

TOWN OF SMITHTOWN

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July 19, 2022

Surface Transportation Board
Office of Environmental Analysis
Danielle Gosslin, Director
Andrea Poole, Program Manager
395 E Street SW
Washington, DC 20423

RE: Docket No. FD 36575
Environmental Comments

Dear Director Gosslin,

The following comments are submitted on behalf of the Town of Smithtown in response to OEA's request for information on environmental impacts of the applicant's proposed common carrier line; whether permits will be needed in the event of additional fieldwork; and other Town requirements and concerns.

Our current understanding is that the applicant's proposal includes a rail terminal facility structure and a layout of internal roads to handle trucks and other vehicles using the facility. The Town does not currently permit a rail transfer facility within its borders. The Town's municipal code provisions will have to be amended to add rail transfer as a permitted use.

The Town is in the process of preparing an updated town-wide Comprehensive Plan that will include rail transfer as a potential use. The draft Comprehensive Plan is currently undergoing an environmental review under New York's Environmental Quality Review statute (Envir. Conserv. L. Art. 8) and its regulations. The updated Comprehensive Plan is expected to be adopted by the Town in 2023.

The construction and use of the facility structure and the layout of internal roads falls within the Town's land use jurisdiction. A building permit will be required for the facility and site plan approval will be required.

The Town anticipates that the proposed rail terminal will increase the demand for industrial uses on the applicant's properties and will have potential environmental impacts including noise, fugitive dust and odors, ground and surface water and traffic. These impacts will have to be

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reviewed separately under New York's SEQR statute and regulations. It is also anticipated that STB's NEPA review will inform the Town's SEQR for all actions adjacent to the proposed rail line.

Moreover, the Town is of the opinion that it is in the Town's best interest to reconfigure the Carlson properties by rezoning the parcels to heavy and light industry. The rezoning will also be subject to New York SEQR analysis.

The Town is mindful that there is an existing single-family neighborhood located northeast of the proposed rail site that may be impacted by the proposed rail line and transfer facility.

Lastly, OEA inquired whether Town-issued permits would be necessary if your office's environmental analysis requires additional fieldwork. Permits will not be permitted if the additional work is of the nature described to us – small samples of plants, soil (by hand auger), water. The Town requests notice of when the work would be done and who will be on the site.

Thank you for the opportunity to provide these preliminary comments. If OEA should need any further information, please contact our office.

Very truly yours,


Edward Wehrheim
Supervisor

ERW/xxx
cc: David Barnes, Director
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