

October 23, 2020

VIA ELECTRONIC MAIL TO Kevin.Kispert@DEC.NY.GOV and FIRST CLASS MAIL

Kevin A. Kispert
New York State Department of Environmental Conservation
State University of New York at Stony Brook
50 Circle Road
Stony Brook, New York 11790-3409

RE: *Proposed Transfer Facility in Brentwood, New York*
Application ID: 1-4728-04004/00003

Dear Mr. Kispert:

Our law firm serves as legal counsel to the Brentwood Union Free School District (the “District”) and we are submitting this correspondence on behalf of the District. The District is aware that Omni Recycling of Brentwood LLC (the “Applicant”) is proposing the construction and operation of a transfer facility (the “Proposed Facility”) at 80 Emjay Boulevard in Brentwood, Town of Islip, Suffolk County, New York. Please allow this letter to serve as the District’s formal opposition to construction of the Proposed Facility. For the reasons set forth below, the District requests that NYSDEC carefully consider the comments and concerns of the District with respect to the Article 27 Title 7 Solid Waste Management Permit for the Proposed Facility.

Environmental Justice Concerns

The Town of Islip Comprehensive Plan, Community Identity Volume 7C, Brentwood (the “Comprehensive Plan”), was published in February 1976 to “provide a planning framework for rational public and private decision making, based on a comprehensive analysis of Brentwood’s past, its present and its potentials for the future.”

According to the Comprehensive Plan, the Proposed Facility is located in the “Regis/Wicks” neighborhood.¹ Regis/Wicks is described as a neighborhood with “problems” because “[i]ncomes are low” and “public assistance rates and housing blight are high.” The Regis/Wicks neighborhood is already overburdened with industrial and commercial facilities

¹ Excerpts of the relevant sections of the Comprehensive Plan are attached hereto as Exhibit 1.

which do little to improve the character of the neighborhood or reverse the blight that has affected the area for over 40 years.

More recently, data published by New York State Education Department (“NYSED”) shows that 96% of students in the District are members of minority groups. Specifically, 85% of students in the District are Hispanic or Latino, 9% are Black or African American, and 2% are Asian or Native Hawaiian/Other Pacific Islander.² Moreover, 92% of students in the District are economically disadvantaged. Siting a solid waste facility in a low-income, predominately minority neighborhood goes against the principles of environmental justice and directly injures the residents of the Brentwood neighborhood.

Traffic Concerns

The District is very concerned about the increased traffic the Proposed Facility will bring to the Brentwood area. All seventeen (17) District schools are located within a driving distance of five miles from the Proposed Facility and under three miles from the Proposed Facility as the crow flies.³ According to the Engineering Report prepared by Kosuri Engineering & Consulting P.C., the average daily inbound deliveries will include 55 transfer trailers, 100 roll-off trucks, and 32 flatbed trailers for a total of 187 incoming trucks each day. While all waste will leave the facility via rail, there will be continuous, high volume truck traffic not only on Emjay Boulevard, but on Suffolk Avenue, Wicks Road, Sagtikos Parkway, Pine Aire Drive, and other neighborhood streets. This area of Brentwood is already congested and difficult to navigate during both peak and off-peak hours. The increase in traffic from the Proposed Facility will have a profound impact on the District’s ability to effectively bus students to and from school. Even slight increases in traffic volumes mean children will be forced to sit on school buses for longer periods of time each day.

Even in 1976, the Comprehensive Plan cites the high level of truck traffic in the residential neighborhood along Suffolk Avenue. As NYSDEC is likely aware, truck traffic has only worsened in this area over recent years. According to the Traffic Impact Analysis prepared by Atlantic Traffic + Design, the overall level of service, when properly mitigated, is not impacted by the Proposed Facility. However, individual turns that directly impact bus access to District schools are negatively affected. Specifically, the eastbound left turn at the intersection of 5th Avenue/Wicks Road and Suffolk Avenue is downgraded from a “D” to an “E” and the westbound right turn at the

² See data published by NYSED at: <https://data.nysed.gov/enrollment.php?year=2019&instid=800000037066>. Data is current for the 2018-2019 school year.

³ Distances are provided in miles on established roadways. Note that actual distance or distance “as the crow flies” is often shorter. Brentwood Freshman Center (1.2 miles); Brentwood High School (1.8 miles); Pine Park Elementary (1.9 miles); Twin Pines Elementary (1.9 miles); North Middle School (2.0 miles); North Elementary School (2.5 miles); South Middle School (2.5 miles); Oak Park Elementary (2.8 miles); East Middle School (3.0 miles); East Elementary (3.0 miles); Hemlock Park Elementary (3.6 miles); Gail E. Kirkham Northeast Elementary (3.6 miles); Frank J. Cannon Southeast Elementary (3.8 miles); Laurel park Elementary (3.9 miles); West Middle School (4.1 miles); Southwest Elementary (4.2 miles); Loretta Park Elementary (4.6 miles). See attached map for distances.

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same intersection is downgraded from a “B” to a “C.” Delays at this intersection will affect bus traffic to and from Brentwood High School, South Middle School, and Oak Park Elementary School.

Conclusion

The District appreciates NYSDEC’s consideration of the concerns raised in this letter in its decision regarding the Article 27 Title 7 Solid Waste Management Permit application for the Proposed Facility.

Sincerely,

/s/ Candace J. Gomez

Candace J. Gomez, Esq.

Enclosures

cc: Brentwood Union Free School District, Board of Education (via electronic mail)