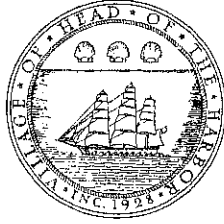


Village of Head-of-the-Harbor



DOUGLAS A. DAHLGARD
Mayor

TRUSTEES

DANIEL W. WHITE
(Deputy Mayor)

JUDITH C. OGDEN

L. GORDON VAN VECHTEN

JEFFREY D. FISCHER

500 N. Country Road
St. James, New York 11780
Phone (631) 584-5550
Fax (631) 862-1417
HeadoftheHarborNY.gov

ANTHONY S. GUARDINO
Village Attorney

MARGARET O'KEEFE
Village Administrator/Clerk

PATRICIA A. MULDERIG
Village Treasurer

CHARLES M. LOHMANN
Police Chief

January 18, 2021

David Barnes, RLA, AICP, Environmental Protection Director
Town of Smithtown Department of Environment and Waterways
124 West Main Street
Smithtown, NY 11787

RE: Town of Smithtown 2020 Comprehensive Plan – DGEIS Draft Scope

Dear Mr. Barnes:

Congratulations to the forward-thinking leadership of the Town of Smithtown for directing and participating in the development of a “Master Plan” for the Town. Although the Village of Head of the Harbor is not included in the Plan, we recognized how important it is for us to express our thoughts as part of the public comment. The residents of our Village certainly are part of the overall Smithtown community. The quality of life of all of the residents of the Town of Smithtown depends on the future success of the Town as guided by the Master Plan. We wish you well.

Our Village is located on either side of Route 25A and that road is an important part of our daily life. Route 25A is our major access to the greater Smithtown community. As such our comments expressed herein focus on the areas around and on Route 25 A.

Below are the comments of our Village on the Draft Scope for the Smithtown Comprehensive Plan Draft Generic Environmental Impact Statement (DGEIR).

Chapter 4.0 Description of the Proposed Action (pp. 2-4)

1. The third paragraph under this main heading on page 2 states that the DGEIS will “...include identification of a conceptual ‘build out scenario’ which will be the basis for analysis of potential zoning changes throughout the DGEIS.” It is obvious from this statement that the Comprehensive Plan will analyze the impacts of future development of current privately-owned vacant or underdeveloped parcels of real property. Under this scenario, it would be expected that such parcels would be developed over time, perhaps on the order of years or even decades. As such, future development would occur in phases and stages. Accordingly, the DGEIS must undertake an analysis of cumulative impacts as required in Section 617.10(e) of the Generic Environmental Impact Statement portion of the SEQRA regulations (6 NYCRR Part 617) which states:

“In connection with projects that are to be developed in phases or stages, agencies should address not only the site specific impacts of the individual project under consideration, but also, in more general or conceptual terms, the cumulative impacts on the environment and the existing natural resource base of subsequent phases of a large project or series of projects that may be developed in the future. In these cases, this part of the generic IS must discuss the important elements and constraints present in the natural and cultural environment that may bear on the conditions of any decision on the immediate project.”

2. The fourth paragraph under this main heading (again on page 2) notes how the Comprehensive Plan provides an “overview” of the hamlet areas of Kings Park, Smithtown, St. James, Commack, Hauppauge and Nesconset, focusing on sections which are likely to result in zoning changes. The Comprehensive Plan and DGEIS should also undertake and provide an in-depth analysis of the State Route 25A corridor in St. James from the Woodlawn Avenue/Edgewood Avenue intersection to the Smithtown Town border with the Town of Brookhaven. This is a unique, visually and culturally significant area of Smithtown which possesses that last remaining rural character of the township. Therefore it should receive its own detailed review to ensure that this character and its inherent features and resources, including its open space, agricultural lands, vegetated aesthetic buffers and historic structures, are not only preserved under the Comprehensive Plan, but enhanced. Furthermore, such an area-specific review is warranted for not only the aforementioned reasons but for the unique transportation and traffic issues faced by this area, particularly due to the constraints caused by the inherent two-lane nature of this often winding roadway which prevents substantial future improvement, such as widening.

Chapter 5.0 Potential Significant Adverse Impacts (pp. 4-5)

1. As defined by the New York State Department of Environmental Conservation (NYSDEC) cumulative impacts are those impacts which occur due to the combined effect of multiple individual impacts. As NYSDEC states in *The SEQR Handbook* (Fourth Edition, 2020 prepared by NYSDEC’s Division of Environmental Permits)

“...cumulative impacts occur when multiple actions affect the same resource(s). These impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time. Cumulative impacts do not have to

all be associated with one sponsor or applicant. They may include indirect or secondary impacts, long-term impacts, and synergistic effects."

Therefore, it is notable that the major and significant category of "cumulative impacts" is conspicuously absent from the listing of impacts on pages 4 to 5 on which the DGEIS will focus.

As stated above in our comments on Chapter 4, the DGEIS must undertake an analysis of cumulative impacts as this is required in Section 617.10(e) of the Generic Environmental Impact Statement portion of the SEQRA regulations (6 NYCRR Part 617). Furthermore, Section 617.9(b)(5)(iii)(a) of the SEQRA regulations states that all draft environmental impact statements:

"...must include the following elements....reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts."

The SEQR Handbook (Fourth Edition, 2020 prepared by the New York State Department of Environmental Conservation's Division of Environmental Permit provides more useful information regarding cumulative impacts and is recommended for reference. More specific examples can be found here on Long Island. We have listed below the URLs for EISs and related documents which contain or discuss cumulative impact analyses. The first six are in regard to EISs for development projects in Brookhaven and Southampton Towns. The last document is a technical memo pertaining to examining groundwater resource cumulative impact analysis for the Suffolk County Comprehensive Water Resources Management Plan.

- <https://www.brookhavenny.gov/DocumentCenter/View/986/Caithness-Long-Island-Energy-Center-II-Final-Environmental-Impact-Statement-PDF?bidId=>
- <https://www.brookhavenny.gov/DocumentCenter/View/972/Middle-Island-Solar-Farm-Draft-Environmental-Impact-Statement-DEIS-PDF?bidId=>
- <https://www.brookhavenny.gov/DocumentCenter/View/16345/Supplemental-Draft-Environmental-Impact-Statement-SDEIS-to-the-DEIS-for-Mount-Sinai-Village-Center-PDF?bidId=>
- <https://www.brookhavenny.gov/DocumentCenter/View/944/Draft-Environmental-Impact-Statement-Deis-for-Proposed-Wal-Mart-Store-Number-4587-PDF?bidId=>
- <https://www.brookhavenny.gov/DocumentCenter/View/18421/THE-MEADOWS-AT-YAPHANK-DGEIS-Main-Text-Volume-I?bidId=>
- <http://www.southamptontownny.gov/DocumentCenter/View/1680/DEIS-Main-Text-Submitted-June-2013?bidId=>

- <https://www.brookhavenny.gov/DocumentCenter/View/1421/Future-Land-Use-Impacts-Technical-Memorandum-PDF>
2. The Potential Significant Adverse Impacts section should provide a detailed, region-specific analysis for the hamlet of St. James, particularly the State Route 25A corridor in St. James from the Woodlawn Avenue/Edgewood Avenue intersection to the Smithtown Town border with the Town of Brookhaven. This analysis should include the following:
- Analysis of the potential adverse impacts caused by changes in the use or intensity of use of lands in St. James, especially the State Route 25A corridor, and including the parcels containing Gyrodyne/Flowerfield, BB and GG Farm, Bull Run Farm, Harbor Country Day School, former Wicks Farm and former Crow Miller Farm.
 - Substantial changes in existing community or neighborhood character, especially the rural, scenic, historic and agricultural character of the State Route 25A corridor and its offshoots. Again, focus should be on potential adverse impacts, specially those that the affect the scenic/aesthetic, cultural and rural/bucolic character associated with, but not limited to, Gyrodyne/Flowerfield, BB and GG Farm, Bull Run Farm, former Wicks Farm, former Crow Miller Farm, Harbor Country Day School, Mills Pond House, Timothy Mills House, Timothy House, St. James Episcopal Church, St. James Fire House, Sts. Phillips and James Church, St. James General Store and Deepwells.
 - Land use changes that have the potential to result in the encouraging or attracting of a large number of people to one or more locations in the Town for more than a few days, compared to the number of people who would come to such place absent the action including the Gyrodyne and Bull Run Farms sites and other sites noted above.
 - Land use changes resulting from the adoption of the Comprehensive Plan have the potential to result in the impairment of the character or quality of important aesthetic (i.e. visual) resources, in particularly the visual character of the vegetated buffers located along State Route 25A and the sites listed above, including, but not limited to Gyrodyne/Flowerfield, BB and GG Farm, Bull Run Farm, former Wicks Farm, former Crow Miller Farm, Mills Pond House, Timothy Mills House, Timothy House, Harbor Country Day School, St. James Episcopal Church, St. James Fire House, Sts. Phillips and James Church, St. James General Store and Deepwells.
 - Land use changes resulting from the adoption of the Comprehensive Plan have the potential to result in substantial increases in the demand for emergency services and infrastructure capacity, in particular Gyrodyne/Flowerfield and Bull Run Farm.

- Land use changes resulting from the adoption of the Comprehensive Plan have the potential to result in substantial adverse changes in existing ground or surface water quality or quantity, resulting from increases in both water supply demands and wastewater generation and, to a lesser extent, increased need for stormwater management, in particular impacts associated with Gyrodyne/Flowerfield and Bull Run Farm.
- Land use changes resulting from the adoption of the Comprehensive Plan have the potential to result in substantial adverse changes in existing traffic volumes and levels of service. In particular, the DGEIS should examine the potential adverse traffic and transportation impacts along the State Route 25A corridor. State Route 25A is a relatively narrow, two-lane road which has sections that wind a great deal, experience significant elevational changes and have limited sight distances. As a result, and in order to maintain public safety, this roadway, from the Woodlawn Avenue/Edgewood Avenue intersection to the border with Town of Brookhaven, has a speed limit of 35 miles per hour. Substantial future improvements to this roadway are limited at best due to its existing narrow right-of-way and quantity of existing developed road frontage.

Furthermore, substantial future improvement are further constrained by the existing bucolic, historic, cultural and scenic nature of this corridor as all of these important resources would be adversely impacted were any substantial improvements, such as road widening, were ever to be contemplated.

This impact analysis must also account for the significant effects of left-turn movements caused by this Plan along this corridor (which can delay and backup traffic substantially), school-related traffic and seasonal traffic (such as that associated with fall festivals and Halloween) and development and activities occurring on the Brookhaven side, especially that associated with SUNY Stony Brook (e.g. football and soccer games, future development of the campus. Traffic counts should be taken during spring and fall am and pm peak weekday periods when schools are in session and seasonal weekend periods. Finally, traffic analyses should also account for the effects of Covid-19 on depressing current traffic volumes and inducing more remote work and school activities and should consider a multiplier that considers future traffic levels when the pandemic ends and the situation achieves a greater degree of normalcy.

Chapter 6.0 DGEIS Approach and Outline (pp. 5-10)

1. The second paragraph of the “Land Use, Zoning and Public Policy” portion of this chapter, on page 6, again notes how the DGEIS will be undertaking and analyzing a “build out scenario” for the town. Again, as stated earlier, the DGEIS must undertake an analysis of cumulative impacts as is required in the SEQRA regulations.

2. The second paragraph of the Land Use portion on page 6 also discusses the hamlet-specific analyses that will be undertaken. As stated above, this analysis should also provide a focus on the State Route 25A corridor from the Woodlawn Avenue/Edgewood Avenue intersection to the Brookhaven Town border to ensure the factors unique to this area of Smithtown – including its significant scenic, historic and rural character – are not only preserved under the Comprehensive Plan, but enhanced.
3. The Community Character assessment discussed on page 6 must also focus its environmental impact assessment on the State Route 25A corridor from the Woodlawn Avenue/Edgewood Avenue intersection to the Brookhaven Town border to ensure the factors unique to this area of Smithtown – including its significant scenic, historic and rural character – are not only preserved under the Comprehensive Plan, but enhanced. Specific sites and resources which should be accounted for include, but are not limited to, Gyrodyne/Flowerfield, BB and GG Farm, Bull Run Farm, former Wicks Farm, former Crow Miller Farm, Harbor Country Day School, Mills Pond House, Timothy Mills House, Timothy House, St. James Episcopal Church, St. James Fire House, Sts. Phillips and James Church, St. James General Store and Deepwells.
4. The Community Facilities section discussed on pages 7-8 notes how the DGEIS will review existing community facilities, including parks and recreation, and will analyze future needs. This section should include recommendations for future open space acquisition and preservation, particularly in the hamlet of St. James and especially in along the State Route 25A corridor. The analysis should include recommendations for both outright fee acquisition and acquisition of development rights on agricultural properties, including Gyrodyne/Flowerfield, BB and GG Farm, Bull Run Farm, former Wicks Farm, former Crow Miller Farm, Harbor Country Day School and private, vacant and underdeveloped parcels near the Mills Pond House, Timothy Mills House, Timothy House, St. James Episcopal Church, St. James Fire House, Sts. Phillips and James Church, St. James General Store and Deepwells.
5. The Cultural Resource section discussed on page 8 should account for historic structures in St. James, including those associated with Gyrodyne/Flowerfield, former Wicks Farm, former Crow Miller Farm and Harbor Country Day School. In addition, it should account for existing historic structures, not just those which are listed on the State and National Registers of Historic Places or formally recognized by the Town of Smithtown but also those that do not have such official designation. Sites which should be accounted for include Mills Pond House, Timothy Mills House, Timothy House, St. James Episcopal Church, St. James Fire House, Sts. Phillips and James Church, St. James General Store and Deepwells. The DGEIS should also examine the potential for the formal designation and preservation of currently unprotected historic structures, including those which are not officially designated by government.
6. The discussion of Utilities (listed on page 9 of the Draft DGEIS Scope) should account for the severe damage Smithtown experienced from both Superstorm Sandy and Tropical Storm Isaias, especially the damage due to the abundance of large, mature hardwoods along and in proximity to roadway rights-of-way. The mitigation

review in the DGEIS should include an analysis of potential undergrounding of electrical and telecommunications utilities, particularly along major traffic corridors including State Route 25A.

7. In the discussion of Natural Resources on page 9 of the Draft DGEIS Scope, the following comments are provided:
 - a. It should be noted that NYSDEC's Environmental Resource Mapper and New York Nature Explorer, should also be utilized for mapping natural resources. Endangered, threatened, special concern and rare species of animals and plants, as well as species listed by NYSDEC on its lists of Species of Greatest Conservation Need and Species of Potential Conservation Need, should be accounted for, not just those whose presence have been documented in a particular location but also those that could potentially be present based on the occurrence and existence of appropriate habitat.
 - b. Mitigation for all endangered, threatened, special concern and rare species as well as species listed by NYSDEC on its lists of Species of Greatest Conservation Need and Species of Potential Conservation Need, both present and potentially occurring, should be provided.
 - c. Mitigation measures should include delineating, establishing and enhancing wildlife corridors and greenbelts, including future fee-simple acquisitions and forming complexes of both private conservation lands and publicly-owned lands.
 - d. A discussion of white-tailed deer mitigation and management should be provided.

8. In the discussion of Transportation on page 9 and as noted above, the DGEIS should examine the potential adverse traffic and transportation impacts along the State Route 25A corridor in St. James. Previously, it was noted that State Route 25A is a relatively narrow, winding, two-lane road which has sections that experience significant elevational changes and have limited sight distances and has a speed limit of 35 miles per hour. Substantial future improvements to this roadway are limited at best due to its existing narrow right-of-way and quantity of existing developed road frontage.

Furthermore, substantial future improvement are further constrained by the existing bucolic, historic, cultural and scenic nature of this corridor as all of these important resources would be adversely impacted were any substantial improvements, such as road widening, were ever to be contemplated.

Accordingly, the Transportation section impact analysis must account for the above-referenced concerns as well as the significant effects of left-turn movements caused by this Plan along the Route 25A corridor (which can delay and backup traffic substantially), school-related traffic and seasonal traffic (such as that associated with fall festivals and Halloween) and development and activities occurring on the Brookhaven side, especially that associated with SUNY Stony Brook (e.g. football

and soccer games, future development of the campus. Traffic counts should be taken during spring and fall am and pm peak weekday periods, when schools are in session, and seasonal weekend periods. Finally, traffic analyses should also account for the effects of Covid-19 on depressing current traffic volumes and inducing more remote work and school activities and should consider a multiplier that considers future traffic levels when the pandemic ends and the situation achieves a greater degree of normalcy.

9. A separate and thorough Cumulative Impacts section must be provided.

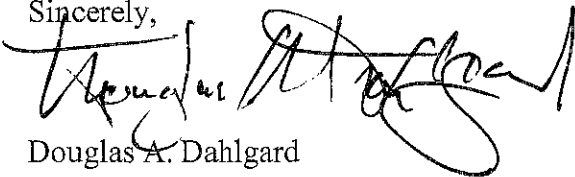
Chapter 8.0 Extent and Quality of Information Needed for the Preparer to Adequately Address

Each Impact (pp. 11-13)

1. The last chapter number listed was 6.0 so this should be corrected to number 7.0 (unless a section is missing).
2. Under the Cultural Resources section on page 12, it is also recommended that the State and National Registers of Historic Places be utilized along with any available records of Preservation Long Island (formerly known as the Society for the Preservation of Long Island Antiquities), the Smithtown Historical Society and the Suffolk County Historical Society.
3. Under the Natural Resources section on page 12, NYSDEC's Environmental Resource Mapper and New York Nature Explorer, should also be utilized for mapping natural resources.
4. Under the Transportation section on page 13, traffic count data should also be obtained for the Edgewood Avenue intersection with State Route 25A, the Woodlawn Avenue intersection with State Route 25A, the Moriches Road and Lake Avenue intersections with State Route 25A and the Mills Pond Road intersection with State Route 25A. All of this data should then be utilized in the DGEIS and Comprehensive Plan.

Thank you for the opportunity to comment. Again, our Village congratulates the leadership of the Town and we look forward to your progress.

Sincerely,



Douglas A. Dahlgard
Mayor