

Town of Babylon

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RICH SCHAFFER
SUPERVISOR

**TOWN OF BABYLON
ENVIRONMENTAL QUALITY REVIEW ACT
DRAFT SCOPE DOCUMENT
NOTICE OF INTENT TO PREPARE A
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS)**

March 20, 2026

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) and the implementing regulations set forth in 6 NYCRR Part 617.

The Town Board of the Town of Babylon, as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Generic Environmental Impact Statement (DGEIS) will be prepared. In addition, it is the intent of the Town of Babylon to conduct formal scoping by written comments regarding the proposed action. The primary goals of scoping are to focus the DGEIS on potentially significant adverse impacts that may be reasonably expected to result from the proposed action and to eliminate consideration of those impacts that are irrelevant nor nonsignificant.

Name of Action: Proposed East Farmingdale Overlay Zoning District

Location: East Farmingdale Hamlet

SEQRA Status: Type I

Scoping: Formal Scoping will be conducted. Written comments can be submitted via email. Written comments on the Draft Scoping Document will be accepted until April 8, 2026. The Draft Scoping Document and other project information can be accessed online on the Town of Babylon Website, under "Downtown Revitalization – East Farmingdale Overlay Zoning District" at:

<https://townofbabylonny.gov/338/East-Farmingdale-Overlay-District>

Antonio A. Martinez
Councilman
Deputy Supervisor

DuWayne Gregory
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For Further Information or to Submit Written Comments:

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Very truly yours,

Town of Babylon

X 

Greg Gaxiola
Environmental Analyst

A copy of this Notice has been sent to:

Rich Schaffer, Town Supervisor and Town Board Members

Involved and Interested Agency List

This Notice has also been forwarded for publication in the Environmental Notice Bulletin

Attachments

cc: Rich Schaffer, Town Supervisor, Town of Babylon
Joseph Wilson, Town Attorney, Town of Babylon
Denise Graziano, Commissioner, Planning & Development, Town of Babylon

DRAFT SCOPE

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS) FOR PROPOSED AMENDMENTS TO THE TOWN OF BABYLON ZONING ORDINANCE EAST FARMINGDALE OVERLAY ZONING DISTRICT EAST FARMINGDALE, TOWN OF BABYLON, SUFFOLK COUNTY, NEW YORK

OVERVIEW

This document is the Draft Scope for the Draft Generic Environmental Impact Statement (DGEIS) for proposed amendments to the Town of Babylon Zoning Ordinance (Chapter 213) and the Official Zoning Map of the Town of Babylon consisting of a new East Farmingdale Overlay Zoning District (Overlay District), and the potential redevelopment of properties within the area affected by the Overlay District (i.e., the Proposed Action). The goals and objectives of the proposed Overlay District include:

- Promoting economic development
- Encouraging land uses that support job creation and private investment, while facilitating the redevelopment of vacant, underutilized, and blighted properties
- Eliminating land uses that are incompatible with surrounding residential or commercial areas
- Improving environmental conditions through the remediation of contaminated sites and removal of deteriorated structures
- Supporting the development of affordable and workforce housing to meet the needs of a wide range of residents and households and increasing the availability and diversity of safe, code-compliant housing
- Establishing enforceable design standards to ensure that new development contributes positively to the community's visual character
- Encouraging the inclusion of public amenities such as open space, pedestrian infrastructure, and community facilities that enhance the quality of life for residents.

As proposed, the Overlay District would allow the following principal uses:

- Multiple residences
- Shops and stores for the sale of retail or consumer merchandise and services
- Personal service shops such as barbershops, beauty parlors
- Banks, financial institutions
- Offices, including medical offices
- Theaters, including movie theaters and performing arts theaters
- Health clubs
- Entertainment uses
- Restaurants having 16 or fewer seats
- Educational uses.

Additionally, the Overlay District would allow the following uses by special permit when authorized by the Planning Board:

- Restaurants/dining establishments with greater than 16 seats
- Craft or micro-brewery, as licensed by the New York State Liquor Authority
- Assisted living facilities.

The Overlay District further provides that any residential proposal containing five or more units would be required to provide 20 percent of the units as workforce/affordable housing, and also requires a Community Benefit Contribution. A copy of the proposed Overlay District is included as Attachment A.

As depicted on Figure 1, the Overlay District would apply to approximately 113 acres of property generally fronting along the northern boundary of Republic Airport, along the east side of Broadhollow Road (NYS Route 110) from the northern boundary of Republic Airport to Price Parkway/Picone Boulevard, along the southern boundary of those properties abutting the southern right-of-way of Sherwood Avenue, and along New Highway to Conklin Street. The list of Suffolk County Tax Lots included in the proposed Overlay District is as follows:

District	Section	Block	Lot	Property Owner
0100	035.00	01.00	022.001	Broad Properties, Inc.
0100	035.00	01.00	023.000	Little Joesph Realty, Inc.
0100	035.00	01.00	024.000	S J and J Service Stations, Inc.
0100	035.00	01.00	025.000	Hollow Properties, Inc.
0100	035.00	01.00	026.000	Vito and Maria Realty Co., Inc.
0100	035.00	01.00	029.000	Hollow Properties, Inc.
0100	035.00	01.00	030.001	Broad Properties, Inc.
0100	035.00	01.00	031.004	Little Joesph Realty, Inc.
0100	035.00	01.00	032.000	Suffolk Trans Mix Corp
0100	035.00	01.00	033.001	Broad Properties, Inc.
0100	035.00	01.00	034.001	Broad Properties, Inc.
0100	035.00	01.00	035.000	Hollow Properties, Inc.
0100	035.00	01.00	036.001	Broad Properties, Inc.
0100	035.00	01.00	037.000	Hollow Properties, Inc.
0100	050.00	01.00	001.001	Long Island Power Authority (LIPA)
0100	050.00	01.00	002.000	State of New York
0100	050.00	01.00	003.000	State of New York
0100	050.00	01.00	005.011	Farmingdale Theatres, Inc.
0100	050.00	01.00	005.019	Airport Plaza, LLC
0100	050.00	01.00	005.020	Airport Plaza, LLC

By way of history, the Town of Babylon has been, from a comprehensive planning perspective, assessing potential redevelopment options for various properties in the area of the proposed Overlay District. New York State issued a Request for Proposals for the redevelopment of the New York State-owned Conklin Street site at Republic Airport¹ within the proposed Overlay District, and recently selected a designated developer (Heatherwood Communities, Inc.) for that property (referred to herein as the Heatherwood property) that is proposing a 495 unit multi-family development. In addition, a proposed 372-unit multi-family redevelopment plan for a 6.6±-acre portion of the Farmingdale Theaters Inc. property, situated at 1001 Broadhollow Road, East Farmingdale, and a 4.1±-acre portion of the Airport Plaza property (collectively referred to as the KRC property, which is situated completely within the proposed Overlay District boundaries), has been submitted to the Town.

To ensure proper assessment pursuant to the New York State Environmental Quality Review (SEQR) Act and its implementing regulations at 6 NYCRR Part 617, the Town of Babylon Town Board (Town Board) will prepare a Draft Generic Environmental Impact Statement (DGEIS) to evaluate the potential impacts of the establishment of the proposed Overlay District as well as the site-specific redevelopment of the KRC and Heatherwood properties, in accordance with the proposed Overlay District.

As stated above, the proposed Overlay District would apply to approximately 113 acres (the Overlay District). In order to properly assess the potential overall impacts associated with redevelopment in accordance with the proposed Overlay District, the DGEIS will calculate the theoretical development potential (buildout) in the Overlay District,² and impacts of such theoretical development potential will be analyzed in the DGEIS, along with the specific redevelopment proposals for the KRC and Heatherwood properties. In this case, as the Proposed Action includes the creation of an Overlay District that would potentially result in development and redevelopment with land uses that are not currently permitted, a generic environmental impact statement is the appropriate document to assess potential impacts, as explained in 6 NYCRR §617.10:

(a) Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur. A generic EIS may be used to assess the environmental impacts of:

...(4) an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans.

...(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

¹ The site is currently unoccupied and has no direct function with Republic Airport.

² This will include the actual 372 units being proposed on the KRC property and the 495 units being proposed on the Heatherwood property, which will be evaluated on a site-specific basis in the DGEIS.

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.

Pursuant to 6 NYCRR Part 617, the Town Board undertook coordinated review of the Proposed Action, declared itself as lead agency, and issued a positive declaration requiring the preparation of a generic environmental impact statement. The positive declaration identified the following impact issues to be evaluated in the DGEIS:

1. The proposal may create a significant increase in traffic. A Traffic Study will be required for this project. The Traffic Study will examine key roadways and intersections surrounding the Overlay District boundaries. The Traffic Study will also consider existing and proposed development and traffic generation within reasonable proximity to the proposed Overlay Zoning District.
2. The proposed Overlay Zoning District and proposed zoning code must be further analyzed to determine potential impacts to the existing community. The proposed maximum residential densities will be analyzed as part of the review.
3. The existing conditions of the project area that include heavy industrial uses, an airport, superfund sites, remediation site, a solid waste rail transfer station, must be evaluated to mitigate any potential impacts to the proposed residential land use proposed in the Overlay District. This also includes potential noise impacts on the proposed residential development.
4. The potential impacts on services such as solid waste management, energy consumption, wastewater flow, and allowable water consumption must be further evaluated.
5. Stormwater management and groundwater protection will also be examined as part of the review.
6. The proposed residential land use should be analyzed as it relates to the existence of Republic Airport, aircraft traffic, runways, and noise.
7. The project site must be evaluated further to determine whether there are any sensitive historic, cultural or environmental resources. Based on a preliminary review by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), two buildings on one of the development parcels that contains the former Aircraft Finisher's site as having potential for eligibility for listing on the State Register of Historic Places. This must be further analyzed to determine potential impacts of historical, cultural, or environmental resources.

To ensure that the DGEIS will address all significant and relevant issues, the Town Board, as lead agency, is conducting formal scoping in accordance with 6 NYCRR §617.8 of the implementing regulations of the SEQRA Act. To initiate the public scoping process, this Draft Scope has been prepared in accordance with 6 NYCRR §617.8(b) and (e)(1) through (5) to outline the proposed content for the DGEIS, and includes the following:

- a brief description of the proposed action
- the potentially significant adverse impacts identified both in Part 3 of the Environmental Assessment Form and as a result of consultation with the other involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted
- the extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information
- an initial identification of mitigation measures
- the reasonable alternatives to be considered.

The SEQRA Handbook (NYSDEC, Fourth Edition, 2020) succinctly explains the benefits of scoping (pages 100 and 101):

Scoping is advantageous because it provides several benefits, most importantly, the scope itself. A scope is a written product in which the lead agency and project sponsor eliminate non-significant issues and focus the draft EIS on the most significant potential adverse environmental impacts.

A written scope of issues developed through a public scoping process benefits the lead agency and the sponsor by providing explicit guidance as to what criteria will be used to determine whether a submitted draft EIS is adequate. The written scope provides a means of ensuring that significant topics have not been missed and that the level of analysis in the EIS satisfies standards established during the scoping process.

Scoping also gives the lead agency and involved agencies greater control over the ultimate EIS product and ensures that the lead and involved agencies' environmental concerns are adequately addressed. Scoping can help reduce criticisms that an EIS is inadequate and reduce future challenges to EIS adequacy by involving the public in developing the specifications for the content of the EIS. An important component of those specifications can be agreements on specific methods, techniques, conditions, or timing for new studies, which let public comments on the draft EIS focus on study results and implications for decisions.

Finally, when a scope enables the EIS to focus on just the significant adverse environmental impacts, there can be cost and time savings for all parties, including the public, because a smaller, more targeted EIS will need to be prepared and reviewed.

This Draft Scope has been prepared to conform to the above-described requirements and to inform involved agencies, interested parties and the public as to the proposed content of the DGEIS, including the relevant potentially significant impacts that the DGEIS will focus on.

BRIEF DESCRIPTION OF THE PROPOSED ACTION

This section of the DGEIS will include a description of the Proposed Action, which as explained in the Overview above, includes amendments to the Town of Babylon Zoning Ordinance (Chapter 213) and the Official Zoning Map of the Town of Babylon to create the proposed Overlay District, and the potential redevelopment of properties within the Overlay District. This section of the DGEIS will include a narrative description of the Proposed Action and the site-specific redevelopment of the KRC and Heatherwood properties, which will include:

- Description of the proposed Overlay District, including the boundaries thereof
- Identification of existing land uses and zoning classifications within the proposed Overlay District
- Purpose, need and benefits of the Proposed Action
- Theoretical development potential of the area affected by the proposed Overlay District
- Infrastructure requirements, including water supply, wastewater treatment and stormwater management
- Description of the specific redevelopment plans for the KRC and Heatherwood properties, including anticipated construction schedule
- Required permits and approvals.

The following potential approvals and permits have been preliminarily identified for the Proposed Action (including redevelopment of properties within the Overlay District). Those approvals necessary solely for the legislative adoption of the Overlay District are noted with an asterisk.

Agency	Approval/Permit/Review
Town of Babylon Town Board	Adoption of the East Farmingdale Overlay Zoning District,* Amendment of Zoning Map*
Town of Babylon Planning Board	Site Plan Approval; Subdivision Approval
Town of Babylon Highway Department/DPW	Highway Work Permit; Street Excavation Permit (potential)
Town of Babylon Department of Environmental Control	Stormwater Pollution Prevention Program (SWPPP) Review and MS4 Acceptance
Town of Babylon Building Department	Building Permits
Town of Babylon Industrial Development Agency	Potential Financial Assistance
Suffolk County Department of Health Services	Sewage Disposal, Water Supply, Backflow Prevention
Suffolk County Department of Public Works and Suffolk County Sewer Agency	Sewer Connection and Sewer Availability for Sewer District No. 3 – Southwest
Suffolk County Planning Commission	239-m Referral of Overlay District* 239-f Review of Site Plans, etc.
Town of Babylon Fire Marshal	Site Plan Review; Fire Sprinklers/Alarms
Suffolk County Water Authority	Water Connection and Water Availability

Agency	Approval/Permit/Review
New York State Department of Environmental Conservation	SPDES General Permit for Stormwater Discharges from Construction Activity and Notice of Intent; Superfund Site Remediation/Coordination for sites of redevelopment
New York State Department of Transportation	Highway Work Permit (potential); Amendment of Airport Layout Plan for Republic Airport
LIPA/PSEG Long Island	Electrical Utility Connection
National Grid	Natural Gas Utility Connection (potential)
Federal Aviation Administration	Determination of No Hazard to Air Navigation for subsequent development of any properties located within or adjacent to the runway protection zones for Republic Airport

POTENTIALLY SIGNIFICANT ADVERSE IMPACTS

The DGEIS will ultimately be prepared in accordance with the Final Scope promulgated by the lead agency pursuant to 6 NYCRR §617.8(e) and the requirements of 6 NYCRR §617.9(b) and §617.10. Based upon information included in the Full Environmental Assessment Form (FEAF) and the positive declaration issued by the Town Board, the topics of environmental concern will be fully addressed in the DGEIS.

Analyses of environmental issues in this DGEIS will assess the generic impacts associated with the theoretical buildout of the approximately 113±-acre Overlay District as well as the site-specific impacts associated with the 372-unit and 495-unit developments proposed on the KRC property and Heatherwood property, respectively. These impacts will be compared to existing conditions, which is considered as the projected full development of affected parcels under prevailing zoning.

Soils and Topography

This section of the DGEIS will describe the characteristics of the soils and topography within the Overlay District. The United States Department of Agriculture (USDA) *Web Soil Survey* and the *Soil Survey of Suffolk County* will be used to determine the soil types in the Overlay District, and the characteristics of such soils. The suitability of the soils and potential engineering limitations for contemplated development within the Overlay District based upon the theoretical buildout will also be discussed. An evaluation of potential impacts to soils resulting from the buildout, and strategies to minimize such impacts, will be included in this section. A description of measures that will be implemented to mitigate potential impacts from erosion and off-site sediment transport will be presented, including measures to be implemented in accordance with Stormwater Pollution Prevention Plan (SWPPP) requirements.

The DGEIS will include topographic information within the Overlay District obtained through the review of relevant United States Geological Survey (USGS) maps. The DGEIS will discuss the potential changes in topography. An evaluation of potential impacts to topography resulting from the anticipated buildout will also be included. Potential strategies to minimize such impacts will be identified.

Site-specific soils and topography for the KRC and Heatherwood properties will be described through published sources as well as site specific soils and topographic data, if and as available, and impacts thereto will be evaluated.

Surface and Subsurface Conditions

Publicly available information will be reviewed to determine information on documented contamination/potential contamination within the area of the proposed Overlay District. Database information to be assessed will include, as available, Federal National Priorities List (NPL) sites, Superfund sites, Federal Resource Conservation and Recovery Act (RCRA) sites, Federal RCRA Generators, State Hazardous Waste sites, State Solid Waste Disposal sites, State Registered and Leaking Underground Storage Tank sites, Federal and State Engineering/Institutional Control sites, and State Voluntary Cleanup Sites. Based on the information collected from this database information, the DGEIS will identify the potential for sites to encounter contamination during redevelopment, and provide generic requirements to address same.

With respect to the KRC and Heatherwood properties, in addition to review of the above databases, available site-specific Phase I and Phase II Environmental Site Assessments (ESAs) will be reviewed and known/potential contamination will be identified. This section of the DGEIS will include a discussion of the potential for site redevelopment to require investigation and/or remediation activities (including, but not limited to, soil removal and disposal) and the measures that would be implemented to mitigate impacts associated with surface and/or subsurface contamination.

Water Resources

This section of the DGEIS will document existing conditions and evaluate impacts relating to groundwater, water supply, sanitary discharge and stormwater management. Regional and local hydrogeological conditions will be discussed, and general depth to groundwater and direction of flow in the Overlay District will also be identified. The DGEIS will document that the Overlay District is not situated within a Special Groundwater Protection Area and will also confirm and document that there are no surface waters within the Overlay District. This section of the DGEIS will also confirm that the Overlay District is not within a special flood hazard area and is within Zone X of the Federal Emergency Management Agency's Flood Insurance Rate Maps.

Water use and sanitary flow within the Overlay District will be projected for existing conditions (development in accordance with existing zoning), using Suffolk County Department of Health Services' Project Density Loading Rates & Design Sewage Flow Rates. The water district supplying water within the Overlay District will be identified, and capacity and quality information will be documented using publicly available information. Through review of available data from Suffolk County, information on sewage treatment facilities serving the Overlay District will be discussed and available capacity information will be presented. Using the calculated theoretical buildout within the Overlay District, projected future water use and sanitary flow for development in accordance with the proposed Overlay District will be determined, and the ability of the water district and existing Suffolk County sewage treatment facilities to service potential future development will be assessed. Compliance with Article 6 of the Suffolk County Sanitary Code will also be evaluated in this section of the DGEIS.

Compliance of future development with applicable stormwater management requirements will be discussed. This will include requirements for preparation and implementation of SWPPPs during construction, as well as permanent stormwater management facilities for developed sites.

This section of the DGEIS will provide site-specific projections of water demand and sanitary flow for the KRC and Heatherwood properties. In addition, SWPPP requirements for these sites will be presented along with conceptual stormwater management plans. Mitigation measures that will be employed to minimize impacts to groundwater and to minimize overall water demand will also be documented in this section of the DGEIS.

Land Use, Zoning, and Community Character

This section of the DGEIS will provide a description of existing land uses and patterns, development trends and community character within the Overlay District (Figure 1). Area inspections will be undertaken and current land uses will be documented, with supporting photographs provided. The current zoning of each parcel in the Overlay District will also be identified.

Using the parameters of the proposed Overlay District, the theoretical development yield (buildout) will be calculated and used to evaluate the potential land use impacts associated with redevelopment of properties within the Overlay District. This section of the DGEIS will also assess how the proposed Overlay District will affect the character of the surrounding community.

As the Overlay District includes property within and proximate to Republic Airport (FRG), this section of the DGEIS will analyze relevant land use compatibility considerations from the Federal Aviation Administration (FAA) contained in Advisory Circular (AC) 150/5190-4B Airport Land Use Compatibility Planning, potential effects to runway protection zones, or other relevant airport features.

Transportation

A Traffic Impact Study (TIS) will be prepared and summarized in this section of the DGEIS, and the full TIS will be included as an appendix. Roadways servicing the Overlay District will be described, including classification; roadway width; number of lanes per direction; presence of shoulders; speed limit; roadway condition; parking (permitted/prohibited/presence); sidewalk; pedestrian accommodations; bicycle accommodations; and bus stops. The roadways to be described include:

- Broadhollow Road (NYS Route 110)
- Conklin Street
- New Highway
- Price Parkway
- Picone Boulevard
- Melville Road
- Milbar Boulevard
- Michael Avenue.

Existing traffic conditions will be documented for the weekday morning, weekday evening, and Saturday midday periods from historical data and by conducting turning movement counts at the following intersections in the Overlay District. Counts will be conducted on the weekday from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 7:00 p.m., and on Saturday from 11:00 a.m. to 2:00 p.m. at the following intersections:

- Broadhollow Road and Conklin Street
- Broadhollow Road and Airport Plaza Access
- Conklin Street and Airport Plaza Access (West)
- Conklin Street and Airport Plaza Access (east) (a.k.a. Fairchild Loop)
- Airport Plaza Internal Intersection
- Conklin Street and New Highway
- Broadhollow Road and Price Parkway/Picone Boulevard
- Broadhollow Road and Melville Road/Milbar Boulevard
- Broadhollow Road and Michael Avenue/Republic Plaza.

Automatic Traffic Recorder (ATR) data, including volumes, vehicle classification and speeds, will be obtained and summarized for the following locations:

- Broadhollow Road – north of Conklin Street
- Broadhollow Road – south of Conklin Street
- Conklin Street – east of Broadhollow Road
- Conklin Street – west of Broadhollow Road.

Traffic counts will include pedestrian and bicycle activity as well as vehicle classifications (i.e., trucks, school buses, passenger vehicles). Existing public transportation including schedules, routes, and available capacity will be described. Intersection capacity analyses will be conducted of the existing peak hour conditions identified from the existing traffic volumes at the study intersections identified above using Synchro/SimTraffic (latest edition) or Highway Capacity Software, based on the *Highway Capacity Manual* (latest edition). The analysis will be conducted for the identified study periods.

An analysis of crash history based on available NYSDOT records for the study roadways and intersections, detailing the number, type, contributory factors, conditions, etc. for the most recent three-year period will be presented. Crash rates will be calculated and compared to statewide averages.

Using the theoretical buildout, projections of trip generation will be presented, and generic impacts on the Overlay District roadways identified above will be evaluated. Generic impacts associated with development in accordance with the Overlay District will be compared to the No-Build conditions. No-Build and Build peak-hour traffic analyses will be conducted. A discussion of planned/ongoing roadway projects being undertaken by the NYSDOT, Suffolk County and/or the Town of Babylon will also be provided. Information on pending projects will also be requested from the Town of Babylon and considered in the analysis. The resulting analyses will be summarized, and potential project impacts will be identified. The traffic impact analysis will be conducted for two distinct build years: one representing an interim build condition (e.g., upon completion of the KRC and Heatherwood developments); and another representing a generic buildout horizon. Coordination will be undertaken with the NYSDOT and the Town of Babylon to apply the appropriate background growth factors for each build year. Parking requirements

and needs will also be analyzed. If significant potential impacts are identified, mitigation measures will be discussed.

Noise

Given that the proposed Overlay District would allow residential uses, the boundaries thereof include properties within and proximate to Republic Airport, and the Overlay District is industrially zoned and developed with industrial and commercial uses, the DGEIS will assess the existing noise conditions of the area and evaluate the potential impact to future residential properties and the associated need for noise mitigation to be designed into future residential development.

Existing noise levels will be measured within the Overlay District during daytime and nighttime hours at up to four locations within the Overlay District to document baseline noise conditions. These noise levels will be compared to relevant information contained in Chapter 156 (Noise) of the Code of the Town of Babylon, the NYSDEC's *Assessing and Mitigating Noise Impacts* (February 2, 2001), and the United States Department of Housing and Urban Development's *Environmental Criteria and Standards*, 24 CFR Part 51, Subpart B - Noise Abatement and Control. The HUD Day Night Calculator will be used to assess existing noise conditions, calculate noise levels from major roadways (those with an Average Annual Daily Traffic of 10,000 vehicles or more) and railway lines. Aircraft noise for Republic Airport will also be evaluated.

If potential significant adverse noise impacts to future residential uses anticipated under the Overlay District are identified, including at the KRC and/or Heatherwood properties, mitigation measures (potential sound attenuation design measures) will be developed.

Community Facilities and Services

This section of the DGEIS will identify and describe the existing service providers in the Overlay District, including police, fire, ambulance, public schools, and parks and public recreation/open space. Using the theoretical buildout calculations for the Overlay District, potential impacts to these service providers will be evaluated and compared to development in accordance with prevailing zoning. Solid waste management and recycling will be examined as part of the relevant analysis.

Additionally, specific community service impacts from the proposed KRC and Heatherwood developments will be evaluated. If potential significant adverse impacts are identified, mitigation measures will be identified.

Aesthetic Resources

This section of the DGEIS will evaluate the existing visual character of the Overlay District through inspections and photographic documentation. Anticipated post-development changes to the aesthetic character of the Overlay District, based on the proposed Overlay District, will be assessed. The discussion will detail how future development in accordance with the Overlay District will affect existing visual conditions and development characteristics. As necessary, mitigation measures will be identified.

Aesthetic impacts from proposed development on the KRC and Heatherwood properties will also be assessed. Existing conditions will be documented through site inspections and supporting photographs. Proposed changes to the visual character of this property will be identified, and conceptual renderings of

the proposed development will be provided. Mitigation measures to be incorporated into the site design will be identified.

Cultural Resources

Historic and archaeological resources in the Overlay District will be described based upon review of the Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resources Information System (CRIS), as well as the Town of Babylon list of historic landmarks. If information collected during DGEIS preparation identifies documented historic sites, landmarks, or archaeological sensitivity within the Overlay District, an assessment of potential redevelopment impacts will be conducted and mitigation measures will be disclosed.

The KRC and Heatherwood properties will also be reviewed to determine the potential for historical and/or archaeological sensitivity. If same is identified, OPRHP will be consulted if required by OPRHP, and mitigation measures will be identified.

Use and Conservation of Energy and Sustainability

This section of the DGEIS will identify energy providers within the Overlay District. Publicly available information regarding the availability of electricity and natural gas will be documented in this section of the DGEIS. Measures to minimize potential impacts on energy providers and support sustainability will be described.

Projected energy use associated with the proposed redevelopment of the KRC and Heatherwood properties will be determined, and utility providers will be consulted regarding their ability to supply the required energy. In addition, energy conservation and sustainability measures proposed to reduce energy demand will be identified.

Socioeconomics

This section of the DGEIS will present existing demographic information (population, age cohorts, income, unemployment and housing data) for the Overlay District, the Town and Suffolk County. Using the theoretical buildout analysis, a generic evaluation of potential socioeconomic changes to the Overlay District, based on redevelopment in accordance with the Overlay District, will be presented.

Socioeconomic analyses will be conducted for the proposed redevelopment of the KRC property, as well as the Heatherwood property. Population and school-aged children projections will be included in this section. In addition, IMPLAN economic modeling software will be used to estimate the number of direct and secondary jobs during both the construction and operational phase of each project, and to provide a summary of anticipated economic impacts, including an estimation of labor income and value added during both the construction and operational phases of the projects.

EXTENT AND QUALITY OF INFORMATION NEEDED TO ADEQUATELY ADDRESS POTENTIALLY SIGNIFICANT ADVERSE IMPACTS

Pursuant to the 6 NYCRR §617.8(e)(3), the Draft Scope must identify the extent and quality of information needed to adequately address each impact. While it is not possible to determine all information sources to be used to address all potentially significant adverse impacts, the following represents existing sources of information that have been identified as necessary to perform the required analyses in the DGEIS:

Soils and Topography

- United States Department of Agriculture (USDA) Web Soil Survey
- USDA Soil Survey for Suffolk County
- USGS Topographic Maps
- New York Standards and Specifications for Erosion and Sediment Control
- Soil boring data, and site-specific topographic information for the KRC and Heatherwood properties, if available
- Conceptual Erosion and Sediment Control plans for the KRC and Heatherwood properties

Surface and Subsurface Conditions

- NYSDEC Environmental Remediation database
- EPA Envirofacts database
- Environmental Site Assessment(s) for the KRC and Heatherwood properties

Water Resources

- Special Groundwater Protection Area Plan
- Suffolk County Sanitary Code
- New York State Stormwater Management Design Manual
- Town of Babylon Stormwater Requirements
- Consultations with Suffolk County Water Authority
- Consultations with Suffolk County Department of Public Works
- Preliminary stormwater management plans for the KRC and Heatherwood properties

Land Use, Zoning, and Community Character

- Town of Babylon Town Code
- Aerial photographs
- Physical review and photographic documentation of the Overlay District
- Proposed Overlay District Zoning Ordinance
- Preliminary Site Plans and architectural plans for KRC and Heatherwood properties

Transportation

- Traffic Counts
- Crash data obtained from NYSDOT CLEAR system
- Institute of Transportation Engineers (ITE) publication entitled *Trip Generation, 12th Edition*
- *Highway Capacity Manual, 7th Edition*
- *ITE Parking Generation, 6th Edition*
- Consultations with NYSDOT and Suffolk County Department of Public Works

Noise

- Ambient noise measurements
- NYSDEC Program Policy, *Assessing and Mitigating Noise Impacts*
- Town of Babylon Code – Chapter 156
- U.S. Department of Housing and Urban Development *Environmental Criteria and Standards*, 24 CFR Part 51, Subpart B - Noise Abatement and Control
- Republic Airport Noise Contours

Community Facilities and Services

- Consultations with community service providers and review of relevant websites
- School children generation studies (e.g., Real Estate Institute at Stony Brook University, Long Island Regional Planning Council)

Aesthetic Resources

- Site and area inspections and photographs
- Renderings of redeveloped KRC and Heatherwood properties

Cultural Resources

- Site and area inspections and photographs
- NYS Cultural Resource Information System
- NYS Historic Preservation Office (SHPO) archeological site inventory
- Town of Babylon Landmarks/Historic Districts

Use and Conservation of Energy and Sustainability

- Estimates of energy consumption
- Consultations with energy providers

Socioeconomics

- United States Census Data
- US Bureau of Labor Statistics Local Area Unemployment Statistics
- Quarterly Census of Employment and Wages
- US Census American Community Survey
- IMPLAN economic modeling software

INITIAL IDENTIFICATION OF MITIGATION MEASURES

As the DGEIS analyses have not yet been conducted, no specific mitigation measures have yet been developed. Nonetheless, where the impact analyses in the DGEIS indicate the potential for significant adverse impacts, this section of the DGEIS will set forth measures to mitigate those impacts.

REASONABLE ALTERNATIVES TO BE CONSIDERED

This section will include an analysis of the No-Action alternative, as required pursuant to 6 NYCRR Part 617. This alternative will provide a baseline for the comparison of impacts from the Proposed Action to the likely circumstances if the Proposed Action were not to proceed, including the likely future conditions of the properties within the district if developed under existing zoning.

Figure 1

Proposed East Farmingdale Overlay Zoning District
Hamlet of East Farmingdale, Town of Babylon, Suffolk County, New York



 East Farmingdale Overlay Zoning District (boundaries are approximate)

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Attachment A

ARTICLE #####
East Farmingdale (EF) Overlay Zoning District

§ _____. Legislative Intent and Purpose

The Town Board hereby establishes the East Farmingdale Overlay Zoning District with the intent and purpose of:

Promoting economic development by encouraging land uses that support job creation and private investment, while facilitating the redevelopment of vacant, underutilized, and blighted properties. It aims to eliminate land uses that are incompatible with surrounding residential or commercial areas and to improve environmental conditions through the remediation of contaminated sites and removal of deteriorated structures. The ordinance supports the development of affordable and workforce housing to meet the needs of a wide range of residents and households and seeks to increase the availability and diversity of safe, code-compliant housing. It further establishes enforceable design standards to ensure that new development contributes positively to the community's visual character and encourages the inclusion of public amenities such as open space, pedestrian infrastructure, and community facilities that enhance the quality of life for residents.

§ _____. Applicability;

- (1) Parcels located within the East Farmingdale (EF) Overlay Zoning District shall retain their underlying base zoning classifications. The EF Overlay Zoning District imposes additional and supplementary land use standards and uses applicable to parcels within the district boundaries. The utilization of any parcel within the East Farmingdale (EF) Overlay District for residential purposes shall in no way be interpreted or deemed to limit, restrict, or otherwise impair the continued use, expansion, or development of any adjacent parcel for industrial uses as permitted under the applicable underlying zoning regulations, whether such uses are allowed as-of-right or by special permit.
- (2) Any parcel developed under the EF Overlay Zoning District shall require site plan review approval as per Chapter 186 of the Code of the Town of Babylon.
- (3) Continuation of Existing Uses. The continuation of any use existing and permitted at the time of the adoption of these regulations is permitted, subject to §213-22, 23.

§ _____. District boundaries.

The provisions of the EF Overlay Zoning District shall apply to those properties designated as such on the Building Zone Map of the Town of Babylon, Suffolk County, New York, as amended. The EF Overlay Zoning District is generally comprised of those properties fronting along the northern boundary of Republic Airport, along the east side of Broadhollow Road (NYS Route 110) from northern boundary of Republic Airport to Price Parkway/Picone Boulevard, along the southern boundary of those properties abutting the southern right-of-way of Sherwood Avenue, and along New Highway to Conklin Street.

§_____. Adjacent Uses.

A. Proximity to Industrial Uses. Any building, structure or land developed under these regulations which abuts a parcel used for industrial purposes as described in Article XIV G Industrial District must have a vegetated buffer of a minimum of 30 feet for front and side yards and 50 feet for rear yards, which abut said industrial use, in addition to the front and rear yard depths described in this chapter. The buffer shall be planted with a dense mix of deciduous and coniferous trees and shrubs, with at least half the stock to be a minimum of six feet when planted. Landscaped buffer areas are to be bermed, where feasible. For the purposes of this subsection, railroad tracks, train stations, and associated railroad appurtenances shall not be considered industrial uses.

B. Proximity to Hot-Mix Asphalt Facilities. Any building or structure intended for residential use that is adjacent to a parcel containing an asphalt manufacturing plant, as specified in Article XL Hot-Mix Asphalt Facilities, must be situated at least seven hundred and fifty (750) feet from the facility. This distance is measured between the nearest points of the residential building or structure and the centroid of the parcel upon which the asphalt manufacturing plant is located. The required separation distance may be reduced by 100 feet for each 10 feet of vegetative buffer. The buffer must consist of a dense arrangement of both deciduous and coniferous trees and shrubs, with at least half of the plants being a minimum of six feet tall at planting. Where possible, landscaped buffer areas should include berms.

§_____. Permitted uses.

Buildings within the Runway Protection Zone of Republic Airport are subject to the standards and requirements of Federal Regulation 49 CFR Part 77.

No building permit or other license or permit shall be issued for any construction subject to this section until a determination of no hazard to air navigation, or the equivalent of such determination, has been issued by the FAA covering the proposed construction. Any permits issued for such construction shall be conditioned upon the construction, including temporary construction equipment such as cranes and derricks remaining within the height limits of the plans submitted to the FAA, and upon compliance with any lighting or marking requirements specified by the FAA.

No building or premises shall be used and no building shall hereafter be erected or altered, unless otherwise provided for in this article, except for one or more of the following uses:

A. Principal uses.

(1) The following uses shall be permitted:

- (a) Multiple residences.
- (b) Shops and stores for the sale of retail or consumer merchandise and services.
- (c) Personal service shops such as barbershops, beauty parlors.
- (d) Banks, financial institutions.
- (e) Offices, including medical offices.
- (f) Theaters, including movie theaters and performing arts theaters.
- (g) Health clubs.

- (h) Entertainment uses.
- (i) Restaurants having 16 or fewer seats.
- (j) Educational uses.
- (k) If a use is not listed but is substantially similar in nature and impact to a permitted use, the Planning Board may interpret the use as permitted. Such unlisted use is subject to any use-specific conditions applicable to the similar permitted use.

(2) In addition to the requirements of Chapter 156 - Noise, within any mixed use or residentially used building a noise study may be required by the Department of Environmental Control for any uses that may negatively impact residential or assisted living units. As may be applicable, noise mitigation measures may be required for project approval.

B. Accessory uses.

- (1) Accessory uses are allowed only in connection with lawfully established principal uses. The following accessory uses, and no other, shall be permitted:
 - (a) Off-street parking and loading, including parking structures.
 - (b) Open space or plaza areas accessible to the public.
 - (c) Signs, subject to the provisions of § 213-541.
 - (d) Temporary outdoor displays, subject to the provisions of § 213-543.
 - (e) Other customary accessory uses and buildings, provided that such uses are incidental to the principal use, but such uses shall not include any activity conducted as a business.

§ _____. Uses permitted by special permit.

- (1) The following uses are permitted only when authorized by the Planning Board pursuant to Article XXVI of this chapter, following a public hearing:
 - (a) Restaurants/dining establishments with greater than 16 seats.
 - (b) Craft or micro-brewery, as licensed by the New York State Liquor Authority.
 - (c) Assisted living facilities.

§ _____. Lot and Bulk Requirements

- A. **Building Height.** No building or structure hereafter erected or altered shall exceed five stories with a maximum height of 55 feet. Notwithstanding the maximum building height, the following exceptions are permitted:
 - (a) Parapets, not exceeding four feet in vertical distance from the base to the highest point.
 - (b) Stairwell or elevator bulkheads, water tanks, chimneys, heating and air-conditioning apparatus, or other mechanical equipment projections occupying less than 10% of the area of the roof and not exceeding 12 feet in vertical distance from base to the highest point.

(c) Safety railings or walls required by the New York State Building Code to enclose outdoor living space or decks, not exceeding the minimum height required by the New York State Building Code.

- B. No building shall be erected or altered on a lot having an area of less than 10 acres. To meet this requirement, adjoining parcels that are within the district may be assembled or merged.
- C. Lot width. No building shall be erected on a lot having a width of less than 200 feet at the front street line.
- D. Building area. The total building area shall not exceed 70% of the lot area.
- E. Residential density. The maximum residential density shall be 40 units per acre in a residential-only development and 32 units per acre in a mixed-use development. Up to one unit that is maintained as a permanent model not available for lease may be excluded from this limit.
- F. Dwelling unit size. The minimum dwelling unit size shall be 500 square feet.
- G. Front yards.
 - (1) There shall be a front yard having a depth of not less than 15 feet.
 - (2) Balconies, patios and porticos may encroach no more than 5 feet into the required yard.
 - (3) Where a private street or road is provided on the site in an EF District, the front yard setback shall be measured from the established curblines of the unobstructed right-of-way.
 - (4) Corner lots shall designate front, rear, and side yards.
- H. Side yards.
 - (1) There shall be two side yards. The aggregate width of the two side yards shall not be less than 30 feet, and neither side yard shall be less than 10 feet. When abutting a parcel utilized for industrial uses, the minimum side yard setback shall not be less than 30 feet.
- I. Rear yards.
 - (1) There shall be a rear yard having a depth of not less than 25 feet. When abutting a parcel utilized for industrial uses, the rear yard shall not be less than 50 feet.

§ _____. Landscaping.

There shall be suitable landscaping, vegetated buffers, trees, and screen plantings as determined by the Planning Board. There shall be a planting strip of not less than ten feet provided along the side and rear yard perimeter lot lines, except where such requirements are greater as further described within this Article. All landscape buffers are to be a mix of evergreen plantings and a minimum of 6' in height at time of planting. Landscaped buffer areas are to be bermed, where feasible.

§ _____. Affordable housing.

Projects with five or more residential units shall be required to designate 20% of the units as workforce/affordable housing. These units are to be distributed equally throughout the site. A minimum of half of these affordable/workforce units shall be targeted to qualified households making 80% or less of the Suffolk County HUD income limits, which are updated annually. The remaining half may be offered to households making up to 110% of the Area Median Income, as defined by HUD. A recognized affordable housing provider shall be engaged by the owner/applicant to oversee the affordable housing component. Proof of such engagement shall be provided to the Town's Planning Department. Affordable units can be offered at multiple tiers to create more inclusive and diverse options.

§ _____. Off-street parking.

A. Off-street parking standards. Off-street parking requirements shall be in conformity with those requirements set forth in Article XXIII of this Chapter, except the following:

- (1) Multiple residences: off-street parking spaces shall be provided for each dwelling unit at a minimum rate of: one space for each studio or one-bedroom unit; 1.5 spaces for each two-bedroom unit; 1.75 spaces for each three-bedroom unit with 0.5 spaces for each additional bedroom.
- (2) Retail stores, shops, and personal service establishments: not less than one space for each 300 square feet of gross floor area.
- (3) Offices, banks, or financial institutions, not including medical offices: not less than one space for each 250 square feet of gross floor area.
- (4) For every twenty (20) standard automobile parking spaces required, at least one (1) designated electric vehicle (EV) parking space with a Level 2 charging station shall be provided. EV parking spaces shall be clearly marked and reserved exclusively for electric vehicle use. All EV charging infrastructure shall comply with applicable building, electrical, and accessibility codes.
- (5) Bicycle parking shall be required for a minimum of ten (10) bicycles for all mixed-use and residential developments. Bicycle racks must be securely installed in a visible, accessible location that does not impede pedestrian flow or building access.

B. Shared Parking.

This provision applies to any building or structure in the overlay district where two or more property owners or tenants agree to share parking facilities.

(1). Eligibility Criteria

- a) Proximity: Shared parking facilities must be located within 500 feet walking distance of all participating uses, measured from the primary entrance of each use to the nearest parking space.
- b) Accessibility: Shared parking must be accessible to all participating uses at all relevant times, with clearly defined pedestrian connections and signage.

- c) Use Compatibility: Shared parking is permitted only where parking demand patterns of the participating uses do not substantially overlap. For example, residential uses with peak demand in the evening may share with retail or office uses with daytime demand.

(2). Shared Parking Study Requirement

A shared parking analysis must be submitted to the Planning Board as part of the site plan review application. The study must include:

- a) Identification of each use's parking demand based on ITE;
- b) An hourly demand analysis showing combined peak usage;
- c) A demonstration that the shared supply will accommodate total demand across all time periods;
- d) Justification for any proposed reduction in total required parking; and
- e) A description of operational arrangements, including access control and security.

(3). Shared Parking Agreement

A legally binding Shared Parking Agreement is required and shall:

- a) Be executed by all participating property owners and/or tenants;
- b) Clearly define the terms of the shared arrangement, including number and location of shared spaces, hours of access, maintenance responsibilities, signage, and snow removal;
- c) Grant reciprocal access easements, if applicable, to ensure uninterrupted use;
- d) Be reviewed and approved by the Town Attorney;
- e) Be recorded with the County Clerk prior to issuance of a certificate of occupancy for any participating use.

(4). Parking Reduction Allowance

Based on the shared parking study and subject to Planning Board approval, the total number of required parking spaces may be reduced by up to 30%. Additional reductions may be considered upon demonstration of proximity to public transit, use of transportation demand management (TDM) strategies, or provision of on-site bicycle or micromobility infrastructure.

§ _____. Site Plan Review.

In any case where site plan approval is required for property within the EF Zoning District, the Planning Board of the Town of Babylon shall review the architectural design of structures and buildings, pursuant to the design considerations listed in ___ of this article. In reviewing for architectural design, the Planning Board shall utilize submittals made pursuant to Chapter 186. Each application shall include at least one colored rendering. The Planning Board, as part of its review, may require an applicant to provide additional architectural design, elevations, or other information it shall determine.

§ _____. Design Considerations.

The quality of the built environment and its relationship to the natural landscape is a key indicator of quality of life. The objective of the design considerations for the EF Zoning District is to provide high quality and complementary design of buildings, landscaping, parking, and other site and building design characteristics. Special emphasis is placed upon methods that reduce the large-scale visual impact of buildings and encourage tasteful innovative design for individual buildings.

§ _____. Building exteriors.

In an EF District, all walls of buildings shall be finished with face brick, stone, cementitious siding or panels, metal paneling, wood, glass, precast concrete finished with an attractive surface or their equivalent, as approved by the Planning Board. No unpainted or unfinished metal or galvanized metal sidings shall be permitted for any exterior walls or roofs.

§ _____. Signs.

In order to promote the goals of the East Farmingdale Zoning Overlay District and ensure design quality, the following specific sign regulations are required. These specific requirements shall be in addition to the general requirements set forth in Article XXXIII, Signs, of this chapter. If this subsection is silent on an issue of signage, Article XXXIII or any other duly enacted local law regulating signs shall govern. In the event of conflict between this section and Article XXXIII of this chapter, this section, along with any subsequent design guidelines adopted by the Planning Board of the Town of Babylon shall govern.

A. Permitted signs

- (1) Building identification signs. A sign which identifies a business, industry, service or attraction conducted upon the lot on which the sign is displayed shall conform to the following requirements:
 - (a) There shall be no more than one wall sign or entrance sign per wall. No wall sign shall exceed three square feet per linear foot of wall width; however, in all cases, the sign must not be longer than 75 feet or taller than 8 feet.
 - (b) The sign shall not be wider than the building upon which it is placed.
 - (c) The sign or any part thereof, including lighting devices and reflectors, shall not project more than one foot from such wall, but in no case shall extend into any right-of-way.
 - (d) The sign shall not extend higher than the roof of any building.

§ _____. Building separation.

There shall be a minimum distance of twenty feet between all buildings erected upon the same lot or plot under the provisions of this article. This minimum separation distance shall not apply to structured parking that is adjacent to a building(s), where the design of the building is intended to screen or minimize views of the structured parking, or the arrangement of buildings adjacent to structured parking otherwise results in a benefit to the visual character of the site.

§ _____. Stormwater Management.

No building shall hereafter be erected unless a drainage plan providing for the collection, storage and disposal of stormwater runoff according to the performance and design criteria established in Chapter 189 of the Code of the Town of Babylon has been approved by the Planning Board. Green infrastructure and runoff reduction strategies shall be included in any site development.

§ _____. Trash/Dumpster Enclosures

Trash/dumpster areas shall be screened by an enclosure (such as wood fences, chain-link fences, vinyl fences, or masonry enclosures), as well as sufficient landscaping. Such screening shall be aesthetically pleasing, as well as durable to the satisfaction of the Planning Board as determined during site plan review. A solid waste management plan shall be prepared for each development, to be approved by the Department of Environmental Control of the Town of Babylon.

§ _____. Exterior lighting. Outdoor lighting fixture shall satisfy the following requirements:

All parking areas, entries, corridors, passages, utility areas and front landscaping must be provided with adequate lighting for safety purposes. All on-site lighting shall be dark sky compliant. Lights shall be so adjusted as not to shine into adjacent properties. Lights must be controlled by a time clock or positive photocell switching so as to ensure adequate lighting during all dark hours.

§ _____. Community Benefit Contribution Requirement.

A. Applicability

Any Development Parcel located within the East Farmingdale Overlay Zoning District and approved for Multi-Residential or Mixed-Use development shall be subject to a Community Benefit Contribution, as defined herein.

B. Contribution Formula

- (1) For each Development Parcel subject to this Section, the Community Benefit Contribution shall be calculated at the time of site plan review based on the total number of residential dwelling units within the parcel.
- (2) For any Development Parcel that commences vertical construction after the effective date of this [ARTICLE #####], and for any Development Parcel that commences construction before the date which is five (5) years from the effective date of this [ARTICLE #####], the Community Benefit Contribution shall equal: \$3,000.00 per residential units.
- (3) Beginning on the date which is five (5) years from the effective date of this [ARTICLE #####], and for each successive five (5) year period thereafter, the per-unit contribution amount shall increase by \$250.00 per residential unit.

C. Payment Schedule

The Developer shall remit the Community Benefit Contribution to Town of Babylon Local Development

Corporation II (LDCII) as follows:

- (1) Fifty percent (50%) shall be due at the time of building permit issuance for the construction of the multifamily residence building.
- (2) Fifty percent (50%) shall be due upon the issuance of a Certificate of Occupancy for the building.

D. Use of Fees

All funds derived from the community benefit contribution shall be allocated exclusively to projects and programs located within the East Farmingdale community that are intended to mitigate the impacts of development. Such projects and programs shall be identified through public input from residents and as set forth in the findings of the State Environmental Quality Review Act (SEQRA) analysis.

§ _____. Severability; conflicts with other provisions

- A. If any section, provision or part thereof in this article shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the article as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- B. If any portion of this article is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Town of Babylon, the provision which establishes the higher standard shall prevail.