



# Town of Brookhaven Long Island

**Edward P. Romaine**, Supervisor

To: Joseph Sanzano, Planning Division, PELM

From: Peter E. Fountaine, Pr. Environmental Analyst, DEP, PELM

*PEF*

Date: November 17, 2020

Re: Town Board Special Use Permit Application  
Peconic Environmental Services Corp. at Medford  
2020-0018-CZ  
100 Peconic Avenue, Medford, NY  
SCTM # 0200 73600 0200 008003 (6.05 ac.)

The Division of Environmental Protection (DEP) has reviewed the application for the above-mentioned Special Use Permit to construct and operate a Transfer Station for the storage and sorting of construction and demolition (C&D) debris with waivers of the Special Use Permit Criteria. The site consists of approximately 6.05 acres of significantly disturbed L-Industrial-2 and L-Industrial-1 zoned property and the proposed action is considered Unlisted pursuant to the State Environmental Quality Review Act (SEQRA). Coordinated review was initiated on November 9, 2020.

The project will require a waiver of the Special Use Permit Criteria requiring any structure on the premises to be located a minimum distance of 750 feet from property zoned for residential use and a waiver of a maximum building height of 40 feet. The proposed main structure to store and sort C&D debris and a scale house, will be located approximately 75 feet from residentially zoned property owned and operated by the Long Island Railroad (LIRR). The existing one-story security/office building is located less than 750 feet from residentially zoned property located along Jamaica Avenue to the South. The maximum building height waiver is to allow a building height of 67 feet. The proposed transfer station intends to accept 1,938 tons per day of C&D material, and further proposes to provide out of state transport of this material by rail, to a permitted construction and demolition debris disposal site in Ohio.

The nearest actual residential property line is 450-feet from the subject property to the South. The areas between the project site and the residentially zoned property to the South include Peconic Avenue and outdoor car storage including a site identified as Sheridan Waste Oil Company located at 114 Peconic Avenue. The Sheridan Waste Oil Company was a waste oil recycling operation where continuous oil spills and discharges of solvent and heavy metal contaminated water was deposited to the on-site soil and was the subject of remediation by the New York State Department of Environmental Conservation (NYSDEC) (Site Remediation Code 152024). Several of the above and below grade tanks have since been removed and based on the results of the Remedial Investigation (RI) it was determined that there is no current or potential threat to public health, the environment, and additional investigations are unnecessary.

Areas to the North include the residentially zoned LIRR, undeveloped A-Residential-1 zoned properties and Long Island Avenue located approximately 140 feet from the subject property. On the North side of Long Island Avenue are a collection of properties zoned Commercial Recreation and L-Industrial-1. The Commercial Recreational zoned properties consist of the 8.6-acre Boomers! Medford Amusement Center and a 32.25-acre vacant property that was formerly the site of a multiplex movie theatre and now is the subject of a site plan application for the development of an Off-Track Betting (OTB) facility.

The site consists of approximately 6.05 acres of well drained and significantly disturbed L-Industrial-2 and L-Industrial-1 zoned property located above the Nassau-Suffolk Sole Source Aquifer (SSA), within the Town of Brookhaven Hydrogeologic Sensitive Zone, and within Groundwater Management Zone III, identified as a deep recharge area by the *Long Island Comprehensive Waste Treatment Management Plan* (L.I. 208 Study) and Article 7 of the Suffolk County Sanitary Code (SCSC). The Division of Environmental Protection is concerned with the

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project's potential impacts to groundwater, the appearance of segmentation, as well as the generation of excessive amounts of noise, dust, and odors from the transfer station operations impacting the surrounding community, recreational facilities, and area roadways. The following information will be required to complete the SEQRA review.

- A survey of the property should be provided with a discussion of operations that have occurred on the property since the issuance of the 1978 Certificate of Occupancy certifying the use of the land for a junk yard.
- The property's operational relationship to the contiguous properties to the East and West should be explained. Will the transfer station be segregated from the adjacent properties owned by the applicant? Why not consider a larger transfer station to include the adjacent L-Industrial-2 zoned property to the east?
- Please indicate if there is any reason to believe that the sediments at the bottom of the recharge basin (sump) in the southeast corner of the property are contaminated with semi-volatile compounds, petroleum hydrocarbons, and/or metals above background levels that may impact the underlying SSA.
- Have there been any documented fires onsite requiring the assistance of the local Fire Department and/or the Town of Brookhaven Fire Marshall?
- Town Code states that all toxic and hazardous materials shall be prohibited from the transfer station and requires the identification of the geographic sources of the construction and demolition debris as well as the way it is to be disposed. Please identify the geographic sources of the construction and demolition debris and specify which permitted construction and demolition debris disposal sites in Ohio are being considered and how the materials will be disposed.
- Proposed mitigation solutions to reduce noise and odor impacts to the surrounding community, recreational facilities, and area roadways should be provided.
- The application states a total water usage of 2,530 gallons per day including 900 gallons per day for dust suppression operations. The dust suppression operations should be explained.
- It is assumed that wastewater generated by the development will be discharged to groundwater. The application indicates a total anticipated liquid waste generation of 1,630 gallons per day of sanitary wastewater. The sources and types of the anticipated sanitary wastewater generated should be identified.
- Proposed mitigation solutions to minimize the impacts of leachate and unintended spills of oils, paints, pesticides, etc. to groundwater should be provided.
- The need for the exceedance of the maximum height of 40 feet should be explained.
- Will a residential drop off area for non-commercial vehicles be provided?
- How will the soil, waste, leachate and other materials be prevented from tracking onto the surrounding roadways?
- Please explain the emergency response to emergencies such as fires, explosions, natural disasters, and spills that may occur at the facility.
- Please note that:
  - Storage of construction or demolition debris within a transfer station shall not exceed three calendar days, including holidays, unless the Commissioner of the Department of Recycling and Sustainable Materials Management has issued an emergency extension at the request of the permittee.
  - A Storm Water Pollution Prevention Plan (SWPPP) will be required.
  - A NYSDEC Part 360 Solid Waste Management Facility Permit will be required.

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## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1

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### GUIDANCE DOCUMENT FOR NORTHERN LONG-EARED BAT (NLEB) SUMMER OCCURRENCE: HABITAT AREA OF CONCERN

The following guidance information applies only to properties and projects located solely within the jurisdictional corridor of the NLEB Summer Occurrence: Habitat Area of Concern.

Please contact Frederick Hamilton- Bureau of Wildlife Program Staff @ 631-444-0310 or via e-mail @ [frederick.hamilton@dec.ny.gov](mailto:frederick.hamilton@dec.ny.gov).

#### PLEASE PROVIDE THE FOLLOWING INFORMATION:

Subject Property Owner's name

Subject Property address

Property Owner's phone/ e-mail contact information

Location Map- (Google Map) clearly indicating the subject property in relation to roads and other landmarks.

Recent color photos of project site area mounted on a separate sheet labeled with date taken, site address and applicant name; include photo direction detail on site plan. Include a photo of the subject trees proposed to be removed.

Proposed Project Description- Describe the proposed project in its entirety and indicate the number of trees proposed to be removed.

Proposed Project site plan- Overview plan depicting the proposed project with dimensions and the trees proposed to be removed (provide tree survey detailing species and trunk diameter measured at five feet above ground level).

Justification of the necessity to perform tree cutting/clearing during the NLEB Summer Occurrence Tree Removal Prohibition period between **March 1 and November 31**, inclusive, of any calendar year.

Bureau of Wildlife Staff will review and render their determination regarding your proposal.