

## **APPENDIX S**

### **Draft Generic Environmental Impact Statement**

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## 1 Overview of the Action that is Subject to SEQRA

The ‘action’ that is subject to the State Environmental Quality Review Act (SEQRA) is the adoption of the Port Jefferson Comprehensive Plan Update (CPU). While the action itself will not result in any environmental impacts, its implementation could lead to land use changes that could create environmental impacts. The ‘action’ is more specifically the additional land use changes that would occur due to recommendations contained in this CPU. There would have been development in the Village without the CPU. This Draft Generic Environmental Impact Statement (DGEIS) does not address that development. Instead, this DGEIS addresses those recommendations of the CPU that could create adverse environmental impacts over and above those that would have occurred in the absence of the CPU and according to Village zoning codes and policies in place today.

Many of the changes proposed in the CPU would cause *positive* rather than adverse environmental impacts and are therefore not a part of this DGEIS. Some of the proposed positive changes include additional open space, improved stormwater collection and treatment, complete streets adoption, streetscape and façade upgrades, ‘greening’ of the waterfront, and improved pedestrian and vehicular mobility. The most environmentally significant changes proposed in the CPU relate to potential development in ‘Uptown’ Port Jefferson. A number of changes are proposed in the zoning code including height limits, setbacks, parking requirements, and minimum unit sizes.

A buildout analysis under existing zoning is part of the CPU (section 3). The CPU buildout resulted in an order-of-magnitude estimate of 430 apartment units in Downtown and approximately 250 apartment units Uptown (on Main Street and one block east and west of it). Potential new commercial space in the same Uptown blocks was estimated at 44,800 SF and 44,100 SF for Downtown. A more detailed Uptown buildout analysis that considered parcel aggregation yielded 416 dwelling units and 73,150 square feet of retail (Appendix H).

A buildout analysis was not conducted as part of the Uptown report (Appendix Q). The changes proposed in the Uptown report and the CPU, however, are unlikely to add to the potential buildout in Port Jefferson. In fact, the CPU proposes an increase in the minimum size of residential units from 400 to 500 square feet, a 25 percent increase. This change alone would significantly reduce the buildout from what is possible under current zoning. This is offset slightly by the potential for a partial (due to setback requirement) fourth floor incentive in exchange for specified community amenities.

Other CPU recommendations are discussed in the DGEIS sections below in terms of the adverse environmental impacts that might result from their implementation. Many of the CPU recommendations will have no environmental impact or will generate positive environmental impacts – these are typically not discussed or summarized only briefly in keeping with the requirements of a DGEIS to review *adverse* environmental impacts.

## 2 SEQRA Compliance

This DGEIS provides a mechanism to evaluate in a generic way, the potential impacts of the additional land use changes. It is anticipated that future development applications will be subject to additional and separate reviews under SEQRA, as this document does not address site specific issues or the way in which individual sites will be developed.

The Port Jefferson Comprehensive Plan Update (CPU) contains elements of a GEIS including a detailed description of the action. This GEIS chapter focuses on significant adverse environmental impacts, mitigation measures, and the No-Action Alternative of the CPU not being implemented. The CPU is incorporated herein by reference and the two documents together constitute the Draft GEIS. The Draft GEIS fulfills the requirements of SEQRA Subdivision 617.10(b) that states:

*(b) In particular agencies may prepare generic EISs on the adoption of a comprehensive plan prepared in accordance with subdivision 4, section 28-a of the General City Law; subdivision 4, section 272-a of the Town Law; or subdivision 4, section 7- 722 of the Village Law and the implementing regulations. Impacts of individual actions proposed to be carried out in conformance with these adopted plans and regulations and the thresholds or conditions identified in the generic EIS may require no or limited SEQR review as described in subdivisions (c) and (d) of this section.*

Subdivisions (c) and (d) below describe how future actions undertaken in compliance with the CPU would comply with SEQRA:

*(c) Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.*

*(d) When a final generic EIS has been filed under this part:*

*(1) No further SEQR 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;*

*(2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;*

*(3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;*

*(4) A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the*

*generic EIS and the subsequent action may have one or more significant adverse environmental impacts.*

It is anticipated that this GEIS will serve as the SEQRA compliance for adoption of the CPU and its implementation. Future development proposals for specific sites would be subject to additional SEQRA review for any impacts not sufficiently analyzed in this DGEIS. The following sections summarize those CPU recommendations that might have an adverse environmental impact.

### **3 Environmental Setting**

The Port Jefferson CPU is divided into geographic focus areas that include the Downtown, Waterfront, Uptown, Midtown, and Residential Districts. A number of other recommendations were made for Village-wide applications. The Village is located on the north shore of Long Island adjacent to Port Jefferson Harbor, which opens into the Long Island Sound. The Village topography reflects its glacial origin – its primarily residential ‘seven hills’ surround the downtown commercial district, which sits in a low-lying valley between the hills. Uptown Port Jefferson is located on the southern edge of the Village adjacent to the Long Island Railroad at a considerably higher elevation than the Downtown. Midtown is between Uptown and Downtown. Groundwater flows in a generally northerly direction toward the harbor. Mill Creek, which enters the harbor at the waterfront, is fed by some of this groundwater. Stormwater flow follows the topography, discharging into the harbor. Wastewater primarily from the commercial districts is collected and treated by a County-owned system. One significant environmental hazard is documented in the Village – the Lawrence Aviation groundwater contaminant plume that eventually discharges to the harbor. The US Environmental Protection Agency is remediating and monitoring that plume. Other specific environmental conditions are discussed in the sections below in reference to the proposed action and its potentially adverse environmental impacts.

### **4 Geology, Soils, and Topography**

#### Potential Impacts

The Uptown buildout will require grading and excavation for new mixed use buildings and the associated parking. Development across from the waterfront and along Mill Creek will also include grading and excavation. Some of that area may be in close proximity to the Lawrence Aviation site contaminant plume. Parking removed from the waterfront may be reconstituted adjacent to the Meadows lot, which would require soil disturbance.

Potential new development would not lead to soil and topographic disturbances in excess of those under existing zoning. The CPU recommends passage of a steep slopes ordinance that would limit or eliminate development on steep slopes. The ordinance would set development guidelines for slopes of 15 to 25 percent and limit development on slopes greater than 25 percent.

The construction of new parking to replace that lost from the waterfront would not likely increase the net land area under pavement. Few if any adverse environmental impacts to soils, geology, and topography are anticipated.

#### Proposed Mitigation

No mitigation is required

## **5 Groundwater**

#### Potential Impacts

Groundwater is typically impacted by withdrawals for domestic and commercial water use and discharges from wastewater generation. Withdrawals in Port Jefferson are managed by the Suffolk County Water Authority. Their water derives from supply wells in the Magothy aquifer. Wastewater in the commercial and office districts (where development would likely occur) is collected and treated by the Port Jefferson wastewater district. Effluent discharged by the treatment plant flows into Port Jefferson harbor and not to groundwater. The shallow glacial aquifer is fed by rainwater infiltration. The glacial aquifer can be affected by contamination present in stormwater and from other pollutant sources. A plume of contaminants from the Lawrence Aviation superfund site has contaminated groundwater from the site to Mill Creek. The US Environmental Protection Agency (EPA) has had two treatment systems in operation since 2011 to remove volatile organic compounds from the plume. The system will be in operation for an estimated 20 years.

Development in excess of that permitted under current zoning is anticipated to be minimal if any. No industrial development in excess of that currently permitted by zoning is recommended by the CPU. Additional water use from future development would increase withdrawals from the Magothy aquifer, but not much if any in excess of what would occur under current zoning development. Wastewater would not affect groundwater as it would be delivered to the treatment plant and the effluent discharged to the Harbor. The EPA treatment systems are designed to prevent further migration of the Lawrence Aviation contaminant plume. Stormwater impacts on groundwater are discussed in that section below.

#### Proposed Mitigation

Water conservation methods could reduce consumption of public water. Pervious materials could be used wherever possible to increase infiltration of rainwater as discussed in CPU section 13 on Stormwater. Roof collection systems could return rainwater to the ground via dry wells or rain gardens. New development would require certification from the public water supplier that sufficient drinking water is available from existing wells. If not, a new well would be required.

## **6 Stormwater**

#### Potential Impacts

Stormwater can carry pollutants into groundwater or surface water (Mill Creek and Port Jefferson harbor). Greater impervious surface area, typically from development, generates

greater volumes of stormwater. Future development in Port Jefferson would likely be in those areas that are already developed. Consequently, stormwater generation would be comparable to what exists today. As this DGEIS considers only development in excess of what would be permitted under current zoning, the potential increase in stormwater flow would be minimal, particularly given that it would not substantially increase impervious surface area. The proposed increase in green space on the waterfront would exceed the space occupied by construction of new parking areas leading to a net decline in impervious area. Specifically, waterfront spaces would be reduced from 299 to 124, a 175 space reduction, while only 83 new spaces would be added to the Meadows lot, for a net reduction of 92 spaces.

#### Proposed Mitigation

Adverse stormwater impacts are anticipated to be minimal from implementation of the recommendations contained in the CPU. Other actions proposed in the CPU (see section 13), however, would improve stormwater management and treatment. The waterfront plan also includes green infrastructure improvements.

## **7 Land Use and Zoning**

#### Potential Impacts

The land use and zoning changes proposed in the CPU are primarily for the commercial and office districts. Setbacks are increased in the commercial district, which by itself will decrease residential unit size or number as well as possible commercial space. In addition to this change, minimum unit size is increased by 25 percent from 400 square feet to 500 square feet, which will reduce the number of apartment units possible below what is currently permitted. Changes proposed in the CPU for the C-2 district will not therefore add residential units or commercial space over and above what is currently permitted. Although 'bonus' building height is proposed for major public improvements, that additional story would be setback a minimum of 12 feet. The additional units that could be added to the fourth floor would be offset by the reduction in unit number that would result from the 25 percent increase in the minimum unit size and the additional setbacks. Little or no increase in residential unit numbers in the C-2 district are therefore anticipated from the changes proposed in the CPU.

Proposed changes to the Professional Office district could lead to additional office development over and above what might be constructed under current zoning. The office district is, however, small. Consequently, new development over and above that permitted by current zoning would also be small. The adverse environmental impacts that would result from that additional space would be minor.

#### Proposed Mitigation

No mitigation is required as the proposed changes in land use and zoning would generate little development over and above that permitted under current zoning.

## 8 Ecological Resources

### Potential Impacts

The land use changes that would result from implementation of the recommendations proposed in the CPU will have minimal if any adverse impacts on ecological resources. The additional development over that permitted by current zoning that would occur due to changes proposed in the CPU would be minimal and would take place on already developed properties in Uptown.

Some disturbance could occur on the Highlands property should the Village decide to utilize some or all of the property for cultural and recreational use. Some habitat would be lost if that were to occur. Most of the wildlife that would occupy these areas is tolerant of human activity because of the development intensity surrounding the site. The site is also isolated from large open space parcels and therefore less likely to support wildlife other than the small mammals typical of suburban neighborhoods. Birds utilizing the site would be displaced to other areas. No rare plants, animals, or ecological communities are known to occur on the parcel.

Fewer impacts to ecological resources would result from the adoption of a steep slopes ordinance that would preclude development on slopes greater than 25 percent or less depending on soil type.

### Proposed Mitigation

The CPU recommends open space parcel acquisitions elsewhere in the Village for passive and active recreation uses and as ecological preserves (see section 15). Replacement of parking areas with new green areas is proposed on the waterfront and will result in a net green space gain equivalent to 92 parking spaces. Preservation of steep slope areas is also recommended. These measures will create new spaces in the Village but would not replace the larger open space that is the Highlands. Use of the Highlands parcel for new cultural and recreational purposes will create unavoidable impacts that cannot be completely mitigated. Such development will, however, make new cultural and recreational services available to the residents of the Village.

## 9 Transportation – Traffic and Parking

### Potential Impacts

A traffic study was completed as part of a separate Uptown Study. It concluded that there would be a traffic impact from future Uptown development. The study did however propose mitigation that would alleviate the anticipated additional traffic congestion. It is important to note that development under proposed vs. existing conditions is anticipated to be similar or even lower (due to increased setbacks and minimum unit sizes).

The CPU does recommend reducing the residential parking requirements for the C-2 district to 1 space per studio and one bedroom apartment plus 0.5 spaces for each additional bedroom. Retail requirements are also recommended for reduction from 1 space per 100 square feet (SF) to 1 space per 200 SF. Similarly, office requirements are reduced from 1 per 300 SF or per

employee to 1 space per 400 SF or per employee. The CPU suggests retaining the 1 space per 100 SF requirement for medical offices. Additional reductions in onsite parking requirements would be possible with shared parking agreements or payments in lieu of parking. The CPU recommends the establishment of an Uptown parking district to generate revenue for the construction of additional paid public parking and the maintenance and enhancement of existing parking.

The redevelopment of Uptown will be transit-related or enhanced. Apartments will likely be marketed to employees of the two hospitals and the related medical facilities, the University and Brookhaven National Laboratory (BNL). The hospitals and medical offices are walking or bicycling distance from Uptown. The University is one stop from Uptown on the LIRR. The University is already connected to BNL by a campus bus that could stop in Uptown. Uptown apartments may also be occupied by service workers and others employed in Downtown Port Jefferson, a walk or short bicycle ride away.

The proposed parking reductions are therefore unlikely to have a significant adverse impact on parking availability or traffic.

#### Proposed Mitigation

No mitigation is required as little or no impact from the changes proposed in the CPU is anticipated. Development under existing zoning, however, would generate an impact as described in the Uptown traffic study. That study did recommend mitigation measures.

## **10 Visual Quality and Community Character**

#### Potential Impacts

The CPU proposes improvements to the zoning code that would change the appearance of some new development. Although the existing code permits height in the commercial districts of up to 35 feet, the CPU recommends 10 feet of additional height for developer-provided public amenities. The additional story would require a 12 foot setback. The CPU also suggests wider sidewalks with new construction forming a semi-continuous street wall. A number of other architectural recommendations are made in the CPU to improve the quality of building exteriors, ensure that certain standards are met, and generate a more consistent appearance without seriously limiting architectural creativity. These changes are proposed for Uptown (the C-2 district) where the majority of redevelopment is likely to occur.

Community character and visual quality will change in a positive manner from the greening of the Waterfront. No other changes proposed by the CPU would affect visual quality or community character over and above those already possible under current zoning.

Redevelopment of Uptown according to the guidelines recommended in the CPU will generate a more predictable and appealing appearance for the C-2 district and enhance its character. Changes to the Waterfront will also be positive.

#### Proposed Mitigation

No mitigation is required.

## **11 Noise**

### Potential Impacts

Redevelopment of Uptown according to the existing zoning or that proposed in the CPU would generate similar noise during construction. Noise from 'operation' of a redeveloped Uptown (or Downtown) would come primarily from additional traffic. The number of vehicles generated would likely be similar from redevelopment under current zoning vs. that under changes proposed in the CPU. Noise from retail establishments would also be similar. The zoning and land use changes proposed are therefore not anticipated to increase noise levels significantly.

### Proposed Mitigation

No mitigation is needed.

## **12 Air Quality**

### Potential Impacts

Air quality changes derive primarily from additional vehicles. The changes proposed in the CPU will not cause significant traffic volume changes over and above those that would be generated by development under existing conditions. Consequently, no significant impact on air quality is anticipated by the recommendations made in the CPU.

### Proposed Mitigation

No mitigation is needed.

## **13 Cultural Resources**

### Potential Impacts

No historic properties would be affected by the zoning and land use changes proposed in the CPU. The CPU does suggest that a portion of the Highlands property could be utilized for a cultural and recreational center. Cultural resources would be enhanced for all Village residents if such a center were constructed.

### Proposed Mitigation

No mitigation is needed.

## **14 Community Services**

### Potential Impacts

Redevelopment of Uptown and Downtown under current zoning would likely require more police, fire and emergency services due to the increase in the number of residents. Redevelopment under conditions proposed in the CPU would be unlikely to generate more residents including school children than redevelopment under current zoning. Consequently, no

requirement for community services including education over and above that required under current zoning is anticipated.

#### Proposed Mitigation

No mitigation is needed.

### **15 Utilities**

#### Potential Impacts

Redevelopment of Uptown and Downtown under current zoning would increase the demand on all utilities including wastewater due to the increase in the number of residential units and commercial space. Redevelopment under conditions proposed in the CPU would be unlikely to generate more residential or commercial development than under current zoning. Consequently, no additional requirement for utilities over and above that required for new development under current zoning is anticipated. Wastewater treatment capacity should be sufficient to meet the needs of anticipated development in the commercial and office districts of the Village.

#### Proposed Mitigation

No mitigation is needed.

### **16 Economics**

#### Potential Impacts

Redevelopment in the commercial and office districts of the Village will increase Village tax revenue. Multifamily, commercial, and office development typically generate tax revenue in excess of the cost of municipal services provided, unlike single-family residential developments. The positive tax revenue generated by redevelopment according to the conditions proposed in the CPU is unlikely to be significantly different than under current zoning and land use.

The changes proposed in the CPU to parking management would generate more parking revenue than under current conditions. This revenue would be directed to the new parking facilities proposed in the CPU. The Waterfront greening proposed in the CPU would require a significant infusion of public funding, some of which would likely come from the Village. Other Village improvements such as open space acquisition, complete streets, stormwater treatment, and streetscape enhancements would need Village funding. Most of these and other improvements proposed in the CPU would stimulate private investment in the commercial and office districts of the Village. Those investments would result in increased property assessments, which in turn would generate additional tax revenue to help fund the improvements. Proposed improvements could be paid for by this additional tax revenue along with outside public funding and impact fees from development. If managed in this way, no additional Village tax revenue would be required.

Changes to Village taxes are more likely to be impacted by the final tax settlement with the utility that owns the power plant. As power plant taxes account for 30 percent of all Village tax revenue, reduction in the utility's assessment could have a large impact on Village economics. This is, however, outside the scope of the CPU.

#### Proposed Mitigation

Impacts should be neutral or positive, so no mitigation is required.

### **17 Project Alternatives**

Under the No Action Alternative, development and land use would proceed according to existing zoning. The buildup conducted in section 3.2 of the CPU estimated 430 apartment units could be constructed in Downtown and approximately 250 apartment units Uptown (on Main Street and one block east and west of it) under existing zoning. Potential new commercial space in the same Uptown blocks was estimated at 44,800 square feet (SF) and for Downtown at 44,100 SF. A more detailed analysis that aggregated parcels yielded 416 dwelling units and 73,150 square feet of retail.

The changes recommended in the CPU, as described in the DGEIS sections above, would not significantly change these estimates. It is possible that fewer units would be developed than under current zoning as the CPU recommends a 25 percent increase in minimum unit size and an increase in setbacks for the Uptown commercial district.

As discussed in the DGEIS sections above, development and land use under conditions proposed in the CPU is not expected to lead to a greater number of residential units or more commercial space. Consequently, little or no difference in the environmental impacts under proposed vs. current conditions is anticipated. Most of the CPU recommendations that are incidental to development are environmentally positive and therefore the No Action alternative would be neutral or even negative relative to the proposed actions.

Another Alternative is the redevelopment of the commercial district of Port Jefferson Station, the unincorporated portion of the Town of Brookhaven south of the Long Island Railroad tracks. A study by the Town of Brookhaven, completed in early 2014, recommends redevelopment of this area in a fashion similar to that proposed in this CPU for Uptown in the Village of Port Jefferson. Such a transit supported mixed-use redevelopment would add density to the district and would require connection to a wastewater treatment facility to be feasible. Such development could apply for an out-of-district connection to the Port Jefferson wastewater treatment plant (WWTP). If approved, such Port Jefferson Station development would reduce the remaining available capacity at the WWTP. That capacity reduction would then limit the development possible in the Village proper. There is currently sufficient capacity at the WWTP for the anticipated development in the Village. That could be limited, however, if Port Jefferson Station development is allowed to connect. Such an alternative could be avoided if future flow from Port Jefferson Station development were pumped to Suffolk County's Tallmadge WWTP located east of the community or directed to a new WWTP.

## **18 Conclusions**

Based upon the analysis herein, the actions proposed in the CPU are not expected to have significant adverse impacts on the environment.