Voorhis, LLC (“Nelson Pope Voorhis” or “NPV”) is an environmental planning and consulting firm established in 1997 that serves governmental and private sector clients preparing creative solutions specialized in the area of complex environmental project management and land use planning/analysis. Our offices are strategically located in Melville, Long Island, NY and Suffern, NY in the Hudson River Valley. NPV consists of three divisions, created to better serve clients with high quality, innovative and responsive consulting services in all aspects of environmental planning. The three divisions are:

- **Environmental and Community Planning Division:** prepares comprehensive plans, long-term planning studies, corridor redevelopment studies, brownfield plans and comprehensive and strategic zoning amendments. The group is effective in the use of geographic information systems (GIS) mapping to evaluate issues and present baseline data. Effective community outreach strategies are developed and tailored for each project and the community in which the project is taking place. The group represents a number of planning boards in the region.
- **Phase I/II ESA and Remediation Division:** prepares Phase I/II Environmental Site Assessments with soil and groundwater sampling services, lead based paint, asbestos and radon inspection services, and all forms of environmental sampling. The division evaluates the implications of past and/or present contamination and property uses on future land uses.
- **Environmental Resource and Wetland Division:** conducts ecological assessment and planning, landscape and coastal restoration, wetland delineation and restoration, habitat assessment, conducts stormwater modeling and green infrastructure planning and implementation. This division assists clients through permitting and SEQRA processes.

The primary focus of the firm is to provide quality consulting services that meet the needs and goals of our clients while respecting the environment. We pride ourselves being extremely responsive to each client. Clients rely on NPV’s depth of experience and expertise to provide solutions to each unique project within budget and on schedule. Our clientele, some of whom we have represented for decades, recognize NPV’s capabilities and are secure in knowing that they receive quality professional services from project inception through completion. NPV’s multidisciplinary staff includes AICP-certified planners, economists, ecologists, hydrologists, certified environmental professionals, grants specialists, and GIS specialists.

As a local firm, NPV has significant expertise in performing both Economic and Fiscal Impact Analyses as well as Market Studies. We have served as a primary consultant to many private developers as well as municipalities and have established a solid track-record of completed projects and local government references throughout Long Island, with an emphasis on economic related projects.

NPV has the capabilities to provide the following services:

PHASE I/II ESA AND REMEDIATION	COMMUNITY AND LAND PLANNING	ENVIRONMENTAL AND WETLAND ASSESSMENT
<p>ENVIRONMENTAL AUDITS</p> <p>Phase I ESA & Due Diligence Investigations Phase II ESA Groundwater Investigations Soil Sampling, Boring and Classifications Soil Gas Surveys Monitoring Wells & Piezometers Tank Sampling Pesticide Sampling & Plans Soil Management Plans Remediation Brownfield/Voluntary Cleanup Plans RCRA Closures Superfund Sites Asbestos Surveys Influent/Effluent Sampling Lead Based Paint Surveys Subsurface Investigations Ground Penetrating Radar (GPR) Dewatering Services Pipe Camera Magnetometer Groundwater Monitoring Studies Flow Studies Water Supply Studies Nitrogen Load/TMDL Evaluation</p> <p>ENVIRONMENTAL ANALYSIS</p> <p>NYS SEQRA/NYC CEQR Administration NEPA Analysis/Documentation EIS/EAF Preparation GEIS & Regional Impact Analysis Noise Monitoring & Assessment Air Impact Analysis Visual Assessment</p>	<p>ECONOMIC</p> <p>Fiscal Impact Analysis Economic Impact Analysis IMPLAN and RIMS II Economic Impact Modeling School District/Community Service Impact Analysis Market Studies Niche Market Analysis Demographic Studies Economic Development Planning Business Retention & Expansion Strategies Downtown Revitalization IDA Financing Assistance</p> <p>PLANNING</p> <p>Development of Feasibility Studies LEED Planning Public Outreach Meetings Demographic Analysis Municipal Review Services Planning & Zoning Analysis Build Out Analysis GIS Analysis Code Preparation & Review Downtown Revitalization Regional Planning & Land Use Plans Recreation Planning LWRP & Harbor Management Plans Grant Writing & Administration Public Outreach & Community Surveys Community Visioning District Mapping Spatial Analysis of Call Database Needs Assessment Demographic Analysis</p>	<p>STORMWATER MANAGEMENT</p> <p>Stormwater Permitting Stormwater Pollution Prevention Plans (SWPPP) Erosion & Sediment Control Plans NYSDEC "Qualified Inspectors" for Construction Field Monitoring Stormwater Management Programs NYSDEC Annual Reports Construction Stormwater Field Monitoring Outfall & Infrastructure Inventory GIS Mapping & Analysis Stormwater BMP's Stormwater Management Planning Low Impact Design</p> <p>ECOLOGY & WETLANDS</p> <p>Wetland Delineation and Permits Permit Plans Restoration/Mitigation Plans Ecological Studies and Surveys Endangered Species Surveys Pond Management Plans Invasive Species Control Water Quality Evaluation Habitat Management Watershed Management Plans Environmental Education /Outreach</p> <p>COASTAL & WATERFRONT MANAGEMENT</p> <p>Waterfront Management Plans Waterfront Certifications Coastal Erosion Hazard Area FEMA Compliance Shoreline Restoration Planning Ecological Landscape Design</p>

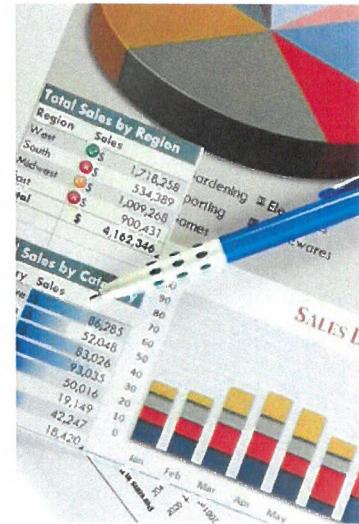
Economic and Fiscal Impact Analyses & Market Studies

NPV performs economic impact analyses and utilizes the software IMPLAN (a model that combines a set of extensive databases, economic factors, multipliers, and demographic statistics) to estimate short and long-term employment projections generated by a development. Economic impacts are determined by inputting the anticipated direct spending from construction and operations of each of the development through the IMPLAN model which may be calibrated to reflect local spending patterns. The IMPLAN model estimates the full-time job creation during construction and under operation — and the direct, indirect and induced economic benefits related to purchase of goods and services. Direct effects are the immediate result of the project

implementation. Indirect benefits stem from the purchase by local businesses/industries of goods and services from other local businesses/industries (also known as intermediate expenditures). Induced benefits reflect the spending of wages from residents (accounting for household purchases made by paid employees or from new residents in housing developments).

For fiscal impact analyses, NPV identifies project benefits and/or impacts in terms of tax revenue projections and demand for community services from various providers – including the ramifications of development on local school districts.

NPV prepares market studies to evaluate the need for a particular type of development, which include housing needs assessments, evaluation of retail gaps and surpluses, and niche market and branding studies.



KEY PERSONNEL

All NPV professionals are available to assist on an as-needed basis. Kathy Eiseman will serve as the project coordinator, working as the primary contact and assigning projects to the various professionals on the team. Specific individuals expected to provide services and their individual roles for Economic and Fiscal Impact Analyses initiatives are noted as follows:

Personnel	Qualifications, Project Role
Kathryn J. Eiseman AICP Partner	Project Oversight
Charles J. Voorhis, CEP, AICP Principal	Project Coordination
Taylor Garner Environmental Planner/GIS Manager	Project Coordination, Preparation of Reports
Valerie Monastra Principal Planner	Preparation of Reports

Nelson Pope Voorhis is managed by a select group of partners. Each provides specific expertise in the field of environmental planning, land use planning/analysis, remediation, engineering and land surveying that is unique within the industry. The diverse leadership of NPV couples the experience of our senior partners with the innovation and enthusiasm of our younger staff. Many of the team's staff have advanced technical degrees and/or technical certifications. Such as LEED Accredited Professional (LEED AP), OSHA 40 Hour HAZWOPER, and American Institute of Certified Planners (AICP), etc.

Kathryn J. Eiseman, AICP, Partner is a Partner and Division Manager of the Environmental & Community Planning Division. She has over 20 years of planning experience in environmental planning and manages both private and public planning projects. Current projects include the Local Waterfront Revitalization Program for the Town of Islip and Brownfield Opportunity Area (BOA) for the Town of Riverhead BOA. Ms. Eiseman is the planner for the Villages of Southampton and Sag Harbor Planning Boards and directs her staff to perform site plan and subdivision reviews and advises the Board on a regular basis. She is skillful in managing complex projects and working with team members both in house and as subconsultants. Her staff is proficient in the use of GIS and design software for preparation of high-quality graphic products. Ms. Eiseman is experienced in the art of public participation and education and tailors her approach to the unique needs of each project community. She is an enthusiastic and creative planner who endeavors to bring a fresh approach to each project as well as to her position as Treasurer for the Long Island Section of the American Planning Association.

Charles Voorhis, CEP, AICP is Principal of NPV and has over 40 years of experience in environmental planning on Long Island and in the New York metropolitan area. Mr. Voorhis is a member of the American Institute of Certified Planners (AICP) and is a Certified Environmental Professional (CEP). He has a wealth of experience in managing large scale municipal projects including regional environmental planning, downtown revitalization and action planning, Generic Environmental Impact Statements, stormwater management, wetlands and coastal management, and municipal consulting. Mr. Voorhis and his firm serve as environmental planning consultants to many of New York Towns and Villages and are currently in the process of preparing several long-range planning initiatives for several Towns in Nassau and Suffolk Counties.

Taylor Garner is an environmental planner with an undergraduate degree in Environmental Science from Villanova University and a master's degree in Urban Planning with a concentration in Sustainability and the Environment from Hunter College. Ms. Garner has undergone the Formal training course in the IMPLAN Economic Modeling System IMPLAN. She oversees the preparation of market analyses and feasibility studies, niche market studies and branding plans, school district analyses, economic development strategies, as well as fiscal (projecting taxes and the impact to local jurisdictions) and economic (projecting job creating and associated revenues circulating throughout the economy) impact analyses for residential, commercial, office, industrial, recreational, hospitality, tourism and mixed-use developments. She has experience in analyzing demographic data and preparing grant applications. Ms. Garner has been involved with comprehensive plans, local waterfront revitalization plans, brownfield development, zoning plans, and public participation and community visioning processes. Ms. Garner is also experienced in the preparation and review of environmental assessment documents, including SEQRA and CEQR documents, and site plan review for the Villages of Southampton and Sag Harbor and the Town of Oyster Bay.

Valerie Monastra is an AICP Certified Environmental Planner with over 18 years of experience throughout the Hudson Valley in management and planning pertaining to land use development, zoning, environmental review, affordable housing and community development projects. Her educational and employment history encompass both urban and environmental planning as well as governmental administration. Ms. Monastra has experience providing planning services to New York State agencies including DOS, DEC, OPRHP and ESD and is expert in the SEQRA and NEPA processes. Ms. Monastra serves as the President of the Westchester Municipal Planning Federation. She has vast experience working on the local level with municipalities to complete plans and navigate projects through the land use approval process.

Detailed resumes can be provided upon request.

RELEVANT EXPERIENCE

The following list of projects have been selected to demonstrate the team's qualifications and capabilities.

City of New Rochelle Downtown Overlay Zone (DOZ) Zoning Amendments (New Rochelle, NY)

NPV prepared an economic and fiscal impact analysis for the proposed 2021 Amendments to the City of New Rochelle Downtown Overlay Zone (DOZ), located in the downtown area of New Rochelle, New York. The City is proposing updates to the Theoretical Development Scenario (TDS), which was originally evaluated as part of the 2015 Generic Environmental Impact Statement (GEIS). The GEIS was prepared to evaluate potential impacts that could result from the adoption of the DOZ. The 2021 TDS changes are proposed to address the shift in demand away from certain commercial uses and to provide for additional residential and live/work options, as well as retail and restaurant options designed to integrate the outdoors and new outdoor recreational opportunities into the DOZ. Additionally, the 2021 DOZ Amendments include the continuation of the DO Zones to the south and east to add a new "Waterfront Overlay District" ("DO-7 Zone") to allow for development on or near a newly created publicly accessible waterfront. Collectively, the 2021 DOZ Amendments (the "Proposed Action") are intended to continue the successful growth within the entire DOZ while re-balancing the potential development impacts of a revised TDS.

The analysis examines the economic and fiscal impacts that are anticipated to occur through the implementation, construction and annual operations of the revised TDS, intended to continue growth within various zoning districts within the City's downtown and waterfront.

Greybarn Sayville (Sayville, NY)

NPV has updated this fiscal and economic impact analysis for the Greybarn-Sayville Planned Development District (PDD) as part of the Draft Environmental Impact Statement (DEIS). The proposed project is on the site of a former Country Club, a 114.33-acre property in the hamlet of Sayville of the Town of Islip. The proposed project will include the development of 1,365 multi-family residential rental units, on-site stormwater and sanitary wastewater treatment systems, connections to the public water supply, recreational and commercial amenities (limited to the site's residents, and including small retail/commercial spaces, interior open spaces, outdoor pool/patio areas, and an internal walking trail network), and a 25±-acre public open space along the perimeter of the site, in which a pedestrian path is proposed. The proposed project also includes expanded wastewater treatment capabilities for wastewater from downtown Sayville, and installation of a sewer main from downtown Sayville to the on-site sewage treatment plant (STP).

The project responds to the public need for increased quality rental housing opportunities in the area. The proposed project has been designed using smart growth development principles, by incorporating features and characteristics including internal walkability, sense-of-place features, safe and convenient pedestrian access to on-site amenities (within the site and limited to use of the site's residents), and on-site recreational amenities for its residents. In addition, the proposed project will create strong economic activity by providing jobs and a solid tax base.

Concern for Independent Living (Southampton, NY)

NPV prepared a fiscal and economic impact summary to examine the fiscal and economic impacts that are anticipated to occur through the construction and annual operations of a proposed residential development with 60 workforce rental apartment units to be located on County Road 39 in the Village of Southampton. Due to the generally affluent nature of the south fork of Long Island, and many parts of Southampton in particular, the demand for workforce housing units in Southampton is strong, and there is documented need for this type of housing in the community. The proposed project responds to the Town's and community's desire to provide such rental housing opportunities in the area, as recognized in various comprehensive planning documents and evidenced by current conditions within the surrounding community.

There also remains an unmet demand for veteran housing, including housing for disabled veterans who may have a need for accessible housing and supportive services. The units will be comprised of 36 one-bedroom and 24 two-bedroom apartment units, and the proposed project will also include a 5,000 square foot (SF) community building with a gym, computer room, and community room for use by residents and staff, as well as service provision for the supportive housing units. All of the units will be designated as "affordable" units under the Town Code and will be occupied by households that meet applicable economic standards as administered by the Town. A portion of the units will be occupied by veterans, including disabled veterans and disabled veterans in need of support. The project will benefit the community by transforming an overgrown and littered site into attractive, high-quality workforce housing that will enhance the community. As economic stability returns following the coronavirus pandemic of 2020, the proposed project is expected to contribute to the long-term economic health of the community.

Superblock Long Beach (Long Beach, NY)

NPV prepared a Fiscal Impact Analysis and a Household Buying Power Analysis for a residential development in Long Beach, New York. This analysis will assist the developer in quantifying the fiscal impact that the new residential development will have on the local tax base, and the economic impact that new household spending will have on the local economy. Economic impact including construction and operational job creation was addressed in detail in the Economic Impact Summary Analysis prepared by NPV earlier in 2020. This analysis examines the fiscal impacts and the household spending that is anticipated to occur during annual operations of a new residential development including: 200 one- and two-bedroom condominiums; and, 238 market-rate and workforce studio, one- and two-bedroom rental units.

Prior to the coronavirus pandemic of 2020, the condominium market in Long Beach has been quite attractive, with a strong demand and a supply of such housing units proximate to the boardwalk, and/or with water views. The rental market has suffered from a dearth of new transit-oriented communities. The proposed residential development is responsive to this demand in Long Beach, and as economic stability returns, is expected to contribute to the long-term economic health of the community through the provision of such newly constructed luxury housing opportunities. The proposed residential development is expected to create strong economic activity by providing a solid tax base upon completion and full taxation of the project. The new residents living within the 200 condominiums and 238 rental units proposed for development will patronize downtown establishments, bringing significant new disposable income to the merchants in the community. Consumer activity will ripple through the local community, creating beneficial fiscal and economic impacts throughout Long Beach, Nassau County, and the region as a whole. Consequently, economic activity including job creation and

consumer buying power will be generated by the project.

Storage Deluxe (Valley Stream, NY)

NPV prepared a market feasibility, fiscal and economic impact summary analysis for a commercial storage facility in Valley Stream, New York. This analysis examines the feasibility in the local market, as well as fiscal and economic impacts that are anticipated to occur through the construction and annual operations of a new four-story, 140,000 square foot (SF) commercial storage facility. With the decline in the number of warehouse facilities in the region, and rising commercial rents, many companies can no longer afford large warehouses. Such businesses have nowhere to store their inventory, which is a major roadblock to their success and growth. The proposed commercial storage facility is responsive to this need and anticipates serving the needs of hundreds of local businesses in Valley Stream and surrounding communities, in a cost-effective manner.

The proposed commercial storage facility will create strong economic activity by providing new employment opportunities and will provide a tax revenue and/or payment in lieu of taxes. The analysis served to accompany the IDA application to the Town of Hempstead.

RD Industrial Site (Yaphank, NY)

NPV prepared a series of economic and fiscal calculations as part of the Land Use Application being prepared for a 47+ acre project site is located the hamlet of Yaphank, Town of Brookhaven. The proposed project includes the development of two one-story distribution warehouses, as well as a three-story self-storage building. For the purpose of this analysis, it was assumed that both distribution warehouse buildings will be occupied by a mix of industrial and office uses, with a split of 90%/10% favoring pure industrial use.

As economic stability returns following the coronavirus pandemic of 2020-21, the proposed project is expected to contribute to the long-term economic health of the community. More specifically, the proposed project will establish many new construction and operational jobs that will help in the pre- and post-pandemic recovery, as well as a solid tax base upon full build-out and full-taxation of the property.

Canoe Place Inn and Hampton Boathouses (Hampton Bays, NY)

The Canoe Place Inn (CPI) has a longstanding history and serves as an important part of the character of the Hampton Bays community. The rehabilitation the formerly vacant CPI included synergistic uses on the site reminiscent of its history, working together to draw interest for destination weddings, charity events, business conferences and other special events.

In the 2014 preparation of the Environmental Impact Statement, NPV prepared a Fiscal Impact Analysis and Assessment of Needs and Benefits for the Canoe Place Inn and Hampton Boathouses properties. The study examined and quantified the beneficial impacts to the local school district as well as the generation of annual property tax revenues. Moreover, the analysis projected the economic impacts – on output, employment and labor income – during both the construction period and annually, upon a stabilized year of operations of the rehabilitated CPI and residential project components. NPV also prepared a Residential Market Analysis for the Hampton Boathouses property on Shinnecock Canal. The analysis analyzed the relationship between the demand for, and supply of, comparable residential developments and ultimately,

quantified the amount and type of housing units that could be supported by the target market – including both those for year-round residents and seasonal residents.

In 2019, NPV prepared a Market Feasibility Analysis for CPI, for submission to the Suffolk County Industrial Development Agency (SCIDA) for tax deferral and other financial assistance. The analysis examined the demand for CPI, the local and regional tourism market and forecasted growth, and determined that CPI will establish a tourism destination that is likely to attract a significant number of visitors from outside the economic development region, and therefore eligible for SCIDA assistance.

Danford's Hotel, Marina & Spa: Economic Planning Analysis(Port Jefferson, NY)

Danford's Hotel, Marina & Spa is an integrated water-dependent facility in Port Jefferson, New York, and is referred to as "the anchor of Port Jefferson." The hotel, marina, spa and restaurant are inter-related uses that support recreational/commercial boating, marine trades, marine material suppliers and related industries. The combined facility is an economic engine for Port Jefferson and the region, with the annual maintenance to, and operations of, the facility creating strong economic activity. An abundant amount of consumer activity ripples through the

local community, contributing vastly to the economy of downtown Port Jefferson, and into the Town of Brookhaven, Suffolk County and the region as a whole.

NPV prepared an Economic Planning Analysis that quantified the beneficial economic impacts associated with Danford's Hotel, Marina & Spa. The analysis examined the direct, indirect and induced impacts on output, employment and labor income, during the annual maintenance and repair construction of the facility, as well as during annual operations of the hotel, marina & spa.

TopGolf Market Feasibility Analysis (Holtsville, New York)

Topgolf is a global sports and entertainment community, which was first launched in the United States in 2005. It has served as the pioneer in the golf entertainment industry ever since. The most recent location in Holtsville, NY includes a 65,000 square foot, state-of-the-art, multi-level golf entertainment complex, and allows for a unique experience that can be enjoyed year-round. No such facility currently exists on Long Island. The synergistic uses provided at the Topgolf Holtsville location will work together to draw interest for local residents, college students and employers, as well as persons originating from outside of the area for patronage, corporate and charity events, business conferences and other special activities. This broad combination of guests will provide economic activity both at the site and into the surrounding community.

In 2016, NPV prepared a Economic and Fiscal Impact Analysis that examined and quantified the beneficial tax revenue benefits as well as economic impacts – on output, employment and labor income – during both the construction period and annually, upon a stabilized year of operations of the proposed Entertainment Recreation Facility. In 2019, NPV prepared a Market Feasibility Analysis for Topgolf, to accompany the Industrial Development Agency (IDA) application to the Town of Brookhaven. The analysis examined the strength of the regional entertainment recreation industry, the demand for this type of use, the lack of supply of comparable facilities in the local and regional economy, and various benefits that would be accrued to the local economy and community at large, through the annual operations of the Topgolf project. The analysis concluded that

Topgolf would provide a combined entertainment and recreation facility, that but for the project, would not be reasonably available to the residents of the Town of Brookhaven or Suffolk County, and therefore it was deemed eligible and appropriate for IDA assistance.

***Economic Development Chapter of the Comprehensive Plan Update
(Town of Southold)***

In an effort to achieve the Town's vision, five goals and numerous objectives were formed to provide direction for future decision-making pertaining to the Town's economy. Much of the Town's economic vitality is based on the Town's unique rural, historic and maritime-based character as well as its natural resources. NP&V prepared the economic chapter of the Comprehensive Plan Update for the Town of Southold to allow for the formation of appropriate recommendations and implementation strategies focused on long-term economic sustainability throughout the Town.

One of the specific tasks involved with the economic chapter of the Town's Comprehensive Plan is the zoning/build-out analysis. The Town of Southold is facing development pressure and is concerned about the impact that the current zoning may have on the Town's resources. The Town of Southold prepared a build-out analysis of several zoning districts, and NP&V funneled these findings into a model to assess the regional impact of full build-out and modified development scenarios. Ensuring quality of life, protection of environmental resources, housing needs and maintenance of the tax base were key elements of the model. This project involved the creation of a model to synthesize multiple evaluation factors to analyze the impact of full build out of the Town of Southold under its current zoning.

Niche Market and Branding Plan & Build-Out/Tax Base Analysis(Bellport, NY)

NPV worked with the Town of Brookhaven on a niche market and branding plan for the Greater Bellport community. The focus of this plan was to form a set of recommendations that outlined the necessary steps that members in the Greater Bellport community can take in order to successfully create a sense of place, community pride and positive perceptions through a more niche-oriented position in the local market. NPV recommended various initiatives to make the Greater Bellport community unique and marketable, creating a place that people want to be, where people are comfortable, and a place that people remember and come back to time and again. The niche market and branding plan strives to promote the community's niche market to new residents, visitors and economic development opportunities alike, offering the Greater Bellport community the opportunity to develop a theme that they want to be known for. NPV worked with the Town of Brookhaven on a build-out/tax base analysis, to analyze how the local school district could be impacted by growth. NPV created a GIS model to compare tax assessments for various land use scenarios to ensure an adequate tax base to support increased growth in school population without disproportionate increases in residential tax rates. This model was used to test assumptions for future development and to analyze various alternatives in an automated fashion, allowing for easy comparison of scenarios and results. Ultimately, the model will provide a reality check for future planning with respect to provision of quality community services and may provide support for creating additional commercial tax base within the district.

PLANS

REFERENCES

THESE PLANS REFERENCED:
LAND TITLE SURVEY PREPARED BY:
CONTRAL POINT ASSOCIATES, INC. PC
1203 WEST 41ST STREET, SUITE 1203
NEW YORK, NY 10036
DATED: 06/03/2020

FINAL GEOTECHNICAL REPORT
PREPARED BY:
SILVER CORPORATE PARK, LLC
1275 ROUTE 300, 2ND FLOOR
YAPHANK, NEW YORK 10550
DATED: 12/06/2020

VICINITY MAP BACKGROUND DATA
PROVIDED BY: MAPS.GOV.COM

TOWN OF BROOKHAVEN NOTES

- ALL CONCRETE CURBING, SIDEWALKS, AND DRAINAGE STRUCTURE SHALL CONFORM TO PLANNING BOARD STANDARD DETAIL AND SPECIFICATIONS.
- TOWN OF BROOKHAVEN ENGINEERING INSPECTOR IN THE DEPARTMENT OF PLANNING AND LAND USE, AND LAUREN M. DAVIS, R.P.L.S. SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF ALL CONSTRUCTION AT 631-451-6400 BETWEEN THE HOURS OF 8:00AM-4:30PM MONDAY THROUGH FRIDAY.
- PLEASE CONTACT THE DIVISION OF ENGINEERING AT (631)451-6400 TO SCHEDULE A PRE-CONSTRUCTION MEETING 48 HRS PRIOR TO THE COMMENCEMENT OF ANY AND ALL CONSTRUCTION ACTIVITIES.
- LOCATION AND GRADES FOR CURBS AND WALKS TO BE PROVIDED WITH THE TOWN OF BROOKHAVEN HIGHWAY DEPARTMENT, SCOPED OR NYSDOT PRIOR TO CONSTRUCTION.
- ALL TRAFFIC CONTROL DEVICES, I.E. SIGNALS, SIGNS, AND PAVEMENT MARKINGS SHALL BE PROVIDED IN ACCORDANCE WITH THE GUIDELINES OF THE NEW YORK STATE MANUAL OF TRAFFIC SAFETY, DIVISION OF TRAFFIC SAFETY.
- THE CONTRACTORS PERFORMING ANY AND ALL TRAFFIC CONTROL DEVICES LAYOUT AND INSTALLATION WORK SHALL NOTIFY THE TOWN OF BROOKHAVEN DIVISION OF TRAFFIC SAFETY. 48 HOURS IN ADVANCE OF BEGINNING SUCH WORK ALONG A TOWN ROAD.
- ALL PAVEMENT MARKINGS REQUIRED SHALL BE THERMOPLASTIC (SUFFOLK COUNTY SPECIFICATIONS) UNLESS OTHERWISE NOTED ON PLAN.
- STOP LINE SIGHT DISTANCE SHALL BE MAINTAINED AT ALL INTERSECTIONS IN ACCORDANCE WITH ASHTO REQUIREMENTS.
- NO CLEARING OR OTHER CONSTRUCTION ACTIVITY SHALL COMMENCE UNTIL SUCH TIME A BUILDING PERMIT HAS BEEN ISSUED.

OWNER

SILVER CORPORATE PARK, LLC
520 OLD COUNTRY ROAD
YAPHANK, NEW YORK 10550
S16-840-0592

APPLICANT

INDUSTRIAL LLC
80TH AVENUE, SUITE 1602
NEW YORK, NY 10011
310-490-0526

SECTION 635
BLOCK 5

LOT 1

N/F LANDS OF
THE TOWN OF BROOKHAVEN
Liber 1203, Page 507

SECTION 635
BLOCK 5

LOT 2

ZONE: LI LIGHT INDUSTRY
USE: VACANT

N84°39'33"E - 11:38:20"

N85°40'27"E - 697.34"

PROP. LIMIT OF DISTURBANCE LINE (TYP.)

PROP. FUTURE LANDBANKED STALLS

AREA TO REMAIN UNDISTURBED

PERMANENT UTILITY EMBODIMENT

PERMANENT UT



EXISTING CONDITIONS SLOPE ANALYSIS (OVERALL SITE)					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	2,443,225	56.09	
2	10.00%	15.00%	306,334	7.03	
3	15.00%	100.00%	362,885	8.33	

EXISTING CONDITIONS SLOPE ANALYSIS (WITHIN PROPOSED DISTURBED AREA)					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	1,756,347	40.32	
2	10.00%	15.00%	33,981	0.78	
3	15.00%	100.00%	8,848	0.20	

PREVIOUSLY APPROVED DISTURBED AREA CONDITIONS SLOPE ANALYSIS					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	1,666,482	38.26	
2	10.00%	15.00%	49,201	1.13	
3	15.00%	100.00%	14,153	0.33	

LEGEND		
EXISTING	ITEM	PROPOSED
	PROPERTY LINE	
	BUILDING	
	CONCRETE CURB	
	BUILDING DOOR LOCATION	
	CONTOUR	

NO.	DATE	BY	DESCRIPTION
6	05/03/22	DP	MISC. REVISIONS
5	4/15/22	JR	REV. PER TOWN COMMENTS
4	3/29/22	DP	MISC. REVISIONS
3	2/18/22	DP	REV. TO SLOPE COLORS
2	01/14/22	JR	MISCELLANEOUS REV.
1	10/08/21	JR	REV. PREVIOUSLY APPROVED LIMIT OF DISTURBANCE LINE

The logo for Key Civil Engineering features the letters 'KEY' in a large, bold, blue sans-serif font. The 'O' in 'KEY' is replaced by a smaller, dark grey rectangle. Below 'KEY', the words 'CIVIL ENGINEERING' are written in a smaller, bold, dark grey sans-serif font.

PROJECT NAME

PROPOSED WAREHOUSE

NORTH OF NYS ROUTE 495 & WEST OF SILLS ROAD
YAPHANK, NEW YORK 11980

TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK
DIST.:0200, SECT.: 662, BLOCK: 2, LOT: 5.16

DRAWING TITLE

EXISTING SLOPE ANALYSIS PLAN

DATE:	09/16/2021
SCALE:	1" = 100'
PROJECT NUMBER:	21063
DRAWING BY:	JR
CHECKED BY:	DP
APPROVED BY:	JP

SEAL & SIGNATURE:		ALTERATION OR ADDITION TO THIS DOCUMENT EXCEPT BY A LICENSED PROFESSIONAL ENGINEER IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
DRAWING No:		
ESAP-1		
PAGE No:		
1 OF 1		

