



Town of Brookhaven, New York

3/30/2023 5:00:00 PM

Resolution

2023-286

Title: Adoption of the SEQRA Negative Declaration in connection with the proposed Brookhaven Rail Terminal (BRT) Expansion (n/k/a Brookhaven Logistics)

Department: Law Department

Permissive Referendum: No

Sponsors: Neil Foley, Councilman

SEQRA Required: No

Financial Impact

No Fiscal Impact to the Town

Reason

Body

WHEREAS, the Town of Brookhaven, pursuant to the State Environmental Quality Review Act (SEQRA) is the Lead Agency for the proposed Action; and

WHEREAS, the Town of Brookhaven has received a modified proposed site plan for the above referenced action and Coordination pursuant to the State Environmental Quality Review Act (SEQRA) for a Type 1 Action which was initiated on February 22, 2023 and included in Part 1 of the New York State Department of Environmental Conservation (NYSDEC) Full Environmental Assessment Form (FEAF), the proposed site plan, and the September 14, 2017 Town Board SEQRA Negative Declaration; and

WHEREAS the BRT Expansion underwent a prior comprehensive SEQR process, which culminated in the issuance of the annexed Negative Declaration, adopted by the Town of Brookhaven Town Board on September 14, 2017; and

WHEREAS, the previously approved BRT Expansion has been modified to include, among other things, changes to site grading that reduced the amount of material to be removed from the site and the impacts associated therewith, changes to rail layout, and changes to internal access, and

WHEREAS, the Division of Environmental Protection has performed a review of the Full Environmental Assessment Forms Parts 1, 2, and 3, the criteria contained in Section 617.7, the application materials, aerial photographs, cultural resource maps, environmental assessments, and other supporting information including the 2017 Voluntary Draft Environmental Impact Statement (VDEIS), the September 14, 2017 SEQRA Negative Declaration, 2023 application materials, the 2016 So-Ordered Stipulation of Settlement, February 16, 2021 letter from the Town of Brookhaven, New York State Department of Environmental Conservation (NYSDEC) Supplemental Report, prepared by PW Grosser Consulting, dated November 2022, revised on December 2022, and February 2023 with appendices that identifies relevant areas of environmental concern was performed and has

submitted recommendations to the Town Board for its consideration and review.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven, as Lead Agency for the action contemplated herein, and after due deliberation, review, and analysis of the so-ordered stipulation of settlement, the VDEIS/EAF, supporting information, recommendations and conclusions of Comprehensive Plans and other planning documents, and the criteria set forth in 6 NYCRR § 617.7 determines that the proposed action will not result in significant impacts to the environment; and be it further

RESOLVED that this resolution constitutes a "negative declaration" pursuant to SEQRA and that this Board's Findings and Notice of this determination (as set forth in the notice of determination attached hereto) shall be filed to the extent required by the State Environmental Quality Review Act or as deemed necessary by this Town Board.

Check back soon after the meeting to view the final disposition of the resolution

ACTION: Adopt BY THE BROOKHAVEN TOWN BOARD	
MOTION TO:	Adopt (Unanimous)
MOTION BY:	Neil Foley
SECOND BY:	Michael Loguercio
AYES:	Jonathan Kornreich, Jane Bonner, Michael Loguercio, Neil Foley, Daniel Panico, Edward P. Romaine
ABSENT:	

**SEQR
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF SIGNIFICANCE**

Lead Agency: The Town Board of the Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

Title of Action: Proposed Brookhaven Rail Terminal (BRT) Expansion

Applicant: Brookhaven Rail LLC f/k/a U.S. Rail New York LLC
Brookhaven Terminal Operations
205 Sills Road
Yaphank, New York 11980

SEQRA Status: Type I

Project: Administrative SEQRA/Plan Review
in accordance with the March 17,
2016 Stipulation of Settlement

Location: Brookhaven Logistics Center, LLC
Parcels B and C (92.96-acres)
S/s Express Drive South, E/s of Sills Road (County Road 101), N/o the
Ronkonkoma-to-Greenport Line of the Long Island Railroad (LIRR), and
approximately 2,000 feet W/o Yaphank Avenue (County Road 21), Yaphank

SCTM #: Numerous tax parcels on the Suffolk County Tax Map Section 663, 664, 704, and 705,
bounded on the north by the LIE South Service Road and on the south by the LIRR.
See attached Property Tax Map List.

This notice is issued pursuant to the United States District Court Eastern District of New York, Case Number 2:14-cv-02286, ordered stipulation to complete Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

Description of Action:

The Town of Brookhaven has received a modified proposed site plan for the above referenced action. In accordance with the 2016 Stipulation, the Current Proposed Development Plan is to develop Parcels B and C with transloading warehouse and distribution buildings in accordance with the 2016 Stipulation and 2022 Development Agreement and is therefore, subject to administrative site plan review. The Current Proposed Development Plan includes a rail spur extension for two (2) proposed transloading buildings on Parcels B and C.

The proposed Building 1 is 585,071± square feet (SF) and Building 2 is 650,900± SF. Building 1 would be positioned within the northern portion of the parcels closer towards Express Drive South and Building 2 would be positioned within the southern portion of the parcels closer towards the LIRR rail line. The development plan includes a rail spur extension for the proposed transloading buildings on Parcels B and C. Approximately 7,906 linear feet of rail track would serve the two (2) transloading buildings and would connect to the LIRR Line along the southern boundary of both parcels. The rail would extend along the eastern boundary of Parcel C. Track

would be installed midway between Buildings 1 and 2 and extend along the north side of Building 2, parallel to the northern loading docks.

As part of the proposed action, perimeter landscaping would be installed on Parcels B and C, and existing vegetated and forested areas would be retained. A buffer of evergreen vegetation will be installed, as prescribed by the Town of Brookhaven, along the boundary of the LIE. Landscaped islands would also be installed within the proposed automobile parking areas. In accordance with the 2017 Negative Declaration, approximately 20± acres (19.39± acres were required) of Pitch Pine Oak Forest on Parcels B and C would be preserved.

The proposed drainage includes two recharge basins, which would be created near the northern boundary of Parcels B and C. The proposed drainage plan and methods to accommodate and recharge stormwater are consistent with the 2017 VDEIS (i.e., recharge basins, leaching pools, catch basins).

Reasons Supporting Determination:

The prior BRT proposal was the subject of a comprehensive Voluntary Draft Environmental Impact Statement, prepared in 2017 (hereinafter the “2017 VDEIS”). That SEQR process culminated in the adoption of a Negative Declaration by the Town of Brookhaven Town Board on September 14, 2017 (hereinafter the “2017 Negative Declaration”). The 2017 VDEIS set forth the existing conditions of the approximately 350 acres of which Parcels B and C (the subject of the instant SEQR process) are a part, evaluated the potential significant adverse impacts associated with implementation of the prior BRT proposal, and identified mitigation measures for those impacts identified as significant and adverse. The 2017 VDEIS also evaluated alternatives to the prior BRT proposal. The SEQR compliance activities for the BRT proposal and those associated with the current proposed action are required to conform to the requirements of the March 17, 2016 Stipulation of Settlement (herein after the “Stipulation”).

Pursuant to the Stipulation:

“The [SEQRA] review and approval process for the Railway Expansion shall proceed before the Town Board on an expedited basis under an established and agreed upon process and procedure complying with the Administrative SEQRA/Plan Review process and Applicable Town Code Provision application to resolution of litigated environmental matters, and without public hearings.”

The proposed action is considered a Type I action and coordinated to interested and involved agencies on February 22, 2023 to satisfy the SEQRA requirements for the establishment of Lead Agency. Comments were received from the Suffolk County Water Authority and the Town’s court appointed consultant, VHB.

As explained previously, the Town of Brookhaven Town Board issued a Negative Declaration after review of the 2017 VDEIS. As set forth below, the current proposed development of Parcels B and C is substantively consistent with the aforesaid 2017 Negative Declaration, as follows.

Soils and Topography:

In accordance with the Stipulation, the proposed grading process would re-use native soil onsite for fill purposes to the maximum extent feasible, with the goal of minimizing the need to export native sand or import fill materials. The 2017 VDEIS proposed 960,000± to 1,150,000± cubic yards (cy) of material to be cut and removed from Parcels B and C. The current grading plan for

Parcels B and C indicates that approximately 52,000 cy of material will be taken from Parcel D to facilitate development of Parcels B and C. As the current development plan would result in no net cut in material and only approximately 52,000 cy of material would be transported from Parcel D, the proposed development of Parcels B and C would have lesser impacts than those considered in the 2017 Negative Declaration.

- Consistent with the 2017 Negative Declaration, the following erosion and sediment control measures will be implemented:
 - o Construction fencing will be installed along the limits of the clearing and grading areas. Specifically, silt fencing with orange safety construction fencing to extend 24 inches above the silt fence to ensure no disturbance occurs on the 6.6± acres of area to remain will be utilized.
 - o Existing vegetation to remain will be protected during construction.
 - o Sediment barriers will be installed in critical areas.
 - o Stabilized construction entrances will be installed and maintained.
 - o Clearing and grading will be scheduled to minimize size of exposed areas and the length of time areas are exposed.
 - o Cleared areas and stockpiles have been kept stabilized following the tree clearing on Parcels B and C. Parcels B and C were cleared pursuant to tree clearing permits issued by the Town of Brookhaven on January 25, 2022.
 - o Dust control will be instituted to prevent surface and air movement of dust from areas of soil disturbance.
 - o Drainage inlets will be protected using sediment barriers and traps as required.
 - o Erosion control measures will remain in place until disturbed areas are permanently stabilized.
- Based on the Current Proposed Development Plan for Parcels B and C, the green space to be provided exceeds the 19.39±-acre requirement of the 2017 Negative Declaration.
- The installation of vegetated and pervious areas throughout Parcels B and C was chosen to accommodate stormwater runoff in lieu of pervious concrete due to constructability constraints. The recharge basin areas would be naturally vegetated to accommodate stormwater runoff.
- VHB completed on-site observations during grading and excavation activities of the asphalt milling surfacing where cars damaged by Superstorm Sandy had been stored on the northwest portion of Parcel C. VHB observed re-grading and cutting had advanced in all directions on Parcel C and that asphalt milling stockpiles were present in the northern portion of Parcels B and C. The car storage area was removed as part of this. All actions taken were in accordance with NYSDEC regulations. Accordingly, this item of the 2017 Negative Declaration has been addressed.

Ecological Resources:

- The 20± acres of green space to be provided on Parcels B and C is consistent with the measures specified in the 2017 Negative Declaration to preserve at least 19.39± acres of Pitch Pine Oak Forest, including the preservation of the existing forest along the eastern boundary of Parcel C and the southern boundary of Parcels B and C. The eastern boundary of Parcel C would include a 75-foot-wide vegetated buffer between the proposed construction and the western boundary of the Suffolk County farm fields. The vegetated buffer would create a physical and visual buffer between the farm and the

proposed construction and allowing for the continuation of the tree lines that currently mark the fields' outer boundaries.

- Tree clearing on Parcels B and C was completed between January 19, 2022 and February 24, 2022 pursuant to the permits issued by the Town of Brookhaven on January 25, 2022. Wildlife sweeps were conducted prior to tree clearing and observed eastern box turtles were relocated, in accordance with the 2017 Negative Declaration.
- To avoid potential adverse impacts to northern-long eared bat, the 2017 Negative Declaration identified a "window" of November 1 through March 31 within which tree clearing would be allowed. This timeframe was consistent with the NYSDEC regulatory window in effect at the time the 2017 Negative Declaration was adopted. This regulatory window was subsequently amended by NYSDEC to the period between December 1 and February 28 in Suffolk County. The tree clearing was completed between January 19, 2022 and February 24, 2022 in accordance with the NYSDEC restrictions.
- The tree clearing did not adversely affect Wild Indigo observed within the LIPA property, assets, and easements. Wild Indigo is proposed to be planted along the LIPA easement and southern boundary of the subject property.

Water Resources:

- Pursuant to the 2017 Negative Declaration, Parcels B and C will be connected to the Yaphank County Center STP. On June 21, 2021, Suffolk County Sewer Agency approved the connection of the Current Proposed Development Plan for Parcels B and C for a sanitary flow of 49,240± gpd.
- The proposed plan does not increase the proposed development density of Parcels B and C, or the associated rate of sewage generation from these parcels from that addressed in the 2017 Negative Declaration and will comply with the applicable requirements of Article 6 of the Suffolk County Sanitary Code.
- The 2017 Negative Declaration discussed utilizing two drainage reserves on Parcels B and C to be planted with and/or colonized by herbaceous plants and shrubs representative of the ECNYS Successional Old Field community. The proposed drainage program for Parcels B and C have been modified to include two recharge basins in the northeast and northwest corners of the parcels. The landscaping plan notes the following species to be planted in the recharge basins: Sweet Vernal Grass (*Anthoxanthum odoratum*), Orchard Grass (*Dactylis glomerata*), Common Chickweed (*Cerastium arvense*), Common Evening Primrose (*Oenothera biennis*), Old-Field Cinquefoil (*Potentilla simplex*), Calico Aster (*Aster/Asteriflorns*), and New England Aster (*Aster novae-angliae*) The proposed design will manage stormwater runoff from the proposed development on Parcels B and C.
- Pursuant to the 2017 Negative Declaration, the drainage and erosion and sediment control plans will protect groundwater resources and facilitate stormwater recharge. Erosion and sediment control measures to be implemented will include sediment control, silt fence, construction road stabilization, concrete washout, soil stockpile with wire fencing, filter fabric drop inlet protection, stabilized construction entrance, temporary topsoil, fertilizer, seed, and mulch for stabilization, and temporary tree fencing.

- The 2017 Negative Declaration indicated pervious concrete should be used to the maximum extent practicable to promote the recharge of stormwater. However, it was determined the use of pervious concrete for proposed sidewalks and ADA access ramps would not be structurally feasible. Concrete would be used for all sidewalks and access ramps. In lieu of permeable concrete, the proposed development area on Parcels B and C includes the installation of vegetated and pervious areas throughout the parcels to accommodate stormwater runoff. The recharge basin areas would be naturally vegetated to accommodate stormwater runoff.
- A SWPPP waiver was received from the Town of Brookhaven on October 5, 2022 for the Current Proposed Development Plan for Parcels B and C.
- Pursuant to the 2017 Negative Declaration, consultations with the SCWA were undertaken, and a water connection letter was received May 17, 2022. Water service would be connected to the existing water main in Sills Road. A signed Service Application and Agreement for a Commercial Property In a Delimited Area between SCWA and Brookhaven Logistics Center, LLC was executed on July 6, 2022.
- The handling and storage of hazardous materials is not anticipated.

Land Use, Zoning and Community Character:

- The buildings proposed on Parcels B and C are similar to those contemplated in the 2017 Negative Declaration and would not adversely affect the overall character of the site and surrounding properties.
- The use of the property for transloading and rail support purposes would continue to advance the goals identified in various County and regional comprehensive and/or strategic development plans, including: The Strategic Economic Development Plan for Long Island 2016 Update, Plan 2040: A Shared Vision for Sustainable Growth, the Suffolk County Comprehensive Master Plan 2035, and the Long Island 2035 Regional Comprehensive Plan.

Transportation:

- Site access for Parcels B and C is proposed via one (1) right-in/right-out driveway along Express Drive South as well as an emergency access ingress and egress road in the northeast corner of Parcel C.
- With respect to traffic, the applicant has indicated that the buildings are being designed for transloading and that the applicant would comply with the Stipulation and the site utilization and traffic assumptions set forth in the 2017 VDEIS.
- The 2017 Negative Declaration proposed an underpass to connect Parcels B and C with Parcel D, which is no longer proposed. The current proposed action will provide turnout from the LIRR rail line, which the applicant asserts is a more efficient means of access, and will result in significantly less material being removed from Parcels B and C.

Socioeconomics:

- Consistent with the 2017 Negative Declaration, all assumed economic benefits associated with the prior BRT proposal (i.e., expanded employment opportunities during both construction and operation; increased tax revenues to the Town, County, and other

jurisdictions; and enhanced building material supplies to support the local construction industry) would be realized as part of this proposed action.

Community Facilities and Services:

- In accordance with the 2017 Negative Declaration, on-site security would be provided, and adequate exterior lighting would be provided throughout the subject property for security purposes on Parcels B and C. Also, future buildings would be constructed in compliance with the latest National Fire Protection Association Codes and Standards, and the project sponsor will consult with the Yaphank Fire Department regarding the placement of fire hydrants.
- In accordance with the 2017 Negative Declaration, one new roadway connection would be created along the Long Island Expressway South Service Road to the north for Parcels B and C as well as an easement to be established along the northern portion of the LIPA property (east of Parcel A) to allow for circulation within Parcels A, B and C. An emergency access ingress and egress road would be constructed at the northeast corner of Parcel C.

Air Quality:

- The applicant has indicated that it would comply with the assumptions regarding the development of transloading buildings and rail support structures. Compliance with these assumptions and the 2017 Negative Declaration would yield the regional air quality benefits identified in the 2017 VDEIS as truck deliveries, with their associated air emissions, would be replaced with rail transportation.
- In accordance with the 2017 Negative Declaration, all mitigation measures presented would be implemented for the development of Parcels B and C (i.e., use of antifreeze in locomotives to reduce idling on cold days, use environmentally friendly switching locomotives to move cars, proper emission controls for construction vehicles, limit idling of construction vehicles and on-site equipment during operations, and dust control during construction).

Aesthetics, Community Character, and Visual Resources:

- In accordance with the 2017 Negative Declaration, the eastern boundary of Parcel C will contain a 75-foot-wide vegetated buffer between the proposed construction and the western boundary of the Suffolk County farm fields. The vegetated buffer would create a physical and visual buffer between the farm and the proposed construction and allowing for the continuation of the tree lines that currently mark the fields' outer boundaries
- The Current Proposed Development Plan for Parcels B and C includes a proposed retaining wall along the southern, western, and eastern boundaries of Parcels B and C which would reduce visibility of operations. In addition, the applicant has agreed to install evergreen plantings along the boundary with the LIE South Service Road to minimize visual impacts along the LIE. The proposed landscaping and lighting program for Parcels B and C would minimize potential local visual and aesthetic impacts.

The Proposed Action would result in a net positive impact for the numerous taxing districts, including Suffolk County, the Town of Brookhaven, Longwood Central School District, and South Country Central School District. The proposed action is anticipated to generate a combined total of \$5,912,030 in annual property taxes, which is more than \$5 million greater than

the current taxes generated by development of the proposed action. The proposed action is expected to create approximately 650 new permanent jobs, as well as 579 short-term jobs per year during construction. Furthermore, the proposed action is anticipated to result in indirect economic growth to the surrounding area.

The industrial nature of the proposed action will be consistent with various other development near the subject property, as well as the zoning of the subject property. The proposed action will also be consistent with various Comprehensive Plans and other planning documents, and in many cases, will help to achieve planning goals such as, the increased use of freight rail, reduction of traffic and emissions from 40,000 trucks annually, industrial development along the LIE, economic growth, and sustainable transportation. The proposed action is not expected to have a significant adverse impact on socioeconomics or significant cumulative impacts from the BRT expansion and other pending projects in the immediate area. While environmental impacts will occur as a result of the proposed activity, no significant impact is expected to occur to: air, land, aesthetics, ground water, surface water, wetlands, cultural, open space, recreational, transportation or energy resources.

Review of the Full Environmental Assessment Forms Parts 1, 2, and 3, the criteria contained in Section 617.7, the application materials, aerial photographs, cultural resource maps, environmental assessments, and other supporting information including the 2017 Voluntary Draft Environmental Impact Statement (VDEIS), the September 14, 2017 SEQRA Negative Declaration, 2023 application materials, the 2016 So-Ordered Stipulation of Settlement, February 16, 2021 letter from the Town of Brookhaven, New York State Department of Environmental Conservation (NYSDEC) Supplemental Report, prepared by PW Grosser Consulting, dated November 2022, revised on December 2022, and February 2023 with appendices that identifies relevant areas of environmental concern find that this action is not anticipated to have a significant adverse impact upon the environment.

The Town Board of the Town of Brookhaven, as Lead Agency for the action contemplated herein, and after due deliberation, review, and analysis of the so-ordered stipulation of settlement, the VDEIS/EAF, supporting information, recommendations and conclusions of Comprehensive Plans and other planning documents, and the criteria set forth in 6 NYCRR § 617.7 determines that the proposed action will not result in significant impacts to the environment.

Review Agency:	The Town Board of the Town of Brookhaven
Contact Person:	Peter E. Fountaine, Division of Environmental Protection
Address:	One Independence Hill, Farmingville, NY 11738
Phone:	(631) 451-6455

Copies of this notice sent to:

ENB

Veronica King, Stormwater Manager, Town of Brookhaven Highway Department
Greg Brown, Building Permits Coordinator, Town of Brookhaven Building Department
Lisa Cetta, Manager of New Construction, Suffolk County Water Authority
Adrian Casillas, Assistant Public Health Engineer, Suffolk County Department of Health Services
John Berchtold, Associate Civil Engineer, Suffolk County Department of Public Works
Mark Fischl, Vice Chair, Long Island Power Authority Board of Trustees
Rudolph Wynter, President, National Grid New York
PSEG Long Island Building and Renovation Services

Olumuyiwa Fajolu, Traffic Operation and Safety Supervisor, New York State Department of Transportation

Martin Oberman, Chairman, Surface Transportation Board

Lisa M.G. Mulligan, CEO Brookhaven Industrial Development Agency

Applicant: Brookhaven Rail LLC f/k/a U.S. Rail New York LLC

Brookhaven Terminal Operations

205 Sills Road

Yaphank, New York 11980

This determination is not authorized and complete until signed and dated as follows:



Brookhaven Town Clerk

Date Resolution Adopted: March 30, 2023

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Please see the State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form Part 3 Reasoned Elaboration Memo to James M. Tullo, Commissioner, PELM, from Peter E. Fountaine, Pr. Environmental Analyst, Division of Environmental Protection, PELM, dated March 29, 2023.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

The 2017 Voluntary Draft Environmental Impact Statement (VDEIS), the September 14, 2017 SEQRA Negative Declaration, 2023 application materials, the 2016 So-Ordered Stipulation of Settlement, February 16, 2021 letter from the Town of Brookhaven, New York State Department of Environmental Conservation (NYSDEC) Supplemental Report, prepared by PWGrosser Consulting, dated 11/22, revised on 12/22, and 2/23 with appendices.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town Board of the Town of Brookhaven _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

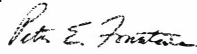
Name of Action: Brookhaven Logistics Center

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

Name of Responsible Officer in Lead Agency: Kevin J. LaValle

Title of Responsible Officer: Town Clerk

Signature of Responsible Officer in Lead Agency:  Date: 03/30/2023

Signature of Preparer (if different from Responsible Officer)  Date: 3/29/23

For Further Information:

Contact Person: Peter E. Fountaine

Address: One Independence Hill, Farmingville, NY 11738

Telephone Number: 631-451-6455

E-mail: pfountaine@brookhavenny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>