

**RONKONKOMA HUB**

**Condemnation/Acquisition Agreement**

THIS AGREEMENT made this 2<sup>ND</sup> day of AUGUST, 2021,

between RONK HUB, LLC a Delaware limited liability company with its principal offices at Stony Brook Technology Center, 45 Research Way, Suite 100, Setauket, New York 11733 (hereinafter referred to as the "Master Developer" or "MD") and the TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY, with its offices at One Independence Hill, Farmingville, New York 11738 (hereinafter referred to as the "IDA").

WHEREAS, the Town Board of the Town of Brookhaven (the "Town Board"), at its meeting of June 24, 2014, adopted, by Resolution No. 2014-503, a "Findings Statement," pursuant to the New York State Environmental Quality Review Act ("SEQRA" -- Article 8 of the Environmental Conservation Law) and the SEQRA implementing regulations at 6 NYCRR Part 617, for (1) the Town Board's proposed adoption of a Ronkonkoma Hub Urban Renewal Plan; (2) the Town Board's proposed adoption of a Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan; (3) the Town Board's proposed amendment to Chapter 85 ("Zoning") of the Code of the Town of Brookhaven (the "Town Code") by enactment of Article XXIII (entitled "Ronkonkoma Hub Transit-Oriented Development District"); and (4) the Town Board's proposed change of zone of several parcels to the new "Ronkonkoma Hub Transit-Oriented Development District" (a copy of the said Town Board Resolution 2014-503 is annexed hereto as Exhibit "A"); and

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WHEREAS, following adoption of the aforesaid "Findings Statement," the Town Board passed resolutions adopting the Ronkonkoma Hub Urban Renewal Plan and the Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan; and

WHEREAS, following adoption of the aforesaid "Findings Statement," the Town Board adopted and filed with the New York State Department of State Local Law No. 13 of the year 2014, which (1) amended Chapter 85 ("Zoning") of the Town Code by enacting Article XXIII (entitled "Ronkonkoma Hub Transit-Oriented Development District" [hereinafter referred to as "the TOD"]); and (2) designated several parcels on the Suffolk County Tax Map, as well as all roadways, shown on a "Regulating Plan," lying between or adjacent to such parcels, as being encompassed in the TOD; and

WHEREAS, the new TOD was created for the purpose of the redevelopment and revitalization of an approximately 53.73-acre area of real property surrounding the Ronkonkoma Station on the Long Island Railroad Ronkonkoma Branch, located in Ronkonkoma, New York (hereinafter referred to as the "TOD area"); and

WHEREAS, acquisition of all 53.73+- acres in the TOD area is essential to the redevelopment and revitalization of the TOD area; and

WHEREAS, by resolution adopted November 18, 2015, the IDA, acting as a SEQRA "involved agency," among other things, adopted the Town Board's aforesaid SEQRA "Findings Statement" as the IDA's own SEQRA "Findings Statement"; and

WHEREAS, the MD has acquired 14 lots in the TOD area pursuant to negotiated purchases, as set forth in Exhibit "B" annexed hereto; and

**WHEREAS**, the MD intends to acquire the remaining lots in the TOD area, set forth in Exhibit "C" annexed hereto, either through reasonable negotiation, wherever reasonably possible, or through the IDA's exercise of the power of eminent domain, as hereinafter provided; and

**WHEREAS**, acquisition of the lots set forth in Exhibit "C" hereto is essential to redevelopment and revitalization of the TOD area, in accordance with the Ronkonkoma Hub Urban Renewal Plan and the TOD; and

**WHEREAS**, redevelopment and revitalization of the TOD comports with the IDA's stated mission to actively promote, encourage, attract, and develop job and recreational opportunities and economically-sound commerce and industry in the Town of Brookhaven, and to improve the quality of life for Brookhaven Town residents by promoting and assisting the growth of businesses that will increase employment opportunities, will increase the commercial tax base, and are sensitive to the quality of the environment; and

**WHEREAS**, the New York State Legislature has empowered the IDA to acquire real property by purchase, condemnation, or otherwise; and

**WHEREAS**, in consideration of the IDA exercising its right and power of eminent domain with respect to the TOD area, the MD has agreed to pay for all of the costs and expenses associated with the acquisition of the lots set forth in Exhibit "C" hereto (hereinafter collectively referred to as the "Exhibit C Properties"), through negotiation and/or condemnation as set forth in this Agreement; and

**WHEREAS**, the actual cost of acquisition of each of the Exhibit C Properties shall be in accordance with its value as determined by an independent appraisal made by a qualified appraiser designated by the IDA (the "Appraised Value") or as determined by a court of competent jurisdiction; and

WHEREAS, it is in the best interests of the IDA and the MD to memorialize their rights and obligations in this Agreement.

**WITNESSETH:**

THEREFORE, based on the mutual covenants, promises and consideration, the parties agree and covenant as follows:

1. **Acquisition of Properties.** The IDA shall acquire the Exhibit C Properties designated by the MD to be appropriated by negotiated purchase or by condemnation proceedings in phases in the Supreme Court, County of Suffolk, pursuant to the Eminent Domain Procedure Law ("EDPL") of the State of New York (the "condemnation proceeding") as hereinafter provided. Notwithstanding anything to the contrary contained herein, the MD shall have the right to negotiate directly with the owners of the lots to be acquired and/or condemned as provided herein, to purchase said lots from them.

2. **Purchase Price for Properties; Eminent Domain Procedures.**

2.1 **Just Compensation/Exhibit C Properties**

(a) The Exhibit C Properties will be apportioned into phases for acquisition from the owners of such properties (hereinafter collectively the "Exhibit C Owners"). It is recognized that, if and to the extent that the MD is unable to acquire any of the Exhibit C Properties by reasonable negotiation, the MD may require the IDA to exercise its power of eminent domain to acquire any such Exhibit C Property or Properties. If the MD requires the IDA to exercise its power of eminent domain, then within forty-five (45) days of the date the Power to Condemn Conditions (defined herein as the expiration of 30 days from the date on which the IDA publishes its Findings and Determinations resulting from an EDPL Article 2 Public Hearing where a property

owner in the TOD has not commenced a judicial challenge to the Findings and Determinations, or, from a final determination of a court with respect to an EDPL Section 207 proceeding) have been satisfied, the IDA shall file a petition to vest title to the Exhibit C Property or Properties designated by MD, in the Supreme Court of the State of New York, County of Suffolk. Simultaneously upon the filing of the aforesaid petition, the MD shall deposit with the IDA, in Good Funds as provided for in this Agreement, the Condemnation Deposit (hereinafter defined) with respect to any Exhibit C Property or Properties identified by the MD ("eminent domain parcel or parcels as the case may be"). The IDA and the MD hereby acknowledge and agree that, notwithstanding the amount of a Condemnation Deposit determined in accordance with the terms of this Agreement, just compensation for the eminent domain parcel identified by MD may be fixed pursuant to any of the following methods (each such amount "Just Compensation") and the MD shall be liable for payment of said amounts to the extent provided in this Section 2.1:

(i) the amount the Exhibit C Owner or Owners accepts or accept as final payment pursuant to the written offer by the IDA, subject to the MD's consent in writing; or, if such offer is rejected by an Exhibit C Owner, then, subject to the terms of this Section 2.1, the IDA shall pay said owner said amount as an advance payment or, if objections to title exist, pay such amount to the Clerk of the Court pursuant to the EDPL, or,

(ii) that award of just compensation, inclusive of any accrued interest, EDPL §701 expenses and court costs, as may be awarded by the Supreme Court for the County of Suffolk, or

(iii) such amount for just compensation as may be negotiated in settlement of the Exhibit C Owner's claim(s) prior to final judgment in a valuation trial subject to the MD's consent in writing; or

(iv) such amount of just compensation, inclusive of accrued interest and, if applicable, EDPL §701 award, as an Appellate Court may find on an appeal from a judgment rendered by the Supreme Court, Suffolk County when such judgment becomes final; or

(v) such price as the MD or the IDA (in the manner permitted by this Agreement) negotiates directly with property owner(s), prior to commencement of an EDPL proceeding by the IDA; any such agreement between the IDA and property owner is subject to the MD's written approval; or

(vi) such price the MD or the IDA (in the manner permitted by this Agreement), subject to the MD's consent in writing, is able to negotiate directly with property owner(s), prior to a judicial determination of a just compensation pursuant to an EDPL proceeding by the IDA.

(b) Following the IDA's obtaining the Power to Condemn, as defined in Section 2.1(a) of this Agreement, the IDA shall, at the MD's expense, order just compensation appraisals and, where applicable, fixture appraisals from an Allowed Appraiser (defined below) for each of the Exhibit C Properties designated by the MD to be acquired by the IDA, pursuant to the EDPL, and to be reconveyed to the MD pursuant to this Agreement. Upon receipt of such appraisals, the IDA shall distribute copies thereof to the MD for review and comment. The MD's comments shall address the factual accuracy of the appraisals, as well as the valuation methodology of the appraisal and appraiser's compliance with the Uniform Standards of Professional Appraisal Practice of The Appraisal Foundation, Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, and applicable law governing appraisals for EDPL purposes. The IDA shall consider such comments in good faith in determining whether to establish said appraisals as highest approved appraisals for the applicable Exhibit C Properties pursuant to the

EDPL and thereafter relying on said appraisals as a basis for making offers to the Exhibit C Owners.

The IDA shall, upon fifteen (15) days' written notice to the MD, determine an offer of just compensation for each of Exhibit C Properties designated by the MD to be acquired by the IDA, pursuant to the EDPL (each a "Just Compensation Offer"), excepting those Exhibit C Properties for which the MD has secured a contract of sale or acquired by direct negotiation, which Just Compensation Offer shall not exceed the amount of the highest approved appraisal for such eminent domain parcels.

As used herein, an "Allowed Appraiser" shall mean a licensed appraiser who has all of the following qualifications: (i) has an office in Nassau or Suffolk County, New York, (ii) has not less than ten (10) years' experience with appraisals of similar properties for condemnation purposes, (iii) has regular experience as a witness in condemnation legal proceedings, and (iv) is a member of the Appraisal Institute. The MD shall have the right to add to the list of appraisers to be considered by the IDA.

(c) With respect to each of the Exhibit C Properties designated by MD to be acquired by the IDA by the exercise of eminent domain, assuming that (i) all of the Power to Condemn Conditions have occurred and shall be subsisting, (ii) the time period for any aggrieved person or persons, jointly or severally, to seek judicial review of the IDA's determination and findings made pursuant to EDPL §204 or otherwise shall have expired and no further appellate review is statutorily permitted pursuant to applicable law, and (iii) no challenge to said findings is then pending in any court or administrative proceeding, the MD, within thirty (30) days of receiving notice from the IDA of the final determination of the IDA's Power to Condemn the aforesaid Exhibit C Properties, shall deposit with the IDA, for each applicable eminent domain

parcel, 110% of the full amount of the Just Compensation Offer reasonably determined by the IDA based on the above-described approved appraisals (both real property and fixture) and pursuant to the EDPL. Each such deposit is referred to herein as a "Condemnation Deposit," and all such deposits are referred to herein, collectively, as the "Condemnation Deposits."

(d) It is understood, as hereinabove provided, that the appropriation of the Exhibit C Properties will proceed in phases. For example, all properties designated by the MD for appropriation in eminent domain in Phase I will be the subject of condemnation deposits as provided in this paragraph. The MD will only be required to fund condemnation deposits for those designated parcels in each of the phases that the MD has designated as eminent domain parcels for appropriation. For further example, if substantially all of the parcels in Phase I have been appropriated, the MD will, on thirty (30) days notice to the IDA, advise the IDA to proceed to vest title in designated Phase II parcels, and so on through Phase III and Phase IV. The MD will, on thirty (30) days notice from the IDA, fund 110% of the full amount of the Just Compensation Offer for the assigned parcels in each designated Phase of the Exhibit C Properties. The MD, in its discretion, may designate for eminent domain individual parcels in phases out of order. In other words, if the MD designates parcels for eminent domain in Phase IV before acquiring any parcels in Phase III, the IDA will proceed to appropriate, in eminent domain, said designated parcels in Phase III or IV, as the case may be.

(e) Nothing contained herein is intended to prevent the MD from negotiating or acquiring parcels in any or all of the phases of appropriation of the Exhibit C Properties as the appropriation process proceeds.

(f) In the event of any claim for additional compensation or litigation by aggrieved person or persons, the IDA shall immediately notify the MD and provide it with copies of all



relevant claim documents and/or pleadings. Thereafter, the IDA shall keep the MD advised of all matters related to such litigation and, except as otherwise set forth in Section 3.1 of this Agreement, shall not settle any such litigation or claim for an amount in excess of the Just Compensation Offer for the applicable Exhibit C Property without the MD's prior written consent. The IDA shall give the MD immediate written notice of the judicial determination or other final resolution of such action. Upon service of said notice by the IDA and upon expiration of any right to appeal said determination, and assuming the Power to Condemn Conditions shall have been satisfied and are subsisting, the MD shall, within thirty (30) days of such notice, make the Condemnation Deposit with the IDA. If Just Compensation, as defined by such litigation (or any of the procedures set forth in Section 2.1(a)) exceeds the Condemnation Deposit for such Exhibit C Property, the MD shall deposit an amount equal to such shortfall, plus any award of interest and/or EDPL §701 costs assessed by the court, with the IDA and such amount shall be deemed added to the Final Condemnation Deposit for such Exhibit C Property.

(g) Provided that the MD has deposited the full amount of the Condemnation Deposit as provided in Section 2.1(c) above, thereafter, upon five (5) days notice to the MD, the IDA shall serve Offers of Just Compensation to all affected Exhibit C Owners in the manner and form prescribed in the EDPL, excluding, nevertheless, those properties the MD has acquired or is in binding contract to purchase.

(h) After said Offers of Just Compensation are disseminated, the MD is hereby authorized to negotiate purchases of the Exhibit C Properties from the Exhibit C Owners or, in the alternative, if requested by one or more of the Exhibit C Owners, make advance payments to such Exhibit C Owners in such amounts that equal the applicable IDA Offer of Just Compensation, which payments shall be made in accordance with the procedures set forth in the EDPL; provided,

however, that (i) the IDA and MD shall reasonably coordinate the timing of the EDPL process in order to permit the aforementioned negotiation; and (ii) the MD shall not be required to make the aforementioned advance payments until the Power to Condemn Conditions have been satisfied.

(i) Where the MD is able to negotiate purchases and secure good marketable title, purchase prices for such parcels shall be paid from the Condemnation Deposit, up to the amount that the MD has deposited with the IDA in respect of such designated Exhibit C Property. The MD shall promptly notify the IDA of each and every such contract, sale, and closing thereon. In the event that a purchase price for a particular Exhibit C Property exceeds the applicable Condemnation Deposit for such Exhibit C Property, such shortfall shall be paid directly by the MD to the Exhibit C Owner and the balance of the purchase price shall be paid by the IDA from the applicable Condemnation Deposit. In negotiating settlements and/or advance payments with Exhibit C Owners, the MD shall confirm, prior to payment of any sums to the applicable Exhibit C Owner, that clear title, without exception for liens, judgments, assessments or leases, including, without limitation, real property tax liens and/or special assessments, affecting the applicable Exhibit C Property, can be conveyed. If such exceptions to title do exist, the MD shall pay the Condemnation Deposit sums to the Court Clerk.

## **2.2 Eminent Domain Procedures**

(a) Within thirty (30) days of the date the MD requests the IDA to conduct a public hearing to appropriate all yet-to-be-acquired Exhibit C Properties pursuant to EDPL Art. 2, as hereinabove provided, the MD shall submit to the IDA the following items:

(i) Copies of all executed contracts, where title has not passed to the MD, existing between the Exhibit C Owners and the MD; and

(ii) A proposed Acquisition Map showing all Exhibit C Properties that have yet to be acquired by the IDA pursuant to the EDPL, together with descriptions of said Exhibit C Properties and an index of the Exhibit C Owners thereof in a form consistent with the provisions of the EDPL.

(b) The MD shall have the right to extend the foregoing thirty (30)-day period for a reasonable period of time needed to submit to the IDA the foregoing items so long as the MD is diligently proceeding in good faith to obtain such items for delivery to the IDA.

(c) Within thirty (30) days of receipt of a complete proposed Acquisition Map from the MD, the IDA shall schedule a public hearing, pursuant to EDPL §202, on the need for and location of the Project pursuant to the notice requirements of EDPL §201. The MD shall cooperate in good faith with the IDA in the presentation of maps, surveys, environmental information, and related materials at said hearing, shall attend said hearing, and shall produce such persons with knowledge and expertise to fully present the MD's proposed Project. The MD shall be prepared to respond to inquiries from the IDA, affected property owners, and members of the general public at said hearing or any adjourned or continued date thereof.

(d) The IDA shall, not later than ninety (90) days from the conclusion of the public hearing, make its Determination and Findings concerning the Project and shall publish a synopsis of such determination and findings in a manner consistent with the provisions of EDPL §204(A), (B), and (C). The determination and findings by the IDA shall be based on: (i) the public use, benefit and purpose to be served by the proposed Project; (ii) the location of the proposed Project and the reasons for the selection of the location; (iii) the general effect of the proposed Project on the environment and residents of the locality of the Project; and (iv) such other factors as the IDA considers relevant.

**2.3 Project Cost Reimbursements**

(a) The MD shall reimburse the IDA for "Project Costs" as provided in this Section.

Such Project Costs shall include and be limited to the following costs and expenses incurred by IDA in connection with the Project:

1. The costs of acquisition of Exhibit C Properties in the event that such properties, or any one of them, are acquired by either condemnation proceeding(s) or negotiated purchase.

2. All reasonable invoices submitted by appraisers hired in compliance with the terms of this Agreement.

3. All reasonable invoices submitted by engineers, planners, environmental testing or remediation companies, or other experts hired in compliance with the terms of this Agreement.

4. All reasonable invoices submitted by legal counsel to the IDA in connection with the acquisition of the Exhibit C Properties, including:

(i) Eminent Domain Proceedings and Appeals;

(ii) Valuation Trials and Appeals;

(iii) Article 78 Proceedings against the IDA relating to municipal actions in connection with the Project (Non-Party);

(iv) Appeals (Appellate Division and Court of Appeals);

(v) Consultations with the MD and counsel for the MD; and

(vi) Any litigation commenced in federal court.

5. All reasonable invoices related to any public hearing, including:

(i) pre- and post-hearing publication costs;

(ii) pre- and post-hearing service of process costs;

(iii) map production costs;

(iv) costs for required expert testimony;

(v) title reports and certifications; and

(vi) transcripts of hearings.

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6. Real Property Taxes - Post-Vesting to Conveyance.

7. Water and Other Transitional Utility Costs.

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8. Reasonable Property Fencing Costs (provided that the IDA will first provide the MD with opportunity to install any fencing).

9. Liability Insurance on acquired property.

10. Surveys, maps, drawings (provided that the IDA will provide the MD with first opportunity to complete such maps and drawings).

11. Publication Costs, Security Costs (subject to the IDA providing to the MD the first opportunity to provide such security), Process Server Costs, Court Filing Fees, and stenographic expenses.

12. Reasonable, customary, out-of-pocket, ancillary expenses reasonably related to the municipal approval process and the EDPL condemnation process, to the extent that reasonable prior notice of such expenses has been provided to the MD.

(b) The IDA will take all reasonable measures to consult with the MD concerning the incurrence of Project Costs and collectively the MD and the IDA will endeavor to minimize Project Costs and select vendors who will further the timely and efficient prosecution of this Agreement, so long as such selection of vendors complies with all procurement laws, rules and

regulations applicable to the IDA. To the extent practical, the IDA will endeavor to provide reasonable notice to the MD regarding any Project Costs to be incurred hereunder prior to the incurrence of same. Notwithstanding the foregoing, the IDA will make the final determination as to such expenses in accordance with the terms of this Agreement.

(c) The MD shall, in reasonable consultation with the IDA, maintain (and from time to time make deposits) with the IDA "Project Cost Deposit(s)" reasonably sufficient to pay Project Costs that are reasonably anticipated to be incurred by the IDA during the eminent domain process.

(d) Within 30 days of receipt of an invoice delivered by the IDA to the MD under this Section 2.3, the MD shall pay directly to the IDA or, at the IDA's request, to the issuing vendor, the full amount of said invoice.

#### **2.4 Conditions to Closing**

(a) The obligation of the MD to close title in accordance with this Agreement is expressly contingent upon the following (the "Closing Conditions"):

(i) There shall be no title exceptions other than Permitted Encumbrances contained in the respective contracts of sale and/or Vesting Orders. All leases as to Exhibit C Properties acquired by the IDA in eminent domain proceedings shall have been terminated by the Vesting Order issued in the applicable condemnation proceeding. The form of the Vesting Order shall be subject to reasonable approval by the MD prior to the IDA's submission of same to the court; and the MD, the IDA, and the MD's title insurance company shall have approved the acquisition map upon which the Vesting Order shall be based. If the final Vesting Order issued by the court shall not be sufficient to cause title to the designated Exhibit C Properties to be subject to only Permitted Encumbrances and otherwise in accordance with the terms of this Agreement

and the acquisition map approved by the parties, such Vesting Order shall not be acceptable to the MD and this Closing Condition shall not be satisfied.

(ii) The issuance of Vesting Order(s) by the New York State Supreme Court, Suffolk County (the form of which shall be reasonably coordinated with the MD for compliance with the terms of this Agreement) (a) authorizing the filing of the Acquisition Map or Maps with the Suffolk County Clerk for those designated Exhibit C Properties that the MD has not acquired or for which the MD has not entered into binding purchase agreements and (b) conveying the said Exhibit C Properties to the IDA on the date(s) of the entry of said Vesting Order(s); provided, nevertheless, there is no pending appeal from the Order(s) and Judgment(s) issuing the final Vesting Order(s) for filing the Acquisition Map for the Exhibit C Properties or otherwise permitting the acquisition of the Exhibit C Properties and their conveyance to the MD.

(iii) In the event of one or more appeals, a final order(s) affirming the issuance of the Vesting Order(s) (without modification, unless approved by the MD) shall have been issued and all time periods shall have expired for a further appeal of, or motion for leave to appeal, such order(s) (with no appeal or motion having been taken or made);

(iv) The IDA shall have executed and delivered all of the documents and have taken or caused to be taken all of the other actions required by the IDA in this Agreement, and shall also have delivered to the MD such other documents to effect the transactions contemplated by this Agreement and to evidence the power and authority of the IDA to enter into and perform this Agreement, as the MD's counsel may reasonably request without expanding the IDA's liability hereunder; provided, however, that the MD, at its election, evidenced by written notice delivered to the IDA prior to or at the Closing, may waive all or any such conditions in this

Section 2.4 in its sole discretion; and provided further that any such failure by the IDA shall be subject to the notice and cure rights expressly permitted by this Agreement.

### THE CLOSINGS

#### 2.5 The Closings: Closing Deliveries

(a) Assuming all Closing Conditions have been satisfied and are subsisting, the closing of the transactions provided for in this Agreement (the "Closing") shall take place by delivery of executed Closing documents and settlement funds to the office of the IDA, on or before the date of Closing. The Closings shall take place on or about the date (the "Closing Date") that is thirty (30) days from the date the Closing Conditions for each transaction have been satisfied.

(b) At the Closing, the IDA shall deliver to the MD the following items:

(i) Provided the MD has paid all sums due under Section 2.1 relating to Just Compensation, the IDA a bargain and sale deed conveying to the MD all Exhibit C Properties if any, that are acquired by the IDA pursuant to this Agreement through either the various Vesting Orders, or through negotiated transactions, together with a certified copy of the Vesting Order or Deed, and final recorded Acquisition Map obtained in the EDPL proceeding(s) duly certified by the County Clerk for the County of Suffolk, and such other documents as the MD's title company may reasonably require to insure title in the MD.

(ii) Certification of Non-Foreign Status in accordance with the provisions of Section 1445 of the Internal Revenue Code.

(iii) Such affidavits as the MD's Title Company shall reasonably require in order to omit from its title insurance policy all exceptions for liens, judgments, bankruptcies, tenancies, or other returns against persons or entities whose names are the same or similar to the IDA's name.



(iv) All required real property transfer tax returns, duly completed and executed.

(v) All other documents reasonably required by this Agreement to be delivered by the IDA.

(c) At the Closing, the MD shall do the following:

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(i) Deliver to the IDA, to any applicable Exhibit C Owner, or as IDA directs, Good Funds in an amount sufficient to pay the obligations referred in Section 2 of this Agreement.

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(ii) Cause the Deed or Deeds, as the case may be, to be recorded; duly complete all required real property transfer tax returns; and cause all such returns and the MD's checks in payment of such taxes, if taxes are due to be delivered to the MD's Title Insurance Company, in escrow, for delivery to the appropriate officials promptly after Closing.

(iii) Deliver all documents required by this Agreement to be delivered by the MD.

## 2.6 Adjustments

(a) The following shall be prorated between the IDA and the respective Exhibit C Property Owners upon the date of title vesting, and thereafter the MD shall reimburse the IDA for all sums paid to Exhibit C Property Owners by way of adjustments.

(i) Water charges affecting the Exhibit C Properties shall be prorated on the basis of the fiscal period for which those charges are assessed.

(ii) Real estate taxes shall be prorated between the MD or the IDA, as the case may be, and Exhibit C Owners based on the fiscal lien periods for which these charges

are assessed and the date of the entry of the Vesting Order or closing of title, as the case may be, of each applicable Exhibit C Property.

(iii) Apportionment adjustments shall be made at Closing.

**3. Miscellaneous.**

3.1 In the event that the IDA contemplates acquisition by negotiated purchase price based on the Appraised Value as determined in accordance with the provisions of this Agreement and the MD can demonstrate to the reasonable satisfaction of the IDA that the negotiated purchase price, as proposed, exceeds the fair market value of the subject parcels by fifteen (15%) percent or more, the IDA shall not proceed unless the MD consents to the negotiated purchase price, as proposed. The IDA shall timely furnish the MD with a copy of any appraisals commissioned by the IDA and with copies of all bills and invoices received or prepared by the IDA for the fees and expenses referred to in paragraph 2.3 above.

3.2 All sums and amounts payable or to be payable pursuant to the provisions of this Agreement – whether referred to as “Good Funds” or not – shall be payable in currency that, at the time of payment, is legal tender for the payment of public and private debts in the United States of America.

3.3 The MD hereby designates its following attorneys for the receipt of notice papers and information concerning the condemnation proceeding: Certilman Balin Adler & Hyman, LLP, Att. M. Allan Hyman, with offices at 90 Merrick Avenue, East Meadow, New York. The MD, by written notice to the IDA’s counsel, shall advise the IDA of any change of the MD’s counsel in this matter.

3.4 The IDA hereby designates its following attorneys, for the receipt of notice papers and information concerning the condemnation proceeding: Margolin Besunder, LLP, 3750

Express Drive South, Suite 200, Islandia, New York 11749. The IDA, by written notice to the MD's counsel, shall advise the MD of any change of the IDA's counsel in this matter.

3.5 Intentionally omitted.

3.6 Intentionally omitted.

3.7 This Agreement constitutes the entire understanding, accord, and agreement by the parties hereto as to the subject matter hereof and shall not be amended except by writing duly made and executed by the party to be charged thereby.

3.7(a) By entering into this Agreement, it is not the MD's intention to waive any rights under any separate agreement to which it and the Town of Brookhaven are parties, and it is the MD's intention to preserve any such rights that may exist thereunder.

3.8 This Agreement may be executed in counterparts, each of which shall be deemed an original, and all counterparts taken together shall be deemed to constitute one and the same instrument. Electronic copies of this document shall be treated as originals for all purposes.

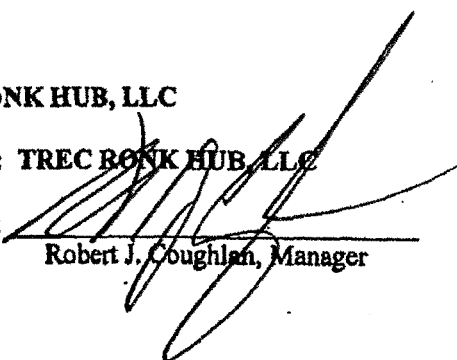
IN WITNESS WHEREOF, the parties have set their respective hands the day and year first above written.

**TOWN OF BROOKHAVEN INDUSTRIAL  
DEVELOPMENT AGENCY**

By: 

**RONK HUB, LLC**

By: **TREC RONK HUB, LLC**

By:   
Robert J. Coughlan, Manager

STATE OF NEW YORK )

ss.:

COUNTY OF SUFFOLK)

On the 2<sup>nd</sup> day of August, in the year 2021, before me, the undersigned, LISA M.G. Mulligan personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*Theresa M. Alron*  
Notary Public

THERESA M. ALRON  
Notary Public - State of New York  
No. 01A16351399  
Qualified in Suffolk County  
My Comm. Expires Dec. 5, 2024

STATE OF NEW YORK )

ss.:

COUNTY OF SUFFOLK)

On the 2<sup>nd</sup> day of August, in the year 2021, before me, the undersigned, Robert J. Coughlan personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*Nicole Martens*  
Notary Public

NICOLE MARTENS  
Notary Public - State of New York  
No. 01MA6389972  
Qualified in Suffolk County  
My Comm. Expires Apr. 8, 2023

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**Exhibit A**

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RESOLUTION SUBMISSION

MEETING OF: JUNE 24, 2014

RESOLUTION NO. 2014-503

MOVED BY COUNCILMEMBER: Timothy Mazzei

REVISION:

SHORT TITLE: ADOPTION OF THE SEQRA FINDINGS STATEMENT FOR THE RONKONKOMA HUB URBAN RENEWAL PLAN, RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT LAND USE AND IMPLEMENTATION PLAN, AMENDMENT TO TOWN CODE CHAPTER 85 ENTITLED "ZONING", BY ENACTING ARTICLE XXIII ENTITLED "RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT DISTRICT" AND CHANGE OF ZONE OF CERTAIN PARCELS TO THE RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT DISTRICT

DEPARTMENT: Planning, Environment & Land Management

REASON: To adopt the Findings Statement for the Ronkonkoma Hub Urban Renewal Plan, Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan, amendment to the Town Code Chapter 85 entitled "Zoning" by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District" and change of zone of certain parcels to the Ronkonkoma Hub Transit-Oriented Development District

PUBLIC HEARING REQUIRED: No.

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: No Fiscal Impact -- Not Reviewed By Commissioner of Finance.

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:

LR:cah

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Cartright					
		Councilmember Bonner					
		Councilmember LaValle					
		Councilmember Kepert	2				
		Councilmember Mazzei	1				
		Councilmember Panico					
		Supervisor Romaine					

**ADOPTED**  
BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 2014-503  
MEETING: JUNE 24, 2014

**ADOPTION OF THE SEQRA FINDINGS STATEMENT FOR THE RONKONKOMA HUB URBAN RENEWAL PLAN, RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT LAND USE AND IMPLEMENTATION PLAN, AMENDMENT TO TOWN CODE CHAPTER 85 ENTITLED "ZONING" BY ENACTING ARTICLE XXIII ENTITLED "RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT DISTRICT" AND CHANGE OF ZONE OF CERTAIN PARCELS TO THE RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT DISTRICT**

WHEREAS, the Town Board is considering the adoption of the Ronkonkoma Hub Urban Renewal Plan, Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan, amendment to the Town Code Chapter 85 entitled "Zoning" by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District" and change of zone of certain parcels to the Ronkonkoma Hub Transit-Oriented Development District; and

WHEREAS, a public hearing on the Ronkonkoma Hub Transit-Oriented Development (TOD) Land Use and Implementation Plan and the Draft Generic Environmental Impact Statement (DGEIS) was duly held by the Town Board on September 21, 2010; and

WHEREAS, subsequent revisions to the scope of the development were proposed, therefore requiring the preparation of revisions to the Ronkonkoma Hub Transit-Oriented Development (TOD) Land Use and Implementation Plan and a Draft Supplemental Generic Environmental Impact Statement (DSGEIS); and

WHEREAS, the Ronkonkoma Hub Transit-Oriented Development (TOD) Land Use and Implementation Plan and the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) were accepted by the Town Board on November 12, 2013, and the public comment period was commenced; and

**WHEREAS, on January 9, 2014, a joint public hearing was held on the Ronkonkoma Hub Draft Supplemental General Environmental Impact Statement (DSGEIS), Ronkonkoma Hub Urban Renewal Plan, Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan, amendment to Town Code Chapter 85 entitled "Zoning" by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District" and change of zone of certain parcels to the Ronkonkoma Hub Transit-Oriented Development District at which time all interested parties were given an opportunity to be heard; and**

**WHEREAS, the public comment period on the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) was closed on February 10, 2014; and**

**WHEREAS, on May 22, 2014, the Town Board accepted the Final Generic Environmental Impact Statement (FGEIS) for the Ronkonkoma Hub Urban Renewal Plan, Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan, amendment to Town Code Chapter 85 entitled "Zoning" by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District" and change of zone of certain parcels to the Ronkonkoma Hub Transit-Oriented Development District, and a ten day consideration period was commenced; and**

**WHEREAS, in response to the submitted comments, questions and concerns, as well as the Town of Brookhaven's own analysis, the Town Board is considering adoption of the Ronkonkoma Hub Urban Renewal Plan, Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan, amendment to Town Code Chapter 85 entitled "Zoning" by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District" and change of zone of certain parcels to the Ronkonkoma Hub Transit-Oriented Development District ; and**

**WHEREAS, pursuant to the requirements of Part 617.11 of the State Environmental Quality Review Act, a written Findings Statement must be prepared prior to the adoption of the Ronkonkoma Hub Urban Renewal Plan, Ronkonkoma Hub Transit-Oriented Development Land**



**Use and Implementation Plan, amendment to Town Code Chapter 85 entitled "Zoning" by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District" and change of zone of certain parcels to the Ronkonkoma Hub Transit-Oriented Development District;**

**NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the attached Findings Statement for the Ronkonkoma Hub Urban Renewal Plan, Ronkonkoma Hub Transit-Oriented Development Land Use and Implementation Plan, amendment to Town Code Chapter 85 entitled "Zoning" by enacting Article XXIII entitled "Ronkonkoma Hub Transit-Oriented Development District" and change of zone of certain parcels to the Ronkonkoma Hub Transit-Oriented Development District is hereby ADOPTED.**

**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
RONKONKOMA HUB TRANSIT-ORIENTED DEVELOPMENT  
HAMLET OF RONKONKOMA, TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK  
TOWN BOARD OF THE TOWN OF BROOKHAVEN  
FINDINGS STATEMENT**

Date: June 24, 2014

This Findings Statement is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act - SEQRA) and the implementing regulations therefor at 6 NYCRR Part 617.

**Name of Action:** Ronkonkoma Hub Transit-Oriented Development (TOD)

**Location:** 53.73± acres bounded by Union Avenue and Union Street to the north; Village Plaza Drive to the east; Ronkonkoma Avenue, Garrity Avenue and Hawkins Avenue to the west; and the railroad tracks of the Long Island Railroad to the south, in the hamlet of Ronkonkoma, Town of Brookhaven, Suffolk County

**Lead Agency:** Town Board of the Town of Brookhaven

**Address:** Town of Brookhaven Town Hall  
One Independence Hill  
Farmingville, New York 11738

**Contact:** Tullio Bertoli AIA, AICP, LEED  
Commissioner  
Department of Planning, Environment and Land Management

**Telephone No.:** (631) 451-6400

**SEQR Status:** Type I

The Town Board of the Town of Brookhaven (Town Board), as lead agency, subsequent to review of the Draft Generic Environmental Impact Statement (2010 DGEIS), the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) and the Final Generic Environmental Impact Statement (FGEIS), hereby certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in the EIS;
- It has weighed and balanced relevant environmental impacts with social, economic and other considerations;
- The requirements of 6 NYCRR Part 617 have been met; and

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 2**

- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigative measures that were identified as practicable during the environmental review process.

**Description of Action**

The proposed action consists of several Town Board actions that would culminate in the redevelopment of the Ronkonkoma Hub area, to wit:

- Adoption of the *Urban Renewal Plan for the Proposed Ronkonkoma Hub Transit-Oriented Development (TOD)* ("*Urban Renewal Plan*")
- Adoption of the *Land Use Plan and Implementation Plan for the Proposed Ronkonkoma Hub Transit-Oriented Development (TOD)* ("*Land Use and Implementation Plan*")
- Adoption of the Ronkonkoma Hub Transit-Oriented Development District ("*TOD District*")
- Change of zone of parcels within the Ronkonkoma Hub area to the *TOD District*.

The approval of these actions by the Town Board would allow development/redevelopment of the Ronkonkoma Hub area in accordance with the *Urban Renewal Plan, Land Use and Implementation Plan, TOD District*, and this Findings Statement.

**Urban Renewal Plan**

In September 2012, the Town of Brookhaven prepared *The Ronkonkoma Hub Study Area Blight Study (Blight Study)*, for the Ronkonkoma Hub. The *Blight Study* found sufficient evidence to determine the Ronkonkoma Hub area to be substandard or insanitary in accordance with both Article 15 of the New York State General Municipal Law and Article XLI of Chapter 85 of the Town of Brookhaven Town Code. Based upon this, the Town authorized the preparation of an urban renewal plan. The intent of the *Urban Renewal Plan* is to address blighted conditions identified within the Ronkonkoma Hub area. It was prepared in order to facilitate the redevelopment of the Ronkonkoma Hub area featuring a mix of higher density residential development, commercial, hospitality, institutional, office and retail uses, conference, entertainment and exhibition venues, and public designated outdoor spaces.

The *Urban Renewal Plan* makes several recommendations with regard to land uses, zoning and other land use controls, building conditions and public improvements, most notably:

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 3**

- Redevelopment with several multi-family residential buildings, mixed-use buildings potentially containing office, residential and retail uses, mixed-use buildings potentially containing commercial, exhibition, hospitality, institutional, and residential uses, retail and office buildings, as well as special use/entertainment venues.
- Implementation of a TOD zoning district in order facilitate the redevelopment.
- All structures to be acquired and demolished with the exception of the existing MTA parking garage and potentially the train station.
- Improvements and upgrades to infrastructure, including roads, sidewalks, curbs, public hardscape and landscape, gas lines, water mains, electric distribution, stormwater runoff collection systems, street and walkway lighting, and public parking areas.

Based on the findings and recommendations of the *Urban Renewal Plan*, a Conceptual Land Use Plan was developed for the proposed development/redevelopment of the Ronkonkoma Hub area. In total, the Conceptual Land Use Plan provides the maximum permitted development densities for each of the anticipated use types: a maximum of 1,450 dwelling units, approximately 195,000 square feet of retail space, approximately 360,000 square feet of office/medical space, and approximately 60,000 square feet of flex space (for hospitality, conference, exhibition, and/or residential uses).

**Land Use and Implementation Plan**

The *Land Use and Implementation Plan* was prepared as a result of the extensive planning process undertaken by the Town of Brookhaven for the redevelopment and revitalization of the 53.73+-acre area situated around the Ronkonkoma train station. It provides an overview of the Ronkonkoma Hub area, the background and history of the Town's planning process, the proposed form-based code (FBC), and a redevelopment concept that illustrates the overall type and level of development that could take place with the application of the proposed FBC.

The *Land Use and Implementation Plan*, among other things, examines the proposed *TOD District*, discusses SEQRA compliance and the environmental and public review process, and discusses the implementation strategy for realizing the Town's vision for the redevelopment of the Ronkonkoma Hub area.

**TOD District and Change of Zone**

The *TOD District* has been designed as an FBC. It establishes objectives, policies, and standards to promote orderly development and redevelopment within the Ronkonkoma Hub area for purposes of encouraging high-density mixed-use development, including residential, retail, entertainment, institutional and office uses. The overall intent of the *TOD District* is to encourage the efficient use of land, be a catalyst for revitalization, and foster a sense of place through development of a new transit-oriented, mixed use, pedestrian-friendly community.

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 4**

Development within the Ronkonkoma Hub area would be governed by a "Regulating Plan." This plan designates the subdistricts that comprise the *TOD District* and the various roadways within and adjacent to the subdistrict. There are four subdistricts set forth in the *TOD District*, as follows:

- **Neighborhood Subdistrict (A)** -- The Neighborhood Subdistrict is a predominantly residential area with medium-to-high density building types. It allows for a limited amount of ground floor commercial use and live/work units. It provides a transition between single-family homes and more compact mixed-use areas.
- **Downtown Living Subdistrict (B)** -- The Downtown Living Subdistrict is predominantly a mixed-use residential area with medium-to-high density building types. It allows for up to 50 percent commercial use.
- **Marketplace Subdistrict (C)** -- The Marketplace Subdistrict allows for predominantly retail-focused mixed-use, maintaining a high level of flexibility to attract diverse local and national retailers.
- **Main Street Subdistrict (D)** -- The Main Street Subdistrict is intended as predominantly a pedestrian-oriented, mixed-use town center. Regional shopping, entertainment, and outdoor dining uses are encouraged.

Each of the subdistricts is further broken down by maximum height in stories and maximum height in feet, as depicted on the Regulating Plan. The Regulating Plan also provides additional development parameters (e.g., street types, principal and secondary frontages, and blocks). Together with the Regulating Plan, development would be subject to compliance with the standards and regulations of the *TOD District* for streets and roadways (including streetscape standards), outdoor space, signage, lighting and parking.

The *TOD District*, once adopted by the Town Board, would be applied to the tax parcels located within the 53.73±-acre Ronkonkoma Hub area. A Conceptual Master Plan ("Maximum Density Concept Plan") has been prepared to conform to the parameters of the Regulating Plan (described above). The Conceptual Master Plan is not a specific development proposal, as it is not feasible to define the specific development/redevelopment of the entire 53.73± acres of the Ronkonkoma Hub area. Development/redevelopment is expected to take place over several years, and the specific uses and level of development will be dictated by market demand. However, review of the Maximum Density Concept Plan, which examines maximum potential development proposed within the Ronkonkoma Hub area, enables the Town Board to take a "hard look" at the relevant environmental impacts through the performance of a comprehensive environmental review pursuant to SEQRA and its implementing regulations at 6 NYCRR Part 617, as further described below.

The Maximum Density Concept Plan included the following program: 1,450 residential units; 195,000 SF of retail; 360,000 SF of office/medical space; and 60,000 SF of flex space (including hospitality, conference and exhibition space, and/or residential units) (see attached). Total parking provided on the Maximum Density

Concept Plan is 3,638 parking spaces, not including those spaces within the existing parking garage (1,043) and existing parking lot (341).

The Maximum Density Concept Plan complies with the Regulating Plan (contained in the *TOD District*), which depicts the locations of the subdistricts set forth in the *TOD District*, and describes the character to be achieved within each of the subdistricts. The predominantly residential subdistrict (Neighborhood Subdistrict) is located at the northern and eastern extents of the Ronkonkoma Hub area, which relates to the existing surrounding residential development, while the predominantly retail subdistrict (Marketplace Subdistrict) is situated at the western extent of the Ronkonkoma Hub area, along Hawkins and Railroad Avenues. The Regulating Plan also depicts mixed-use subdistricts (the Downtown Living and the Main Street Subdistricts), that allow greater building heights, generally situated closer to the railroad tracks and around the train station. The Maximum Density Concept Plan conforms to the Regulating Plan in terms of distribution of uses, heights and density of development.

#### Summary of SEQRA Process

Commencing in 2007, the Town Board has worked with the community to revitalize the Ronkonkoma Hub area. Since that time, the Town of Brookhaven completed a two-phased planning study to revitalize the Ronkonkoma Hub area, known as the *Ronkonkoma Hub Planning Study*. Thereafter, based upon the aforesaid planning efforts, the Town of Brookhaven prepared an initial draft Land Use and Implementation Plan for the Ronkonkoma Hub area as well as an initial draft TOD zoning district. On August 17, 2010, the Town Board of the Town of Brookhaven, as lead agency, issued a positive declaration, and required the preparation of a draft generic environmental impact statement to evaluate the impacts of the adoption of a Land Use and Implementation Plan and TOD zoning district, the rezoning of the Ronkonkoma Hub area to a TOD zoning district and the ultimate development/redevelopment of properties within the Ronkonkoma Hub area in accordance with the ultimately-adopted Land Use and Implementation Plan and TOD zoning district. The Town Board determined that a generic environmental impact statement would be required, as the proposed action consisted of a sequence of actions as well as adoption of a land use plan and new zoning regulations for the Ronkonkoma Hub area. Pursuant to 6 NYCRR §617.10(a):

*"Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur.*

*A generic EIS may be used to assess the environmental impacts of:*

*(1) a number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts; or*

**Findings Statement  
Town Board of the Town of Brookhaven  
Ronkonkoma Hub Transit-Oriented Development  
Page 6**

*(2) a sequence of actions, contemplated by a single agency or individual; or*

*(3) separate actions having generic or common impacts; or*

*(4) an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans."*

Moreover, a generic environmental impact statement provides for the establishment of conditions and thresholds that guide requirements for future SEQRA compliance and future actions: Pursuant to 6 NYCRR §617.10(c) and (d):

*"(c) Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.*

*(d) When a final generic EIS has been filed under this part:*

*(1) No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement;*

*(2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;*

*(3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;*

*(4) A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts."*

Subsequent to issuance of the aforesaid positive declaration on August 17, 2010, the Town prepared the 2010 DGEIS, which evaluated a theoretical maximum development scenario ("Theoretical Full Build Plan"). Examination of the Theoretical Full Build Plan, as well as two alternatives, in the 2010 DGEIS enabled the Town Board to conduct a comprehensive environmental review of the overall then-proposed action and take a "hard look" pursuant to SEQRA and its implementing regulations at 6 NYCRR Part 617. The Town of Brookhaven Town Board, serving as lead agency, accepted the 2010 DGEIS on September 21, 2010, and a public hearing was held on October 19, 2010. The public comment period on the 2010 DGEIS closed on

**Findings Statement  
Town Board of the Town of Brookhaven  
Ronkonkoma Hub Transit-Oriented Development  
Page 7**

October 29, 2010. The support for the redevelopment of the Ronkonkoma Hub area was evident from the aforesaid public hearing and the various community meetings that took place throughout the planning process.

Subsequent to the public hearing on the 2010 DGEIS, the Town of Brookhaven, in an effort to ensure that the planning efforts would result in the actual redevelopment of the blighted Hub area, decided to seek private developer input. The Town issued a Request for Expressions of Interest (RFEI) and ultimately a Request for Qualifications (RFQ) for a Master Developer. Upon review of preliminary plans received as part of the RFEI and RFQ processes, the Town of Brookhaven prepared the *Blight Study*, which ultimately resulted in the preparation of the *Urban Renewal Plan* for the Ronkonkoma Hub area. The densities recommended in the *Urban Renewal Plan* were different than those originally evaluated in the 2010 DGEIS. Accordingly, a new Environmental Assessment Form was prepared by the Town Board, and a positive declaration was issued on October 1, 2013, which indicated the need to prepare a supplemental draft generic environmental impact statement. To ensure complete and comprehensive environmental review in accordance with SEQRA and its implementing regulations at 6 NYCRR Part 617, the Town of Brookhaven prepared the DSGEIS to identify and evaluate potential significant adverse environmental impacts that may differ from those evaluated in the 2010 DGEIS, in accordance with 6 NYCRR §617.9(a)(7) *Supplemental EISs*, to wit:

*“(7) Supplemental EISs.*

*(i) The lead agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from:*

- (a) changes proposed for the project; or*
- (b) newly discovered information; or*
- (c) a change in circumstances related to the project.*

*(ii) The decision to require preparation of a supplemental EIS, in the case of newly discovered information, must be based upon the following criteria:*

- (a) the importance and relevance of the information; and*
- (b) the present state of the information in the EIS.*

*(iii) If a supplement is required, it will be subject to the full procedures of this Part.”*



**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 8**

As the maximum potential development considered for the Ronkonkoma Hub area, as defined in the *Urban Renewal Plan*, was greater than that evaluated in the 2010 DGEIS, the DSGEIS was prepared to address potential changes in impacts that would result from the modified proposed action. The Town of Brookhaven Town Board, serving as lead agency, accepted the DSGEIS on November 12, 2013, and a public hearing was held on January 9, 2014. The public comment period on the DSGEIS closed on February 10, 2014. As with the 2010 DGEIS hearing and public comment period, support for this modified proposed action was evident.

In accordance with 6 NYCRR § 617.9(b)(8), the FGEIS was prepared and filed by the Town Board on May 22, 2014. The FGEIS responded to all substantive comments received on the 2010 DGEIS and the DSGEIS.

**Conditions and Criteria Under which Future Actions will be Undertaken or Approved, Including Requirements for any Subsequent SEQRA Compliance**

As explained above, 6 NYCRR §617.10(c) indicates, in pertinent part, that generic environmental impact statements should set forth specific conditions and criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. Based on the analyses contained in the 2010 DGEIS, the DSGEIS and FGEIS, the following represents the conditions and thresholds, which, if met, would eliminate the need for further SEQRA compliance for development/redevelopment within the Ronkonkoma Hub area or further approval from the Town Board.

**SEQRA Compliance Thresholds and Conditions**

- A. Total development of the Ronkonkoma Hub area shall not exceed the following development limits:<sup>1</sup>
- 1,450 residential units
  - Approximately 195,000 SF - retail
  - Approximately 360,000 SF - office/medical
  - Approximately 60,000 SF - flex space (including hospitality, conference and exhibition space, and/or residential units).
- B. Sanitary discharge (whether through connection to an existing Suffolk County sewage treatment plant (STP), to a new Suffolk County STP or to another approved sewage treatment facility) associated with development/redevelopment of parcels within the Ronkonkoma Hub area shall not exceed 400,000 gallons per day (gpd). In the event that development/redevelopment is proposed that would cause this capacity to be exceeded, additional evaluation must be conducted and additional sewage capacity must be secured to support the additional development.

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<sup>1</sup> With the exception of the limitation on residential units (which is a maximum), the amount of retail, office/medical, flex space and other commercial uses can vary, as long as such development conforms to the requirements of the TOD District.

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**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 9**

- C. No residential development shall be permitted south of Railroad Avenue between Hawkins Avenue and Mill Road in order to minimize the potential for residents within the proposed development to be affected by LIRR operational noise.
- D. The development or improvement of the internal and immediate perimeter roadway systems within and bordering the Ronkonkoma TOD area should be performed as the parcels adjacent to those roads are developed to ensure adequate and safe access to surrounding roadways.<sup>2</sup> Functionally, the proposed improvements to the majority of these roads are to provide parking areas and other roadside amenities to serve the adjacent and surrounding parcels.
- E. The roundabout proposed at Railroad Avenue and Mill Road must be completed at such time as the adjacent development access which forms the south leg of the intersection is developed (see Condition Figure B).

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<sup>2</sup> This does not apply to certain improvements, as set forth in Item G of the "SEQRA Compliance Thresholds and Conditions" section of this document.

Traffic Mitigation Table

	Location	Capacity Improvements		Signal Improvements
		Existing Conditions	Proposed Mitigation	
1	LIE North Service Road & Hawkins Avenue	Westbound - One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Restripe approach to: One shared left-turn and through lane, one through lane and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
		Northbound - One exclusive left-turn lane, two through lanes	Increase left-turn storage lane by removing a portion of the raised median	
2	LIE South Service Road & Hawkins Avenue	Eastbound - One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Widen and add a 4 <sup>th</sup> approach lane. New configuration: One left-turn lane, two through lanes and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
		Northbound - One through lane and a shared through and right-turn lane	Restripe approach to add an exclusive right-turn lane. New configuration: Two through lanes and an exclusive right-turn lane	
		Southbound - One left-turn lane, two through lanes	Increase left-turn storage lane by removing a portion of the raised median	
3	LIE North Service Road & Ronkonkoma Avenue	Westbound - One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Restripe approach to: One shared left-turn and through lane, one through lane and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
4	LIE South Service Road & Ronkonkoma Avenue	Eastbound - One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Widen and add a 4 <sup>th</sup> approach lane. New configuration: One exclusive left-turn lane, two through lanes and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
		Northbound - One through lane and a shared through and right-turn lane	Widen and add a 3 <sup>rd</sup> approach lane. New configuration: Two through lanes and an exclusive right-turn lane	

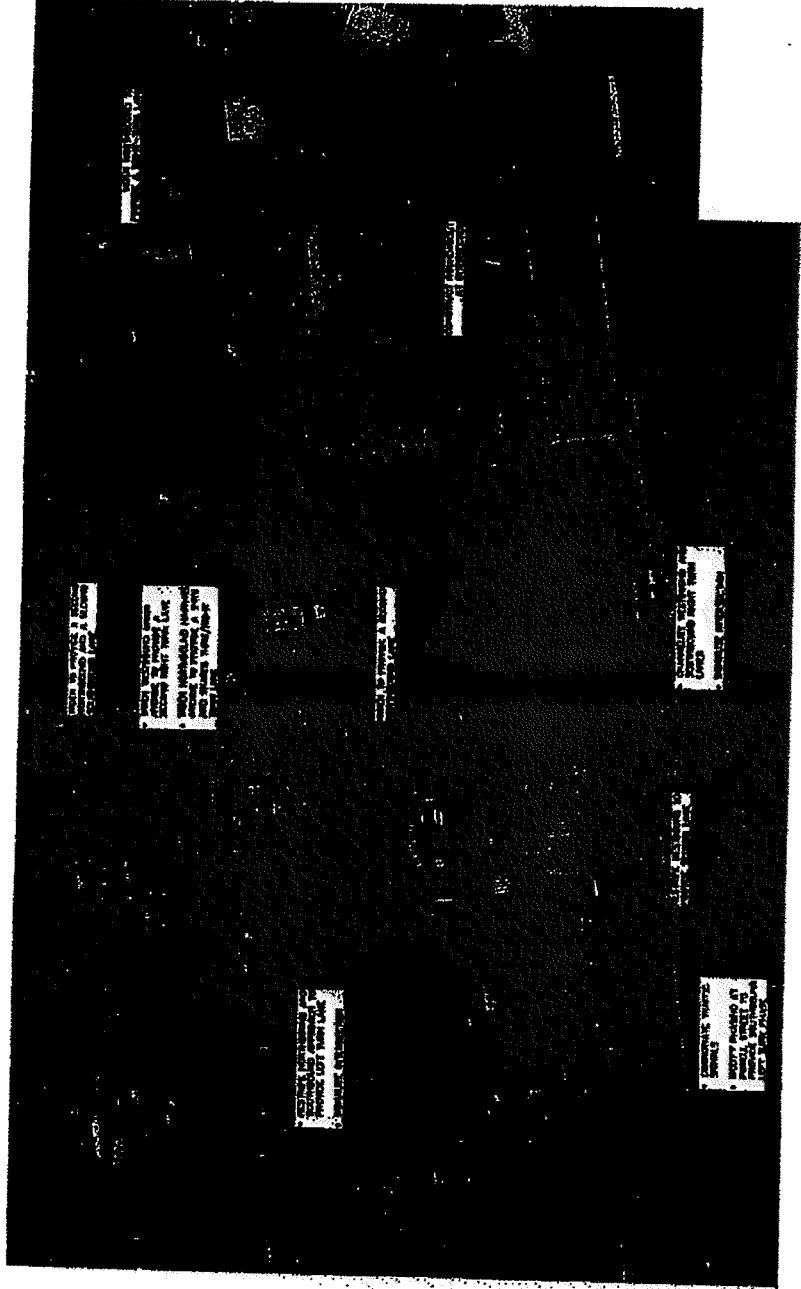
Traffic Mitigation Table...continued

Location	Capacity Improvements		Signal Improvements
	Existing Conditions	Proposed Mitigation	
5 Hawkins Avenue & Union Avenue	Westbound – One exclusive left-turn lane with storage & one right-turn lane	Widen and add 3 <sup>rd</sup> approach lane. New configuration: One exclusive left-turn lane and two right-turn lanes	Change PM-cycle length to 100 seconds.  Optimize AM / PM phase-splits  Prohibit right-turns on red westbound
	Northbound – One shared through and right-turn lane	New configuration: One through and a shared through and right-turn lane	
6 Union Avenue & Mill Road	Northbound – One shared left-turn, through and right-turn lane	Widen and add 2 <sup>nd</sup> approach lane. New configuration: One shared left-turn and through lane and an exclusive right-turn lane with storage	Change AM/PM-cycle length to 80 seconds.  Optimize AM / PM phase-splits
7 Ronkonkoma Avenue & Powell Street / 2 <sup>nd</sup> Street	Northbound – One through and one shared through and right-turn lane	Restripe median as left turn lane. New configuration: One exclusive left-turn lane, one through and one shared through and right-turn lane.	Add new three phase traffic signal with leading southbound left turn phase. Side streets remain right turn out only.  Signal cycle length same as LIE Service Roads with suitable offset to ensure signal progression
	Southbound – One through and one shared through and right-turn lane	Restripe median as left turn lane. New configuration: One exclusive left-turn lane, one through and one shared through and right-turn lane.	

Findings Statement  
Town Board of the Town of Brookhaven  
Ronkonkoma Hub Transit-Oriented Development  
Page 12

Traffic Mitigation Table...continued

Location		Capacity Improvements		Signal Improvements
		Existing Conditions	Proposed Mitigation	
8 and 9	Railroad Avenue & Powell Street / Parking Lot & Johnson Avenue at Northwest Link / Parking Lot		No proposed capacity changes	Run both the intersections off one controller for improved coordination. At Powell Street add protected permitted southbound left-turn phase.
10	Hawkins Avenue & Railroad Avenue	Westbound – One exclusive left-turn lane, one through and one exclusive right-turn lane	Channelized westbound right turn lane.	Add new three phase traffic signal with leading eastbound left turn phase.
		Southbound – One shared left-turn and through, one exclusive right-turn lane	Channelize southbound right turn lane.	
11	LIE South Service Road & Pond Road	Southbound – One shared left-turn and through lane	Restripe approach to add an exclusive left-turn lane. New configuration: One left-turn lane and one through lane	Modify traffic signal to add a leading southbound protected/permissive left-turn phase
12	Smithtown Avenue & Lakeland Avenue		No proposed capacity changes	Optimize PM phase-splits

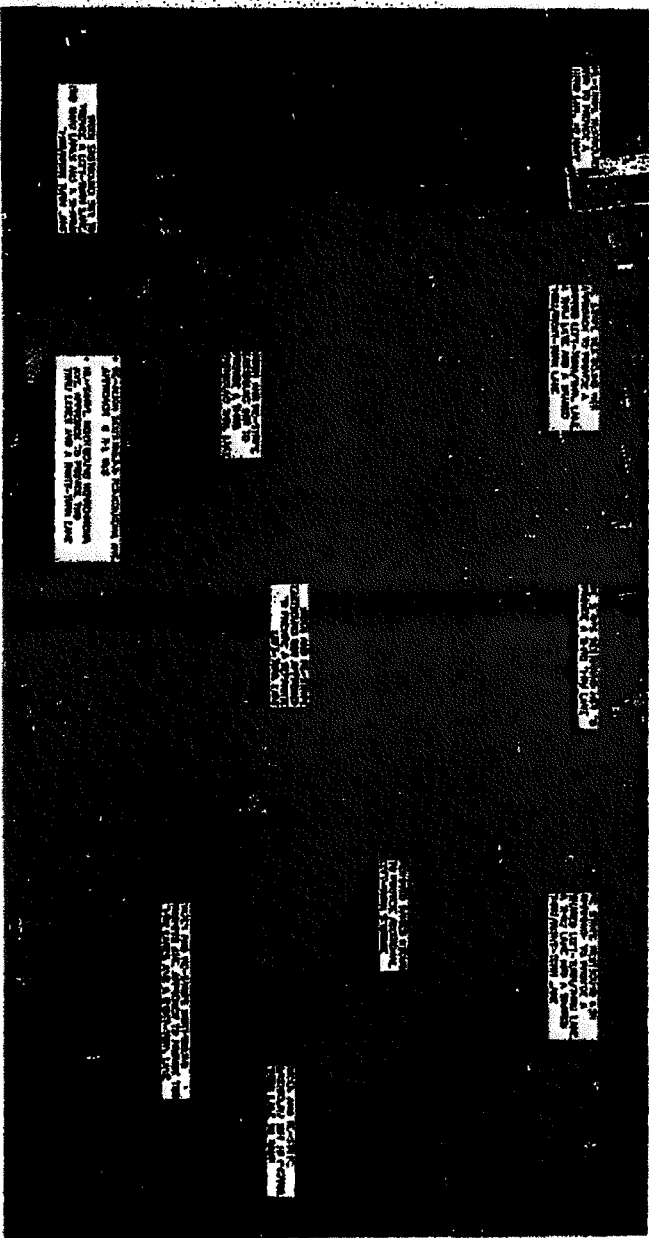


Condition Figure A  
South Study Area



RonKorban Hub  
Transit-Oriented Development

Prepared for the Town of Matthews, July 2010

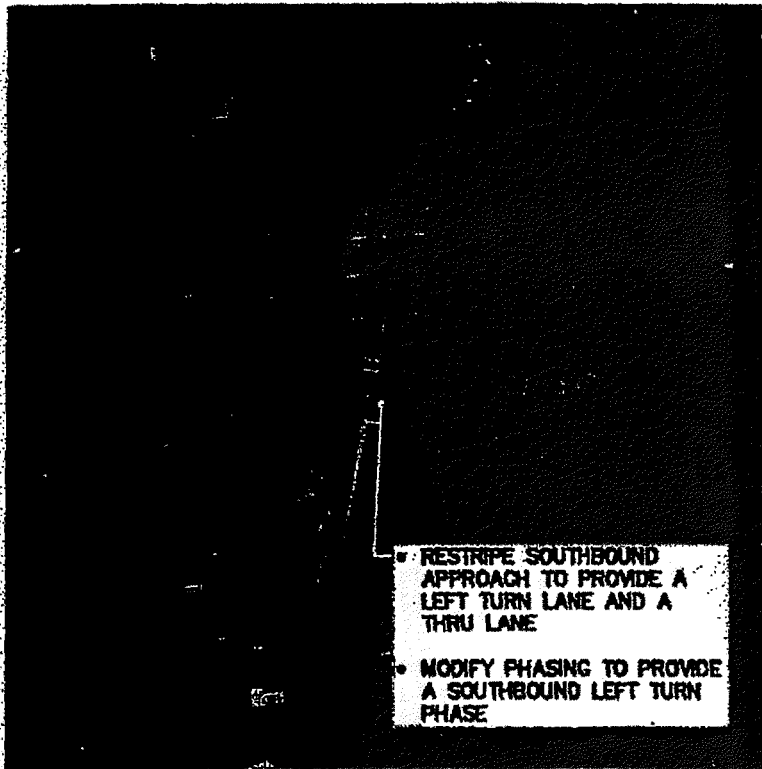


Hilltop Engineering, Surveying and Landscape Architecture, PC

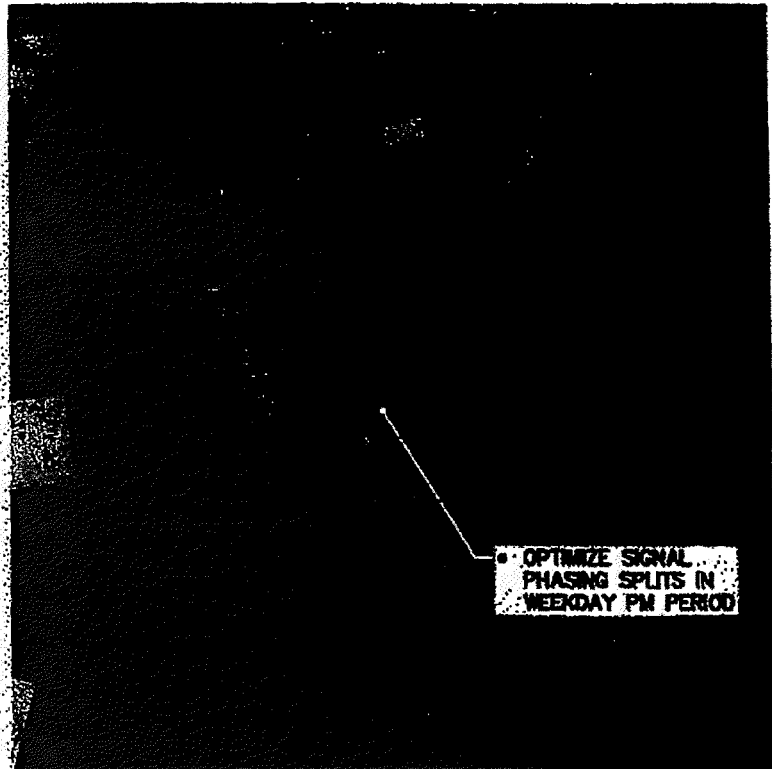


North Study Area  
Condition Figure B  
Transit-Oriented Development

Approved for the Board of Commissioners, July 2011



- RESTRIPE SOUTHBOUND APPROACH TO PROVIDE A LEFT TURN LANE AND A THRU LANE
- MODIFY PHASING TO PROVIDE A SOUTHBOUND LEFT TURN PHASE



- OPTIMIZE SIGNAL PHASING SPLITS IN WEEKDAY PM PERIOD





**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 16**

- F. The northbound right turn lane proposed at the intersection of Mill Road at Union Avenue (described in the Traffic Mitigation Table for location 6 and depicted on Condition Figure A) must be constructed when either the adjacent Parcel I or Parcel K, as shown on the Maximum Density Concept Plan, is developed (see attached).
- G. With respect to off-site mitigation, the following discussion provides the required off-site mitigation phasing, and identifies trip generation thresholds at which certain mitigation must be in place. It is noted that these thresholds are based on the net trip generation, which represents the anticipated trips after adjustments for the TOD and pass-by credits<sup>3</sup> have been applied.
- (i) *Mitigation Level One (Initial Construction)* – Prior to occupancy of the initially constructed building(s) within the TOD, Hawkins Avenue should be improved from Railroad Avenue to just south of the LIR. This includes the installation of a new traffic signal at Railroad Avenue. The mitigation detailed in the Traffic Mitigation Table for locations 5 and 10 and depicted on Condition Figure A shall be completed during this initial phase and prior to building occupancy (except for the requirement for an additional northbound lane on Hawkins Avenue north of Union Avenue for which additional right-of-way is required, which is discussed as a separate mitigation phasing item).
  - (ii) *Mitigation Level Two* – Prior to occupancy of buildings in the TOD that increase net trip generation of the development during the weekday p.m. peak period above 400 vehicles per hour (combined entering and exiting), the mitigation detailed in the Traffic Mitigation Table for locations 7, 8, 9, 11 and 12 and depicted on Condition Figures A and C, shall be completed.
  - (iii) *Mitigation Level Three* – Prior to occupancy of buildings in the TOD that increase net trip generation of the development during the weekday p.m. peak period above 500 vehicles per hour (combined entering and exiting), the mitigation detailed in the Traffic Mitigation Table for locations 2 and 4 and depicted on Condition Figure B, along the entirety of the LIR South Service Road, shall be completed.

<sup>3</sup> The TOD credit is a reduction in gross trip generation of 25 percent, applied to all uses in the TOD. The pass-by credit is a further reduction in trip generation for retail and restaurant uses within the TOD as prescribed in the Institute of Transportation Engineer's *Trip Generation Manual*, latest edition, but shall not exceed 20 percent for any specific use (see Section 3 of the Traffic Impact Study in Appendix H of the DSGEIS). At the time of each site plan application submission, the Planning Board shall require that the applicant submit trip generation data associated with the development proposed as part of the site plan, in accordance with the methodology set forth in Section 3 of the Traffic Impact Study in Appendix H of the DSGEIS. The Planning Board will keep a running total of trip generation, based upon all site plans approved in the Ronkonkoma Hub area, to ensure that the mitigation requirements are complied with.

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 17**

- (iv) *Mitigation Level Four* – Prior to occupancy of buildings in the TOD that increase net trip generation of the development during the weekday p.m. peak period above 700 vehicles per hour (combined entering and exiting), the mitigation detailed in the Traffic Mitigation Table for locations 1 and 3 and depicted on Condition Figure B, along the entirety of the LIE North Service Road, shall be completed.
  
- (v) *Mitigation Level Five* – Upon reaching a trip generation of 1,100 vehicles in the p.m. peak hour (combined entering and exiting trips), traffic mitigation along Hawkins Avenue, between Union Avenue and the LIE South Service Road that was begun under *Mitigation Level One (Initial Construction)* must be completed, as detailed in the Traffic Mitigation Table for location 5 and depicted on Condition Figure A. This includes the construction of the second northbound lane on Hawkins Avenue from Union Avenue to the LIE South Service Road and the striping of the westbound Union Avenue approach to three lanes as depicted on Condition Figure A. No building permits shall be issued for development that would result in a trip generation of greater than 1,100 vehicles in the p.m. peak hour (combined entering and exiting) until such traffic mitigation is implemented, unless same is deemed unnecessary by the Town Board based upon a change in traffic conditions.

In the event that any of the above-listed conditions are proposed to be exceeded by future development, additional SEQRA compliance would be necessary in accordance with 6 NYCRR §617.10(d)(2), (3) or (4), as would be appropriate, given the actual development plan proposed and the potential significant adverse environmental impacts associated therewith.

Furthermore, with respect to future development approvals (i.e., after the Town Board adopts the TOD District and applies the zoning to the Ronkonkoma Hub area, as described above), the applicants will be required to obtain site plan approval from the Planning Board for proposed development. In addition to the standard site plan application requirements, at the time a site plan is submitted to the Town, an applicant must:

**Approval Thresholds and Conditions**

- A. Prepare and submit a construction traffic management and logistics plan. This plan, at a minimum, should indicate the following:
  - Days/hours of proposed construction activity
  - Designated routes of heavy vehicles to and from the site
  - Parking areas for workers and heavy vehicles
  - Construction staging areas.
  
- B. If existing designated commuter parking will be temporarily or permanently displaced to accommodate the proposed development, prepare and submit a plan that demonstrates that

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 18**

parking will be replaced at a minimum ratio of one-to-one. Such replacement parking shall be in place prior to the displacement of existing designated commuter parking, and shall be acceptable to the MTA.

- C. Provide a letter of sewer availability/connection approval (or documentation from the appropriate regulatory agency as to the approved method of sanitary discharge) prior to final site plan approval.
- D. Demonstrate (for multi-story buildings) that there is adequate water pressure for the higher elevations in the buildings, and, where necessary, install a booster pump system.
- E. Demonstrate that water conservation measures, including low-flow fixtures, low-flow toilets, and/or drip irrigation will be implemented.
- F. Submit confirmation that the site plan has been submitted to the Ronkonkoma Fire Department for review.
- G. Engage Suffolk County Transit in discussions regarding the potential need to increase or modify the level or type of service provided in the Ronkonkoma Hub area based on changes in demand, if any, as development occurs. Such discussions with Suffolk County Transit should continue throughout the development process to maximize the effectiveness of this service as the TOD develops over time.
- H. Initiate coordination with the FAA, and submit proof of such coordination to the Planning Board. This coordination is required in order to comply with FAA Federal Aviation Regulation (FAR) Part 77: Objects Affecting Navigable Airspace. This coordination will assess the potential impact of the project on airports and airspace procedures (instrument and visual routes and approach and departure). In order to comply with FAR Part 77, coordination with the FAA would be initiated when the specific proposed locations (surveyed coordinates) and constructed heights of the proposed buildings are finalized. Once that information is available, the applicant must submit an FAA Form 7460-1 "Notice of Proposed Construction or Alteration" along with surveyed coordinates and a site map of the proposed project to the FAA. The FAA will evaluate the potential for the project to affect aeronautical operations that occur within the vicinity of the project site. The applicant must submit documentation to the Town regarding the FAA's determination prior to issuance of a building permit for the building(s) that are the subject of the site plan(s) before the Planning Board.

**Findings and Mitigation Measures**

Upon due consideration and among the reasonable alternatives available, the Town Board has determined that the following represents the mitigation measures to be incorporated into the decision to ensure that

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 19**

significant adverse environmental impacts will be avoided or minimized to the maximum extent practicable, to wit:

**Soils and Topography**

1. Redevelopment of properties within the Ronkonkoma Hub area would result in the disturbance of soils within the Ronkonkoma Hub area for foundation excavation, utility installation, grading, paving, and landscaping. The disturbance of soils for construction and regrading activities increases the potential for erosion and sedimentation. Based on the soil characteristics and the planning and engineering limitations defined in the *Soil Survey*, it is not expected that development/redevelopment of properties in the Ronkonkoma Hub area would result in significant adverse soil impacts. However, site-specific applications for redevelopment within the Ronkonkoma Hub area would be required to conduct on-site borings to determine specific soil conditions, and to ensure that appropriate measures are implemented to mitigate issues that may arise.
2. All development within the Ronkonkoma Hub area would be required to employ proper erosion and sedimentation controls in accordance with Chapter 86 of the Town Code. In addition, dust control measures would also be employed, as necessary, during dry or windy periods. With suitable and proper erosion and sedimentation controls, in accordance with Chapter 86 of the Town Code, it is not expected that site development/redevelopment would result in significant adverse impacts associated with ground disturbance, regrading and/or construction activities.
3. Since the topography is relatively flat, the overall topographic conditions of the area would not be expected to significantly change upon development/redevelopment of the Ronkonkoma Hub area. Based upon preliminary earthwork calculations (pursuant to the Maximum Density Concept Plan evaluated in the DSGEIS), overall grading, installation of underground parking garages and installation of stormwater management structures would result in approximately 65,108 cubic yards of cut, although numerous factors (e.g., final building design, project phasing) could influence or lessen the actual earthwork volumes. There would be sufficient opportunity during the design of the various phases of the project to refine grading plans so as to bring the earthwork more into balance as development proceeds. Therefore, the estimate of earthwork quantities provided as part of the preliminary engineering analysis and the number of associated truck trips should be considered as the "worst-case" scenario, with the expectation that final design would achieve a more balanced site. This, combined with the requirement for implementation of proper erosion and sediment controls, would ensure that no significant adverse impacts to topographic features would be expected.
4. During development/redevelopment, dust control measures would be implemented during dry or windy periods. The appropriate methods of dust control would be determined by the surfaces affected (i.e., roadways or disturbed areas) and would include, as necessary, the application of water, the use of stone in construction roads, and vegetative cover.

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 20**

5. Phasing of the project over a number of years would minimize the impact of excavation, as it would spread out the number of truck trips associated with soil removal.

Water Resources

1. In order to ensure the protection of groundwater, future site-specific development applications in accordance with the *TOD District* would comply with the relevant recommendations of the "Wastewater Management Alternatives" and the "Highest Priority Areawide Alternatives" of the *208 Study*. In order to comply with these recommendations, all site-specific applications would be subject to compliance with the Town's stormwater ordinance (Chapter 86 of the Town Code). Stormwater would be contained and recharged on the site through the use of leaching pools, which is a proper drainage method. In addition, the development would be connected to a municipal STP, which would remove nitrogen before recharge to groundwater. Development within the Ronkonkoma Hub would be required to incorporate native and/or low-maintenance species, to the maximum extent practicable, to encourage a low-maintenance landscape. Also, water conservation methods would be used to the maximum extent practicable to decrease overall water usage.
2. With respect to sanitary flow, the projected sanitary flow upon implementation of the proposed action and full development/redevelopment of the Ronkonkoma Hub area in accordance with the *TOD District*, is approximately 400,000 gpd. As this flow exceeds what would be permitted by Article 6 of the Suffolk County Sanitary Code in the Ronkonkoma Hub area if such sanitary flow was handled by on-site sanitary systems, connection to an STP is required.

When first conceived, and as explained and analyzed in the 2010 DGEIS, the revitalization of the Ronkonkoma Hub area included the construction of an STP within the Town of Brookhaven to solely serve the Ronkonkoma TOD. The 2010 DGEIS explained, among other things, that the then-contemplated Ronkonkoma TOD included the construction of an STP, which was shown, at that time, in the southeast portion of the Ronkonkoma Hub area. Based on the program mix in the 2010 DGEIS, the projected sanitary waste volume from then-anticipated new development within the Ronkonkoma TOD was 169,000 gpd. However, the STP was, at that time, proposed to be sized to accommodate all land uses within the Ronkonkoma TOD area (projected new development plus existing development served by on-site sanitary systems). Based on the approximately five-acre land area on which the STP was proposed to be situated, that facility would have been capable of treating 275,000 gallons of sanitary waste per day.

Since the time of preparation of the 2010 DGEIS, Suffolk County proposed to establish a sewer district and construct a STP on a 7.74-acre property, south of the LIRR tracks, opposite the southeastern portion of the Ronkonkoma Hub area. As part of the development of a new STP, the County was proposing to form a new regional sewer district, which would accommodate sewage from the Ronkonkoma Hub area as well as from unsewered areas within the Town of Islip. The

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 21**

new STP was proposed to be sized with an initial capacity of 500,000 gpd with the ability to expand to 750,000 gpd. The capacity was established based upon the approximately 400,000 gpd anticipated for future development within the Ronkonkoma Hub area, plus an additional 100,000 gpd for future connections in the Town of Islip, including, for example, potential future connections to MacArthur Airport. In addition, provisions for an additional 250,000 gpd (for a total capacity of 750,000 gpd) were being considered to accommodate potential future growth within the sewer district.

Subsequent to preparation of the 2010 DGEIS and the DSGEIS, and as explained at the DSGEIS hearing and in the FGEIS, Suffolk County is currently exploring another option to handle sewage from the Town of Islip and the Ronkonkoma Hub. This option consists of transporting sanitary waste from the Ronkonkoma Hub through a force main system connecting to the Southwest Sewer District No. 3 (SWSD#3), where it will be treated and disposed of. According to SCDPW Commissioner Anderson, the SCDPW "will be exploring the potential of connecting adjacent communities. The capacity of the current system will be sized to handle flows up to 1 million gallons per day. 400,000 gallons per day capacity will be reserved for Ronkonkoma Hub. The remaining 600,000 gallons per day is currently available for either Town to connect to. Discussions have begun with the Town of Islip who is very interested in connecting the Airport and possibly other nearby areas to the facility."

To ensure that no significant adverse impacts result from sanitary sewage generated from development/redevelopment within the Ronkonkoma Hub area, applicants for development/redevelopment therein will be required to provide a letter of sewer availability/connection approval (or documentation from the appropriate regulatory agency as to the approved method of sanitary discharge) to the Planning Board prior to final site plan approval.

3. Utilizing the SCDHS design sewage flow rates as the basis for estimating potable water requirements, the domestic water use for development/redevelopment of the Ronkonkoma Hub area (in accordance with the Maximum Density Concept Plan) would be approximately 400,000 gpd. With an additional 10 percent of water estimated for irrigation and domestic uses not entering the STP, the total projected potable water demand for development in accordance with the Maximum Density Concept Plan is approximately 440,000 gpd. Consultations were undertaken with the Suffolk County Water Authority (SCWA), which indicated that it could provide the required volume of water. To minimize water use to the maximum extent practicable, parcels developed or redeveloped within the Ronkonkoma Hub area will implement water conservation measures, including low-flow fixtures, low-flow toilets, and/or drip irrigation. With respect to flow, during the site plan approval process, applicants for multi-story buildings would be required to demonstrate that there is adequate water pressure for the higher elevations in the buildings, and, where necessary, install a booster pump system to ensure proper flow.

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 22**

4. Stormwater runoff generated within each of the individual private development blocks would be required to be collected and recharged on-site, in accordance with current Town site plan requirements and Chapter 86 of the Town Code. In accordance with Town standards for subdivision roadway improvements, a leaching basin system would be used for individual tributary areas within the public rights-of-way. As the stormwater systems would be designed to collect and recharge runoff in accordance with Town requirements, no significant adverse impact with respect to stormwater runoff is anticipated.
5. Since the Ronkonkoma Hub area does not contain surface waters or wetlands, and is not located within a flood zone, implementation of the proposed action would not impact same.

**Ecology**

1. Much of the existing vegetation on properties within the Ronkonkoma Hub area is comprised of non-native ornamental trees, shrubs and herbaceous plants populating the various lawn/landscaped areas associated with the developed portions of the site. The ecological communities that would be most affected (i.e., Mowed Lawn, Mowed Lawn with Trees and Flower Herb Garden) are all common in the general surrounding area of the site. Further, all three communities would continue to exist on properties within the Ronkonkoma Hub area following development/redevelopment, as these communities are associated with developed properties. There are some relatively limited areas of Successional Southern Hardwoods and Successional Shrubland in the Ronkonkoma Hub area that would likely be entirely removed as part of the development/redevelopment of the Ronkonkoma Hub area. However, both of these communities exist as a result of past clearing or other anthropogenic disturbance, and support a variety of invasive/non-native vegetation. As a result, the overall ecological value of these communities, both the overall flora of the site and as native wildlife habitat, has been degraded. As such, development/redevelopment of the Ronkonkoma Hub area is not expected to result in significant adverse ecological impacts.
2. Although no significant adverse ecological impacts have been identified as a result of implementation of the proposed action, to minimize habitat impacts, development/redevelopment would incorporate native or low-maintenance species into the landscaping plans, to the maximum extent practicable.

**Land Use and Zoning**

1. In order to ensure that the vision set forth in the visioning process and the planning studies conducted by the Town and set forth in the *Land Use and Implementation Plan* is realized through the actual development/redevelopment, the *TOD District* has been designed as a FBC. The FBC zoning focuses on regulating the public realm, including street types, blocks, and civic spaces and provides for flexibility in use, site and architectural design. The FBC also includes an extensive use of graphics to illustrate, for example, the anticipated relationship of the building to the street or

site. The *TOD District* establishes objectives, policies, and standards to promote orderly development and redevelopment within the Ronkonkoma Hub area for purposes of encouraging high-density mixed-use development, and residential, retail, office, entertainment and institutional uses. The overall intent of the *TOD District* is to encourage the efficient use of land, be a catalyst for revitalization, and foster a sense of place through development of a new transit-oriented, mixed-use, pedestrian-friendly community. Accordingly, development or redevelopment in accordance with the *TOD District* will ensure that that the Town's vision for the Ronkonkoma Hub area is realized, and that implementation of the proposed action will result in the land use benefits identified in the *Land Use and Implementation Plan*.

2. From a regulatory perspective, site plan applications for development or redevelopment in the Ronkonkoma Hub area would be subject to the regulations set forth in the *TOD District*, including the *Regulating Plan*. As with other site plan applications submitted to the Town for development in other zoning districts, the Planning Board would be responsible for approving, conditionally approving or denying such applications, and through its decisions would ensure that the goals of the *Land Use and Implementation Plan* are achieved.
3. The proposed action comports with the Town's *Blight to Light Study* (which recommended a number of tools to redevelop and revitalize the Ronkonkoma Hub area, including the development of new zoning), as well as with the *Blight Study* and the *Urban Renewal Plan* that were specifically conducted for the Ronkonkoma Hub area.
4. While the land use and zoning within the Ronkonkoma Hub area would change, no significant adverse environmental impacts with respect to land use and zoning would result. The proposed action has been designed to have a positive impact on land use within the Ronkonkoma Hub area through the creation and application of the *TOD District*, which will allow comprehensive, cohesive and flexible development within the Ronkonkoma Hub area.

#### Traffic and Parking

1. Detailed traffic analyses were conducted in the 2010 DGEIS, the DSCEIS and FGEIS, which evaluated the existing traffic conditions and the future conditions, both with and without the proposed action (i.e., the "Build" and "No-Build" conditions, respectively). The No-Build condition represented the future traffic conditions that can be expected to occur, were the proposed TOD not constructed. The No-Build condition serves to provide a comparison to the Build condition, which represents expected future traffic conditions resulting from both project- and non-project-generated traffic. Background traffic volumes in the study area were projected to the anticipated build year, the year when the proposed action is expected to be completed and operational. An evaluation of the existing parking supply, the demand for parking, and appropriate parking ratios to meet those demands was also included.



**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 24**

One of the primary goals of any TOD is to reduce dependence on automobiles by situating such TOD proximate to mass transit. The proximity of the development to mass transit works to reduce vehicle trips, as a significant percentage of people residing there would use the train and bus services for their commute to and from work. Similarly, a significant percentage of people employed in the retail and office portion of the development would arrive and leave by transit. The residents and other commuters using the LIRR may choose to shop at the retail stores and patronize restaurants located within the development, thereby reducing the vehicle trips. It is also possible that a percentage of people would both live and work within the development, further reducing vehicle trips. Available studies on TODs show a reduction in vehicle trips by almost 50 percent. In order to take a conservative approach, the traffic analyses conducted assumed only a 25 percent reduction in trip generation.

The following intersections were analyzed in the 2010 DGEIS and DSGEIS:

1. Long Island Expressway (LIE) North Service Road at Hawkins Avenue (Signalized)
2. LIE South Service Road at Hawkins Avenue (Signalized)
3. LIE North Service Road at Ronkonkoma Avenue (Signalized)
4. LIE South Service Road at Ronkonkoma Avenue (Signalized)
5. Hawkins Avenue at Union Avenue (Signalized)
6. Union Avenue at Mill Road (Signalized)
7. Railroad Avenue at Powell Street (Signalized)
8. Johnson Avenue at Northwest Link (Signalized)
9. Hawkins Avenue at Railroad Avenue (Unsignalized)
10. Ronkonkoma Avenue at 2<sup>nd</sup> Street/Powell Street (Unsignalized).

Based upon comments raised by the Town of Islip during the comment period on the DSGEIS, an additional eight intersections were evaluated as part of the FGEIS, as follows:

1. Ocean Avenue at Express Drive North
2. Ocean Avenue at Express Drive South
3. Pond Road at Express Drive South
4. Ocean Avenue at Johnson Avenue
5. Pond Road at Johnson Avenue (Railroad Avenue)
6. Lakeland Avenue at Smithtown Avenue
7. Railroad Avenue at Coates Avenue
8. Railroad Avenue at Main Street.

In addition, based on comments received on the DSGEIS, an analysis was performed of the ramp junctions with the LIE mainline for the four ramps at interchange 60 as part of the FGEIS. This included an evaluation of the ramp junctions in the Build Year both with and without the traffic associated with the TOD.

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**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 25**

Based upon the traffic analyses conducted, an extensive mitigation program has been developed and incorporated into the "Conditions and Criteria Under which Future Actions will be Undertaken or Approved, Including Requirements for any Subsequent SEQRA Compliance," presented earlier in this Findings Statement. The traffic mitigation measures are set forth below:<sup>4</sup>

- The development or improvement of the internal and immediate perimeter roadway systems within and bordering the Ronkonkoma TOD area should be performed as the parcels adjacent to those roads are developed to ensure adequate and safe access to surrounding roadways.<sup>5</sup> Functionally, the proposed improvements to the majority of these roads are to provide parking areas and other roadside amenities to serve the adjacent and surrounding parcels.
  
- The roundabout proposed at Railroad Avenue and Mill Road must be completed at such time as the adjacent development access which forms the south leg of the intersection is developed (see Condition Figure B).

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<sup>4</sup> The Condition Figures referenced herein can be found in the section of this Findings Statement entitled "Conditions and Criteria Under which Future Actions will be Undertaken or Approved, Including Requirements for any Subsequent SEQRA Compliance"

<sup>5</sup> This does not apply to certain improvements, as set forth in Item G of the "SEQRA Compliance Thresholds and Conditions" section of this document.

Traffic Mitigation Table

	Location	Capacity Improvements		Signal Improvements
		Existing Conditions	Proposed Mitigation	
1	LIE North Service Road & Hawkins Avenue	Westbound – One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Restripe approach to: One shared left-turn and through lane, one through lane and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
		Northbound - One exclusive left-turn lane, two through lanes	Increase left-turn storage lane by removing a portion of the raised median	
2	LIE South Service Road & Hawkins Avenue	Eastbound – One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Widen and add a 4 <sup>th</sup> approach lane. New configuration: One left-turn lane, two through lanes and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
		Northbound – One through lane and a shared through and right-turn lane	Restripe approach to add an exclusive right-turn lane. New configuration: Two through lanes and an exclusive right-turn lane	
		Southbound - One left-turn lane, two through lanes	Increase left-turn storage lane by removing a portion of the raised median	
3	LIE North Service Road & Ronkonkoma Avenue	Westbound – One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Restripe approach to: One shared left-turn and through lane, one through lane and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
4	LIE South Service Road & Ronkonkoma Avenue	Eastbound – One exclusive left-turn lane, one through lane and a shared through and right-turn lane	Widen and add a 4 <sup>th</sup> approach lane. New configuration: One exclusive left-turn lane, two through lanes and a shared through and right-turn lane	Change PM-cycle length to 120 seconds. Optimize AM / PM phase-splits
		Northbound – One through lane and a shared through and right-turn lane	Widen and add a 3 <sup>rd</sup> approach lane. New configuration: Two through lanes and an exclusive right-turn lane	

Traffic Mitigation Table...continued

Location		Capacity Improvements		Signal Improvements
		Existing Conditions	Proposed Mitigation	
5	Hawkins Avenue & Union Avenue	Westbound - One exclusive left-turn lane with storage & one right-turn lane	Widen and add 3 <sup>rd</sup> approach lane. New configuration: One exclusive left-turn lane and two right-turn lanes	Change PM-cycle length to 100 seconds.  Optimize AM / PM phase-splits  Prohibit right-turns on red westbound
		Northbound - One shared through and right-turn lane	New configuration: One through and a shared through and right-turn lane	
6	Union Avenue & Mill Road	Northbound - One shared left-turn, through and right-turn lane	Widen and add 2 <sup>nd</sup> approach lane. New configuration: One shared left-turn and through lane and an exclusive right-turn lane with storage	Change AM / PM-cycle length to 80 seconds.  Optimize AM / PM phase-splits
7	Ronkonkoma Avenue & Powell Street / 2 <sup>nd</sup> Street	Northbound - One through and one shared through and right-turn lane	Restripe median as left turn lane. New configuration: One exclusive left-turn lane, one through and one shared through and right-turn lane.	Add new three phase traffic signal with leading southbound left turn phase. Side streets remain right turn out only.  Signal cycle length same as LIE Service Roads with suitable offset to ensure signal progression
		Southbound - One through and one shared through and right-turn lane	Restripe median as left turn lane. New configuration: One exclusive left-turn lane, one through and one shared through and right-turn lane.	

Traffic Mitigation Table...continued

Location	Capacity Improvements		Signal Improvements
	Existing Conditions	Proposed Mitigation	
8 and 9 Railroad Avenue & Powell Street / Parking Lot & Johnson Avenue at Northwest Link / Parking Lot		No proposed capacity changes	Run both the intersections off one controller for improved coordination. At Powell Street add protected permitted southbound left-turn phase.
10 Hawkins Avenue & Railroad Avenue	Westbound - One exclusive left-turn lane, one through and one exclusive right-turn lane	Channelized westbound right turn lane.	Add new three phase traffic signal with leading eastbound left turn phase.
	Southbound - One shared left-turn and through, one exclusive right-turn lane	Channelize southbound right turn lane.	
11 LIE South Service Road & Pond Road	Southbound - One shared left-turn and through lane	Restripe approach to add an exclusive left-turn lane. New configuration: One left-turn lane and one through lane	Modify traffic signal to add a leading southbound protected/permissive left-turn phase
12 Smithtown Avenue & Lakeland Avenue		No proposed capacity changes	Optimize PM phase-splits

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 29**

- The northbound right turn lane proposed at the intersection of Mill Road at Union Avenue (described in the Traffic Mitigation Table for location 6 and depicted on Condition Figure A) must be constructed when either the adjacent Parcel I or Parcel K, as shown on the Maximum Density Concept Plan, is developed.
- With respect to off-site mitigation, the following discussion provides the required off-site mitigation phasing, and identifies trip generation thresholds at which certain mitigation must be in place. It is noted that these thresholds are based on the net trip generation, which represents the anticipated trips after adjustments for the TOD and pass-by credits<sup>4</sup> have been applied.
  - *Mitigation Level One (Initial Construction)* – Prior to occupancy of the initially constructed building(s) within the TOD, Hawkins Avenue should be improved from Railroad Avenue to just south of the LIE. This includes the installation of a new traffic signal at Railroad Avenue. The mitigation detailed in the Traffic Mitigation Table for locations 5 and 10 and depicted on Condition Figure A shall be completed during this initial phase and prior to building occupancy (except for the requirement for an additional northbound lane on Hawkins Avenue north of Union Avenue for which additional right-of-way is required, which is discussed as a separate mitigation phasing item).
  - *Mitigation Level Two* – Prior to occupancy of buildings in the TOD that increase net trip generation of the development during the weekday p.m. peak period above 400 vehicles per hour (combined entering and exiting), the mitigation detailed in the Traffic Mitigation Table for locations 7, 8, 9, 11 and 12 and depicted on Condition Figures A and C shall be completed.
  - *Mitigation Level Three* – Prior to occupancy of buildings in the TOD that increase net trip generation of the development during the weekday p.m. peak period above 500 vehicles per hour (combined entering and exiting), the mitigation detailed in the Traffic Mitigation Table for locations 2 and 4 and depicted on Condition Figure B, along the entirety of the LIE South Service Road shall be completed.
  - *Mitigation Level Four* – Prior to occupancy of buildings in the TOD that increase net trip generation of the development during the weekday p.m. peak period above 700 vehicles per hour (combined entering and exiting), the mitigation detailed in the Traffic Mitigation Table for locations 1 and 3 and depicted on Condition Figure B, along the entirety of the LIE North Service Road shall be completed.
  - *Mitigation Level Five* – Upon reaching a trip generation of 1,100 vehicles in the p.m. peak

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<sup>4</sup> The TOD credit is a reduction in gross trip generation of 25 percent, applied to all uses in the TOD. The pass-by credit is a further reduction in trip generation for retail and restaurant uses within the TOD as prescribed in the Institute of Transportation Engineer's *Trip Generation Manual*, latest edition, but shall not exceed 20 percent for any specific use (see Section 3 of the Traffic Impact Study in Appendix H of the DSGEIS).

hour (combined entering and exiting trips), traffic mitigation along Hawkins Avenue, between Union Avenue and the LIE South Service Road that was begun under *Mitigation Level One (Initial Construction)* must be completed, as detailed in the Traffic Mitigation Table for location 5 and depicted on Condition Figure A. This includes the construction of the second northbound lane on Hawkins Avenue from Union Avenue to the LIE South Service Road and the striping of the westbound Union Avenue approach to three lanes as depicted on Condition Figure A. No building permits shall be issued for development that would result in a trip generation of greater than 1,100 vehicles in the p.m. peak hour (combined entering and exiting) until such traffic mitigation is implemented, unless same is deemed unnecessary by the Town Board based upon a change in traffic conditions.

Implementation of the aforesaid traffic mitigation measures will minimize potential impacts associated with the proposed action to the maximum extent practicable.

2. With respect to parking, parking analyses were conducted as part of the environmental review process administered by the Town Board. Based on the parking analyses and the projected parking demand from maximum theoretical development in accordance with the *TOD District*, parking ratios have been established in the *TOD District* that will ensure that there is sufficient parking to meet the demand. As the development/redevelopment of the Ronkonkoma Hub area contemplates that some existing commuter parking on the north side of the LIRR would be temporarily or permanently displaced, at the time an application is made to the Planning Board that includes commuter parking displacement, the applicant will be required to prepare and submit a plan that demonstrates that parking will be replaced at a minimum ratio of one-to-one. Such replacement parking must be in place prior to the displacement of existing designated commuter parking, and shall be acceptable to the MTA. Accordingly, implementation of the proposed action will not result in significant adverse impacts to parking.
3. In order to mitigate potential construction-related traffic impacts, at the time of site plan application, a construction traffic management and logistics plan would need to be submitted to the Planning Board for each site plan application. This plan would require the following: days/hours of proposed construction activity; designated routes of heavy vehicles to and from the site; parking areas for workers and heavy vehicles so as not to add to the burden on commuter lots; and construction staging areas. Implementation of proper construction management and logistics plans will serve to mitigate potential construction-related traffic impacts.

#### Air Quality

1. In order to evaluate air quality impacts that may be associated with the proposed action, an air quality analysis was conducted to screen the intersections in the area at a planning level. A microscale analysis was performed for the proposed development. The results of the microscale analysis demonstrate that all the carbon monoxide (CO) concentrations for the No Build, Build and Build with Improvements Scenarios would be below the one-hour and eight-hour CO National

Ambient Air Quality Standards (NAAQS). The results of the microscale analysis also demonstrate that all the 24-hour particulate matter with an aerodynamic diameter less than 10 microns ( $PM_{10}$ ) concentrations for both the No-Build, Build and Build with Improvements Scenarios are below the 24-hour NAAQS for  $PM_{10}$ . Upon development/redevelopment, the Ronkonkoma Hub area is expected to include stationary sources, such as heating boilers, hot water heaters, and emergency generators. Because the project is conceptual in nature and design, the size and number of the stationary sources could not be identified as part of the SEQRA process. Accordingly, as any proposed stationary sources move ahead in the design process, the proposed development would obtain operating permits for appropriate equipment under the State of NYSDEC Division of Air Resources regulations (6 NYCRR Part 201), as may be required. The NYSDEC Division of Air Resources regulatory process would ensure that these emission sources meet the NAAQS. Also, in the event that an application is made for a NYSDOT work permit, air quality and energy/greenhouse gas analyses, as may be required, would be prepared in accordance with requirements presented in the NYSDOT Environmental Procedures Manual and related documents.

Moreover, the overall TOD project goals, which would reduce vehicular demand and, therefore, reduce air quality impacts, include:

- Redirected growth to the Ronkonkoma HUB area, which is already served by existing infrastructure
- Expanded transportation choices to reduce automobile dependence
- Reduced vehicle trips around the station
- Compact, mixed-use, transit-accessible, pedestrian-oriented redevelopment.

Thus, the overall impact of the implementation of the TOD would assist in reducing the potential for air quality impacts typically associated with development at a similar scale.

2. Construction and demolition activities associated with development/redevelopment of the Ronkonkoma Hub area would result in slight, temporary increases in air pollution emissions. In order to mitigate air quality impacts associated with construction, the following measures are proposed: use of emission controls on construction vehicles, dust control and regular sweeping of pavements.

#### **Noise**

1. Noise impact analyses were conducted, which evaluated the mobile (vehicular traffic and railroad) and stationary source (mechanical equipment) sound levels to determine the potential change in the existing sound levels for sensitive locations on and in the vicinity of the Ronkonkoma Hub area. Although traffic volumes on the roadways within the Ronkonkoma Hub area are projected to increase under the Build condition, it is not expected that the proposed action would increase noise levels by more than six dB(A) above existing noise levels. In fact, it is expected that based on the



**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 32**

potential increase in traffic volumes, the Build Condition sound levels would likely remain unchanged, as compared to the Existing Conditions. As such, it is not expected that the proposed action would result in significant adverse noise impacts.

2. The proposed action would result in changes in sound levels if rooftop mechanical equipment is installed. These changes are typically more noticeable during the nighttime period. Properties developed or redeveloped with rooftop equipment would be required to install rooftop equipment that does not exceed Town noise code standards, and same would be evaluated during site plan review.
3. Loading and service activities on parcels to be developed or redeveloped will be internally situated or screened to minimize noise associated with such activities from the surrounding residential areas.
4. Based on consultations with the LIRR, no residential development would be permitted south of Railroad Avenue between Hawkins Avenue and Mill Road. This would help ensure that future residents of the proposed development are not adversely impacted by LIRR operational noise.
5. Construction period activities may temporarily increase nearby sound levels due to demolition and regrading activities, and the use of machinery during the construction of the project. However, construction activities would be required to comply with the Town's noise ordinance. Furthermore, construction equipment would be required to have appropriate noise muffler systems, and excessive idling of construction equipment engines would be prohibited.

**Socioeconomics**

1. Implementation of the proposed action would result in various economic benefits during construction including direct expenditures on construction goods and services, and indirect and induced economic activity within the region. The total expected construction cost is \$474 million. The construction period is projected to be approximately six years (based on information provided by the Master Developer), which would generate 1,953± full-time equivalent (FTE) construction jobs per year, or 11,700± FTE construction jobs over the anticipated build-out.
2. Significant long-term economic benefits would result from implementation of the proposed action. Development/redevelopment of the Ronkonkoma Hub area would require employees in numerous fields, and would provide employment opportunities to people in the surrounding area of the project site. It is expected that the proposed action would generate approximately 2,740 permanent jobs, based upon information provided by the Master Developer. Projected payrolls associated with these permanent jobs are anticipated to be over \$96 million. Secondary earnings would be approximately \$151 million and additional secondary jobs generated would be approximately 2,100.

**Findings Statement**  
**Town Board of the Town of Brookhaven**  
**Ronkonkoma Hub Transit-Oriented Development**  
**Page 33**

3. With respect to tax revenues, implementation of the proposed action is expected to generate significant additional tax revenue (above the existing condition). The total projected property taxes based upon future development/redevelopment in accordance with the Maximum Density Concept Plan is \$16,179,702±, which is an increase of \$15,711,714± over the existing condition. With no changes in assessments, these rates are likely to increase over time. The Sachem Central School District and Library would be expected to receive over \$11.1 million in annual property taxes. In addition, \$5,045,625± in sales tax revenue is expected from the anticipated retail component and \$410,395± in sales tax revenue is anticipated from the hotel component.

**Community Facilities and Services**

1. The Ronkonkoma Hub area is located within the jurisdiction of the Ronkonkoma Fire Department. In order to ensure that there would be no significant adverse impacts to the Ronkonkoma Fire Department, all development plans would be required to comply with New York State building and fire codes, and also be reviewed by the Brookhaven Fire Marshal. The Master Developer has met with the Fire Department and Fire Marshal and has indicated its intention to continue to work with the Fire Department throughout the development process. To ensure that this occurs, the "Conditions and Criteria Under which Future Actions will be Undertaken or Approved, Including Requirements for any Subsequent SEQRA Compliance," set forth earlier in this Findings Statement, requires that the applicant(s) for each site plan submit confirmation to the Planning Board that the site plan has been submitted to the Ronkonkoma Fire Department for review. Future development/redevelopment of the Ronkonkoma Hub area would not be expected to result in significant adverse impacts to fire protection and ambulance services, provided by the Ronkonkoma Fire Department, as the \$740,000± per year in additional property taxes generated at full build-out, would help off-set costs associated with providing fire protection and ambulance services to the future development.
2. The Fourth Precinct of the Suffolk County Police Department currently services the Ronkonkoma Hub area, in addition to the MTA Police who service the Ronkonkoma LIRR Station. Based upon the analyses conducted, it is not expected that redevelopment of the Ronkonkoma Hub area would result in a demand that causes significant adverse impacts to police services. Furthermore, the anticipated annual property taxes received by the Police Department of over \$2.1 million above the existing condition would help to off-set the cost of providing additional police protection services that may be required to serve the future development within the Ronkonkoma Hub area.
3. The Ronkonkoma Hub area is served by the Sachem Central School District (CSD). Student enrollment within the Sachem CSD has been steadily declining over the last five school years and has declined overall since the 2005-06 school year. Based upon the projected unit type and bedroom mix, the 1,450 residential dwelling units included in the Maximum Density Concept Plan could potentially generate 214 school-aged children who would attend public school. Based on data in the New York State Education Department Property Tax Report Card for the 2013-14 school year, the per pupil expenditures in the Sachem CSD is projected to be \$20,717±. While the total cost

to the Sachem CSD for the 214 additional children would be \$4,433,438, the Maximum Density Concept Plan at full build-out could generate \$11,178,342 annually to the school district. Therefore, there would be a net annual benefit to the Sachem CSD of approximately \$6,744,904. Thus, based upon the enrollment and property tax information, implementation of the proposed action would not result in significant adverse impacts to the Sachem CSD. In fact, the District would be expected to receive a significant annual revenue benefit.

4. Development/redevelopment of the Ronkonkoma Hub area in accordance with the Maximum Density Concept Plan would generate approximately 377± tons of solid waste per month. The collection and disposal of solid waste generated by both the commercial properties, including the retail, office, and flex space uses and the private, multi-family residential developments shown on the Maximum Density Concept Plan, would be performed by licensed, private carters, which is typical practice for Long Island towns. Thus, the ultimate disposal locations are at the discretion of the carter, pursuant to its disposal agreements, and thus, would not be expected to result in significant adverse impacts to the Town's waste management facilities, practices or plans.

#### Aesthetics

1. Implementation of the proposed action in accordance with the *Land Use and Implementation Plan* and the *TOD District* would improve the built environment with new and viable uses and upgrade public facilities and infrastructure, including, but not limited to, roads, sidewalks, curbs, public hardscape and landscape, street and walkway lighting, and parking areas, all of which contribute to the aesthetic character of the Ronkonkoma Hub area. Also, new outdoor spaces and streetscape improvements would be provided that would contribute to an attractive and inviting pedestrian environment. Moreover, the *TOD District* requires high quality streetscape design and landscaping, including a landscaped median within certain streets, which is an important feature for this type of urban-style neighborhood where the public street space becomes, in effect, the place for the social interactions that builds a sense of community. Accordingly, implementation of the proposed action would result in significant aesthetic benefits.
2. As several multi-story buildings are expected to be constructed, shadow analyses, before and after visual analyses from viewpoints within the project area, and line-of-sight analyses and renderings from various vantage points outside the Ronkonkoma Hub area were prepared. The shadow analyses demonstrate that no significant, sustained shadow impacts are anticipated. Based on the renderings, which depict potential development as contemplated in the Maximum Density Concept Plan, and the before/after analyses, the adoption of the *Urban Renewal Plan*, creation of the *TOD District* and the development/redevelopment of properties in accordance with the *TOD District* would result in beneficial impacts to the visual character of the area, as blighted and aesthetically unattractive properties would be replaced with new visually pleasing and cohesive development. Finally, the line-of-sight analyses demonstrate that views from the surrounding neighborhoods to the north and east to the potential future development within the Ronkonkoma Hub area would be obscured in many instances by existing development and/or mature trees.

**Findings Statement  
Town Board of the Town of Brookhaven  
Ronkonkoma Hub Transit-Oriented Development  
Page 35**

One area where there would be a clear view from outside the Ronkonkoma Hub area is from the Ronkonkoma Avenue overpass (a public roadway) located to the southwest of the Hub, which is situated at a higher elevation than the proposed development. The rendering from that location shows that, upon implementation of the proposed action, there would be a more cohesive and improved visual quality from this vantage point (when compared to the existing condition), and blighted conditions would be eliminated by the proposed development/redevelopment.

3. In order to ensure that there will be positive impacts to the visual character of the Ronkonkoma Hub area, and no significant adverse impacts would result, the *TOD District* has incorporated design measures that must be complied with. Specifically, any proposed building must meet the requirements of the building configuration, alignment and parking placement for the subdistrict in which it is located, as set forth in the *TOD District*. Requirements for street assembly, streetscape improvements, designated outdoor spaces, signs and public supplementary lighting controls are specified in the *TOD District*. All development/redevelopment must conform to the specific requirements for the subdistrict in which it is located, and must also conform to the Regulating Plan.
4. With respect to cultural resources, throughout the SEQRA process, no significant historic or archaeological resources were identified within or adjacent to the Ronkonkoma Hub area that would be adversely impacted by the proposed action. Thus, no impacts to same will result from implementation of the proposed action.

In accordance with 6 NYCRR §617.11, the Town Board has considered the 2010 DGEIS, DSGEIS and FGEIS for the Ronkonkoma Hub Transit-Oriented Development, and certifies that it has met the requirements of 6 NYCRR Part 617. This Findings Statement contains the facts and conclusions in the 2010 DGEIS, DSGEIS and FGEIS relied upon to support this decision and indicates those factors that formed the basis of its decision.

**A Copy of this Findings Statement has been sent to:**

The Honorable Ed Romaine, Supervisor  
and Members of the Town Board  
Town of Brookhaven  
One Independence Hill  
Farmingville, New York 11738

The Honorable Tom Croci, Supervisor  
and Members of the Town Board  
Town of Islip  
655 Main Street  
Islip, New York 11751

**Findings Statement  
Town Board of the Town of Brookhaven  
Ronkonkoma Hub Transit-Oriented Development  
Page 36**

**Vincent E. Pascale, Chairperson  
Town of Brookhaven Planning Board  
One Independence Hill  
Farmingville, New York 11738**

**Dr. James L. Tomarken  
MD, MPH, MBA, MSW  
Commissioner  
Suffolk County Department of Health Services  
3500 Sunrise Highway, Suite 124  
P.O. Box 9006  
Great River, New York 11739-9006**

**Mr. Dan Losquadro, Superintendent of Highways  
Town of Brookhaven Highway Department  
1140 Old Town Road  
Coram, New York 11727**

**Mr. Arthur Gerhauser, Chief Building Inspector  
Town of Brookhaven Building Division  
One Independence Hill  
Farmingville, New York 11738**

**Honorable William J. Lindsay, Presiding Officer  
Suffolk County Legislature  
William Rogers Legislature Building  
725 Veterans Memorial Highway  
Smithtown, New York 11787**

**The Honorable Steven Bellone, County Executive  
Suffolk County  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788-0099**

**Mr. Gilbert Anderson, P.E., Commissioner  
Suffolk County Department of Public Works  
335 Yaphank Avenue  
Yaphank, New York 11980**

**David L. Calone, Chairman  
Suffolk County Planning Commission  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788**

**Findings Statement  
Town Board of the Town of Brookhaven  
Ronkonkoma Hub Transit-Oriented Development  
Page 37**

**Mr. Joseph T. Brown, Regional Director  
Region 10, New York State Department of Transportation  
State Office Building  
250 Veterans Memorial Highway  
Hauppauge, New York 11788**

**Ms. Elisa Picca, Chief Planning Officer  
Metropolitan Transportation Authority – Long Island Railroad  
Jamaica Station  
Sutphin Boulevard and Archer Avenue  
Jamaica, New York 11435**

**Mr. Peter A. Scully, Regional Director  
New York State Department of Environmental Conservation  
SUNY @ Stony Brook  
50 Circle Road  
Stony Brook, New York 11790-3409**

**Department of Environmental Conservation  
Division of Environmental Permits  
625 Broadway  
Albany, NY 12233-1750**

**Town of Brookhaven:**

**Timothy P. Mazzei, Councilman, District 5  
Frederick C. Braun III, Chairman, Brookhaven IDA  
Tullio Bertoli, Commissioner, PELM  
Chip Wiebelt, Senior Site Plan Reviewer  
Anthony Graves, Chief Environmental Analyst, Division of Environmental Protection, PELM**

**This Notice has also been forwarded for publication in the Environmental Notice Bulletin.**

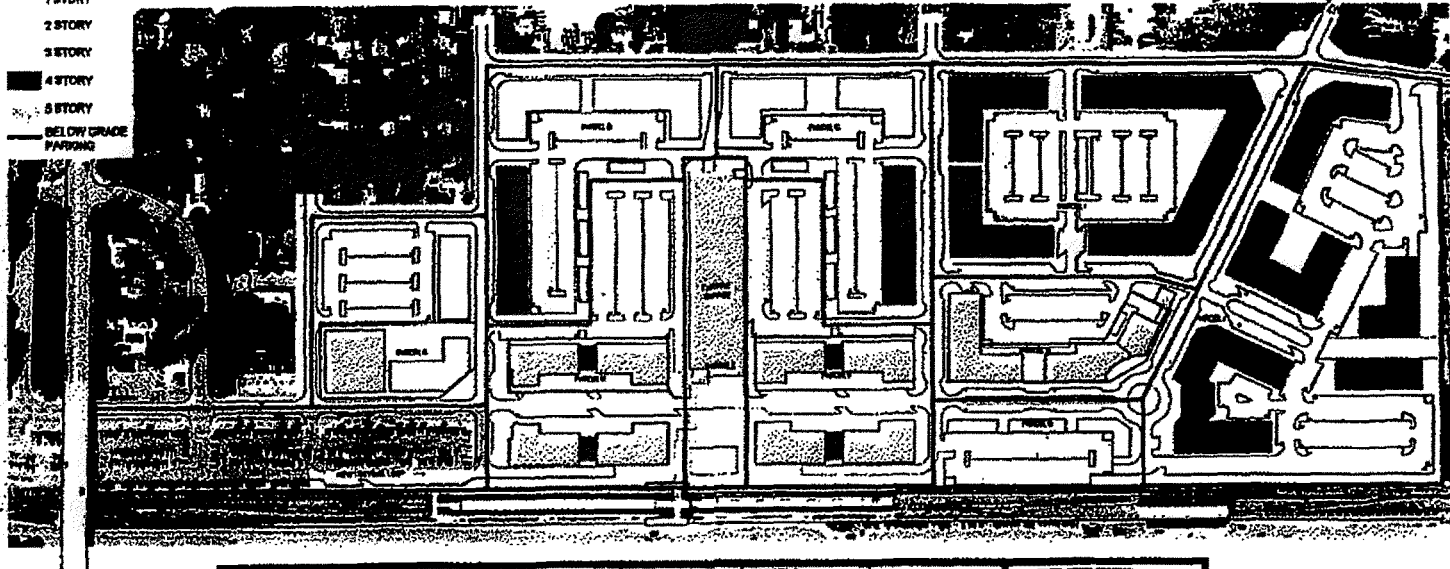
**This Notice has also been forwarded to:**

**Sachem Public Library  
150 Holbrook Road  
Holbrook, NY 11741**

**Connetquot Public Library  
760 Ocean Ave  
Bohemia, NY 11716**

Ronkonkoma HUB • Maximum Density Concept Plan

- 1 STORY
- 2 STORY
- 3 STORY
- 4 STORY
- 5 STORY
- BELOW GRADE
- PARKING



<p><b>PARCEL A</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL B</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL C</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL D</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL E</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL F</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>REAR DEVELOPMENT</b>                  10,000 sq. ft.                  100' x 100'</p>
<p><b>PARCEL G</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL H</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL I</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL J</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL K</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL L</b>                  10,000 sq. ft.                  100' x 100'</p>	<p><b>PARCEL M</b>                  10,000 sq. ft.                  100' x 100'</p>

TRITEC REAL ESTATE • OCTOBER 10, 2013 • SCALE: 1" = 200'

NILES BOLTON ASSOCIATES

**State Environmental Quality Review  
FINDINGS STATEMENT SIGNATURE PAGE**

**Certification to Approve/Undertake**

The Town Board of the Town of Brookhaven has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS prepared for the project and has weighed and balanced relevant environmental impacts with social, economic and other considerations.

Having considered the DGEIS, DSGEIS and FGEIS, as well as supporting information and public comments received and the above written facts and conclusions relied upon to meet the requirements of 6 NYCRR § 617.11, the Town Board certifies that (1) the requirements of 6 NYCRR Part 617 have been met; and (2) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

The above Findings Statement was approved and adopted By the Town Board of the Town of Brookhaven, One Independence Hill, Farmingville, NY 11738



Donna Lent, Town Clerk

06/24/2014

Date



**Exhibits B and C**

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Ronkonkoma Hub Acquisition Overview (as of November 2020)

**Exhibit B**

Seller	Address	S.U.M.				Approx. Lot Size (acres)
		District	Section	Block	Lot	
<b>PROPERTIES ACQUIRED TO DATE</b>						
<b>PHASE 1</b>						
Lock & McDowell, Inc.	65 Union Avenue	200	800	2	23	1.87
Lock & McDowell, Inc.	76 Union Avenue	200	800	2	26.1	1.85
Unified Credit Trust	25 Mill Road	200	800	2	28.3	3.75
Unified Credit Trust	25 Mill Road	200	800	2	28.4	4.47
<b>PHASE 2A</b>						
NHP Realty, LLC & On-Track Realty, LLC	1 Hawkins Avenue	200	799	4	44	0.28
NHP Realty, LLC & On-Track Realty, LLC	15 Hawkins Avenue	200	799	4	47.1	4.13
Jerome Gaynor	23 Hawkins Avenue	200	799	4	48	0.25
Community Housing Innovations Inc.	29 Hawkins Avenue	200	799	4	49	0.25
Marzo Giangrosso	49 Hawkins Avenue	200	799	4	51.1	0.66
Hawkins & Union Avenue Realty LLC	47 Hawkins Avenue	200	799	4	52	0.24
Carmine E. Dorzi	4 Union Avenue	200	799	4	53	0.12
D. Anthony & Blasé	6 Union Avenue	200	799	4	54	0.60
D. Anthony & Blasé	12-14 Union Avenue	200	800	1	27.1	0.96
<b>FUTURE PHASE</b>						
Yashvinder Mahajan & Shuk Wai Mahajan	243 Carroll Avenue	200	800	2	20	0.14
<b>TOTAL</b>						<b>19.57</b>

**Exhibit C**

<b>PHASE 2B PROPERTIES TO BE ACQUIRED (CONDEMNATION PHASE 1)</b>						
14 Hawkins Avenue, LLC (Mensch)	Corner of Union & Garrity	200	799	3	32	0.72
14 Hawkins Avenue, LLC (Mensch)	14 Hawkins Avenue	200	799	3	33.1	1.16
Gregory J. Mensch (Mensch)	44 Railroad Avenue	200	799	3	34	0.21
69 & 71 Railroad Avenue LLC (Mensch)	71 Railroad Avenue	200	799	3	35	0.06
69 & 71 Railroad Avenue LLC (Mensch)	69 Railroad Avenue	200	799	3	36	0.06
63 Railroad Avenue, LLC (Mensch)	63 Railroad Avenue	200	799	3	38	0.01
Micha Dzikalo	67 Railroad Avenue	200	799	3	37	0.06
John H. Bedell & Lily A. Bedell	59 Railroad Avenue	200	799	3	41	0.06
Gus Patzakis	65 Railroad Avenue	200	799	3	38	0.06
61 Properties Corp. (Gordon)	61 Railroad Avenue	200	799	3	40.1 & 40.2	0.09
55 Property Corp. (Gordon)	57 Railroad Avenue	200	799	3	42	0.17
55 Property Corp. (Gordon)	55 Railroad Avenue	200	799	3	33.2	0.14
51 Property Corp. (Gordon)	51 Railroad Avenue	200	799	3	43	0.70
Bernett & Gordon Realty Co., Inc. (Gordon)	43 Railroad Avenue	200	799	3	44	0.40
<b>TOTAL</b>						<b>3.90</b>

<b>FUTURE PHASE PROPERTIES TO BE ACQUIRED</b>						
<b>FUTURE PHASE (CONDEMNATION PHASE 2)</b>						
Island Wide, LLC	228 Carroll Avenue	200	800	1	31.1	1.58
Carroll Properties, LLC	234 Carroll Avenue	200	800	1	33.1	0.60
Nelson Fernandes & Magalhães America		200	800	1	34	0.45
Tudor Station Plaza, LLC	246 Carroll Avenue	200	800	1	35.7	0.92
Tudor Station Plaza, LLC		200	800	1	35.9	0.14
Ronkonkoma Railroad Properties, LLC	61 Railroad Avenue	200	800	1	35.6	3.40
<b>FUTURE PHASE (CONDEMNATION PHASE 3)</b>						
Holbrook Truck & Equipment Leasing, Inc. (Mallins)	42 Union Avenue	200	800	2	9	1.00
William and Mildred Mallins (Mallins)	54A Union Avenue	200	800	2	10	0.50
William and Mildred Mallins (Mallins)	54 Union Avenue	200	800	2	11	0.50
William and Mildred Mallins (Mallins)	62 Union Avenue	200	800	2	12	0.46
Sub-Surface Maintenance Corp. (Mallins)	239 Carroll Avenue	200	800	2	13	1.50
Sub-Surface Maintenance Corp. (Mallins)	South Side of Elm Street	200	800	2	14	0.50
William A. Mallins (Mallins)	Maple Street	200	800	2	19	0.70
William A. Mallins (Mallins)	South Side of Maple Street	200	800	2	22	1.50
James Zambik	82 Elm Street	200	800	2	15	0.33
Wlencyslaw & Gabriela Odynocki	89 Elm Street	200	800	2	16	0.23
Joseph Urban	237 Carroll Avenue	200	800	2	17	0.33
Calvin C. Lorenz	75 Maple Street	200	800	2	38	0.37
Anthony Mingos	245 Carroll Avenue	200	800	2	21	0.20
<b>TOTAL</b>						<b>14.91</b>

\*Excludes MTA-Owned Property