

RESOLUTION GRANTING APPROVAL OF AND AUTHORIZING THE GRANT OF CERTAIN FINANCIAL ASSISTANCE BY THE TOWN OF BABYLON INDUSTRIAL DEVELOPMENT AGENCY TO WR COMMUNITIES - E LLC IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A MULTI-FAMILY RESIDENTIAL RENTAL FACILITY IN THE TOWN OF BABYLON

WHEREAS, the Town of Babylon Industrial Development Agency (the "Agency") is authorized under the laws of the State of New York, and in particular under the provisions of the New York State Industrial Development Agency Act and the Agency's enabling legislation, respectively constituting Article 18-A and Section 907-a of the General Municipal Law (Chapter 24 of the Consolidated Laws of New York), as amended (the "Act"), to assist in providing for manufacturing, warehousing, research, civic, commercial and industrial facilities in the Town of Babylon; and

WHEREAS, the Town of Babylon (the "Town") has undertaken multiple actions regarding the redevelopment of downtown Wyandanch including the designation of an Urban Renewal Area in downtown Wyandanch, the adoption of a blighted study, which was prepared by AKRF and is entitled "Blighted Study for the Wyandanch Area" dated May, 2007, and the adoption of a Nomination under the State of New York's Brownfield Opportunity Area Program due to severe blighted conditions within downtown Wyandanch. The Town by Resolution of the Town Board No. 424 dated June 25, 2008 (i) adopted the Blighted Study, (ii) designated an urban renewal area (the "Downtown Wyandanch Urban Renewal Area") in downtown Wyandanch as appropriate for urban renewal and (iii) authorized the Town Department of Planning and Economic Development and/or its agents to prepare or cause to be prepared an urban renewal plan. The Town by Resolution of the Town Board, dated May 22, 2009 adopted an Urban Renewal Plan for the Downtown Wyandanch Urban Renewal Area (the "Plan"); and

WHEREAS, to accomplish the purposes of the Act, and in accordance with the Plan, the Agency has previously undertaken the following two "projects" (within the meaning of the Act): (i) "Project A", consisting of the acquisition of a leasehold interest in, and the construction and equipping of, an approximately 122,234 square foot mixed-use residential/commercial development, which includes approximately 17,500 square feet of commercial nonresidential space located on the ground floor, with balance of the facility being used as multifamily residential space that includes work force housing, located at District 0100, Section 040.00, Block 02.00, Lot 12.003 on the Official Tax Map of Suffolk County; and (ii) "Project B", consisting of the acquisition of a leasehold interest in, and the construction and equipping of, an approximately 99,912 square foot mixed-use residential/commercial development, which includes approximately 17,553 square feet of commercial nonresidential space located on the ground floor, with balance of the facility being used as multifamily residential space that includes work force housing, located at District 0100, Section 040.00, Block 02.00, Lot 48.010 on the Official Tax Map of Suffolk County; and

WHEREAS, to accomplish the purposes of the Act and in accordance with the Plan, the Agency has entered into negotiations with WR Communities - E LLC (the "Company") for the acquisition of a "project" within the meaning of the Act within the territorial boundaries of the Town and located on that certain 0.964 acre piece or parcel of land located at 1 Washington

Avenue in Wyandanch, New York 11798, Suffolk County Tax Map District 100, Section 40, Block 2, Part of Lot 48.006; and

WHEREAS, the project (the "Project") will include the acquisition of a leasehold interest in the foregoing parcel of land by the Agency and the acquisition, construction and equipping of a new approximately 106,200 square foot multi-family residential rental facility and the acquisition and installation of certain equipment, furnishings and personal property therefor, all for use as an approximately 124-unit multi-family residential rental facility with a 100% affordability component (the land and all buildings, structures and other improvements now or hereafter located thereon, and all fixtures and appurtenances and additions thereto and substitutions and replacements thereof, now or hereafter attached to or contained in or located on the land and/or the buildings and improvements located thereon or placed on any part thereof, and attached thereto, which are used or usable in connection with the present or future operation thereof or the activities at any time conducted therein and certain machinery, equipment, furnishings and other tangible personal property (and all repairs, replacements, improvements and substitutions thereof or therefor, and all parts, additions and accessories incorporated therein), subject to the terms hereof, are collectively referred to herein as the "Facility"); and

WHEREAS, the Project and the Facility are an integral part of the effectuation of the Plan and the construction of the Facility is a key component of the Plan; and

WHEREAS, in connection with the Agency's evaluation of the Project for the provision of financial assistance, the Agency has (i) assessed all material information relating to the project included in the Company's project application (the "Project Application") in order to afford a reasonable basis for the decision of the Agency to provide financial assistance to the Project; (ii) reviewed the Agency's written cost benefit analysis for the Project which identifies the extent to which (A) the Project will create or retain permanent, private sector jobs; (B) the estimated value of any tax exemption to be provided to the Project, (C) the amount of private sector investment generated or likely to be generated by the Project; (D) reviewed the likelihood of accomplishing the proposed project in a timely fashion; and (E) considered the extent to which the Project will provide additional sources of revenue for the Town and the school district where the Facility is located; and

WHEREAS, in connection with the adoption of this resolution the Agency has reviewed the Project Application and the Company has confirmed in such Project Application that as of the date of the Projection Application, the Company is in substantial compliance with the Act; and

WHEREAS, in order to induce such facilities within the Town and to foster the economic development contemplated by the Project and the Plan it appears necessary to assist the Company by taking leasehold title to the Facility so as to afford the Company certain relief from mortgage recording taxation, relief from real property taxation and relief from sales and use taxation for a limited period; and

WHEREAS, to facilitate the Project, the Agency and the Company have entered into negotiations to enter into a "straight lease transaction" within the meaning of the Act pursuant to which (i) the Company will lease or sublease the land upon which the Facility is to be

constructed (the "Land") to the Agency pursuant to a Company Lease between the Company and the Agency (as the same may be amended or supplemented, the "Company Lease") and (ii) the Agency will sublease the Facility to the Company pursuant to a Lease and Project Agreement (the "Lease Agreement"), by and between the Company and the Agency pursuant to which the Company agrees, among other things, to make lease payments in such amounts as specified in the Lease Agreement; and

WHEREAS, pursuant to the Lease Agreement the Company has agreed to make certain payments in lieu of real property taxes with respect to the Facility to the Agency; and

WHEREAS, such agreement with respect to payments in lieu of real property taxes has been the subject of a deviation from the Agency's Uniform Tax Exemption Policy (the "UTEP") pursuant to a Deviation Memo of the Agency dated February 9, 2018 (the "Deviation Memo"); and

WHEREAS, it is desired that the Agency authorize deviation from the Agency's UTEP and the granting of certain financial assistance to the Company in connection with the Project including exemption from mortgage recording taxes, real property taxes and sales and use taxes.

NOW, THEREFORE, BE IT DETERMINED, APPROVED AND RESOLVED by the members of the Agency as follows:

Section 1. With respect to the Agency's evaluation criteria for Affordable Housing Projects the Agency makes the following determinations:

- (a) It has reviewed the information in the Cost Benefit Analysis with respect to the Project.
- (b) The Project will not have significant long term impact on local labor in the Town but will result in approximately 180 new construction jobs during the construction of the Facility.
- (c) The Town is in need of affordable housing units and the Facility will provide 124 affordable housing units within the Town's guidelines.
- (d) The Facility is located in an area of the Town characterized by significant unemployment and economic distress.
- (e) The Project is in alignment with local planning and development efforts including the Plan and the Blighted Study for the Wyandanch Area.
- (f) The Project is located in an area that has inadequate affordable housing supply.
- (g) The Project is in an urban/town center location.
- (h) The Project has local officials support.

- (i) The Project promotes transit oriented or walkable community areas.
- (j) The financial assistance to be provided by the Agency is necessary for the Company to attract lenders to finance the Project.

Section 2. Based on the evaluation of the foregoing evaluation criteria, (a) the Agency hereby finds and determines that (i) the Project constitutes a “Project” within the meaning of the Act; and (ii) the granting of mortgage recording tax abatements, real property tax abatements and sales and use tax abatements (collectively the “Financial Assistance”) by the Agency with respect to the Project and the Facility pursuant to the Act, will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the Town and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act.

(b) It is desirable and in the public interest for the Agency to grant Financial Assistance to the Company with respect to the Project and the Facility.

(c) The Agency shall grant Financial Assistance to the Company in the form of New York State and local Sales and Use Tax abatements as provided in Section 5.2 of the Lease Agreement and in the event of the occurrence of a recapture event under the Lease Agreement the Agency will pursue recapture of Financial Assistance as provided in Section 5.4 of the Lease Agreement.

(d) The Agency approves the deviation from its UTEP with respect to the Project and the Facility as described in the Deviation Memo.

Section 3. To accomplish the purposes of the Act, the Agency shall take legal leasehold title to the Land pursuant to the Company Lease and will assist the Company to undertake the Project and sublease the Land and Facility to the Company pursuant to the Lease Agreement.

Section 4. Pursuant to the Lease Agreement, the Company shall make certain payments in lieu of real property taxes (“Pilots”) which would be otherwise due and payable with respect to the Facility in accordance with the Deviation Memo.

Section 5. In order to provide the Company with Financial Assistance with respect to exemption from New York State and local Sales and Use Taxes with respect to the Project the Agency will provide such exemption to the Company pursuant to the Lease Agreement and may issue one or more Sales Tax Agent Authorization Letters (“Sales Tax Authorization Letters”) which shall be used pursuant to the terms contained therein and in the Lease Agreement.

Section 6. In order to secure amounts to be loaned to the Company with respect to the Project by one or more mortgage lenders acceptable to the Chief Executive Officer (“CEO”) or the Chief Financial Officer (“CFO”) of the Agency or any other authorized representative, the Agency hereby authorizes the execution of one or more mortgages (collectively, the “Mortgages”) granted at the initial closing of the “straight lease” transaction or any time thereafter during the term of the Lease Agreement, from the Agency and the Company to any mortgage lender acceptable to the CEO or the CFO of the Agency or any other authorized representative, in form acceptable to the CEO or CFO of the Agency or any other authorized representative and counsel to the Agency.

Section 7. In order to provide certain tax credits and other subsidies for the Facility, the Agency together with the Company and the New York State Division of Housing and Community Renewal will enter into a Low-Income Housing Credit Agreement and a New York State Extended Low Income Housing Commitment and Regulatory Agreement (collectively, the "Regulatory Agreement"), forms of which reasonably acceptable to the Agency are hereby approved.

Section 8. The form and substance of the Company Lease and the Lease Agreement in substantially the form previously approved by the Agency for other "straight lease" transactions is hereby approved.

Section 9. Matthew McDonough, as CEO or any successor CEO or any other Authorized Representative, is hereby authorized, on behalf of the Agency, to execute and deliver final forms of the Company Lease, the Lease Agreement, the Mortgages, the Regulatory Agreement and any other agreements or certificates consistent herewith (hereinafter collectively called the "Agency Documents"), all in substantially the forms previously executed by the Agency for other "straight lease" transactions acceptable to Agency Counsel, with such changes, variations, omissions and insertions in the Agency Documents as the CEO or any other Authorized Representative of the Agency shall upon advice of counsel approve. The execution thereof by the CEO shall constitute conclusive evidence of such approval.

The CEO or any other Authorized Representatives are further hereby authorized, on behalf of the Agency, to designate any additional authorized representatives including the Chairman, the Secretary or Assistant Secretary of the Agency, to execute any Agency Documents or certificates of the Agency authorized pursuant to this Resolution and determine the terms of the Agency Documents.

The Secretary, Assistant Secretary or Counsel to the Agency is hereby authorized to attest to the CEO's or any other Authorized Representative's signature on the foregoing documents and to impress or affix the seal or facsimile seal of the Agency thereto to the extent required by any Agency Document.

Section 10. The CEO, the Chief Financial Officer ("CFO") of the Agency, the Chairman or the Secretary and any member of the Agency (as used in this resolution, the "Authorized Representatives") are hereby designated the authorized representatives of the Agency and each of them is hereby authorized and directed to cause the transactions as described in the Company Lease and the Lease Agreement to be undertaken and in relation thereto, to execute and deliver any and all papers, instruments, agreements, opinions, certificates, affidavits and other documents, and to do and cause to be done any and all acts and things necessary or proper for carrying out this resolution, and the Agency Documents including such changes or revisions in the forms of such documents as may be requested by counsel to the Agency.

Section 11. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Agency Documents, and to execute and deliver all such additional certificates, instruments, agreements and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary, or in the opinion of the

officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 12. All covenants, stipulations, obligations and agreements of the Agency contained in this resolution, and the Agency Documents shall be deemed to be the covenants, stipulations, obligations and agreements of the Agency to the full extent authorized or permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Agency and its successors from time to time and upon any board or body to which any powers or duties, affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the Agency or the members thereof by the provisions of this resolution, and the Agency Documents shall be exercised or performed by the Agency or by such members, officers, board or body as may be required by law to exercise such powers and to perform such duties.

Section 13. No covenant, stipulation, obligation or agreement contained in this resolution, or the Agency Documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member, officer, agent or employee of the Agency or the Town of Babylon in his or their individual capacity and neither the members of the Agency nor any officer shall be liable personally on the Agency Documents or be subject to any personal liability or accountability by reason of the execution thereof.

Section 14. The law firm Katten Muchin Rosenman LLP is hereby appointed transaction counsel to the Agency for this transaction.

Section 15. Notwithstanding the foregoing, the Agency will not grant any Financial Assistance (as such term is defined in the Act) in excess of \$100,000 to the Company until the Agency has held a public hearing with respect to the Project in accordance with the provisions of the Act.

Section 16. The Agency, as an involved agency, pursuant to the State Environmental Quality Review Act (SEQRA) (Article 8 of the Environmental Conservation law) and implementing regulations contained in 6 N.Y.C.R.R. part 617 hereby adopts the findings of the Town of Babylon with respect to the Facility and the Project as set forth in Exhibit A hereto which are incorporated by reference herein.

Section 17. This resolution shall take effect immediately.

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, Paulette L. Moses, the duly elected, qualified Secretary of the Town of Babylon Industrial Development Agency (the "Agency"), hereby certify that:

1. The foregoing is a true, correct and complete copy of the record of proceedings of the Agency had and taken at a lawful meeting of the Agency held at the Old Town Hall, 47 West Main Street, Babylon, New York on February 20, 2018, commencing at the hour of 7:00 P.M., as recorded in the regular official book, of the proceedings of the Agency, those proceedings were duly had and taken as shown therein.

2. All members of the Agency and the public were duly notified of that meeting pursuant to law.

IN WITNESS WHEREOF, I have signed this certificate and affixed the seal of the Agency the 20th day of February, 2018.



Secretary

(SEAL)

EXHIBIT A

[Insert Town of Babylon SEQRA negative Declaration]

Town of Babylon



Department of Environmental Control

Memorandum

DATE: October 27, 2016

TO: Lev Brickman, Chairman, Planning Board

FROM: Richard Groh, Chief Environmental Analyst, Environmental Control

✓ **SUBJECT:** Applicant- WR Communities-E, LLC.
Job #- 16-28M
App #- 118694
SCTM#- 0100-040-02-048.006
Location- s/e/c/o Washington Ave. & Straight Path, Wyandanch

Revised
Preliminary

Departmental Review and Recommendations
On Site Plan Dated October 7, 2016

I Preliminary SEORA Classification

Type I Action – Coordinated Review conducted during the Generic Environmental Impact Statement (GEIS) review for the entire redevelopment initiative.

II Recommended SEORA Determination

No further Action required. The proposal is consistent with the GEIS review.

In accordance with Chapter 114, Section 114-10D. when a Final Generic EIS has been filed under this Chapter:

1. No further TOBEQRA 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.

III Reasons Supporting This Determination

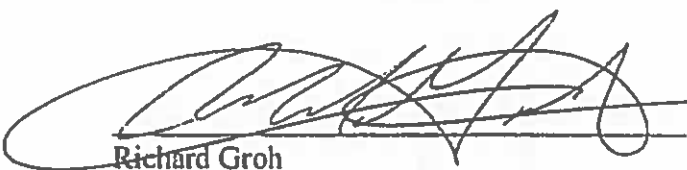
The proposal is consistent with the Final Generic Environmental Impact Statement filed May 11, 2009 and the Environmental Findings dated May 22, 2009 for the Wyandanch Downtown Revitalization Plan/Draft Urban Renewal Plan/Draft New York State Brownfield Opportunity Areas Program Nomination.

IV Site Plan Recommendations

1. Chapter 189 Stormwater and Erosion and Sediment Control requirements. All Construction Activity Agreement requirements must be included on the site plan.
2. The applicant is modifying the previous Stormwater Pollution Prevention Plan (SWPPP) for this project.
3. Covenants and Restrictions that drainage/green infrastructure practices be maintained in accordance with the SWPPP and/or site plan approval.
4. Must provide 4' minimum separation from bottom of the stormwater leaching basins to groundwater. If this cannot be achieved, it must be noted in the SWPPP and the reason must be based on environmental conditions of the site.

V Analysis

The proposed Building E1 is comprised of 5 stories total. The first story is primarily covered on-grade parking and ancillary support space (mechanical/electrical). The second, third, fourth and fifth levels are exclusively apartment uses and will contain 119 units total. Building E3 is a standalone, one story 1,200 sq. ft. building for restaurant usage. The proposed structures and associated site improvements are within the 62,073 sq. ft. site. The site is within the Chapter 212: Downtown Wyandanch and Straight Path Corridor Form-Based Code Zoning District.



Richard Groh
Chief Environmental Analyst

RG:bp

cc: Victoria A. Russell, Commissioner, Environmental Control
Denise Manoogian, Senior Engineering Aide, Planning & Development
Joseph Wilson, Town Attorney
Afreen Rizwan, Chief Deputy Town Attorney
Jonathan Keyes, Downtown Revitalization
Thomas Young, Commissioner, Planning & Development

Town of Babylon

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281 Phelps Lane, Room 23
North Babylon, N.Y. 11703-4045
(631) 957-3000
(631) 422-7640
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STEVEN BELLONE
SUPERVISOR

Town of Babylon State Environmental Quality Review Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town Board of the Town of Babylon as Lead Agency makes the following findings.

Name of Action: Draft Wyandanch Downtown Revitalization Plan (i.e., Final Generic Environmental Impact Statement/Draft Urban Renewal Plan/Draft New York State Brownfield Opportunity Areas Program Nominations).

Description of Action: The proposed project involves multiple direct actions by the Town Board of the Town of Babylon, including the adoption of an Urban Renewal Plan for downtown Wyandanch (i.e. the project area), and the adoption of a Nomination under the State of New York's Brownfield Opportunity Area (BOA) Program. The proposed project will include key recommendations for the project area in terms of land use, zoning, community facilities, infrastructure and utilities, transportation, and environmental remediation. Implementation strategies, including property acquisition, are also proposed.

Location: The project area, which is defined as both the designated Urban Renewal Area and the proposed BOA (which are one and the same), is regionally located in the Hamlet of Wyandanch, north-central Town of Babylon, western Suffolk County, Long Island, New York. The approximately 105 acre project area largely comprises the downtown area of Wyandanch Hamlet extending approximately 300 feet east and west of Straight Path from North 9th Street on the north to Garrison Avenue on the south, and several lots along Long Island Avenue roughly stretching from Elk Street on the east to 22nd Street on the west. The project area includes 281 tax lots designated on the Suffolk County Tax Map (2006).

Agency Jurisdiction: Section 505(3) New York State General Municipal Law; Urban Renewal.

Date Final Environmental Impact Statement Filed: May 11, 2009

Facts and Conclusions Relied on to Support the Decision: Please see attached May 22, 2009 Town Board Resolution, No. 347.

Ellen T. McVeety Councilwoman Deputy Supervisor	Jacqueline A. Gordon Councilwoman	Lindsay Patrick Henry Councilman	Antonio Martinez Councilman	Corinne DiSomma Receiver of Taxes	Carol A. Quirk Town Clerk
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An Equal Opportunity / Affirmative Action Employer

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Certification to Approve/Fund/Undertake:

Having considered the Draft and Final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings 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 the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse 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.

Name of Agency



Signature of Responsible Official

Steven Bellone

Name of Responsible Official

Supervisor, Town of Babylon

Title of Responsible Official

May 22, 2009

Date

200 East Sunrise Highway, Lindenhurst, New York 11757

Address of Agency

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For further information regarding the SEQRA process please contact:
Contact Person: Richard Groh, Chief Environmental Analyst

Address: Town of Babylon Department of Environmental Control
281 Phelps Lane
North Babylon, New York 11703

Telephone Number: (631) 422-7640

For questions concerning the Urban Renewal Plan Brownfield Opportunity Program please contact Vanessa Pugh, Director, Town of Babylon Downtown Revitalization at (631) 957-4465.

A copy of this Notice and the SEQRA Findings Statement was sent to:

Steven Bellone, Supervisor, Town of Babylon
Town Board of the Town of Babylon
Ronald C. Kluesener, Chief of Staff, Town of Babylon
Victoria A. Russell, Commissioner, Environmental Control, Town of Babylon
Ann Marie Jones, Commissioner, Planning & Development, Town of Babylon
Town of Babylon Town Clerk's Office
Patricia McMahon, Chairperson, Planning Board, Town of Babylon
Thomas Young, Chairman, Zoning Board of Appeals, Town of Babylon
Vanessa Pugh, Director, Town of Babylon Downtown Revitalization Program
Steve Israel, United States Congressman
Kirsten Gillibrand, United States Senator
Owen H. Johnson, New York State Senator
Charles E. Schumer, United States Senator
Steve Levy, Suffolk County Executive
DuWayne Gregory, Suffolk County Legislator
Wayne R. Horsley, Suffolk County Legislator
Lou D'Amaro, Suffolk County Legislator
Steven H. Stern, Suffolk County Legislator
Vivian Viloria-Fisher, Suffolk County Legislator
William J. Lindsay, Presiding Officer, Suffolk County Legislature
Robert K. Sweeney, New York State Assemblyman
New York State Department of Environmental Conservation (Albany)
David Ashton, New York State Department of State
Wayne Ugolik, New York State Department of Transportation
Peter Scully, New York State Department of Environmental Conservation
Walter J. Parish, New York State Department of Environmental Conservation
Ruth L. Pierpont, New York State Office of Parks, Recreation and Historic Preservation
Thomas Isles, Suffolk County Planning Commission/Planning Department
Walter Dawydiak, Chief Engineer, Suffolk County Department of Health Services
James Bagg, Suffolk County Planning Department
Ben Wright, Suffolk County Department of Public Works
William Hillman, Chief Engineer, Highways, Structures & Waterways, Suffolk County
Department of Public Works

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Robert Shinnick, Director of Transportation, Suffolk County Department of Public Works
Gil Anderson, Suffolk County Department of Public Works
Walter Hilbert, Suffolk County Department of Health Services
Steven M. Jones, Suffolk County Water Authority
Bishop Michael Talbert, First Church Ministries
Rev. David Solomon, Church of the Nazarene
Anne Stewart, Director, Wyandanch Weed & Seed
Edna Newton, Chairperson, Wyandanch Beautification
Sondra Cochran, Executive Director, Wyandanch Community Development Corp.
Peter Barnett, Executive Director, Wyandanch Homes & Property Development Corporation
Dane Carroll, Executive Director, Wyandanch Youth Services
Hilary Marquis, AdPlus Associates
Dr. Mary Jones, Superintendent, Wyandanch Union Free School District
Stephanie Williams, Trustee, Wyandanch Library Board
Phyllis Henry, Resident, Town of Babylon
Dr. Steven Golinowski, Medical Director, Martin Luther King Health Center
Elisa Pica, MTA, Long Island Railroad
Sarah Lansdale, Executive Director, Sustainable Long Island
Grace Musumeci, United States Environmental Protection Agency, Region 2
Theresa J. Fretwell, Regional Environmental Office, Region I and II, HUD

✓ RG:ch

Attach.

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**RESOLUTION NO. 347 MAY 22, 2009
TOWN BOARD ENVIRONMENTAL DETERMINATION
ENVIRONMENTAL FINDINGS FOR THE WYANDANCH DOWNTOWN
REVITALIZATION PLAN/URBAN RENEWAL PLAN FOR WYANDANCH**

The following resolution was offered by Councilwoman Gordon and seconded by Councilman Martinez:

WHEREAS, the Town Board of the Town of Babylon has prepared the Final Wyandanch Downtown Revitalization Plan/Final Urban Renewal Plan for Wyandanch (hereafter The Plan) which was the subject of a Draft Generic Environmental Impact Statement (DGEIS), and a Final Generic Environmental Impact Statement (FGEIS); and

WHEREAS, the Town Board of the Town of Babylon accepted the DGEIS for The Plan on April 8, 2009, and the FGEIS for The Plan on May 11, 2009; and

WHEREAS, the proposed Action was the subject of a comprehensive, exhaustive Generic Environmental Impact Statement review that not only analyzed the site specific impacts of the project, but also secondary long term impacts of The Plan; and

WHEREAS, the Lead Agency adequately addressed all of the relevant public and agency comments raised on the DEIS, and FGEIS, in accordance with SEQRA; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has determined that the environmental analysis prepared in the DGEIS, FGEIS will provide sufficient information to make a reasoned decision on The Plan that is consistent with the requirements of Section 617.11 State Environmental Quality Review (SEQR); and

WHEREAS, potential adverse environmental impacts are minimized or avoided by the proposed Action to the greatest extent practicable as determined by the Lead Agency, the Town Board of the Town of Babylon; and

WHEREAS, the Town Board of the Town of Babylon, as Lead Agency, has

carefully considered the proposed Action analyzed in the relevant GEIS review in accordance with the requirements of SEQRA and TOBEQRA and determined the following: 6

See Findings Exhibit "A" Environmental Addendum for the Wyandanch Downtown Revitalization Plan/Urban Renewal Plan/New York State Brownfield Opportunity Area (BOA) Step II Nominations for Wyandanch; and

Exhibit "A"

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**EXHIBIT A: ENVIRONMENTAL FINDINGS ADDENDUM FOR THE
WYANDANCH DOWNTOWN REVITALIZATION PLAN/URBAN
RENEWAL PLAN FOR WYANDANCH (THE PLAN)**

1. To identify potential impacts of the proposed action (The Plan) in the GEIS, conditions in the future without the project (2020) were compared to conditions in the future with the project (2020). Conditions in the future without the project were assumed to be generally the same as existing conditions, except for a few known development projects expected to be in place by 2020. Because of ongoing economic stagnation in downtown Wyandanch for at least the last 10 years, it is expected that in the absence of the proposed project, vacant parcels in the project area would remain undeveloped and vacant or partially vacant buildings would remain unoccupied or partially unoccupied. The future with the proposed action conservatively assumes that the projected redevelopment scenario for 2020 would be in place and that the recommendations set forth in the Plan would be implemented. In addition, the relevant GEIS review considered the "No Action Alternative", as required by the New York State Environmental Quality Review Act (SEQRA), and one "as-of-right" alternative, which would redevelop the area in the absence of the proposed implementation strategy for the project area. The GEIS review analyzed the relevant environmental issues identified pursuant to section 617.9 (b) (5) of the SEQRA regulations, including unavoidable adverse impacts, growth inducing aspects of the proposed project, and irreversible and irretrievable commitments of resources.

2. The GEIS assessed the potential effects of the proposed project on land use and zoning in the project area and secondary impacts in Wyandanch as a whole (i.e., "the study area"). The proposed project was also examined in the context of broader public policy initiatives. The proposed project is intended to redevelop vacant and underutilized land and buildings on the strategic sites identified in The Plan with active, tax-generating uses, such as mixed housing, retail, and commercial uses, or community-oriented uses.

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The proposed locations of the new zoning districts were chosen specifically to encourage development that is compatible with the existing surrounding uses in the project and study areas, such that no significant adverse impacts are expected. For example, higher density mixed residential, retail, and commercial uses would be encouraged close to the Wyandanch train station, consistent with standard transit-oriented development (TOD) practices, while low-density residential use would be encouraged at the southern gateway to downtown Wyandanch, closer to existing single-family residential uses. Medium- and low-density mixed uses are proposed to be concentrated along the Straight Path corridor, providing a transition from the higher density uses at the northern gateway to downtown Wyandanch and the low-density residential uses at the southern end of the project area. In addition, community-oriented institutional uses would be concentrated near the existing Youth Center on Andrews Avenue, creating a safe, centralized location for such uses. The proposed project would also serve to eliminate underperforming or inappropriate land uses. For example, the proposed Plan would enable the development of a parking garage being located adjacent to the train station as part of a separate but related Town-initiated project. Currently, there is a substantial amount of acreage devoted to free commuter surface parking lots in the heart of Wyandanch's downtown, which deprives the community of using these large parcels to accommodate transit-oriented, mixed-use development and is inconsistent with the goals of Wyandanch Rising. Development of the parking garage would consolidate commuter parking into one central location and could include metered parking or parking fees to generate increased revenue. In addition, industrial uses, while recognized to be an important part of the local economy, would be phased out, allowing for their replacement by mixed residential, retail, and commercial uses, which would be more compatible with the existing surrounding land uses in the area and would generate much-needed tax revenue for the Town.

3. The Plan determined that overall, there is a dearth of open space resources in the project area; however, the project area is primarily non-residential (approximately 85 percent). With the addition of new housing units proposed as part of the Plan, the project area's existing and future residents would benefit from an increase in open space resources within a radius of ½-mile from the project area. One focus of the Plan is to explore opportunities for creating new open space in the study area. To that end, the Town is proposing an expansion of George Sims Veterans Plaza and a new

plaza as part of the overall redevelopment and revitalization plan. In addition, the Town is actively researching possible connections to other open space areas and parks in the vicinity of the project area for the community. For example, the Town of Babylon would like to connect the Wyandanch community to the Carll's River watershed, an important local natural resource of the Town of Babylon. Bike and water trails are now being investigated for underutilized portions of this open space area. The Town of Babylon Wyandanch Park has a direct connection to this open space and could be utilized as an access point. The challenge will be to address manmade and natural barriers for bicycle and water trails for this important initiative. Additionally, the Town is considering a dedicated bike route along Commonwealth Drive that would connect to the Town's Geiger Memorial Park on Grand Boulevard just outside the study area and run along the Carll's River south to Belmont Lake State Park. These conceptual plans are not expected to create any significant adverse impacts on open space areas in proximity to the project area.

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4. Included as part of the Plan will be a revised zoning code, as well as the proposed new zoning districts, would allow for mixed-use development that is compatible with existing platted lots in Wyandanch, and would encourage higher density, TOD, and that is typical of a downtown area. Rezoning portions of downtown Wyandanch would facilitate the redevelopment and revitalization in the project area, consistent with the intent of the proposed Plan. The proposed rezonings would be expected to result in positive economic and environmental impacts including increased local community use of the Wyandanch train station and the resulting decreased auto dependence and traffic congestion. The Town would like to create a pleasant, safe, pedestrian-friendly environment in the project area that encourages walking and cycling in addition to transit use. The Town also proposes to concentrate institutional uses in the vicinity of the existing Youth Center, which would promote neighborhood pride and identity; create more economically viable retail footprints downtown; increase commuter spending in downtown Wyandanch; and provide a range a housing options not currently offered in Wyandanch for people of different income levels and at different stages of life, thereby accommodating existing residents while attracting new residents to the area. The proposed locations of the new zoning districts were chosen specifically to encourage

development that is compatible with the existing surrounding uses in the project and study areas, accordingly such that no significant adverse impacts are expected to occur.

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~~5.~~ 5. The proposed Wyandanch Downtown Revitalization Plan will serve to carefully guide and expedite redevelopment and revitalization in Wyandanch. The Plan was substantially based on the goals and objectives of Wyandanch Rising. There was significant public input to this process. The proposed project includes the adoption of an Urban Renewal Plan; encourages the development of mixed-use buildings; encourages the redevelopment of vacant buildings; includes a rezoning plan to permit the type of mixed-use development proposed; includes measures for improving pedestrian and vehicular safety conditions; includes recommendations for landscaping and beautification; and includes recommendations for improved street design.

In addition, the proposed project is entirely consistent with the Town's overall goals and objectives for downtown Wyandanch. The Plan is also consistent with the Town of Babylon Comprehensive Land Use Plan to strengthen the Central Business District in Wyandanch. The proposed Plan was also developed alongside other ongoing government-sponsored initiatives for downtown Wyandanch, to ensure compatibility with public policy for the area, including the Federal Transit Administration (FTA) grant-related Intermodal Study and the Environmental Protection Agency (EPA) grant-related sewer feasibility study for downtown Wyandanch.

Finally, the proposed project would offer enhanced community benefits under the Empire Zone and HUBZone programs. Potential new businesses and developers would be informed of these programs and the appropriate contacts and would be made aware of federal contract announcements.

6. The GEIS assessed the additional demand for water, sanitary sewer, solid waste, and electric and gas services expected to result from the proposed project and the needs that it would place on the existing infrastructure and utilities serving the project area. These are all relevant environmental concerns and were carefully considered in the GEIS review for the Plan. The provision of sanitary sewer service would be vital to the area in order to accommodate the redevelopment expected from the proposed project and protect groundwater resources in the area. The project area is served by the

Suffolk County Water Authority (SCWA) public water distribution system. The proposed redevelopment would collectively use approximately 340,492 gallons per day (gpd) of public water. This estimate includes water use for residents and businesses. The proposed project is expected to create a demand for potable water that amounts to approximately 0.2 percent of the SCWA's average annual withdrawal (approximately 164 million gallons per day). This relatively small increase is not considered significant and would not be expected to have adverse impacts on the public water supply system. Moreover, a letter was sent to the SCWA on August 19, 2008 inquiring about water availability to accommodate the proposed project. SCWA determined that, based on the information provided (i.e. anticipated water demand), the daily domestic demand should not be a problem for the utility's existing facilities, as indicated in its letter dated September 15, 2008.

7. The estimated sewage generation from the proposed redevelopment is approximately 350,000 gpd, according to information received from the Suffolk County Department of Public Works (SCDPW) and based on Suffolk County Health Department standards. Wyandanch is not connected to a public sewer system and this is a critical factor in the lack of a commercially viable downtown. Currently, the community depends on independent on-site wastewater treatment, which is a major issue because of potential groundwater contamination and the fact that on-site wastewater treatment systems can be cost-prohibitive to potential developers and a disincentive for capital investment in Wyandanch. To mitigate the adverse impacts on groundwater resources, allow greater density, and stimulate economic development, the provision of public sewer service along the Straight Path corridor will be necessary. The nearest public sewer system is the Suffolk County Southwest Sewer District Number 3, operated by SCDPW. Provision of public sewers in Wyandanch would facilitate redevelopment of the area and reduce the potential for groundwater contamination from existing cesspool and septic tank/leaching pool serviced areas. It is noted that connecting to an existing public sewer system is likely to be the least costly option for new construction. The Bergen Point Sewage Treatment Plant has a permitted capacity of 30.5 mgd of wastewater influent. The plant is at or near capacity. However, there is sufficient capacity to accommodate the Wyandanch Downtown Revitalization Plan's anticipated wastewater flows. With the installation of a public sewer system in downtown Wyandanch, there would be a

temporary disruption of traffic due to the construction, which would most likely involve dewatering activities as well as open trenches and also lead to short-term nuisance conditions of noise and dust. However, a Maintenance and Protection of Traffic Plan would be prepared for these construction activities. This would include temporary changes to traffic flow and control to ensure safe conditions for workers and motorists. In terms of construction activities, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared as well as dust and noise control measures to minimize the impacts of construction activities. Dewatering would be undertaken in accordance with Town of Babylon, New York State Department of Environmental Conservation (NYSDEC), and, if any, County of Suffolk requirements.

8. Solid waste generated at the proposed development sites would consist primarily of paper, cardboard, food items, and other miscellaneous refuse. Based on industry standards, the proposed project is expected to generate an estimated 16,602 pounds (8.3 tons) of solid waste per day. Solid waste generated from the proposed project would be managed by the Town of Babylon Sanitation Department, located within the Department of Environmental Control. Non-putrescible waste materials would be recycled in accordance with local recycling ordinances and the Town's Solid Waste Management Plan. The relatively small amount of waste generated from the proposed action (about 1 percent of the approximately 750 tons per day of solid waste processed at the Covanta facility that serves the Town of Babylon) is not expected to result in any significant adverse impacts to solid waste handling and disposal services. The Town's Department of Environmental Control has indicated that the Town can handle the solid waste that would be generated from the proposed project and there would be an opportunity to recycle through the Town's programs and the proposed activities would be consistent with the Town's solid waste management plan.

9. Primary energy needs for the redevelopment would be provided by LIPA and National Grid. The proposed project would require an extension of existing utility services in the area to provide new electric and gas service to the vacant subject sites. Projected energy demand for the proposed

developments is based on loads for heating, ventilation, air conditioning, lighting, and auxiliary equipment, such as elevators and pumps. It is not expected that these additional energy demands would be a problem for I.IPA's existing facilities and any necessary service connections would be made. In addition, all applicable proposed projects under the Plan would meet the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certification and ENERGY STAR standards, to ensure the development of environmentally responsible, energy-efficient buildings. Therefore, no significant adverse impacts on energy demands are expected to result from the proposed project.

10. The proposed project's potential impacts on brownfields and other vacant, abandoned, and underutilized lots sites within the project area as they relate to potential reuse and redevelopment were examined by the GEIS process. The redevelopment in connection with the proposed project would involve demolition of existing structures that may contain hazardous materials. The presence of hazardous materials threatens human health only when exposure to those materials occurs; even then, a health risk requires both an exposure pathway to the contaminants and sufficient exposure to produce adverse health effects. Impacts would be avoided by performing careful investigation work prior to demolition and land disturbance. Construction activities will be undertaken in accordance with strict protocols and compliance with local, State and Federal regulations.

These measures to avoid potential adverse environmental impacts would be conducted in compliance with all applicable laws and regulations and would conform to appropriate engineering practices. Based on these considerations adverse impacts from the redevelopment of existing structures are not expected to occur.

11. The GEIS process examined the proposed project's potential to affect the surrounding transportation system and is based on a traffic analysis prepared by The RBA Group. It describes the future traffic, parking, and transit conditions for the year 2027 (existing baseline 2007 + 20 years) for both No Build and Build conditions. The 2027 No Build condition (i.e., conditions in the future without the proposed project) incorporates anticipated background growth in the area. The 2027 Build condition (i.e., conditions in the future with the proposed project) assumes the full build out of the strategic sites

identified in the Plan, including the development of an Intermodal Transit Facility at the northeast corner of Straight Path and Acorn Street adjacent to the LIRR tracks. The Intermodal Transit Facility is being proposed under an FTA-sponsored project and is being analyzed for potential environmental impacts separate from the proposed project. While the intermodal center could be developed adjacent to the train station independent of the proposed project, it was not included in the No Build traffic condition to provide for a more conservative analysis of the proposed project's potential traffic impacts. The Intermodal Transit Facility would accommodate a bus stop, a "kiss-and-ride" drop-off/pick-up area, taxi stand, and a structured parking garage that would provide approximately 2,000 ADA-compliant parking spaces for commuters and patrons of downtown Wyandanch. The consolidation of commuter parking in the garage would make space available for the new retail, office, and residential development proposed for the site.

The traffic study area for 2027 future conditions was selected to include the intersections most likely to be used by concentrations of additional vehicular traffic generated by the proposed project. This is expected to be the area immediately adjacent to the Intermodal Transit Facility site, where the major east-west roadways meet with Straight Path. It is generally bounded by Straight Path to the north and west, Long Island Avenue to the south, and N. 9th Street to the east. The primary focus of the traffic study is the Straight Path corridor from Long Island Avenue to Nicolls Road.

The GEIS review examined three major areas in relation to transportation and separated it into the following; Traffic, Parking, and Transit in order to more clearly illustrate the proposed action's potential impacts on each aspect of the transportation system.

Trip generation for the Wyandanch downtown area was developed using industry-accepted rates published in the latest versions of the Institute of Transportation Engineers (ITE) Trip Generation Manual and Trip Generation Handbook.

The projected redevelopment scenario includes approximately 56,000 square of institutional space, 250,000 square feet of retail/office space, and 1,350 dwelling units. Most of this development would be located adjacent

to Straight Path and accessed from Long Island Avenue or roadways farther north. Independent of the proposed project, an 115,000-square foot public plaza and a parking garage with a 237,300-square foot footprint and 2,023 parking spaces as part of the Intermodal Transit Facility planned adjacent to the Wyandanch train station.

Trip generation for these planned uses, as well as for existing land uses, in the project area were calculated using the weekday AM and PM peak-hour of adjacent roadway rates in the Trip Generation Manual. Trip generation for the proposed land uses were added to the modified 2027 peak-hour background volumes to reflect full build out of the strategic sites under the projected redevelopment scenario.

It was assumed that construction of the Town's proposed parking garage would not in and of itself create new traffic volumes; therefore, the number of drop-offs, pick-ups, and parked vehicles would be the same for future Build condition as for future No Build condition.

Based on information provided in the ITE Trip Generation Handbook, a 15 percent reduction in all trips generated within ¼-mile of the train station was made to account for the proximity of development to the Wyandanch LIRR station. An additional 34 percent reduction in retail trips was made to account for pass-by traffic in the area.

The traffic signal and roadway changes have been recommended as mitigation measures for the project and are also recommended for the Intermodal Transit Facility:

- At Straight Path and Washington Avenue, a new and semi-actuated traffic signal would be installed and coordinated with the existing traffic signal at Long Island Avenue. The signal would operate with a 120-second cycle during the weekday AM peak period and a 90-second cycle during the weekday PM peak period. Geometric changes would also be made at the intersection. Both Straight Path and Washington Avenue would likely need to be widened to accommodate additional lanes. The northbound and southbound approaches of Straight Path would be modified to provide an exclusive left-turn lane, one through lane, and one through/right-turn lane. The eastbound Washington Avenue approach would provide an exclusive left-turn lane and one shared through/right-turn lane. The westbound approach away from the site would provide two exclusive left-turn lanes and one shared through/right-turn lane. Truck traffic on Washington Avenue west of

Straight Path would be prohibited to prevent heavy-vehicle traffic through the residential neighborhood.

- At Straight Path and Merritt Avenue/Acorn Street, the current traffic signal would be removed. The eastbound Merritt Avenue approach would become stop-controlled, and left turns in and out of the roadway would be prohibited. Acorn Street would be closed off so that it no longer connects to Straight Path; however, traffic to and from Acorn Street would still be able to access Straight Path via Washington Avenue or N. 9th Street.
- At Straight Path and Long Island Avenue, a protected left-turn phase would be provided to eastbound and westbound Long Island Avenue. This phase would likely reduce right-angle and overtake accidents and would be actuated so that it would only be called when necessary. The phase would only be used when needed and would significantly improve traffic safety by reducing the likelihood of right angle and overtaking collisions. As discussed previously, the signal at this intersection would be coordinated with the proposed signal at Straight Path and Washington Avenue. The AM peak-period traffic signal cycle length would be increased from the existing 90 seconds to the proposed 120 seconds, and the PM peak-period cycle length would be decreased from 95 seconds to 90 seconds.

The following conclusions are based on the GEIS review:

- Traffic capacity analyses for the future 2027 No Build condition at Straight Path at Long Island Avenue and Straight Path at Merritt Avenue/Acorn Street indicate that multiple movements at both intersections would operate poorly or at failing levels.
- Traffic capacity analyses for the future 2027 Build condition at Straight Path and Long Island Avenue and the proposed signalized location of Straight Path and Washington Avenue indicate that future operations, even with additional development from the Intermodal Transit Facility, would be acceptable with the recommended traffic signal and roadway modifications.

The results of these analyses indicate that modifications associated with the proposed project would enhance multi-modal travel opportunities, while accommodating increased traffic volumes and allowing additional retail, office, residential, and improved economic development in the area.

The No Build condition parking analysis identifies projected parking conditions in downtown Wyandanch in the future without the proposed project.

Weekday on- and off-street parking analyses conducted for the 2027 No Build condition in the traffic study area indicate that there would be a deficit of off-street parking supply in six of the seven lots surveyed. Altogether, this would result in a deficit of 325 off-street spaces by the 2027 Build year. Lot #2, the Suffolk County-owned commuter parking lot and the largest of the off-street parking lots, had by far the largest deficit (37 percent) for the 2027 No Build condition.

On-street parking conditions would be better. The existing on-street parking supply in the vicinity of the LIRR station would be sufficient to accommodate future 2027 No Build on-street parking demand.

The Build condition parking analysis identifies projected parking conditions in downtown Wyandanch in the future with the proposed project, including redevelopment of the strategic sites and development of the Intermodal Transit Facility being proposed under a separate FTA-sponsored project.

As noted at the beginning of this "Traffic" section, the 2027 Build condition includes the development of an Intermodal Transit Facility at the northeast corner of Straight Path and Acom Street adjacent to the LIRR tracks. The Intermodal Transit Facility would accommodate a structured parking garage that would provide 2,023 striped, ADA-compliant parking spaces.

It was assumed that the construction of the parking garage would not in and of itself create new traffic volumes; therefore, the number of parked vehicles for the future Build condition would be the same as those for the No Build condition. The existing number of off-street parking spaces is 1,122, but the projected parking demand for 2027 would be 1,447 vehicles. For the No Build condition, this would result in a deficit of 325 parking spaces. However, for the Build condition with the new parking garage, there would be enough parking spaces to accommodate the projected parking demand of 1,447 plus an additional 576 spaces for commuters and adjacent retail and office facilities.

Implementation of the proposed project, particularly the construction of an Intermodal Transit Facility in downtown Wyandanch, has implications for the transit services operating in the vicinity. Specifically, the question arises as to which transit services would be able to utilize such a facility.

Recent years have shown an increase in bus ridership on the Suffolk County Transit routes that serve the Wyandanch LIRR station and an increase in LIRR ridership using the Wyandanch station. The increasing trend in bus ridership and train commuting is expected to continue into the future; LIRR noted the popularity of the Ronkonkoma Branch overall and of the Wyandanch station in particular, which should result in an increase in service in the near future.

The proposed bus stops would be located on Straight Path just north of the LIRR tracks and would include bus shelters to protect riders from the elements. The new bus stops would link directly to the proposed Intermodal Transit Facility and would provide access to the LIRR station and public plaza via new high visibility crosswalks and sidewalks.

Additional transit enhancements would include upgrades to the LIRR Wyandanch station and platform with weather protection for customers. Pedestrians would also be able to access the new Intermodal Transit Facility via a new footbridge proposed from Doe Street over the LIRR tracks, linking directly to the proposed Intermodal Transit Facility.

The LIRR anticipates that ridership on the railroad would continue to grow, particularly with the addition of a second track in 2014. An opportunity would present itself to increase Suffolk County Transit bus service to accommodate future commuter volumes and better coordinate bus schedules with train schedules.

Adequate wayfinding information, guiding, and supporting pedestrian and vehicular access, would ensure that visitors would feel both welcomed and confident as they navigate new environments, which would be essential to encouraging return trips.

Wayfinding information from mass transit would give pedestrians clear directions from the bus stops and LIRR station to nearby destinations and parking facilities.

Goals for vehicular access include:

- Guidance for truck traffic to minimize street congestion
- Balancing of traffic flow to the new, larger capacity parking structure
- Guiding exiting traffic to major arteries to minimize street congestion.

To enhance the experience of utilizing public transportation, the Intermodal Transit Facility would improve passenger ease and convenience by:

- Coordinating a new comprehensive system of wayfinding signage that would be extensive and create clear paths to and from nearby train station and parking garage
- Implementing an enhancement program that would create distinctive and attractive bus passenger waiting shelters at the new bus stops on Straight Path
- Creating a link for pedestrians and bicycles over the railroad tracks to the new Intermodal Transit Facility.

12. The GEIS review examined the anticipated socioeconomic impacts of the proposed project. These impacts are primarily associated with newly created jobs, increased tax revenues, and other resulting expenditures, which are considered beneficial. The proposed project could also result in greater ownership of the project area by public entities, which would facilitate the redevelopment and revitalization of downtown Wyandanch. In addition, the proposed project could potentially displace residents and businesses from the project site, but this displacement would not constitute a significant adverse socioeconomic impact. The proposed project would introduce up to 1,335 new housing units to the project area by 2020. Based on the average household size for Wyandanch in 2000 (4.14), the proposed number of new housing units could translate to up to 5,527 new residents. However, this is a very conservative estimate since the average household size in the new housing units, which are expected to be a mix of housing unit types, including one-, two-, and three-bedroom townhomes, apartments, or condominiums, would be expected to be lower than the current household size in an area where the predominant housing type is relatively large three- and four-bedroom single-family homes. Moreover, some of the occupants of the new housing units would be expected to come from the current pool of Wyandanch residents, many of whom are currently living in overcrowded residences. The primary concern in an analysis of direct residential displacement is whether a proposed project would displace a population large enough to substantially alter the socioeconomic profile and neighborhood character of an area. The proposed project could displace

up to 23 housing units on the strategic sites, which consist of single-family homes and one eight-family affordable apartment building at 1471 Straight Path owned by Shelter Plus. Based on the average household size for Wyandanch in 2000 (4.14), up to 95 residents could be displaced from the strategic sites. In this case, the 95 residents that could potentially be displaced by the proposed project represent only 0.8 percent of the existing study area population (11,269). The displacement of such a small number of residents would not have the potential to substantially alter the socioeconomic profile or neighborhood character of the area. In addition, the proposed project would continue the presence of residential uses in the study area by introducing up to 1,335 new housing units by 2020. These new housing units could accommodate a portion of the potentially displaced residents.

Overall, the proposed project would not result in any significant adverse impacts due to direct residential displacement. The proposed project would not displace a substantial portion of the study area population, and it is possible that some displaced residents could find new housing in the units developed by the proposed project.

In addition, relocation benefits would be made available to residents that would be directly displaced by the proposed project. Any residents displaced through public acquisition of lands through eminent domain would be entitled to compensation and relocation benefits pursuant to the requirements of the New York State Eminent Domain Procedure Law. In addition, the Town of Babylon could also work with willing sellers to find suitable relocation options.

If a project would increase property values and thus rents throughout an area, making it difficult for some residents to afford their homes, indirect displacement could occur.

In some cases, indirect residential displacement can occur as a result of a project that introduces a substantial new population with different socioeconomic characteristics compared with the size and character of the existing population in the study area. The proposed project would introduce up to 1,335 new market-rate housing units or nearly 50 percent of the existing number of units in Wyandanch (2,776) and would increase the study area population by approximately 30 percent. While the projected increases in population and housing are substantial, the population expected to be introduced by the proposed project would not be expected to have

socioeconomic characteristics that are substantially different from the existing pool of Wyandanch residents such that indirect displacement would occur.

Indirect displacement could also occur as a result of some of the proposed project's other direct effects, including the displacement of uses or properties that have had a blighting effect on property values in the area and the introduction of a critical mass of non-residential uses such that the surrounding area could become more attractive as a residential neighborhood. However, the purpose of the proposed project is to alleviate blighted conditions and provide the basis for implementation of revitalization and redevelopment strategies. As such, the displacement of blighted properties and the development of retail, office, and institutional uses is necessary to achieve the goals of the proposed project. Moreover, any potential for indirect residential displacement would be offset by the proposed project's potential to spur positive trends in the study area and to attract investment to the area, which would bring increased tax revenue, job and shopping opportunities, housing options, improved aesthetics, and enhanced pedestrian and traffic safety.

The proposed project would introduce up to 962 employees to the project area, including retail/commercial, office, and institutional workers. Businesses that could be displaced by the proposed project are those on the strategic sites. The strategic sites were specifically chosen because they include vacant land or vacant or underutilized buildings and overall do not contain businesses with substantial economic value and do not contribute substantially to the character of the neighborhood. The uses on the strategic sites currently generate approximately \$1.26 million in total property taxes, representing about 8.1 percent of total property taxes generated in Wyandanch and less than 1 percent of the total property taxes generated in the Town of Babylon. Thus, the existing property taxes generated from the strategic sites are not substantial and are anticipated to be greater with completion of the proposed project, as underutilized and vacant properties are replaced with active, tax-generating uses from public and private investment in the area. It is anticipated that the Town would work with any institutions located on the strategic sites, including the Martin Luther King, Jr. Community Health Center and Wyandanch Head Start facilities, to facilitate their relocation. Any businesses displaced through public acquisition of lands through eminent domain would be entitled to compensation and relocation benefits pursuant to the requirements of the

New York State Eminent Domain Procedure Law. However, willing seller acquisition would always be the first choice. The Town of Babylon could also work with willing sellers to find suitable relocation options, such that no significant adverse impacts would be anticipated. Moreover, the new retail/commercial and office space introduced by the proposed project could accommodate some of these potentially displaced businesses.

Indirect displacement of businesses could result from competition with new uses, especially larger chain stores. However, the retail capture rate analysis included in the Market Study demonstrated that most Wyandanch residents spend their money outside of the Retail Trade Area. Also, the proposed new retail square footage was determined by assuming that new shoppers would come from the pool of residents who shop outside of Wyandanch. Thus, the capture rate is conservative; it is not expected that new retail uses would detract from existing stores. Further, increased competition could actually increase sales at existing stores by attracting new shoppers to the area and causing the local retailers to provide more goods than they did previously.

Indirect displacement could also occur as a result of some of the proposed project's other direct effects, including the introduction of a substantial new use to the study area, and the displacement of uses or properties that have had a blighting effect on property values in the area, which would lead to rises in commercial rents. While the amount of new office space to the study area (150,000 square feet) is substantial and a relatively new use, it is proposed in a manner that is compatible with surrounding uses. The proposed project would also directly displace some uses, including some residential uses, that directly support businesses in the area, as well as some uses that may bring people to the area that form a customer base for local businesses, such a cement manufacturing plant. Moreover, any potential for indirect business and institutional displacement would be offset by the proposed project's potential to spur positive trends in the study area and to attract investment to the area. Therefore, the proposed project is not expected to result in significant adverse impacts related to indirect business and institutional displacement.

13. The Town Board may acquire property within the project area by any legal means necessary, (including condemnation) to achieve the objectives of the Urban Renewal Plan. The New York State Office of Parks, Recreation and Historic Preservation has determined that there would be no effect upon cultural resources or structures eligible for inclusion in the National or State Registers of Historic Places as a result of this project.

Therefore the loss of existing structures within the project area is not anticipated to have any significant environmental impacts. The Urban Renewal Plan and GEIS anticipate redevelopment within the project area. The act of condemnation of land in itself would not have immediate environmental impacts. However, the Lead Agency, the Town Board of the Town of Babylon, recognizes that it will eventually result in the demolition of structures in accordance with local, State, and any other applicable regulations and future redevelopment of sites in conformance with the Plan. Secondary environmental impacts in the form of redevelopment are fully discussed in the GEIS and anticipated. New development in the project area is an anticipated outcome in connection with any condemnations by the Town of Babylon or other agencies that may occur. Beneficial impacts as a result of redevelopment will occur in the areas of sanitary wastewater disposal, stormwater management, and cleanup of sites that may have existing environmental problems. Land in the project area will redevelop under much more stringent modern health and environmental standards than were required for older structures/development in many cases decades ago. These standards will mitigate potential adverse impacts as a result of redevelopment. Many properties in the project area have had environmental issues for long periods of time that have not been properly addressed. Redevelopment will help facilitate addressing these environmental issues and the redevelopment will have positive overall environmental impacts on the Wyandanch community.

14. The proposed project would result in the investment of significant private capital into the local and regional economy. As stated above, the proposed project would introduce up to 962 employees to the project area, including retail/commercial, office, and institutional workers, in addition to any construction-related jobs. The proposed project would also indirectly result in additional employment opportunities for local tradesmen and service companies.

During construction, the proposed project would result in positive economic effects including direct benefits, usually measured by specific construction-related expenditures for labor, services, and materials; and indirect or generated benefits, representing expenditures made by material suppliers, construction workers, and other employees involved in the direct activity for the purchase of other goods and services within the region. The "secondary" expenditures support economic activity that, in turn, generates new employment within the region. Constructing the project would also

create tax revenues for Suffolk County, the Metropolitan Transportation Authority (MTA), and New York State. These taxes include sales tax, personal income tax, corporate and business taxes, and numerous miscellaneous taxes.

The proposed project is intended to redevelop vacant and underutilized land and buildings on the strategic sites with active, tax-generating uses, such as mixed housing, retail, and commercial uses, or community-oriented uses. Therefore, the proposed project would result in positive tax benefits for the State, County, Town, and local taxing jurisdictions. Future property tax revenues generated by the proposed project would be determined by the local tax assessor.

15. In addition to benefiting the local economy, the proposed project could potentially enhance quality of life in the local community. The proposed project is expected to encourage the development of aesthetically pleasing, safe, community- and transit-oriented uses. The proposed development scenarios include a central location for community resources including youth and health services. The proposed project would also include a range of housing options not currently offered in Wyandanch and could offer an alternative to those currently living in overcrowded or unaffordable homes. The proposed project's TOD component could potentially reduce the need for some residents to commute by car, thus resulting in reduced traffic congestion in the area. Mixed-use development also creates walkable communities. As explained above, the proposed project would create positive employment opportunities for residents of various socioeconomic strata. Therefore, the proposed project is expected to have positive impacts on the local economy and community in terms of fiscal and social benefits, and no potentially significant adverse effects are expected.

16. The project area generally lacks a sense of place, with little to no distinguishing character or uniform building or street design elements. There is also an abundance of vacant lots, deteriorating buildings, and the presence of graffiti, trash and debris, and barbed wire. The project area also lacks trees and landscaping; rather, a significant portion of the project area is dominated by asphalt surface parking.

The proposed project would serve to alleviate these adverse visual conditions while strengthening some of the area's positive visual aspects,

such as uniform lampposts and planters and a brick walkway along portions of Straight Path that contribute to a sense of place and give the area a "Main Street" feel. The proposed project would create new visual gateways at the northern and southern ends of the project area. The high-density mixed-use TOD core around the LIRR station, including the plaza proposed as part of the Intermodal Transit Facility, would mark the entrance to the downtown core from the north. At the southern end of the project area, new low-density residential uses would replace the existing unsightly industrial uses and be more compatible with the existing surrounding residential uses. The proposed project includes a number of recommendations to improve visual conditions in the project area including recommendations for: condensed parking areas; redevelopment of vacant lots and vacant or deteriorating buildings; uniform streetscape elements including zero lot line buildings, streetlights and signs, sufficient waste receptacles, minimum sidewalk widths, and facades; design standards that address line of sight issues and encourage building clarity, unity, and coherence; improved aesthetics and connectivity; new public open space; and beautification projects. Therefore, the proposed project is not expected to result in any significant adverse visual impacts.

17. The redevelopment of the project area would generate additional demand for community and emergency services, including police and fire protection and emergency medical services, as well as schools. The proposed project would introduce a number of new residents and workers to the project area, thus creating additional demand for community and municipal services, including schools.

Assuming that of the proposed townhomes, apartments, or condominiums, approximately 77 percent would be owner-occupied and 23 percent would be renter-occupied and that the mix of one-, two-, and three-bedroom units would be evenly distributed, a weighted average multiplier was calculated (0.41) and the number of public school children that could be generated from the proposed project was estimated at 548.

This is a projected increase of approximately 27 percent over the existing district-wide enrollment. Some of the occupants of the new housing units, including public school age children, would be expected to come from the current pool of Wyandanch residents, including school age children, many of whom are currently living in overcrowded residences. As discussed previously, the intent of the proposed project is to redevelop vacant and underutilized brownfields and other properties within the project area with

active tax-generating uses. Tax dollars from the proposed project would add much needed revenue to the school district. The school district's history of poor schools, low test scores, and budget deficits are well documented. Overall, the proposed project is expected to have positive benefits on the school district and no significant adverse impacts would be expected.

The proposed project would create added demand for emergency services, but would not be expected to have an adverse effect on such services. No potential significant adverse impacts are expected based on information provided by the various local services as well as a review of state and national standards regarding police, fire, and emergency medical services.

18. The proposed project's potential direct effects on community services include the potential relocation of the Martin Luther King, Jr. Community Health Center and Wyandanch Head Start facilities to Site F, adjacent to the existing Youth Center, thereby creating a centralized, safe, location for community facilities that could serve to establish pride and a sense of place in the community. Such relocation is considered a positive impact and the Town would work with these institutions to facilitate their relocation. Any institutions displaced through public acquisition of lands through eminent domain would be entitled to compensation and relocation benefits pursuant to the requirements of the New York State Eminent Domain Procedure Law. However, willing seller acquisition would always be the first choice. The Town of Babylon could also work with willing sellers to find suitable relocation options, such that no significant adverse impacts would be anticipated.

19. The GEIS analyzed the potential impacts of the proposed project on cultural resources, including archaeological resources and standing historic structures. The GEIS analysis was prepared in accordance with the New York State Historic Preservation Act of 1980 (SHPA), as set forth in Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. This law requires that state agencies consider the effects of their actions on any properties listed on or determined eligible for listing on the State and National Registers of Historic Places (S/NR) and affords the Commissioner of the New York State Department of Parks, Recreation and Historic Preservation (i.e. the New York State Historic Preservation Office [SHPO]) the opportunity to comment. Since there are no known or eligible historic resources within the ¼-mile study area for historic resources (see Chapter 3, Section I, "Cultural Resources"), no significant adverse impacts to historic resources are expected to result from the

proposed project. In a letter dated February 12, 2007, SHPO determined there will be no impact on Architectural Resources. In a letter dated February 12, 2007, SHPO determined that the proposed project will have no impact on archaeological resources.

20. The proposed project would alter the existing landscape, with structures, associated parking areas, landscaping, and other development features. The GEIS assessed the project's potential impacts on geology, soils, and topography, and describes the capacity of underlying bedrock and soil conditions and topographic features (slopes) in the project area to support the proposed developments. The Soil Survey of Suffolk County provides a generalized assessment of soil suitability for potential uses on sites. Any limitations for construction can be overcome through site engineering. The project area has slight to moderate soil erosion potential. To minimize erosion, developers would adhere to the New York State Standards and Specifications for Erosion and Sediment Control (August 2005), to control erosion and stabilize the soil. During and after construction, erosion and sediment control measures would be implemented to stabilize exposed soil and to provide a final cover of vegetation on post-construction slopes. Prior to the onset of construction activities, a wide range of temporary erosion and sediment control measures would be utilized to ensure soil stabilization and protection of exposed areas throughout the construction period to the maximum extent practicable. An erosion and sediment control plan would need to be prepared by individual developers as part of a Storm Water Pollution Prevention Plan (SWPPP) prior to construction on sites greater than 1 acre, as required by NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-08-002) and Chapter 189 of the Code of the Town of Babylon, Stormwater Management and Erosion and Sediment Control.

The erosion and sediment control plan would include measures to control erosion and sedimentation in accordance with the New York State Standards and Specification for Erosion and Sediment Control. Such measures could include a silt fence around the perimeter of all localized construction activities in a necessary effort to minimize/prevent sediment from leaving the project area. Permanent drainage facilities could be installed in lieu of temporary structures. Hay bale barriers could be provided to trap sediment in stormwater runoff from impervious surfaces at all grated inlet structures. Establishment of future groundcover would be

implemented as rapidly as is practicable to stabilize and minimize loss of soils after the bulk of the site grading and excavation activities have been completed. Additional sediment barriers or temporary diversion dikes may be utilized as required by field conditions during construction to ensure stormwater runoff is contained on-site. A construction entrance would be installed and maintained to prevent soil and loose debris from being tracked onto local roads. All erosion and sediment controls described in the SWPPP would be installed prior to construction activities and would remain until final stabilization as defined in General Permit GP-0-08-002, unless specifically noted. Post-construction measures to control stormwater runoff from the strategic sites would also be required.

21. With the extension of public sewer service to the project area, the potential for groundwater contamination from failing septic systems would be eliminated. The project area is not located within a Special Groundwater Protection Area or within the Pine Barrens, areas of ecological importance protected by Articles 55 and 57, respectively, of the Environmental Conservation Law. Individual developers would have to prepare a SWPPP prior to construction on sites greater than 1 acre, as required by the NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-08-002). Stormwater management practices would be selected and implemented in accordance with the New York State Stormwater Management Design Manual (post-construction measures), and the New York State Standards and Specification for Erosion and Sediment Control (construction measures). The SWPPP would also be subject to review by the Town of Babylon's Planning and Development Department and Environmental Control Department in accordance with Chapter 189 of the Town Code. With these issues addressed, no significant adverse impacts to water resources would be expected to result from the proposed project.

22. The project area largely consists of impervious surfaces, with landscaped areas and vegetative habitat comprising a negligible portion of the project area. The proposed project will seek to identify ways to increase and improve the quality and quantity of vegetative plantings in the project area and will preserve or improve any existing substantial patches of manicured areas on parcels within the project area. Trees will continue to line the east and west sides of Straight Path. Trees, parks, wetlands, and

other examples of natural resources and open space in the surrounding study area would be unaffected by the proposed project.

23. Due to the area's developed nature, mammals likely to utilize the project area are those more tolerant of habitat disturbance and would continue to be present in the project area once the proposed project is fully operational. Reptiles and amphibians requiring wetlands and aquatic resources for a large percentage of their life cycle are unlikely to occur in the project area. Birds potentially known to occur within the project area would be unlikely to be affected by the proposed project since the project area provides little if any avian habitat. Most of the endangered and threatened species found to occur in Suffolk County do not occur in the hamlet of Wyandanch because of the area's highly developed or built nature and lack of saltwater or coastal water bodies. Moreover, rare species and ecological communities known to occur in the Town of Babylon or the larger study area are highly unlikely to nearly impossible to be found in the project area, because of its developed nature. Therefore, the proposed project would not be expected to result in significant adverse impacts to natural resources.

24. The GEIS examined the potential for air quality impacts associated with the proposed project. Air quality impacts can be either direct or indirect. Direct impacts stem from emissions generated by stationary sources at a development site, such as emissions from fuel burned on site for heating, ventilation, and air conditioning (HVAC) systems. The proposed project would not result in any significant adverse air quality impacts from stationary sources. Indirect impacts are caused by potential emissions from mobile sources/vehicles generated by the proposed project. As stated in the relevant GEIS the results of the screening analysis were based on NYSDOT's EPM employed to determine whether the proposed project requires an air quality analysis. None of the two project-affected intersections would require a detailed microscale air quality analysis. Therefore, no significant adverse air quality impacts would be expected to occur as a result of the proposed project's mobile sources. The proposed project is not expected to cause any new violations of air quality standards or exacerbate any existing violations for the projected 2027 Build condition. Therefore, the proposed project would not have a significant adverse impact on local air quality and would be considered consistent with the requirements of the New York SIP.

25. The GIS included noise analysis for the proposed project considers the noise levels that would be produced by traffic generated by the proposed redevelopment. The proposed redevelopment would not create any significant long term noise impacts. However the residential development would be impacted by traffic noise and mitigation measures (noise attenuating construction guidelines) have been identified for redevelopment. There will be temporary noise impacts from construction activity in connection with the redevelopment.

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26. The GIS assessed the proposed project's potential to result in changes to stormwater runoff characteristics, quantity, and quality. The proposed project's conformance with local, state, and federal stormwater management requirements was also assessed. The proposed stormwater infrastructure in connection with the redevelopment is subject to the requirements of Chapter 189, "Stormwater Management and Erosion and Sediment Control," of the Code of the Town of Babylon. In addition, potential developers would be required to comply with the federal Phase II stormwater regulations, which require that all new construction and redevelopment projects that disturb greater than or equal to 1 acre of soil obtain a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-08-002) from the New York State Department of Environmental Conservation (NYSDEC). Land development can affect both the quantity and quality of stormwater runoff. The proposed project would transform vacant land into active residential, commercial, and institutional uses. As a result, the quantity of stormwater runoff from the proposed development sites would increase over the existing condition. Moreover, the quality of stormwater runoff could be affected by an increase in impervious surfaces. At the proposed development sites, the quantity of stormwater infiltration would be maintained and recharged on-site, consistent with Phase II of federal stormwater regulations and the various Codes of the Town of Babylon that address site plan review. With the proposed project, approximately 5 percent of the project area would be covered by pervious surfaces, compared with about 14 percent in the existing condition. As a result of this decrease in pervious surfaces, the amount of stormwater runoff generated from the project area would increase slightly. Potential developers of sites greater than or equal to 1 acre would be required to adhere to a SWPPP pursuant to the NYSDEC State Pollution Discharge

Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-08-002). Stormwater management practices would be selected and implemented in accordance with the New York State Stormwater Management Design Manual (post-construction measures), and the New York State Standards and Specification for Erosion and Sediment Control (construction measures). The SWPPP would also be subject to review by the Town of Babylon's Planning and Development Department in accordance with Chapter 189 of the Town Code. The New York State Stormwater Management Design Manual provides guidance for a unified approach to sizing permanent stormwater management practices (SMP's) to ensure adequate containment and conveyance of stormwater resulting from proposed development. The criterion outlined in the above referenced design manual specifies that SMP's should be designed to capture and treat 90 percent of the average annual stormwater runoff volume, known as the Water Quality Volume. Each potential developer within the proposed project area would be required to comply with the required storage volume, and other requirements, where applicable. For example, the drainage from the strategic sites could be recharged on-site through a series of drywells. While the quality of stormwater runoff can be affected by contamination from impervious surfaces, herbicides, and other pollutants, most soils are particularly effective in filtering particulates, such as sediments including phosphorus and most heavy metals. As required by Chapter 189 of the Town Code maintenance of permanent stormwater management controls and drainage structures would be performed by the owner/operator upon completion of construction activities. Routine maintenance responsibilities for the permanent drainage facilities would include the following:

- Monitoring of the drainage inlets should be completed on a routine basis, particularly following large storm events. Curb gutters and drainage grates should be kept free from the obstruction of leaves, trash and other debris.
- Drainage structures should be inspected annually and immediately following a significant rainfall to ensure proper function and adequate recharge rates of stormwater runoff. Annual cleanout of drainage structures is recommended to remove seasonal leaf litter and debris in early winter. Additional monitoring and cleanings may be necessary in the spring if higher than normal applications of sand and salt have been needed during the winter.

- All seeded and landscaped areas should be maintained, reseeded, and mulched as necessary to maintain a dense vegetative cover.

Potential developers would provide drainage systems designed to comply with the NYSDEC 90 percent capture and treatment requirements as outlined in the New York State Stormwater Management Design Manual. Adherence to other state stormwater requirements, where applicable, would also be required.

In addition, the proposed project would comply with all local, state, and federal requirements related to stormwater management. Therefore, no significant adverse impacts related to stormwater runoff are expected to result from the proposed project.

27. It is not expected that the Wyandanch Downtown Revitalization Plan would result in any significant construction impacts in the study area. Construction impacts are temporary, are not considered significant, and would end once construction is complete. Moreover, certain construction techniques (such as erosion and sediment control practices) would be employed to minimize the adverse effects of construction. The GEIS fully analyzed construction impacts in connection with the redevelopment.

28. Unavoidable adverse impacts occur when a proposed project results in significant adverse impacts for which there are no reasonable or practicable solutions, and for which there are no reasonable alternatives that would meet the purpose and need of the action, eliminate the impact, and not cause other or similar significant adverse impacts. As analyzed in the relevant GEIS, the proposed project would not result in significant adverse environmental impacts. However, the proposed project would result in short-term adverse construction effects in addition to long-term impacts on natural resources, which are not considered significant. As discussed above, a number of the potential construction impacts, as well as potential long-term impacts, would be avoided through the implementation of abatement measures incorporated into the project design.

29. The term "growth-inducing aspects" generally refers to the long-term secondary impacts of a proposed project that trigger further development in areas outside of the project area that would not have such development without the proposed project. Secondary impacts may include growth of physical development, population increases in the surrounding community, increases in economic growth, and/or social or cultural expansion. Projects that add substantial new land

use, new residents, or new employment could induce additional development of a similar kind or of support uses (e.g., stores to serve new residential uses). Actions that introduce or greatly expand infrastructure capacity (e.g., sewers, central water supply) might also induce growth. The proposed plan would encourage the redevelopment and revitalization of downtown Wyandanch that would not otherwise be expected in the absence of the proposed project. As such, the proposed project could induce new growth in the study area by attracting new businesses and residents once the market is able to accommodate new growth. However, the proposed project and any potential secondary development would also be dependent upon new infrastructure capacity to support it. Without the expansion of public sewer service to downtown Wyandanch, secondary growth may not be possible. Moreover, the level of future development in the study area is controlled by the Town of Babylon under the current and any future zoning.

30. The proposed Plan would require energy in the form of gas and electricity consumed during construction and operation of the proposed developments. However, the proposed plan would not have an adverse effect on the distribution, generation, and maintenance of existing energy facilities. In addition, all applicable proposed projects under the Plan would meet the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certification and ENERGY STAR standards, to ensure the development of environmentally responsible, energy-efficient buildings.

31. Irreversible and irretrievable commitment of resources refers to both the built and natural resources that would be expended in the construction and operation of a proposed project. There are a number of resources, both natural and built, that would be expended in the construction and operation of the proposed developments. These resources include the materials used in construction (e.g. glass, wood, metal, plastics, etc.); energy in the form of gas and electricity consumed during construction and operation of the proposed developments; and the human effort (time and labor) required to develop, construct, and operate various components of the proposed plan. They are considered irretrievably committed because their reuse for some purpose other than the proposed project would be highly unlikely.

The project would not require a significant commitment of existing natural resources on the potential development sites in the form of vegetative

cover, since the project area is composed of over 80 percent impervious coverage. The vegetative community featured within the project area is not of special concern for the ecological well-being of this area of the hamlet or the region, and it is not expected that the proposed project would pose a significant adverse impact to the natural flora or fauna resources on or in close proximity to the project area.

These commitments of land and human resources and materials have been weighed in light of the public purpose and need for the proposed project to promote redevelopment and revitalization in downtown Wyandanch to stimulate the economy and provide a better quality of life for existing and future residents and the benefits of the project far outweigh negative environmental impacts..

32. When significant impacts are disclosed, the State Environmental Quality Review Act requires an analysis of mitigation. For each significant impact, feasible mitigation (e.g. measures to mitigate potential impacts on rare or endangered plant or animal species, water quality protection measures, etc.) should be examined. When there is no reasonable feasible mitigation, these impacts are disclosed as unavoidable adverse impacts.

As discussed in the GEIS the Wyandanch Downtown Revitalization Plan would not be expected to result in significant adverse environmental impacts. In addition, site specific review could be performed for planning board or Town Board review for any developer proposals that may have the potential for significant adverse environmental impacts and that may require additional studies of groundwater or surface water impacts and natural resources.

Alternatives

The GEIS review examined the potential impacts and effects of the proposed Plan against two alternatives, namely, the No Action Alternative and an As-of-Right Alternative. The No Action Alternative assumes no

actions are taken by the Town and that the proposed plan would not be implemented. Existing conditions in the project area in terms of a relatively high number of vacant parcels, limited new development, economic stagnation, pedestrian and traffic safety concerns, and potentially contaminated properties would continue. The No Action Alternative represents a projected future condition in 2020, or the year that the proposed plan would be expected to be implemented, should it be adopted. In the No Action Alternative, it is not expected that there would be any substantial new development in the project area, with the exception of the Intermodal Transit Facility being proposed under an FTA-sponsored project. New development would be limited by the constraints that currently exist and would continue to exist in the future. These constraints include irregularly-shaped, relatively small parcels; low-density development zoning; potentially contaminated properties; lack of adequate infrastructure to accommodate future growth; and transportation-related issues. Existing vacant lots and vacant buildings would remain, as would current zoning. As such, incompatible and/or underperforming land uses, including a major concentration of free commuter parking in Wyandanch's downtown, industrial uses in close proximity to residential uses, industrial businesses in Wyandanch's downtown commercial core, and illegal land uses would remain. In the No Action Alternative, local public policy goals," for the project area would not be realized. In the No Action Alternative, there would be relatively little change in demographics or housing for the area associated with anticipated growth trends. Retail Trade Area stores would continue to capture a relatively low percentage of the existing expenditure potential, and Wyandanch residents would continue to shop primarily outside of the project area. The composition of retail stores in the area would also not be expected to change drastically. Wyandanch's industrial market would be expected to remain strong. The office market would remain relatively nonexistent. It is also expected that the property taxes generated in the No Action Alternative would not increase substantially over those currently collected, due to the limited amount of new development expected in the project area by 2018. In the No Action Alternative, no significant adverse impacts to geology, soils, or topography in the study area, which is already developed and almost entirely impervious, would occur. In the No Action Alternative, the shallow depth to groundwater in the project area would continue to create problems with flooding and failed septic systems in certain areas. Because the groundwater table is relatively high in the project area, groundwater is subject to

contamination from stormwater runoff from roads and failing septic systems and this would continue in the future with or without the proposed project. Eighty-five percent of the homes in Wyandanch are potentially using sewage treatment systems that have outlived their useful life. Many of the original septic systems and cesspools are likely to require rehabilitation or replacement, given that failing septic systems are a common source of water pollution and a potential public health issue. Thus, there would be strong need for sewers in downtown Wyandanch in the future with or without the proposed project. However, in the No Action Alternative, as compared with the proposed plan, there would be no locally adopted plan for encouraging the expansion of public sewer services to downtown Wyandanch, and potential funding under the BOA Program to provide for such services would not be possible. In the No Action Alternative, as with the proposed plan, no significant adverse impacts would be expected on surface waters, wetlands, or other natural resources.

The No Action Alternative would not be expected to have a significant adverse impact on the existing visual character of the community. However, improvements to visual character in the community anticipated with implementation of the proposed plan would not be realized with the No Action Alternative. The absence of the required vegetative buffers between industrial areas and adjacent residential uses would continue to create unsightly views for neighbors and the general public. In addition, the numerous vacant lots, especially along Straight Path, would continue to create openings in the streetscape and serve as repositories for trash and debris. The No Action Alternative would not significantly change community facilities or emergency services within the study area. However, constraints to development would prevent the project area from realizing on its full potential tax base, including school taxes. The Wyandanch UFSD's negative fiscal trend would be expected to continue, and the school district would not receive much additional tax revenue for which there is a demonstrated need. In the No Action Alternative, the limited projected new development would not be expected to have a significant adverse impact on traffic conditions in the study area. However, the existing congestion, deficiencies, and safety concerns would continue and there would not be a plan in place for improving traffic conditions in the area. Moreover, the existing high concentration of free, unrestricted parking in downtown Wyandanch would continue, impeding any potential for increased tax revenue for the Town from the provision of public parking services. No

significant changes to air and noise resources would result from the No Action Alternative. In the No Action Alternative, the Town would not receive the appropriate funding under the BOA Program to conduct Site Assessments for potentially contaminated properties on the Strategic Sites. Potential new development would continue to be limited by the real or perceived environmental contamination on the Strategic Sites. However, the No Action Alternative would not be expected to result in significant adverse impacts related to hazardous materials. The No Action Alternative would not be expected to result in significant adverse impacts related to stormwater. However, significant drainage issues observed in the project area would be expected to continue, which has implications for potential groundwater contamination. In the No Action Alternative it is expected that demands on infrastructure, including water supply, sewer/sanitary systems, and solid waste services, and energy would remain relatively the same as in the existing condition. However, as discussed above, there would be a strong need for sewers in downtown Wyandanch in the future with or without the proposed project. No significant impacts to cultural resources would occur under the No Action Alternative, as with the proposed plan. Similar to the proposed action, it is not expected that this alternative would result in significant construction impacts, which are temporary. It is expected that certain construction techniques would be employed to minimize the adverse effects of any potential new construction.

The As-of-Right Alternative assumes that the proposed plan would not be implemented and that future development, including but not limited to development of existing vacant lots and/or reuse of existing buildings, would occur in a manner that is consistent with current zoning. The As-of-Right Alternative assumes full build-out of the project area. In the As-of-Right Alternative, development in the project area would occur according to what is permitted under the current zoning. However, it is expected that development would occur in a manner that does not encourage high- and medium-density mixed uses; does not create a uniform streetscape; does not create a local resident permit parking system; does not address transportation concerns and infrastructure-related issues; does not promote the revitalization of brownfields; and that is not consistent with the public goals outlined in Wyandanch Rising. It is expected that under the As-of-Right Alternative, development would occur in a haphazard manner, and therefore potentially have a significant adverse impact on land use in the project area. In the As-of-Right Alternative, it is expected that the existing

zoning districts would remain. Nonconforming uses would not be phased out. The small size of certain commercial lots in Wyandanch combined with restrictive commercial zoning would continue to limit the types of uses that could be developed in the project area, thereby limiting the full reuse and tax-generating potential of these lots. In the As-of-Right Alternative, similar to the No Action Alternative, there would be relatively little change in demographics or housing types for the area, although the population and number of housing units would be expected to increase. Single-family homes would continue to make up the bulk of the housing stock in Wyandanch; home-ownership rates would remain relatively low; and while home prices would remain relatively inexpensive, it is expected that home ownership would remain out of reach for many of the Wyandanch's residents, given that the community's median household income would be expected to remain relatively low and the unemployment rate would be expected to remain relatively high. Retail Trade Area stores would continue to capture a relatively low percentage of the existing expenditure potential, and Wyandanch residents would continue to shop primarily outside of the project area. The composition of retail stores in the area would also not be expected to change drastically. Wyandanch's industrial market would be expected to remain strong; the office market would remain relatively nonexistent. Property taxes generated in the As-of-Right Alternative would be expected to increase substantially over those currently collected; however, the expected increase in tax revenue would not be as much as with the proposed plan due to the fact that the current restrictive commercial zoning and small, irregularly shaped tax lots would remain, thereby remaining unappealing to developers who typically seek large areas of land for redevelopment with high tax-generating uses. The As-of-Right Alternative would not be expected to result in significant adverse impacts to geology, soils, or topography in the study area, which is already developed and almost entirely impervious. With regards to topography, any changes to existing grades that would occur as a result of development would be evaluated on a site by site basis through the site plan review process. In the As-of-Right Alternative, groundwater in the project area would continue to be subject to contamination from flooding and failed septic systems in certain areas, resulting in water pollution and a potential public health issue. Thus, there would be strong need for sewers in downtown Wyandanch in the future with or without the proposed project. However, in the As-of-Right Alternative, as compared with the proposed plan, there would be no locally adopted plan for encouraging the expansion of public sewer services

to downtown Wyandanch, and potential funding under the BOA Program to provide for such services would not be possible. In the As-of-Right Alternative, as with the proposed plan, no significant adverse impacts would be expected on surface waters, wetlands, or other natural resources. The As-of-Right Alternative could have a significant adverse impact on the existing visual character of the community, since improvements to visual character in the community anticipated with implementation of the proposed plan would not be realized with the As-of-Right Alternative. For example, development would occur absent any enforced policies to establish uniform façade design or zero lot line setbacks. The absence of the required vegetative buffers between industrial areas and adjacent residential uses would continue to create unsightly views for neighbors and the general public. The As-of-Right Alternative could significantly affect community facilities or emergency services within the study area. Constraints to development would prevent the project area from realizing on its full potential tax base, including school taxes. Although property tax revenue would increase, the increase in revenues would be expected to be less than with the proposed plan, given that land assembly would be unlikely and commercial zoning would remain restrictive given the existing size and configuration of vacant parcels. The Wyandanch UFSD's negative fiscal trend would be expected to continue, and the school district would not receive the additional tax revenue that would be expected from the proposed plan, for which there is a demonstrated need. In the As-of-Right Alternative, build out under current zoning would occur without improvements to parking, roadways, public transportation, and pedestrian amenities. The projected new development would be expected to have a significant adverse impact on traffic conditions in the study area, since an area-wide plan to improve traffic conditions and mitigate the adverse effects of new development would not be in place. Without improvements necessary to accommodate new development, the transportation and parking conditions in the project area would decline and the existing congestion, deficiencies, and safety concerns would continue. Moreover, the existing high concentration of free, unrestricted parking in downtown Wyandanch would continue, impeding any potential for increased tax revenue for the Town from the provision of public parking services. The new development would also be expected to create competition for parking between area residents, visitors, business owners, and employees with out-of-town commuters, potentially creating a significant adverse impact on parking in the area. The As-of-Right Alternative could result in increase air

and noise emissions from the increase traffic expected with new development, although these changes to air quality and noise conditions would not be expected to be significant given the already high levels of traffic in the area. In the As-of-Right Alternative, the Town would not receive the appropriate funding under the BOA Program to conduct Site Assessments for potentially contaminated properties on the Strategic Sites. Potential new development would continue to be limited by the real or perceived environmental contamination on the Strategic Sites. However, the As-of-Right Alternative, as with the proposed plan, would not be expected to result in significant adverse impacts related to hazardous materials. The As-of-Right Alternative could result in significant adverse impacts related to stormwater. Significant drainage issues observed in the project area would be expected to continue, which has implications for potential groundwater contamination, since there would be no area-wide plan in place to limit stormwater runoff in the project area from new development. However, new development would be subject to applicable federal and local stormwater regulations designed to manage stormwater. In the As-of-Right Alternative it is expected that demands on infrastructure, including water supply, sewer/sanitary systems, and solid waste services, and energy would increase over the existing condition such that there could be significant impacts. As discussed above, there would be a strong need for sewers in downtown Wyandanch in the future with or without the proposed project. No significant impacts to cultural resources would occur under the As-of-Right Alternative, as with the proposed plan, given that the project area is not sensitive for cultural resources. Similar to the proposed action, it is not expected that this alternative would result in significant construction impacts, which are temporary. It is expected that certain construction techniques would be employed to minimize the adverse effects of any potential new construction.