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February 2, 2024

Andrea Poole, Environmental Protection Specialist
Surface Transportation Board
Office of Environmental Analysis
395 E. Street SW
Washington, D.C. 20423

Re: STB Draft EA Townline Rail Terminal, LLC
Docket No FD 36575

Dear Ms. Poole:

This letter is in response to the Surface Transportation Board's release of the draft Environmental Assessment for Townline Rail Terminal, LLC. The Town of Smithtown Planning Department has reviewed the draft EA and requests that the following comments be considered in preparing the Final EA.

1. Alternatives – As stated on page ii of the draft EA, “regulations implementing the National Environmental Policy Act (NEPA) require that federal agencies consider reasonable alternatives to the Proposed Action, including a No Action Alternative. A reasonable alternative must meet the project's purpose and need and must be logistically feasible and practical to implement.” The EA goes on to conclude that the “Proposed Action is the only reasonable and feasible Build Alternative.” However, it seems that at least two other alternatives would meet the project's purpose and need and would be both feasible and practical to implement. These include:
 - a. A smaller facility, designed to accommodate the described uses and
 - b. A private rail spur designed to accommodate the existing and proposed uses on site, including the proposed truck-rail transloading facility.
2. Service to other shippers – Townline has indicated that loading of materials would be conducted within the planned truck-rail transloading facility. However, such a use is not currently permitted in the Town of Smithtown, and current proposed amendments to the Smithtown Town Code recommended in the Town's draft Comprehensive Plan, would limit the materials that could be transferred within such a facility. Assuming the Town adopts the recommended code amendment and limits the categories of materials (e.g., hazardous waste, municipal solid waste, etc.) that can be transferred in such a facility, it seems that “service to other shippers” would be limited to the same extent.

If the STB maintains that there is a potential to service other shippers, regardless of restrictions in the Town Code, it seems that impacts related to transporting such materials should be evaluated in this EA. It should be noted that on June 16, 2023, in Docket No. FD 36575 (Sub-No. 1), the

Town of Smithtown filed a petition for a declaratory order asking the Surface Transportation Board to institute a proceeding to consider issues related to the transportation of hazardous materials.

3. On page 2 (and throughout the report) the EA inaccurately describes the subject property as an “82-acre industrial property”. To clarify, 13 acres of the property is zoned HI (Heavy Industry), 12 acres is zoned LI (Light Industry), and the remainder of the property is zoned R-43 (single-family residential, max density of 1 unit per acre). Therefore, even though the site is used for industrial purposes, much of the site is not in compliance with Town Code. The description of the property should be modified accordingly. Attached hereto is a map depicting the zoning categories associated with the project site.
4. In Section 3.3 Land Use and Zoning, the EA inaccurately describes the zoning on the overall parcel (See comment 3 above) and the zoning of the project location. It reads, “the project footprint is entirely contained in an area classified as LI by Smithtown”. However, while the western portion of the project is located in an LI zone, the eastern portion extends into an R-43 zone, as depicted on the attached map.

This section also inaccurately describes the recommendation in the Town’s draft Comprehensive Plan. The plan recommends that the *western* portion of the project area be changed from LI to HI. It does not make specific recommendations with regard to the R-43 zoned portion of the property except to say that the Town should consider zoning changes in the area and prohibit residential uses and sand mining operations.

Further, the EA inaccurately states that “[per the draft Comprehensive Plan] the HI District zoning would permit by special use a rail siding and rail connection on Carlson’s property.” In fact, rail sidings are permitted in all zones, as a form of access to a site. Adoption of the Comprehensive Plan would not affect the Town’s ability to permit a rail siding. Rather, the Comprehensive Plan recommendation for HI zoning is that transfer stations, excluding municipal solid waste transfer stations, be permitted in the HI district as a Town Board Special Exception.

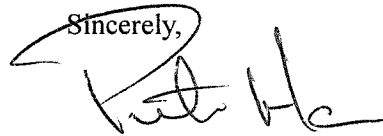
5. The EA states that the Brookhaven landfill is scheduled to close in 2024. On January 5, 2024, the Town of Brookhaven announced that the landfill is expected to close for C&D by the end of 2024 but that it is expected to remain open for ash through 2027. All references to closing the landfill should be updated to reflect the extended timeframe for ash.
6. Changes to Comprehensive Plan – on page 10, the EA states, “Before Carlson’s planned transloading facility can be constructed...changes to the Town’s Comprehensive Master Plan...will be required.” There are no anticipated changes to the Town’s draft Comprehensive Plan and the Town anticipates adopting a final Comprehensive Plan within the next few months. The statement should be corrected to read that adoption of (rather than changes to) the Comprehensive Plan will be required.
7. Existing site operations – Table 2.1-1 Existing Site Operations and Transport (Annually) and the associated analysis should be separated as some of the transportation listed in the table does not involve the site, and there is at least one other company that operates on the site whose information is excluded from the table. It seems that trucking of incinerator ash should be referenced separately and should potentially include the tons of ash Carlson transports from both of the Covanta facilities that it services (i.e., Huntington and Hempstead) as well as the ash it transports to other locations from the WTE facilities in Babylon and Islip. Further, as Kings Park Ready Mix operates from the subject site, its operations should be included in the table.

8. Nighttime operations and lighting – In order to minimize impacts related to lighting on the adjoining properties, all lighting should be DarkSky approved.
9. Traffic impacts – In addition to the items mentioned in Comment #6, the EA should quantify and evaluate the number of trips to and from the site, opposed to just the vehicle miles traveled. While a reduction in vehicle miles may benefit the *region* from an air quality perspective, an increased number of trips to and from the site could impact *local* traffic and air quality conditions.

Traffic and air quality analyses should also evaluate the potential impacts, both regional and site-specific, related to increased traffic to and from the site resulting from rail use by the off-site entities described on page 7 that currently do not rely on access to the subject site (e.g., Kings Park Materials, Pelkowski Precast Corporation, Covanta, car dealerships, lumberyards, etc.).

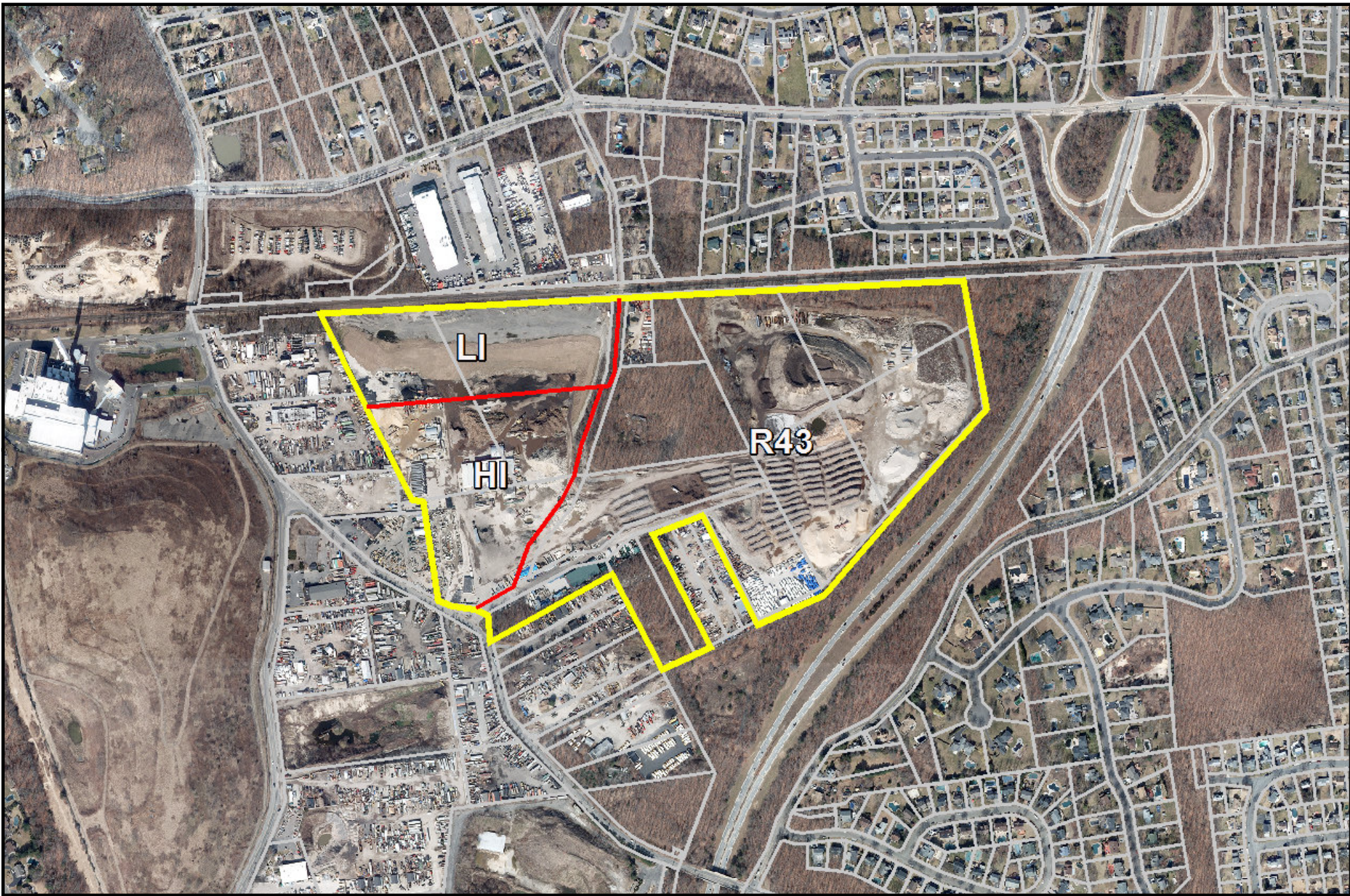
10. No Action Alternative – Section 2.3 incorrectly asserts, “The No-Action Alternative would not provide a rail transportation option for the shipment of incinerator ash and clean C&D debris off of Long Island and therefore, would not meet Townline’s purpose and need.” In addition to existing freight rail options, the proposed Long Island Rail Terminal (adjacent to the existing Brookhaven Rail Terminal), which already has approval from the STB, would accommodate rail transportation of incinerator ash.
11. In Section 2.4, the EA incorrectly states, “More specifically, no federal, state, and local agencies raised any concerns regarding potential environmental impacts. Nor did they suggest any rail alternatives during agency consultation.” In the Town’s letter to the STB, dated July 19, 2022, the Town raised concerns of impacts including noise, fugitive dust and odors, ground and surface water, and traffic. Further, in its consultation letter to Town officials, the STB did not ask for input on potential alternatives. If it had, the Town would have provided the alternatives described in Comment 1.
12. Transportation network – on page 21, the EA incorrectly states that Townline Road and Sunken Meadow Parkway can be used to travel to industrial properties in the area. Townline Road has weight restrictions and commercial vehicles are not permitted on any State Parkway, including Sunken Meadow Parkway. These should be eliminated from the description of the freight transportation network and the traffic impact analysis should be modified accordingly.

Thank you very much for providing the Town the opportunity to comment on the draft EA. Please feel free to contact me or Allyson Murray, Principal Planner, if you have any questions regarding these comments or if this department can provide you with any information to assist in your analysis.

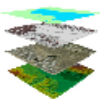
Sincerely,


Peter Hans
Town Planning Director

cc: Hon. Edward R. Wehrheim, Supervisor
Town Board
David A. Barnes, Town Environmental Protection Director
Mitchell Crowley, Town Director of Traffic Safety
Matthew Jakubowski, Esq., Town Attorney



Map prepared on
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NEW YORK
Land Record Viewer (LRV)
Geographic Information System



Existing Zoning of Carlson site (2020 aerial)



February 2, 2024

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