FINAL ENVIRONMENTAL IMPACT STATEMENT

HK VENTURES LLC - PROPOSED INDUSTRIAL PARK

4285 MIDDLE COUNTRY ROAD, HAMLET OF CALVERTON, TOWN OF RIVERHEAD, SUFFOLK COUNTY, NY

Prepared For and Submitted To:

Town of Riverhead Planning Board
Town Hall
201 Howell Avenue
Riverhead, NY 11901
(631) 727-3200

Prepared By:

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Applicant:

HK Ventures LLC
147 Steamboat Road,
Great Neck, NY 11024

May 2022

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Prepared for and submitted to, as Lead Agency:	Town of Riverhead Planning Board Town Hall 201 Howell Avenue Riverhead, NY 11901 (631) 727-3200
Applicant:	HK Ventures, LLC. 147 Steamboat Road Great Neck, NY 11024 Contact: Keith P. Brown, Esq. Brown Altman & DiLeo, LLP 538 Broadhollow Road Melville, NY 11747 (516) 222-0222 (Attorney for Applicant)
Project Location:	30.25-acre parcel 4285 Middle Country Road Hamlet of Calverton, Town of Riverhead Suffolk County, NY SCTM No: 600-116-1-2
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Date of Preparation: May 2022

Availability of Document: This document, together with the Draft Environmental Impact Statement (DEIS), is the Final Environmental Impact Statement (FEIS) for the proposed application. Copies are available for public review and comment at the offices of the Lead Agency at 201 Howell Avenue, Riverhead New York 11901, as well as at the Office of the Town Clerk, and the Riverhead Public Library located at 330 Court Street, Riverhead, New York 11901. The FEIS is also available for review on-line at: https://www.townofriverheadny.gov/. All comments on the FEIS should be submitted to the Lead Agency for consideration in the Findings Statement.

Date of Filing: May 25, 2022

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1.0 INTRODUCTION

1.1 Purpose of this Document

This document is a Final Environmental Impact Statement (FEIS) for the proposed action consisting of a light industrial complex with warehouse and indoor manufacturing uses located at 4285 Middle Country Road (NYS Route 25) in the hamlet of Calverton, Town of Riverhead, Suffolk County, New York. The subject property is 30.25± acres of undeveloped vacant land comprised of 13.83± acres of woodland and 16.42± acres of meadow/brushland (associated with the former agricultural use). The subject property is zoned Industrial C (Ind C) and the proposed land use is permitted in the zoning district. Site plan approval for the proposed project is required from the Town of Riverhead Planning Board (lead agency) and additional local Board approvals include a Riverhead Water District Extension 37R – Calverton from the Town Board, and area variances from the Board of Zoning Appeals.

As explained in the Draft Environmental Impact Statement (DEIS), the proposed action includes the development of the Calverton Industrial Park, a light industrial use consisting of eight (8) buildings with a total gross floor area of 412,629 square feet (SF) that would be constructed in two phases. Phase 1 would include constructing four (4) buildings (226,469± SF of floor area) to be occupied by various tenants and a 1,500± SF cafeteria as an ancillary offering intended to serve employees of the various tenants. Phase 2 would include constructing the remaining four (4) buildings (186,160± SF of floor area). The proposed building sizes would range from approximately 44,100 SF to 56,672 SF. The buildings are proposed as multi-tenant occupancies with user types differing on the east and west sides. The eastern buildings are proposed to be developed with loading docks capable of handling tractor trailers, while the western buildings envision users requiring box trucks.

The proposed action includes the construction of an on-site sewage treatment plant (STP) which would be situated in the center of the proposed development along the east side between Building 4 and Building 6. The proposed STP is intended to be over-designed to accommodate a sanitary flow of 20,000± gallons per day (gpd) to allow for some flexibility with future tenants. The proposed STP is designed with a 100 percent plant expansion area, and 100 percent leaching pool expansion area. The development of the STP is subject to the approval of the Suffolk County Department of Health Services (SCDHS).

Access to the proposed development will be provided via one (1) full-movement driveway along Middle Country Road, with signalization of the project site driveway. It is noted that consultations have been undertaken with the New York State Department of Transportation (NYSDOT) regarding the preferred signalization and preliminary acceptance of the proposed plan has been accepted. Accordingly, an application for signalization would be filed during this environmental review process. It is further noted that, if the proposed signal is not accepted, a roadway striping modification to accommodate a two-way left-turn lane on Middle Country Road along the project site frontage would be implemented.

The proposed development includes a total of 326 surface parking stalls, inclusive of 16 ADA accessible parking spaces, to be situated between the two rows of buildings, with landscaped islands incorporated into the proposed design. The proposed development includes 101 loading spaces for both tractor trailers and box trucks to be located along the east and west sides of the property. Specifically, the proposed design includes loading docks sized to accommodate box trucks on the west side of the property for Buildings 1, 3, 5 and 7. The

proposed loading docks on the east side of the property would serve Buildings 2, 4, 6 and 8 would be sized for tractor trailers and would each contain retaining walls with fall protection railings. The proposed internal driveways would include wayfinding to guide truck traffic. Two (2) fire lanes with striping and pavement markings would also be provided along the western and eastern portions of the project site adjacent to the proposed side yards landscaped buffers.

To accommodate pedestrians, a continuous four (4)-foot concrete sidewalk would be situated along the frontage on Middle Country Road and along the east side of the proposed site access driveway. A six (6)-foot wide crosswalk would also be placed in front of the site access along Middle Country Road. Interior to the project site, the proposed design includes sidewalks along the sides of the proposed buildings facing the center drive aisle. Also, bike racks would be installed along the north side of each building within the central drive aisle.

Regarding water usage, the proposed action includes an extension of the Riverhead Water District (RWD) to accommodate domestic and irrigated water supply for the proposed development. The DEIS evaluated an alternate plan for the installation and utilization of on-site supply, fire and hydrant wells to service the proposed development. However, this alternate plan is no longer being proposed. As described in the DEIS, and further evaluated in Water Supply Source Study in Appendix E of the DEIS, the RWD has prepared a Map and Plan Report which provides a water system description of the RWD including the general service area, supply well facilities, storage facilities, pumpage and demand, as well as the proposed extension of the RWD into Manorville, located to the southwest of the subject property. It has been determined that the RWD can supply water for domestic and irrigation use to the proposed development with future planned infrastructure projects inclusive of new storage and supply wells for the RWD.

A DEIS was prepared to assess the impacts of the proposed development, which was deemed complete by the Town of Riverhead Planning Board (hereinafter "Planning Board"), as lead agency, on June 17, 2021. The Notice of Completion of DEIS was published in the New York State Department of Environmental Conservation (NYSDEC) Environmental Notice Bulletin (https://www.dec.ny.gov/enb/20210630_not1.html) on June 30, 2021 providing a public comment period to August 16, 2021. The DEIS was also circulated to all involved and interested agencies. A public hearing on the DEIS was held on August 5, 2021.

This FEIS was prepared in response to an adopted Resolution prepared by the Planning Board on August 19, 2021, additional comments by the Town's planning staff and Town's consultants, Walden Environmental Engineering, PLLC (Walden) and L.K. Mc Lean Associates (LKMA) and the comments received at the public hearing on the DEIS held on August 5, 2021. No written comments were received from the public during the written comment period that expired on August 16, 2021. In accordance with the implementing regulations of the New York State Environmental Quality Review Act (SEQRA) at §617.8(b)(8), this FEIS incorporates the DEIS and public hearing comments by reference, the adopted Resolution, written correspondence by the Town's consultants and written correspondence by the Town Planning Department in Appendix A, as well as all project-related plans and technical assessments prepared in response to select comments. The public hearing was recorded and is available for viewing on the Town of Riverhead website at the following link: https://townofriverheadny.viebit.com/player.php?hash=zdJaMs1obZ2v.

After the filing of the FEIS, the Planning Board as lead agency will afford a minimum 10-day public consideration period where written comments on the FEIS will be considered in the Findings Statement. The

Findings Statement is the final step in the SEQRA process and would be issued within 30 days after acceptance by the Planning Board and filing of the FEIS.

1.2 Format of the FEIS

This FEIS responds to the adopted Resolution on August 19, 2021, additional comments by the Town's consultants, and the comments received at the public hearing on the DEIS held on August 5, 2021. Following this subsection is an explanation of changes to the site plan and components of the proposed project that were made during preparation of this FEIS. Section 2.0 of this FEIS includes the responses to comments included in the Town Resolution. Section 3.0 includes the responses to additional comments received by the Town's consultants and Planning Department, but not included in the Town Resolution. The Town's consultants are assigned by their firm name and comment number. For example, Walden Environmental Engineering, PLLC is assigned Walden #1 and L.K. Mc Lean Associates is assigned LKMA #1. The Planning Department comments are assigned as Planning Department #1. Section 4.0 includes the responses to additional substantive verbal comments made at the public hearing that were not included in the Town Resolution. Finally, Section 5.0 includes all references used in the preparation of the responses.

1.3 Changes to the Proposed Site Plan and Project Components

The proposed site plan has been slightly modified to improve on-site circulation and in response to comments received during the DEIS public hearing and/or in written correspondence Additionally, the proposed building design has been slightly modified from the DEIS to increase building heights to achieve a 30-foot interior ceiling height. Below is a summary of the changes from the DEIS to this FEIS:

1. Pervious pavers have been incorporated into the area between the loading docks on the east side of the proposed development (see the revised site development plans in Appendix B of this FEIS). The addition of pervious pavers has decreased the total impervious surface coverage from 71.07 percent of the site to 65.51 percent of the site. Accordingly, the proposed relief from the zoning regulation for maximum impervious surface coverage in the Ind C zoning district (60 percent) has been reduced from 11.07 percent to 5.51 percent.

2. The proposed building height has been increased from 29 feet to 34 feet at the eave to accommodate a 30-foot ceiling height for standard modern inventory shelving systems. The proposed buildings would have sloped roofs for an overall building height of 38 feet to the top elevation to allow for prefabricated steel supports (see the revised architectural floor plans and renderings in Appendix C of this FEIS). Accordingly, an area variance for maximum building height would be required from the Board of Zoning Appeals as 30 feet is maximum building height permitted in the Ind C zoning district. An analysis of the area variance criteria pursuant to New York State Town Law Article 16, Section 267-B is included in Appendix D of this FEIS.

3. The aforementioned site design changes have decreased the percent of contiguous landscaping from 23.19 percent to 23.15 percent due to a modification of curb radius required truck circulation (see the revised site development plans in Appendix B of this FEIS).

4. The proposed site plan has been modified to switch the angle of the loading docks on the east side of the development from southeast to northeast for safer turning movements for loading trucks (see the revised site development plans in Appendix B of this FEIS).

5. The proposed site plan has been modified to remove the pole-mounted lights within the central drive aisle. As shown on the modified site plan, additional building mounted lighting will be installed within the central drive aisle. See the revised site development plans in Appendix B of this FEIS.

2.0 TOWN RESOLUTION COMMENTS AND RESPONSES

Comment No. 1: FEIS must include the results of soil sampling on the subject property performed in accordance with the New York State Department of Environmental Conservation's "DER-10 Technical Guidance for Site Investigation and Remediation" and applicable regulations of 6 NYCRR Part 375, including sampling locations, dates and methods of sample collection, chain-of-custody forms for the materials collected, laboratory analytical reports, and delineation and estimated volume of any contaminated material identified on site. The FEIS must also include remediation plans as appropriate in accordance with all applicable New York State Department of Environmental Conservation regulations.

Response to Comment No. 1: Soil characterization has been performed for the subject property in accordance with PWGC's April 2021 Soil and Materials Management Plan (SMMP) included as Appendix F to the DEIS. The soil characterization included surficial soil sampling to evaluate the historical agricultural use of the property and deeper sampling along the western property boundary to evaluate potential impact related to the adjacent Sky Materials Site. The Soil Characterization Report, as prepared by PWGC (see Appendix G of this FEIS), was performed in accordance with the SMMP and in substantial conformance with the NYSDEC's Division of Environmental Remediation's (DER's) Technical Guidance for Site Investigation and Remediation, May 2010 (DER-10).

According to the results of the soil characterization performed by PWGC, surficial soil sampling across the site identified shallow soils containing pesticide and/or metals impact exceeding Unrestricted Use Soil Cleanup Objectives (UUSCOs) in each sample grid except Grid E. Surficial impact generally appears to be limited to shallow soils (0 to 2 feet below grade), with the impacts being typical of former agricultural land. Based on the size of the site, approximately 95,000 cubic yards of material are impacted by the former agricultural use with metals and/or pesticides above UUSCOs.

Samples collected on the western property boundary exceeded UUSCOs for pesticides in eight of the ten soil borings. Fill material encountered in Boring 9 (SB009) and Boring 10 (SB010) located on the southwest property boundary contained semi-volatile organic compound (SVOCs)/metals exceeding Fill Material Requirements. SVOCs and certain metals (cadmium, lead, zinc) were not encountered in any of the other samples collected onsite and may have originated from the adjacent Sky Materials Site.

Based on the results of the soil characterization, it is recommended that once construction activities commence, all excavated soils should be appropriately handled in accordance with the following guidelines:

For Soils that meet UUSCOs:

- Surface soil grid E and soil borings SB002 and SB008 meet Part 365 UUSCO's and will not require special handling. They can be reused on-site or disposed of off-site as clean fill material.

For Soils that meet General Fill Requirements:

- Surface soil grids D, F, G, P, R, S, T, U, V, W, X, Y, Z, AA, and AB and soil borings SB001, SB003, SB004, SB005, SB006, and SB007 exceed Part 375 UUSCOs but meet Part 360 General Fill Requirements, and will be handled as follows:

1. Soils could be reused in the same excavation or as fill material in other areas of the subject property with similar physical characteristics in accordance with 6 NYCRR Part 360.13(c).
2. Excess soils could be transferred off site for use as General Fill material at another project site in accordance with 6 NYCRR Part 360.13(f) and 6 NYCRR Part 360.13(g).
3. Excess soils could be disposed of off-site at a properly permitted facility. Such soils could require additional sampling depending on the disposal facility's requirements.

<u>For Soils that exceed General Fill Requirements:</u>

- Surface soil grids A, B, C, H, I, J, K, L, M, N, O, Q, AC, and AD and soil boring SB010 exceed Part 375 Unrestricted Use SCOs and Part 360 General Fill Requirements and will be handled as follows:

1. Soils could be reused in the same excavation or as fill material in other areas of the subject property with similar physical characteristics provided the relocated fill material is covered with a permanent impervious surface and/or a minimum of 12 inches of soil or fill material that meets General Fill requirements in accordance with 6 NYCRR Part 360.13(c).
2. Excess soils could be transferred off-site for use as Restricted Fill material at another project site in accordance with 6 NYCRR Part 360.13(f) and 6 NYCRR Part 360.13(g). Restricted Fill material could only be beneficially reused off-site for engineered use for embankments or subgrade in transportation corridors, or on sites where in-situ materials exceed Restricted-Use Fill or Limited-Use Fill criteria. Such material must be placed above the seasonal high water table.
3. Excess soils could be disposed of off-site at a properly permitted facility. Such soils may require additional sampling depending on the disposal facility's requirements.

<u>For Soils that exceed Restricted Fill Requirements:</u>

- Only Soil boring SB009 exceeded Part 375 UUSCOs, Part 360 General Fill Requirements and Part 360 Restricted Use Fill requirements. The soil surrounding this boring will not be reused onsite. If disturbed during construction, soils from this area should be segregated and disposed of offsite.

Based on the soil characterization results, the proposed grading program will comply with the material disposal and handling requirements set forth above.

<u>Comment No. 2</u>: FEIS must indicate Chapter 229 Excavation and Grading Permit will be required from the Town Board for the excavation and exportation of 44,512 cubic yards, subject to a $2 per cubic yard fee pursuant to §229-9A of the Town Code.

<u>Response to Comment No. 2</u>: The comment is noted. The proposed development will require an Excavation and Grading Permit for the excavation and exportation of 44,512 cubic yards (CY) of cut material, pursuant to Chapter 229 of the Town of Riverhead Town Code (hereinafter "Town Code"). Pursuant to §229-3 of the Town Code, the Applicant will apply for this permit after receiving final site plan approval from the Planning Board and building permits. In accordance with §229-5 of the Town Code, the Applicant will submit a Reclamation Plan to be approved by the Town Board. The Applicant will also be required to pay a fee of $2.00 per CY of cut material pursuant to §229-9A of the Town Code. Based on the preliminary plan presented in this FEIS, a fee of $89,024 would be imposed for the removal of 44,512 CY of cut material.

Comment No. 3: FEIS must describe and explain the irrevocable loss of on-site soils, and explain why the materials, which may include prime agricultural soils, would be transferred to a NYSDEC Part 360 Solid Waste Management Facility as opposed to being used at another agricultural site within the Town of Riverhead.

Response to Comment No. 3: As noted in the DEIS, the presence of prime agricultural soils is limited to approximately 41.4 percent of the site, but the contiguous areas are limited to only the southcentral-to-southwest portion of the property. Also, based on the soil characterization results (see Response to Comment No. 1), the majority of the on-site soils can be reused on-site or be transported for reuse as fill material in off-site development projects. As such, there is no irrevocable loss of on-site soils. Soil material may be transported to a registered or permitted NYSDEC Part 360 facility, likely located within 15 miles of the project location, for processing and re-use. Upon excavation and loading on to trucks, the material in its raw form would be transported to a facility for stockpiling and processing, and eventually sold as a finished product to the ultimate end user. Such uses could be beach replenishment, aggregate for roadway construction, pre-cast concrete products, etc. Material may also be transported directly to a local site for re-use. Given that this project is still in the environmental review process, and the ultimate re-use facility or location is driven by market conditions and the local need, it is not possible to identify the specific re-use location or alternative locations.

Regarding agricultural reuse, under 6 NYCRR Part 375, soil material that meets UUSCOs can be reused on an agricultural site. As noted in the Response to Comment No. 1 above, Sampling Grid E contains soils that meet UUSCOs and could be available for agricultural reuse. SB002 and SB008 met UUSCOs, however their respective sampling grids (i.e., Sample Grid T and Sample Grid AA, respectively) did not meet UUSCOs. As such only Sample Grid E could be available for agricultural reuse within the Town. However, it is noted that the majority of Sample Grid E does not contain prime agricultural soils. As shown on Figure 7 (Soil Survey Map) in Appendix A of the DEIS, the majority of soils mapped within Sample Grid E are PlA and PmBc3 soils which are not considered prime agricultural soils. A small section of Sample Grid E contains RdA soils, which is a prime agricultural soil.

Comment No. 4: The FEIS must describe landscape maintenance plans that extend beyond one year.

Response to Comment No. 4: The site landscaping will be maintained by a local professional landscape company, similar to other commercial and industrial land uses in the Town of Riverhead. The Applicant will contract with a landscape company to maintain the property in accordance with the recommended organic treatment practices. Furthermore, the modified site plan has been revised to include an outline of the proposed landscape maintenance program (see Sheet C-19 [*Overall Landscape Plan*] in Appendix B of this FEIS).

Comment No. 5: The FEIS must include the Economic Impact Report referenced at the Town's Industrial Development Agency's July 19, 2021 presentation.

Response to Comment No. 5: The Economic Impact Report that was presented to the Town of Riverhead Industrial Development Agency (IDA) on July 19, 2021 is the same report that is included in Appendix D of the DEIS, entitled Real Estate Property Tax Projection Report, as prepared by Cronin & Cronin Law Firm, PLLC.

Comment No. 6: The FEIS must include an alternative as-of-right site development plan which does not require any variances. The applicant's current proposal requires a variance from the Town of Riverhead's Zoning Board

of Appeals for exceeding the allowable impervious surface coverage by 11.07%. Based on the subject property's size of 1,317,884 sq. ft., 11.07% impervious surface coverage equates to approximately 145,889 sq. ft. of impervious coverage. The DEIS states that the additional 11.07% of impervious surface area (inclusive of buildings and pavement) is due to the pavement area necessary for the truck circulation and turning movements, however, the need for this additional impervious coverage is directly related to the size of the buildings proposed (412,629 sq. ft.), rather than the exclusive need for truck turning and circulation. It is also noted that the parking calculations, which directly impact the proposed impervious surface coverage, are based on a 75% buildout of the least intense parking generating use within the Industrial C zoning use district.

Response to Comment No. 6: An alternative as-of-right development plan without area variances has been prepared and included in Appendix D of this FEIS and a comparison table is provided below. This alternative as-of-right development plan includes 339,266 SF of total building area in six (6) buildings across the site. The area of impervious surface has been decreased to 780,759 SF or 59.24 percent of the site. The total required parking for this alternative plan would be 526 stalls with 527 stalls provided.

Table 1 below shows the data comparison of the Alternative 2 - Maximum Build-Out Plan with variances, the Alternative 2 - Maximum Build-Out Plan without variances and the modified proposed site plan.

Table 1 - Comparison of Alternative Plans and Proposed Action

	Alternative Plan with Variances - DEIS	Alternative Plan without Variances	Proposed Action – Modified Site Plan
Land Use	Light Industrial – Warehouse, wholesale businesses, commercial sports and recreation facilities, and indoor manufacturing	Light Industrial – Warehouse, wholesale businesses, commercial sports and recreation facilities, and indoor manufacturing	Light Industrial – Warehouse, wholesale businesses, and indoor manufacturing
Zoning	Ind C	Ind C	Ind C
Total GFA	374,867± SF	339,266± SF	412,629± SF
# of Buildings	6 buildings	6 buildings	8 buildings
Total Landscaped Area	8.39± acres	10.84± acres	7.71± acres
Contiguous Landscape	7.00± acres (23.13±%)	9.99± acres (33.05±%)	7.00± acres (23.15±%)
Total Impervious Area	21.48± acres (70.98± percent*) **Variance Required.*	17.92± acres (59.24± percent)	19.82± acres (65.51± percent*) **Variance Required.*
Total Pervious Paving	0.38± acres	1.49± acres	2.72 ± acres
Front Yard	124.7± feet	124.7± feet	124.7± feet
Side Yard	66± feet	100± feet	100± feet
Both Side Yards	209.5± feet	209.9± feet	221± feet
Rear Yard	446.8± feet	460.2± feet	195.2± feet
Building Coverage (without sewer)	28.44± percent	25.74± percent	31.31± percent
Building Height/Stories	30± feet	30± feet	38± feet* **Variance Required.*
Site Utilization Data			

Parking Required / Provided	630 / 631	526 / 527	324 /326
Loading Space Required / Provided	18 / 60	18 /60	24 / 101
Weekday AM Peak Hour Generation (cars/trucks)	234 trips total (219/15)	234 trips total (219/15)	164 trips total (144/20)
Weekday PM Peak Hour Generation (cars/trucks)	380 trips total (359/21)	380 trips total (359/21)	164 trips total (148/16)
Sat. Midday Peak Hour Generation (cars/trucks)	359 trips total (335/24)	359 trips total (335/24)	181 trips total (163/18)
Potable Water Usage (Actual/STP Design Flow)	17,569± gpd/28,842± gpd	16,272± gpd/27,148± gpd	16,506± gpd/20,000± gpd
Irrigation	1,881± gpd	1,881± gpd	1,881± gpd
Sanitary Generation	28,842± gpd	27,148± gpd	20,000± gpd
Sanitary Method	STP	STP	STP

Comment No. 7: The FEIS must include the Map & Plan Report, prepared by H2M Architects & Engineers, dated July 2021.

Response to Comment No. 7: The Riverhead Water District - Map and Plan Report for Proposed Water District Extension No. 93 – HK Ventures LLC dated July 2021 (hereinafter the "RWD Map and Plan Report"), as prepared by H2M Architects and Engineers (H2M) for the Town of Riverhead is included in Appendix E of this FEIS. It is noted that in correspondence dated August 2, 2021, PWGC advised of errors in the RWD Map and Plan Report (see correspondence in Appendix E). In subsequent meetings and communications, the errors were acknowledged as correct, and a modified RWD Map and Plan Report was to be provided. As of the date of this FEIS, the corrected Map and Plan Report is still pending from H2M.

Comment No. 8: The FEIS must include any alternative plans discussed with the Riverhead Water District, including a combination of on-site wells for fire service and potable water provided by the Riverhead Water District.

Response to Comment No. 8: The RWD Map and Plan Report notes that the RWD could serve the domestic and irrigations needs of the proposed development; however, the current water system will be stressed to provide adequate fire protection to the site under peak demand periods. To meet the proposed development's fire flow demands, the RWD can either develop an additional source in the form of a new well or construct additional storage to satisfy the fire flow demand. For the proposed project, due to the fact that the RWD is only in the preliminary stages of their well site investigation, the uncertainty of locating a second site and the duration required to go from site selection to completed works for a new well, the RWD Map and Plan Report notes that the most feasible option is to construct additional storage. This option is quicker to implement, and a boosted storage tank will help the instantaneous demand of a fire flow event as opposed to a new source well which would better serve a continuous demand such as domestic, process or irrigation. Based on ongoing consultations between the RWD and Applicant, it has been confirmed that the Applicant will help fund the development of new storage facilities to meet the demands of the proposed development.

While the DEIS evaluated an alternate plan for the installation and utilization of on-site supply, fire and hydrant wells to service the proposed development, this alternate plan is no longer being proposed.

Comment No. 9: If private wells are indeed proposed, the FEIS must include the following:

a. An analysis of modeling of the existing groundwater contamination on the EPCAL property, specifically would plume migration patterns be drawn into potential fire service wells or RWD wells.
b. Capture zone analysis of the nearby Riverhead Water District supply wells.
c. Backup power and maintenance plans, Riverhead Fire District and Fire Marshal input on fire service.
d. Identify whether sewage treatment plant effluent was modeled with consideration to RWD wells and private wells.

Response to Comment No. 9: Based on coordination with the RWD, the proposed action includes an extension of the RWD to accommodate domestic and irrigated water supply for the proposed development, along with the construction of additional storage to handle the fire flow demands. The DEIS evaluated an alternate plan for the installation and utilization of on-site supply, fire and hydrant wells to service the proposed development. However, this alternate plan is no longer being proposed. See also the Response to Comment No. 8.

Comment No. 10: The FEIS must include the location and methodology, as well as the results of groundwater sampling at the subject property, with a focus on the western property boundary shared with Sky Materials, and if necessary, include any plans for remediation of any identified contamination.

Response to Comment No. 10: Groundwater sampling has been performed for the subject property to evaluate groundwater quality and potential impacts related to the current and historical usage of the adjacent property to the west (i.e., Sky Materials) that has been used as a sand mine and is currently a registered C&D processing facility. The Groundwater Characterization Report, as prepared by PWGC (see Appendix I of this FEIS), was conducted in substantial conformance with the NYSDEC's DER-10. Three (3) groundwater samples identified as GW001, GW002 and GW003 were taken along the western property boundary (see Figure 3 of the Groundwater Characterization Report in Appendix I of this FEIS).

At each groundwater sampling location, a four-foot screen point sampler was driven to the desired depth (three feet below the water table) to allow the sampler screen to intersect the water table. Groundwater was encountered between 45 and 51 feet bgs. Following sample collection, temporary sampling points were removed and backfilled. Samples were collected and analyzed as outlined in the Groundwater Characterization Report in Appendix I of this FEIS.

The following are the groundwater sampling results:

- Volatile Organic Compounds (VOCs), herbicides, Polychlorinated Biphenyls (PCBs), and 1,4-dioxane were not detected at concentrations above applicable standards or guidance values.
- Several SVOCs were detected at concentrations exceeding their respective Ambient Water Quality Standards (AWQS) in each of the three (3) groundwater samples. It should be noted that the AWQS for these compounds are extremely low, and the concentrations detected are flagged with "J" qualifiers from the laboratory indicating that the concentrations should be considered estimated.

- Several dissolved metals, including manganese and sodium, were detected at concentrations exceeding their respective AWQS in two groundwater samples (GW001 and GW002). Elevated concentrations of these compounds are typical of Long Island groundwater and are likely related to the composition of the aquifer rather than a source of impact.
- One pesticide (dieldrin) was detected in one groundwater sample (GW001) at a concentration exceeding its AWQS. It should be noted that the AWQS for this compound is extremely low, and the concentration detected is flagged with a "J" qualifier from the laboratory indicating that the concentration should be considered estimated.
- Poly- and perfluoroalkyl substances (PFAS) compounds PFOA and PFOS were detected at concentrations exceeding their respective guidance values in two groundwater samples (GW001 and GW002).

Based on the regional groundwater flow direction and the proximity of the samples to the upgradient property boundary, it appears that detected groundwater impact is related to an offsite, upgradient source such as Sky Materials, EPCAL and/or other upgradient sources not previously identified. As impacts detected in groundwater appears to be related to an offsite source or sources, and there are currently no plans to install supply wells at the subject property (i.e., the proposed development will be connected to the Riverhead Water District), no groundwater remediation is necessary as part of the proposed action.

Comment No. 11: The FEIS must include an analysis of the RD supply capacity and identify potential impacts from the proposed project on the Riverhead Water District's ability to service the homes in Manorville and Calverton who have contaminated well water.

Response to Comment No. 11: The RWD Map and Plan Report included in Appendix E of this FEIS considers the District's water system including the general service area, supply well facilities, storage facilities, pumpage, and demand, which includes an analysis of homes in Calverton and the proposed extension of the RWD into Manorville, located to the southwest of the subject property. The RWD Map and Plan Report determined that the most feasible and economical means of providing water to the proposed development is through the District; however, the Town and District must continue to work towards strengthening the resiliency of and redundancy within its water system by adding new source and/or storage facilities to meet the demands and maintenance of capacity and infrastructure to meet existing demands of the proposed development as well as other proposed developments across the Town.

To provide public water to the extension for the proposed development, the Applicant will be subject to the fees outlined in the RWD Map and Plan Report including capital improvements, Key Money Fees, and an increased tax rate on the property. As indicated in the RWD Map and Plan Report, the extension of the boundaries of the RWD will have no negative environmental impacts. Furthermore, the RWD Map and Plan Report notes that the proposed withdrawal will result in no significant individual or cumulative adverse impacts. The extension of the boundaries is performed in order to bring the current lots within the taxable District boundaries and requires no adverse construction or implementation effects on surrounding areas or the quality of water.

Comment No. 12: The FEIS must include an analysis of the current traffic conditions of the Middle Country Road (State Route 25) and Edwards Avenue intersection and assess the impacts of construction traffic absent the proposed NYSDOT improvements at this intersection.

Response to Comment No. 12: An analysis of the current traffic conditions of Middle Country Road and Edwards Avenue is provided within the Traffic Impact Study (TIS) revised on February 3, 2022 (hereinafter referred to as the "February 2022 TIS") prepared by Stonefield Engineering & Design, LLC and is included as Appendix J of this FEIS. The February 2022 TIS explains that in the 2020 Existing Condition, the signalized intersection of Middle Country Road and Edwards Avenue is calculated to operate at overall Level of Service (LOS) B during the weekday morning, weekday evening, and Saturday midday peak hours. The turning movements at the signalized intersection are calculated to operate at acceptable Level of Service C or better during the study peak hours.

As described in the Project Construction Trip Generation section of the February 2022 TIS (see Appendix J of this FEIS), the project is expected to generate at most 15 trucks per day associated with construction activities. Based on Transportation Impact Analysis for Site Development published by ITE, a trip increase of less than 100 vehicle trips per hour would likely not change the level of service of the roadway system or considerably increase the volume-to-capacity ratio of an intersection approach. Therefore, it is not expected that the projected volume of trucks associated with construction of the proposed development would perceptibly impact the intersection of Middle Country Road and Edwards Avenue, in either its current configuration or its configuration after the NYSDOT improvements are constructed.

Comment No. 13: The FEIS must include a glint & glare analysis of the proposed rooftop solar array and identify any potential impacts to the airspace around the EPCAL runways. Analysis must demonstrate compliance with any Federal Aviation Administration requirements.

Response to Comment No. 13: In accordance with Federal Aviation Regulation 14 CFR Part 77, the Applicant's solar advisors (i.e., Summit Ridge Energy) filed a 7460-1 *Notice of Proposed Construction or Alteration* with the Federal Aviation Association (FAA). The FAA conducted an aeronautical study of the proposed solar rooftop and issued a Determination of No Hazard to Air Navigation on January 25, 2022 (see Appendix F of this FEIS). The FAA further indicated that neither marking nor lighting are required for aviation safety. As such, the proposed project would not have any potential impacts to the airspace around the EPCAL runways.

Comment No. 14: The FEIS must include details of the lifespan of the proposed solar panels and identify plans for recycling/removal of the panels.

Response to Comment No. 14: According to Summit Ridge Energy (SRE) (with Skunk Works Advisors), a significant portion of the proposed photovoltaic system will include recyclable or re-saleable components, inclusive of copper, aluminum, galvanized steel, concrete, and other marketable equipment. At the end of the lifespan of the panel, the panel is dismantled and disassembled to extract these components for resale. Typical solar panels have a useful life of approximately 20 to 25 year and at the end of the lifespan, the panels are removed from the support racking and replaced with new panels. The solar array (i.e., the entirety of the system) with support racking has a lifespan of a minimum 30 years.

Comment No. 15: The FEIS must include an assessment (i.e., capacity analysis) of providing a roundabout at Fresh Pond Avenue and Middle Country Road, as the NYSDOT noted that it was open to reviewing an assessment of this alternative.

Response to Comment No. 15: The February 2022 TIS provides a highway capacity analysis for a roundabout as a fourth access alternative at the intersection of Fresh Pond Avenue and Middle Country Road. As explained

in the TIS that was submitted with the DEIS (originally prepared on July 8, 2020 and revised on April 19, 2021) (hereinafter referred to as the "April 2021 TIS"), and shown in the meeting minutes in Technical Appendix – NYS Route 25 Access Plan Video Tele-conference Meeting Minutes of the February 2022 TIS (and included as Appendix J of this FEIS), the access design was discussed with the Town and the NYSDOT at a virtual meeting held on the December 16, 2020. It is important to note that the NYSDOT was open to assessing the advantages and disadvantages of a roundabout; however, a roundabout would not likely be considered given the required purchase or taking of property that would be required to achieve the design. For comparison purposes, the February 2022 TIS includes a level of service analysis to examine the alternative roundabout access condition, referred to as "Condition G" therein (see Appendix J of this TIS). Under Condition G, the existing unsignalized two (2)-way stop controlled intersection of Middle Country Road and Fresh Pond Avenue is replaced with a typical one (1)-lane roundabout intersection which provides one (1) shared left-turn/through/right-turn lane throughout at each approach.

The analysis findings, which have been based on industry-standard guidelines, indicate that a roundabout access at the intersection of Middle Country Road and Fresh Pond Avenue would operate adequately under the Phase 2G Build Condition of the proposed development; however, as noted above, pursuant to the NYSDOT, which maintains jurisdiction of Middle Country Road, a roundabout intersection would not likely be feasible at the subject location due to the required purchase or taking of property for construction and the existing characteristics of the corridor.

Comment No. 16: The FEIS must indicate whether or not the adjusted December 2020 traffic volumes identified on Pg. 7 of the DEIS are the peak month of the year in terms of traffic volumes. If not, the DEIS must use traffic volumes during the peak month of the year.

Response to Comment No. 16: The TIS has been revised to include a comparison between all data collected in connection with the proposed development, all publicly available data reviewed, and the Adjusted December 2020 which are explained below.

As noted on page 9 of the February 2022 TIS, in addition to the published December 2018 NYSDOT Automatic Traffic Recorder (ATR) data, the February 2022 TIS also considered published NYSDOT ATR data collected at the same count station in June of 2016, which is typically accepted as the peak month of the year for an urban region based on seasonal adjustment factors contained within the NYSDOT's 'Adjustment Factors for Traffic Count Processing 2017' (see Technical Appendix of the February 2022 TIS included as Appendix J of this FEIS). Based on a comparison of the published NYSDOT data from June 2016 and December 2018, the weekday daily traffic volumes along Middle Country Road were generally greater in June 2016; however, the weekday morning peak hour traffic volumes recorded in December 2018, which were utilized to calibrate the 2020 as-counted weekday morning peak hour traffic volumes, were greater than the peak hour traffic volumes recorded in June 2016. Further, based on a comparison of the published June 2016 NYSDOT data and the 2020 collected ATR data, the as-counted traffic volumes were greater than the published June 2016 traffic volumes during the weekday evening peak hour. Therefore, the 2020 Adjusted Existing traffic volumes utilized within the analyses contained within the February 2022TIS are a conservative representation of traffic volumes along the study roadway network and further calibration is not warranted. See Technical Appendix - Automatic Traffic Recorder Data of the February 2022 TIS (included as Appendix J of this FEIS) for a summary of the 2016 published NYSDOT ATR count data. Tables 2 and 3 on page 9 of the February 2022 TIS summarize the comparison of the weekday morning and weekday evening peak hour traffic volumes recorded in the historical

June 2016 NYSDOT ATR count data, the historical December 2018 NYSDOT ATR count data, and the December 2020 ATR count data.

In addition to a comparison of historical NYSDOT ATR data, turning movement counts were collected at the intersection of Middle Country Road and Fresh Pond Avenue on Thursday, October 7, 2021, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m. The traffic volume data was collected and analyzed to identify the design peak hour in accordance with HCM and ITE guidelines. Based on the review of the count data the weekday morning peak hour occurred from 7:15 a.m. to 8:15 a.m. and the weekday evening peak hour occurred from 4:30 p.m. to 5:30 p.m. See Technical Appendix - Automatic Traffic Recorder Data of the February 2022 TIS (included as Appendix J of this FEIS) for a summary of the turning movement count data. The October 2021 as-counted volumes were compared to the 2020 Adjusted Existing volumes.

Overall, based on a comparison of the data, the 2020 Adjusted Existing traffic volumes are greater than the 2021 existing as-counted traffic volumes collected at the study intersection. Therefore, the 2020 Adjusted Existing traffic volumes utilized within the analyses contained within the February 2022 TIS are a conservative representation of traffic volumes along the study roadway network and further calibration is not warranted.

Comment No. 17: The FEIS must include more discussion, specific to locations with a number of crashes, i.e., Middle Country Road between Fresh Pond Ave and Edwards Ave, Edwards Ave/LIE Eastbound exit ramp, and must include information on time of day, and contributing factors.

Response to Comment No. 17: The February 2022 TIS has been revised to provide the requested information. The raw motor vehicle collision data received from the NYSDOT is included in Technical Appendix – Raw Motor Vehicle Collision Data of the February 2022 TIS (included as Appendix J of this FEIS). Tables B2 through B14 in Technical Appendix - Motor Vehicle Collision Summary Tables of the February 2022 TIS (included as Appendix J of this FEIS) provide a detailed summary of the motor vehicle collisions recorded at each of the intersection and roadway segment within the study roadway network during the study time period, inclusive of the time of day, week and year for each incident, the weather, pavement and light conditions, accident severity, accident type and contributing factors.

As indicated on page 11 of the February 2022 TIS (see Appendix J of this FEIS), based on a review of the data, 67 of the 181 collisions within the study network were rear-end collisions, which is a common collision type along a signalized corridor and is the most frequent collision type observed along the roadway network. Following rear-end collisions, right-angle and animal collisions were the most frequent collision types reported along the study network. The most common contributing factors to the reported incidents were driver inattention, failure to yield right-of-way, following too closely, and animal action, all of which are characteristics of the reported frequent collision types. In an effort to reduce animal-related conditions along the corridor, NYSDOT and the Town of Riverhead may consider roadway lighting improvements to increase driver visibility in the evening hours, as well as measures, such as physical barriers and/or sensory controls to help prevent animals from crossing into the roadway. It is important to note that this potential mitigation measure is unrelated to the proposed development as the collision history indicates these collisions are an existing occurrence. The majority of accidents occurred from 10:00 a.m. to 4:00 p.m., during daylight hours with dry, clear conditions, though a portion of the accidents were reported to occur in dark conditions on lighted and unlighted roadways. It is important to note that zero (0) fatalities occurred as a result of the reported motor vehicle collisions in the study network. Pages 11 through 14 of the February 2022 TIS outlines where the 181

collisions within the study network occurred (i.e., at intersections or along road segments) and specifies the contributing factors to the reported incidents.

The February 2022 TIS notes that the accident rates within the overall study network are not anticipated to be adversely impacted due to the proposed development.

Comment No. 18: The FEIS must clearly identify whether irrigation water supply is proposed via the Riverhead Water District or by private wells…

Response to Comment No. 18: The proposed development would utilize water for irrigation via the RWD. The Alternate 3 Plan, Proposed Development with Alternative Water Source, that was evaluated in the DEIS is being abandoned by the Applicant. The RWD Map and Plan Report notes that the RWD could serve the domestic and irrigations needs of the proposed development; however, the current water system will be stressed to provide adequate fire protection to the site under peak demand periods, and thus, requires the construction of additional storage. The Applicant has agreed to this improvement project and has been in coordination with the RWD. See also the Responses to Comment Nos. 8 and 9.

3.0 ADDITIONAL CONSULTANT AND PLANNING DEPARTMENT COMMENTS AND RESPONSES

Comment No. 19: With respect to the Landscaping Plan, it may be useful to include details about fertilizer use for the vegetation as well as the subsequent resultant nitrogen/chemical pollutant discharge, in order to assess the potential nitrogen/chemical pollutant loading that could occur in wastewater, as well as potential pollutant infiltration that could occur in groundwater, as a result of fertilizer use. (Walden #1)

Response to Comment No. 19: The DEIS included a BURBS analysis of the existing condition, proposed development and all alternative plans. The BURBS analysis, which is included in Appendix G of the DEIS, takes into consideration nitrogen from wastewater, atmospheric deposition, fertilization, and stormwater runoff from impervious areas. The BURBS analysis concluded the following Total Nitrogen and Nitrogen Concentration:

- Existing Conditions: 21.29 lbs./year and 0.14 mg/L
- Proposed Development: 685 lbs./year and 2.13 mg/L
- Alternative 2 - Maximum Build-Out Plan: 832.01 lbs./year and 2.39 mg/L
- Alternative 3 - Alternative Water Source: Same as Proposed Development
- Alternative 4 - Single Phased Rather Then Phased Development: Same as Proposed Action
- Alternative 5 - Proposed Development with On-site Septic System: 965.38 lbs./year and 3.09 mg/L
- Alternative 6 - Alternate Drainage Design: 691.72 lbs./year and 2.15 mg/L
- Alternative 7 - Cross Access Across Sky Materials Site: Same as Proposed Development

It is noted that the proposed development has been modified from the DEIS to increase the area of pervious pavement to decrease the area of impervious surface from the originally proposed 71.07 percent to the currently proposed 65.51 percent of the site. This change will have no impact on the above calculations of Total Nitrogen and Nitrogen Concentration. As indicated in the DEIS, the proposed landscape plan will consist of native plants to reduce the quantity of fertilizers needed. The landscaped areas in the BURBS analysis were conservatively modeled using a fertilizer application rate of 2.04 lbs. /1,000 SF, which is based upon the current accepted loading rates being utilized by Suffolk County. Once the landscaped areas, particularly the grassed areas have been established, the application rate of fertilizer would be reduced to as low as 1.00 lb./1,000 SF. This reduction in application rate would effectively reduce the potential impact of fertilizer in half. If pesticides are required, only registered pesticides will be used and applied by certified applicators.

Furthermore, according to the project engineer, prior to the commencement of work, a soil test will be performed to evaluate the soil composition to determine the appropriate N-P-K ratio for proper maintenance practices (i.e., appropriate fertilizer type and nutrient content to maximize soil utilization). Finally, all landscaped areas on the site will be comprised of native trees, shrubs, and/or groundcover in the form of lawn or recharge basin seed mixes to reduce the number of fertilizers carried into subsurface soils/water bodies.

See also the Response to Comment No. 4 in Section 2 of this FEIS.

Comment No. 20: As part of Section 1.2.1, Overall Site Plan, it is mentioned that bike racks would be installed within the central drive aisle (DEIS, Page 3). In connection to this, there is no information provided on internal roadways/pathways for bikes. (Walden #2)

Response to Comment No. 20: It is expected that the proposed industrial-use buildings will generate a low volume of pedestrians and bicyclists. Therefore, the 7-foot-wide sidewalks located next to the proposed buildings within the central drive aisle will be shared by pedestrians and bicyclists. As shown on the modified site plan (see Appendix B of this FEIS), the sidewalks will be continuous from Middle Country Road to the rear of proposed Buildings 7 and 8.

Comment No. 21: It may be more cost-effective and efficient to maintain a gradual slope leading to the system of recharge basins, in order to facilitate ease of drainage of stormwater into the basins. In addition, all of the drainage piping is connected to a single discharge outfall in the proposed recharge basin at the southern end of the property. Multiple outfalls should be considered to promote effective drainage. (Walden #3)

Response to Comment No. 21: The proposed site plan presented in the DEIS includes 18-inch diameter storm pipes between the drywells at an average slope of one percent. The site plan has been modified to include two additional pipe connections to the recharge basin with two additional outfalls to discharge into the recharge basin. As such, the proposed design has been modified to include a total of three discharge outfalls in the proposed recharge basin to promote effective drainage.

Comment No. 22: The proposed recharge basin includes concrete headwalls as preventative measures against potential erosion of the areas around the drainage piping. However, there is no information on how the sidewalls of the recharge basin would be protected against erosion. Further, in the unlikely event that the recharge basin overflows, there is no information provided on the engineering controls/design measures conceived to handle such overflow. Although the DEIS discusses the installation of erosion and sediment control barriers such as silt fences and inlet sediment control devices for storm structure protection, it does not specifically describe the inlet sediment control devices. Moreover, the DEIS does not specifically address if the recharge basin includes engineering controls/design measures to curb the flow and energy of stormwater, such as the installation of riprap outlet structures. The DEIS does not address whether any vegetated barriers, such as berms or swales, would be implemented around the recharge basin in particular, in order to trap sediments and/or pollutants in overland flow. (Walden #4)

Response to Comment No. 22: The recharge basin walls will be seeded with Ernst seed mix and will be mulched with hay to prevent erosion prior to germination of the seed. which will protect against erosion. The recharge basin is designed to handle the 100-year storm event with an additional 2-foot-6-inches of freeboard around the perimeter of the recharge basin above the 100-year storm event volume to contain any potential overflow. Further, the spillway calculations indicate that no overflow from the recharge basin is anticipated. All inlets will have inlet protection during construction as per detail on Sheet C-33 (*Site Details III*) of the modified site development plans (see Appendix B of this FEIS). As indicated in the prepared Stormwater Pollution Prevention Plan (SWPPP), the proposed inlets will be protected from sediment inflow during the work period with inlet protection to be determined by the contractor but will be consistent with the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control, Blue Book* (November 2016). These protection measures will be inspected weekly and will be routinely maintained until the drainage area tributary to each inlet has been stabilized by vegetation and/or covered by pavement. Any sediment that collects behind the barrier or in the sacks will be removed and will be either reused on-site or disposed of at a suitable off-site

location. As for permanent sediment control devices, the catch basins will have sumps, and the stormwater will flow through the drywells before discharging into the recharge basin. In addition, there will be riprap stone at the bottom of the headwalls in the recharge basin to slow down the stormwater as it enters the recharge basin. Sheet C-32 (*Site Details II*) of the modified site plans in Appendix B of this FEIS contains details of the proposed headwall.

Comment No. 23: It may be useful to include information on the number of trucks required to remove the solid waste from on-site, in order to assess the truck traffic specifically for solid waste. (Walden #5)

Response to Comment No. 23: As indicated on page 10 of the DEIS, the proposed development includes eight enclosures with 28 total dumpsters and it is expected that all dumpsters would be emptied via hauling truck twice per week or as necessary, to ensure a properly maintained site. All solid waste would be handled by a licensed private carter, and thus, the number of trucks required for the twice per week service would be dependent upon the truck type and private carter contracted for such service. However, it is noted that private carters for commercial development are typically on-site before the start of morning operations, and thus, outside of the Weekday AM Peak Hour.

Comment No. 24: It may also be useful to provide information about the number of vehicles that would be required to handle commercial and demolition (C&D) debris, in order to assess the vehicular traffic specifically for C&D debris. (Walden #6)

Response to Comment No. 24: As indicated in the DEIS, there are few remnants of former agricultural-use buildings in the form of foundations and isolated walls, but the volume of commercial and demolition (C&D) is negligible. The breakdown of the number of vehicles required to handle material removal (i.e., trees, shrubs, topsoil and excess cut) during each phase of construction is provided below, and has been excerpted from Sections 2.1.2, 3.2.2 and 3.5.2 of the DEIS.

Based upon an estimated load of 20 CY per construction vehicle, Phase 1A is projected to generate 30 trucks for removal of material associated with clearing and grubbing (i.e., 600 CY of trees and shrubs), 1,917 trucks associated with the removal of topsoil (38,340 CY), and approximately 10 construction equipment deliveries. This equates to approximately 10-15 trucks per day.

Phase 1B is projected to generate 35 trucks for removal of material associated with clearing and grubbing (i.e., 699 CY of trees and shrubs), approximately 10 construction equipment deliveries, and 75-90 roll off dumpsters associated with debris/solid waste removal associated with the construction of the proposed buildings. Construction traffic during Phase 1B of the proposed action would equate to approximately 1-2 trucks per week. It is noted that all material to be removed during Phase 1 of the proposed development (Phase 1A and Phase 1B) would be expected to occur over a period of approximately six months.

Phase 2 is projected to generate 13 trucks for removal of material for clearing and grubbing (256 CY), 309 trucks for the removal of topsoil (6,172 CY), 314 trucks for exporting cut material (6,279 CY), approximately 10 construction equipment deliveries, and 62-75 roll off dumpsters associated with debris/solid waste removal associated with the construction of the proposed buildings. This would equate to approximately 2 trucks per day. It is noted that all material to be removed during Phase 2 of the proposed development would be expected to occur over a period of approximately six months.

Comment No. 25: Additional information should be included to describe how removal of vegetation from the site will not increase erosion and how the natural material that will be excavated and removed from the site will be handled. (Walden #7)

Response to Comment No. 25: In accordance with Chapter 275 of the Riverhead Town Code (Stormwater Management and Erosion and Sediment Control), an Overall Soil Erosion and Sediment Control Plan and a SWPPP have been prepared and were included in Appendix C and Appendix E, respectively, of the DEIS. The proposed erosion and sedimentation controls relevant to the removal of vegetation include minimizing the extent and duration of exposed soils, stabilizing exposed areas, stockpile protection, and silt fencing. All of these measures are recommended and included in the NYSDEC *New York Standards and Specifications for Erosion and Sediment Control, Blue Book* (November 2016). It is further noted that the SWPPP, which includes detailed plans and a report, has been submitted to the NYSDEC and the NYSDEC has authorized the construction phasing, as proposed, in correspondence dated July 15, 2020 (also included in Appendix E of this DEIS).

As indicated on Sheet C-2 (*Notes Sheet*) in Appendix B of this FEIS, disturbed soils will be stabilized by the end of the next business day and completed within seven (7) days from the date that the soil disturbance activity has ceased (either permanently or temporarily). Existing disturbed areas will not be disturbed again within 14 calendar days of the previous soil disturbance activity. Furthermore, the contractor will schedule an on-site pre-construction meeting a minimum of five (5) days prior to any ground disturbance with their trained contractor, owner and engineer of record.

As presented in the Soil Characterization Report (see Appendix G of this FEIS), the soils that comprise the subject property have been characterized within four (4) distinct categories (i.e., Soils Meet UUSCOs, Soils Meet General Fill Requirements, Soils Exceed General Fill Requirements, and Soils Exceed Restricted Fill Requirements). Based on the soil characterization, there are specific general soil management requirements for each of these four (4) categories. The natural material to be excavated and removed from the site will be appropriately handled in accordance with the appropriate guidelines as outlined above in Response to Comment No. 1 as well as in the Soil Characterization Report included as Appendix G of this FEIS.

The natural material to be removed from the subject property (i.e., the 13.83 acres of woodlands and the 16.42 acres of meadow/brushlands) will be hauled off to a licensed organic recycling facility within 15 miles of the subject property.

See also the Responses to Comment Nos. 1, 3 and 10.

Comment No. 26: Sky Materials Site: The information presented on the site background and environmental history of the Sky Materials site (DEIS, Pages 26-29) lacks information on groundwater monitoring data, sloping/seeding activities, waste handling and disposal, and other environmental compliance issues at the site. These unknowns must be considered when evaluating potential impacts on development of the adjacent property. (Walden #8)

Response to Comment No. 26: The DEIS analyzed and provided all publicly available information with regard to Sky Materials. Specifically, as part of the DEIS, Freedom of Information Act (FOIA) requests were sent to the NYSDEC, SCDHS, and the Town of Riverhead for all "records related to spills, remediation, violations, PBS/CBS and/or environmental permits for the following property: Sky Materials (aka Calverton Industries, aka East

End Recycling & Composting, aka Island Shingle Recycling Corp)." The DEIS presented what was provided by said agencies, and therefore, any unknowns cannot be addressed by this Applicant.

Furthermore, a Soil Characterization Report (see Appendix G of this FEIS) and the Groundwater Characterization Report (see Appendix I of this FEIS), prepared as part of this FEIS, analyzed the soils and groundwater along the shared western boundary of the subject property and the Sky Materials Site to identify potential impacts on the subject property. Based on the results of the Soil Characterization Report a majority of the existing soils can be reused on-site in accordance with 6 NYCRR Part 360.13. The remaining soils in the vicinity of soil boring SB009 along the southwestern boundary would be disposed of offsite. Based on the results of the Groundwater Characterization Report, groundwater remediation is not proposed at the subject property as impact detected in groundwater appears to be related to an offsite source or sources, and there are currently no plans to install supply wells at the subject property (i.e., the proposed development will be connected to the Riverhead Water District). See also the Responses to Comment Nos. 1, 3 and 10.

Comment No. 27: Regarding the Island Park Water Development, the conclusion that traffic generated by the potential build-out of that development can be considered as included in the annual traffic growth rate is valid, as long as the peak month for the HK Industries project is not in the summer season. (LKMA #1)

Response to Comment No. 27: The comment is noted.

Comment No. 28: 75% of truck traffic is routed to the site along a route via the LI Expressway/Edwards Avenue/Middle Country Road, and 25% via Middle Country Road or NY 25A, and roads connecting to those State roads. Tractor trailers are only permissible on the LI Expressway and Edwards Avenue, as well as on Middle Country Road for one mile beyond the Edwards Avenue intersection. A NYSDOT Access Highway permit will be required to allow tractor trailers to access the site. (LKMA #2)

Response to Comment No. 28: As tenants for the proposed development have not yet been identified, the sizes of trucks destined to the site has not yet been determined. Please note that Standard Trucks are defined by the NYSDOT as any truck with "overall combination length less than 65'." Standard Trucks are allowed on most highways unless specifically excluded. Standard Trucks are not specifically excluded on NYS Route 25, NYS Route 25A, or CR 46.

Special Dimension Vehicles (SDV) are defined as "53' trailers and all vehicle combinations known as STAA Vehicles. Widths cannot exceed 102" and the maximum gross vehicle weight is 80,000 pounds." SDVs are allowed on Designated Truck Access Highways. Should a tenant be identified that intends to utilize SDVs, a request to designate the necessary highways as Access Highways will be submitted pursuant to NYSDOT Traffic Safety and Mobility Instruction (TSMI) 17-06.

Comment No. 29: The FEIS should acknowledge that the 3.245MW system based on this 75% utilization may be a "best case scenario" for alternative energy production at the site, as the design of the rooftop system will require separate Building and Fire Marshal permits. Provisions may need to be made for providing rooftop fire access throughout the roof of the building, as well as space for rooftop mechanicals based on the buildout and users of the individual tenant space, which is unknown at this time. (Planning Department #1)

Response to Comment No. 29: The comment is noted. The 75 percent roof area available for the solar array is an estimate based on Summit Ridge Energy's experience with similar projects. Rooftop fire access and

mechanical equipment were included in the 25 percent of roof surface area, although it is acknowledged that final percentages cannot be determined until final design and permitting.

Comment No. 30: The FEIS should explicitly acknowledge the large disparity in the parking requirements of the proposed build out versus the potential as-of-right buildout with allowable uses. (Planning Department #2)

Response to Comment No. 30: The comment is noted, but it is important to further acknowledge that the as-of-right build out with allowable uses in the DEIS were selected based on the Final Scope, which required: "*Maximum Buildout Plan with As-of-Right Uses – This alternative would include a maximum build out scenario for the most intense, as-of-right, land uses with respect to water demand, traffic and parking, that are permitted under the current zoning of the property. This alternative is intended to assess the full magnitude of the potential impact to the Riverhead Water District Extension 37R – Calverton, as well as the maximum impact on surrounding roadways as well as on-site parking demands.*" The as-of-right buildout with allowable uses requires 526 parking spaces, while the proposed development will require only 324 parking spaces. As such, the proposed development requires 38.4 percent or 202 fewer parking spaces than the as-of-right buildout.

Comment No. 31: If possible, additional land banked parking should be shown on the plans, possibly in the spaces in between the buildings. (Planning Department #3)

Response to Comment No. 31: According to the project engineer, Key Civil Engineering, P.C., it is possible to install 55 additional parking stalls in the spaces in between the proposed buildings by eliminating select landscape islands and using building-mounted light fixtures instead of pole-mounted. However, approximately 9,066 SF of landscaping would be lost to accommodate the additional stalls. This would create a resultant increase in impervious areas as well as increase the area variance from 65.51 percent to 66.31 percent.

It is noted that the proposed development meets the Town of Riverhead parking Standards in the Town Code (§301 Attachment 1). Based on land use and gross floor area (GFA) the required parking for the proposed development is 324 parking stalls. The proposed development will include 326 parking spaces. The modified proposed site plan does not include the 55 additional land banked parking as the Applicant does not want to overpark the project site. However, a separate "Alternate Land-banked Parking Design" has been prepared by the project engineer and is included in Appendix K of this FEIS.

4.0 PUBLIC HEARING COMMENTS AND RESPONSES

As indicated in Section 1.2 of this FEIS, this section outlines the additional comments received at the public hearing that were not included in the Town Resolution. There were only two (2) substantive comments made at the public hearing on August 5, 2021 which failed to be included in the Town Resolution on August 19, 2021. The following includes those two public comments with responses.

Comment No. 32: The Industrial C Zoning Use District is intended for moderate-sized businesses generally defined as those with less than 40 employees. The proposed project includes 459 permanent jobs and is not, therefore, consistent with the intent of the zoning district. (Barbara Blass)

Response to Comment No. 32: The proposed development is a multi-tenant space designed to meet the needs of industrial users requiring spaces that range from approximately 5,000 SF to 50,000 SF. The proposed development is not intended for one tenant. With a land area that exceeds the minimum lot area required (i.e., 80,000 SF) by 1,647 percent, the proposed multi-tenant development at412,629 SF is appropriate for the subject property. While a total of 459 permanent jobs is projected for the entire project site, each building would provide approximately 49 to 63 jobs. Each building would range from four (4) to 10 tenant spaces throughout each of the eight (8) buildings.

Comment No. 33: Development of multiple buildings in the Industrial C district shall be planned in a campus layout. This plan is not consistent with this design standard. (Barbara Blass)

Response to Comment No. 33: The subject property has a geometry with 2,510± feet in lot depth and 511± feet in lot width which results in a layout that is linear and symmetrical. This physical site boundary layout impacts the flexibility of design options for an intended light industrial park for multi-tenant use. As discussed in Section 3.1.2 of the DEIS, the proposed design seeks to achieve a campus layout with eight individual buildings of varying sizes, with an on-site cafeteria/commissary for tenant use. The proposed design includes pervious pavers between each set of buildings, and interior parking areas with a landscaped drive aisle and landscaped islands to create separate parking fields of no more than 50 spaces. Additionally, interior sidewalks have been included to create for safe pedestrian movements and connectivity among the buildings. Truck activity, including loading and unloading areas, as well as drive aisles, are proposed only along the property perimeter. Overall, the campus layout is achieved to the extent possible.

5.0 REFERENCES

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