SUFFOLK COUNTY PLANNING COMMISSION
c/o Suffolk County Department of Economic Development & Planning
100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788-0099
T: (631) 853-5192 F: (631) 853-4044
Joanne Minieri, Deputy County Executive and Commissioner, Department of Economic Development and Planning
Sarah Lansdale, Director of Planning

NOTICE OF MEETING

January 2, 2013 at 2:00 p.m.
4th Floor Conference Room, Department of Economic Development and Planning,
H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge

Tentative Agenda Includes:

1. Adoption of Meeting Summary for Sept. and Oct. 2012

2. Public Portion

3. Chairman's Report

4. Director's Report

5. Guest Speaker – Tullio Bertoli, Commissioner, Town of Brookhaven, Department of Planning, Environment and Land Management

6. Section A 14-14 thru A 14-23 & A 14-25 of the Suffolk County Administrative Code
   - Extend Moratorium on Lawrence Aviation 0200 15900 0200 019000 et al (Brookhaven)
   - NMF/AIIA @ Yaphank 0200 73900 0300 001000 (Brookhaven)

7. Section A-14-24 of the Suffolk County Administrative Code
   None

8. Discussion:

9. Other Business:
   - Report of Nominating Committee
   - Draft of Calendar

NOTE: The **next meeting** of the SUFFOLK COUNTY PLANNING COMMISSION will be held on February 6, 2013 at 2:00 p.m., in the 4th floor conference room, Department of Economic Development and Planning, H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge.

COUNTY OF SUFFOLK

Z-1

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Proposed "Extension of Chapter 17 J, Moratorium on Lawrence Aviation Industries…"
Municipality: Town of Brookhaven
Location: Port Jefferson Station

Received: 12/17/12
File Number: BR-09-28.3
T.P.I.N.: 0200 13600 0200 022000 et al.
Jurisdiction: Moratorium Extension – Authorization under provisions of zoning ordinance

ZONING DATA

- Zoning Classification: L1/B1
- Minimum Lot Area: N/A
- Section 278: N/A
- Obtained Variance: N/A

SITE DESCRIPTION

- Present Land Use: Industrial and vacant land
- Existing Structures: Yes
- General Character of Site: N/A
- Range of Elevation within Site: N/A
- Cover: N/A
- Soil Types: N/A
- Range of Slopes (Soils Map): N/A
- Waterbodies or Wetlands: N/A

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Extension of Moratorium
- Layout: N/A
- Area of Tract: ~156. Acres
- Yield Map: N/A
  - No. of Lots: N/A
  - Lot Area Range: N/A
- Open Space: N/A

PROPOSAL DETAILS

OVERVIEW: The subject referral from the Brookhaven Town Board involves the proposed "Extension of Chapter 17 J - Moratorium on Lawrence Aviation Industries, for two additional years or until January 2015 so a Comprehensive Land Use Plan on eleven parcels constituting the site and a Generic Environmental Impact Statement (GEIS) can be prepared and completed by the Town of Brookhaven."

The subject site is a cluster of eleven (11) tax map parcels listed as a Federal Superfund site associated with operational contaminants to the soil and groundwater from various industrial activities.

As indicated in referral material from the Town, starting in the late 1970's and continuing through to 2004, the Suffolk County Department of Health Services, the Town of Brookhaven, and the Suffolk County Water Authority closed a series of contaminated private wells in the area and connected the users to public water. The US EPA's remediation plan is contained in the Record of Decision (ROD) approved for the subject properties (on file in the Town of Brookhaven). According to Brookhaven staff, the plan has two (2) major components: the removal and off-site disposal of contaminated surface soils and catch basin sediments; and ground water extraction and treatment. The Town has indicated that the first component has been completed and involved the removal of 3,000+ tons of soils and sediments from the two main industrial parcels at the site. The second component involved the installation of two (2) groundwater extraction and treatment systems to cleanse the water table of contaminants. The expected completion date of this component is 2036. In addition to the above remediation there is ongoing VOC (volatile organic carbon) monitoring of approximately 14 homes and Port Jefferson High School.

The ROD includes a stipulation (in accordance with information from the Town) that an environmental easement/restrictive covenant be filed with Suffolk County limiting the future on site uses to industrial and/or commercial uses only.

Outlying parcels (lands of the subject Lawrence Aviation Moratorium extension not containing significant structures), according to Brookhaven Town referral correspondence, include nine parcels totaling approximately 120 acres. These parcels are located immediately north and east of the two main industrial parcels (comprising 36 acres). As indicated by the Town, there is a variety of scattered smaller structures on the outlying parcels built by Lawrence Aviation over their forty-five year tenancy which were utilized for storage of industrial products and supplies. One of the outlying parcels has been illegally sand mined. The predecessor tenant of the property was Ledkote Products Company which manufactured various lead products including lead downspouts, for eight years in the 1950's. Before Ledkote, the site hosted a free-range turkey farm. The turkey farm, Ledkote Products and Lawrence Aviation Industries shared the same ownership, according to the Town of Brookhaven.

The Town has indicated that EPA soil testing has revealed elevated levels of heavy metal contamination in the soils of all outlying parcels. The exposure level is reported to be a moderate health risk to humans and animals.

The estimated cost of the above remediation of the industrial parcels in 2006 dollars is reported by the Town to be $24.2 million.

History of Moratoria: The following is a record of moratoria referrals to the Suffolk County Planning Commission regarding the subject properties and surrounding environs:

On 5/29/07, SCPC staff received a referral of Local Law 17 I of 2007 for a Moratorium on the Greater Port Jefferson and Terryville community [including subject properties]. Staff reviewed the referred materials and concluded that the moratorium was unsubstantiated since it lacked a detailed explanation of the moratorium pursuant to the Commission bulletin on moratoria. On 6/13/07, staff contacted the town for a more extensive explanation of the moratorium. On 6/26/07, staff received material from the town including a passage from the town's SEQRA Findings on the proposed amendment:

> "6. Study Alternatives for Lawrence Aviation Industries (LAI) Superfund Site
>
> This 160-acre EAP superfund site, which is split zoned L-1 Industrial and B-1 Residential, has been the object of several subdivision applications, and much speculative commercial interest. There is a 30-year, $23-million EPA mitigation plan for the site, which defines the long-term nature and challenges of redevelopment. Due to the degree of environmental degradation at the site, and the long-term nature of the remediation, a time-out is needed to study various redevelopment scenarios possible rezoning, and the possible need for restrictive covenants depending upon the redevelopment direction recommended. The site also offers possible opportunities for recreational use and open space preservation, or some combination of the aforementioned scenarios."

On 7/10/2007, SCPC staff returned a Local Determination to the Town on the 17 I Moratorium; presumably adopted by Brookhaven Town (no record in SCPC files).

On 10/23/ 2007, the first of many 17 I. moratorium waiver relief requests was referred to the SCPC (all were returned as Local Determinations to the Town).

In 2008, the PJ Terryville Hamlet Study was accepted by the Town of Brookhaven (no records in SCPC files).

On November 23, 2009, the offices of the Suffolk County Planning Commission received a referral from the Town of Brookhaven entitled "Introductory Local Law #34 of 2009, A Proposed Local Law Adding Chapter 17J Entitled Moratorium to Implement Recommendations of the Port Jefferson Station Terryville Hamlet Study/Land Use Plan"

Said referral was for the enactment of a moratorium involving property identified within the Port Jefferson Station/Terryville Comsewogue Hamlet Comprehensive Plan (including Lawrence Aviation Industries property). The stated purpose of the moratorium was to continue the update of the comprehensive plan and further to direct the Commissioner of Planning, Environment and Land Management to "complete the SEQRA analysis and review of possible change of zones recommended by the Hamlet Plan within the Greater Port Jefferson Station and Terryville area, generally, in order to identify and address present and future development needs of certain lands, with respect to the appropriateness of the existing zoning districts located therein, and in particular, with respect to considerations of traffic congestion, existing surrounding development, visual and other environmental impacts, and the character of neighborhoods in order to better provide for future growth and development appropriate of certain lands and which will benefit those communities." The Suffolk County Planning Commission was unable to render a determination on the referral as the necessary votes were unavailable to carry a resolution. As a result, the matter was default approved on the 46th day after the referral was received by the Commission. Subsequent to the Commission action (non-action), the Town of Brookhaven approved the referred Moratorium.

Several referrals to the offices of the Suffolk County Planning Commission for hardship waivers

from the 17-J Moratorium were received over the next year, reviewed by staff and returned to the Town for Local Determinations.

On November 19, 2010, the offices of the Suffolk County Planning Commission received a referral from the Town of Brookhaven amending the 17-J moratorium "To Lift the Moratorium for all Parcels Excluding those Related to the Former Lawrence Aviation Site, Which Requires Further Planning Study and to Extend Moratorium on Same." Said referral was returned Local Determination by SCPC staff based on SCPC guidelines on economic development and the reduction in scope of the moratorium.

Not counting the current request to extend the existing moratorium to January 2015, since 2007 three (3) moratoria referrals have gone to the Suffolk County Planning Commission for review covering a span of five years.

STAFF ANALYSIS

The Suffolk County Planning Commission considers moratoria to be Regionally Significant actions which potentially affect critical county-wide issues and are likely to have inter-community or county-wide impacts requiring consideration and deliberation by the full Commission (see SCPC Guidebook Section 1.3 & 1.3A).

Quoting from the Suffolk County Planning Commission Advisory News (Volume 2. Issue I. Spring 1998), "A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of owners to use their property. Seen in this light, it is advisable to precede the adoption of a moratorium by findings that confirm the necessity of this action." It is the belief of staff that this is also true for moratoria extensions. The Advisory bulletin also points out that findings should include, among other points, what the conditions are that mandate the imposition of a moratorium (extension); whether there are no other alternatives, less burdensome on the property rights, available; and how serious and urgent the circumstances are necessitating the moratorium (extension).

The Town of Brookhaven has provided, in its correspondence to the Commission, that the "extension is necessary to provide sufficient time for the Town of Brookhaven to complete a Comprehensive Land Use Plan for the eleven (11) parcels constituting the site…and prepare a Generic Environmental Impact Statement (GEIS). The documents will recommend what future uses, if any, will be permitted on the site in the future." No other "findings" were forwarded to the SCPC with the referral. SCPC staff in order to engender findings to review contacted Town planning staff for elaborations (see attached 12/20/12 correspondence from Thomas Chawner). The Town response indicates the progress of the planning and State Environmental Quality Review Act (SEQRA) initiatives. It is noted by SCPC staff that the content of the current response varies little from the intent of the original moratoria.

Suffolk County Planning Commission Guidelines, particularly Guidebook section 4.1 Land Use…"Promote redevelopment and infill development as an alternative to continued sprawl" Section 4.5 Economic Development... "Encourage developments that create a range of employment opportunities for a variety of ages, education levels, and skill levels"… "Recognize the tax revenue and employment impacts of residential, commercial and industrial developments"… and Section 4.7 Environment… "Promote environmental remediation

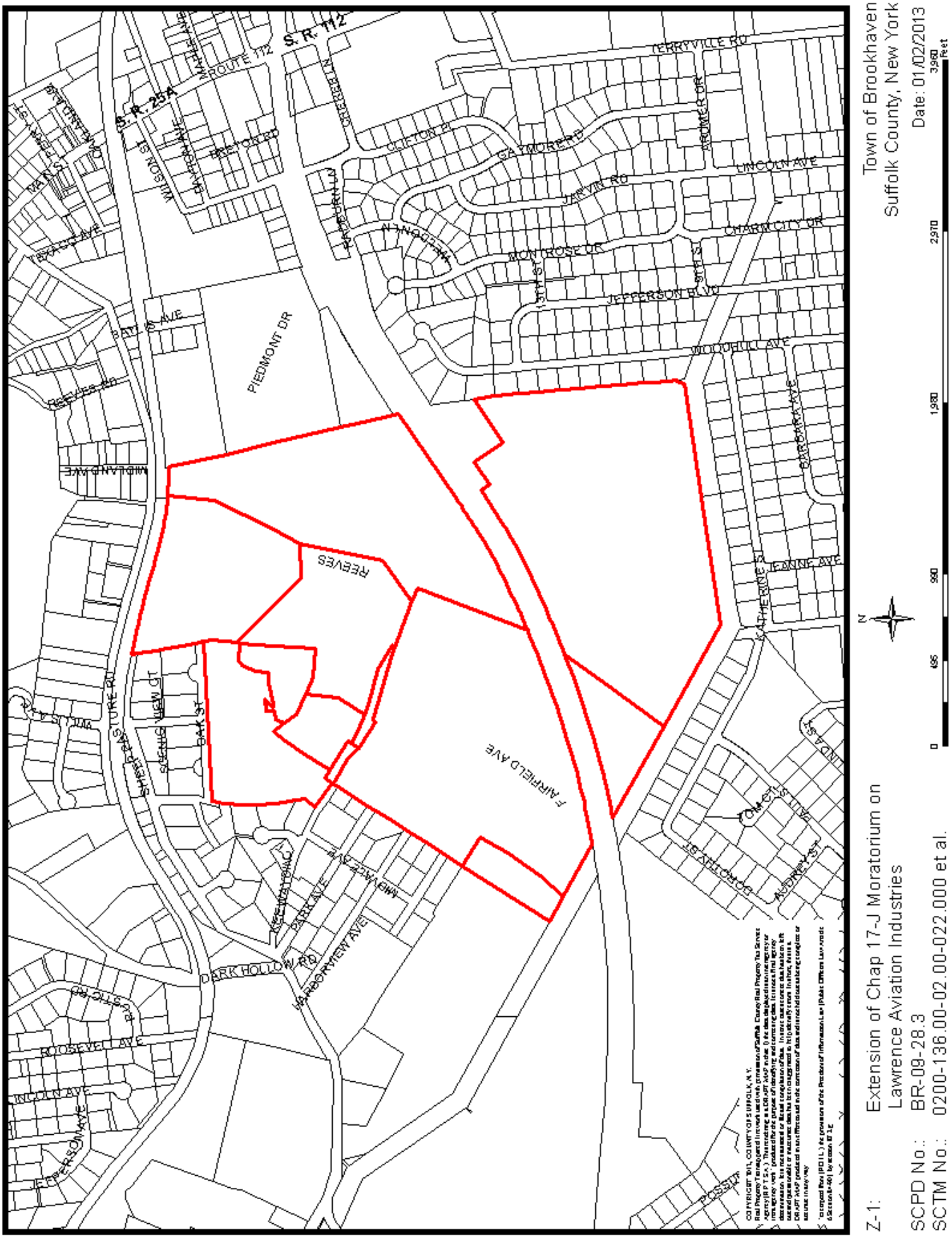
associated with development proposals"… would support a position of expediting the reuse of the subject properties.

The subject site, consisting of eleven (11) identified tax map parcels, constitutes a block of land that cannot be developed independently of each other due to the use and contamination histories related to these properties and are therefore linked via the State Environmental Review Act (SEQRA) process. Without a moratorium on these properties any development application submitted to the Town of Brookhaven would logically precipitate a "Positive Declaration" pursuant to SEQRA by a "Lead Agency" and through the "Cumulative Analysis" and "Alternatives" sections of a Draft Environmental Impact Statement (DEIS) be "Scoped" into the document. Any individual proposals on any of the other parcels would be included as an "alternative" development plan or as part of "cumulative" assessment. Potential anticipated environmental impacts, filed covenants and restrictions (required by EPA), and public input into the SEQRA process can mold the future improvements of the subject properties in such a way as to no longer necessitate the moratorium. Development applications that may not be consistent with the zoning at the time of an application could be accompanied by a change of zone application sponsored by the applicant or on the Town Boards own motion. The initiating development action and any subsequent proposal would typically, by Town regulation, be deemed an "incomplete" application until the conclusion of the SEQRA process thereby affecting the same result as the proposed moratorium extension.

STAFF RECOMMENDATION

Disapproval of the "Proposed Extension of Chapter 17 J - Moratorium on Lawrence Aviation Industries, for two additional years or until January 2015" for the following reasons:

A moratorium is, from one perspective, the most extreme land use action that a municipality can take because it suspends completely the rights of owners to use their property. The current moratorium has been in effect on the subject lands since 2010 (prior moratoria extend back to 2007) and it appears a lack of diligence and little to no real progress pursing its original plan and time table has been made on the expressed goals of said moratorium including completing "SEQRA analysis and review of possible change of zones recommended by the Hamlet Plan." It is policy of the Suffolk County Planning Commission to enable sustainable economic growth by supporting a broad range of industries and economic opportunities. The Suffolk County Planning Commission supports promoting the location of new centers of commerce and or industry on former brownfields and recognizes the tax revenue and employment impacts of commercial and industrial developments. It is logical to assume that any proposed development action (on any one of the subject properties) without the effect of the proposed moratorium would receive a "Positive Declaration" pursuant to the SEQRA law and process and become folded into an Environmental Impact Statement on the development of Lawrence Aviation properties. Any individual proposals on any of the other parcels would be included as an "alternative" development plan or as part of "cumulative" assessment. Applications effected thus would be molded into a component of the DEIS preferred alternative via mitigations stemming from anticipated impacts. An application for a proposal for development on any of the subject parcels would logically be deemed an "incomplete" application until the completion of SEQRA thereby affecting the same results as the proposed moratorium extension.


Z-1: Extension of Chap 17-J Moratorium on Lawrence Aviation Industries
SCPD No.: BR-09-28.3
SCTM No.: 0200-136.00-02.00-022.000 et al.
Town of Brookhaven
Suffolk County, New York
Date: 01/02/2013
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ROUTE 112
WESTHAMPTON BEACH
MILLER PLACE
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JERRYVILLE RD
CLIFTON PL
GATMORE RD
ARCHER DR
LINCOLN AVE
JARVIN RD
CHARM CITY DR
MONTROSE DR
JEFFERSON BLVD
WOODHILL AVE
PIEDMONT DR
BATTS AVE
REEVES RD
MIDLAND AVE
REEVES
FAIRFIELD AVE
CATHERINE ST
JENNIE AVE
CARDINAL AVE
SHERWOOD PASTURE RD
SCENIC VIEW CT
BAY ST
DARK HOLLOW RD
HARBORVIEW AVE
MAYFLOWER AVE
ROOSEVELT AVE
LINCOLN AVE
JEFFERSON AVE
PLYMOUTH AVE
DOMINION ST
AUDREY ST
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Lawrence Aviation
Draft Land Use Plan
Base Map
Legend
Moratorium_Parcels
Contiguous_Parcels
villages01
Streets
This map should be utilized in conjunction with the written text of the Lawrence Aviation Land Use Plan. The Map itself should not be utilized on its own to determine proposed land use for a specific location.
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Feet
BAYLES
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MIDLAND
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SPRUCE
BAY
OAK
CHESTNUT
BAYVIEW
LAWRENCE AVIATION
PIEDMONT
JEFFERSON
WOODHULL
KATHERINE
JEANNE
WASHINGTON
PAUL
TOM
DOROTHY
AUDREY
PROPOSED SR 5232A
KEEWAYDIN
BRANT
REEVES
PARK
MIDVALE
HARBOR VIEW
SOUND VIEW
HARBORVIEW
KENNEDY
ROOSEVELT
Port Jefferson
DARK HOLLOW
BUNNY
WOODCHUCK
POSSUM

Town of
Brookhaven
Long Island

Edward P. Romaine, Supervisor

December 20, 2012

Andrew P. Freleng, AICP
Chief Planner
Suffolk County Planning Commission
P.O. Box 6100
Hauppauge, NY 11788-0099

RE: Proposed 2-year Extension of Chapter 17-J Moratorium on Lawrence Aviation Industries

Dear Mr. Freleng:

As per your e-mail yesterday, please find attached the additional information requested regarding the above Moratorium extension. Also attached is a SEQRA Timeline for the project.

To reiterate, the Moratorium extension is necessary to provide sufficient time for SEQRA and to complete a Comprehensive Land Use Plan and Generic Environmental Impact Statement (GEIS) for this EPA Superfund site.

We appreciate the Commission's responsiveness in expediting this review in time for the January 2nd Meeting.

Please contact me (451-1059) if additional information or clarification is necessary.

Sincerely,

Thomas Chawner, AICP
Planner
Division of Planning

Enclosures: Attachment – Additional Information Requested, LAI
SEQRA Timeline - LAI Land Use Plan & GEIS

cc: Steve Fiore-Rosenfeld, Councilman District # 1
Patricia A. Eddington, Brookhaven Town Clerk
Tullio Bertoli, AICP, LEED, Commissioner
Sarah Lansdale, Director, Suffolk County Division of Planning & Environment
Michael F. Kelly, Esq., 2nd Vice Chair, Suffolk County Planning Commission
David Barnes, AICP

Planning, Environment and Land Management
Tullio Bertoli, AICP, Commissioner
Brenda Prusinowski, AICP, Chief Deputy Commissioner
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www.brookhaven.org

ATTACHMENT – RESPONSE TO SCPC'S REQUEST FOR ADDITIONAL INFORMATION, PROPOSED EXTENSION OF LAWRENCE AVIATION MORATORIUM

ITEM # 1. Statement as to the progress of the Lawrence Aviation ***Land Use Plan*** since the original enactment of the Moratorium on or about January 2010

The Town has assembled all available pertinent information, documents and studies completed on the LAI site, initiated GIS mapping, prepared a SEQRA Timeline, begun to devise a series of possible future scenarios for the site, and is about to initiate a Citizens Advisory Committee (CAC) to provide input and oversight of the planning process. It is estimated that the Draft Plan and Draft GEIS will be completed and ready for Town Board acceptance in January 2014, with Town Board Adoption by the end of that year (also see ITEM # 4 below).

ITEM # 2 - Statement as to the availability of any approved Remediation work plan

The US EPA's remediation plan is contained in the Record Of Decision (ROD).

The plan has two (2) major components: the removal and off-site disposal of contaminated surface soils and catch basin sediments, and, groundwater extraction and treatment.

The first component has been completed and involved the removal of 3,000 + tons of soils and sediments from the two (2) main industrial parcels at the site.

The second component involved the installation of two groundwater extraction and treatment systems to cleanse the water table of contaminants. There are two systems – one on the grounds of LIA and another one (1) mile down gradient on Caroline Avenue in Port Jefferson Village. The expected completion date of this component is 2036.

The estimated cost of the above remediation of the industrial parcels in 2006 dollars is $24.2 million.

The ROD includes a stipulation that an environmental easement/restrictive covenant be filed with Suffolk County limiting the future on site uses to industrial and/or commercial uses only (no residential).

In addition to the above remediation, there is ongoing VOC monitoring of approximately 14-homes and Port Jefferson High School, and posting of contamination warning signs at Old Mill Creek which flows into Port Jefferson Harbor.

Starting in the late seventies and continuing through to 2004, the SC Department of Health Services, the Town Of Brookhaven, and the SC Water Authority closed a series of contaminated private wells in the area and hooked up the users to public water.

ITEM # 3 - Statement as to the progress of the remediation on lands not containing structures and generally situated at the eastern end of the subject site

The above referenced "lands not containing structures" are referred to in EPA documents as the "outlying parcels." Included are nine (9) parcels totaling approximately 120-acres which are located immediately north and east of the two (2) main industrial parcels comprising 36-acres. There are in fact a variety of scattered smaller structures on these parcels built by Lawrence Aviation over their forty-five (45) year tenancy which were utilized for storage of industrial products and supplies. One of the outlying parcels has been illegally sand mined. The predecessor tenant of the property was Ledkote Products Company which manufactured various lead products, including lead downspouts, for eight (8) years in the 1950'ies. Before Ledkote, the site hosted a free-range turkey farm. The turkey farm, Ledkote Products and Lawrence Aviation Industries shared the same ownership.

EPA soil testing has revealed elevated levels of heavy metals contamination in the soils of all outlying parcels which are a moderate health risk to humans and animals.

ITEM # 4 - Copies of SEQRA resolutions including Pos.DEC., Scoping documents, etc.

Attached is a detailed SEQR Timeline for the Lawrence Aviation Land Use Plan (LUP) and Generic Environmental Impact Statement (GEIS) which provides all the key dates and sequencing through May 2014. It has been our experience, however, that these schedules are inevitably delayed by 4 – 6 months, thereby bringing the completion date for the LUP and FGEIS close to or at the end of 2014.

Town of Brookhaven
Lawrence Aviation Land Use Plan
SEQR Timeline

Jan 2013 – Sept 2013	**Community Outreach Component & CAC Oversight**
Dec 2012 - Aug 2013	**Complete Draft Lawrence Aviation Land Use Plan (LUP)**
	Prepare TBOM Rezonings
	Prepare Code Amendments (if applicable)
Sept 2013:	**Begin 30-day Coordinated Review to Interested Agencies (Draft LUP/TBOM Rezonings/Code Amendments (if applicable)**
	TB Assumes Lead Agency Status
Sept 2013 - Dec 2013	**Prepare DGEIS**
Jan 2014	**TB Accepts Draft LUP/DGEIS**
	TB Adopts Positive Declaration/File ENB Notice
	Initiate 30-day Public Comment Period
	Set joint Public Hearings for: Draft LUP, DGEIS, TBOM Rezonings, Code Amendments (if applicable)
	GML 239-m Referral to SCPC
Feb 2014:	**Public Hearing on Draft LUP, DGEIS, Rezonings & Code Amendments (if applicable)**
Mar 2014:	**Present Draft LUP to SC Planning Commission**
	Prepare FEIS & Findings Statement
Apr 2014:	**Accept FGEIS (45-days after the close of Public Hearings)**
May 2014:	**Adopt Findings for Land Use Plan, Rezonings & Code Amendments (if applicable)**
	Adopt LUP, Rezonings & Code Amendments (if applicable)

First draft 12/6/12

COUNTY OF SUFFOLK

Z-2

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

STAFF REPORT
SECTIONS A14-14 THRU A14-25 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: NMF/IAAI@Yaphank
Municipality: Brookhaven
Location: North West corner of Sills Road (CR 101) and Horse Block Road (CR 19)

Received: 12/5/2012
File Number: BR-12-05
T.P.I.N.: 0200 73900 0300 001000
Jurisdiction: Adjacent to CR 101 (Sills Road) & CR 19 (Horse Block Road)

ZONING DATA

- Zoning Classification: LI
- Minimum Lot Area: 40,000. Sq. Ft.
- Section 278: N/A
- Obtained Variance: N/A

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: No
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information:
- SEQRA Type EAF
- Minority or Economic Distressed No

SITE DESCRIPTION

- Present Land Use: vacant
- Existing Structures: none
- General Character of Site: rolling
- Range of Elevation within Site: 88-103' amsl
- Cover: woods
- Soil Types: Haven series

- Range of Slopes (Soils Map): 0-15%+
- Waterbodies or Wetlands:

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: site plan
- Layout: standard
- Area of Tract: 85.26 Acres
- Open Space: 29.92 Acres

ACCESS

- Roads: Bellport Station Road- existing
- Driveways: private on-site

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
  - Design of System: CB-LP
  - Recharge Basins yes
- Groundwater Management Zone: III
- Water Supply: public
- Sanitary Sewers: on site ST-LP

PROPOSAL DETAILS

OVERVIEW – Applicants request Site Plan approval from the Brookhaven Town Planning Board for a proposed Auto Auction Yard including the construction of a one-story free standing 15,278 SF sales office, and a special permit for the outdoor storage of up to approximately 6,862 motor vehicles. Also proposed, is the creation of a 5.14 acre, 12 foot deep recharge basin, 2.18 acres of landscaping and the retention of 29.92 acres of natural open space. The subject property is an 85.26 acre wooded site located in the hamlet of Yaphank. Applicants indicate the new facility is to accommodate a relocated existing facility in Medford (EAF Part 1.E.3 dated 11/20/12).

Information provided to the offices of the Suffolk County Planning Commission (12/24/12; see attached letter from Tetra Tech) via the Town of Brookhaven indicate that the proposed facility is also "…to be used as an emergency storage area for flood vehicles impacted by Hurricane Sandy. The vehicles will be temporarily stored until being moved to an auction location for resale. No activities other than emergency flood vehicle storage are occurring or planned at the location in Yaphank…"

Notwithstanding the concluding statement above, it is the belief of the staff that the proposed Site Plan referral is to relocate an existing "Auto Auction Yard" from Medford and may be being expedited by the Town of Brookhaven for the purposes of disaster recovery.

As originally referred, the proposed action is estimated to use approximately 1,416.7 gallons per day of potable and irrigation water to be supplied by the Suffolk County Water Authority.

Sanitary waste water is to be collected and treated on site utilizing conventional sanitary systems.

All storm water runoff and drainage is proposed to be contained on site through a series of storm drains to be directed to an on-site recharge basin. Prior to final site plan approval, a Storm Water Pollution Prevention Plan (SWPPP) is anticipated to be reviewed by the Town Engineer.

The subject property is not located in a Pine Barrens zone of Suffolk County, and is not situated in a New York State Critical Environmental Area. The subject property contains no naturally occurring fresh water wetland areas on site. The development parcel is not located in a Special Ground Water Protection Area. The site is located in Suffolk County Ground Water Management Zone III. Ground water flow in this area is generally to the south, south-east.

The subject property is located in an area mixed with residential uses, recreation, light industrial and commercial properties. A Suffolk County Water Authority potable water well field and elevated water storage tank is situated on an adjacent parcel to the east of the subject property.

Access to the proposed development is to be from two uncontrolled, unrestricted ingress/egress to Bellport Station Road (a Town Road).

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-l provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

The proposal intends to provide for a light industrial use in a Light Industrial (LI) zoning district and is anticipated to be compatible and in character with the area. Trip generation, lighting and noise are not expected to adversely impact area residences. Public utilities and other infrastructure, including roadways appear to be adequate to accommodate the light industrial use.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:

The Town of Brookhaven 1996 Comprehensive Land Use Plan designates the subject property as “Industrial.” The Town Zoning Map implements the plan by designating the parcel as being in the Light Industrial (LI) District. As indicated by the Town of Brookhaven the proposed Auto Auction Yard is a permitted use in the LI District. The subject application also requires a special permit for the outdoor storage of vehicles. The subject application appears to be in conformance with the seventeen (17) criteria for the special permit consideration (Section 85-51, Brookhaven Zoning Law). It is the belief of staff that the project appears to be consistent with local land use plans.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the Commission policies:

The proposed Auto Auction Yard is defined as a "Regionally Significant" project pursuant to section 1.3 C. of the Suffolk County Planning Commission guidebook in that said action "involves the physical alteration of [more than] twenty acres of land" and section 1.3 D "parking of [more than] 1,000 vehicles."

Completion of the project involves the removal, of 55.34 acres of undisturbed woodland (64.9% of site; 65% allowed by code) and the removal of approximately 336,106 yards of soil material in a single phase to construct a 15,278 SF sales office, and a paved and landscaped parking field for the outdoor storage of up to approximately 6,862 motor vehicles. The development application includes the construction of a 5.14 acre 12 foot deep recharge basin along the frontage of County Road 16 (Horse Block Road) and County Road 101 (Patchogue-Yaphank Road).

Section 4.7 of the Suffolk County Planning Commission guidebook recommends the promotion of the use of green methodologies such as rain gardens and bioswales to control on site stormwater runoff. It is the belief of staff that the Commission should recommend that the applicants review the Suffolk County Planning Commission Publication Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate methods throughout the proposed development to lessen the on-site contributions to the proposed recharge basin and thereby clarify the need for the basin.

Dialogue should commence and continue as is necessary for permits and approvals with the Suffolk County Department of Public Works. Suffolk County Planning Commission Guidelines (section 4.9 G) recommends that, where it is necessary, "a conservation easement at least 50 feet in width along a County or State road must be created to help preserve the natural vegetation along the road (particularly ground cover) so as to… help minimize potential erosion resulting from storm water runoff…" There appears to be a recorded 100' setback along the county R.O.W's (Liber 4739 P. 59) as indicated on the referred Conceptual Site Layout Plan. The location of the proposed recharge basin should be reviewed with the SCDPW in order to ensure that it does not alter or encroach on any prior plans for the County Road system in this area. As indicated above, the applicant and the Department of Public Works should discuss Green Methodologies for the control of storm water runoff in this area and validate the necessity of the recharge basin.

A public water supply well field and elevated water storage tank facility, operated by the Suffolk County Water Authority is located on an adjacent parcel to the east of the proposed Auto Auction Yard. Dialogue should commence and continue as is necessary for permits and approvals with the Suffolk County Department of Health Services. The location of the public water supply well field to the east should be noted and any potential adverse impacts from the storage of motor vehicles to the zone of capture for the water supply should be mitigated to the maximum extent practicable.

The subject property is adjacent to lands owned by Suffolk County. Suffolk County Planning Commission policy (4.9 C) suggests that adequate restriction be placed upon open space areas (of the proposed site plan) to insure that these areas will not be developed in the future or used as collateral for improvements within the development in the future. It is also policy that any fencing erected along the property line (by the project sponsors) must be of such construction that wildlife will not be hindered in their passage through these areas.

Approximately 15,278 SF of building is proposed on site. There is no indication in the referred material that the project sponsors have given significant consideration, at this time, related to energy efficiency. The petitioners should review the Suffolk County Planning Commission

Guidebook with respect to energy efficiency.

There is no discussion in the referral material related to public safety. The petitioners should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety.

STAFF RECOMMENDATION

Approval with the following comments:

1. The applicant should review the Suffolk County Planning Commission publication entitled Managing Stormwater-Natural Vegetation and Green Methodologies.

The Suffolk County Planning Commission guidebook recommends the promotion of the use of green methodologies such as rain gardens and bioswales to control on site stormwater runoff. Methods should be incorporated throughout the proposed development to lessen the on-site contributions to the proposed recharge basin and thereby clarify the need for the basin.

2. Dialogue should continue with the Suffolk County Department of Public Works as is necessary for permits and approvals.

There appears to be a recorded 100' setback along the county R.O.W's (Liber 4739 P. 59) as indicated on the referred Conceptual Site Layout Plan. The location of the proposed recharge basin should be reviewed with the SCDPW in order to ensure that it does not alter or encroach on any existing plans for the County Road system in this area. As indicated above, the applicant and the Department of Public Works should discuss Green Methodologies for the control of storm water runoff in this area and validate the necessity of the recharge basin.

3. Dialogue should continue as is necessary for permits and approvals with the Suffolk County Department of Health Services.

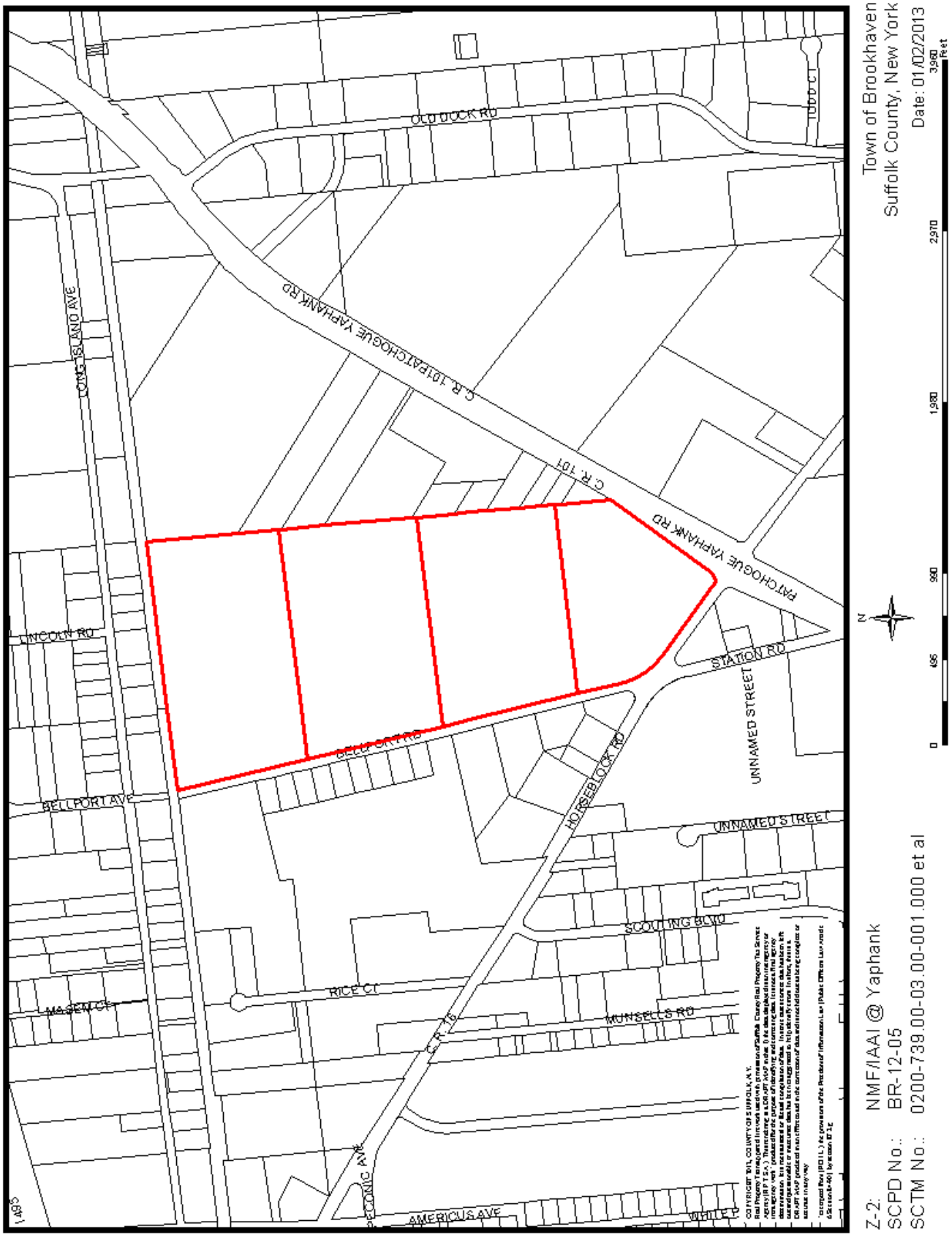
A public water supply well field and elevated water storage tank facility, operated by the Suffolk County Water Authority is located on an adjacent parcel to the east of the proposed Auto Auction Yard. The location of the public water supply well field to the east should be noted and any potential adverse impacts from the storage of motor vehicles to the zone of capture for the water supply should be mitigated to the maximum extent practicable.

4. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency.

Approximately 15,278 SF of building is proposed on site. There is no indication in the referred material that the project sponsors have given significant consideration, at this time, related to energy efficiency.

5. The applicant should review the Suffolk County Planning Commission Guidebook particularly with respect to public safety.

There is no discussion in the referral material related to public safety.


Town of Brookhaven
Suffolk County, New York
Date: 01/02/2013
Z-2:
SCPD No.: NMF/IAAI @ Yaphank
SCTM No.: BR-12-05
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BELLPORT RD
BELLPORT AVE
HORSEBLOCK RD
UNNAMED STREET
SCOUTING BLVD
RICE CT
MUNSELLS RD
C.R. 19
ECONOMIC AVE
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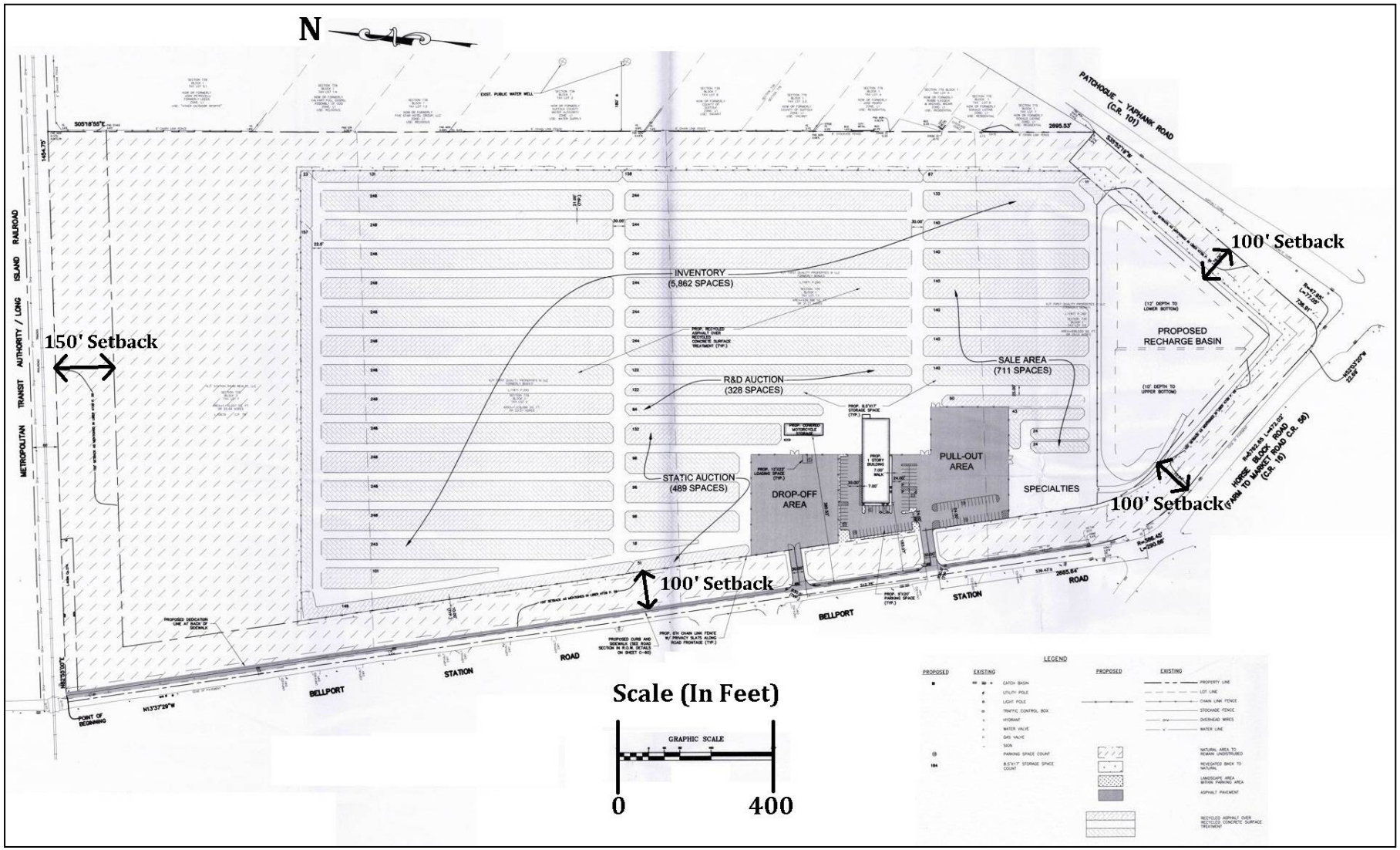

Z-2: NMF/IAAI @ Yaphank
SCPD: BR-09-28.3
SCTM No: 0200-739.00-03.00-001.000

Town of Brookhaven
Long Island

Edward P. Romaine, Supervisor

December 19, 2012

Andrew P. Freleng, AICP
Chief Planner
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788-0099

RE: Site Plan Application of NMF/IAAI @ Yaphank, Town Log #: 12SP 0061
NE/C Bellport Station Rd. & Horseblock Rd., Yaphank N.Y., 85.26 acres
S.C. TAX #: 0200 73900 0300 001000 & 002000, 77600 0100 001001 & 001000.

Dear Mr. Freleng:

Be advised that this application was initially referred to Suffolk County Planning Commission on November 30, 2012.

For your review and consideration please find enclosed a copy of additional application materials that the Town of Brookhaven has received from the project sponsor. The additional referral package includes the following documents:

1. A copy of the revised site plan.
2. A copy of a SEQR extended EAF Part III statement.
3. A copy of a letter from Tetratech indicating environmental BMP's implemented at all IAAI sites.

Kindly forward this office your comments on the application as soon as possible. If you have any questions or need any further information, please contact this Division.

Sincerely Yours,

Tullio Bertoli, APA, AICP, LEED AP
Planning Commissioner
Planning, Environment and Land Management

BY: _____
Chip Wiebelt
Senior Site Plan Reviewer

CW/rw
Enc.

Department of Planning, Environment and Land Management
One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6400 • Fax (631) 451-6419
www.brookhaven.org

TETRA TECH

December 13, 2012

NMF Holdings, LLC
Frank Vigliarolo
36-4 Rice Court
Medford, New York 11763

Subject: **Insurance Auto Auctions Inc. - Temporary Vehicle Storage in Response to Hurricane Sandy**

Dear Mr. Vigliarolo:

Tetra Tech Inc. (Tetra Tech) provides Insurance Auto Auctions, Inc. (IAAI) with environmental consulting services in New York and nationwide. IAAI asked Tetra Tech to describe IAAI's operations as they related to the temporary storage of vehicles at the location north of the intersection of Horseblock Road and Bellport Avenue in Yaphank, Suffolk County, New York.

IAAI OPERATIONS

IAAI holds weekly auctions of salvage vehicles. A typical salvage vehicle is a vehicle an insurance company has determined to be "total loss" (i.e. the cost of the repair > the value of the vehicle) as the result of an accident, theft or other casualty such as a natural disaster like Hurricane Sandy. Generally, IAAI obtains these vehicles after they have been towed to a repair shop and evaluated by an insurance adjuster. If the insurance adjuster determines the vehicle is a total loss, the insurance company then arranges to have the vehicle towed to a salvage auction site such as IAAI. Typically, these vehicles are towed to IAAI two or three weeks after they first arrive at a repair shop. IAAI's experience is that vehicle leakage, if any, generally occurs before the vehicles arrive at IAAI's facilities. Once the vehicles arrive at IAAI's site they are catalogued for sale and parked. IAAI does not dismantle vehicles, drain fluids or sell vehicle parts. IAAI's branches are not intended for long-term storage of vehicles because IAAI's aim is to sell the vehicles as quickly as possible.

YAPHANK, NEW YORK TEMPORARY STORAGE

The location in Yaphank is planned to be used as an emergency storage area for flood vehicles impacted by Hurricane Sandy. The vehicles will be temporarily stored until being moved to an auction location for resale. No activities other than emergency flood vehicle storage are occurring or planned at the location in Yaphank. No industrial or environmentally sensitive operations are planned.

ENVIRONMENTAL PROTECTIONS

Companywide, IAAI implements a rigorous set of Best Management Practices to ensure that any fluid leaks from vehicles are promptly cleaned and storage yards are kept clean. The Best Management Practices include but are not limited to:

Tetra Tech Inc.
4900 Pearl East Circle, Suite 301W, Boulder, Colorado 80301
Tel 303.441.7900 Fax 303.449.5585 www.tetratech.com

TETRA TECH

- Visual inspections of vehicles brought to the branch to assess integrity of vehicle fluid systems.
- Visual inspections of the vehicle storage yard and building areas.
- Visual inspections of travel aisles in the storage yard for evidence of releases of materials and identifying the cause of the release when possible.
- Regular maintenance of site vehicles and equipment to prevent de minimis releases.
- Careful handling of vehicles, to minimize the potential for damage to vehicle systems, which may in turn cause a release.
- Proper handling, storage and inventory of significant materials, when necessary in the storage yard and within the branch garage or warehouse.
- Orderly storage and inventory of stored vehicles.
- Prompt, routine removal of de minimis releases.
- Implementation of storm water control measures.
- Continued training of IAA personnel regarding good housekeeping practices

IAAI employees are also trained on proper housekeeping and material management. Using materials prepared by Tetra Tech, IAAI employees are trained to properly respond to spills in the event any occur.

Implementation of the Best Management Practices minimizes any potential environmental impacts.

IAAI's long history of environmentally benign operations, demonstrated operating history, temporary storage of flood vehicles, and adherence to environmental Best Management Practices does not result in a material risk to the environment.

Sincerely,

Bob Farnes
Manager