

1.

2.

Timothy C. Hubbard Member

> Maria Z. Moore Member

Daniel J. Panico Member

Edward P. Romaine Member

#### Central Pine Barrens Commission Meeting Agenda (REVISED) Wednesday, April 16, 2025 at 2:00 pm Southampton Town Hall, 116 Hampton Road, Southampton, NY 11968

#### Administrative and Public Comment

- a. Public Comment
- b. Minutes for 03/19/25 review (approve)
- c. Bond, Schoeneck & King, PLLC invoice for \$8,051.48 (approve for payment)

#### Education, Communications and Outreach, Science and Stewardship, NYWIMA

- a. Education, Communications and Outreach Division: update (Mr. Motz)
- b. Science and Stewardship Division: update (Mr. Smith)
- c. NYWIMA: update (Ms. Drew)
- d. Draft Resolution to hire Charles Hamilton to provide consulting services as Academy Coordinator (*Ms. Jakobsen*)

#### 3. Planning, Land Use and the Pine Barrens Credit Program

- a. Compliance and Enforcement Division: update (Ms. Lawston)
- b. Land Use Division: update (*Ms. Hargrave*)
- c. Credit Program: update (Mr. Tverdyy)

#### **Core Preservation Area**

- *d.* Letter of Interpretation Credit Appeal: John P. Meyer / Wagner Road, Yaphank / 200-528-6-15 / accept request to withdraw appeal (*Mr. Tverdyy*)
- e. Garafola Core Compelling Public Need Hardship Application / William Floyd Parkway, Ridge / 200-294-4-11 / two-lot subdivision with an existing residence on 4.46 acres in the A2 Residence zoning district / decision deadline 6/26/25 / schedule public hearing for 5/21/25 (Ms. Murphy)
- f. V&G Realty Core Preservation Area Hardship Application / Gerard Road, Yaphank / 200-781-1-5 and 15 / development of two-story single-family residence on 37,992 square feet in the A1 Residence zoning district / decision deadline 7/30/25 / schedule public hearing for 6/18/25 (*Ms. Murphy*)
- g. **Trevor Galvez Request for Determination of Jurisdiction** / 318 Yaphank Middle Island Road, Middle Island / 200-529-1-28.4 / construction of a 4,000 square foot structure to store antique vehicles on 3.86 acres with a single-family residence in the A5 Residence zoning district / draft response (Ms. Murphy)

### **Compatible Growth Area**

- h. **Brookhaven Sewage Treatment Plant Expansion CGA Hardship Waiver Application** / 60 Ramsay Road, Yaphank / 200-554-3-4.40 and 4.53 / expansion of an existing community scale STP on a 4.074 acre project site in the Light Industrial Zoning District / decision deadline today / *draft decision (Ms. Murphy)*
- i. **Brookhaven Town Referral**: Starbucks at Middle Island / 599 Middle Country Road, Middle Island / 200-402-2-2 / zone change and site plan for a drive-through restaurant with an existing vacant bank building on 1.4 acres in the J4 Business zoning district / *draft response (Ms. Murphy)*
- j. **Southampton Town Referral**: 80 Anchor Street Subdivision / Anchor Street, Flanders / 900-142-2-22 / two-lot subdivision on 0.94 acre with a single-family residence in the R15 zoning district / *draft response* (*Ms. Hargrave*)
- k. Shawn Turner Request for Determination of Jurisdiction / 129 Calverton Court, Wading River / 600-115-1-10.49 / swimming pool for a single-family residence / *draft response* (*Ms. Hargrave*)
- Venezia Square Development of Regional Significance / NYS Route 25A, Wading River / 600-73-1-1.4; 1.16, 1.17, 1.18, 1.19 / development of 37,000 square feet of commercial uses on 6.3 acres in the Business CR zoning district / request for three month extension of decision deadline to 7/16/25 (Ms. Hargrave)

624 Old Riverhead Road Westhampton Beach, NY 11978

4.

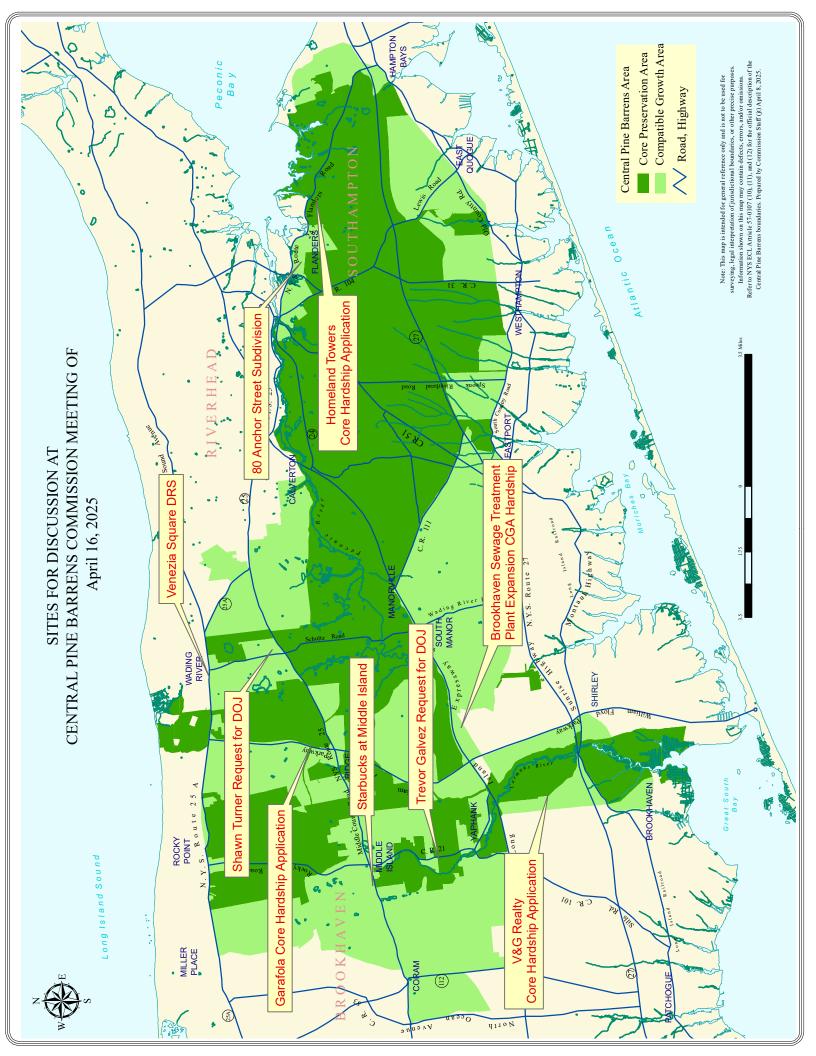
Phone (631) 288-1079 Fax (631) 288-1367 www.pb.state.ny.us

#### Public Hearing at 3:00 pm – RESCHEDULED to May 21, 2025

a. Homeland Towers Core Compelling Public Need Hardship Application / 2055 Flanders Road, Flanders / 900-170-1-41.1 / development of a 150 foot tall wireless tower monopole and 3,000 square foot equipment compound on 6.7 acres with an existing junkyard in the CR 60 zoning district / decision deadline 7/2/25 / request to reschedule to 5/21/25 and 30 day extension of decision deadline to 8/2/25 (Ms. Hargrave)

#### 5. Public Comment

6. Closed Advisory Session (if necessary)





#### Central Pine Barrens Commission Meeting Summary Wednesday, March 19, 2025 (Draft) Brookhaven Town Hall One Independence Hill Farmingville, NY 11738

2:00 pm

**Commission members present**: Mr. Panico (Brookhaven), Ms. Juengst (for Suffolk County), Ms. Moore and Ms. Scherer (for Southampton), Mr. Charters (for Riverhead)

**Others present**: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Tverdyy, Ms. Murphy, Mr. Motz, Ms. Lawston, Mr. Hansen and Ms. Brown-Walton

Timothy C. Hubbard Member The meeting started with the pledge to the flag lead by Mr. Panico and Ms. Jakobsen noted with only four Commission members present, there is a guorum.

Maria Z. Moore Member

#### 1. Administrative and Public Comment

Daniel J. Panico Member

Edward P. Romaine Member a. Public Comment Summary: Mr. Gazza discussed the results of the wildfires of March 8, 2025 damaged one of his buildings. Mr. Gazza believes the building would have been safeguarded if vegetation had been cleared around the perimeter of the building. The Commission's (NYSECL 57-0107 (13) restrictive preservation of the vegetation surrounding the building placed it at risk resulting in no buffer for fire protection. Mr. Gazza stated it is imperative that fire safety measures within the Pine Barrens Preserve area be proactively employed by the Commission to reduce brush fire risks in the core area. Routine burns must be conducted to reduce the fire load between the preserve and privately owned property. Mr. Gazza requested an opportunity to clear around his 14 buildings to protect it from future wildfire without receiving a violation from the Commission.

Mr. Milazzo requested that Mr. Gazza submit an application to have the Commission review it for approval. Ms. Jakobsen discussed that the Wildfire Task Force will meet and she will give the Commission and update.

b. Minutes for 1/15/25, Special Meeting 2/5/25 and Regular Meeting 2/19/25 Summary: The motion was made by Ms. Juengst and seconded by Ms. Moore to adopt January 15, 2025, February 5, 2025 and February 19, 2025 meeting minutes. The motion was approved by 4:0 vote.

c. NearMap subscription invoice for 2025-2028 Summary: The motion was made by Mr. Charters and seconded by Mr. Panico to approve the Draft Resolution for Commission to Authorize the renewal of NearMap subscription software for 2025-2028. The motion was approved by 4:0 vote.

#### 2. Planning, Land Use and the Pine Barrens Credit Program

#### **Core Preservation Area**

a. Homeland Towers Compelling Public Need Core Hardship Application / 900-170-1-41.1 / 2055 Flanders Road, Flanders / development of a 150 foot tall wireless tower on a 6.7 acre project site with a junkyard in the CR 60 zoning district / decision deadline 7/2/25 / commence SEQRA Lead Agency Coordination and schedule public hearing

Summary: The motion was made by Ms. Juengst seconded by Ms. Moore to approve extending the decision deadline to July 2, 2025 and scheduling a public hearing on April 16, 2025 for 2055 Flanders Road. The motion was approved by 4:0 vote.

624 Old Riverhead Road Westhampton Beach, NY 11978

Phone (631) 288-1079 www.pb.state.ny.us b. Letter of Interpretation Credit Appeal: John P. Meyer / Wagner Road, Yaphank / 200-528-6-15 / Appeal of zero Pine Barrens Credit allocation to one Pine Barrens Credit on a 0.8 acre property that is partially developed with accessory structures in the A Residence 5 zoning district / public hearing held 2/19/25, decision deadline 4/16/25 / review proposal to remove structures (Mr. Tverdyy) Summary: Mr. Tverdyy discussed the applicant's options and Mr. Milazzo requested the

Summary: Mr. Tverdyy discussed the applicant's options and Mr. Milazzo requested the discussion to be moved to the advisory session so the Commission can receive legal advice.

#### **Compatible Growth Area**

c. Brookhaven Sewage Treatment Plant Expansion CGA Hardship Waiver Application / 60 Ramsay Road, Yaphank / 200-554-3-4.40 and 4.53 / expansion of an existing community scale STP on a 4.28 acre project site in the Light Industrial Zoning District / public hearing held 2/19/25, decision deadline 3/19/25 Summary: The motion was made by Ms. Juengst and seconded by Mr. Charters to

approve the request to extend the deadline decision for Brookhaven Sewage Treatment Plant Expansion. The motion was approved by 4:0 vote.

d. **Brookhaven Town SEQRA Lead Agency Coordination:** Giaquinto at Middle Island Change of Zone and Site Plan / south side of Middle Country Road, east of Artist Lake / 200-379-2-8, 9, and 40 / change of zone from B1 Residence to Planned Retirement Community and development of 220 unit housing complex including workforce housing on 28 acres

Summary: The motion was made by Ms. Moore and seconded by Mr. Panico to approve sending the draft response for the Brookhaven Town SEQRA Lead Agency Coordination: Giaquinto at Middle Island. The motion was approved by 4:0 vote.

- e. NYS Department of Environmental Conservation Referral: East Quogue agricultural well / Lewis Road, East Quogue / construction of an irrigation well for agricultural use. Summary: The motion was made by Ms. Juengst and seconded by Mr. Charters to approve sending the draft response for the NYSDEC Referral: East Quogue Agriculture Well. The motion was approved by 4:0 vote.
- f. Hampton Bays Water District Request for Determination of Jurisdiction: / 900-221-3-1.4 / Bellows Pond Road, Hampton Bays / removal of 0.32 acres of vegetation in an existing water supply well field to construct PFAS treatment facilities on 9.8 acres in the R 40 zoning district

Summary: The motion was made by Mr. Charters and seconded by Ms. Juengst to approve sending the draft response for the Hampton Bays Water District Request for Determination of Jurisdiction. The motion was approved by 4:0 vote.

g. **PSEG Long Island Request for Determination of Jurisdiction** / East Quogue, Quogue, Yaphank / replace 188 timber utility poles in the road right of way Summary: **The motion was made by Ms. Moore and seconded by Mr. Panico to approve sending the draft response for the PSEG Long Island Request for Determination of Jurisdiction. The motion was approved by 4:0 vote.** 

#### 3. Public Comment

Summary: No public comments were received

Ms. Jakobsen introduced and welcomed the new Enforcement Officer, Chris Hansen, to the Commission and Mr. Hansen spoke briefly about his background.

#### 4. Closed Advisory Session

The motion was made by Ms. Juengst and seconded by Mr. Charters to close the public portion of the meeting and to move into an advisory session for the purpose of discussing enforcement matters and obtaining legal advice from Commission counsel. The Commission may return to public session. The motion was approved by a 4:0 vote.

The Commission came out of the closed advisory session with a decision regarding the Letter of Interpretation Credit Appeal. The applicant was not present to receive the decision therefore Staff will contact the applicant and inform him of the Commission's decision.

The meeting was adjourned by Mr. Panico and seconded by Mr. Charters at approximately 3:30 pm. The motion was approved by a 4:0 vote.

Attachments (in order of discussion)

- 1. Draft Commission meeting summary for January 15, 2025, February 5, 2025 and February 19, 2025
- 2. Final Commission meeting summary for January 15, 2025, February 5, 2025 and February 19, 2025
- 3. Draft resolution for the Commission to Authorize the Renewal of NearMap subscription software and quote dated March 19, 2025
- 4. Final resolution for the Commission to Authorize the Renewal of NearMap subscription software dated March 19, 2025
- Draft resolution for Commence SEQRA Lead Agency Coordination and schedule a public hearing for Homeland Towers Compelling Public Need Waiver and maps; Letter and attachments from Snyder & Snyder, LLP dated March 5, 2025
- 6. Final resolution for Commence SEQRA Lead Agency Coordination and schedule a public hearing for Homeland Towers Compelling Public Need Waiver dated March 19, 2025
- 7. Draft Staff Report with attachments regarding John P. Meyer Credit Appeal Hearing dated March 19, 2025
- 8. Final Staff Report regarding John P. Meyer Credit Appeal Hearing dated March 19, 2025
- 9. Draft Summary and Status letter and attachments for Town of Brookhaven Sewer District #2 Plant Expansion
- 10. Final Summary and Status letter for Town of Brookhaven Sewer District #2 Plant Expansion dated March 19, 2025
- 11. Draft response and maps regarding referral for Giaquinto at Middle Island dated March 19, 2025; Referral Memo and application from the Town of Brookhaven dated February 10, 2025
- 12. Final response regarding referral for Giaquinto at Middle Island dated March 19, 2025
- 13. Draft response and maps regarding referral for East Quogue Farms, LLC dated March 19, 2025; Referral Memo and application from NYS Department of Environmental Conservation dated May 18, 2023
- 14. Final response regarding referral for East Quogue Farms, LLC dated March 19, 2025
- 15. Draft response and attachments regarding Determination of Jurisdiction for the Hampton Bays Water District dated March 19, 2025
- 16. Final response regarding Determination of Jurisdiction for the Hampton Bays Water District dated March 19, 2025
- 17. Draft response and attachments regarding PSEGLI Transmission Pole Replacements dated March 19, 2025
- 18. Final response regarding PSEGLI Transmission Pole Replacements dated March 19, 2025

## **Educational Outreach and Communications Division Update**

## April 2025

Submitted by Tim Motz, Educational Outreach and Communications Coordinator

## Vernal Pools Video for Cooperators Meeting

• We are deep into filming of our video for this year's Cooperators Meeting, with this installment focused on vernal pools in the Central Pine Barrens. Tough to say exactly at this point, but my estimate is it will run between 12 and 20 minutes. The video features John Turner, a founder of the Pine Barrens Society, covering all aspects of the fascinating spring phenomenon.

## **Brush Fire Media**

• We continue to field media inquiries connected to the massive brush fires that occurred in the Westhampton area in early March. After a blizzard of stories the first week, we averaged about one a week till the present day, the most recent being stories on WSHU, the *East End Beacon* and the *Riverhead News-Review*. Most coverage has been very good, highlighting the great work done by first responders and the impact on the forests.

### **Barrens to Bay Summer Camp**

• Camp is completely full, the earliest to my knowledge that that has happened, and even with session sizes a bit bigger than last year. Additionally, all counselors have been hired or signed up, all supplies have been ordered, and work on additions to the program are underway.

### "A Day in the Life" Program

• Work is underway on setting up a forum (now planned for late summer) at which the teachers in the program who have had the most success in utilizing ADITL data in their curricula will teach others how to do so. We're also working on a printed pamphlet explaining the program to distribute/hand out in order to recruit new schools to the program.

### NYWIMA Promotional Video

• Our 90-second dynamic video promoting the Commission's New York Wildfire and Incident Management Academy is essentially complete, thanks to the additional

footage we were able to get at the February academy. The video will be ready to be used for promotion for the fall academy. footage we were able to get at the February academy. The video will be ready to be used for promotion for the fall academy.

.



#### CENTRAL PINE BARRENS COMISSION Science And Stewardship Program Bimonthly Division Report

04/16/2025

#### **Prescribed Fire Operations 2025**

At the end of the first week in March the Commission's prescribed fire squad was fully staffed. The last two staff members (Matthew Elms and Katherine Hooper) arrived the weekend of March 8<sup>th</sup>, the same weekend that the Westhampton Pines fire occurred.

Commission staff (Nate Leclair) was present at the Westhampton Pines on Sunday March 9<sup>th</sup> after the fire had been classified as contained to assist with mop up of the scene. Nate then assisted the newly arriving staff in getting settled in at the Hubbard County Park cabins and outfitted with any PPE they needed for the next day.



Figure 1: Justin Mangibin and Matthew Elms putting out a hot spot on the Westhampton Pines Fire near Speonk-Riverhead Road.

From Monday March 10<sup>th</sup> through Wednesday March 12<sup>th</sup> the Commission's prescribed fire squad assisted the NYS DEC's Rangers in patrolling and monitoring for hot spots and ensuring that the fire was completely extinguished. Often logging at least fifteen miles on foot, individually, daily.

By the time the fire was out, the Commission's staff was operating well as a team despite only being together for a few days.

Following the Westhampton Pines Fire the prescribed fire squad and I settled in for a series of training sessions that took up the next few weeks of our time. Training sessions included safety and awareness courses on Tick Safety, CPR/AED (certified), Stop the Bleed (certified), Blood Borne Pathogens, ATV/UTV operation (certified), chainsaw safety, as well as practice sessions on trailering and towing.

Formalized training also occurred in March for the required annual wildland firefighter's refresher course (RT-

130) which took place at Brookhaven National Laboratory on March 19<sup>th</sup>, 2025. During the refresher a fitness exam, referred to as the pack test, was conducted. All Commission prescribed fire squad members participated and completed the "Arduous" level pack test.

On April 1, 2025, the entire prescribed fire squad and I conducted a final training day, in the field, at Rocky Point Pine Barrens State Forest, near Currans Field, as a mock exercise. The purpose was to discuss the various situations they might find themselves in and to explore the various techniques that have been used in previous prescribed fire operations in the Pine Barrens.



#### CENTRAL PINE BARRENS COMISSION Science And Stewardship Program Bimonthly Division Report

04/16/2025

On April 2, 2025, the Fire Squad joined the NYSDEC Rangers for their first prescribed fire of the season and will continue to participate on all prescribed fires within the Central Pine Barrens until the end of May and the close of the 2025 prescribed fire season.

March 24, 2025, saw the departure of one of the prescribed fire squad, Justin Mangibin. Justin had accepted a permanent position with NYS Office of Parks, Recreation, and Historic Places. While we were sad to see him go, it was for an awesome reason, and we wish him the best as he embarks on his career in environmental science.

Coming up in the next few weeks, I will be meeting with several former employees of the Commission to discuss the previous forest health monitoring and data collection that was being done in areas slated for prescribed fire. While I anticipate some changes to the survey protocols, simplifying and streamlining them for example, it will be good to maintain the integrity of the previous surveys and ensure we have a comprehensive record of the vegetation's response to prescribed fire.

#### **Conservation Planning**

While the prescribed fire program has been my overall focus during the last few months, the conservation planning process is still moving forward with several meetings and a conference serving as the major highlights.

Just before the end of February (27<sup>th</sup>) Commission staff (Judy, Julie, and I) met with three representatives from FOREST (Foundation for Research and Stewardship) to discuss ways for our two organizations to partner moving forward. In the past, FOREST has provided the funding to cover the costs of the prescribed fire squad's housing costs. We are hoping this partnership can help secure additional funding for grant projects and research within the Pine Barrens.

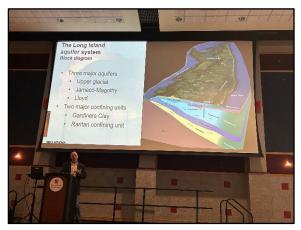


Figure 2: Long Island Natural History Conference at Stony Brook

On March 13, 2025, Commission staff met with academic researchers from SUNY ESF (Environmental Science and Forestry) to discuss planned research on the use and efficacy of air curtain burners, a type of portable incinerator, that can be used to assist in forest management in reducing the quantity of available fuels that can ignite during a wildfire. The CPBC prescribed fire squad will be working directly with the ESF research team as they collect their field data.

March 21, 2025, the Long Island Natural History Conference was held at Stony Brook University. A day long lecture series on various environmental research and projects occurring on Long Island. There were several



#### CENTRAL PINE BARRENS COMISSION Science And Stewardship Program Bimonthly Division Report

04/16/2025

directly relevant presentations on issues that impact the Pine Barrens including, previously undiscovered populations of herpetofauna (Northern Dusky Salamander found near Mill Pond), road and dam crossing projects for River Otter, the state of the aquifers on Long Island, and many other informative talks.

I have also begun establishing connections with some researchers at Seatuck that have been doing work locally on roadway crossings and the impact that roadways can have on some of our local species. I joined a web conference organized through the Four Harbors Audubon Society for a lecture by Ben Goldfarb the author of *Crossings: How Road Ecology is Shaping the Future of our Planet*. While the group and I do not have a specific meeting scheduled, we will be discussing this issue soon and determining how I and the Commission can assist in the ongoing research and project development in this important field.

#### **Nature Center**

During the last few months, I have been participating in the planning meetings for the Nature Center. While I do not have any specific tasks assigned to me as it relates to this topic, it has been an enlightening process that has helped me better understand the current and future roles of not only the Commission itself but the role of the Science and Stewardship division.

I look forward to the remaining conversations, brainstorming, and planning sessions as we continue to refine our wants and needs while balancing that against the various scenarios and potential siting locations.



Figure 3: Pitch Pines that were part of the Westhampton Pine Fires have released their seeds in response to the fire, kick starting the forest rejuvenation process.



### New York Wildfire and Incident Management Academy

This is a nationally recognized academy which provides wildfire and emergency management training. Academy students are trained to National Wildfire Coordinating Group and National Incident Management System standards by certified instructors from local, state and federal agencies and organizations. The Academy operated three academies over a five-month period, it also is providing specific group or agency training outside of the academy time frame.

This past year NYWIMA took place at Brookhaven National Laboratory, and Suffolk County Fire Academy. During this period, a total of 282 Students participated in 15 classes. They represented 17 states and 56 different agencies at the local, state and federal levels.

At a local level, the Academy offered free training to Nassau and Suffolk Volunteer Firefighters in Wildland Firefighter Training. Volunteers from 16 local Fire Departments took advantage of the classes offered.

#### **October Classes:**

I-300 Intermediate ICS I-400 Advanced ICS S-130/S190 Wildland Firefighter Training S-130 Field Day S-131 Firefighter Type 1 S-219 Firing Operations

### December classes:

S-290 Intermediate Wildland Fire Behavior S-390 Introduction to Wildland Fire Behavior Calculations S-230 Crew Boss S-231 Engine Boss UAS – FAA 107 Prep

S-212 Wildland Fire Chainsaws S-130/190 Firefighting Training/Intro to Wildland Fire Behavior (2 Classes)

### **February Classes**

S-130 S-130/190 Firefighting Training/Intro to Wildland Fire Behavior (2 Classes) S-236 Heavy Equipment Boss (HEQB - Single Resource)

Agencies represented at NYWIMA: NYSIMT, NYSDEC, USFS, NH DNCR, Suffolk County Parks, Catskill Forest Association, Department of National Defense, Massachusetts DCR, The Nature Conservancy, Albany Pine Bush, NJFFS, USFWS, PADNCR, Rhode Island DEM, NPS, NYS Parks, and multiple volunteer fire departments.

Planning is starting for the 2025 NYWIMA Academy



Timothy C. Hubbard Member

Maria Z. Moore Member

Daniel J. Panico Member

Edward P. Romaine Member Central Pine Barrens Joint Planning and Policy Commission Meeting

#### April 16, 2025 at 2:00 pm Southampton Town Hall 116 Hampton Road Southampton, New York 11968

Present: , for the Suffolk County Executive,

, for the Brookhaven Town Supervisor

, for the Riverhead Town Supervisor

, Southampton Town Supervisor

#### Draft Resolution to approve the selection of consultant to provide services as Academy Coordinator for the New York Wildfire and Incident Management Academy

WHEREAS, the Commission has oversight of the New York Wildfire and Incident Management Academy (the "Academy") and its operation through its Executive Director and a management board created for the Academy that consists of a chair and additional members appointed by the Commission; and

**WHEREAS,** since 1999 the Commission has conducted Academy training services within Suffolk County to provide unique and specialized wildfire, incident management and prescribed fire training opportunities to volunteer fire departments, government agencies and the public; and

WHEREAS, the Academy Coordinator oversees the overall planning and operation of the Academy, and

WHEREAS, the Academy Coordinator position became vacant in Spring 2023, and

**WHEREAS**, a Request for Proposal to hire a consultant to provide services as Academy Coordinator was released on March 11, 2025 and closed on March 28, 2025, with one bid response received from Charles T. Hamilton of AM Weber Associates LLC ("Weber"); and

**WHEREAS,** Commission staff has reviewed the Weber response and finds it meets the bid requirements (bid response attached), and they recommend the Commission selects Weber who will provide Charles T. Hamilton ("Hamilton") as the individual to provide services as the Academy Coordinator, now therefore, be it

**RESOLVED**, that the Commission hereby selects Hamilton of Weber Associates to perform services as the Academy Coordinator, to plan, schedule, coordinate, supervise and manage the Academy under the direction of the Executive Director and the Academy Board, and be it further

**RESOLVED**, that the Academy Coordinator services provided by Hamilton through Weber shall be at the rate of \$30/hour with additional terms as specified in the RFP and contained in the Central Pine Barrens Commission and Weber contract agreement prepared by Commission Counsel, and be it further

624 Old Riverhead Rd Westhampton Beach, **RESOLVED**, that the Commission authorizes the Executive Director to execute the contract agreement between the Commission and AM Weber Associates, LLC.

Westhampton Beach, NY 11978

Phone (631) 288-1079 <u>www.pb.state.ny.us</u> Motion by: Seconded by: Vote: Yays Nays: Abstentions:

#### AGREEMENT

This Agreement made this \_\_\_\_\_\_day of \_\_\_\_\_\_, 2025, is by the Central Pine Barrens Joint Planning and Policy Commission, with offices at 624 Old Riverhead Road, Westhampton Beach, New York 11978 (the "Commission") and A.W. Weber Associates, LLC, P.O. Box 2753 Setauket, New York 11733, ("Weber") and taken together the "Parties."

#### WITNESSETH

WHEREAS, the Commission issued Request for Proposal #1648, seeking proposals for an Academy Coordinator for the New York Wildfire and Incident Management Academy issued March 11, 2025 and an addendum to the same dated March 18, 2025 (collectively the "Request"), and

WHEREAS, Hamilton submitted a proposal dated March 21, 2025 in response to the Request (the "Proposal"), and

WHEREAS, the Commission wishes to retain Weber to act as the Academy Coordinator pursuant to the terms of this Agreement.

Now therefore the Parties agree as follows:

1. The above recitals are incorporated in and made a part hereof. The Request and the Proposal, as modified are incorporated in and made a part of this Agreement.

2. The Commission retains Weber to perform the Work. Weber will perform the Work, its duties, and obligations according to the terms of the Request, the Proposal, and this Agreement.

3. Weber agrees that Charles T. Hamilton, its Treasurer, will exclusively perform the Work.

4. The Commission will pay to Weber the amount set forth in the Proposal for the Work. The Commission has thirty (30) days from the date the Commission receives an invoice to pay Weber without penalty. Weber agrees that each of its invoices will contain sufficient information to determine the person providing services for which payment is sought, the time spent on such services, and the nature of the services provided.

5. Weber agrees that the Work and all data, reports, computer codes, programs or software, information, and drawings, if any, provided by, generated for and which are specified to be delivered as part of the Work or which are delivered to the Commission are and will remain the property of the Commission. Weber grants the Commission a royalty-free, non-exclusive perpetual license to produce, reproduce, publish, translate, or otherwise use the Work and any materials created by Weber in performing the Work which are specified to be delivered as part of the Work or which are, in fact, delivered to the Commission.

6. This Agreement is governed by the laws of the State of New York. Venue for actions concerning this Agreement will be Suffolk County, New York.

7. In the event of a conflict between the terms of this Agreement, the Request, and the Proposal or any combination of the three, the terms of this Agreement prevail. If there is a conflict between the terms of the Request and Proposal, the terms of the Request prevail. The Parties acknowledge that they have had the opportunity to have counsel of their choosing review this Agreement. Regardless of any contrary rule of construction, no provision or alleged ambiguity of this Agreement shall be construed in favor of a party or against a party because it was drafted by the party or their attorney.

8. This Agreement may be executed in counterparts, each of which will be an original, but all of which together will constitute one and the same agreement. Any counterpart may be delivered by electronic communication in portable document format, and the Parties agree that their electronically transmitted signatures will have the same effect as manually transmitted signatures.

In Witness Whereof, the Parties have caused this Agreement to be signed and to be effective as of the date first written above.

Central Pine Barrens Joint Planning and Policy Commission

Weber Associates LLC

By:

Judith Jakobsen, Executive Director

By:

Charles T. Hamilton, Treasurer

#### CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION SECTION IV - MISCELLANEOUS RFP PROVISIONS & BIDDER'S PROPOSAL ACADEMY COORDINATOR RFP NO.1648

#### Reguest for Proposal 1648 - Academy Coordinator

Item No.	Description	Quantitv	Unit of Measure	Amount
1	Academy Coordinator	1	Hourly Rate	\$ 30.00
2	Teaching Class	1	Hourly Rate	\$ 30.00

Bidder's (Company)Name:. Charles T Hamilton AM Weber Associates LLC

Authorized Name of Signatory: Charles T Hamilton

Bidder's Signature: Charles T Hamilton \_\_\_ Date: March 21, 2025\_\_\_\_\_

# CHARLES T. HAMILTON

PO Box 2753, East Setauket, New York 11733 amweber2012@optimum.net 631.484.9164

Mr. Hamilton is a currently qualified NWCG Type 1 and 2 Logistic Section Chief and was a Type 1 Logistics Section Chief with the Rocky Mountain Incident Management Team up to Spring 2020. He was with the Rocky Mountain Type 1 team from 2008 to 2020. He was the Type 2 Logistic Section Chief from 2004 to 2017 for the New York Division of Homeland Security and Emergency Services Incident Management Team and currently serves as a NWCG Qualified Training Specialist and is a Type 3 Incident Commander Trainee. He was a Logistics Section Chief Trainer for the Colorado Wildfire and Incident Management Academy from 1998 thru 2017. He is an All Hazard Qualified Logistic Section Chief, Facility Unit Leader, Supply Unit Leader, and Training Specialist He is the founder and was the Academy Coordinator for the New York Wildfire and Incident Management Academy from 1998 through 2011. He was the Acting Academy Coordinator for 2023 and 2024 Academy. Mr. Hamilton set up and coordinated a NWCG S-420 Command and General Staff for Type 2 candidates from FDNY, NYSDEC, and USFS in Spring 2022. He was the Academy Coordinator for the 2022, 2023,2024 NYS DHSES ICS and EOC Academy held at the NYS State Preparedness Training Center.

Mr. Hamilton was the Regional Supervisor of Natural Resources and Regional Emergency Management Coordinator for New York State Department of Environmental Conservation (NYSDEC) located at Stony Brook, New York (Region 1– Long Island) for the NYSDEC for thirty-four years.

Mr. Hamilton was the chief technical administrator overseeing regulatory development of New York's coastal shorelines from 1981 to 2010 as the Permit Administrator and Supervisor of the Marine Regulatory Programs of the NYSDEC involving permits, enforcement, and response to emergency activities due to Coastal storms, Tropical storms and Hurricanes for Metropolitan New York including Long Island, Westchester, Queens, and Staten Island.

He has led numerous pre-storm condition inspection teams and post-storm damage assessment teams in response to major beach/dune erosion events after Northeast (coastal) storms, Tropical storms, or Hurricanes (Gloria, Bob). He has been the Incident Commander of the DEC Response Team to assess storm damage, set up temporary field permit offices, and coordinate with local governments to develop short- and long-term solutions to the storm damaged beaches, dunes, and structures (homes, bulkheads, roads, etc.). He is highly experienced in supervision of marine construction, beach nourishment, dune construction, beach scraping, dredging, coastal building construction, and sanitary system construction projects.

Mr. Hamilton has served in various **Incident Command System** positions with Logistics and Operations at national incidents such as:

- TWA Flight 800 Recovery operations (1996, 30+days)
- World Trade Center response (2001, 30+ days)
- Columbia Space Shuttle Disaster recovery operations, Lufkin Disaster Field Office (2003, 21 days)
- BP Gulf Spill, Jackson County, Mississippi and Walton County, Florida (2010 60+days)

Mr. Hamilton has served **as** L**ogistics Section Chief** for the New York State Incident Management Team and Rocky Mountain Incident Management Team for the following hurricane incidents:

- Hurricane Frances, Duval County Florida (2004)
- Hurricane Ivan, Okaloosa County, Florida (2004)
- Hurricane Katrina, Jackson County, Mississippi (2005)
- Hurricane Irene, Schoharie County, New York (2011)
- Hurricane Sandy, Suffolk County, New York (November 2012)
- Hurricane Sandy, Breezy Point, New York (November-December 2012)
- Hurricane Maria, Puerto Rico November 2017 Rocky Mountain IMT Type1

Mr. Hamilton has participated in a variety of Command, Control and General Staff positions in **All-Hazard, All-Risk**, and multiple Unified Command Incident response.

- Covid 19 Response New Rochelle Initial Response and design, setup and manage three Drive thru Covid 19 Testing Facilities at Westchester County Glen Island, Bronx Co-Op City and Bronx Lehman College March 5, 2020 to May 22,2020
- Storm Winter Knife Erie County December 2014 Snow Removal and Flooding Recovery operations
- Storm Nemo, Suffolk County, NYS DOT Snow Removal/Recovery Operations (February 2013)
- Columbia County PCB fire, Columbia County, New York (August 2012)
- Marine Mammal Stranding, Northwest Harbor, Easthampton, New York (2007, 21 days)
- Kristen Poling grounding, Rockaway Inlet, New York (2006)

- Chronic Wasting Disease Whitetail Deer Outbreak, Rome, New York (2005, 21 days)
- T/B Rhode Island spill, Long Island Sound, New York (2001, 21 days)
- Sunrise Complex Wildfire, Suffolk County, New York (1995, 30 days)
- Nor Easter December 1992 Suffolk County New York (1992, 120 days)
- Hurricane Bob Long Island New York (1991, 15 days)
- Hurricane Gloria Long Island New York (1985, 60 days)
- Bouchard 100 Oil spill Northport, New York (1978, 30 days)

Mr. Hamilton has worked numerous Logistic Section positions at National Wildfire Incidents for the U.S. Forest Service, National Park Service and U.S. Fish and Wildlife Service. In 2012, Mr. Hamilton served as Logistics Section Chief with the Rocky Mountain Incident Management Team on five Type 1 Wildfires in Colorado, South Dakota, Idaho and Montana. In 2015 Mr. Hamilton served as a Logistic Section Chief on three Type 1 wildfires in Idaho, Washington and California. In 2016 Mr. Hamilton served as the Type 2 Logistic Chief with NYS IMT on the Sams Point Fire in Ellenville, New York. In 2017 Mr. Hamilton served as Logistic Section Chief on two Type 1 Wildfires in Colorado and Oregon. In 2018 Mr. Hamilton has served as Logistic Section Chief of on Six Type 1 Wildfires in Colorado and Utah. In 2019 Mr. Hamilton served as Logistic Section Chief on one Type 1 wildfire in Colorado.

Mr. Hamilton is a nationally certified NWCG and FEMA Instructor for the following classes: All Hazard All Risk Logistic Section Chief, Facility Unit Leader, Supply Unit Leader and Ground Support Unit Leader and National Wildland Coordination Group Logistic Section Chief, Facility Unit Leader, Supply Unit Leader and, Ground Support Unit Leader, Supply Unit Leader and, Ground Support Unit Leader. Mr. Hamilton also instructs Incident Command Classes 1–100, 1–200, 1–300, 1–400, 1–402 and S–420.

Mr. Hamilton was most recently involved with New York State IMT and Governors Emergency Response Team, and Health Department's initial response to the New Rochelle Covid 19 outbreak. He participated in setting up the ICP, organization and operation of field sampling. He designed and set up with support from Northwell Health, the first New York State Drive Thru Covid testing facility at New Rochelle, trained personal to set up other testing facilities at Stony Brook, Jones Beach, Rockland County and Staten Island and rest of New York State. He designed, set up and trained personal to operate two additional drive thru Covid 19 Testing facilities at Bronx Lehman College and Bronx Co-Op City. He was involved in the New York State Covid 19 Incident Response from March 5, 2020 up to May 22, 2020 Mr. Hamilton is currently (2024) the Academy Coordinator for the NYS Incident Command System and Emergency Operations Center Academy held in September 2024 at NYS State Preparedness Training Center of NYS Division of Homeland Security and Emergency Services. He is the Academy Coordinator for New York Wildfire and Incident Management Academy held in October 2024 of the Central Pine Barrens Commission. He was the Logistics Chief for the 2024 Colorado Wildfire and Incident Management Academy held in June 2024 at Cripple Creek, Colorado. Mr. Hamilton was the Logistic Section Chief for the Jennings Creek Fire in Orange County in New York and New Jersey in November 2024.



#### EXHIBIT A

#### FORM OF OFFERER DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATION

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Charles T Hamilton AM Weber Associates LLC

Address: PO Box 2753 Setauket, New York 11733\_\_\_\_\_

Name and Title of Person Submitting this Form: Charles T Hamilton

Contract Procurement Number:

Date:

1. Has any Government Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years?

(Please circle): No Yes

If yes, please answer questions 2 thru 4.

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law 139-j?

(Please circle): No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Government Entity?

(Please circle): No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity:

Date of Finding of Non-Responsibility:

Basis of Finding of Non-Responsibility:

(Add additional information on reverse if necessary)

#### All question must be answered.

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

(Please circle): No Yes

If yes, please provide details below:

Governmental Entity:

Date of Termination or Withholding of Contract:\_\_\_\_\_

Basis of Termination or Withholding:\_\_\_\_\_

(Add additional information on reverse as necessary)

6. Has any agency, including, but not limited to, the New York State Department of Labor, found you to be in violation of, or are you currently under investigation for, failure or the alleged failure to comply with the laws, rules or regulations requiring you to pay prevailing wage and supplements for any public work you or your firm has performed, for the failure or the alleged failure to comply with the laws, rules or regulations concerning the employment of children, or the failure or alleged failure to pay wages, or unemployment insurance tax payments within the past five years?

(Please Circle) No Yes

7. Has any agency, such as a local or state government entity or the federal government debarred your firm?

(Please Circle) No Yes

If yes, please provide details concerning the disbarment.

Offerer certifies that all information provided to the Suffolk County Water Authority or a Commission Member with respect to State Finance Law 139-k is complete, true and accurate.

By: Charles T Hamilton Charles T Hamilton Date: March 21, 2025\_\_\_\_\_



.

.

Signature:



EXHIBIT A1

#### **Central Pine Barrens Disclosure Form**

1. Vendor's Name \_\_\_AM Weber Associates LLC Charles T Hamilton

Address PO Box	
2753	
City and State Setauket, NY Zip11733	
2. Type of Business:CorporationPartnershipSole Proprietorship	X_Other
3. Table of Organization. List names and addresses of all principals; that is, all indiv	iduals serving
on the Board of Directors or comparable body, names and addresses of all partne	ers, members,
and names and addresses of all corporate officers. Conspicuously identify any perso	on in this table
of organization who is also an officer or an employee of Suffolk County Water	Authority or a
Commission Member. (Attach additional sheet if necessary.)	
Alice M Weber President Charles T Hamilton Treasurer	

NO Employees of SCWA \_\_\_\_\_

**4.** List all names and addresses of those individual shareholders and members holding more than five percent (5%) interest in the Contractor/vendor. Conspicuously identify any shareholder who is also an officer or an employee of Suffolk County Water Authority or a Commission Member. (Attach additional sheet if necessary). NONE\_\_\_\_\_

**5.** Remedies. The failure to file a verified public disclosure statement shall constitute a material breach of Contract.

**6.** Verification. This section must be signed by an officer or principal of the Vendor authorized to sign for the company for the purpose of executing Contracts. The undersigned being sworn, affirms under the penalties of perjury, that he/she has read and understood the foregoing statements and that they are, to his/her own knowledge, true.

Dated: March 21 2025 \_\_\_\_\_\_Signed: Charles T Hamilton

Printed Name of Signer: Charles T Hamilton

Title of Signer: Treasurer

Name of Vendor: \_AM Weber Associates, LLC



EXHIBIT B

## AFFIRMATION OF UNDERSTANDING AND COMPLIANCE

RFP/Contract Number Related to Offer: 1748

Charles T Hamilton AM Weber Associates LLC hereby affirms that it has read and understands the Suffolk County Water Authority's guidelines regarding its policy concerning Contacts during an Authority Procurement and agrees to comply with SCWA's/Central Pine Barrens procedures relating to this policy during the SCWA procurement.

Date: March 21, 2025

Name of Officer: Charles T Hamilton

address: PO Box 2753 Setauket, NY 11733

Charles T Hamilton Treasurer AM Weber Associates LLC Charles T Hamilton Name and Title of Person Signing the Affirmation EXHIBIT C

### CENTRAL PINE BARRENS PENNING PENNING

#### Insurance Carrier or Agent's Acknowledgment

Project Description: RFP No. 1648 - Academy Coordinator

Your Insurance Carrier or Agent must complete the Form below. You must complete the Bidder's Acknowledgment. This Form shall be returned with the Bid submission.

Insurance Agent: NOT Applicable as	per Addendum March 21, 2025	
-	NAME OF FIRM	
Address:		
Email:		
Fax No.:	Phone No.:	

Please review the SCWA/ Central Pines Barrens insurance requirements contained in this Contract which are listed in the Instructions to Bidders. Confirm that you have read these specific requirements (pay particular attention to required limits) and that you are complying with them by placing a check in the appropriate box.

- Automobile Liability
- □ Material is Delivered by common carrier
- General Liability
- Excess Liability
- Vendor's Endorsement
- Worker's Compensation
- Owners and Contractors Protection Liability (OCP)
- Professional Liability Insurance
- Builders Risk or Installation Coverage Floater
- □ Crime

We have reviewed the insurance requirements set forth in the above proposed contract and are capable of providing such insurance to our insured in accordance with such requirements in the event the contract is awarded to our insured and provided our insured pays the appropriate premium.

Dated:

Sign:

Authorized Insurance Agent or Representative

Print Name:

#### BIDDER'S ACKNOWLEDGMENT

The Bidder herein acknowledges that he/she has reviewed the insurance requirements within this Contract and has considered the costs, if any, of procuring the required insurance and will be able to supply the insurance required as per the Contract, if awarded to the Bidder, at no additional cost to the SCWA/Pine Barrens.

Sign:\_\_\_\_\_

Officer of Company

Print Name\_\_\_\_\_

(Failure To Have This Form Properly Filled Out and Signed by The Insurance Agent as Well as The Bidder May Result in Your Bid Being Considered Non-Responsive.)



EXHIBIT D

## CONTACT INFO.

RFP NO. \_1748 \_\_\_\_

Name:	Charles T Hamilton AM Weber Associates
Signature:	Charles T Hamilton
Title:	Treasurer
	PRINT OR TYPE NAME OF PERSON SIGNING PROPOSAL

#### PLEASE CHECK IF APPLICABLE

# MINORITY OWNED BUSINESS WOMAN OWNED BUSINESS

Company Name:	AM Weber Associates LLC	
Company Address:		
Contact Person for Proposal Follow-Up:	Charles T Hamilton	
Business Contact Telephone No.:	631 484 9164	
Cell Number:	631 478 8118	
E-Mail Address:	Amweber2012@optimum.net	
Fax Number:	nonw	
Date:	March 21, 2025	

\*This page must be fully completed\*

EXHIBIT E



## PROPOSER ACKNOWLEDGEMENT OF RFP REQUIREMENTS

DATE: March 21, 2025

COMPANY NAME: AM Weber Associates, LLC

(LEGAL NAME)

COMPANY ADDRESS: PO Box 2753 Setauket NY 11733

PRINTED NAME: **Charles T Hamilton** 

SIGNATURE:

Charles T Hamilton (AUTHORIZED AGENT)

PHONE NUMBER: 631 484 9164

FAX NUMBER: NONE

E-MAIL ADDRESS: amweber2012@optimum.net



Timothy C. Hubbard Member

> Maria Z. Moore Member

Daniel J. Panico Member

Edward P. Romaine Member

## Compliance and Enforcement Division Report March - April 2024 Prepared by CAED Chief Enforcement Officer Alena Lawston

• We received forty-nine complaints this period for dumping, encroachment and clearing. The dumping was consistent being primarily furniture, household trash, landscaping debris as well as construction and demolition debris.

• Four of these incidents were captured on surveillance cameras and referred to our law enforcement partner agencies. One of these incidents involved a commercial quantity of concrete currently being investigated by the Suffolk County Sheriff's Criminal Investigation Bureau. A total of five cases were resolved with a total of \$ 5,100 paid in fines and clean up by violators.

• We have an update on a case from early 2024 where a UHAUL dumped household furniture including mattresses, box springs, dressers, a television and other items in Manorville. We provided the surveillance and a subsequent investigation started by the Suffolk County Sheriff's resulted in subpoenas for records of the U-Haul rental agreement, clean-up costs as well as interviews with four potential suspects. D Felony and misdemeanor charges are pending.

• We continue to utilize the Flock surveillance camera and all integrated shared cameras with the outside partner agencies. This type of surveillance enables our division to provide multiple leads to law enforcement for dumping within the Pine Barrens.

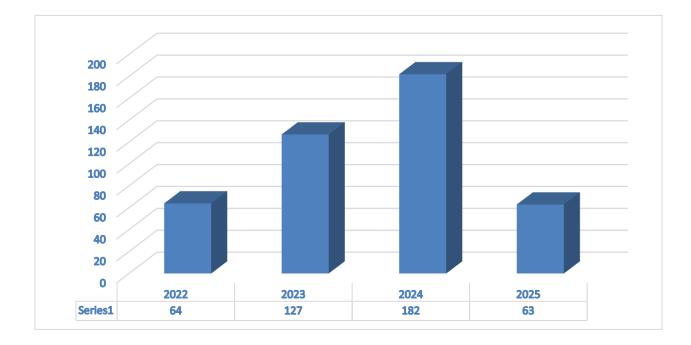
• UAS Part 107 continues. With the warmer weather we hope to get out for some outdoor training exercises with the Science and Stewardship manger Jason Smith.

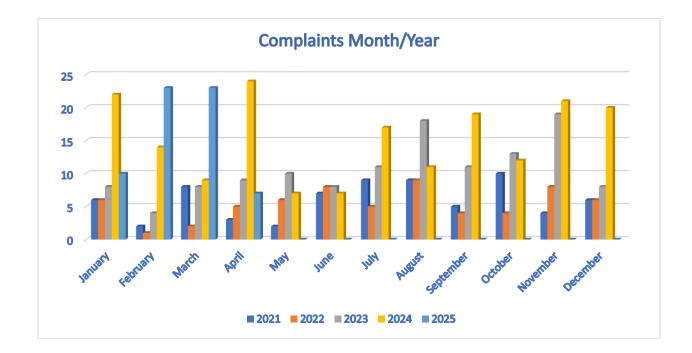


624 Old Riverhead Road Westhampton Beach, NY 11978

Phone (631) 288-1079 Fax (631) 288-1367 www.pb.state.ny.us

Incident Statistics - Reporting Period 2021 - 2024						
Year	2022	2023	2024	2025		
Intake						
Sent by Agency to Commission	14	17	9	2		
Discovered by Commission Staff	41	104	163	56		
Called in by Individual to Commission	8	6	10	5		
Total Incidents Reported	63	127	182	63		
Location of Incident						
Brookhaven	46	69	102	39		
Southampton	17	50	75	24		
Riverhead	0	8	5	0		
Occurring on Public Land	21	79	158	53		
Occurring on Private Land	22	23	22	9		
Occurring on Public & Private Land	20	25	0	1		
Core	38	78	140	48		
Compatible Growth Area (CGA)	13	39	30	8		
Core & CGA	1	1	0	1		
Outside CPBA	12	9	10	6		
Nature of Incident*						
Clearing/Encroachment	24	20	21	16		
Structures	1	2	1	0		
Dumping	35	103	153	46		
Mining	0	0	1	0		
Hunting	0	1	0	0		
ATV	1	0	0	0		
Other	4	1	2	1		
	1					
Referrals*						
Sent to Town	20	6	4	3		
Sent to County	12	36	31	4		
Sent to State	22	33	17	2		
Commission	15	8	1	0		
Sent to AG	1	0	0	0		
Other	5	37	16	5		
Status						
Founded	50	125	179	63		
Unfounded	13	2	1	0		
Open	18	52	51	29		
Closed	45	75	131	34		
Inspections						
Inspections Conservation Easement Inspections	1	0	0			
				0		
Development project inspections	2	0	0	0		





# **Central Pine Barrens Joint Planning and Policy Commission** Land Use Division Bi-Monthly Update for the Meeting of Wednesday, April 16, 2025

Action	Centr	Central Pine Barrens Location					
Municipality	Brookhaven Town	<b>Riverhead Town</b>	Southampton Town				
Pending Applications, Requests for Determination of Jurisdiction, SEQRA Coordination, inquiries, proposals and other activities	<ul> <li>CGA Hardship: Brookhaven Industrial Park Sewage Treatment Plant (STP) Expansion on 4.28 acres. Yaphank, CGA</li> <li>Core Hardship: Garafola two-lot subdivision of 4.46 acres. Ridge, Core</li> <li>Core Hardship: V&amp;G Realty, single-family residence on 0.87 acres. Yaphank, Core.</li> <li>Determination: Trevor Galvez, 4,000 square foot structure on 3.86 acres. Yaphank, Core.</li> <li>Inquiry: Robert Klein, 608 Middle Country Road expansion of commercial use on 0.44 acre. Middle Island, Core.</li> <li>Project Review: Verizon at County STP on 10.59 acres. CGA.</li> <li>Referral and CGA Hardship: Starbucks Middle Island, redevelop bank site on 1.4 acres. CGA.</li> </ul>	<ul> <li>Development of Regional Significance: Venezia Square, 37,000 square feet of commercial development. Wading River, CGA.</li> <li>Determination: Shawn Turner, swimming pool for single-family residence. Calverton, CGA.</li> </ul>	<ul> <li>Core Hardship: Homeland Towers, 120 foot monopole on 6.7 acres with a junkyard. Flanders, Core</li> <li>Referral: 80 Anchor Street Subdivision on 0.94 acre. Flanders, CGA.</li> </ul>				
Division Activity, Regional Projects and Participation	<ul> <li>Environmental review of land use dever Compatible Growth Area Hardship ware requests, inquiries, requests for determininclude commercial and industrial uses residential subdivisions, applications for Jurisdiction, zone changes and other det</li> <li>Monitor sites for compliance with deciring Site inspections and land use surveys for Technical support on FOIL requests, con Program items, communications on land activities and encroachments in protect</li> <li>Collaborate and coordinate with other of USGS: completed five year monitoring and Carmans Rivers, presentation in M</li> <li>Website updates on land use and plann</li> </ul>	ivers, SEQRA Coordination, inter- ination of jurisdiction and confor- , mixed uses and other site plans or Developments of Regional Sig- velopment activities. sions and conditions of approval or applications. ompliance and enforcement viola d use matters, unauthorized deva- ed areas and regulated habitats. Commission divisions. study of groundwater and surfa- ay; continuing 2024-2026 study. ing matters, natural, scenic, histo	ragency referrals, information mance reviews. Applications , residential and non- mificance, Assertions of				
	• Pine Barrens Nature Center Feasibility	Study: March 25 Kick off Meeti	ng, project continues.				

#### Item 3.c. Pine Barrens Credit Program Report for April 16, 2025:

Activities in the Credit Program for 2025 included review of applications for Letters of Interpretation, Conservation Easements, Credit Program and FOIL requests management. Some specific work items include:

- Letters of Interpretation: 20 LOIs were issued and five parcels were inspected. Staff is following up on past LOIs for interest in the Program.
- Conservation Easements: Review and Monitoring
  - Six easements are currently in progress.
  - 37 easement properties with road access were inspected.



- Pine Barrens Credits
  - Redeemed: 1.98 Credits have been used for commercial and residential projects in the Town of Southampton.
  - Conveyed: 0.32 Credits have been sold in the Town of Southampton.
  - The average price is \$100,000 per credit.
- Credit Clearinghouse Program Fund Account balance: \$3,296,992.
- In January, 2025 the Commission sent 380 letters to core land owners soliciting their participation in the Credit Program. It resulted in 25 LOI applications.

## Pine Barrens Credit Program Statistics Table: represents figures for the total and annual summary of 2025.

Easement Protected Lands and Pine Barrens Credits As of April 7, 2025								
	Brookhaven	2025	Riverhead	2025	Southampton	2025	Total	2025
Parcels	531	-	37	-	471	-	1039	-
Acreage	833.44	-	516.78	-	889.51	-	2239.73	-
Average parcel size	1.57	-	13.97	-	1.89	-	2.16	-
Credits generated	550.26	-	173.39	-	340.26	-	1063.91	-
Credits redeemed	428.77	-	145.13	-	193.03	1.98	766.93	1.98
Credits not redeemed	121.49	-	28.26	-	147.23	-	296.98	-
Credits sold		-		-		0.32		0.32
Total value of PBC transactions		-		-		\$32,000		\$32,000
Average Credits value		-		-		\$100,000		\$100,000
Credits owned by the Clearinghouse	2.19		-		-		2.19	
# of Inspected CE Parcels	-	24	-	-	-	13	-	37
# of Installed CE Signs	141	2	15	-	91	-	247	2

SAHN WARD BRAFF COSCHIGNANO PLLC ATTORNEYS AT LAW THE OMNI 333 EARLE OVINGTON BOULEVARD SUITE 601 UNIONDALE, NEW YORK 11553

> TELEPHONE: (516) 228-1300 TELECOPIER: (516) 228-0038 E-MAIL: INFO@SAHNWARD.COM WWW.SAHNWARD.COM



SAMUEL L. BIFULCO Associate sbifulco@sahnward.com

February 21, 2025

VIA FIRST CLASS MAIL Tara Murphy, Environmental Planner Central Pine Barrens Joint Planning & Policy Commission 624 Old Riverhead Road Westhampton Beach, New York 11978

#### **Central Pine Barrens Core Preservation Area Hardship Exemption** Re: 2158 William Floyd Parkway, Ridge, New York 11961 Suffolk County Tax Map: 0200-294.00-04.00-011.000

Dear Ms. Murphy,

I hope this correspondence finds you well. This office represents the interests of Mr. Raymond E. Garafola in connection with 2158 William Floyd Parkway, Ridge, New York 11961 (the "Subject Premises"). In support of the application for a Central Pine Barrens Core Preservation Area Hardship Exemption to permit a proposed two-lot subdivision at the Subject Premises, enclosed herewith, please find the following:

- 1. One (1) Hardship Petition.
- 2. One (1) Owner's Affidavit.
- 3. One (1) Town of Brookhaven Zoning Table.
- 4. One (1) Proposed Site Plan and Survey.
- 5. One (1) Full Environmental Assessment Form.
- 6. One (1) New York State Conversation Law Section 57-0121(10).
- 7. One (1) New York State Housing Compact.

Should you have any questions, please feel free to contact the undersigned at 631-203-4900 or sbifulco@sahnward.com. Thank you for your attention to this matter.

Very truly yours,

Sam Bifelio Samuel L. Bifulco

Enclosures

NEW YORK CITY OFFICE • THE CHRYSLER BUILDING • 405 LEXINGTON AVE. 26TH FL., NEW YORK, NY 10174 TELEPHONE (212) 829-4375 SUFFOLK OFFICE + 1300 VETERANS MEMORIAL HIGHWAY, SUITE 100, HAUPPAUGE, NY 11788 TELEPHONE (631) 203-4900 GARAFOLA-I

### CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION COUNTY OF SUFFOLK STATE OF NEW YORK

In the Matter of the Application of

**RAYMOND E. GARAFOLA,** 

For a Core Preservation Area Hardship Exemption from the New York State Environmental Conservation Law in accordance with Section 57-0121(10) to Permit a Proposed Two-Lot Subdivision at the Subject Premises situated at 2158 William Floyd Parkway, Ridge, New York 11961, located in the Town of Brookhaven, County of Suffolk, State of New York, known and identified on the Suffolk County Tax Map as District 0200, Section 294.00, Block 04.00, and Lot 011.000.

NOTIFY: Samuel L. Bifulco, Esq. Sahn Ward Braff Coschignano, PLLC 1300 Veterans Memorial Highway Suite 100, Hauppauge, New York 11788 | (631) 203-4900

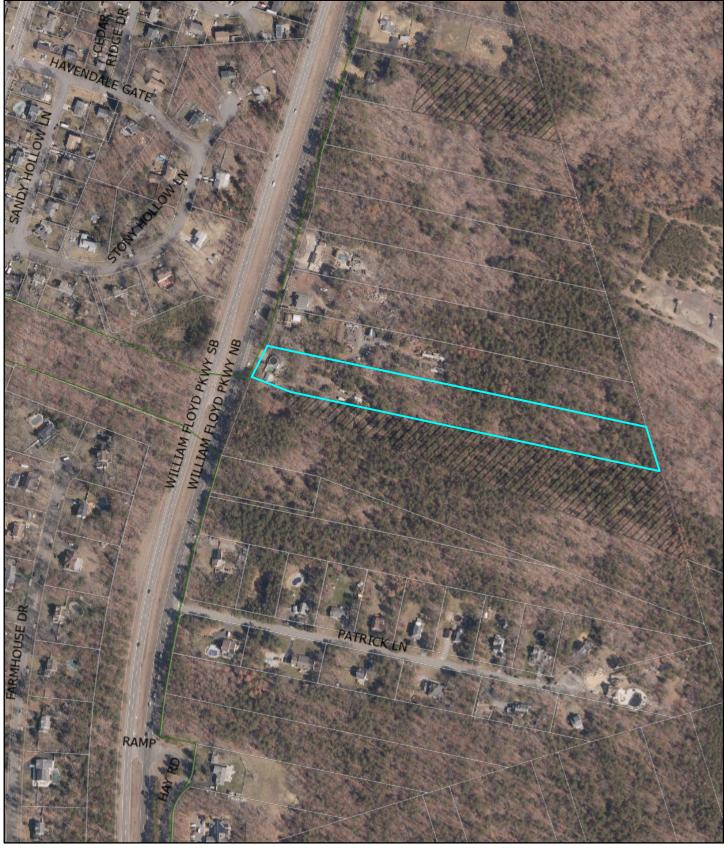
### PROJECT DESCRIPTION AND PINE BARRENS COMMISSION MEMORANDUM IN SUPPORT OF A HARSHIP UNDER THE ENVIRONMENTAL CONSERVATION LAW

### SAHN WARD BRAFF COSCHIGNANO PLLC

Attorneys at Law 1300 Veterans Memorial Highway, Suite 100 Hauppauge, New York 11788 631-203-4900 | 516-228-0038 (Fax)

Counsel: Samuel L. Bifulco, Esq. Dated: February 21, 2025

### 2158 William Floyd Parkway, Ridge (SCTM # 200-294-4-11)



2/26/2025, 2:05:15 PM Street Labels Conservation Easements Pine Barren Core Tax Parcels

### I. <u>INTRODUCTION</u>

1

The applicant, Mr. Raymond E. Garafola (the "Applicant"), submits this memorandum in support of this petition for a Central Pine Barrens Core Preservation Area Hardship Exemption to permit a proposed two-lot subdivision (the "Application").

The Applicants' property is located at 2158 William Floyd Parkway, Ridge, New York 11961, and is known and identified on the Suffolk County Tax Map as District 0200, Section 294.00, Block 04.00, and Lot 011.000 (the "Subject Premises"). The Subject Premises is 4.464 acres or 194,464 square feet. According to the survey updated on January 15, 2025, the parcel is 121.39' wide at the road, 1,344.43' to the north, 160.00' to the east, and 1,454.81 to the south.

The Subject Premises has street access on William Floyd Parkway to the west and is bordered by a residential property owned by 2162 William Floyd Parkway, Inc., to the north. The Town of Brookhaven owns the adjacent property to the east which is improved with a Town Park and other facilities. The County of Suffolk owns the property to the south, which appears to be held as a nature preserve.

Located in the Town of Brookhaven's A2 residential zoning district, the Subject Premises is an oversized parcel located in a single-family zoning district. Pursuant to the Brookhaven Town Zoning Code, Chapter 85-204, the permitted uses in an A2 residence zoning district include: *all principal uses, accessory uses and uses authorized by special permit which are permitted in the A residence district.* Pursuant to the Brookhaven Town Zoning Code, Chapter 85-190, which speaks to the A residence zoning district, in-part, allows for *one-family dwellings and garages.* As such, the current residential use at the Subject Premises is a permitted use under the relevant code.

The A2 residential zoning district has several area requirements set forth in the Brookhaven Town Zoning Code, which is set forth below and attached hereto as **Exhibit A**.

- Minimum area (square feet): 80,000.
- > Maximum total building area: 15% of the lot area.
- > Minimum road frontage: 200' at a point 60' from the street line.
- > Minimum front yard (depth in feet): 60.
- > Minimum side yard (width in feet): 30.
- ▶ Minimum total side yard (feet): 80.
- Minimum rear yard (feet): 75.

Accordingly, the minimum area for parcels located in the subject zone is 80,000 square feet, whereas the Subject Premises is 194,464 square feet.

### II. SURROUNDING COMMUNITY

There are three residential properties situated to the north of the Subject Premises. To the south and east of the Subject Premises, land is owned by the State of New York, the County of Suffolk, and the Town of Brookhaven, all of which appear to be preserved as open space and parkland.

While the three properties to the north are residential uses, the property configurations vary from the Subject Premises. The Subject Premises is significantly larger than the three residential properties to the north. The premises at 2162 William Floyd Parkway is 4.15 acres, the premises at 2164 William Floyd Parkway is 3.86 acres, and the premises at 2168 William Floyd Parkway is 3.78 acres. As such, the only other property in the immediate vicinity that is similarly situated is 2162 William Floyd Parkway as another oversized property of over 4 acres. Otherwise, this application would set a narrow precedent, if any, for properties in the immediate area.

Patrick Lane, otherwise known as the Elliott Estates, located to the south of the Subject Premises is a development of residential homes in an A2 residential zoning district, and is also located within the Central Pine Barrens Core Preservation area. It appears these parcels do not conform with the area requirements of the A2 residential zoning district, may have obtained relief for a lack of road frontage, and likely required relief from the Central Pine Barrens Commission and/or Suffolk County Department of Health given its location.

Further, the community consisting of Farmhouse Drive, Crabtree Lane, Randall Road, and Redbrook Lane, situated on the west side of William Floyd Parkway is a residential development zoned A2 residential as well.

### III. PROPOSED PROJECT DESCRIPTION

4Ľ

The proposal seeks an approval of a two-lot subdivision of the Subject Premises currently consisting of 4.464 acres, or 194,464 square feet. The proposed subdivision aims to divide the existing parcel into two distinct parcels, each approximately 2.23 acres in size, or 97, 232 square feet.

The proposal fully honors the Town's minimum lot area of 80,000 square feet in the A2 residential zoning district. Both newly created parcels, designated as Parcel A and Parcel B on the site plan attached herewith as **Exhibit B**, will exceed the minimum lot size threshold. Further, the proposed new lot, designated as Parcel B, complies with most other bulk zoning requirements, including building area and setbacks. However, it is important to note that the proposal does not fully meet the road frontage requirement. The proposal includes the development of a 20' wide driveway along the southerly boundary of the property, providing access to Parcel B from William Floyd Parkway.

Additionally, as part of this subdivision proposal, the garage structure currently located to the southwest of the Subject Premises will be demolished and removed accordingly. This demolition is contingent upon the hardship approval of the subdivision by the Central Pine Barrens Commission and the subdivision approval by the Town of Brookhaven Board of Zoning Appeals.

As shown in the Full Environmental Assessment Form, attached hereto as **Exhibit C** prepared by Key Civil Engineering, only .75 acres, or approximately 17% of the Subject Premises will be physically disturbed as a result of this proposal. A substantive portion of the Subject Premises is already cleared which will allow for the execution of this proposal. However, a significant portion of the property remains in its naturally vegetated state. The proposal seeks to preserve natural buffers and to maintain the existing vegetation along the northern, eastern, and southern boundary

lines. The Applicant is willing to revegetate certain portions of the property, if necessary, to balance the need for any necessary site grading and clearing to allow for the construction of the proposed residential structure on Parcel B.

### IV. NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW SECTION 57-0121(10) HARDSHIP REQUIREMENTS

a1

According to the New York State Environmental Conservation Law Section 57-0121(10), attached hereto as **Exhibit D**, any person, upon a showing of hardship, may apply to the Central Pine Barrens Commission for a permit exempting such person from the provisions of the law in question.

The proposed two-lot subdivision will aid in addressing a compelling public need for more housing. Across New York State, including in Suffolk County, the demand for housing has reached critical levels. This demand is driven by a combination of factors including population growth, migration patterns, and an increasing shortage in available housing stock. According to public officials, the public need is exacerbated by limited land availability across the Long Island region, high construction costs, and zoning regulations.

According to the New York State Housing Compact prepared and put forth by the administration of New York State Governor Kathy Hochul, attached herewith as **Exhibit E**, New York's suburbs lag other suburbs across the nation with respect to housing stock. The report explains that, "Nassau, Suffolk, Westchester, and Putnam counties each granted fewer building permits per capita than all but a single suburban county across Massachusetts, Connecticut, Southern California, New Jersey, Pennsylvania, or Northern Virginia between 2010 and 2018."

The proposal will serve this essential public need by contributing to the housing stock, while fully honoring the intent of the New York State Environmental Conservation Law. The proposal will not increase the danger of fire, or endanger public safety, or result in a substantial impairment of the resources of the Core Preservation Area. All construction will comply with all state, county, and local ordinances, to ensure the safety of those executing work on the property, as well as the safety of the local community.

As displayed through the Full Environmental Assessment Form provided, the proposal will not result in a substantial impairment of the resources of the Core Preservation Area. The proposed residential home on Parcel B will require a new Innovative and Alternative Onsite Wastewater Treatment System (I/A OWTS) which will combat nitrogen pollution and protect the water quality in the area.

### V. THE RELIEF SOUGHT AND CONCLUSION

The Applicant respectfully seeks a hardship approval as it relates to this Application based on the compelling public need for additional housing across the Long Island. While this proposal seeks a hardship approval, it also honors the intent of both the New York State Environmental Law, insomuch as that the preservation of existing vegetation as well as the understanding that a new Innovative and Alternative Onsite Wastewater Treatment System (I/A OWTS) will be required in

accordance with Suffolk County Department of Health rules and regulations to protect water quality in the area. Further, the proposal conforms to the lot area requirements as set forth in the Town of Brookhaven Zoning code.

Further testimony and evidence relating to this proposal is available upon request, and at the hearing before the Commission.

As such, the Applicant respectfully requests the Central Pine Barrens Joint Planning & Policy Commission grant this hardship application accordingly.

Dated: February 21, 2025 Hauppauge, New York

ų,

SAHN WARD BRAFF COSCHIGNANO PLLC Attorneys for the Applicant

By:

SAMUEL L. BIFULCO, ESQ. 1300 Veterans Memorial Highway, Suite 100 Hauppauge, New York 11788 631-203-4900 sbifulco@sahnward.com

### **OWNER'S AFFIDAVIT**

(Use this form if property is owned by an individual or a partnership)

STATE OF New York	
)ss: COUNTY OF <u>Suffolk</u>	
being duly sworn, deposes	Raymond E. Garafola
and says that I/ <del>we</del> reside at <u>96 Forest Road, C</u>	(Owner's Name(s)) centereach, New York 11720 (Owner's Address)
in the County of Suffolk	State of <u>New York</u> , and that
l/ <del>we</del> am/ <del>are</del> the owner in fee of the property loc	ated at <u>2158 William Floyd Parkway, Ridge, New Yo</u> rk 1196 (Property Address)
which is also designated as Suffolk County Tax	Map Number(s)
District 0200, Section 294.00, Block 04.00, Lo	and that I/we have been the
owner(s) of this property continuously since <u>D</u>	ecember 31, 2015, and that I/ <del>we</del> (Date)
have authorized Samuel L. Bifulco, Esq.	to make a permit application to the
(Applicant's Name)	)
the truth of the information contained herein.	Commission for this property. I/ <del>we-</del> make this s Joint Planning and Policy Commission will rely upon
(Owner's	(2nd Owner's Signature)
Signature) Raymond E. Garafola	
(Owner's Name - Please Print)	(2nd Owner's Name - Please Print)
January 8, 2025	
(Date)	(Date)
Sworn to before me this <u>8</u> day of, 20 <u>25</u>	Sworn to before me thisday of, 20
Notary	Notary
SAMUEL 1 DISTU OD	

SAMUEL L. BIFULCO NOTARY PUBLIC - STATE OF NEW YORK-Registration No. 02BI0027731 Qualified in Suffolk County My Commission Expires 08-08-20 2.8

# EXHIBIT A

**DNINOZ** 

# 85 Attachment 1

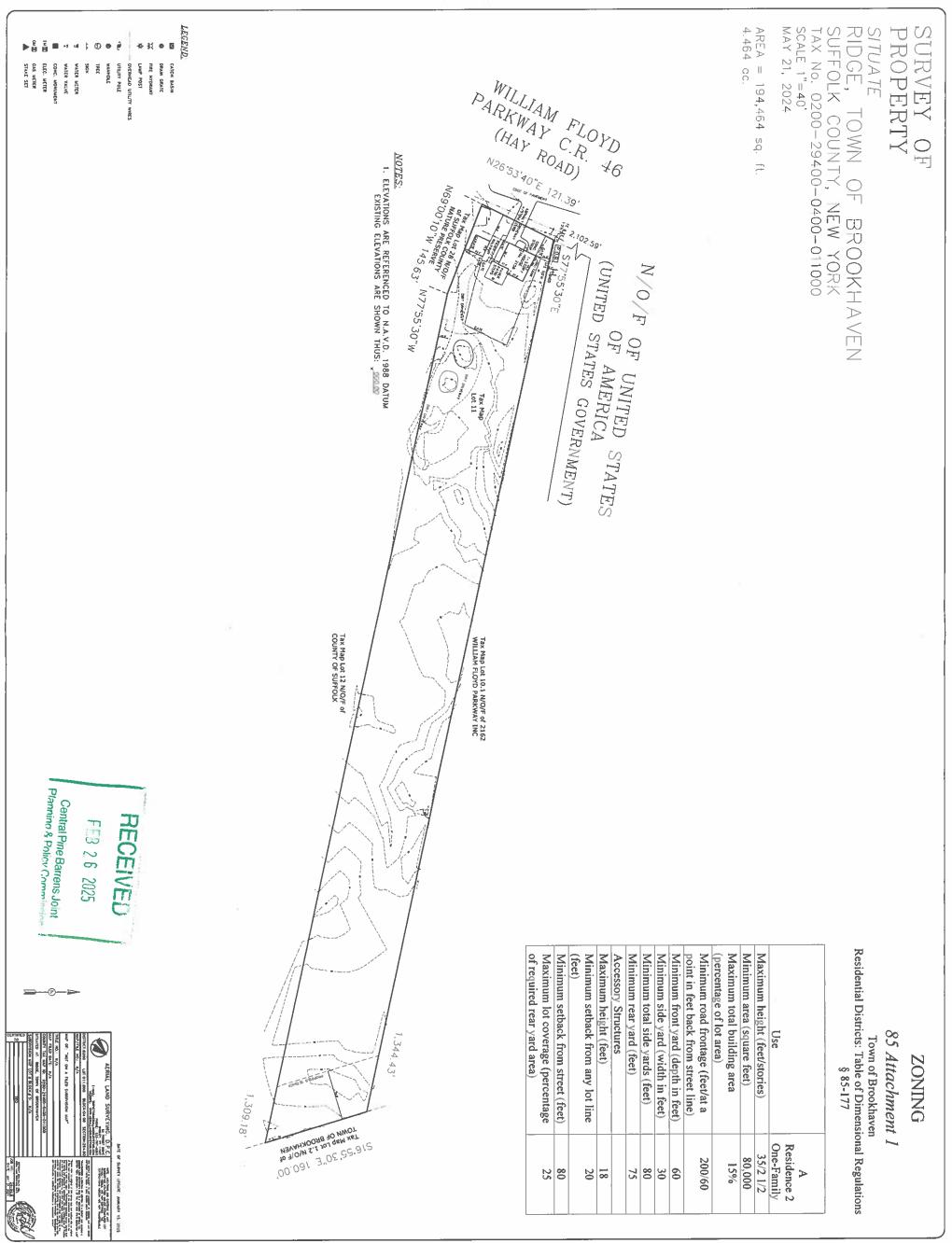
# Town of Brookhaven Residential Districts: Table of Dimensional Regulations \$85-177\$ [Amended 9-12-2024 by L.L. No. 16-2024, effective 9-23-2024]

	A	Residence 10	<b>One-Family</b>	35/2 1/2	400,000	3%		400/80		80	40	90	85		18	20		95	10	
	•	Residence 5	One-Family	35/2 1/2	200,000	6%		300/70		70	35	85	80		18	20		90	12 1/2	
		D-1	Residence	35/2 1/2	15,000	30%		150/40		40'	12	30	30		18	01		50	25	
A	Residence	One-and	Two-Family	35/2 1/2	15,000	30%		150/40		40	12	30	30		18	10		50	25	
	J	Residence	<b>One-Family</b>	35/2 1/2	000'6	35%		75/30		30	12	30	30		18	2		50	25	
	8	<b>Residence 1</b>	<b>One-Family</b>	35/2 1/2	22,500	20%		125/40		40	20	45	60		18	7 1/2		60	25	
	B	Residence	One-Family	35/2 1/2	15,000	20%		100/40		40	18	40	50		18	7 1/2		60	25	
	v	<b>Residence 2</b>	One-Family	35/2 1/2	80,000	15%		200/60		60	30	80	75		18	20		80	25	
	V	Residence 1	<b>One-Family</b>	35/2 1/2	40,000	15%		175/50		50	25	75	60		18	10		70	25	
	A	Residence	<b>One-Family</b>	35/2 1/2	30,000	15%		150/40		40	20	60	60		18	10		60	25	
			Use	Maximum height (feet/stories)	Minimum arca (square feet)	Maximum total building area	(percentage of lot area)	Minimum road frontage (feet/at a	point in feet back from street line)	Minimum front yard (depth in feet)	Minimum side yard (width in feet)	Minimum total side yards (feet)	Minimum rear yard (feet)	Accessory Structures	Maximum height (feet)	Minimum setback from any lot line	(feet)	Minimum setback from street (feet)	Maximum lot coverage (percentage	of required rear yard area)

The dimensions of this table are intended to supplement the regulations of the underlying zoning district(s) and all setback requirements for accessory structures specifically delineated in Chapter 85. When there is a conflict, the standards in the language of Chapter 85 shall apply.

NOTES: See § 85-232E.

# EXHIBIT B



IIIIUIII SCIUACK IIUIII SUGGI (IGGI)	min rothard from streat (fast)	imum setback from any lot line	imum height (feet)	essory Structures	imum rear yard (feet)	imum total side yards (feet)	imum side yard (width in feet)	imum front yard (depth in feet)	t in feet back from street line)	imum road frontage (feet/at a	centage of lot area)	imum total building area	imum area (square feet)	imum height (feet/stories)	Use C	R		
	08	20	18		75	80	30	60		200/60		15%	80,000	35/2 1/2	One-Family	Residence 2	A	

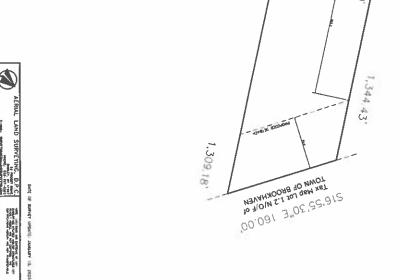
SUFFOLK COUNTY, NEW YORK Tax no. 0200-29400-0400-011000 scale 1"=40 may 21. 2024 LEGEND. 4.464 cc. RIDGE, SITUA TE PROPOSED AREA = 194,464 sq. ft. PROPERTY ►å å \*\* \$1 @ 0 11 at | D 🛛 🖗 CATCH BASH DRAW CRATE Infe (robust Lane POST Infe (robust UTILITY POLE Infe INFE WATER HETER WATER VALVE COMC. MONUMEAT ELEC. METER GAS METER STAKE SET PARKWAY FLOYD (HAY ROAD) 46 TOWN OF BROOKHAVEN SURVEY N69'00'10" 145.63, N77'55'30"W 121.39 S77"55'30"E N/O/F OF UNITED STATES (UNITED STATES GOVERNMENT) OF Tax Map Lot 11 20' RIGHT OF WAY 808.23 Tax Map Lot 12 N/O/F of COUNTY OF SUFFOLK PARCEL A 97,232 SQ. FT. 2.232 AC. Tax Map Lot 10.1 N/O/F of 2162 WILLIAM FLOYD PARKWAY INC 119.94 Planning & Policy Commission PARCEL B 97,232 SQ. FT. 2,232 AC, **Central Pine Barrens Joint** RECEIVED FEB 2 6 2025 A CONTRACT OF A (percentz Minimur point in Minimur Minimui (feet) Minimu Maximu Minimu Minimu Minimu Maximu Maximu Minimu Accesso 536 20'

### ZONING

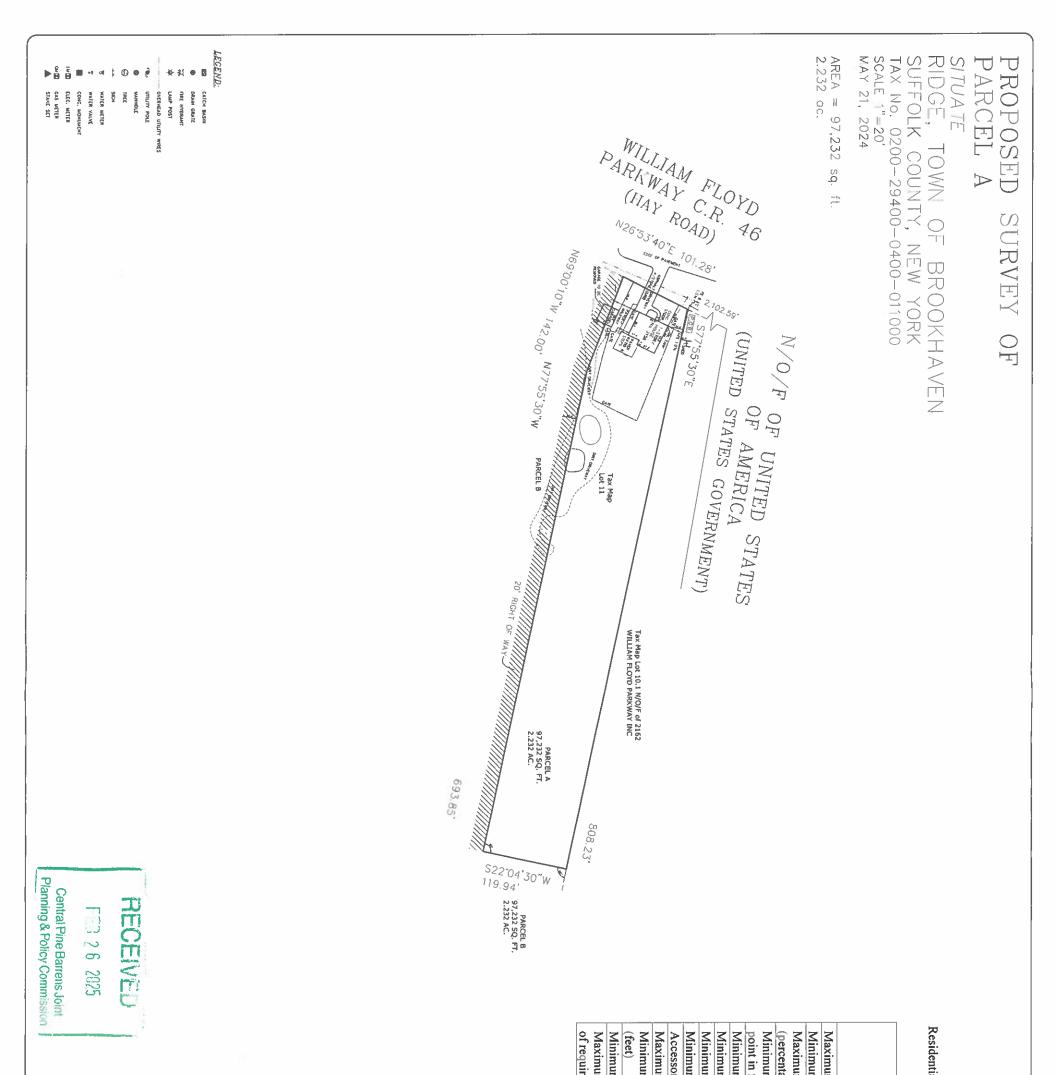
# 85 Attachment 1

Town of Brookhaven Residential Districts: Table of Dimensional Regulations § 85-177

of required rear yard area)	Maximum lot coverage (percentage	Minimum setback from street (feet)	(feet)	Minimum setback from any lot line	Maximum height (feet)	Accessory Structures	Minimum rear yard (feet)	Minimum total side yards (feet)	Minimum side yard (width in feet)	Minimum front yard (depth in feet)	point in feet back from street line)	Minimum road frontage (feet/at a	(percentage of lot area)	Maximum total building area	Minimum area (square feet)	Maximum height (feet/stories)	Use			
	25	08		20	18		75	08	30	60		200/60		15%	80,000	35/2 1/2	One-Family	Residence 2	A	



- (r) - (r)

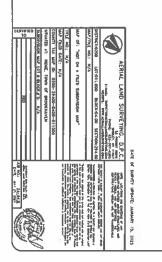


### ZONING

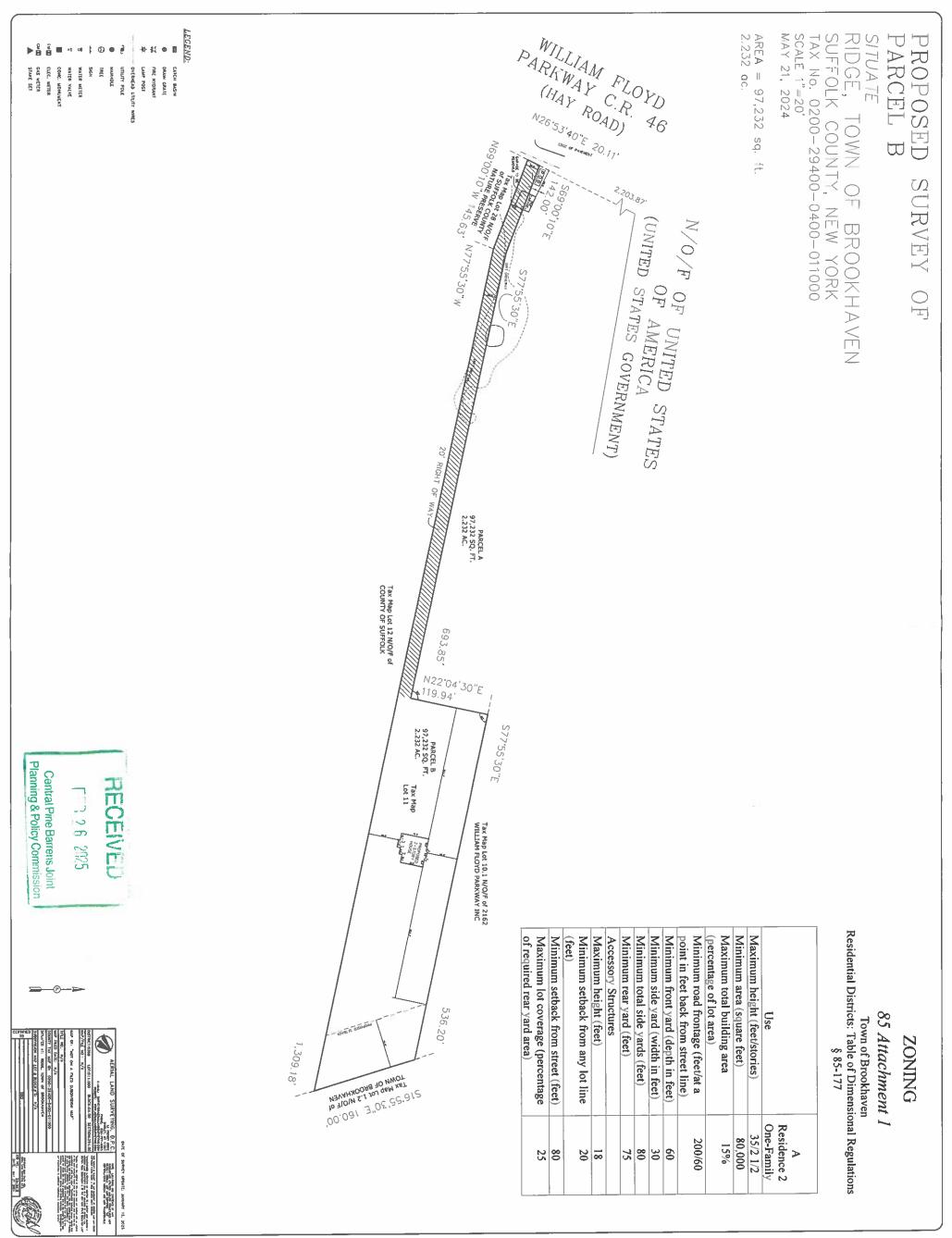
# 85 Attachment 1

Town of Brookhaven Residential Districts: Table of Dimensional Regulations § 85-177

	A
Use	Residence 2 One-Family
um height (feet/stories)	35/2 1/2
m area (square feet)	80,000
um total building area	15%
age of lot area)	
m road frontage (feet/at a	200/60
feet back from street line)	
m front yard (depth in feet)	60
m side yard (width in feet)	30
m total side yards (feet)	08
m rear yard (feet)	75
bry Structures	
am height (feet)	18
m setback from any lot line	20
m setback from street (feet)	08
im lot coverage (percentage	25
red rear yard area)	



-7



	A
	Residence 2
Use	One-Family
am height (feet/stories)	35/2 1/2
im area (square feet)	000,08
im total building area	15%
lage of lot area)	
im road frontage (feet/at a	200/60
feet back from street line)	
im front yard (depth in feet)	60
m side yard (width in feet)	30
im total side yards (feet)	08
im rear yard (feet)	75
bry Structures	
um height (feet)	18
im setback from any lot line	20
im setback from street (feet)	80
im at any arous (normantana	>0

### Aerial Land Surveying, D.P.C.

53 Probst Drive, Shirley NY 11967

### Tel. 833-787-8393 / surveys@aeriallandsurveying.com

DIST: 0200 SEC: 294.00 BLOCK: 04.00 Lot: 011.000

### **METES & BOUNDS DESCRIPTION:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF BROOKHAVEN, AT RIDGE, COUNTY OF SUFFOLK AND STATE OF NEW YORK, AND BEING MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING AT A POINT** ON THE EASTERLY SIDE OF HAY ROAD (WILLIAM FLOYD PARKWAY C.R.46) 2,203.87 FEET SOUTHWESTERLY FROM A POINT WHERE THE EASTERLY LINE OF HAY ROAD INTERSECTS WITH THE LAND NOW OR FORMERLY OF THE UNITED STATES GOVERNMENT;

RUNNING THENCE ALONG THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1. SOUTH 69 DEGREES 00 MINUTES 10 SECONDS EAST 142.00 FEET;
- 2. SOUTH 77 DEGREES 55 MINUTES 30 SECONDS EAST 693.85 FEET;

THENCE NORTH 22 DEGREES 04 MINUTES 30 SECONDS EAST 119.94 FEET;

THENCE SOUTH 77 DEGREES 55 MINUTES 30 SECONDS EAST 536.20 FEET TO THE NORTHEASTERN CORNER OF THE PREMISES HEREIN DESCRIBED AND THE LAND NOW OR FORMERLY OF THE UNITED STATES GOVERNMENT;

THENCE SOUTH 16 DEGREES 55 MINUTES 30 SECONDS EAST 160.00 FEET TO THE SOUTHEAST CORNER OF THE PREMISES HEREIN DESCRIBED;

THENCE ALONG THE FOLLOWING TWO(2) COURSES AND DISTANCES:

- 1. NORTH 77 DEGREES 55 MINUTES 30 SECONDS WEST 1,309.18 FEET;
- 2. NORTH 69 DEGREES 00 MINUTES 10 SECONDS WEST 145.63 FEET TO THE EASTERLY SIDE OF HAY ROAD(WILLIAM FLOYD PARKWAY C.R.46);

THENCE ALONG THE EASTERLY SIDE OF HAY ROAD(WILLIAM FLOYD PARKWAY C.R.46) NORTH 26 DEGREES 53 MINUTES 40 SECONDS EAST 20.11 FEET TO THE POINT OR PLACE OF **BEGINNING**.

PREMISES KNOWN AS 2158 WILLIAM FLOYD PKWY, RIDGE, NY 11961.



### Aerial Land Surveying, D.P.C.

### 53 Probst Drive, Shirley NY 11967

### Tel. 833-787-8393 / surveys@aeriallandsurveying.com

DIST: 0200 SEC: 294.00 BLOCK: 04.00 Lot: 011.000

### **METES & BOUNDS DESCRIPTION:**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE TOWN OF BROOKHAVEN, AT RIDGE, COUNTY OF SUFFOLK AND STATE OF NEW YORK, AND BEING MORE FULLY BOUNDED AND DESCRIBED AS FOLLOWS:

**BEGINNING AT A POINT** ON THE EASTERLY SIDE OF HAY ROAD (WILLIAM FLOYD PARKWAY C.R.46) 2,102.59 FEET SOUTHWESTERLY FROM A POINT WHERE THE EASTERLY LINE OF HAY ROAD INTERSECTS WITH THE LAND NOW OR FORMERLY OF THE UNITED STATES GOVERNMENT;

RUNNING THENCE SOUTH 77 DEGREES 55 MINUTES 30 SECONDS EAST 808.23 FEET;

THENCE SOUTH 22 DEGREES 04 MINUTES 30 SECONDS WEST 124.94 FEET;

THENCE ALONG THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1. NORTH 77 DEGREES 55 MINUTES 30 SECONDS WEST 693.85 FEET;
- 2. NORTH 69 DEGREES 00 MINUTES 10 SECONDS WEST 142.00 FEET TO THE EASTERLY SIDE OF HAY ROAD (WILLIAM FLOYD PARKWAY C.R.46);

THENCE ALONG THE EASTERLY SIDE OF HAY ROAD(WILLIAM FLOYD PARKWAY C.R.46) NORTH 26 DEGREES 53 MINUTES 40 SECONDS EAST 101.28 FEET TO THE POINT OR PLACE OF BEGINNING.

PREMISES KNOWN AS 2158 WILLIAM FLOYD PKWY, RIDGE, NY 11961.



# EXHIBIT C

### **Full Environmental Assessment Form Part 1 - Project and Setting**

### **Instructions for Completing Part 1**



Planning & Policy Commission . Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

### A. Project and Applicant/Sponsor Information.

Name of Action or Project:									
Proposed Two Lot Subdivision - 2158 William Floyd Parkway									
Project Location (describe, and attach a general location map):									
2158 William Floyd Parkway, Ridge, NY 11961									
Brief Description of Proposed Action (include purpose or need):									
Proposed two lot subdivision. The existing home and associaed patio are to remain on the westerly lot and a new single family residence is to be constructed on the new easterly lot.									
Name of Applicant/Sponsor:	Telephone: 631-961-0506								
Key Civil Engineering c/o Daniel Peveraro, PE	E-Mail: dp@keycivilengineering.	com							
Address: 664 Blue Point Road									
City/PO: Holstville	State: NY	Zip Code: 11472							
Project Contact (if not same as sponsor; give name and title/role):	Telephone:								
	E-Mail:	· · · · · · · · · · · · · · · · · · ·							
Address:	· · · · · · · · · · · · · · · · · · ·								
City/PO:	State:	Zip Code:							
Property Owner (if not same as sponsor):	Telephone: 631-219-5040								
Ray Garafola	E-Mail: RGarafola@aol.com								
Address:									
96 Forest Road									
City/PO: Centereach	State: NY	Zip Code: 11720							

### **B.** Government Approvals

1

<b>B. Government Approvals, F</b> assistance.)	unding, or Spon	sorship. ("Funding" includes grants, loans, ta:	x relief, and any oth	er forms of financial
Government Ent	ity	If Yes: Identify Agency and Approval(s) Required		tion Date projected)
a. City Counsel, Town Board, or Village Board of Trustees		Town Board Subdivision		
b. City, Town or Village Planning Board or Commiss	☐Yes <b>Z</b> No ion			
c. City, Town or Village Zoning Board of Ap	□Yes <b>☑</b> No peals			
d. Other local agencies	<b>Z</b> Yes No	SCWA: Water Service; Town: Building Department		
e. County agencies	<b>Y</b> es No	SCDHS: Subdivision and Wastewater; SCDPW: Road Opening Permit, SCPC		
f. Regional agencies	<b>V</b> Yes No	Central Pine Barrens Commission		
g. State agencies	□Yes <b>Z</b> No			
h. Federal agencies	□Yes <b>Z</b> No			
i. Coastal Resources. <i>i</i> . Is the project site within a	a Coastal Area, o	r the waterfront area of a Designated Inland Wa	aterway?	Yes ZNo
<i>ii.</i> Is the project site located	in a community	with an approved Local Waterfront Revitalizati	ion Program?	☐ Yes ZNo

🗆 Yes 🗾 No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?

iii. Is the project site within a Coastal Erosion Hazard Area?

### C. Planning and Zoning

C.1. Planning and zoning actions.	
<ul> <li>Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?</li> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	Yes No
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<b>V</b> Yes No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	Yes Z No
<ul> <li>b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)</li> <li>If Yes, identify the plan(s):</li> </ul>	<b>V</b> Yes No
NYS Heritage Areas:LI North Shore Heritage Area	
<ul> <li>c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?</li> <li>If Yes, identify the plan(s):</li> </ul>	☐Yes <b>Z</b> No

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? A2 Residential	Yes No
b. Is the use permitted or allowed by a special or conditional use permit?	Ves No
c. Is a zoning change requested as part of the proposed action? If Yes,	Ves No
<i>i</i> . What is the proposed new zoning for the site?	
C.4. Existing community services.	
a. In what school district is the project site located? Longwood CSD	
b. What police or other public protection forces serve the project site? <u>SCPD 7th Precinct</u>	
c. Which fire protection and emergency medical services serve the project site? Ridge FD	
d. What parks serve the project site? Brookhaven State Park	
D. Project Details	
D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mix components)? Residential	ked, include all
b. a. Total acreage of the site of the proposed action?       4.464 acres         b. Total acreage to be physically disturbed?       +-0.75 acres         c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?       4.464 acres	
<ul> <li>c. Is the proposed action an expansion of an existing project or use?</li> <li><i>i</i>. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, mil square feet)? % Units:</li> </ul>	Yes No es, housing units,
<ul> <li>d. Is the proposed action a subdivision, or does it include a subdivision?</li> <li>If Yes,</li> <li><i>i.</i> Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) Single Family Residential</li> </ul>	ZYes No
<ul> <li>ii. Is a cluster/conservation layout proposed?</li> <li>iii. Number of lots proposed?2</li> <li>iv. Minimum and maximum proposed lot sizes? Minimum2.232 Maximum2.232</li> </ul>	Yes 🖉 No
<ul> <li>e. Will the proposed action be constructed in multiple phases?</li> <li>i. If No, anticipated period of construction:4 months</li> <li>ii. If Yes:</li> <li>Total number of phases anticipated</li> </ul>	Ves No
<ul> <li>Anticipated commencement date of phase 1 (including demolition) month year</li> <li>Anticipated completion date of final phase month year</li> <li>Generally describe connections or relationships among phases, including any contingencies where prog determine timing or duration of future phases:</li> </ul>	

f Does the proje	ct include new resid	lential uses?		<u></u>	<b>V</b> Yes No
	nbers of units proper				MI I CS INO
	One Family		Three Family	Multiple Family (four or more)	
	<u>One runny</u>	The Tunny	<u>Intee</u> <u>I unity</u>	Mumple Funny (rour or more)	
Initial Phase	1				
At completion	1				
of all phases	1				
g. Does the prop	osed action include	new non-residenti	al construction (inclu	iding expansions)?	Yes No
If Yes,				ung onpanorono).	
i. Total numbe	r of structures				
ii. Dimensions	(in feet) of largest p	roposed structure:	height;	width; and length	
iii. Approximate	e extent of building	space to be heated	or cooled:	square feet	
h. Does the prop	osed action include	construction or ot	her activities that wil	l result in the impoundment of any	Yes No
				agoon or other storage?	
If Yes,		11 27		0 0	
	e impoundment:				
ii. If a water imp	poundment, the prin	cipal source of the	water:	Ground water 🗌 Surface water strea	ms Other specify:
111 TC					
<i>uii.</i> If other than	water, identify the t	ype of impounded	contained liquids and	d their source.	
iv. Approximate	size of the propose	d impoundment.	Volume:	million gallons: surface area	acres
v. Dimensions	of the proposed dam	or impounding st	ructure:	million gallons; surface area:height; length	40103
vi. Construction	method/materials	for the proposed d	am or impounding st	ructure (e.g., earth fill, rock, wood, con	crete):
· · · · · · · · · · · · · · · · · · ·					,
D.2. Project Op	perations				
a. Does the prop	osed action include	any excavation, m	ining, or dredging, d	uring construction, operations, or both	Yes No
				or foundations where all excavated	
materials will					
If Yes:					
<i>i</i> .What is the p	urpose of the excav	ation or dredging?			
ii. How much ma	aterial (including ro	ck, earth, sedimen	ts, etc.) is proposed t	o be removed from the site?	
Volume	e (specify tons or cu	bic yards):			
	hat duration of time				
iii. Describe nati	ire and characteristi	cs of materials to	be excavated or dred	ged, and plans to use, manage or dispos	se of them.
in Will there he	a anaita darratarina	or processing of a	xcavated materials?		Vec
					Yes No
II yes, deser	ioc				
y What is the t	otal area to be dreds	red or excavated?		acres	
vi. What is the r	naximum area to he	worked at any on	e time?	acres	
vii What would	he the maximum de	onth of excavation	or dredging?	feet	
	avation require blas		··· •··•··		<b>Yes</b> No
				crease in size of, or encroachment	☐Yes <b>/</b> No
	ing wetland, waterb	ody, shoreline, be	ach or adjacent area?		
If Yes:			<u> </u>		
				water index number, wetland map num	ber or geographic
description):				<u> </u>	

<i>ii.</i> Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of st alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square fee	ructures, or t or acres:
iii. Will the proposed action cause or result in disturbance to bottom sediments? If Yes, describe:	Yes No
<i>iv.</i> Will the proposed action cause or result in the destruction or removal of aquatic vegetation? If Yes:	Yes No
acres of aquatic vegetation proposed to be removed:	
expected acreage of aquatic vegetation remaining after project completion:	
purpose of proposed removal (e.g. beach clearing, invasive species control, boat access):	
proposed method of plant removal:	
if chemical/herbicide treatment will be used, specify product(s):	
v. Describe any proposed reclamation/mitigation following disturbance:	;
c. Will the proposed action use, or create a new demand for water? If Yes:	ZYes No
i. Total anticipated water usage/demand per day: 300 gallons/day	
<i>ii.</i> Will the proposed action obtain water from an existing public water supply? If Yes:	ZYes No
Name of district or service area: SCWA	
<ul> <li>Does the existing public water supply have capacity to serve the proposal?</li> </ul>	🗹 Yes 🗖 No
• Is the project site in the existing district?	Ves No
• Is expansion of the district needed?	Yes No
• Do existing lines serve the project site?	Ves No
<i>iii.</i> Will line extension within an existing district be necessary to supply the project? If Yes:	Yes ZNo
Describe extensions or capacity expansions proposed to serve this project:	
Source(s) of supply for the district:	
<i>iv.</i> Is a new water supply district or service area proposed to be formed to serve the project site? If, Yes:	Yes ZNo
Applicant/sponsor for new district:	
Date application submitted or anticipated:	
v. If a public water supply will not be used, describe plans to provide water supply for the project:	<u>.</u>
vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: gallons	/minute.
d. Will the proposed action generate liquid wastes? If Yes:	ZYes No
<ul> <li>i. Total anticipated liquid waste generation per day: <u>300</u> gallons/day</li> <li>ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components approximate volumes or proportions of each): <u>300</u></li> </ul>	
Sanitary wastewater	
<i>iii.</i> Will the proposed action use any existing public wastewater treatment facilities? If Yes:	Yes ZNo
Name of wastewater treatment plant to be used:	
Name of district:	
• Does the existing wastewater treatment plant have capacity to serve the project?	□Yes □No
• Is the project site in the existing district?	Yes No
• Is expansion of the district needed?	□Yes □No

	• Do existing sewer lines serve the project site?	Yes No
	• Will a line extension within an existing district be necessary to serve the project?	Yes No
	If Yes:	
	Describe extensions or capacity expansions proposed to serve this project:	
	• Deserve extensions of capacity expansions proposed to serve tins project.	
in	. Will a new wastewater (sewage) treatment district be formed to serve the project site?	☐Yes <b>Z</b> No
	If Yes:	
	Applicant/sponsor for new district:	
	Date application submitted or anticipated:	
	<ul> <li>What is the receiving water for the wastewater discharge?</li> </ul>	
	If public facilities will not be used, describe plans to provide wastewater treatment for the project, including speci	fuine managed
<i>V</i> .		rying proposed
	receiving water (name and classification if surface discharge or describe subsurface disposal plans):	
vi	. Describe any plans or designs to capture, recycle or reuse liquid waste:	
F 5 1	. Describe any plans or designs to capture, recycle or reuse liquid waste:	
e.	Will the proposed action disturb more than one acre and create stormwater runoff, either from new point	Yes No
	sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point	
	source (i.e. sheet flow) during construction or post construction?	
If	Yes:	
i	How much impervious surface will the project create in relation to total size of project parcel?	
	Square feet or acres (impervious surface)	
	Square feet or acres (parcel size)	
ii	. Describe types of new point sources.	
iii	Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent pr	operties.
	groundwater, on-site surface water or off-site surface waters)?	-F,
	<b>3</b> ,	
	If to surface waters, identify receiving water bodies or wetlands:	
	Will stormwater runoff flow to adjacent properties?	☐ Yes ☐ No
iv.	. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?	
	Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel	Yes No
	combustion, waste incineration, or other processes or operations?	
If	Yes, identify:	
	<i>i</i> . Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)	
	in moone courses during project operations (e.g., nearly equipment, mor of demoty remetes)	
i	<i>i</i> . Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)	
-	in orantenary sources caring construction (0.8., portor generation, structural neuting, outon plant, orablers)	
ii	<i>i</i> . Stationary sources during operations (e.g., process emissions, large boilers, electric generation)	
	······································	
0	Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit,	
g.	or Federal Clean Air Act Title IV or Title V Permit?	Yes 🛛 No
16		
	Yes:	
l.	Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet	□Yes □No
	ambient air quality standards for all or some parts of the year)	
П.	In addition to emissions as calculated in the application, the project will generate:	
	<ul> <li>Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> </ul>	
	<ul> <li>Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> </ul>	
	<ul> <li>Tons/year (short tons) of Perfluorocarbons (PFCs)</li> </ul>	
	<ul> <li>Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> </ul>	
	Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)	
	Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

÷.

<ul> <li>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?</li> <li>If Yes: <ul> <li>i. Estimate methane generation in tons/year (metric):</li> </ul> </li> </ul>	
<ul> <li>Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring):</li> </ul>	
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):	
<ul> <li>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial Yes No new demand for transportation facilities or services?</li> <li>If Yes: <ul> <li>i. When is the peak traffic expected (Check all that apply):</li> <li>Morning</li> <li>Evening</li> <li>Weekend</li> <li>Randomly between hours of to</li> </ul> </li> <li>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks):</li> </ul>	
<ul> <li>iii. Parking spaces: Existing Proposed Net increase/decrease</li> <li>iv. Does the proposed action include any shared use parking? Yes No</li> <li>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe</li> <li>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No</li> <li>viii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric Yes No</li> <li>or other alternative fueled vehicles?</li> <li>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing Yes No</li> <li>pedestrian or bicycle routes?</li> </ul>	e:
<ul> <li>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand Yes No for energy?</li> <li>If Yes: <ul> <li><i>i</i>. Estimate annual electricity demand during operation of the proposed action:</li> <li><i>ii</i>. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):</li> </ul></li></ul>	
iii. Will the proposed action require a new, or an upgrade, to an existing substation?	

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	Ves No
If yes:	
<i>i</i> . Provide details including sources, time of day and duration:	
Typical handheld tool operations, deliveries, and light excavation equipment (sanitary and drywell installation) during hours per by the Town of Brookhaven code.	mitted for construction
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	Ves No
Describe: The site is currently wooded and tree removal is proposed as part of the construction of the proposed single family re	esidence.
n. Will the proposed action have outdoor lighting? If yes:	Yes No
<i>i</i> . Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:	
<i>ii.</i> Will proposed action remove existing natural barriers that could act as a light barrier or screen? Describe:	□Yes□No
<ul> <li>Does the proposed action have the potential to produce odors for more than one hour per day? If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</li> </ul>	Yes No
<ul> <li>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?</li> <li>If Yes: <ul> <li>i. Product(s) to be stored</li> </ul> </li> </ul>	Yes No
<i>ii.</i> Volume(s) per unit time (e.g., month, year) <i>iii.</i> Generally, describe the proposed storage facilities:	
<ul> <li>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?</li> <li>If Yes: <ul> <li><i>i</i>. Describe proposed treatment(s):</li> <li><u>Pesticide use as may be required for typical residential lawn and planting maintenance.</u></li> </ul> </li> </ul>	🛛 Yes 🗍 No
<i>ii.</i> Will the proposed action use Integrated Pest Management Practices?	Yes 🛛 No
<ul> <li>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?</li> <li>If Yes:</li> </ul>	🗋 Yes 🛛 No
<i>i</i> . Describe any solid waste(s) to be generated during construction or operation of the facility:	
Construction: tons per (unit of time)	
Operation : tons per (unit of time)	
<ul> <li>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste</li> <li>Construction:</li> </ul>	
Operation:	
<ul> <li>iii. Proposed disposal methods/facilities for solid waste generated on-site:</li> <li>Construction:</li> </ul>	
Operation:	

65				
s. Does the proposed action include construction or modification of a solid waste management facility?				
<ul> <li>If Yes:</li> <li><i>i</i>. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities):</li> </ul>				
<i>ii.</i> Anticipated rate of disposal/prod	essing:			
• Tons/month, if tr			ent, or	
• Tons/hour, if cor <i>iii</i> . If landfill, anticipated site life:	nbustion or thermal tre			
t. Will the proposed action at the site			storess of diseased of barand	
waste?	involve the commerci	al generation, treatment,	storage, or disposal of hazard	
If Yes:				
<i>i</i> . Name(s) of all hazardous wastes	or constituents to be g	enerated, handled or man	naged at facility:	
ii. Generally describe processes or a	activities involving haz	ardous wastes or constit	uents:	
iii. Specify amount to be handled or	r generated tons	s/month		
iv. Describe any proposals for on-si			is constituents:	
v. Will any hazardous wastes be di	sposed at an existing o	ffsite hazardous waste fa	cility?	<b>Yes</b> No
If Yes: provide name and location of				
If No: describe proposed manageme:	at of one becordous we	ataa mhish mill not ha as	ut to a hagandana masta facilit	
If No. describe proposed manageme.	nt of any nazardous wa	stes which will not be se	ent to a nazardous waste facilit	y.
E Site and Setting of Duran d A	A9			
E. Site and Setting of Proposed Ac	cuon			
E.1. Land uses on and surrounding	ng the project site			
a. Existing land uses.				
<i>i.</i> Check all uses that occur on, ad Urban Industrial Con			ral (non-farm)	
$\checkmark$ Forest $\square$ Agriculture $\square$ Aqu				
ii. If mix of uses, generally describ	be:			
Residential to the north; vacant/parklar	id to the south and east; r	esidential to west (across W	/illiam Floyd Parkway)	
b. Land uses and covertypes on the	project site.			
Land use or Covertype		Current Acreage	Acreage After Project Completion	Change (Acres +/-)
Roads, buildings, and other pay	ed or impervious	Acieage	r rojeci Compiction	(ACIES */-)
surfaces		0.114	0.71	+.596
• Forested		4.104	3.754	35
Meadows, grasslands or brushla	· · · · · · · · · · · · · · · · · · ·			
agricultural, including abandon	ed agricultural)		A 10 10	
Agricultural (includes active orchards, field,	greenhouse etc.)			
Surface water features	5			
(lakes, ponds, streams, rivers, e	tc.)			
• Wetlands (freshwater or tidal)				
Non-vegetated (bare rock, earth	or fill)	0.246	0	246
• Other				
Describe:				

c. Is the project site presently used by members of the community for public recreation? <i>i.</i> If Yes: explain:	□Yes√No
<ul> <li>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?</li> <li>If Yes, <ul> <li>i. Identify Facilities:</li> </ul> </li> </ul>	Yes
e. Does the project site contain an existing dam? If Yes:	Yes
<i>i</i> . Dimensions of the dam and impoundment:	
Dam height: feet     Dam length: feet	
Surface area: acres     Volume impounded: gallons OR acre-feet	
<i>ii.</i> Dam's existing hazard classification:	
iii. Provide date and summarize results of last inspection:	
I	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facil If Yes:	∐Yes <b>∑</b> No ity?
<i>i</i> . Has the facility been formally closed?	Yes No
If yes, cite sources/documentation:	
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:	
· · ·	
<i>iii.</i> Describe any development constraints due to the prior solid waste activities:	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes:	Yes No
<i>i</i> . Describe waste(s) handled and waste management activities, including approximate time when activities occurre	ed:
<ul> <li>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?</li> <li>If Yes:</li> </ul>	Yes No
<i>i</i> . Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:	<b>Yes</b> No
Yes - Spills Incidents database       Provide DEC ID number(s):	
<ul> <li>Yes – Environmental Site Remediation database</li> <li>Provide DEC ID number(s):</li> </ul>	
<i>ii.</i> If site has been subject of RCRA corrective activities, describe control measures:	
<i>iii</i> . Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s):	<b>YesN</b> o
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):	

v. Is the project site subject to an institutional control limiting property uses?	<b>Yes N</b> o
If yes, DEC site ID number:	
<ul> <li>Describe the type of institutional control (e.g., deed restriction or easement):</li> <li>Describe any use limitations:</li> </ul>	
<ul> <li>Describe any use limitations:</li> <li>Describe any engineering controls:</li> </ul>	
Will the project affect the institutional or engineering controls in place?	Yes No
Explain:	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? >1.000 feet	
b. Are there bedrock outcroppings on the project site?	Yes No
If Yes, what proportion of the site is comprised of bedrock outcroppings?%	
c. Predominant soil type(s) present on project site: Haven Loam 19.1 %	
Plymouth Loamy course sand 21.3 %	
Riverhead Sandy Loam 50.7 %	
d. What is the average depth to the water table on the project site? Average: 34 feet	
e. Drainage status of project site soils: Well Drained: 100 % of site	
Moderately Well Drained: % of site	
Poorly Drained% of site	
f. Approximate proportion of proposed action site with slopes: 🔽 0-10%: 100 % of site	
□ 10-15%:% of site	
15% or greater:% of site	
g. Are there any unique geologic features on the project site? If Yes, describe:	Yes No
h. Surface water features.	
<ul> <li>i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</li> </ul>	<b>Yes</b> No
ii. Do any wetlands or other waterbodies adjoin the project site?	∐Yes <b>∑</b> No
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.	
<i>iii.</i> Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	Yes ZNo
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
Streams: Name Classification	
Lakes or Ponds: Name Classification	
Wetlands: Name Approximate Size      Wetland No. (if regulated by DEC)	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired	Yes ZNo
waterbodies? If yes, name of impaired water body/bodies and basis for listing as impaired:	
If yes, hand of imparted water body/bodies and basis for fisting as imparted.	
i. Is the project site in a designated Floodway?	Yes <b>Z</b> No
j. Is the project site in the 100-year Floodplain?	Yes No
k. Is the project site in the 500-year Floodplain?	Yes No
1. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? If Yes:	Yes No
i. Name of aquifer: Sole Source Aquifer Names:Nassau-Suffolk SSA	

m. Identify the predominant wildlife species that occupy or use the project site: Sequirals Sequ	· · · · · · · · · · · · · · · · · · ·		10 mm
n. Does the project site contain a designated significant natural community?       IV yes No         if Yes:       .       Describe the habitat/community (composition, function, and basis for designation):	Operate internet		
If Yes:       i. Describe the habitat/community (composition, function, and basis for designation):	Songbirds	Squirreis	
If Yes:       i. Describe the habitat/community (composition, function, and basis for designation):			
		ed significant natural community?	Yes No
Pitch Pine-Cak Forest   if: Source(s) of description or evaluation: NYS Environmental Resource Mapper   if: Source(s) of description of project as proposed:   2727.0, 1176.28   acres   • Following completion of project as proposed:   2727.0, 4175.83   acres   • Contrainty:   • Contrainty:   • Following completion of project as proposed:   2727.0, 4175.83   acres   • Contain any species of plant or animal that is listed by the federal government or NYS as   Properstant   If Yes:   • Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of   P. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of   P. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of   P. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of   P. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of   P. Species and listing:		position function and basis for designation);	
iii: Extent of community/habitat:       2727.0, 1176.28       acres         • Currently:       2727.0, 1176.28       acres         • Gain or loss (indicate + or -):	Pitch Pine-Oak Forest		
Currently:     2722.0, 1178.28 acres     Careatly:     Z726.0, 1178.28 acres     Gain or loss (indicate + or -):		: NYS Environmental Resource Mapper	
Following completion of project as proposed:		0707 0 1476 00	
Gain or loss (indicate + or -):			
0. Does project site contain any species of plant or animal that is listed by the federal government or NYS as government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?         If Yes:       . Species and listing (endangered or threatened):         Northern Long-eared Bat			
endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? If Yes: . Species and listing (endangered or threatened): Northern Long-eared Bat 	• Gain of ioss (indicate + of -).	deres	
If Yes:			
Species and listing (endangered or threatened): Northern Long-eared Bat  P. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  If Yes:     Species and listing:      Get the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?      Species and listing:      Section and species of of the section and species of of the section and species of the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?      Species and listing:      Section and species of the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?      Section and species of the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?      Section and the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?      Section and the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?      Section and the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?      Section and the project site or adjoin of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?      Section 303 and 304?      Section 303 and 304?      Are agricultural lands consisting of highly productive soils present?      Are agricultural lands consisting of highly productive soils present?      Section 303 and 304?      Section 304 and asection 304 and asection 304		tain any areas identified as habitat for an endangered or threatened spec	ies?
Northern Long-eared Bat         p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?         If Yes:         i. Species and listing:         i. Species and project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?         If Yes:       i. Nature of the natural landmark: including values beh		(here)	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?       Yes∑No         If Yes:       i. Species and listing:		incu).	
special concern?         If Yes:         i. Species and listing:			
special concern?         If Yes:         i. Species and listing:			
If Yes:       i. Species and listing:         q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?       Yes ZNo         If yes, give a brief description of how the proposed action may affect that use:	p. Does the project site contain any specie	es of plant or animal that is listed by NYS as rare, or as a species of	Yes Z No
	special concern?	· · · · ·	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?       Yes ☑No         If yes, give a brief description of how the proposed action may affect that use:	If Yes:		
If yes, give a brief description of how the proposed action may affect that use:   E.3. Designated Public Resources On or Near Project Site   a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to   Agriculture and Markets Law, Article 25-AA, Section 303 and 304?   If Yes, provide county plus district name/number:   b. Are agricultural lands consisting of highly productive soils present?   i. If Yes: acreage(s) on project site?   ii. Source(s) of soil rating(s):   c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National   Natural Landmark?   If Yes:   i. Nature of the natural landmark:   Biological Community   Geological Feature   ii. Provide brief description of landmark, including values behind designation and approximate size/extent:   ii. Step project site located in or does it adjoin a state listed Critical Environmental Area?   If Yes:   i. CEA name:   SGPA, Central Suffolk Pine Barrens   ii. Basis for designation:   Protect groundwater, Benefit to human health & protect drinking water	<i>i.</i> Species and listing:		
If yes, give a brief description of how the proposed action may affect that use:   E.3. Designated Public Resources On or Near Project Site   a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to   Agriculture and Markets Law, Article 25-AA, Section 303 and 304?   If Yes, provide county plus district name/number:   b. Are agricultural lands consisting of highly productive soils present?   i. If Yes: acreage(s) on project site?   ii. Source(s) of soil rating(s):   c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National   Natural Landmark?   If Yes:   i. Nature of the natural landmark:   Biological Community   Geological Feature   ii. Provide brief description of landmark, including values behind designation and approximate size/extent:   ii. Step project site located in or does it adjoin a state listed Critical Environmental Area?   If Yes:   i. CEA name:   SGPA, Central Suffolk Pine Barrens   ii. Basis for designation:   Protect groundwater, Benefit to human health & protect drinking water			
If yes, give a brief description of how the proposed action may affect that use:   E.3. Designated Public Resources On or Near Project Site   a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to   Agriculture and Markets Law, Article 25-AA, Section 303 and 304?   If Yes, provide county plus district name/number:   b. Are agricultural lands consisting of highly productive soils present?   i. If Yes: acreage(s) on project site?   ii. Source(s) of soil rating(s):   c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National   Natural Landmark?   If Yes:   i. Nature of the natural landmark:   Biological Community   Geological Feature   ii. Provide brief description of landmark, including values behind designation and approximate size/extent:   ii. Step project site located in or does it adjoin a state listed Critical Environmental Area?   If Yes:   i. CEA name:   SGPA, Central Suffolk Pine Barrens   ii. Basis for designation:   Protect groundwater, Benefit to human health & protect drinking water			
E.3. Designated Public Resources On or Near Project Site         a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?         If Yes, provide county plus district name/number:         b. Are agricultural lands consisting of highly productive soils present?         i. If Yes: acreage(s) on project site?         ii. Source(s) of soil rating(s):         c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?         If Yes:         i. Nature of the natural landmark:         Biological Community         Geological Feature         ii. Provide brief description of landmark, including values behind designation and approximate size/extent:         d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?         If Yes:         i. CEA name: SGPA, Central Suffolk Pine Barrens         ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water			
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to   Agriculture and Markets Law, Article 25-AA, Section 303 and 304?   If Yes, provide county plus district name/number:   b. Are agricultural lands consisting of highly productive soils present? i. If Yes: acreage(s) on project site? ii. Source(s) of soil rating(s): c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National No Natural Landmark? If Yes: i. Nature of the natural landmark: Biological Community Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: If Yes: i. CEA name: SGPA, Central Suffolk Pine Barrens ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water	If yes, give a other description of now the p	proposed action may affect that use.	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to   Agriculture and Markets Law, Article 25-AA, Section 303 and 304?   If Yes, provide county plus district name/number:   b. Are agricultural lands consisting of highly productive soils present? i. If Yes: acreage(s) on project site? ii. Source(s) of soil rating(s): c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National No Natural Landmark? If Yes: i. Nature of the natural landmark: Biological Community Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: If Yes: i. CEA name: SGPA, Central Suffolk Pine Barrens ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water			
Agriculture and Markets Law, Article 25-AA, Section 303 and 304?   If Yes, provide county plus district name/number:   b. Are agricultural lands consisting of highly productive soils present? i. If Yes: acreage(s) on project site? ii. Source(s) of soil rating(s): c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? If Yes: i. Nature of the natural landmark: Biological Community Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: If Yes: i. CEA name: SGPA, Central Suffolk Pine Barrens ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water	E.3. Designated Public Resources On or	r Near Project Site	
If Yes, provide county plus district name/number:	a. Is the project site, or any portion of it, lo	ocated in a designated agricultural district certified pursuant to	Yes 7No
b. Are agricultural lands consisting of highly productive soils present?       □Yes ☑No         i. If Yes: acreage(s) on project site?       …         ii. Source(s) of soil rating(s):       …         c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National       □Yes ☑No         Natural Landmark?       If Yes:         i. Nature of the natural landmark:       □ Biological Community       □ Geological Feature         ii. Provide brief description of landmark, including values behind designation and approximate size/extent:       …         d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?       ☑ Yes □No         If Yes:       i. CEA name: SGPA, Central Suffolk Pine Barrens       ii. Basis for designation:         ii. Basis for designation:       Protect groundwater, Benefit to human health & protect drinking water       …	Agriculture and Markets Law, Article 2	25-AA, Section 303 and 304?	
i. If Yes: acreage(s) on project site?         ii. Source(s) of soil rating(s):         c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National         Natural Landmark?         If Yes:         i. Nature of the natural landmark:         Biological Community         Geological Feature         ii. Provide brief description of landmark, including values behind designation and approximate size/extent:	If Yes, provide county plus district name/	number:	
i. If Yes: acreage(s) on project site?         ii. Source(s) of soil rating(s):         c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National         Natural Landmark?         If Yes:         i. Nature of the natural landmark:         Biological Community         Geological Feature         ii. Provide brief description of landmark, including values behind designation and approximate size/extent:	b. Are agricultural lands consisting of high	ally productive soils present?	Yes <b>V</b> No
<ul> <li>ii. Source(s) of soil rating(s):</li> <li>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Yes No Natural Landmark?</li> <li>If Yes: <ul> <li>i. Nature of the natural landmark:</li> <li>Biological Community</li> <li>Geological Feature</li> <li>ii. Provide brief description of landmark, including values behind designation and approximate size/extent:</li> </ul> </li> <li>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?</li> <li>If Yes: <ul> <li>i. CEA name: SGPA, Central Suffolk Pine Barrens</li> <li>ii. Basis for designation: Protect groundwater, Benefit to human health &amp; protect drinking water</li> </ul> </li> </ul>	i. If Yes: acreage(s) on project site?	от 1	
Natural Landmark?         If Yes:         i. Nature of the natural landmark:       Biological Community         Geological Feature         ii. Provide brief description of landmark, including values behind designation and approximate size/extent:	I di Counce(a) effecti estimate		
Natural Landmark?         If Yes:         i. Nature of the natural landmark:       Biological Community         Geological Feature         ii. Provide brief description of landmark, including values behind designation and approximate size/extent:	c. Does the project site contain all or part	of, or is it substantially contiguous to, a registered National	Yes <b>7</b> No
<ul> <li>i. Nature of the natural landmark: Biological Community Geological Feature</li> <li>ii. Provide brief description of landmark, including values behind designation and approximate size/extent:</li> <li>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?</li> <li>If Yes:         <ul> <li>i. CEA name: SGPA, Central Suffolk Pine Barrens</li> <li>ii. Basis for designation: Protect groundwater, Benefit to human health &amp; protect drinking water</li> </ul> </li> </ul>			
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:         d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?         If Yes:         i. CEA name:       SGPA, Central Suffolk Pine Barrens         ii. Basis for designation:       Protect groundwater, Benefit to human health & protect drinking water	1		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?       Image: Yes Incompared the state of the state			
If Yes: <i>i</i> . CEA name: SGPA, Central Suffolk Pine Barrens <i>ii</i> . Basis for designation: Protect groundwater, Benefit to human health & protect drinking water	<i>ii.</i> Provide brief description of landmark	, including values behind designation and approximate size/extent:	
If Yes: <i>i</i> . CEA name: SGPA, Central Suffolk Pine Barrens <i>ii</i> . Basis for designation: Protect groundwater, Benefit to human health & protect drinking water			·····
If Yes: <i>i</i> . CEA name: SGPA, Central Suffolk Pine Barrens <i>ii</i> . Basis for designation: Protect groundwater, Benefit to human health & protect drinking water			
i. CEA name: SGPA, Central Suffolk Pine Barrens ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water		djoin a state listed Critical Environmental Area?	<b>√</b> Yes No
ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water		Barrens	
	· · · · · · · · · · · · · · · · · · ·		0-88

<ul> <li>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissi Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.</li> <li><i>i</i>. Nature of historic/archaeological resource: Archaeological Site Historic Building or District <i>ii</i>. Name:</li> <li><i>iii</i>. Brief description of attributes on which listing is based:</li> </ul>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	Yes No
<ul> <li>g. Have additional archaeological or historic site(s) or resources been identified on the project site?</li> <li>If Yes: <ul> <li>i. Describe possible resource(s):</li> <li>ii. Basis for identification:</li> </ul> </li> </ul>	Yes No
<ul> <li>h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?</li> <li>If Yes:</li> <li><i>i.</i> Identify resource:</li> </ul>	Yes No
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or etc.):	scenic byway,
iii. Distance between project and resource: miles.	All Sheet She
<ul> <li>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?</li> <li>If Yes: <ul> <li>i. Identify the name of the river and its designation:</li> </ul> </li> </ul>	Yes No
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	☐Yes ☐No

### **F. Additional Information**

Attach any additional information which may be needed to clarify your project.

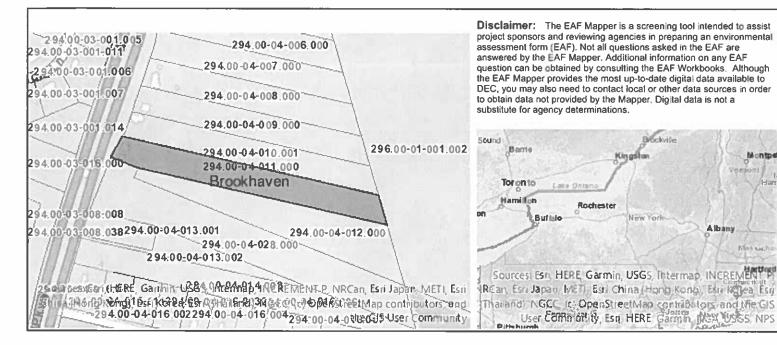
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Day Peverano	Date 2/1/25
Applicant/Sponsor Name Dan Peverano Signature	Title Dir. of Engineering

### EAF Mapper Summary Report



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:LI North Shore Heritage Area
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. (100 Year Floodplain)	No
E.2.k. [500 Year Floodplain]	No
E.2.I. [Aquifers]	Yes
E.2.I. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak Forest

E.A.H.I [Natural Communities - Acies]	2121.0, 1110.20
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	SGPA, Central Suffolk Pine Barrens
E.3.d.ii [Critical Environmental Area - Reason]	Protect groundwater, Benefit to human health & protect drinking water
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

# EXHIBIT D

### CORE AREA HARDSHIP ECL ARTICLE 57 - 0121 (10)

### Central Pine Barrens Joint

- 10. Any person, upon a showing of hardship caused by the provisions of subdivision eight of this section on development in the core preservation area, may apply to the commission for a permit exempting such person from such subdivision eight in connection with any proposed development in the core preservation area. Such application for an exemption pursuant to the demonstration of hardship within the core preservation area shall be approved only if the applicant satisfies the following conditions and extraordinary hardship or compelling public need is determined to have been established under the following standards:
  - (a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in an extraordinary hardship, as distinguished from a mere inconvenience, if the provisions of this act are literally enforced. An applicant shall be deemed to have established the existence of extraordinary hardship only if he demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this article, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property which:
    - Do not apply to or affect other property in the immediate vicinity;
    - (ii) Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or
    - (iii) Are not the result of any action or inaction by the applicant or the owner or his predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993.
  - (b) An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, one of the following:
    - (i) The proposed development will serve an essential health or safety need of the municipality or, in the case of an application serving more than one of the municipalities that the public health and safety require the requested waiver, that the public benefits from the proposed use are of a character that override the importance of the protection of the core preservation area as established in this article, that the proposed use is required to serve existing needs of the residents, and that no feasible alternatives exist outside the core preservation area to meet the established public need and that no better alternatives exist within the county; or
    - (ii) The proposed development constitutes an adaptive reuse of an historic resource designated by the commission and said reuse is the minimum relief necessary to ensure the integrity and continued protection of the designated historic resource and further that the designated historic resource's integrity and continued protection cannot be maintained without the granting of a permit.
  - c) An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met:
    - (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area;
    - (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or
    - (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need.

Any waiver or exemption granted under the provisions of this part shall only be considered an exemption or waiver of the particular standard of this article which the commission waived. It shall not constitute an approval of the entire development proposal. Nor shall it constitute a waiver from any requirements contained within any local, county or state law or ordinance.

Within thirty days of the application being received, the commission shall provide the applicant and any other person an opportunity to be heard. Notice of any public hearing conducted in connection with an application for such a permit shall be published in a newspaper of general circulation in the Central Pine Barrens area. If the proposed development is not contrary to the policy or any provision of this article and meets the standards of extraordinary hardship or public need herein, and the commission so finds, it may issue a permit allowing the development or such development subject to appropriate conditions or modifications to occur, provided that permission may be revoked by the commission if its terms are violated, and provided further that any such hardship permit issued by the commission shall be in addition to, and not in lieu of, such permit or permits as may be required by any state agency or municipality within whose boundary such development is located.

The time within which the commission must decide a core preservation area hardship application for which a negative declaration has been made by the commission pursuant to article eight of this chapter is one hundred twenty days from receipt of such application. The time within which the commission must decide a core preservation area hardship application for which a positive declaration has been made by the commission pursuant to article eight of this chapter is sixty days from issuance of a findings statement by the commission pursuant to article eight of this chapter. If the commission fails to make a decision within the aforesaid time periods, the development shall be deemed to be approved by the commission, unless extended by mutual agreement of the applicant and commission.

# EXHIBIT E



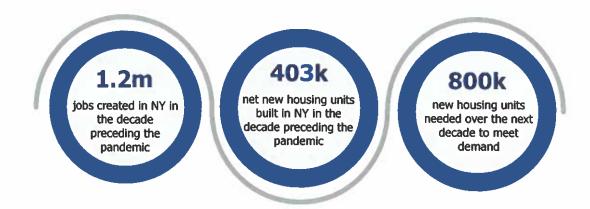


## The New York Housing Compact

**MARCH 2023** 

## Impact of New York's Housing Shortage

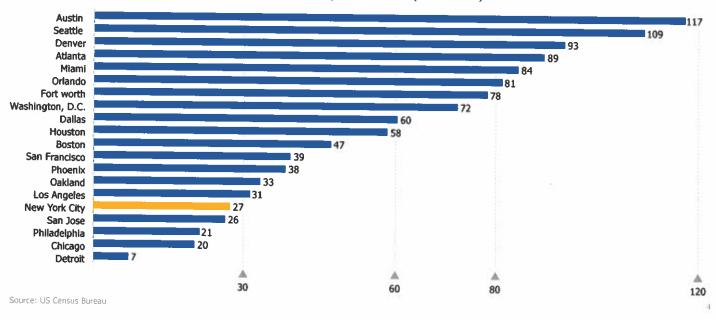
### Our housing crisis is years in the making



The mismatch between our high level of job creation and low production of housing for New Yorkers is both a threat to New York's future and something that we can proactively address through the Housing Compact.

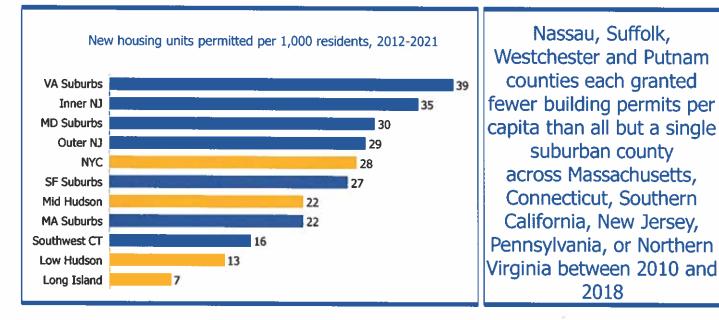
Source: NYS DOL, Up for Growth; US Census Bureau

## New York City housing production lags most major cities



New housing units developed per 1,000 residents in major U.S. cities (2011-2020)

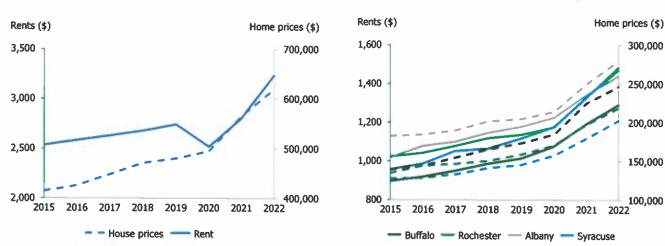
## New York's suburbs lag suburbs across the nation



Source: NYC Department of City Planning; US Census Housing Starts; Furman Center

### Without new housing, both rent and home prices have risen dramatically across the state

Rest of state, home prices up 50-80%, rents 40-60%



In NY metro, home prices up 50%, rents 30%

Source: Zillow Home Value Index: smooth, seasonally adjusted measure of the typical home value, reflecting typical value for homes in the 35<sup>th</sup> to 65<sup>th</sup> percentile range. Zillow Observed Rent Index: smooth measure of typical observed market rate rent; mean of listed rents that fall into 40<sup>th</sup> to 60<sup>th</sup> percentile range for all homes and apartments in a given region.

300,000

250,000

200,000

150,000

100,000

# Residents leaving New York save significantly on their housing costs

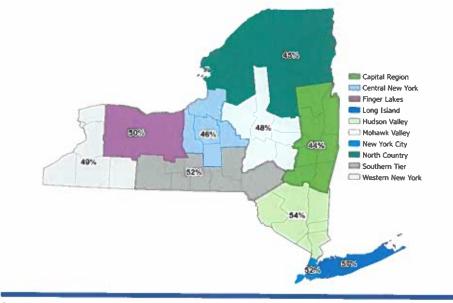
In a Fiscal Policy Institute analysis, the researchers found that nearly 1/3 of all net out-migration from New York was to the neighboring states of New Jersey, Connecticut and Pennsylvania, followed by California and Florida.

From a financial perspective, they found that these movers found significant savings in their housing costs, including:

- The typical family that moves out of New York State saves 15 times more from lower housing costs than they do from lower taxes
- The average mover would save 34% on their mortgage outside of New York, an average of \$18,300
- The average mover would save 19% on rental costs outside of New York, an average of \$5,300

Source: Fiscal Policy Institute

# More than half of all New York renters pay more than 30% of their income in rent

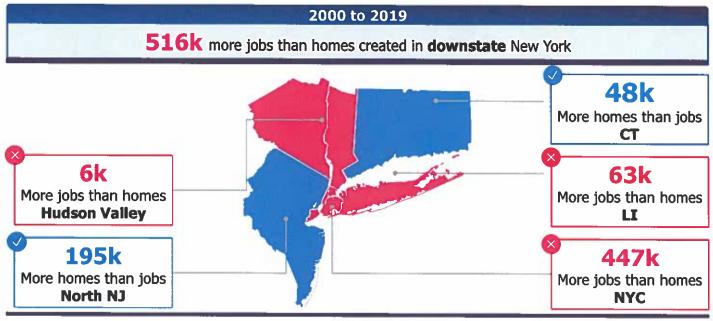


In every region, **40-60%** of renter households are paying more than 30% income

8

Source: American Community Survey

## This shortage threatens New York's economic future



Source: NYC Department of City Planning Geography of Jobs Report

## **Drivers** of New York's Housing Shortage

## NYS leads the nation in affordable housing funds and regulation

#### The State of New York funds more affordable housing per capita than any other state Affordable housing bond funding per capita, 2011-2017-2022 2022-2027 2020 Housing Plan investment Housing Plan investment \$1,000 \$750 \$20B \$500 \$25B \$250 \$0 ž 3 X \$ 8 3 1 Ŧ č New York leads the nation in regulated housing New York City rental housing stock of all rental units in the State 1,023,000 IN SUGA 44% (45%) are rent-regulated or public housing units Rent olied 16,400 -

Source: Rent Guidelines Board, City of New York; US Census Bureau, 2021 New York City Housing and Vacancy survey Note: Does not include additional investments made by NYC and other localities



According to Wharton Residential Land Use Regulatory Index, the only city with more restrictive zoning than the NYC Metro Area is San Francisco (also facing a housing crisis)



Over 2/3 of the localities in the NYC Metro are classified as "highly regulated" in the Index, meaning they have 3+ entities to approve projects, with average review times from 9 months to 24 months



"The suburban counties around NYC may have the worst exclusionary zoning in the nation."

BROOKINGS

## And we know this restrictive zoning drives up housing costs



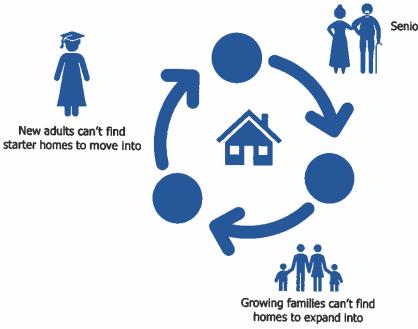
Source: Realtor.com, Zillow, Village Codes

## Limits on supply have economic and social costs

Stymies economic growth	<ul> <li>Studies show restrictive zoning reduced aggregate US GDP by up to 8.9% between 1964 and 2009 than it otherwise would have been – translating to average wages almost \$9k lower than they would otherwise have been</li> </ul>
Reduces housing options	<ul> <li>Fewer than 4% of housing units nationwide are suitable for people with moderate mobility difficulties (including seniors)</li> <li>Only 7% of new homes constructed nationwide are starter homes, down from 40% in 1980</li> </ul>
Impedes climate goals	<ul> <li>Low-density housing produces nearly four times the greenhouse gas emissions of high-density homes</li> <li>Walkable, transit friendly neighborhoods concentrate development in climate friendly ways and relieve pressure on rural conservation areas</li> </ul>
Perpetuates racial discrimination	<ul> <li>Reducing the housing cost gap through looser zoning regulations could narrow the school test-score gap by 4-7 percentile points</li> <li>Low density zoning is strongly correlated with racial segregation, a result of historic red-lining</li> </ul>

Source: Brookings, American Economic Journal, American Progress, Joint Center for Housing Studies at Harvard University, Freddie Mac, University of Texas, Environmental Science & Technology Letters

## New York's housing cycle is broken ...



Seniors can't find homes to downsize into



... and if we don't take action, we will continue to see New Yorkers leave the state, endangering our economy and straining our communities.

## A Plan to Solve New York's Housing Shortage

## Expanding housing supply lifts up entire communities



New supply does not increase rents or drive displacement

- For every 10% increase in new construction housing stock, rents decrease by 1% within 500 ft (NYC)
- In a study of the San Francisco housing market, researchers found that building market rate housing was associated with a lower probability that low and moderate-income residents

in the neighborhood would experience displacement



Decreased rents filter down the income spectrum

- 23% of units available to very low-income renters in 2013 had filtered down from higher rent categories in 1985
- Among the 2013 affordable units, 19% had higher rents as recently as 2005
- Filtering takes time; it's not an immediate solution

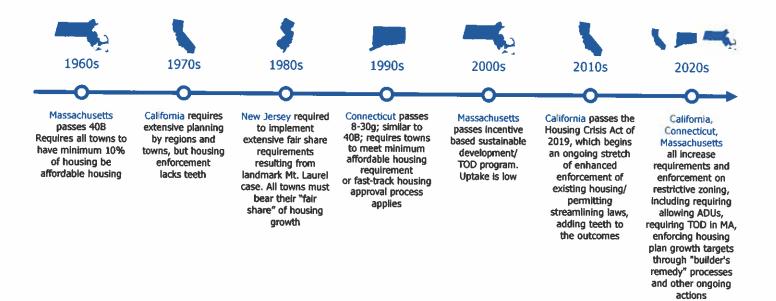


New supply does not depress property values

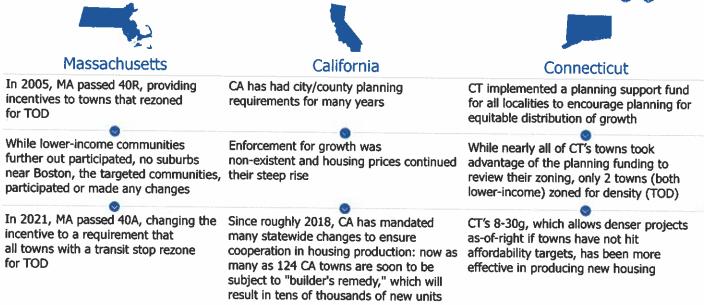
 In a study of Chicago home values after TOD zoning reforms, property values rose 15% to 23% as a result of increasing development opportunities

Sources: Xiaodi Li (Furman Center, 2019); Vicki Been, Ingrid Gould Ellen, Katherine O'Brien (Furman Center 2018), Urban Affairs Review

## Plan formed after thorough review of other state experiences



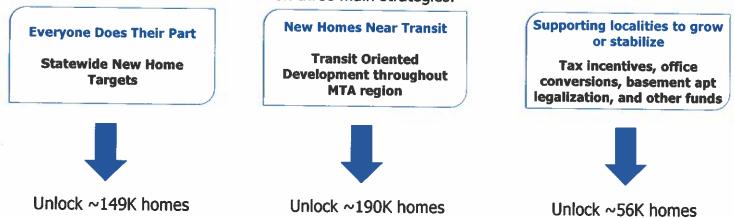
## Relying solely on incentives has failed in other states; enforcement consistently increased to achieve housing goals



## To get there, our plan relies on three key strategies

Based on the last decade, we anticipate that baseline growth would be roughly 400,000 new homes without any new actions.

To meet the projected need for an additional 400,000 new homes, the Compact relies



21

on three main strategies:

## Funding available for municipalities

- \$20M in planning and technical assistance grants to municipalities
- \$250M in initial infrastructure funding to support new development, in addition to existing resources for infrastructure
- This funding complements existing State infrastructure funding (Environmental Bond Act, Water Infrastructure Improvement funding, Clean Water State Revolving Fund, Consolidated Local Street and Highway Improvement Program, etc)



Sewer/water infrastructure



Parking structures

## **Detailed Solutions** for New York's Housing Shortage

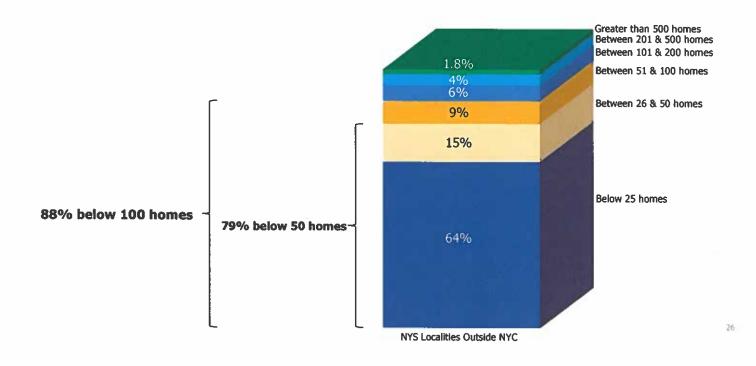
# Everyone Does Their Part New Home Targets

## Targets for new housing for all municipalities



- > Targets balance need, regional variation, and simplicity
- In order for our communities (urban, suburban and rural) to thrive in the future, we need to create the opportunities for households in all stages of life

## In most of NYS, the targets will be below 100 homes over 3 years



# Every municipality can choose to flexibly increase housing capacity through rezonings



- HCR Planning office established to assist localities
- Localities chose how and where to increase housing options
- If at least two zoning actions are taken, municipalities get an additional 3 years before they need to start meeting growth targets

## Cities, towns and villages will design the rezoning rules for housing capacity in the way that best suits their community

A locality may choose to rezone commercial areas like a strip mall or an office parks for mixed residential and commercial use







A locality may choose to rezone so that ADUs can be allowed on any property

A locality may choose to rezone for duplexes and triplexes



28 Image credit: Sobtines

## Affordability is built into the framework

### Our plan relies on growth targets and drives affordability



We need both market and below-market housing

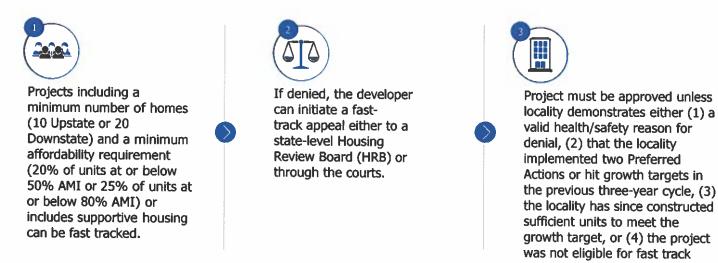
#### For example:

If an Upstate town has  $\sim$ 10,000 homes, their target would be  $\sim$ 100 homes permitted over three years

The town could permit <u>100</u> homes to achieve the target **OR** 

The town could permit 50 affordable, regulated homes to achieve the target

### If a municipality or community district has not undertaken rezonings within the 3-year cycle, fast tracked approval process kicks in



## Options for "safe harbor" that avoid fast track approval

#### Prep Cycle (2024-2026)

- All localities will have safe harbor (fast track approval would not apply) for the first three years after bill passage (2024 2026).
- Localities are encouraged to enact two or more preferred action rezonings during the prep cycle to increase their housing capacity and/or permit enough homes to meet their growth targets.

#### Initial Cycle (2027 – 2029)

- If a locality met its growth targets EITHER in the prep cycle OR in the three years prior (i.e., from 2021 through 2023) OR enacted at least two preferred zoning actions, fast track approval would not apply.
- During the initial cycle, localities must either enact two or more preferred action rezonings or meet their growth targets to achieve safe harbor for the next cycle.

#### **Health and Safety Exceptions**

 No locality will be required to approve projects, and the HRB/courts will not have authority to approve projects, that do not meet key health and safety standards. Localities can request infrastructure funding for a range of items, including sewers, parking, water treatment, etc.

# New Homes Near Transit Transit Oriented Development



Source: RPA via Rauch Foundation, 2019

## Municipalities with rail transit must rezone near stop

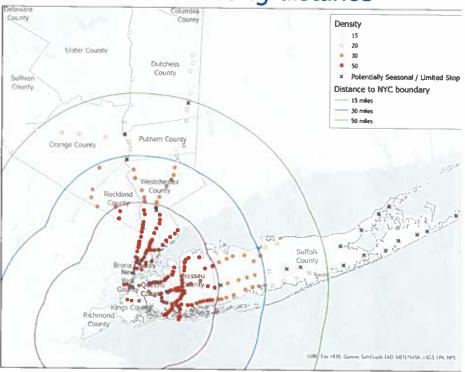
- Within 3 years, any municipality with an MTA rail transit stop (including NYC but not seasonal stops) that does not already meet the density must rezone within ½ mile of the stop
- If municipalities do not rezone within 3 years, developments within the transit area will be allowed as of right up to the density of the tier where it is located
- Funding will be available for municipalities to undertake the rezonings



Wyandanch TOD

# Tiered density requirements tied to commuting distance

Distance from NYC border	Aggregate density within ½ mile
Within 15 miles	50 homes/acre
Between 15 and 30 miles	30 homes/acre
Between 30 and 50 miles	20 homes/acre
Beyond 50 miles	15 homes/acre



## Illustrating how to achieve graduated density

**Built density:** Advocates have illustrated the tiered nature of the density options, even within the same TOD zone

Advocates argue that many historic downtowns already approach these densities but because of subsequent downzonings, these areas would be illegal to build now (would be non-conforming)



## What does 50 homes on an acre look like?



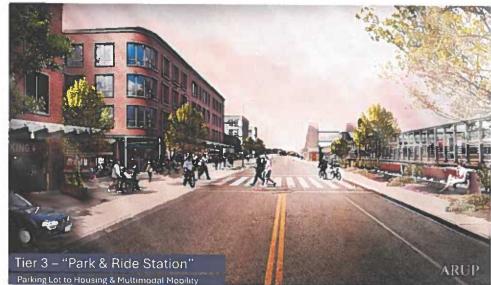


Tier 1: 50 homes / acre within 15 miles of NYC

\*Illustrations via New York Housing Conference/ARU

## Illustrative TOD examples in NYS context





Tier 3: 20 homes / acre between 30 and 50 miles of NYC

38

\*Illustrations via New York Housing Conference/ARU

# Regulation and Tax Relief Slashing Red Tape

## NYC will have flexibility to allow more office conversions

- "New" New York Panel is focused on the revitalization of central business districts
- City Taskforce re Adaptive Reuse of Office is focused on necessary regulatory changes for conversions
- Office to residential conversions are already permitted for a subset of commercial buildings that meet certain age and geography requirements under Article 1 Chapter 5 of the Zoning Resolution.
- Within NYC, owners of office buildings built before 1990 will be able to use existing rule to convert office spaces into housing
- The changes are anticipated to unlock the potential for 120 million new square feet of residential space



### NYC will have flexibility to legalize more basement units

- Following the devastation wrought by Hurricane Ida, it was clear to all that there was an urgent need to create a pathway to legalize basement dwellings currently barred by law, bringing these homes out of the shadows.
- The proposal provides the City of New York with the authority to provide amnesty by local law for existing basement units that meet health and safety standards to be determined by the City.
- This change builds on the Fiscal Year 2023 \$85 million capital program in the Governor's housing plan to assist with these conversions in New York State



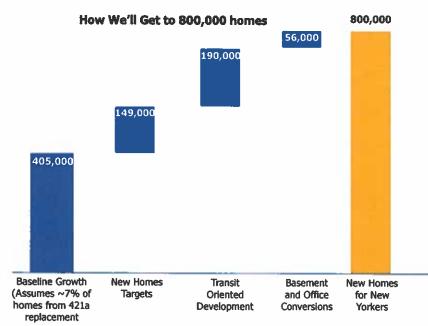
# Create incentives for housing production throughout the state

#### The proposed tax incentive programs include:

- Modify PILOT rules through regulations so that residential PILOTS do not count negatively towards the tax cap
- Authorize property tax exemptions outside NYC to incentivize affordable housing
- Authorize property tax exemptions specifically for ADUs (similar to existing home improvement exemption)
- Incentivizing affordable units in commercial conversions in NYC
- Authorize exemption for capital investments to existing affordable residential buildings in NYC

42

### New Yorkers agree that implementing the strategies in the Compact is the right thing for New York and our families



Recent polling found that 74% of likely voters support reforming housing approvals, 67% of likely voters support transit oriented development, and 65% of likely voters support implementing new homes targets.

43

Sources: Data for Progress, Slingshot Strategies

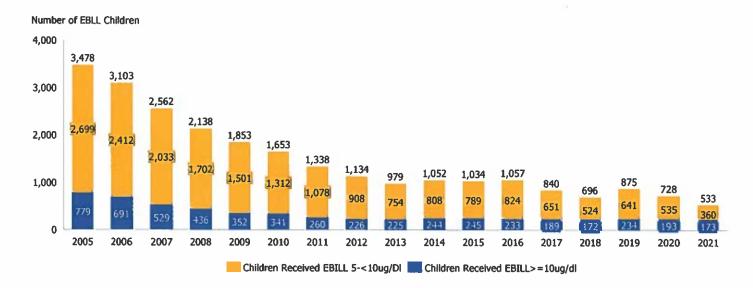
## **Stabilizing Communities**

44

### **Comprehensive Lead Poisoning Prevention Initiative**

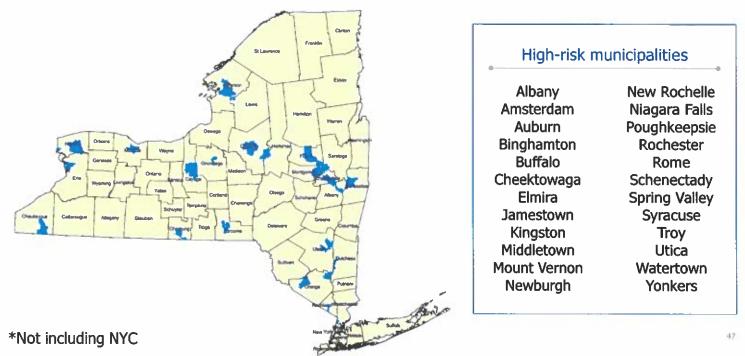
- Building on a successful model that reduced the number of children with elevated blood lead levels in Rochester, the new program to eliminate lead paint poisoning will expand to the 24 highest risk municipalities across the state
- Require two-family and multi-family rental units built before 1980 in high-risk areas to verify lead safety through a lead risk assessment every three years, tracked in a comprehensive rental registry maintained by local health departments
- Landlord assistance for required risk assessments and remediation of lead hazards will be made available via grants

## The Rochester Lead Prevention Program has delivered 6.5-fold drop in the number of children with elevated blood lead levels



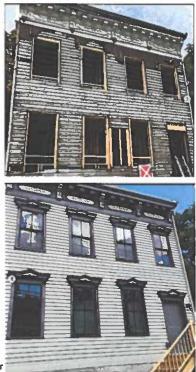
Source: NYS DOH Leadweb database, City of Rochester

# The initiative will focus on the 24 municipalities identified as highest risk from age of housing and socioeconomic factors



## Empower local governments to stabilize communities by addressing vacant properties

- As part of HCR's 5-year housing plan, we allocated \$50M to support land banks throughout the state, providing additional opportunities for local organizations to actively support neighborhood revitalization efforts
- As raised by local leaders, particularly in rural areas, the budget includes a proposal to add flexibility to local governments' ability to reclaim abandoned residential properties (19A update)
- The updated tools help localities take ownership of dangerous properties by clarifying and streamlining key processes to certify that vacant residences have been abandoned



Albany County Land Bank Before and After

# Provide home repair funds in areas with high concentrations of low-income homeowners of color

- Modeled on the Buffalo East Homeownership Improvement Program
- The Homeowner Stabilization Fund will target 10 communities with high levels of low-income homeowners of color and high levels of homeowner distress
- The initiative's goal is to stabilize both homeowners and neighborhoods, increasing property values, preserving equity and promoting generational wealth building
- Localities would partner with local non-profits to provide grant assistance to individual homeowners to undertake repairs on their homes
- The fund would provide improvements and stabilization of up to 200 homes per community

### **Expand HCR's Tenant Protection Unit**

- The Housing Stability and Tenant Protection Act (HSTPA) of 2019 enacted tenant protections for nearly 85,000 households in nearly 1,800 manufactured home parks, including via authorization of municipalities to opt into the Emergency Tenant Protection Act and implement rent stabilization for additional tenants
- Expanding the TPU unit to have on the ground capacity upstate will help the tenants in manufactured housing parks advocate for their rights, as well as improve access to grants available for farmworker housing
- Staff would be available for towns seeking to opt into the HSTPA, and publicize and advise on the farmworker housing programs

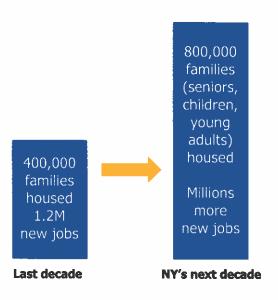
### Now is the time for action for a better future for NY



New Rochelle, NY



Patchogue, NY





Farmingdale, NY



Buffalo, NY

51

EIVED To: Central Pine Barrens Joint Planning & Policy Commission Central Pine Barrens Job 20/25

I'm writing this letter to inform the Commission that I would little to withdraw my pine barren credit appeal. I have been informed that if I can resolve the issues that were in Question that a new application can be submitted and I will recieve a new letter of interpretation to see it the parcel of land will Quality. I appreciate everyone's time and I'm hoping to recitify the issues in a timely matter and try to Quality for one full pre barrens Credit.

Sincerely, John P. Meyer Rep. Jn



**Central Pine Barrens Joint Planning & Policy Commission** 624 Old Riverhead Road Westhampton Beach, NY 11978 RECEIVED March 27, 2025

APR 0 1 2025

Central Pine Barrens Joint Planning & Policy Commission

Re: V&G Realty, E/s Gerard Rd., 3409.40' S/o CR 21 (Yaphank Avenue), Yaphank, NY 11980 SCTM# 0200-781.00- 01.00- 005.000 & 015.000

Greetings,

We are here seeking hardship relief to construct a 2 story, 4-bedroom, single family dwelling 35.3' x 54' including full basement, attached garage 21.5' x 21.5', 21' x 5' covered front entry porch; exterior cellar entry 5' x 16' & rear entry stoop 5' x 10'.

The property is proposed to be serviced by public water and private septic. No groundwater was detected at 17'.

The total square footage of the lot is 37,992, approximately 190' x 200'. We are proposing to clear 15,000 square feet. V&G Realty owns no adjacent or contiguous properties.

The property abuts 3 un-opened streets. Sterling Street to the south, Hawthorn Ave to the east, and Ann Street to the North and 6.22' of frontage along Gerard Rd., an open, town-maintained roadway. It is our intention to seek relief from 280A from the town which would otherwise require the construction of a town-maintained road.

The lot has been held in single and separate ownership since 1988. V&G is the 3<sup>rd</sup> owner of the property.

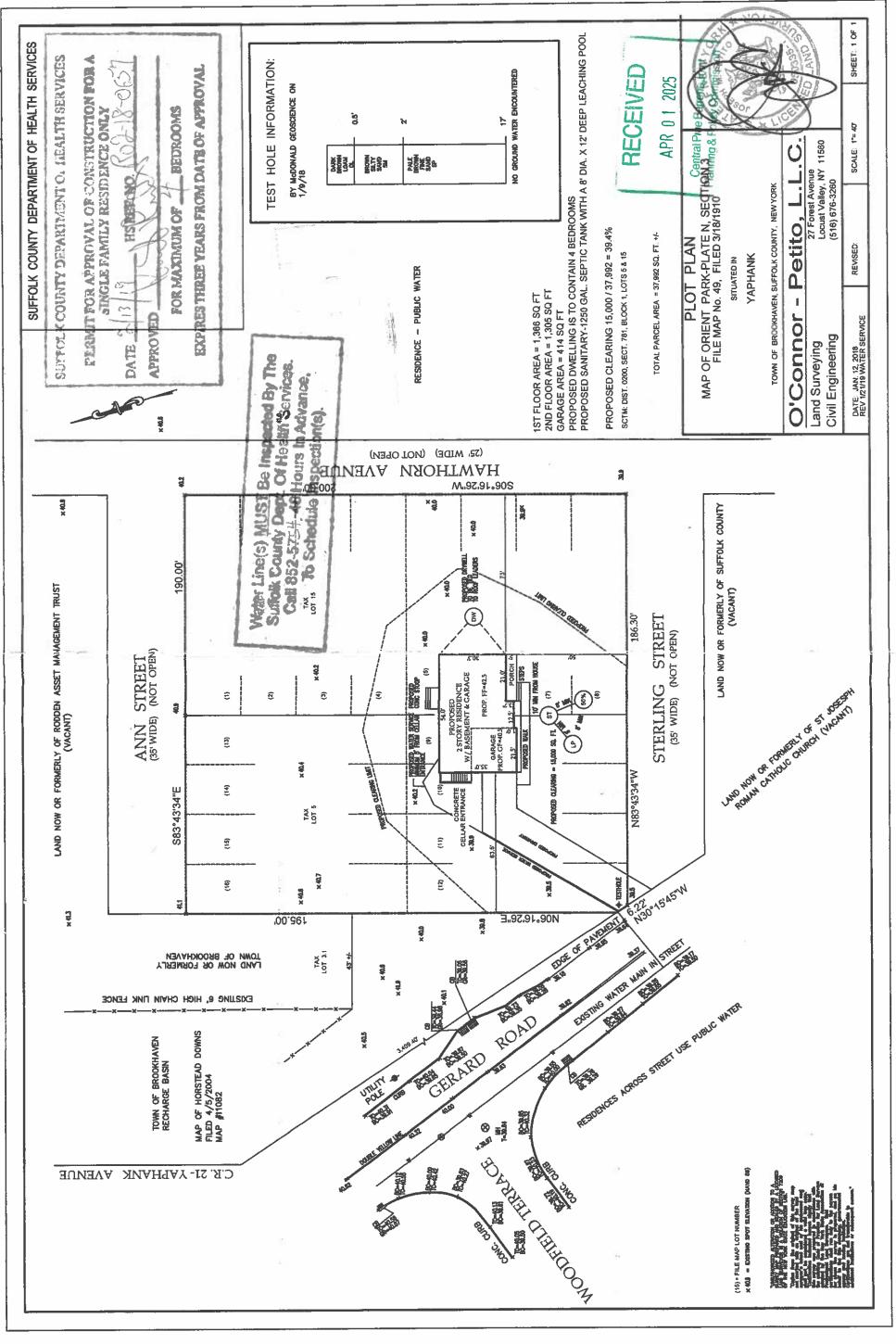
There is a 17-lot subdivision directly to the west with a recharge basin and town-maintained road. Per Suffolk County GIS the subdivision was completed between 2004-2007. To the east lies a privately owned 14-acre lot with a single-family dwelling with an inground pool. To the south lies a residential neighborhood.

Our proposed use is consistent with the surrounding zoning within a 200' radius.

Thank you for your time and consideration in this matter.

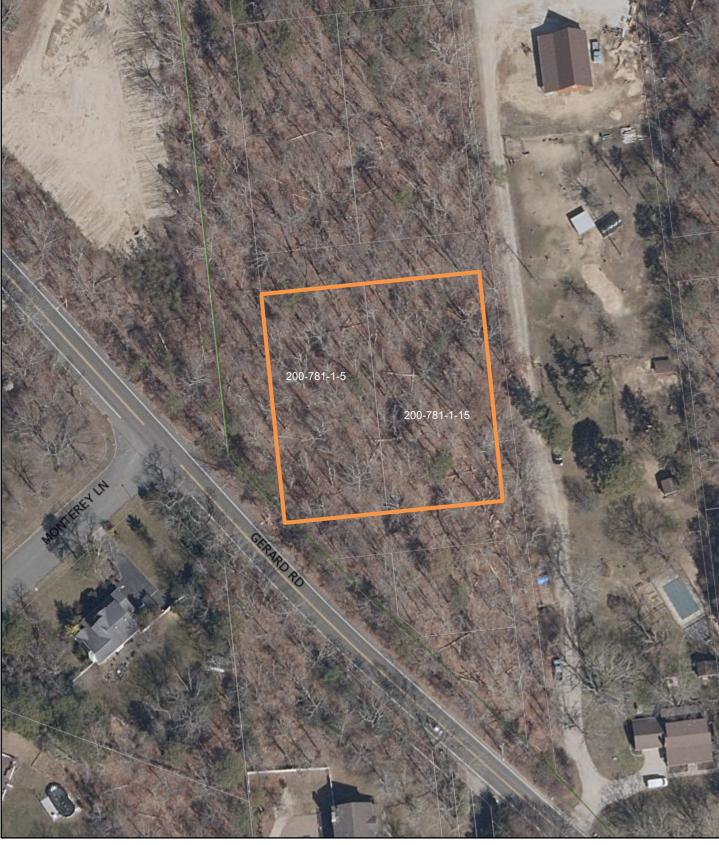
Tracey Schleske





-

## V & G Realty (200-781-1-5 & -15)





<b>OWNER'S AFFIDAVIT</b> (Use this form if property is owned by a corporation)	RECEIVED
STATE OF New York) COUNTY OF SUFFOIL) )SS:	APR 0 1 2025 Central Pine Barrens Joint Planning & Policy Commission
I, <u>Vitaluno Va3</u> , being duly sworn, deposes and (Authorized Officer's Name)	
(Official Title) of the V&G Reality (Landowner's Name	corporation
located at <u>4630rn Blvd, Suite D, Yaphank</u> (Landowner's Address) in the County of <u>Suffolk</u> , State of <u>New York</u>	N411980, , and that
this corporation is the owner in fee of the property located at $W15$ Gree (Prope 3409.40' S/b CR 21, Yaphankwhich is also designated as	ntri Addresse)
Map Number(s) <u>0200-78100-0100-005.000</u> €0	5.000 and that
this corporation has been the owner of this property continuously since and that I have authorized $Beach Expediting (TVacy(Applicant's Name)$	2016 (Date) Schleske)
to make a permit application to the Central Pine Barrens Joint Planning and I	Policy Commission
for this property. I make this Statement knowing that the Central Pine Bar	rens Joint Planning
and Policy Commission will rely upon the truth of the information contained	herein.

(Authorized Officer's Signature)

Vitaluno Vaz (Officer's Name - Please Print)

<u>3:31-25</u> (Date)

(Notary Public)

Kathleen Rose McHenry Notary Public, State of New York Registration No. 01MC0005297 Qualified in Suffolk County Commission Expires 04/07/20 2\_7

#### 617.20

#### Appendix **B** Short Environmental Assessment Form

RECEIVED

APR 0 1 2025

**Central Pine Barrens Joint** Planning & Policy Commission

#### **Instructions for Completing**

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:

Gerard Road proposed new home

Project Location (describe, and attach a location map):

W/S Gerard Rd., 3,409.40' S/O CR 21 - Yaphank Ave

Brief Description of Proposed Action:

Proposed 2 Story single family residence 54' x 33.7' (irregular), including attached garage; Porch 5' x 21' rear concrete entry stoop & exterior cellar entry

\*Type II Action per Christopher Wrede, Town of Brookhaven Board of zoning Appeals

Name of Applicant or Sponsor:	Telephone:	631.599.3246
Beach Expediting / Tracey Schleske	E-Mail: TLGUage@gmail.com	
Address:		
PO Box 427		
City/PO:	State:	Zip Code:

City/PO:

vvestnampton				IN Y	11977	
	action only involve the legis	lative adoption	of a plan, local law	, ordinance,	NO	YES
administrative rule						
	tive description of the intent				that	
may be affected in th	e municipality and proceed to	o Part 2. If no, c	continue to questio	n 2.		
2. Does the proposed	d action require a permit, app	roval or funding	from any other go	overnmental Agency?	NO	YES
If Yes, list agency(s)	name and permit or approval	l:				X
Suffolk County Wastewater, Town BZA, Town Building Dept, PBA						
3.a. Total acreage of	the site of the proposed actio	n?	37,992 sq ft	acres		
b. Total acreage to	be physically disturbed?		15,000 sq ft	acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?						
			•			
	es that occur on, adjoining an			N = 11 112 1		
🗆 Urban	Rural (non-agriculture)	Industrial	Commercial	☑ Residential (suburility)	ban)	
□ Forest	Agriculture	□ Aquatic	□ Other (specify)	):		
Parkland						

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?		X	
b. Consistent with the adopted comprehensive plan?		X	
5. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental A f Yes, identify: Core Pine Barrens	rea?	NO	YES
			x
3. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?		x	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?	x	X
2. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		X	I En
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:	2010 - De		X
11. Will the proposed action connect to existing wastewater utilities?		NO	YE
If No, describe method for providing wastewater treatment: On site septic		X	
2. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YE
Places?		X	
b. Is the proposed action located in an archeological sensitive area?		X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, conta wetlands or other waterbodies regulated by a federal, state or local agency?	in	NO	YE
		X	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check         □ Shoreline       □ Agricultural/grasslands         □ Early mid-success		apply:	
Wetland Urban Xuburban		1.220	
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO	YE
by the state or rederal government as threatened or endangered? Northern Long Eared ba	at		X
· · · · · · · · · · · · · · · · · · ·		NO	YE
16. Is the project site located in the 100 year flood plain?		X	YE
16. Is the project site located in the 100 year flood plain?			
<ul><li>16. Is the project site located in the 100 year flood plain?</li><li>17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,</li></ul>		NO	
<ul><li>16. Is the project site located in the 100 year flood plain?</li><li>17. Will the proposed action create storm water discharge, either from point or non-point sources?</li></ul>		NO	

3

18. Does the proposed action include construction or other activities that result in the impoundment of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?	X	<u> </u>
If Yes, describe:		
	8	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
	X	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST	) DF MY
Applicant/sponsor name: Tracey Schleske Date: 317.25		
Signature: Schleske		

ų,

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

		No, or small impact may occur	Moderate to large impact may occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2.	Will the proposed action result in a change in the use or intensity of use of land?		
3.	Will the proposed action impair the character or quality of the existing community?		
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5.	Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6.	Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7.	Will the proposed action impact existing: a. public / private water supplies?		
	b. public / private wastewater treatment utilities?		
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

10.17

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

		information and analysis above, and any supporting documentation, potentially large or significant adverse impacts and an
		information and analysis above, and any supporting documentation, ant adverse environmental impacts.
77	Name of Lead Agency	Date

Signature of Responsible Officer in Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

Page 4 of 4



Town of Brookhaven Long Island

### **DENIAL - BZA006104**



Please note that although some data has been pre-populated for your convenience, the owner/applicant must verify that all information is correct. All questions must be confirmed. Any changes must be clearly printed.

SCTM Number: 0200781000100005000

PROPERTY OWNER: V&G REALTY PROPERTIES, LLC

c/o Tracey Schleske P.O. Box 427 Westhampton, NY 11977

**Property Location :** 0 E GERARD RD, BROOKHAVEN **Distance:** ' of

Denied by: <u>NP</u>

Zoning: A1

#### Description of Work:

Denied Date: 10/09/2024

Proposed single family, two story 35' x 54' irreg. including attached garage 35' x 21.5' with 5' x 21' front covered porch with steps, 5' x 15' exterior basement entrance to unfinished basement, 5' x 10' rear entry deck with steps.

#### \* \* \* \* BUILDING REVIEW INFORMATION \* \* \* \*

#### Description

ART XIV 85-177 - 37,992 SF (40,000 req)

Relief of Town Law 280A



Town of Brookhaven Long Island

### DENIAL - BZA006104

#### THIS DENIAL IS VALID FOR 180 DAYS FROM DENIED DATE ABOVE

- **DATE:** October 09, 2024
- TO: Board of Zoning Appeals
- FROM: Department of Planning, Environemental, Land Management Building Division
- RE: Building Permit Application Record Number: BZA006104 for Proposed single family, two story 35' x 54' irreg. including attached garage 35' x 21.5' with 5' x 21' front covered porch with steps, 5' x 15' exterior basement entrance to unfinished basement, 5' x 10' rear entry deck with steps.
- The subject parcel, as reflected on the survey submitted to the Board of Zoning Appeals, is known as Tax Map Number 0200-78100-0100-005000
- 2. The subject parcel consists of 37992 square feet.
- The relevant zoning date for the purpose of confirming the applicant's claim of single and separate ownership for this parcel is : (12/27/1988 to)

		OD DI ANNUNC DOADD	The second se
	APPLICATION F	OR PLANNING BOARD	BUILDERS JOB NO. Gerard Rd.
	Applicant to complete	information only within this box. ITTEN OR PRINTED	(01940
		tate c/o Andrew Malguari	nera
APPLICANT: MAILING	713 Main St.		
ADDRESS: .	Port Jefferso	0. NY 11777	
PHONE No .:		(631)732-0010	
RESPONSIBL	x 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Andrew Malguarnera	
			DATE:
): APPLIC			
	NNING BOARD		
A review propriate de	of your survey for partment as indicate	a building permit application in d below:	ndicated non-compliance. If necessary, please conta-
	8	PLANNING BOARD	USE ONLY
ACCESS	Section 280A of M	VS Town Law	Q-1-1-
ACCESS:	(V) Applicati	on does not demonstrate access	to a suitably improved highway. Read Impro
	Access no	ot suitably improved.	
	(V) Request.	15 On Staling widening.	PER: GOTTZ Sterling
		25 on Howthorn Ave	
GRADIN	G ORDINANCE:	Chapter 35 Town of Brookhave	n Ordinance
	( ) Submit s	ite grading plan to the. Planning	Board for Review.
	he hours	corner elaution	PER:
* P	rou de nosse	N: Provide calcul	lations for
MUNICI	PAL ACQUISITION	N: roof drywell	
	( ) to be acq		PER:
	( ) area bein	g studied for acquisition.	ILR.
A Street		0.110	
SUBDIV	ISION REGULATI	ONS:	PER:
	() submit la	and division application.	FER.
OTHER.	(specify)		and the second
UINEK:	(specify)		PER:
		DEPT. OF ENVIRONMEN	TAL PROTECTION
	SITIC. Chantes 91	Town of Brookhaven Ordinance	tion
WETLA	NDS: Chapter of		
WETLA	() Require	d further review and/or applicat	
	() Require		
	() Requires	y les soprate po	aperuolk construction
	() Require		aperuolk construction
	() Require	y les soprate parte part	speniel Constication semptice thin Pine Barrens
	() Require	y les soprate po	speniel Constication semptice thin Pine Barrens
other Pgp	() Require : (specify) Since OF Shree Maintained	Havdship e	PER: <u>Frith Pine Barrens</u> MENT USE ONLY
other Pgp	() Require : (specify) C Maintained () Improve	HIGHWAY DEPARTN	PER: From Pine Barrens MENT USE ONLY
other Pgp	( ) Requires : (specify) Signature : (speci	HIGHWAY DEPARTN ed - jurisdiction other than Tow treet - should be improved to To	PER: From Pine Barrens MENT USE ONLY
other Pgp	( ) Requires ( (specify) () () (Street ( ) Improve ( ) Paper s ( ) Non-ext	HIGHWAY DEPARTN HIGHWAY DEPARTN ed - jurisdiction other than Town treet - should be improved to To isting or dirt road.	PER: From Pine Barrens MENT USE ONLY
other <u>P9P</u> ( )	() Requires (specify) ( () Show () Improve () Paper s () Non-exi () Pending	HIGHWAY DEPARTN HIGHWAY DEPARTN ed - jurisdiction other than Town treet - should be improved to To isting or dirt road. g development.	PER: From Pine Barrens MENT USE ONLY
other <u>P9P</u> ( )	( ) Requires : (specify) :	HIGHWAY DEPARTN HIGHWAY DEPARTN ed - jurisdiction other than Town treet - should be improved to To isting or dirt road. g development.	Apenuel K Donst Gretton Henry Lich From Pine Barrens MENT USE ONLY In. own specifications.
other <u> <i>P</i>9</u> ()         ()         ()	<ul> <li>( ) Requires</li> <li>( specify) </li> <li>( ) Show</li> <li>( ) Improve</li> <li>( ) Paper s</li> <li>( ) Non-exit</li> <li>( ) Pending</li> <li>Work Permit not res</li> <li>( ) Work p</li> </ul>	HIGHWAY DEPARTM HIGHWAY DEPARTM ed - jurisdiction other than Tow treet - should be improved to To isting or dirt road. g development. equired permit required for apron, curb of	PER: From Pine Barrens MENT USE ONLY
other <u> <i>P</i>9</u> ()         ()         ()	<ul> <li>( ) Requires</li> <li>( specify) </li> <li>( ) Show</li> <li>( ) Improve</li> <li>( ) Paper s</li> <li>( ) Non-exit</li> <li>( ) Pending</li> <li>Work Permit not ret</li> <li>( ) Work p</li> <li>No apparent grade</li> </ul>	HIGHWAY DEPARTM HIGHWAY DEPARTM ed - jurisdiction other than Tow treet - should be improved to To isting or dirt road. g development. equired permit required for apron, curb of problem	Apenuel K Donst Gretton Henry Lich From Pine Barrens MENT USE ONLY In. own specifications.
other <u> <i>P</i> 9 P</u> ( )         ( )	<ul> <li>( ) Requires</li> <li>( specify) </li> <li>( ) Show</li> <li>( ) Improve</li> <li>( ) Paper s</li> <li>( ) Pending</li> <li>Work Permit not re</li> <li>( ) Work p</li> <li>No apparent grade</li> <li>( ) Propert</li> </ul>	HIGHWAY DEPARTM HIGHWAY DEPARTM ed - jurisdiction other than Tow treet - should be improved to To isting or dirt road. g development. equired bermit required for apron, curb of problem ty lower than road.	Apenuel K Donst Gretton Henry Lich From Pine Barrens MENT USE ONLY In. own specifications.
other <u> <i>P</i> 9 P</u> ( )         ( )	<ul> <li>( ) Requires</li> <li>( specify) Signature</li> <li>( ) Signature</li> <li>( ) Improve</li> <li>( ) Paper s</li> <li>( ) Non-exit</li> <li>( ) Pending</li> <li>Work Permit not res</li> <li>( ) Work p</li> <li>No apparent grades</li> <li>( ) Propert</li> <li>( ) Propert</li> <li>( ) Propert</li> </ul>	HIGHWAY DEPARTM HIGHWAY DEPARTM ed - jurisdiction other than Tow treet - should be improved to To isting or dirt road. g development. equired permit required for apron, curb of problem	Apenuel K Donst Gretton Henry Lich From Pine Barrens MENT USE ONLY In. own specifications.
other <u> <i>P</i> 9 0</u> ( )         ( )         ( )	<ul> <li>( ) Requires</li> <li>( specify) </li> <li>( ) Show</li> <li>( ) Improve</li> <li>( ) Paper s</li> <li>( ) Non-exit</li> <li>( ) Pending</li> <li>Work Permit not ret</li> <li>( ) Work p</li> <li>No apparent grade</li> </ul>	HIGHWAY DEPARTM HIGHWAY DEPARTM ed - jurisdiction other than Tow treet - should be improved to To isting or dirt road. g development. equired permit required for apron, curb of problem	Apenuel K Donst Gretton Henry Lich From Pine Barrens MENT USE ONLY In. own specifications.



First American Title

November 26, 2024

The Town of Brookhaven 1 Independence Hill Farmingville, NY 11738

 RE:
 Title No:
 SS6385-S

 Premises:
 Ann Street, Yaphank

 Tax Map No.:
 0200-781.00-01.00-005.000 and 015.000

Dear Sir or Madam:

Please be advised that American Dream Abstract, Inc. is a duly constituted and authorized agent of First American Title Insurance Company. As such agent, said Company can act fully on our behalf and in our stead and has the authority to prepare and issue Certificate and Report of Titles, omit title exceptions, collect title insurance premiums and issue Title Insurance Policies and Endorsements thereto.

If you have any questions in this regard, please feel free to call me at any time.

Very truly yours,

Conisis & Calorta

Patricia A. LaPorta, Esq. New York State Counsel Agency Division

PAL/wvp

cc: American Dream Abstract, Inc. 180 East Main Street, Suite 100 Patchogue, New York 11772 Phone No. 631-776-1710

> 666 Third Avenue, 5th Floor, New York, NY 10017 *TEL* 212.381-6600 • *FAX* 212.922.0881

> > www.firstam.com

#### SCHEDULE "A"

ALL that certain plot, piece or parcel of land situate lying and being in the town of Brookhaven, County of Suffolk and State of New York, known as and by Lots 9 to 16 inclusive on a certain map entitled, "Map of Orient Park, Plate N, Map No. 49, Sec. 3, filed on the 18<sup>th</sup> day of November, 1910 in the Suffolk County Clerk's Office.

Premises also known as Ann Street, Yaphank, NY District: 0200 Section 781.00 Block 01.00 Lot 005.000

ALL that certain plot, piece or parcel of land situate lying and being in the town of Brookhaven, County of Suffolk and State of New York, known as and by Lots 1 to 8 inclusive on a certain map entitled, "Map of Orient Park, Plate N, Map No. 49, Sec. 3, filed on the 18<sup>th</sup> day of November, 1910 in the Suffolk County Clerk's Office.

Premises also known as Ann Street, Yaphank, NY District: 0200 Section 781.00 Block 01.00 Lot 015.000

anu/t

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November, 2024

ary Public

JODI L BRUST NOTARY PUBLIC, STATE OF NEW YORK Suffolk County Commission # 01BR6143897 / My Commission Expires April 17, 20 26

.

#### SUBJECT PREMISES:

#### SCTM: 0200-781.00-01.00-005.000

#### CHAIN OF TITLE

Henry P. Tuthill as the County Treasurer To County of Suffolk NOTE: Covers part of premises, Lots 5-8	Rec'd:	03-01-1916 03-04-1916 924 cp 7 (77)
Milton L. Burns, as the County Treasurer To County of Suffolk NOTE: Covers part of premises, Lots 3, 4, 9-16	Rec'd:	11-02-1944 11-02-1944 2408 cp 61 (113)
County of Suffolk, Milton L. Burns, as the County Treasurer To Diana Glass NOTE: Covers premises and more, per numerous tax sales	Rec'd:	11-04-1955 11-16-1955 4018 cp 300
Henry D. Claussen, deputy County Treasurer To County of Suffolk NOTE: Sold 11/1963. Taxes levied 1962-1963, assessed to D. G	Rec'd: Liber:	01-30-1967 01-30-1967 6108 cp 053
County of Suffolk by Chester F. Jacobs, as County Treasurer To August H. Lowe Donald E. Lowe NOTE: Covers premises and more, per tax sale 11/18/1963	<b>DEED</b> Dated:	08-07-1969 08-08-1969

Continued

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November 2024

Notary Public JODI L BRUST NOTARY PUBLIC, STATE OF NEW YORK Suffolk County Commission # 01BR61 i3897 20 My Commission Expires April 17, 2020

#### SUBJECT PREMISES:

#### SCTM: 0200-781.00-01.00-005.000

CHAIN OF TITLE		
continued		
	DEED	
August H. Lowe Donald E. Lowe	Dated:	09-28-1988
То	Rec'd:	11-18-1988
Nancy E. Lowe and Carol L. Lowe	Liber:	10739 cp 059
	DEED	
Nancy E. Lowe and Carol L. Lowe	Dated:	03-08-2006
To	Rec'd:	04-03-2006
Jerome Kass	Liber:	12443 cp 585
	DEED	
Jerome Kass and Autumn Glenn LLC	Dated:	03-01-2016
To	Rec'd:	03-16-2016
V&G Realty Properties, LLC	Liber:	12856 cp 731
NOTE: Lots 005.000 and 015.000		

LAST OWNER OF RECORD

Clothes Banen

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November, 2024

Notary Public JODI L BRUST NOTARY PUBLIC, STATE OF NEW YORK Suffolk County Commission # 01BR6143897 My Commission Expires April 17, 2024

#### **SUBJECT PREMISES:**

SCTM: 0200-781.00-01.00-015.000

#### **CHAIN OF TITLE**

Henry P. Tuthill, as the County Treasurer To County of Suffolk NOTE: Covers part of premises, Lot 5-8	Rec'd:	03-01-1916 03-04-1916 924 cp 01 (77)
Milton L. Burns, as the County Treasurer To County of Suffolk NOTE: Covers part of premises, Lots 3, 4, 9-16	Rec'd:	11-02-1944 11-02-1944 2408 cp 61 (113)
County of Suffolk, Milton L. Burns, as the County Treasurer To Diana Glass NOTE: Covers premises and more, per numerous tax sales	Rec'd:	11-04-1955 11-16-1955 4018 cp 300
Henry D. Claussen, deputy County Treasurer To County of Suffolk NOTE: Sold 11/1963. Taxes levied 1962-1963, assessed to D. G	Rec'd: Liber:	01-30-1967 01-30-1967 6108 cp 053
County of Suffolk by Chester F. Jacobs, as County Treasurer To August H. Lowe Donald E. Lowe NOTE: Covers premises and more, per tax sale 11/18/1963	Rec'd:	08-07-1969 08-08-1969 6601 cp 093

CONTINUED

Clothes Bann

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November, 2024

Notar Public

JODI L BRUST NOTARY PUBLIC, STATE OF NEW YORK Suffolk County Commission # 01BR6143897 My Commission Expires April 17, 2024

#### **SUBJECT PREMISES:**

#### SCTM: 0200-781.00-01.00-015.000

#### CHAIN OF TITLE continued

August H. Lowe Donald E. Lowe To Autumn Glenn, LLC	<b>DEED</b> Dated: 03-08-2006 Rec'd: 04-03-2006 Liber: 12443 cp 586
Jerome Kass and Autumn Glenn LLC	DEED
To	Dated: 03-01-2016
V&G Realty Properties, LLC	Rec'd: 03-16-2016
NOTE: Lots 005.000 and 015.000	Liber: 12856 cp 731

#### LAST OWNER OF RECORD

when Banel

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November, 2024 Notary Public JODI L BRUST NOTARY PUBLIC, STATE OF NEW YORK Suffolk County Commission # 01BR6143897 My Commission Expires April 17, 2026

#### PREMISES ADJOINING TO WEST:

<u>CHAIN OF TITLE</u>		
	DEED	
William Frederick Walker		07-25-1953
То		08-10-1953
Sam Golberg	Liber:	3560 cp 213
************************************	DEED	
Sam Golberg	Dated:	02-06-1963
То	Rec'd:	02-13-1963
Ruth Goldberg	Liber:	5306 cp 431
	DEED	
Ruth Goldberg	Dated:	01-03-1964
То		01-17-1964
Norman J. Bogart	Liber:	5484 cp 023
***************************************		
	DEED	
		03-27-1965
Norman J. Bogart To	Dated: Rec'd:	03-31-1965
Norman J. Bogart	Dated: Rec'd:	
Norman J. Bogart To	Dated: Rec'd:	03-31-1965
Norman J. Bogart To Sam Goldberg	Dated: Rec'd: Liber: DEED	03-31-1965
Norman J. Bogart To	Dated: Rec'd: Liber: <b>DEED</b> Dated:	03-31-1965 5721 cp 599
Norman J. Bogart To Sam Goldberg 	Dated: Rec'd: Liber: <b>DEED</b> Dated: Rec'd:	03-31-1965 5721 cp 599 06-11-1965
Norman J. Bogart To Sam Goldberg Sam Goldberg To	Dated: Rec'd: Liber: <b>DEED</b> Dated: Rec'd:	03-31-1965 5721 cp 599 06-11-1965 06-25-1965
Norman J. Bogart To Sam Goldberg To Peter Olish (20% interest) Adam Bildzukewicz (40% interest) John W. Aluskewicz (40% interest) <b>NOTE: Covers premises and more</b>	Dated: Rec'd: Liber: <b>DEED</b> Dated: Rec'd:	03-31-1965 5721 cp 599 06-11-1965 06-25-1965
Norman J. Bogart To Sam Goldberg Sam Goldberg To Peter Olish (20% interest) Adam Bildzukewicz (40% interest) John W. Aluskewicz (40% interest)	Dated: Rec'd: Liber: <b>DEED</b> Dated: Rec'd:	03-31-1965 5721 cp 599 06-11-1965 06-25-1965 5768 cp 432
Norman J. Bogart To Sam Goldberg To Peter Olish (20% interest) Adam Bildzukewicz (40% interest) John W. Aluskewicz (40% interest) <b>NOTE: Covers premises and more</b>	Dated: Rec'd: Liber: DEED Dated: Rec'd: Liber: DEED Dated:	03-31-1965 5721 cp 599 06-11-1965 06-25-1965 5768 cp 432

#### ----

To Peteran R. Stasichan and Peter Olish NOTE: Covers premises and more (no interest stated)

Clohnesd

Liber: 9771 cp 341

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November, 2024 aty Public N6 JODI L BRUST NOTARY PUBLIC. STATE OF NEW YORK Suffolk County Commission # 01BR6143897 24 My Commission Expires April 17, 20

CONTINUED

#### PREMISES ADJOINING TO WEST:

## CHAIN OF TITLE

		DEED	
Adam Bildzukegicz, Joh	n W. Alubkewicz, Peter Olish	Dated:	06-04-1987
And Peteran R. Stasicher		Rec'd:	06-25-1987
То		Liber:	10350 cp 048
Carmine Notaro			
NOTE: Covers premise	es and more		
		DEED	
Comming Materia			07-07-1987
Carmine Notaro			07-20-1987
To Anthony Pirrera, Warner NOTE: Covers premise	Neuburger, Allan Silverman, Al Mizr		
		DEED	
Anthony Pirrera, Werner	Neuburger, Allan Silverman, Al Mizi	rahi Dated:	08-10-1987
То			09-28-1987
Anthony Pirrera, Werner And Jack Brodbar	Neuburger, Allan Silverman, Al Mizi	rahi Liber:	10431 cp 507
	rger changes Werner Neuburger		
		DEED	
Anthony Pirrera Werner	Neuburger, Allan Silverman, Al Miz		
And Jack Brodbar		Rec'd:	02-16-1994
То		Liber:	11664 cp 644
	r Neuburger, Allan Silverman, Jack Br	odbar and t	-
and Esther Mizrahi Trus			
NOTE: Covers premise			
		DEED	
Anthony Pirrera, Werner	r Neuburger, Allan Silverman, Jack		06-11-1965
	m Mizrahi and Esther Mizrahi Trust		06-25-1965
То			5768 cp 432
Anthony Pirrera (40% ir	nterest) Werner Neuburger (20% intere	st) Allan Si	Iverman (20% Interest)
	ni and Esther Mizrahi Trust (20% inter	rest)	
<b>NOTE:</b> Covers premise	es and more	7.	$\Lambda$
	(	flo l	thes Bene M
CONTINUED			
			am Abstract, Inc.
	Ву	: Caroline S	S. Dancion
Sworn to before me this	0004		
26th Day of November,	2024		
MANYIM			
	JODI L BRUST		
Notary Public	NOTARY PUBLIC, STATE OF NEW YORK		
V	Suffolk County	1	
	Commission # 01BR61-15897 24 My Commission Expires April 1. 20	1	
	My Commission Expires April 1 . 20	3	

#### PREMISES ADJOINING TO WEST:

#### SCTM: 0200-781.00-01.00-003.001

#### CHAIN OF TITLE continued

Angie M. Carpenter as the County Treasurer To The County of Suffolk NOTE: Tax sale for taxes levied in 04/2005 **DEED** Dated: 08-15-2007 Rec'd: 09-04-2007 Liber: 12520 cp 290

DEED

Dated: 06-25-2014 Rec'd: 07-16-2014 Liber: 12780 cp 494

\_\_\_\_\_

The County of Suffolk

Town of Brookhaven

То

LAST OWNER OF RECORD

eline ()

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November, 2024

Notary Public

JODI L BRUST NOTARY PUBLIC, STATE OF NEW YORK Suffolk County Commission # 01BR6143897 My Commission Expires April 17, 2024

.

#### PREMISES (STREET) ADJOINING TO THE NORTH:

#### **ANN STREET**

#### PREMISES (STREET) ADJOINING TO THE SOUTH:

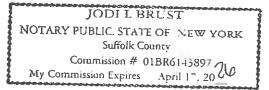
**STERLING STREET** 

alchnes Bund

American Dream Abstract, Inc. By: Caroline S. Bancroft

Sworn to before me this 26th Day of November, 2024

Notary Public



April 16, 2025

Merri Rose Reilly Iannone Renaissance Associates, Inc. 732 Smithtown Bypass, Suite A53 Smithtown, NY 11787

### RE: Request for Determination of Jurisdiction 318 Middle Island Yaphank Road, Yaphank, Town of Brookhaven SCTM # 200-529-1-28.4 Core Preservation Area of the Central Pine Barrens

Dear Ms. Reilly:

On March 10, 2025, the Central Pine Barrens Commission office received a request for determination of jurisdiction regarding the above referenced property in the Core Preservation Area of the Central Pine Barrens.

### **Existing Conditions and the Proposed Project**

The 3.86 acre project site is in the A5 Zoning District on the west side of Middle Island Yaphank Road. The property is developed with a single-family residence and barn. The project includes the construction of an estimated 4,000 square foot prefabricated detached garage for the storage of the owner's automobile collection. Submitted materials state the final size of the garage will be determined by the Town of Brookhaven. Removal of a portion of the asphalt driveway west of the existing residence is proposed, as well as revegetation to bring the parcel into compliance with Town clearing limits, as depicted in the Site Plan prepared by Maria Mesimeris, RA and date stamped March 10, 2025.

More information on the project is needed in order for the Commission to make a determination pursuant to the definitions in Section 57-0107(13) of New York State Environmental Conservation Law Article 57. Based on the information submitted, the Commission seeks input from the Town of Brookhaven on the definitions of structures and uses and potential permits required for them. Specifically, additional information is needed including:

- 1. Please submit a notarized affidavit from the owner for this request.
- 2. Are the proposed uses and structures defined in the Town Code as customarily incidental?
- 3. Is any relief from the code or special permit(s) needed for the proposed structures and uses?
- 4. Does the project conform with the subdivision covenants and other limitations on clearing as per the Town code and the subdivision or is clearing relief necessary?
- 5. Does the proposal require a NYSDEC and/or Town freshwater wetlands permit?
- 6. Is a bathroom included in the proposed storage building?
- 7. Please submit any additional details on the areas shown as "proposed revegetation" including total area to be revegetated, species, quantity and sizes of plantings. Revegetation should consist of native species common in the pine barrens including trees and shrubs.
- 8. Please confirm the storage building will not be within revegetated areas.



Timothy C. Hubbard Member

> Maria Z. Moore Member

Daniel J. Panico Member

Edward P. Romaine Member

624 Old Riverhead Road Westhampton Beach, NY 11978

Phone (631) 288-1079 Fax (631) 288-1367 https://pb.state.ny.us/

### DRAFT

9. Please confirm the purpose of the proposed revegetation. Is it required to settle a past incident?

The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 563-0307.

Sincerely,

Tara Murphy Environmental Planner

cc: Judy Jakobsen, Executive Director, CPBJPPC Julie Hargrave, Policy and Planning Manager, CPBJPPC John C. Milazzo, Counsel, CPBJPPC Chris Wrede, Town of Brookhaven



Copyright nearmap 2015 |



318 Yaphank Middle Island Road (SCTM # 200-529-1-28.4)

## Iannone Renaissance Associates, Inc.

PERMITS DRAFTING INTERIORS

### March 3, 2025

Pine Barrens Commission 624 Old Riverhead Road Westhampton Beach, NY 11978 RECEIVED MAR 1 0 2025 Central Pine Barrens Joint Planning & Policy Communication

ATTN: Ms. Julie Hargrave, Policy and Planning Manager

RE: Private Residence 318 Middle Island Yaphank Road Yaphank, NY 11980

SCTM# 529-1-28.004

### Dear Ms. Hargrave,

I am an Expediter and am writing to request a letter of Non-jurisdiction on the Yaphank property referenced above. You and I previously worked together on a project on Schultz Rd in Manorville, and I appreciated your professionalism and candor.

The current owner purchased the home and 3.8-acre property in December, 2023. At the time of purchase, the lot was already over cleared, built out with multiple raised garden beds and several large animal pens to house at least five types of animals, and had an old barn and a much larger paved driveway area. The previous owner was using the property for agricultural purposes as a homestead, and the current owner is using the property as a single-family residence, for which the property is Zoned. We are preparing to file a Building Permit with the Town of Brookhaven requesting a freestanding garage, final size to be determined by the Town.

The proposed garage will be situated more than 150' from Town of Brookhaven flagged wetlands in an existing cleared area. The existing asphalt driveway will not be expanded and will in fact be reduced. The fencing and built-up raised garden beds have been removed, and the animal pens have also been removed. As you can see from the enclosed colorized Site Plan, there will be re-vegetating in order to bring the clearing limits back into compliance according to the Planning Department's criteria. The garage being proposed is for personal use for storage of his collectible automobiles. There is no existing commercial use of this property currently nor is it proposed.

I believe that a garage for the storage of personal-use vehicles is a customarily incidental and otherwise lawful use of personal residential property, with proper permits from the building department. Any

additional reparations to the property in order to comply with clearing limits, buffer areas, setbacks, etc. will be solidified during the remaining application and permit processes with the Town of Brookhaven and the DEC as needed.

We will be simultaneously addressing the remainder of the application processes and are hopeful that swift determination by your Commission will help to move the project along quickly. I have included photos of the property at time of purchase (12/2023), showing its previous unauthorized use as a homestead as well as copies of the Proposed Site Plan, prepared by Maria Mesmeris, RA. There are no commercial vehicles being stored on the property by the current owner. We trust that these provide a better visual understanding of the property.

I would be more than happy to answer any questions or provide you with any additional information you may need. I am looking forward to working together with you as you review and consider our request, and I do thank you for your time and consideration of this matter.

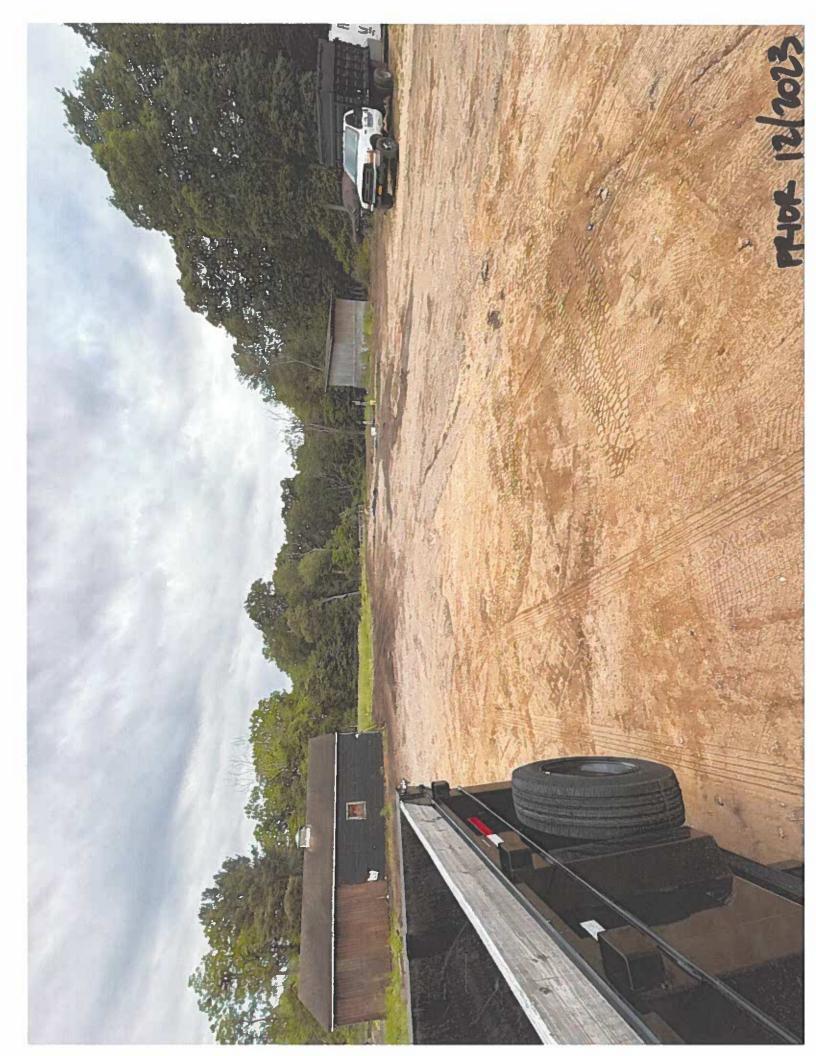
Respectfully submitted,

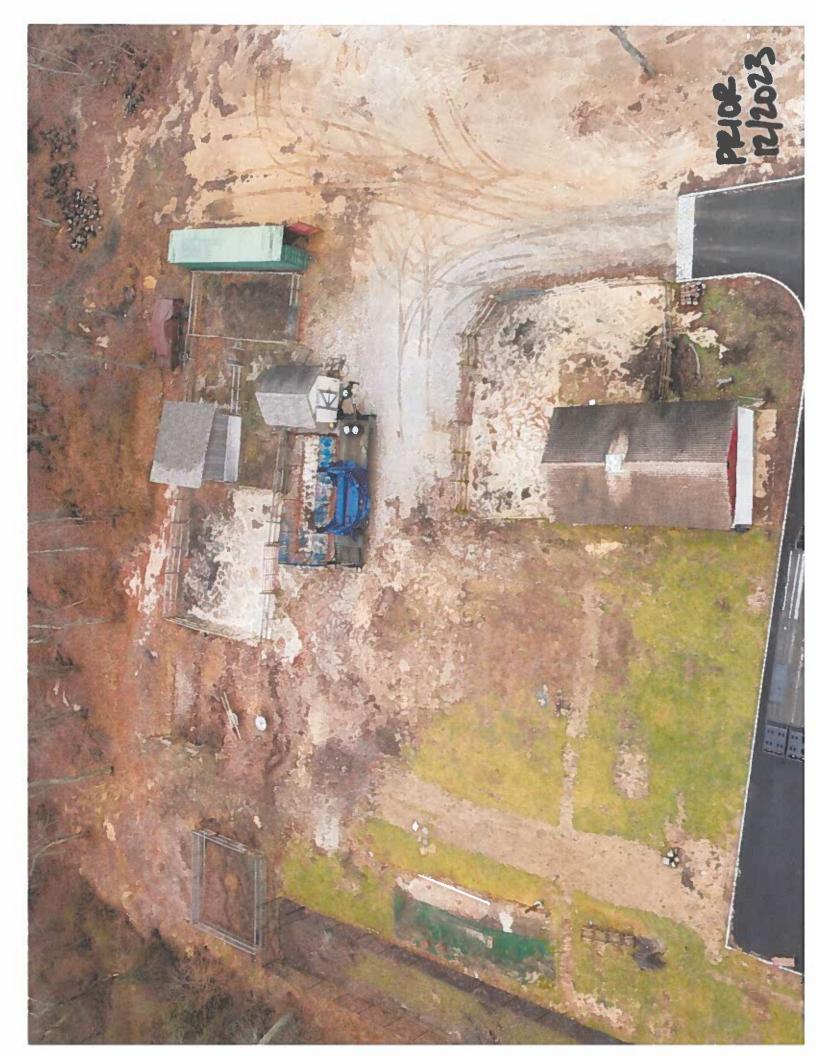


lannone Renaissance Associates, Inc. MERRI ROSE REILLY -President

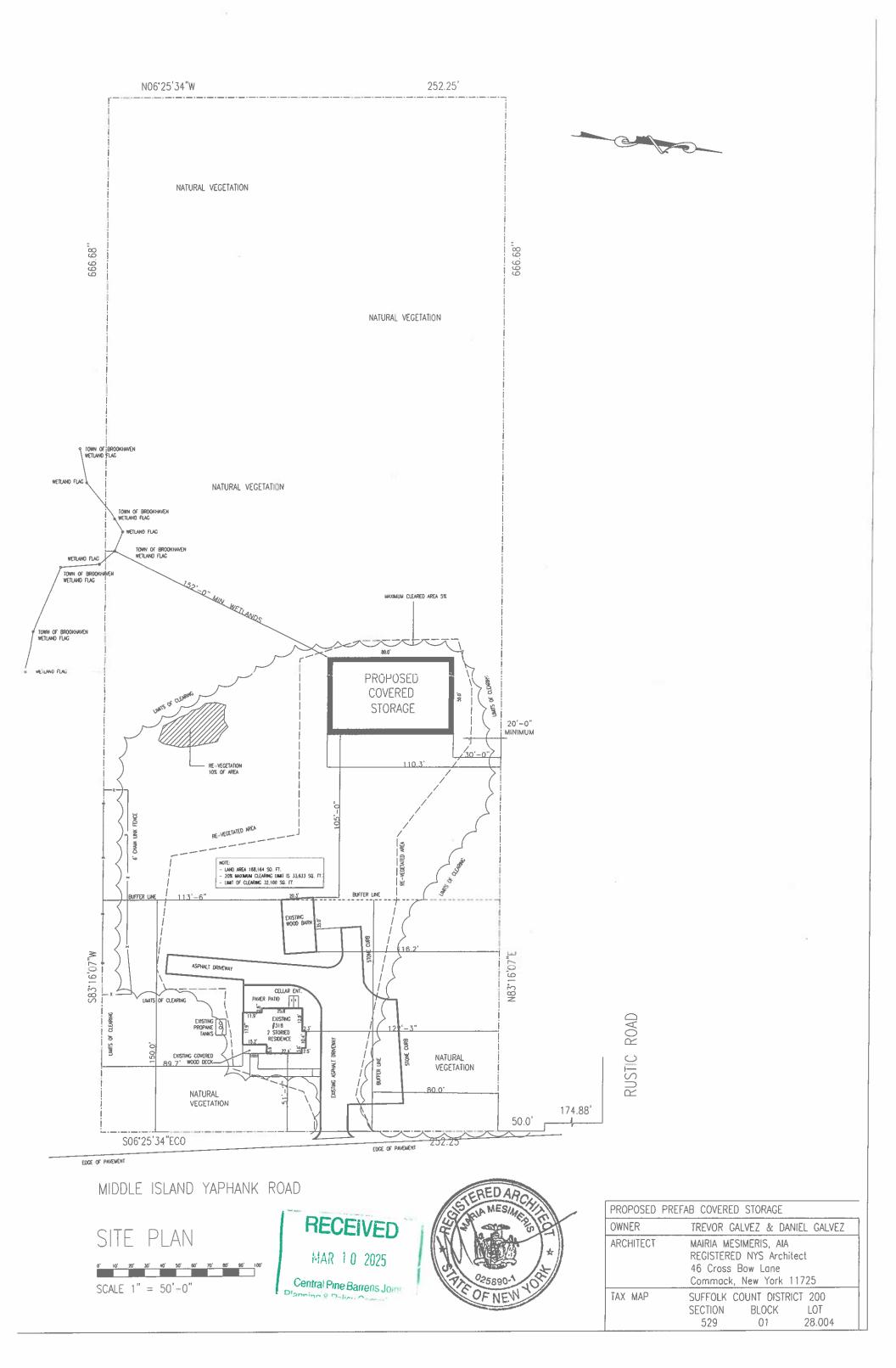
MRR/pc

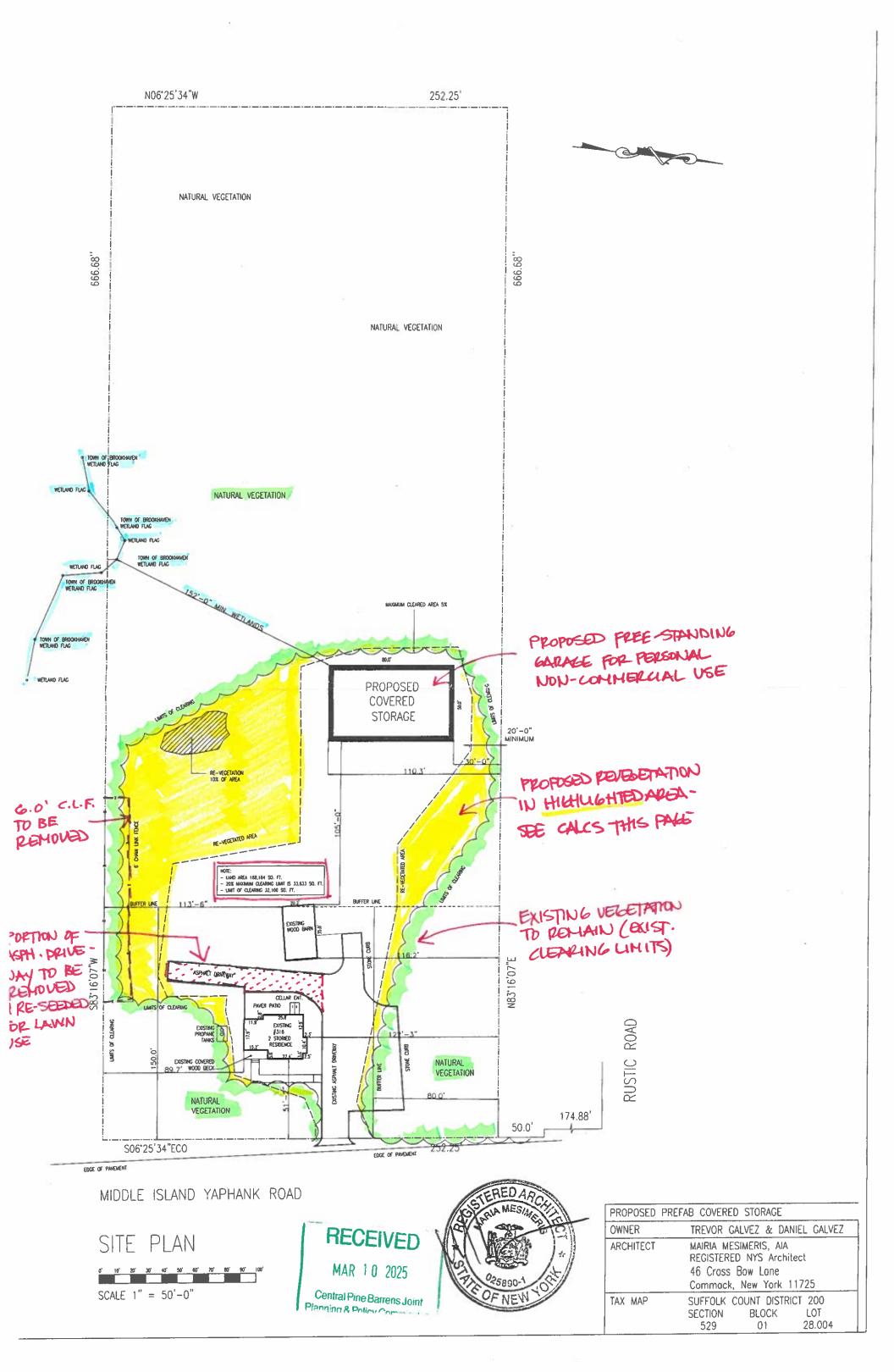
ł



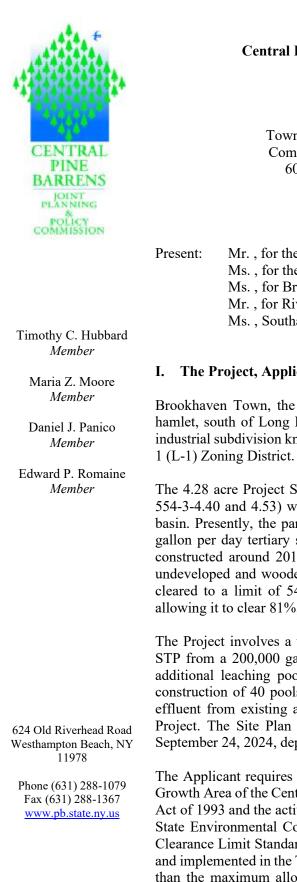








### DRAFT



### Central Pine Barrens Joint Planning and Policy Commission Commission Meeting of April 16, 2025 Southampton Town Hall

### **DRAFT** Decision to Approve

Town of Brookhaven Sewer District #2 Plant Expansion Compatible Growth Area Hardship Waiver Application 60 Ramsay Road, Yaphank, Town of Brookhaven Suffolk County Tax Map Numbers 200-554-3-4.40 and 4.53

esent: Mr., for the Governor of the State of New York Ms., for the Suffolk County Executive Ms., for Brookhaven Town Supervisor Mr., for Riverhead Town Supervisor Ms., Southampton Town Supervisor

### . The Project, Application, and Project Site

Brookhaven Town, the Applicant, owns property located at 60 Ramsay Road in Yaphank hamlet, south of Long Island Expressway (LIE) and east of William Floyd Parkway, in the industrial subdivision known as R & D Plaza (the Plaza). The property is in the Light Industrial 1 (L-1) Zoning District. The Applicant is represented by Tony Leung of IMEG.

The 4.28 acre Project Site includes two tax parcels (Suffolk County Tax Map Number 200-554-3-4.40 and 4.53) which are separated by a Town owned parcel that contains a recharge basin. Presently, the parcel identified as SCTM Number 200-554-3-4.40 contains a 200,000 gallon per day tertiary sewage treatment plant (STP) and 40 leaching pools. The STP was constructed around 2010. The other parcel identified as SCTM Number 200-554-3-4.53 is undeveloped and wooded with pine barrens vegetation. The Site, containing both parcels, is cleared to a limit of 54%, or 2.32 acres. The Town has requested a Hardship Exemption allowing it to clear 81%, or 3.45 acres of the undeveloped parcel.

The Project involves a two-phased expansion of the existing Brookhaven Sewer District #2 STP from a 200,000 gallon per day capacity to a 400,000 gallon per day capacity with 80 additional leaching pools to meet current Suffolk County requirements. Phase I involves construction of 40 pools and Phase 2 involves construction of the remaining 40 pools. STP effluent from existing and future land use development in the Plaza will be treated by the Project. The Site Plan prepared by Cameron Engineering, an IMEG Company, last dated September 24, 2024, depicts the Project.

The Applicant requires the Commission's approval because the Project is in the Compatible Growth Area of the Central Pine Barrens as defined by the Long Island Pine Barrens Protection Act of 1993 and the activity constitutes development as defined in Article 57 of the New York State Environmental Conservation Law. The Project does not conform with the Vegetation Clearance Limit Standard, 5.3.3.6.1, and Open Space Standard, 5.3.3.6.2, outlined in the Plan and implemented in the Town Code, therefore a CGA hardship waiver is required to clear more than the maximum allowable limited listed in the Plan and the percentage of Open Space required cannot be met.

## II. The Long Island Pine Barrens Protection Act of 1993, the Commission, Development, and the Central Pine Barrens Comprehensive Land Use Plan

The Commission was created by the Long Island Pine Barrens Protection Act (the Act) adopted in 1993 and codified in Article 57 of the Environmental Conservation Law (ECL). The Act empowered the Commission to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area. The Commission has jurisdiction over development in the Central Pine Barrens area as such term is defined in the Act. Development includes the "performance of any building activity, . . ., the making of any material change in the use or intensity of use of any . . . land and the creation . . . of rights of access." In 1995, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the Plan), last revised April 19, 2023. In the Plan are Standards and Guidelines to govern development in the Central Pine Barrens.

The Act provides the Commission jurisdiction to review and approve the hardship waiver. Development must conform with the Plan's Standards that became effective on July 19, 2024, or receive an extraordinary hardship exemption to proceed.

### III. The Project Site and Materials Submitted to the Commission

On November 4, 2024 the Applicant submitted to the Central Pine Barrens Joint Planning and Policy Commission a Compatible Growth Area Hardship Waiver Application for the Project. It contained a review of Standards of the Comprehensive Land Use Plan, a Full Environmental Assessment Form Part 1, SEQR Coordination with EAF addendum dated July 24, 2008 when the sewer district was established and a State Pollutant Discharge Elimination System (SPDES) Discharge Permit signed March 4, 2016.

On January 9, 2025, the Applicant provided updated information including a cover letter and a Hardship Waiver Application with Site Plan.

### IV. Public Process

On December 18, 2024, the Commission granted a one-month extension and scheduled a public hearing for February 19, 2025. At the public hearing, a Commission Staff Report with six Exhibits A through F were introduced into the record. The Staff Report defined a Study Area that extends one half mile from the site in all directions that identifies the land use and zoning categories found in this area.

At the February 19 Hearing, the Commission received sworn testimony from the Applicant's representatives who also provided a PowerPoint presentation.

A stenographic transcript was made of the Hearing and on February 27, 2025, the Applicant submitted additional information and addressed comments in the Staff Report. This included a letter addressing the hardship criteria described in Town Law Section 267-b, and clarified total site acreage, clearing and natural acreage, and provided two maps that depicted the phased development. A 14-day written comment period was provided. No written comments were received. On March 14, 2025, a request for a one-month decision deadline extension was received from the Applicant.

At the regular meeting of the Commission on March 19, 2025, staff provided an update of the project and the Commission extended the decision deadline to April 16, 2025.

### V. The Study Area

The Staff Report defined a Study Area which analyzed, in general the land use and ownership of property within a one half mile radius of the Project Site. Area. The Town recharge basin parcel bisects the Project Site and is not part of the Project. More particularly, the Study Area is roughly bound on the north side by the federal-owned land within the Core Preservation Area just north of the Long Island Expressway. The east and southern boundaries of the Study Area extend beyond the Compatible Growth Area (CGA) to Sleepy Hollow Drive and Waldorf Drive. The area is bound on the west by Precision Drive and Ramsay Road, both within the CGA.

The Project Site is in an industrial subdivision known as R & D Plaza (the Plaza). The Plaza was a 238 acre property approved in 1982. Industrial and commercial uses have been developed on parcels in the Plaza while other lots are presently vacant. The Town assembled one undeveloped wooded lot and one lot developed with the existing STP to create the Project Site.

Land uses immediately adjacent to the site are industrial with an Amazon Delivery Station to the north on the west side of Ramsay Road and Precision Drive and a Tate's Bake Shop warehouse on the east side of Ramsay Road and Precision Drive. Open space is adjacent to the west of the Project Site, and to the south is the Long Island Railroad.

Beyond the site's immediate boundaries, land uses within the Study Area include industrial, commercial, vacant, institutional, low and medium density residential. Parcels of town-owned open space are scattered throughout the residential area. Zoning Districts in the Study Area include L Industrial 1, A Residence 1 and J Business 8.

Within the Study Area, a number of projects have been reviewed by the Commission that received hardships or other determinations including:

- 1. Long Island Fisherman received a CGA Hardship for clearing relief on 200-584-1-4.028 that was granted on March 18, 1999.
- 2. Flowerwood Development Corp. received a CGA Hardship for clearing relief on 200-584-1-4.31 and 4.32 that was granted on January 15, 2003, and again on May 19, 2004 for 200-584-1-4.23, 4.24, 4.31, and 4.32.
- 3. For Acres Realty received a CGA Hardship for clearing relief on 200-554-3-4.32 that was granted on January 21, 2004.
- 4. RD Industrial received a CGA Development of Regional Significance approval on 200-554-3-4.41, 4.45, and 4.46 that was granted on February 3, 2022.
- 5. The MTA LIRR received a CGA application for conformance approval on 200-554-1-2.1 that was granted on October 16, 2024. This site is just outside the eastern boundary of the Study Area.

### VI. State Environmental Quality Review Act (SEQRA) and Other Agency Jurisdictions

The Town of Brookhaven completed the State Environmental Quality Review Act (SEQRA) process for the establishment of Sewer District #2 and collection system, which included the existing STP. The Action was classified as a Type I which received a Negative Declaration on August 5, 2008.

On July 3, 2008, the Central Pine Barrens Commission responded to the Town of Brookhaven's request for comments on the SEQRA Lead Agency Coordination for the creation of the Town of Brookhaven Sewer District #2 and the construction and maintenance of a 200,000 gallon per day Tertiary Sewage Treatment Plant and collection system. The Commission did not object to the Town assuming lead agency and defined the proposal as development that must conform to the provisions of the Plan, and NYS Environmental Conservation Law Article 57.

On August 5, 2008, the Town of Brookhaven adopted Resolution No. 715-08 that classified the Project as

a Type I Action and issued a Negative Declaration.

The Commission classified Project as an Unlisted Action and did not coordinate its review. The Commission prepared Environmental Assessment Form Parts 2 and 3. No significant adverse environmental impacts were identified.

The Commission requested information from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on whether the Project would impact State listed historic or prehistoric resources. OPRHP replied on January 16, 2025 that no properties, including archaeological and/or historical resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project.

The Project requires additional permits or approvals from other involved agencies including the Town of Brookhaven, New York State Department of Environmental Conservation (NYSDEC) SPDES permit, Suffolk County Department of Health Services (SCDHS) Articles 6, 7 and 12, and Suffolk County Department of Public Works (SCDPW) approval.

### VII. The Application

Pursuant to the Act, to determine whether an Applicant has demonstrated the existence of a hardship, the Commission considers, among other things, the criteria set forth in New York State Town Law §267-b, whether the Project is consistent with the purposes and provisions of the Act and whether the Project will result in a substantial impairment of the resources of the Central Pine Barrens area and the criteria in ECL §57-0123(3)(b).

The Applicant did not directly address a reasonable return or lack thereof as demonstrated by competent financial evidence but expressed the project will bring the existing STP into compliance with the SCDPW and SCDHS standards.

The Applicant states the hardship relating to the property in question is unique since "the STP has been in existence within the industrial subdivision, R & D Plaza, for more than twelve years treating wastewater generated therein." The hardship does not apply to a substantial portion of the district or neighborhood because "the issue is unique to the STP and does not apply to substantial portion of the sewer district."

The Application states that the Project would not alter the essential character of the neighborhood as the sewer district is located within an industrial subdivision. Additionally, a natural roadside buffer of at least 30' wide will be retained on the Project Site. Where open space is adjacent to the west, the Plan connects open space uses. The Project's industrial land use is consistent with the existing zoning district and permitted uses; no Town Board action is needed such as a change of zone that deviates from the Town Code. The Project is consistent with the existing character of the area, uses, and generally conforms to its surroundings and pattern of development and land uses.

At the end of Phase 2, a total of 81% (3.45 acres) of the Project Site's existing natural vegetation will be cleared. An area of 19% (0.83 acres) will remain natural open space connected to the adjacent open space on the neighboring parcel. The layout protects terrestrial ecological communities and succeeds in connecting open space, which will add to open space connectivity in the immediate area. Project benefits include improved water quality through wastewater treatment and the reduction of nitrogen impacts to groundwater to meet Suffolk County and New York State's nitrogen reduction plan.

The Applicant states the hardship was not self-created since the STP is required to have 80 leaching pools to support the existing treatment demand, per SCDPW and SCDHS requirements. Forty leaching pools

were installed when the STP was constructed with the understanding that the remaining 40 pools would be installed when funding became available. SCDPW and SCDHS require land to be set aside to expand capacity to an additional 40 leaching pools, which is included as Phase 2 in the Project. The total number of leaching pools is 120 including 40 existing pools, 40 pools in Phase 1 and 40 pools in Phase 2. Both phases are to take place on the fully wooded lot identified as SCTM Number 200-554-3-4.53.

The Applicant proposes to mitigate the impacts associated with the Project in several ways. First, construction of the Project will occur in two phases. After construction of Phase 1, clearing for Phase 2 will not occur until this phase is ready to be constructed in order to retain natural habitat as long as possible.

Per the New York Natural Heritage Program's response dated March 12, 2025, the Project Site is in "the vicinity of rare or state-listed animals and plants, and significant natural communities." This includes the State-listed threatened Frosted Elfin (*Callophrys irus*) and Federal and State-listed endangered species, Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*). The Applicant is required to coordinate with the NYSDEC to demonstrate conformance with the protection of listed species and their habitats. Clearing in Suffolk County will only occur from December 1 through February 28, per NYSDEC guidance for the NLEB.

### VIII. Conformance Review of Project with Plan Standards and Impact on Goals of the Plan

Commission review of the Application requires a Project to demonstrate conformance with the Standards set forth in Volume 1, Chapter 5 of the Plan. If the Project does not conform with one or more provisions, and is not modified to conform, the Act authorizes the Commission, by majority vote, to waive strict compliance with the Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship.

Standards that do not apply to the Project are noted in the review. This review identifies where conformance is deferred to other agencies that regulate uses and activities to protect public health, water and natural resources. The Applicant must adhere to applicable regulations and permit requirements of other agencies.

The following sections evaluate the potential impacts of the Project based on the complete information submitted by the Applicant and conformity with the Plan's Standards. The Applicant will obtain any and all applicable permits to conform with Standards of the Plan.

### A. Water Resources

The Plan's Standards related to water resources are identified below. Also included is a discussion of the Project's potential impacts to water resources, mitigating measures and conformance to the applicable standards.

### 1. Sanitary waste, nitrate-nitrogen and other chemicals of concern

a. Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

The Project is the expansion of an existing sewer district. It is expected that the Applicant will satisfy the procedural requirements of the SCDHS. Conformance of the Project with this standard is conditioned on the Applicant obtaining SCDHS approval of Article 6 compliance.

b. Standard 5.3.3.1.2 Sewage treatment plant discharge

The Application included State Pollutant Discharge Elimination System (SPDES) Discharge Permit Number NY-0277827 shown valid from October 1, 2014 through September 30, 2024. The Applicant must renew the permit and satisfy any additional requirements of the NYSDEC and SCDHS. The conformance of the Project with this standard is conditioned on the Applicant obtaining SCDHS and NYSDEC approvals.

c. Standard 5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance

The Project is required to satisfy the requirements of the Suffolk County Sanitary Code as per this standard. The conformance of the Project with this standard is conditioned on the Applicant satisfying SCDHS compliance with the Sanitary Code.

*d.* Standard 5.3.3.1.4 Commercial and industrial compliance with Suffolk County Sanitary Code

The Project will conform with County Sanitary Code provisions that apply to industrial development and uses and intended to protect water and environmental resources from pollution and contamination.

### 2. Wellhead and groundwater protection

a. Standard 5.3.3.1 Significant discharges and public supply well locations

No significant discharges are proposed in groundwater contributing areas of existing public water supply well field locations. The Project conforms with Standard 5.3.3.3.1.

### 3. Wetlands and surface waters

No regulated wetland habitat exists in proximity to the Project Site and the site is not within the WSRR jurisdiction. Therefore, this section is not applicable.

- *a. Standard* 5.3.3.4.1 *Nondisturbance buffers* Not applicable
- b. Standard 5.3.3.4.2 Buffer delineations, covenants, and conservation easements Not applicable
- *c.* Standard 5.3.3.4.3 Wild, Scenic and Recreational Rivers Act compliance Not applicable

### 4. Stormwater runoff

a. Standard 5.3.3.5.1 Stormwater recharge

Stormwater runoff will be retained on the Project Site and managed through recharge to groundwater and containment systems.

To conform with this Standard the Project must comply with an approved

Stormwater Pollution Prevention Plan (SWPPP). The conformance of the Project with this Standard is conditioned on the Applicant obtaining all necessary approvals for the SWPPP.

- b. Standard 5.3.3.5.2 Natural recharge and drainage Not applicable
- *c. Standard* 5.3.3.5.3 *Ponds* Not applicable
- d. Standard 5.3.3.5.4 Natural topography in lieu of recharge basins Not applicable
- *e. Standard 5.3.3.5.5 Soil erosion and stormwater runoff control during construction* – Not applicable

### **B.** Land Use and Ecology

The Central Pine Barrens Development Standards concerning natural vegetation and plant habitat are set forth below along with a discussion on potential impacts to natural vegetation and plant habitat, mitigating measures and conformance with applicable standards and guidelines.

### 1. Natural Vegetation and Plant Habitat

### a. Standard 5.3.3.6.1 Vegetation clearance limits

An estimated 1.13 acres of natural vegetation will be removed for the Project. To conform with the standard, the maximum clearing limit is 60% (2.57 acres) of the Project Site. The clearing limit is based on the non-residential zoning category that allows a maximum of 60% of a site to be cleared in this zoning category.

The Project Site is currently cleared to 54% (2.32 acres). The Applicant seeks a waiver to clear 0.88 acres in addition to the allowable amount of 2.57 acres to achieve clearing 81% (3.45 acres) of the Project Site.

Clearing and construction of the Project will occur in two phases. During Phase 1, Phase 2 will remain in its natural state until Phase 2 capacity is needed. The purpose of a phased clearing plan is to keep the natural vegetation and habitat for use by flora and fauna on the Project Site for as long as possible until it is necessary to develop Phase 2.

Phase 1 includes clearing 0.67 acres for the installation of 40 leaching pools to satisfy the current 80-pool SCDPW requirement. Phase 2 includes clearing 0.46 acres for the installation of an additional 40 leaching pools to satisfy the 120-pool SCDPW expansion requirement. Total clearing in the two phases is 1.13 acres. Combined with the existing cleared area of 2.32 acres, the Project Site will be cleared to a limit of 81% (3.45 acres).

Snow fencing will be installed to delineate the clearing limit in Phase 1 and to fence off the Phase 2 area to ensure it is completely retained as natural until to be necessary to develop.

*b.* Standard 5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat

An estimated 0.83 acres of natural vegetation will be retained as natural open space for the Project. To conform with the standard, the minimum open space is 40%(1.71 acres) of the Project Site. The open space requirement is based on the nonresidential zoning category which requires a minimum of 40% of open space to be retained.

The Applicant seeks a waiver to clear 81% (3.45 acres) of the Project Site and retain 19% (0.83 acres) as natural open space. The area to remain natural will include a roadside buffer and on the west side of the Project Site adjacent to natural open space on the neighboring lot. For the reasons discussed, the benefits of the Project outweigh the adverse impacts created by the Application.

*c. Standard* 5.3.3.6.3 *Fertilizer-dependent vegetation limit* – Not applicable

No landscape details are associated with the Project. By limiting the application of fertilizer, the Project minimizes adverse impacts to ground and surface water resources. To conform with the Plan, no more than 15% of the Project Site may be placed in fertilizer dependent vegetation without a hardship.

*d. Standard* 5.3.3.6.4 *Native Plantings* – Not applicable

No new planting details are associated with the Project. Salvaging and reusing soils and vegetation including trees, shrubs and natural groundcover that is removed during construction is strongly encouraged to revegetate the site in areas that need to be landscaped. Trees and shrubs cannot be planted in leaching field areas but may be useful on the perimeter to screen the site to supplement the natural vegetation roadside buffer that is to be retained. Native groundcovers including bearberry, lichens and mosses as well as grasses may be reused in areas that need to be regularly mowed and maintained.

e. Standard 5.3.3.6.5 Receiving entity and protection for open space areas

Upon completion of Phase 2, 19% (0.83 acres) of the site will remain as natural open space. No dedications are included in the Project.

### 2. Species and Communities of Special Concern

a. Standard 5.3.3.7.1 Special species and ecological communities

The Applicant commits to protect the State-listed threatened Frosted Elfin and New York State and Federally-listed Endangered Species, the Northern Longeared Bat and its habitat. Therefore, clearing will occur only from December to February of any given year to recognize and protect this species. No clearing will occur from March to November of any given year.

Conformance of the Project with this Standard is conditioned on the Project's adherence to regulatory protection requirements of NYSDEC and Brookhaven Town.

*b. Standard 5.3.3.7.2 Bird conservation and protection* – Not applicable

This standard is not applicable since no buildings are proposed in the Project that have glass surfaces that could interfere with the bird protection goals outlined in this standard.

### C. Other Resources

### 1. Dark sky compliance

Standard 5.3.3.9.1 Light pollution prevention

The Project will conform with the Brookhaven Town dark skies lighting code to protect resources, conserve energy and reduce excessive nighttime lighting.

### 2. Scenic, historic and cultural resources

Standard 5.3.3.11.1 Tall structures and scenic resources – Not applicable

This standard applies to projects not subject to local municipal review and is therefore not applicable.

### IX. The Commission Review of the Act's Extraordinary Hardship Criteria and Findings

The Commission has considered all of the materials submitted in connection with the Application including the transcript of the public hearing.

The Commission finds the Applicant has established the existence of a hardship because the Project is unique and does not apply to a substantial portion of the district or neighborhood. The Applicant's ownership of multiple parcels assembled for the Project provides a unique opportunity to expand the existing STP. The size and scale of the Project is unique in its opportunity to support and treat the wastewater generated existing STP at Sewer District #2 was approved by the County for 80 leaching pools with 40 pools installed in 2009 with the understanding that the remaining 40 pools would be installed when funding became available. Phase 1 develops 40 pools to meet the 80 leaching pool County approval. Phase 2 requires an additional 40 leaching pools to be developed for future expansion. The Project brings the sewer district into compliance and allows for the phased development to meet Suffolk County requirements.

The Project is not inconsistent with the purposes and provisions of ECL Article 57 Section 57-0123(3)(b) and would not result in substantial impairment of the resources of the Central Pine Barrens area. The Project supports the protection of groundwater quality, a goal of the Act and as provided in Section 57-0121(4)(b) of the Act through the expanded capacity of wastewater treatment and expected improvement in the reduction of elevated nitrogen concentrations in groundwater.

The Project discourages piecemeal and scattered development to expand at an existing town-owned STP and supports regional growth by accommodating existing and future development in the subdivision. It supports improved economic and environmental conditions through the expansion of wastewater treatment infrastructure that seeks to protect the pine barrens environment including groundwater quality from individual and cumulative adverse impacts. Sewage treatment is expected to reduce nitrogen concentrations discharged to groundwater. The Project provides an opportunity to meet Suffolk County and New York State's nitrogen reduction action plans and support the growth through improved environmental conditions.

The Commission hereby determines that the Applicant has demonstrated it meets and satisfies the criteria

for a CGA Hardship pursuant to the Act because the Project is unique and is designed in a compact and efficient pattern on a Project Site in an industrial zoning district and in a commercial/industrial subdivision. The Project will not alter the essential character of the neighborhood and does not apply to a substantial portion of the neighborhood.

The Commission hereby determines that the Applicant has demonstrated the Project meets and satisfies the criteria for a CGA Hardship pursuant to the Act, that the alleged hardship has not been self-created because the Project will to satisfy existing and projected development in the R & D Subdivision as envisioned when initially approved by Suffolk County.

### X. Conclusion

The Commission determines that the Project as depicted in the Site Plan prepared by Cameron Engineering, an IMEG Company, dated September 24, 2024, and Figure 5 – Phase Map, dated February 26, 2025 complies with Standards and Guidelines except for compliance with Standards 5.3.3.6.1 and 5.3.3.6.2. The Commission finds that the Applicant has established an extraordinary hardship exists and therefore grants an extraordinary hardship exemption for the reasons set forth above.

The Commission issues a Negative Declaration for the Project pursuant to the SEQRA regulations.

The Commission further imposes the following conditions on the Project:

### Other agency approvals and permit requirements

The Project requires satisfaction of the requirements of other agencies including the Town of Brookhaven, Suffolk County Department of Health Services and the New York State Department of Environmental Conservation. The Applicant must seek and obtain other agency review and permit approvals, including but not limited to:

- 1. Suffolk County Department of Health Services approval for Article 6
- 2. Suffolk County Department of Health Services approval for the Sewage Treatment Plant
- 3. Suffolk County Department of Health Services for Articles 7 and 12
- 4. Suffolk County Department of Public Works
- 5. Brookhaven Town Engineer approval of the Stormwater Pollution Prevention Plan (SWPPP)
- 6. New York State Department of Environmental Conservation approval of the SWPPP
- 7. New York State Department of Environmental Conservation approval including a Stormwater Pollution Discharge Elimination System (SPDES) permit

### **Conditions**

- 1. Approval of a waiver for the two-phased development of the site is granted where upon completion of both phases, 81% (3.45 acres) of the site will be cleared for the Project and 19% (0.83 acres) of the Project Site will remain in its existing vegetated state as natural open space.
- 2. No change in the Project is allowed without review by the Commission and subject to the provisions of ECL Article 57 and the Comprehensive Land Use Plan.
- 3. Protect large trees in the cleared area where feasible particularly on the roadfront to naturally buffer and visually screen the facility. Avoid removal of large trees and natural vegetation wherever possible including areas that may serve as natural buffers to visually screen the facility. Flag trees to remain prior to site disturbance and maneuver around large trees where possible.
- 4. No disturbance of the Project Site unless and until all permits and approvals have been received.

- 5. Salvage and reuse natural plant material for use in landscaping and revegetating the site when and where feasible.
- 6. Prior to site disturbance, walk the Project Site to identify and avoid cutting trees, if feasible, that contain nests of large raptors including owls, hawks, bald eagles, and osprey and terrestrial animals including box turtles or other rare and unique wildlife.
- 7. Protect the New York State and Federally-listed Endangered species and the habitat for the Northern Long-eared Bat (NLEB).
  - a. Clear trees and other vegetation only from December through February of any given year.
  - b. Avoid clearing trees and other vegetation from March to November of any given year.
- 8. Phased development
  - a. Prior to site disturbance, submit the Phase 1 and Phase 2 development plans.
  - b. Prior to commencing physical site disturbance in Phses 1 and 2, install snow fencing. When construction is complete in each phase, remove snow fencing.
  - c. Phase 1
    - i. The installation of 40 leaching pools east of the new access road to be developed on SCTM parcel number 200-554-3-4.53 to conform with the current 80-pool SCDPW requirement. Phase 1 will clear 16% (0.67 acres) with 30% (1.29 acres) to remain natural.
    - ii. Install snow fencing on the boundary of the Phase 1 construction site prior to clearing to avoid disturbance outside of this clearing envelope. Remove snow fencing when construction is complete.
    - iii. Delineate area in Phase 2 to avoid disturbance during Phase 1 and to avoid disturbance outside of each development phase, which is the area, 0.83 acre of the Project Site, to permanently remain natural and not disturbed in Phase 1 or 2.
    - iv. Clearing may occur only in the limits of Phase 1.
    - v. Clearing may occur only in the timeframe from December to February of any given year to protect NLEB and its habitat.
    - vi. Clear only for Phase 1 after the Project receives all required approvals. No clearing may occur in advance of approvals and permits.
    - vii. Retain the Phase 2 project area in its natural state until it needs to be cleared and developed for this phase.
  - d. Phase 2:
    - i. Prior to physical disturbance for Phase 2, ensure Phase 1 conditions are met.
    - ii. Retain Phase 2 in a natural state until development is necessary.
    - iii. The installation of an additional 40 leaching pools west of the new access road to be developed on SCTM parcel number 200-554-3-4.53 to conform with the 120pool SCDPW expansion requirement.
    - iv. Prior to site disturbance in Phase 2, install snow fencing on the boundary of the Phase 2 construction site to avoid disturbance outside of this clearing envelope. Remove snow fencing when construction is complete.
    - v. Phase 2 will clear 11% (0.46 acres). At the end of Phase 2, 19% (0.83 acres) of the Project Site will remain natural.
    - vi. Clearing may occur only in the limits of Phase 2 during the construction of this phase.
    - vii. Clearing only in the timeframe from December to February of any given year.
    - viii. After Phase 2 construction is completed and snow fencing is removed, delineate remaining 0. 83 acres of open space with split rail fencing on all sides except for that which abuts the Long Island Railroad.
- 9. Submit a letter to the Commission office at least two days prior to commencing physical site distance in each phase.
- 10. Submit a letter to the Commission office within one month after completion of each phase.

- 11. This hardship is valid only for the project under review in this application. Any substantive changes require a new application including expansion of the project or substantial redesign is subject to Commission review discretion.
- 12. The Commission's approval is valid for 10 years from the Commission's date of approval. The Project must be 90% complete by the time the end of this 10-year term occurs.
- 13. Record a copy of this document including an 8.5"x11" black and white copy of the Site Plan in the Office of the Suffolk County Clerk and distribute to involved agencies.

### **COPIES OF THIS DOCUMENT WILL BE SENT TO:**

Suffolk County Planning Commission Suffolk County Department of Health Services Suffolk County Water Authority Suffolk County Department of Public Works Suffolk County Sewer Agency Daniel J. Panico, Supervisor, Town of Brookhaven Brookhaven Town Clerk Michelle DiBrita, Brookhaven Town Chief Deputy Commissioner Planning, Environment and Land Management Tony Leung, Agent (IMEG)

Motion to Approve the Town of Brookhaven Sewage District # 2 Plant Expansion Compatible Growth Area Hardship Waiver 60 Ramsay Road, Yaphank, Town of Brookhaven Project Site Suffolk County Tax Map Numbers 200-554-3-4.40 and 4.53

MOTION BY: SECONDED: VOTE: YES: NO: ABSTAIN:

DATE: April 16, 2025

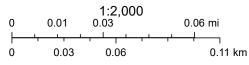
Present:

- \_ for the New York State Governor
- \_ for the Suffolk County Executive
- \_ Brookhaven Supervisor
- Riverhead Supervisor
- \_ Southampton Supervisor

Brookhaven STP Expansion (SCTM #: 200-554-3-4.40 and -4.53)



1/29/2025, 1:35:21 PM



Copyright nearmap 2015



Central Pine Barrens Commission

### RECEIVED

FEB 2 7 2025

RE: Town of Brookhaven Sewer District #2 Proposed Installation of Leaching Pool for Compliance with SCDPW Requirements Compatible Growth Area Hardship Waiver Application Yaphank, Town of Brookhaven SCTM Numbers200-554-3-4.40 and 4.53

Central Pine Barrens Joint Planning & Policy Commission

Dear Central Pine Barrens Commission:

This letter provides responses and information to the request for additional information as outlined on page 6 of the public hearing package and your February 21, 2025, email regarding supplemental information.

To be clear, the area to be utilized for the proposed leaching pools in this hardship is solely for groundwater recharge via leaching pools only. This project will bring the existing Sewer Treatment Plant into compliance with the Suffolk County Department of Public Works standards that 80 pools total are to be installed to support the existing treatment demand. The hardship was not self-created since the treatment plant is required to have eighty (80) pools by SCDPW. There were 40 pools that were installed when the Treatment Plant was constructed, with the understanding that the remaining 40 pools are to be installed when funding becomes available.

This hardship relating to the treatment plant is unique since the treatment plant has been in existence within the industrial park (sewer district) for more than twelve (12) years treating wastewater generated therein. This issue is unique to the treatment plant and does not apply to substantial portion of the sewer district. As the sewer district only comprises of the industrial park, the project will not alter the character of the area.

The following provides responses to the items outlined on page 6 of the public hearing package:

1. The Commission will independently perform the SEQRA review and discuss a determination in the decision process.

Response: Noted.

Town of Brookhaven Sewer District #2 February 21, 2025

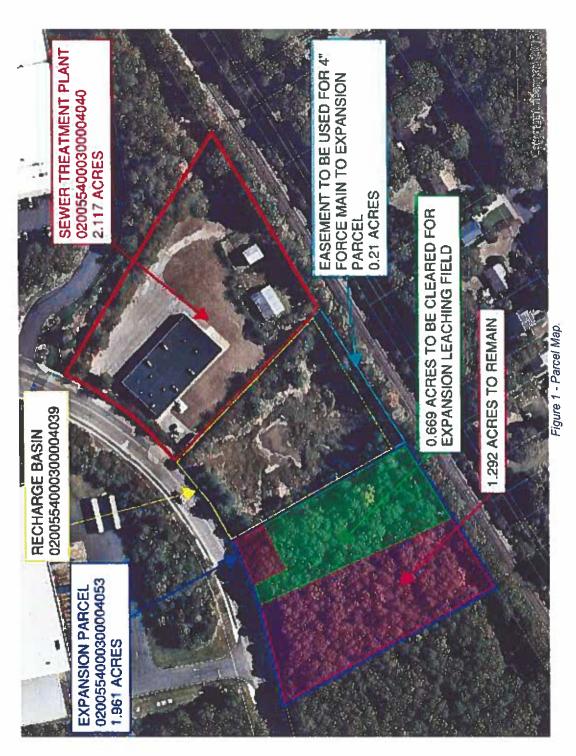
2. The area of the Project Site varies on the items submitted. The Applicant must confirm the total project area size, the existing and proposed clearing amounts, and the existing and proposed amount of natural areas. The Applicant must define the area of the strip of land required for the installation of the 4" force main connection and confirm its inclusion in the existing natural and proposed clearing amounts.

**Response:** Please see Figure 1: Parcel Map below. The project area includes the Sewer Treatment Plant Parcel (2.113 Acres), the Expansion Parcel (1.961 Acres), and an easement on the south side of the recharge basin parcel (0.21 Acres). This totals to a project area of 4.284 Acres.

The easement to the south of the recharge basin is already cleared and will not be part of the clearing area.



Formerly Cameron Engineering



177 Crossways Park Drive, Woodbury, NY 11797 >516 827,4900 > cameronengineering.com



3. The Applicant must identify the federal wetlands present on the Project Site that are indicated on Part 1 of the submitted EAF and address related protections during and after construction. No NYSDEC mapped and regulated wetlands appear to be present.

**Response:** The EAF was generated using the NYS DEC (DEC) EAF Mapping Tool. The federal wetlands as identified on Part 1 of the EAF is in error. The location is in fact a recharge basin situated next to the treatment plant.

The EAF Mapping tool relies on DEC freshwater wetlands data, tidal wetlands data, as well as the National Wetlands Inventory (NWI) dataset which is not accurate for certain features. The DEC data (EAF Mapper and Environmental Resource Mapper) did not identify the recharge basin as a wetland. Only the NWI dataset identified the recharge basin (parcel no. 02005540003000004053) as a wetland (freshwater pond). This is in error and is explained below.

The identified wetland was based on the National Wetlands Inventory (NWI) mapper which identifies these waterbodies via the analysis of high-altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. As mentioned in the NWI webpage, a margin of error is inherent in the use of imagery, and that a "... detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis... The wetlands displayed on the Wetlands Mapper show wetland type and extent using a biological definition of wetlands. There is no attempt to define the limits of proprietary jurisdiction of any Federal, State, or local government, or to establish the geographical scope of the regulatory programs of government agencies."

Our in-depth review shows that many recharge basins are also identified by NWI as freshwater ponds. In short, the NWI relies on high-altitude imagery and the identified wetland in question has not been ground truth.

The two figures on the next page show the recharge basin next to the treatment plant without, and with NWI layer. Figure 2 shows the DEC's freshwater wetlands (shown as green polygon) and tidal wetlands layer turned on and the recharge basin was not identified as a wetland. Figure 3 shows the addition of the NWI layer which identified the recharge basin next to the treatment plant as well as two other nearby basins as a freshwater pond (blue polygon). And Figure 4 shows the location of the three recharge basins (marked by layer) along with photo of the entrance gate to the basins.

Based on in-depth review of the information by NWI, it is determined that the recharge basin as identified in Part 1 of the EAF is incorrectly labelled as "federal wetlands" by NWI.



Formerly Cameron Engineering

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Environmental Resource Mapper

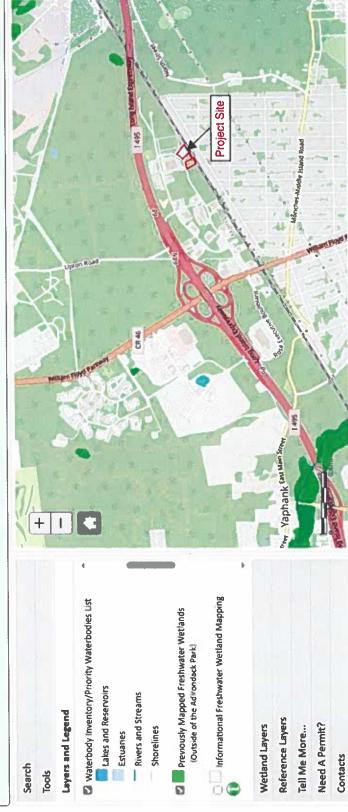


Figure 2 - DEC's freshwater wetlands (shown as green polygon) and Tidal Wetlands Layer.

Town of Brookhaven Sewer District #2 February 26th, 2025

IMEG #23003412 Page 6 of 10

special modifier which stands for excavated to identify wetland basins or channels that were excavated by humans. The recharge basin is identified by NWI as Freshwater Pond with classified code of PUBHx and the letter "x" is a

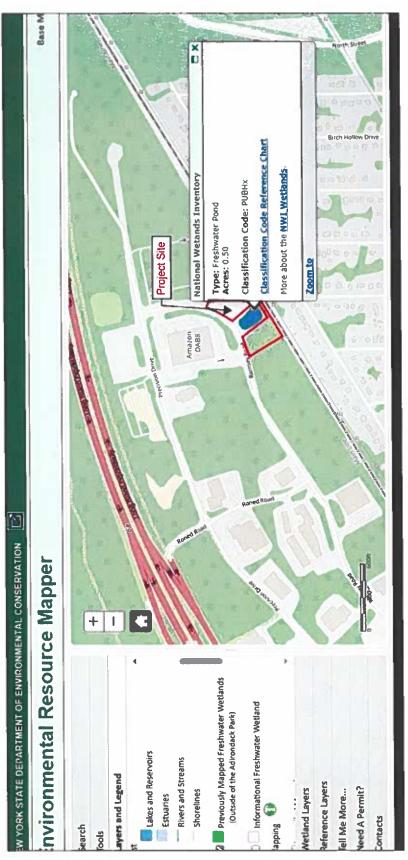
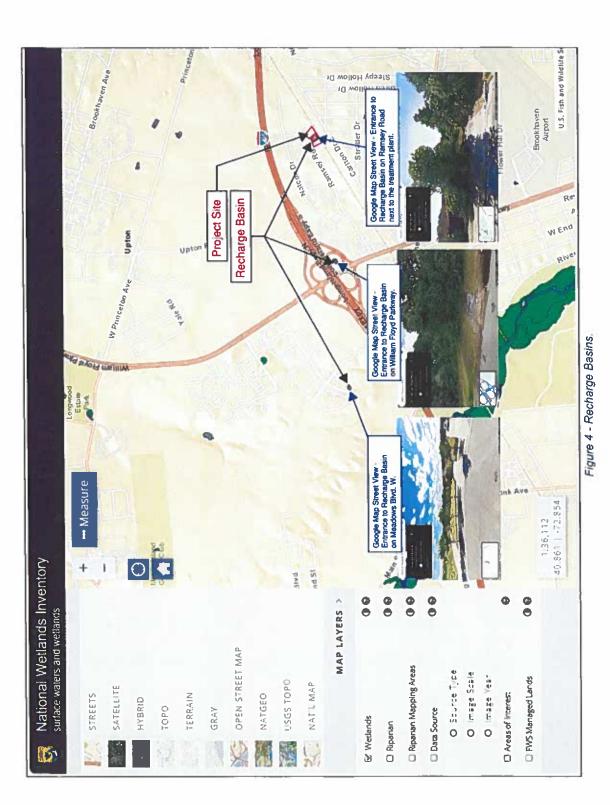


Figure 3 – National Wetlands Inventory Layer.



Town of Brookhaven Sewer District #2 February 26<sup>th</sup>, 2025

IMEG #23003412 Page 7 of 10







4. Part 1 of the EAF indicates the project includes a new 5,000 square foot building to be heated and cooled, though it is not shown on the Site Plan. The Applicant must indicate where a new building is to be constructed.

**Response:** There will be no new buildings to be constructed on the project site. The only structures to be constructed will be the underground effluent pump station, 4" force main, and 40 leaching pools to comply with SCDPW Requirements.

5. The Project Site is in a designated significant natural community within the vicinity of Federal and State-listed endangered species, Northern Long-eared Bat (NLEB). The Applicant must coordinate the application with the NYSDEC to demonstrate conformance with the protection of listed species and their habitats. Clearing in Suffolk County may only occur from December 1 through February 28 of a given year, per NYSDEC guidance (<u>https://dec.ny.gov/nature/animals-fish-plants/northern-long-eared-bat</u>).

**Response:** The Town of Brookhaven and IMEG are aware of this constraint and will schedule any clearing between the dates of December 1<sup>st</sup> and February 28<sup>h</sup> as required.

6. The Applicant must label the existing trees to be retained and existing trees to be removed should be labeled as such. The Applicant must delineate and maintain clearing limits prior to site disturbance to protect the area to remain natural during construction.

**Response**: Please see Figure 1: Parcel Map above. The clearing limit has been reduced from eighty (80) pools to forty (40) pools.

An area of approximately 1.292 Acres shall be undisturbed in the western portion of the expansion parcel, west of the new access road.

Prior to land clearing, IMEG will flag/outline the clearing area and will be present to ensure the land is only cleared for the forty (40) pools per the clearing limit shown in Figure 1.

7. The Site Plan shows a natural roadside buffer of at least 30' wide. The Applicant must clarify if the buffer is to be of existing natural vegetation that will be delineated and protected prior to site disturbance or revegetated with natural vegetation after site disturbance.

**Response:** This buffer area will be delineated and protected prior to site disturbance. As with the response to Question 6, IMEG will outline the area to be cleared with the contractor and maintain during clearing.

8. The Applicant must address if any mitigation will be provided for the project.

**Response:** Mitigation actions will include the following.

1. Clearing will occur during the clearing window only (December 1<sup>st</sup> to February 28th) as required by the NYS DEC.

2. Area will only be cleared based on clearing limit as shown in Figure 1, or as approved by the Central Pine Barrens Joint Planning and Policy Commission.

3. Any areas that may be cleared for beyond what is shown will be revegetated with natural vegetation.

9. The Applicant should consider establishing phased development areas for (1) the 40 leaching pools proposed to satisfy the current 80-leaching pool requirement and (2) the future 40 leaching pools to meet the 120-leaching pool expansion requirement. If so, the Applicant should delineate the areas and retain the natural vegetation in the Phase 2 development area until the final cluster of leaching pools are to be installed.

**Response:** Town of Brookhaven has considered the phased approach and has revised the clearing limit to show Phase 1 (the required set of 40 pools) and phase 2 future replacement/expansion area. This is shown in Figure 5 below.





Figure 5 – Phase Map.

10. The Commission will consider any additional documentation submitted in support of this Application and reserves the right to keep the hearing record open to receive and review any additional information for the public record.

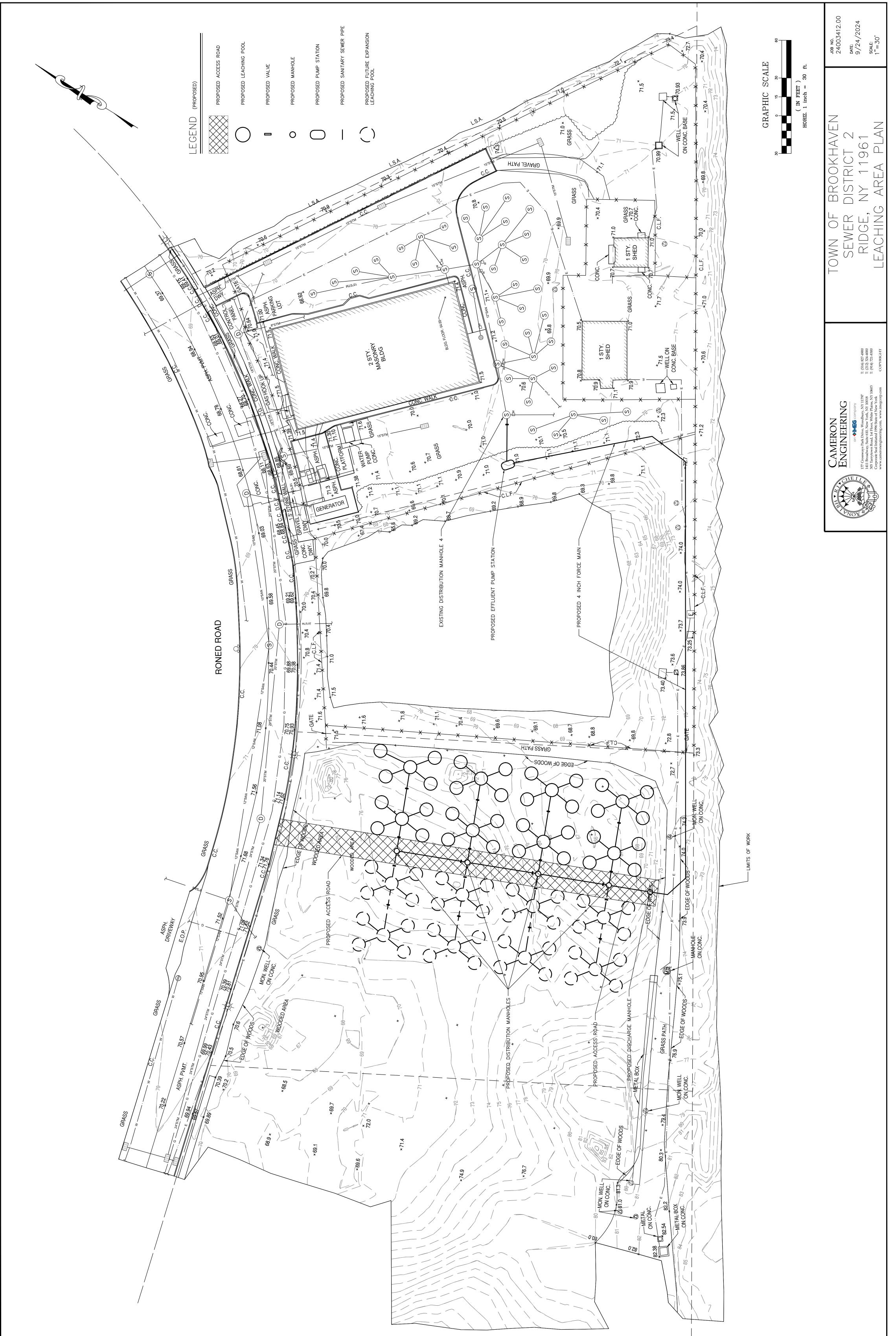
### Response: Noted.

11. Consider decision by April 16th, 2025 Commission Meeting.

### Response: Noted.

Thank you for the opportunity to provide additional information. Please contact us should you requires additional information.





DRAFT



April 16, 2025

Antoinette Rivera Town of Brookhaven Office of the Town Clerk One Independence Hill Farmingville, NY 11738

### RE: Referral of the Site Plan for Middle Island Starbucks 2024-020-CZ RA Middle Island Starbucks SCTM #: 200-402-2-2 Compatible Growth Area of the Central Pine Barrens

Dear Mrs. Rivera:

Timothy C. Hubbard<br/>MemberOn March 20, 2025, the Central Pine Barrens Commission office received a referral of the<br/>revised application and site plan for the subject proposal. The project site is in the Compatible<br/>Growth Area (CGA) of the Central Pine Barrens.

 Maria Z. Moore Member
 Daniel J. Panico Member
 Daniel J. Panico
 Member
 Enclosed please find a copy of the Commission's letter dated January 15, 2025 in response to the original referral of this project. These comments remain valid. It appears the project does not conform with one or more of the Plan standards including the open space standard. If it is not revised to conform, please direct the applicant to apply to the Commission for a hardship.

Edward P. Romaine<br/>MemberThank you for your attention, and if you have any questions, please do not hesitate to contact<br/>me at (631) 563-0307.

Sincerely,

Tara Murphy Environmental Planner

cc: Judy Jakobsen, Executive Director, CPBJPPC
 Julie Hargrave, Policy and Planning Manager, CPBJPPC
 John C. Milazzo, Counsel, CPBJPPC
 Amy Moody, Town of Brookhaven
 RA Middle Island LLC, Applicant

624 Old Riverhead Road Westhampton Beach, NY 11978

Phone (631) 288-1079 Fax (631) 288-1367 www.pb.state.ny.us



Maria Z. Moore

Member

Daniel J. Panico

Member

Edward P. Romaine Member January 15, 2025

Antoinette Rivera Town of Brookhaven Office of the Town Clerk One Independence Hill Farmingville, NY 11738

RE:

### E: Referral of the Site Plan for Middle Island Starbucks 2024-020-CZ RA Middle Island Starbucks SCTM #: 200-402-2-2 Compatible Growth Area of the Central Pine Barrens

Dear Mrs. Rivera:

Timothy C. Hubbard<br/>MemberOn December 27, 2024, the Central Pine Barrens Joint Planning and Policy Commission office<br/>received your referral dated November 22, 2024 for the above-referenced project. The project<br/>site is in the Compatible Growth Area (CGA) of the Central Pine Barrens.

### Existing Conditions and the Proposed Project

The 1.44 acre (62,726.4 square foot) project site is located on the north side of Middle Country Road at 599 Middle Country Road in the J Business 4 zoning district in the hamlet of Middle Island. Surrounding land uses include a mix of residentially and commercially zoned developed and undeveloped properties. The project site is developed with a one-story 4,000 square foot commercial building with drive-through and associated parking lot. The existing building was previously occupied by a bank.

The northern and western edges of the project site border the neighboring lot vegetated with pitch pine-oak woodland. The project site is described as 35% roads, buildings, or impervious surfaces and 65% grass or landscaping, as per Part 1 of the Full Environmental Assessment Form (EAF).

The applicant proposes a change of zone from J Business 4 to J Business 5 to renovate the existing vacant bank building and convert 4,000 square feet into a Starbucks restaurant and drive-through. Please note the discrepancy of proposed zone change on Part 1 FEAF which states the zone change is from J Business 4 to J Business 2.

624 Old Riverhead Road Westhampton Beach, NY 11978

Phone (631) 288-1079 Fax (631) 288-1367 www.pb.state.ny.us The concept plan prepared by Stonefield Engineering & Design last dated November 21, 2024 notes the existing developed area including the building, parking lot, and access points will be utilized. The parking lot will be restriped and reconfigured to accommodate drive-through and bypass lanes for the restaurant. A landscaped peninsula will be removed from the parking lot to accommodate the lanes, and the western most edge of existing pavement will be converted to a landscaped area. The site plan notes a landscaping limit of 37.6% (23,603 square feet).

### **Central Pine Barrens Status**

The project appears to constitute development activity pursuant to New York State Environmental Conservation Law (ECL) Article § 57-0107(13), which states that development includes:

13. "Development" shall mean the performance of any building activity or mining operation, the making of any material change in the use or intensity of use of any structure or land and the creation or termination of rights of access or riparian rights. Without limitation, the following activities or uses shall be taken for the purposes of this article to involve development as defined in this subdivision:

(a) a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated;

(b) a material increase in the intensity of use of land or environmental impacts as a result thereof;

The project must conform with the provisions of the Town Zoning Code implementing the Central Pine Barrens Comprehensive Land Use Plan (the Plan). If the project does not conform with one or more standards, the application may be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission, subject to review and action.

#### **Comments on the Project**

As per your request for comments, the following items relate to review of the project's consistency with the Plan and the goals and objectives of the Long Island Pine Barrens Protection Act (the Act). The applicant must demonstrate conformance with the standards that became effective on July 19, 2024 prior to development on the project site.

#### Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

The project is subject to conformance with Article 6 of the Suffolk County Sanitary Code and shall meet the applicable requirements of the Suffolk County Department of Health Services. Although the current action is the zone change, the redevelopment of the bank to a restaurant use will increase wastewater generated on the project site. The provided materials do not include sanitary flow information, however any flow exceeding Article 6 standards should be mitigated by the redemption of Pine Barrens Credits.

#### Standard 5.3.3.1.4 Commercial and industrial compliance with the Suffolk County Sanitary Code

If materials stored on site or activities related to the proposed commercial/industrial use require conformance with the Suffolk County Sanitary Code, ensure conformance and employ protection measures to preserve groundwater quality and the ecological resources of the Central Pine Barrens.

#### Standard 5.3.3.6.1 Vegetation clearance limits

- The project must demonstrate conformance with this standard and the clearing limit must be applied to the whole parcel. The area of the site that is presently cleared from prior use must be factored into the clearing limit. The project site is subject to a maximum clearing limit of 60% (0.86 acres) and 40% natural area (0.58 acres).
- The EAF characterizes the project site as 100% cleared with development and landscaping. Aside from landscaped islands with trees and mowed grass, the project site contains no natural vegetation or open space. No revegetation details are provided. The project seeks to reuse 100% of the cleared site without providing open space. At the present time, the project exceeds clearing standards.
- Please have the applicant revise the site plan to reflect the existing and proposed clearing amounts,

and the existing and proposed amount of natural areas. If clearing exceeds the limit of 60% of 1.44 acres, or 0.86 acres, please have the applicant revise plans to conform or apply for a CGA Hardship to permit non-conforming development.

#### Standard 5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat

- The project must demonstrate conformance with this standard which states, "Development project sites must meet at a minimum the percentages of open space specified in Figure 5-1 regardless of existing physical site conditions." It continues, "Project sites that do not have sufficient existing natural areas to meet the opens space requirement specified in Figure 5-1 due to prior development or use, will be required to revegetate areas to satisfy this standard. This will include sites that do not meet the open space requirement due to pre-existing clearing or disturbance, formalized landscaped and turf areas and/or impervious surfaces."
- The project is required to provide a minimum 40% natural open space area (0.58 acres). No revegetation is proposed, and the project utilizes 100% of the site without setting aside an area of open space. This may include self-heal or active restoration. At the present time, the project does not conform with this standard.
- If the open space requirement of 40% is not satisfied, please have the applicant submit revised plans that demonstrate conformance paired with a restoration plan or have the applicant apply for a CGA Hardship.

#### Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit and Standard 5.3.3.6.4 Native plantings

- The maximum amount of fertilizer-dependent vegetation is 15% and where planting is required for landscaping or open space, only native species should be installed. The use of native plant species in these areas support ecological communities, vegetation and wildlife including mammals, birds and pollinating insects indigenous to the region. Please refer to Figure 5-2 in the Plan for plant species suggestions. Additional guidance on plantings can be provided by the Town and Commission staff if necessary.
- Retaining existing native vegetation on the project site including pitch pine trees, oak trees, and other natural species, avoids the importation of non-native species, and reduces the need for irrigation, fertilizer and maintenance.

#### Standard 5.3.3.6.5 Receiving entity and protection for open space areas

The area to be set aside as natural open space should be protected in a covenant recorded with the Suffolk County Clerk to ensure open space protection.

#### Standard 5.3.3.7.1 Special species and ecological communities

• The project site is in a designated significant natural community within the vicinity of Federal and State-listed endangered species, Northern Long-eared Bat (NLEB). Please coordinate the application with the NYSDEC to demonstrate conformance with the protection of listed species and their habitats. Clearing in Suffolk County may only occur from December 1 through February 28 of a given year, per NYSDEC guidance (<u>https://dec.ny.gov/nature/animals-fish-plants/northern-long-eared-bat</u>).

• Any other regulated plant or wildlife species should be protected as required by Federal, State and local agencies.

The proposal must conform with all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 563-0307.

Sincerely,

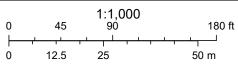
and Tara Murphy Environmental Planner

cc: Judy Jakobsen, Executive Director, CPBJPPC Julie Hargrave, Policy and Planning Manager, CPBJPPC John C. Milazzo, Counsel, CPBJPPC

# RA Middle Island Starbucks (SCTM #: 200-402-2-2)







PROPERTY REZONE NOTE: THE PROPERTY IS LOCATED WITHIN J BUSINESS 4 DISTRICT (J-4). THE PROPOSED ZONING REVIEW HAS BEEN PERFORMED UNDER THE ASSUMPTION THE PROPERTY HAS BEEN REZONED TO THE J BUSINESS 5 DISTRICT (J-5).	
THE PROPERTY IS LOCATED WITHIN J BUSINESS 4 DISTRICT (J-4). THE PROPOSED ZONING REVIEW HAS BEEN PERFORMED UNDER THE ASSUMPTION THE PROPERTY HAS BEEN REZONED TO THE J BUSINESS 5 DISTRICT (J-5).	PROPERTY REZONE NOTE:
	THE PROPERTY IS LOCATED WITHIN J BUSINESS 4 DISTRICT (J-4). THE PROPOSED ZONING REVIEW HAS BEEN PERFORMED UNDER THE ASSUMPTION THE PROPERTY HAS BEEN REZONED TO THE J BUSINESS 5 DISTRICT (J-5).

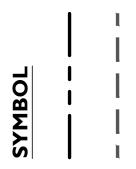
LY BUSINESS (J-5)	
SPECIAL PERMIT USE	special permit use (town board approval)
REQUIRED	PROPOSED
2.00 AC (87,120 SF)	1.44 AC (62,846 SF) (V)
150 FT	225 FT
25% (I5,711 SF)	6.2% (3,908 SF)
2.5 STORIES / 35 FT	I STORY / < 35 FT
50 FT	BUILDING: 52.7 FT
	CANOPY: 42.1 FT (V)
50 FT	BUILDING: 84.6 FT
	CANOPY: 92.2 FT
25 FT	BUILDING: 54.4 FT
	CANOPY: 41.0 FT
	TRASH ENCLOSURE: 47.0 FT
40 FT	BUILDING: 161.9 FT
	TRASH ENCLOSURE: 54.3 FT

PERMIT CRITERIA	TERIA
	PROPOSED
D AREA OF 40 D ADJACENT ieS	9.0 FT (EN) (SDWA NON-EXCLUSIVE EASEMENT) 42.1 FT (MIDDLE COUNTRY ROAD)
HE SITE SHALL JRAL AND/OR	36.1% (22,696.9 SF)
ARD SIGNS HIN THE SETBACK	COMPLIES
OR SPEAKERS r residential	DOES NOT COMPLY (V)
OR PLAY D WITHIN THE	COMPLIES
UM OF 12	15

S 42.1 FT (MIDDLE COUNTRY ROAD)	E SITE SHALL 36.1% (22,696.9 SF) SAL AND/OR SD SIGNS COMPLIES IN THE ETBACK	EI BACK DR SPEAKERS DOES NOT COMPLY (V) RESIDENTIAL	DR PLAY COMPLIES WITHIN THE	IM OF 12 I5 CH W	: SEPARATE COMPLIES KING AISLES
	E SITE SHALL 36.1% (22,696.9 SF) SAL AND/OR 3D SIGNS COMPLIES IN THE ETBACK			OF 12	

ND BUFFER R	ND BUFFER REQUIREMENTS
	PROPOSED
OF LANDSCAPING =	36.1% (22,696.9 SF)
uired landscaped N the front yard	63.6% (7,992.7 SF)
FRONTAGE	COMPLIES
tea along all	9.0 FT (EN) (SCDA NON-EXCLUSIVE EASEMENT) 42.1 FT (MIDDLE COUNTRY ROAD)
D AREA (21,996.1 SF)	36.1% (22,696.9 SF)
- BE SCREENED E, BERM, AND/OR VCE	COMPLIES
CES OR MORE SHALL SCAPING FOR EVERY 0 SF / 25 SPACES)) =	N/A
FER = 25 FT	10.0 FT (WEST) (V) 6.3 FT (NORTH) (EN)
BE DROUGHT S	COMPLIES

<b>KING REQUIREMENTS</b>	VTS
	PROPOSED
NT: ATS OR I PER 100 SF OF GFA,	
	TOTAL PROPOSED: 40
EUING REQUIREMENT:	
	TOTAL PROPOSED: 15
EAUNDER 8,000 SF	DOES NOT COMPLY (V)
:NSIONS:	
	LENGTH = 19 FT WIDTH = 9 FT
EUE SPACE DIMENSIONS:	
	WIDTH = 9 FT
AY WIDTHS WITHIN PARKING Y THE PLANNING BOARD	22 FT (EN)
ONT YARD, OTHER THAN A ISTRICT, SHALL BE USED FOR CLES OR FOR LOADING AND	DOES NOT COMPLY (EN)





PROPERTY LINE

SETBACK LINE

PROPOSED CURB PROPOSED STOP PROPOSED CONCRE

# **GENERAL NOTES**

THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE
OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO
INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE
DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE
EXISTING SITE CONDITIONS AND THE PROPOSED WORK THE
CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN,
THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND
ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED
PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED
PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES
DURING CONSTRUCTION.
ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY
LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING &
DESIGN, LLC. AND IT'S SUB-CONSULTANTS FROM AND AGAINST ANY
DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING
OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION
TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT
CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION,
LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL
LIABILITY INSURANCE.
THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED
IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL
is provided in writing by stonefield engineering & design,

ANS AND A PRIVATE PROPERTY NOT CONTROLLED BY THE A PRIVATE PROPERTY NOT CONTROLLED BY THE TY WHO HAS AUTHORIZED THE WORK WITHOUT CONSENT FROM THE OWNER OF THE PRIVATE AE THE TO DE 

ഗ്

~

αċ

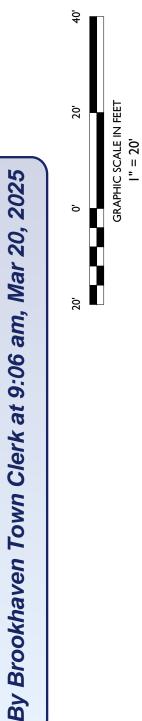
ö

б.

Ë

ы GINEERING & DESIGN, LLC CONSTRUCTION, IT DOES Олгтиг ресрОNSIBILITIES

5



2

N

ЦО

DRAWIN

**STONEFIELD** engineering & design

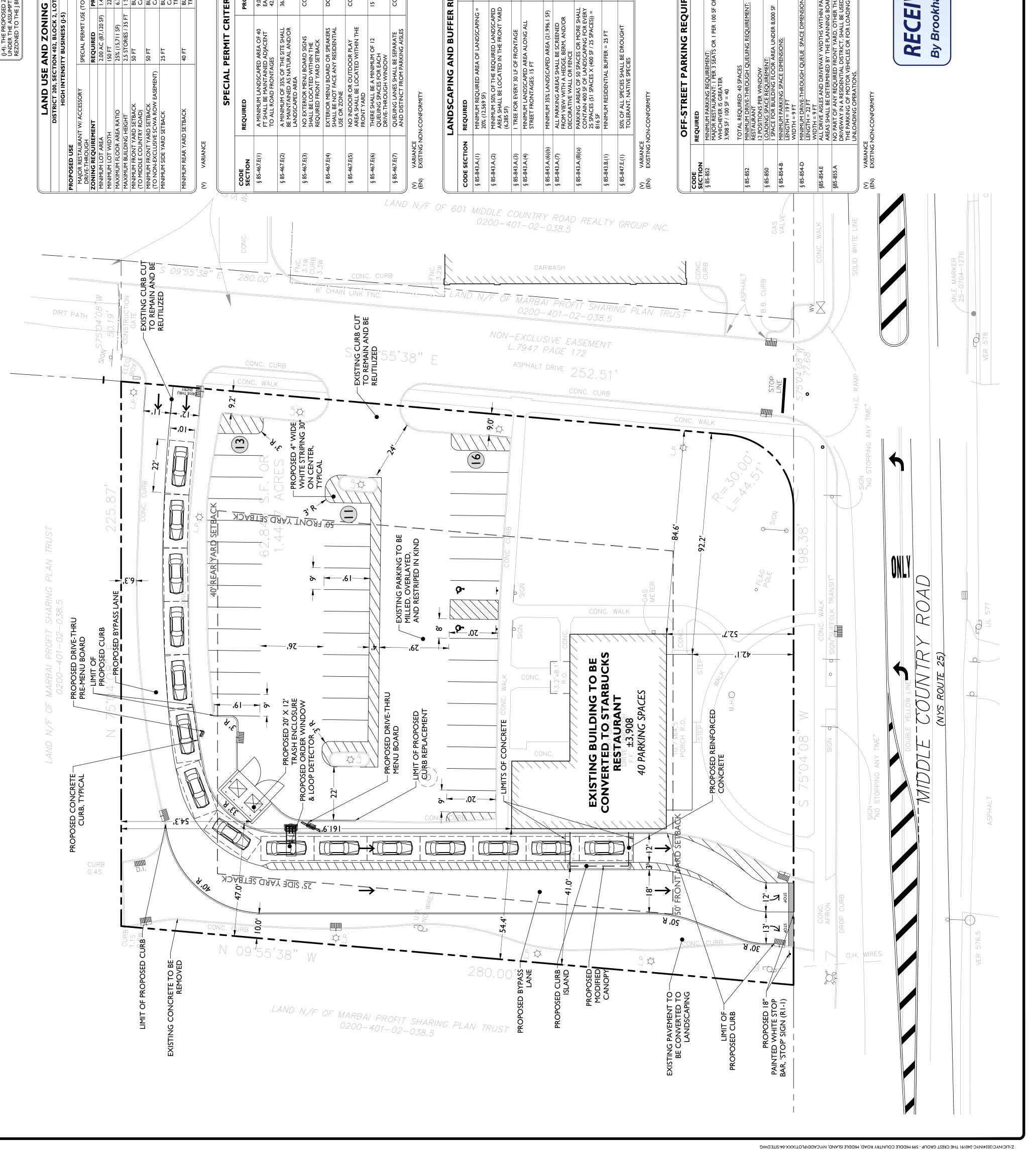
|" = 20' PROJECT ID: NYC-24019

SCALE

RECEIVED

**SITE PLAN** 

DESCRIPTION ISSUED FOR REVIEW ISSUED FOR REVIEW	BA WC WC	DATE 03/07/2025 03/07/2025	INSSI I J	CONSTRUCTION	584 Broadway, Suite 310, New York, NY 10012 Phone 718.606.8305	SUFFOLK COUNTY, NEW YORK 599 MIDDLE COUNTRY ROAD SECTION 402 BLOCK 2 LOT 2 SECTION 402 BLOCK 2 LOT 2
				NOT APPROVED FOR C	Brinceton, MJ       Tampa, FL       Birmingham, MI         Princeton, MJ       Tampa, FL       Birmingham, MI	PROPOSED STARBUCKS
				ž		SITE PLANS





#### April 16, 2025

Seth Race Planner Town of Southampton Planning Board 116 Hampton Road Southampton, New York 11968

# RE:

#### : Referral: 80 Anchor Street Subdivision SCTM Number 900-142-2-22 Compatible Growth Area of the Central Pine Barrens

Dear Mr. Race:

On March 27, 2025, the Central Pine Barrens Commission office received your referral for the referenced project. The project site is in the Compatible Growth Area (CGA) of the Central Pine Barrens.

#### **Existing Conditions and the Proposed Project**

The project site is 40,756.80 (0.936 acre). It is developed with a single-family residence. The site is in the R15 Zoning District, in the Town Aquifer Protection Overlay District (APOD), in the hamlet of Flanders. It is in proximity to the eastern portion of the New York State Sarnoff Forest, which is approximately 2,000 acres of natural pine barrens open space.

According to the Subdivision Map prepared by Scalice Land Surveying last revised November 6, 2024, the project creates two lots that conform with the minimum lot area of the R15 zoning district: Lot 1 is 20,974.80 square feet (0.482 acre), and Lot 2 is 19,782 square feet (0.454 acre).

#### **Central Pine Barrens Status**

A subdivision of five or fewer lots that conform to the lot area requirement of the existing zoning constitutes non-development activity pursuant to New York State Environmental Conservation Law (ECL) Article § 57-0107(13)(xiii).

#### Non-binding comments

- Please confirm the proposal adheres to the Town's vegetation clearing restrictions in the Town's APOD.
- Please protect large mature trees where feasible on each lot including pitch pine and oak trees to preserve the character and ecosystem of the Central Pine Barrens.

624 Old Riverhead Road Westhampton Beach, NY 11978

Phone (631) 288-1079

Fax (631) 288-1367 www.pb.state.ny.us The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for the opportunity to review the application, and if you have any questions, please do not hesitate to contact me at (631) 218-1192.

Sincerely,

Julie Hargrave Policy and Planning Manager

cc: Judy Jakobsen, Executive Director, CPBJPPC John C. Milazzo, Counsel to the Commission

Timothy C. Hubbard Member

> Maria Z. Moore Member

Daniel J. Panico Member

Edward P. Romaine Member



Report an Issue





#### Town of Southampton 116 Hampton Road

Southampton, NY 11968

#### PLANNING BOARD

631 287-5735 tel 631 287-5706 fax

**CHAIRPERSON** JACQUI LOFARO

VICE CHAIRPERSON Dennis Finnerty

> SECRETARY Glorian Berk

**BOARD MEMBERS** David Glazer Tom Neely Kate Fullam Thackoor (George) Mootoo

3/24/2025

RECEIVED

MAR 27 2025

Central Pine Barrens Joint Planning & Policy Commission

Central Pine Barrens Commission 624 Old Riverhead Road Westhampton Beach NY 11978

RE: 80 Anchor Street, Subdivision - Pre-Application

Dear Sir and/or Madam:

Please find enclosed the following with reference to the above application on the property located at 80 Anchor St, Flanders, Town of Southampton, SCTM#(s) 900 - 142 - 2 - 22, which is presently being considered by the Planning Board. The pre-application consists of a Standard Plan with two (2) lots; Lot 1 measuring 20,974 sf with a pre-existing single family residence and a proposed Lot 2 measuring 19,782 sf each to be improved with a single-family dwelling, on a 0.9 acre property situated in the R-15 Zoning District.

**Material Enclosed:** 

Application, Standard Plan

Please review and provide your comments and recommendations on proposed activity, so that the Planning Board may take them into consideration in their review of the subject application.

Please notify the planner named below if you have special concerns regarding this project, or if you will not be able to submit a response in a timely manner.

In addition to mailing a hard copy, we respectfully request that you e-mail a copy of your response to the planner named below. This will be greatly appreciated.

Your prompt attention to this matter would be greatly appreciated.

Very Truly Yours,

Mapl

Seth Race, Planner srace@southamptontownny.gov CP-630 (2022) SUBDIVISION PRE-APPLICATION FORM

DEPARTMENT OF LAND MANAGEMENT PLANNING BOARD 116 Hampton Road Southampton, NY 11968

**Phone:** (631) 287-5735 **Fax:** (631) 287-5706

#### TOWN OF SOUTHAMPTON



MARIA Z. MOORE TOWN SUPERVISOR

#### CHAIR JACQUI LOFARO

VICE CHAIRPERSON DENNIS FINNERTY

> SECRETARY GLORIAN BERK

BOARD MEMBERS KATE FULLAM DAVID GKAZER THACKOOR (GEORGE) MOOTOO THOMAS NEELY

#### SUBDIVISION PRE-APPLICATION FORM

This application form is required as part of any request to process the action listed below. In addition, Chapter <u>§292</u> The Town of Southampton Code requires specific material to be submitted in conjunction with this form. Other required items are indicated on the attached application checklist. It is the applicant's responsibility to insure that application package is complete and accurate. Incomplete applications will not be processed.

- 1. All applications must be completed in full and comply with <u>§330</u> and <u>§292</u> of the Town Code. Incomplete application packages will not be accepted.
- 2. These instructions and the application form shall be read carefully and understood before completing. Any questions should be referred to the Planning Division.
- 3. The application package consists of the following:

The Subdivision Pre-Application Form checklist.

- 15 Copies of Application, including: project description, <u>owner's endorsement</u>, <u>Open Government Disclosure Form</u>, agricultural data statement, and submission review form.
- 15 Copies of Subdivision Plat (standard plan) and supporting Materials
- ] 🔑 15 Copies of Subdivision Plat (cluster plan)
- Pre-Application Fee: \$800 per lot (excluding reserved parcels)
- Lot Line Modification Fee (Transfer if Property): \$1,100 per lot (if applicable)
- 4. The mapping requirements for the subdivision plat, per §292-4A, §292-10 of the Southampton Town Code are included in the Subdivision Pre-Application Submission Review Form on Pages 5-6 of this submission package. Please complete this form to ensure that the maps comply with the code requirements.
- 5. The subdivision pre-application review process is outlined on page 4
- 6. A Fee Schedule is included in this package.

Application Name: Anchor St

SCTM No.:473689 142.000-0002-022.000

Property Address: 80 Anchor St, Flanders NY 11901

#### I. General Information:

- a) Applicant's Name: Kelemachi Group, LLC Address: P.O. Box 46, Southampton NY 11969 Phone No.: 347-244-9659
- b) If the applicant is a corporation, give the name and title of the responsible officer: Name: Jet Morina Title: Member
- c) Landowner's Name: Kelemachi Group, LLC Address: P.O. Box 46, Southampton NY 11969
- d) Licensed Architect, Landscape Architect, Civil Engineer or Land Surveyor Name: Scalice Land Surveyors License No 050736 Address: 1 S Bay Ave, Islip, NY 11751 Telephone No.(631) 957-2400
- e) If the applicant does not own the property, prepare the endorsement at the end of this form establishing owner's authorization of the applicant's proposed subdivision of his land.N/A
- f) All communications with regard to this subdivision shall be addressed to the following person until further notice: Name: Jet Morina Address: P.O. Box 46, Southampton NY 11969 Phone No: 347-244-9659

4

#### II. Proposed Site

a)	General location of Property		
	(north/west/south/east) of west of Bell Ave	_ approx <u>1,300 '</u>	
	(street of road) of south of Flanders Rd	(feet) (north/	east/south/west)
	(nearest interesting	street)	(hamlet)
b)	Zoning District(s):R15		
c)	Is a Variance Necessary?	<b>Y</b> ES:	NO:
	If yes, please explain: The Zoning Board has gra	inted relief from To	wn Code §330-6
	(General Regulations) that references To	own Code §330-11(residenc	e districts table of dimensional regulations)
	for a principal rear yard setback of 47 fee	et where 50 feet is required	to the existing dwelling

#### d) Zoning Overlay(s) (Please check all that apply)

- □ Agricultural\*
- □ Aquifer Protection
- □ Tidal Flood Plain
- □ Tidal Wetland & Ocean Beach
- □ Old Filed Map
- Archaeological (\*) (\*\*) (NYS Circles and Squares map)

\*Include a survey showing the location of Class I and II prime agricultural soils

\*\*Notice: Applicants shall complete mailing requirements at time of hearing to the Office of Tribal Trustees of Shinnecock pursuant to the section <u>292-9 A</u> of Town Code.

#### III. Project Type

- Subdivision: \_\_\_\_\_
- Re-Subdivision: \_\_\_\_\_
- Lot Line Modification (Transfer of Property): \_\_\_\_\_\_

4.

# TOWN OF SOUTHAMPTON SUBDIVISION PRE-APPLICATION FORM PROJECT INFORMATION

TOTAL ACREAGE OF SITE Note: All applications shall include both standard ar cluster plans pursuant to Chapter 247 and § 292-8 f the requirements of § 292-10. Walvers of the PRD requirement are at the discretion of the Planning B	following	PRD (cluster)	Other:
2			
NUMBER OF LOTS (PROPOSED) N/A			
NUMBER OF LOTS (AFFORDABLE) 40,800			
OPEN SPACE (ACREAGE) N/A			
OPEN SPACE (% PRESERVED) N/A			
CLASS I & II AGRICULTURAL SOIL (ACREAGE) N/A			
CLASS I & II AGRICULTURAL SOIL (% PRESERVE N/A	ED)		
PARK AREA PROVIDED (0.05 AC/LOT) N/A			
WETLAND AND SURFACE WATER AREA (ACRE	S OR SQ.FT.)*		
LINEAR FEET OF ROADWAYS			
DRAINAGE (STRUCTURES, FUND, OR NONE) 20,000			
AVERAGE LOT SIZE (SQ.FT.) NO			
EXISTING EASEMENTS/COVENANTS (YES/NO)	*		
PROPOSED EASEMENTS/COVENANTS (YES/NO	D)*		
EXISTING TRAILS (YES/NO)* NO			
PROPOSED TRAILS (YES/NO)* PUBLIC			
WATER SUPPLY (PRIVATE WELL OR PUBLIC M. PUBLIC	AIN)		

\*If yes, show on survey

# PRE-APPLICATION SUBMISSION FORM PROJECT DESCRIPTION

In the space provided below, and on additional sheets if necessary, please provide the following:

1. A description of the project.

Minor subdivision of one lot into two lots

2. An explanation of the design concept

Minor subdivision of 1 lot into 2 conforming lots, Lot 1 will have 20,974 sq/f and Lot 2 will have 19,782 sq/f

3. The reason for the particular design

After careful consideration and discussions with surveyor, building department and planners we feel like this particular design achieves best our objective while still conforming to lot size and setbacks requirements.

4. The objective of the developer or project sponsor.

To preserve existing developed Lot 1 and develop the new Lot 2

5. How or why the project is or is not in conformance with the Town Master Plan.

This property is located in R15 zoning where 15,000 sq/f is required

Lot 1 will have 20,974 sq/f and Lot 2 will have 19,782 sq/f where

Note: Please be aware that the Planning Board cannot approve plans that do not comply with zoning requirements. If you anticipate, or are aware that this project will require zoning relief from the Zoning Board of Appeals, please indicate the nature of such relief and why it is necessary to accomplish the project goals in the space below.

6. Zoning Relief (If applicable).

This Board grants relief from Town Code §330-6 (General Regulations) that references Town Code §330-11 (residence districts table of dimensional regulations) for a principal rear yard setback of 47 feet where 50 feet is required to the existing dwelling

I hereby depose and say that all the above statements of information and all statements and information contained in the supporting documents and drawings attached hereto are true and correct.

Jet Morina

Applicant's Name

Applicant's Signature

Sworn before me this 27 day of November 2024

Notary Public &

DONNA M. HARNEY NOTARY PUBLIC, STATE OF NEW YORK QUALIFIED IN SUFFOLK COUNTY NO. 4908731 MY COMMISSION EXPIRES OCT. 19, \_\_\_

#### **AGRICULTURAL DATA STATEMENT**

Pursuant to §283-a of the New York State Town Law, any application for a special permit, site plan approval, use variance or subdivision approval requiring municipal review and approval by the Town Board, Planning Board or Zoning Board of Appeals that would occur on property within an agricultural district containing a farming operation or on properties within 500 feet of a farm operation located within an agricultural district, shall include an Agricultural Data Statement. The law also requires that the reviewing Board mail written notice of such an application to the owners of land within the agricultural district that contains a farm operation, which is located within 500 feet of the boundary of the project site. The cost of the mailing shall be borne by the applicant.

- 1. Project Name: Anchor St
- 2. Name of Applicant: Jet Morina

3. Address of Applicant: P.O. Box 46, Southampton NY 11969

4. SCTM # of Project: 473689 142.000-0002-022.000

5. Project Location: 80 Anchor St, Flanders NY 11901

6. Description of Project: Minor subdivision of 1 lot into 2 lots

7. If the property that is the subject of the pending development application is located in an Agricultural District, you must compile and submit a list of tax parcels, with owner's names and addresses, for all tax parcels containing a farm operation located within 500 feet of the property that is the subject of the pending development application.

If the property that is the subject of the pending development application is located outside of an Agricultural District, you must compile and submit a list of tax parcels, with owner's names and addresses, for all tax parcels containing a farm operation located within an Agricultural District and within 500 feet of the property that is the subject of the pending development application

8. Submit a survey map showing the site of the proposed project relative to the location of farm operation parcels identified in item 6, above.

9. Submit legal size envelopes, pre-addressed to each of the parcel landowners identified in item 6, above with pre-paid certified mail postage, together with pre-addressed, green, return receipt cards for each mailing. The return address on the return receipt card must read

#### SOUTHAMPTON TOWN PLANNING BOARD 116 HAMPTON ROAD SOUTHAMPTON, NY 11968

If you do not believe that you are subject to this requirement, please complete the following and sign below:

I have reviewed the requirements for the submission of an Agricultural Data Statement and find that said statement is not applicable to this application for the following reasons: No Agricultural overlay or farm operation withing 500'

Applicant's Applicant Agent's Signature

#### CP-630 (2022) SUBDIVISION PRE-APPLICATION FORM

۰.

# SUBMISSION REQUIREMENTS CHECKLIST

TO BE FILLED OUT BY APPLICANT

Application Name Anchor St	
Contact Person Jet Morina	
SCTM# 473689 142.000-0002-022.000	
Project Location 80 Anchor St, Flanders NY 11901	
Number of Lots 2	
Date:	<u> </u>
PLEASE CHECK YES	NO
Pre-Application Form	
Subdivision Plat (using the standards set forth in Chapter 292 of the Town Code)	_
meeting the mapping requirements outlined below. (6 copies)	
Cluster Plan	
Yield Map	
APPLICATION FEE: \$80/Per Lot	
Scale 1" = 200' or greater	
Name and Address of Owner of Record and Subdivider	
Date	
North Arrow	
Scale	
Property Description with distance to the nearest existing street intersection	
Location, Names, Ownership of adjacent streets and curblines	
Adjoining lands and owners as disclosed by the most recent town tax records	
Public easements, setbacks, or dedicated area on site or adjoining land	
Outline of existing easements, deed restrictions or covenants on site	
Existing Zoning District	
Suffolk County Tax Number (SCTM)	

CP- 12385 (01/2022)

#### TOWN OF SOUTHAMPTON

DEPARTMENT OF LAND MANAGEMENT 116 Hampton Road Southampton, NY 11968 631-283-6000 www.southamptontownny.gov



JANICE SCHERER TOWN PLANNING AND DEVELOPMENT ADMINISTRATOR

TOWN SUPERVISOR

#### **Open Government Disclosure Form**

(Zoning Board of Appeals, Planning Board, Conservation Board, all other Land Management Review)

STATE OF NEW YORK) ss: COUNTY OF SUFFOLK)

JET MORINA

\_\_\_\_\_, being duly sworn, deposes and says:

Print Name

I am the owner and/or applicant for a project that is the subject of a pending application before the Southampton (Check one) Zoning Board of Appeals, Planning Board, Conservation Board all other Land Management Review. I make this affidavit under penalty and swear to the truth herein. I am aware that this affidavit is required by General Municipal Law §809 and Southampton Town Code Chapter 23 and that I shall be guilty of a misdemeanor should I knowingly or intentionally fail to make all disclosures herein. I am also aware that I may be subject to the penalties in Southampton Town Code §23-14 should I knowingly or intentionally fail to make all disclosures herein.

1.	The application name is: Anche	or St					
2.	I reside at 37 Bellows Ter	rrace Rd, Hampton Bays NY 11946					
3.	The officers of the applicant corporation/owner corporation are as follows:						
	Pres.	Sec					
	Vice Pres.	Treas					
4.	Do any of the following individua (as defined on page ii, Section "A"	ls have an interest in the owner or applicant?					
			Yes	No			
	Any official of New York State	r employee of Southampton Town or Suffolk County		<b>N</b>			
В.	Any elected or appointed official o	r employee of southampton rown of surrow county					
		I Municipal Law §809 and Town Code <u>Chapter 23</u> request of said individual(s) in the owner or applicant.	uire that	you disclose the			

Name	Residence	Nature of Interest
	<u> </u>	·····

5. During the 24 months before the filing of this application, have any of the following individuals made campaign contributions exceeding \$500 in total, in cash or in kind, to the campaign for public office of any Town officer or employee, to any individual campaign committee, or to any political party committee designated to accept donations on such Town official's or employee's behalf as a candidate for public office?

			Yes	No
1.	Owner			
2.	Applicant			
3.	Agent for owner or applicant			
4.	Attorney			
5.	Other			
If the	answer to Question 5 is yes, Town	n Code Chapter 23 requires tha	at the information b	e provided below:
Name	e/Address	Amount/Date	<u>Name c</u>	of Campaign Committee
			<u> </u>	

6. During the preceding 24 months before the filing of this application, have any of the following individuals employed any Town officer or employee or a relative thereof involving compensation in an amount of \$500 or more? Said compensation may be directly made, or indirectly made through a corporation or business interest held by any Town officer or employee or their relative.

		Yes	<u>No</u>
	Owner		
	Applicant		
I.	Agent for owner or applicant		
l.	Attorney		
i. –	Other		

If the answer to Question 6 is yes, Town Code Chapter 23 requires that the information be provided below:

Name	Position (Owner, Agent, Attorney, Other)	Corporation
·		<u> </u>

#### READ AND CHECK BOX

Faise statements made herein are punishable as a class "A" Misdemeanor pursuant to Section 210.45 of the New York State Penal Law. **|**✔|

> A. For the purposes of this disclosure, an official of the State of New York or an elected or appointed official or employee of the Town of Southampton shall be deemed to have an interest in the owner and/or applicant when that official or employee, their spouse, brothers, sisters, parents, children, grandchildren or the spouse of any of them is:

- a. the owner or applicant; or
- b. an officer, director, partner, or employee of the applicant or owner; or
- c. Legally or beneficially owns or controls stock of a corporate applicant or owner, or is a member of a partnership or association applicant or owner; or
- Is a party to an agreement with the applicant or owner, express or implied, whereby said official or employee may receive any payment or d. other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York Stock or American Stock Exchange shall not constitute an interest for the purposes of this disclosure.

Submitted by (please print): JET MOR INA

Date: 11/27/24 Sign:

CP- 12385 (01/2022)

#### **TOWN OF SOUTHAMPTON**

DEPARTMENT OF LAND MANAGEMENT 116 Hampton Road Southampton, NY 11968 631-283-6000 www.southamptontownny.gov



JANICE SCHERER TOWN PLANNING AND DEVELOPMENT ADMINISTRATOR

MARIA Z. MOORE Town Supervisor

## **Open Government Disclosure Form**

(Zoning Board of Appeals, Planning Board, Conservation Board, all other Land Management Review)

STATE OF NEW YORK) ss: COUNTY OF SUFFOLK)

BLEDAR ANDIU

, being duly sworn, deposes and says:

Print Name

I am the owner and/or applicant for a project that is the subject of a pending application before the Southampton (Check one) Zoning Board of Appeals, Planning Board, Conservation Board all other Land Management Review. I make this affidavit under penalty and swear to the truth herein. I am aware that this affidavit is required by General Municipal Law §809 and Southampton Town Code Chapter 23 and that I shall be guilty of a misdemeanor should I knowingly or intentionally fail to make all disclosures herein. I am also aware that I may be subject to the penalties in Southampton Town Code §23-14 should I knowingly or intentionally fail to make all disclosures herein.

1.	The application	name is:	Anc	hor	SI
----	-----------------	----------	-----	-----	----

# 2. I reside at 37 Bellows Terrace Rd, Hampton Bays NY 11946

3. The officers of the applicant corporation/owner corporation are as follows:

 Pres.
 Sec.

 Vice Pres.
 Treas.

 Do any of the following individuals have an interest in the owner or applicant? (as defined on page ii, Section "A")

A. Any official of New York StateB. Any elected or appointed official or employee of Southampton Town or Suffolk County

ব্র

No

Yes

If the answer to Question 4 is YES, General Municipal Law §809 and Town Code <u>Chapter 23</u> require that you disclose the name and the nature and event of the interest of said individual(s) in the owner or applicant.

<u>Name</u>	Residence	Nature of Interest

5. During the 24 months before the filing of this application, have any of the following individuals made campaign contributions exceeding \$500 in total, in cash or in kind, to the campaign for public office of any Town officer or employee, to any individual campaign committee, or to any political party committee designated to accept donations on such Town official's or employee's behalf as a candidate for public office?

			Yes	No
1.	Owner			
2.	Applicant		H	
3.	Agent for owner or applicant		H	
4.	Attorney		Ы	
5.	Other		H	
If the	answer to Question 5 is yes, Toy	wn Code Chapter 23 requires tha	t the information be	e provided below:
<u>Name</u>	Address /	Amount/Date	Name of	Campaign Committee
			<u> </u>	

6. During the preceding 24 months before the filing of this application, have any of the following individuals employed any Town officer or employee or a relative thereof involving compensation in an amount of \$500 or more? Said compensation may be directly made, or indirectly made through a corporation or business interest held by any Town officer or employee or their relative.

		Yes	No
l.	Owner		
2.	Applicant	ы	
3.	Agent for owner or applicant	Н	N
4.	Attorney	п	
5.	Other	П	N

If the answer to Question 6 is yes, Town Code Chapter 23 requires that the information be provided below:

Name	Position (Owner, Agent, Attorney, Other)	Corporation

#### READ AND CHECK BOX

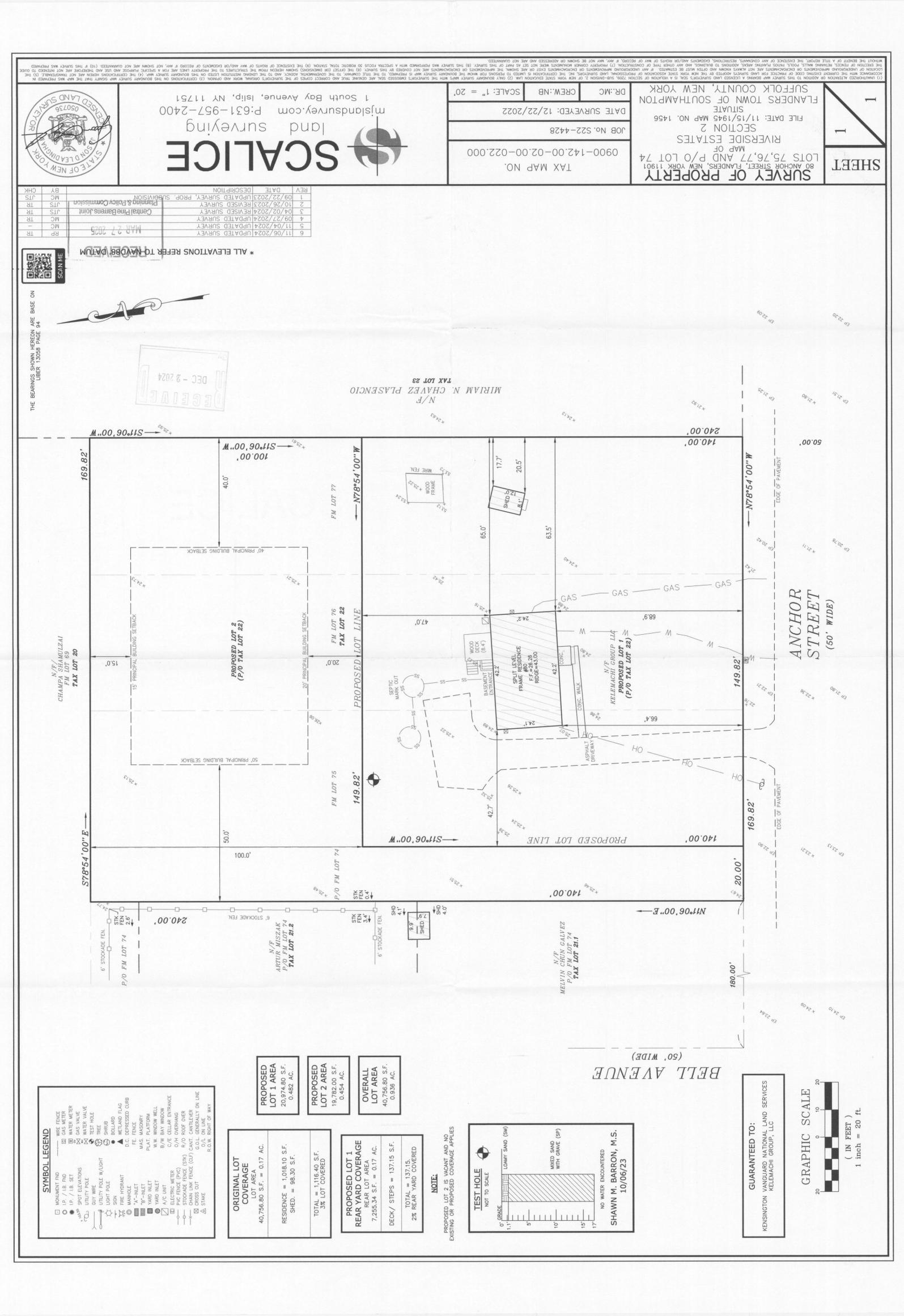
False statements made herein are punishable as a class "A" Misdemeanor pursuant to Section 210.45 of the New York State Penal Law.

A. For the purposes of this disclosure, an official of the State of New York or an elected or appointed official or employee of the Town of Southampton shall be deemed to have an interest in the owner and/or applicant when that official or employee, their spouse, brothers, sisters, parents, children, grandchildren or the spouse of any of them is:

- a. the owner or applicant; or
- b. an officer, director, partner, or employee of the applicant or owner; or
- Legally or beneficially owns or controls stock of a corporate applicant or owner, or is a member of a partnership or association applicant or owner; or
- d. Is a party to an agreement with the applicant or owner, express or implied, whereby said official or employee may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York Stock or American Stock Exchange shall not constitute an interest for the purposes of this disclosure.

Submitted by (please print): BLEDAR AVDIU

Date: 11/27/24 Sign:



DRAFT

CENTRAL PINE BADDENIS	April 16, 2025 Shawn F. Turner 129 Calverton Court Wading River, NY 11792 RE: Request for Determination of Jurisdiction 120 Calverton Court Wading River, Town of Riverhead
BARRENS JOINT PLANNING POLICY COMMISSION	129 Calverton Court, Wading River, Town of Riverhead Suffolk County Tax Map Number 600-115-1-10.49 Central Pine Barrens Compatible Growth Area
	Dear Mr. Turner:
Timothy C. Hubbard Member	On March 31, 2025, the Central Pine Barrens Commission office received your letter requesting a determination of jurisdiction for proposed activity in the Central Pine Barrens Compatible Growth Area.
Maria Z. Moore Member	Based on your telephone inquiry and the information in your letter, you have submitted a building permit application to the Town of Riverhead. The proposal is to construct an
Daniel J. Panico Member	inground swimming pool on the subject property developed with a single-family residence.
Edward P. Romaine Member	The proposed activity constitutes "non-development" pursuant to the definitions in New York State Environmental Conservation Law Article 57 Section 57-0107(13)(iv), which states that non-development includes:
	(iv) the use of any structure or land devoted to dwelling uses for any purposes customarily incidental and otherwise lawful;
	No further review from this office is required. If any activity related to the proposal changes, please notify this office and forward the updated information for review prior to implementation.
	The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 218-1192.
624 Old Riverhead Road Westhampton Beach, NY 11978	Sincerely,
Phone (631) 288-1079 Fax (631) 288-1367 www.pb.state.ny.us	Julie Hargrave Pine Barrens Manager
	cc: Judy Jakobsen, Executive Director

John Milazzo, Counsel



DEPARTMENT OF THE ARMY NEW YORK ARMY NATIONAL GUARD 201 SCHAEFER DRIVE RONKONKOMA, NY 11779

31 March 2025

**SUBJECT:** Residential accessory use in-ground pool request for Shawn and Bhagmattie Turner

To Whom It May Concern:

My name is Shawn Turner, and my single family residence home address is: 129 Calverton Ct, Wading River, NY 11792 (SCTM # 600-115-1-10.49). I am requesting approval of a new in-ground swimming pool for my property. My property when purchased new in 2016 did not have any large trees located on the property as it was utilized as a potato field in the past. I will be deploying to the Middle East with the New York Army National Guard within the next few months so I am trying to start this project as soon as possible. Thank you very much.

Point of contact for this matter is the undersigned at 631-644-9883

SHAWN F. TURNER SFC, NYARNG, RRNCO





April 2, 2025

Julie Hargrave, Principal Environmental Planner Central Pine Barrens Joint Planning & Policy Commission 624 Old Riverhead Road Westhampton Beach, NY 11978

#### Re: Venezia Square, Wading River, NY DRS Decision Extension; NPV No. 06180

Dear Julie:

Due to time needed for the Town to complete their review and issue a SEQRA determination, I am requesting a 3-month extension of the decision deadline to the July 2025 Pine Barrens Commission meeting. As we have previously discussed, if SEQRA is complete sooner, I'll let you know so that the matter can be scheduled for decision at an earlier date.

As an update since the last extension, all Town requests have been submitted and we are awaiting final signoff from their traffic consultant and water engineer before going before the Planning Board for a SEQRA determination within the next few months.

Thank you for your consideration of this extension request and please contact me should you have any questions. Sincerely,

**NELSON, POPE & VOORHIS, LLC** 

Charles J. Voorhis, CEP, AICP Principal

cc: Judy, Jakobsen, Central Pine Barrens Commission John Milazzo, Esq., CPBC Counsel Joseph Vento, Venezia Square Applicant NEW YORK OFFICE 445 PARK AVENUE, 9TH FLOOR NEW YORK, NEW YORK 10022 (212) 749-1448 FAX (212) 932-2693

LESLIE J. SNYDER ROBERT D. GAUDIOSO (NY/NJ) DOUGLAS W. WARDEN JORDAN M. FRY (NY/NJ) MICHAEL SHERIDAN (NY/NJ) DAVID KENNY (NY/NJ)

DAVID L. SNYDER (1956-2012) LAW OFFICES OF

RGaudioso@snyderlaw.net

March 25, 2025

NEW JERSEY OFFICE ONE GATEWAY CENTER, SUITE 2600 NEWARK, NEW JERSEY O7102 (973) 824-9772 FAX (973) 824-9774

REPLY TO:

Tarrytown Offices

Julie Hargrave, Policy and Planning Manager Central Pine Barrens Commission 624 Old Riverhead Road Westhampton Beach, NY 11978

> RE: Public Utility Wireless Telecommunications Facility Homeland Towers, LLC and Verizon Wireless 2055 Flanders Road, Flanders, Town of Southampton

Dear Ms. Hargrave:

As you are aware, we are the attorneys for Homeland Towers, LLC ("Homeland Towers"), and New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") (together "Applicants") in connection with its proposal to place a Public Utility Wireless Telecommunications Facility, consisting of a 150-foot stealth concealment pole and associated equipment ("Facility"), at the above referenced Property. The Facility will support the antennas of Verizon Wireless, while providing collocation space for similar providers or emergency communications equipment, with related equipment installed within a fenced equipment compound at the base thereof. We understand that the above referenced matter is currently scheduled to be heard by the Commission on April 16, 2025.

The Applicants respectfully request an adjournment of the hearing to May 21, 2025 as the Applicants environmental experts are not available to attend the April 16, 2025 hearing. The Applicants acknowledge that the SEQRA Lead Agency coordination process may be affected by the requested postponement and therefore the Applicants consent to an extension of the 30-day coordination period to May 22, 2025. The Applicants further consent to an additional 30 days being added to the Commission's 120-day review period.

Also submitted herewith is an updated Petition for the Application correcting the tax map number and zoning district for the Property.

We thank you for your consideration and look forward to discussing this matter at the May 21, 2025 Central Pine Barrens Commission meeting. If you have any questions or require additional documentation, please do not hesitate to contact me.

Respectfully submitted,

Robert D. Gaudioso

Enclosures RDG/djk

Homeland Towers, LLC cc:

Town of Southampton Planning Board

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Southampton\NY-065 flanders\Hampton Bays (NY065)\PB & Pine Barrens Filing March 2025\Pine Barrens\Pine Barrens Letter 03.25.2025.docx

### PLANNING BOARD TOWN OF SOUTHAMPTON and CENTRAL PINE BARRENS COMMISSION

In the matter of the Application of HOMELAND TOWERS, LLC and VERIZON WIRELESS 2055 Flanders Road, Flanders, Town of Southampton S.C.T.M: 900-170-1-41.1

-----X

#### PETITION IN SUPPORT OF APPLICATION BY HOMELAND TOWERS AND VERIZON WIRELESS TO LOCATE A WIRELESS TELECOMMUNICATIONS FACILITY AT THE ABOVE REFERENCED PROPERTY

#### I. Introduction

Pursuant to Section 330-302 of the Southampton Zoning Code ("Zoning Code"), wireless telecommunications facilities are permitted on the Property pursuant to the grant of a special use permit from the Planning Board of the Town of Southampton ("Town"). A Hardship Waiver for a compelling public need is also required from the Central Pine Barrens Commission.

#### II. Statement of Facts

The Property is identified by SCTM No. 900-170-1-41.1 on the Town Tax Map and is located in the CR-60 Zoning District.

The proposed Facility will be used to provide federally licensed wireless communication services to the Town. The Facility will include a 150-foot stealth concealment pole to support the antennas of Verizon Wireless, while providing collocation space for similar providers or emergency communications equipment, with related equipment installed within a fenced equipment compound at the base thereof. The Applicants have also proposed a stealth design for the Facility, a concealment pole designed to resemble a flagpole. A detailed site plan ("Site Plan") prepared by WFC Architects is submitted herewith.

#### III. Public Utility Status

Under the laws of the State of New York, Verizon Wireless is qualified as a public utility. *See Cellular One v. Rosenberg*, 82 N.Y.2d 364 (1993), *Cellular One v. Meyer*, 607 N.Y.S. 2d 81 (2d Dep't 1994) and *Sprint Spectrum*, *L.P. v. Town of West Seneca*, (Index No. 1996/9106 Feb. 25, 1997, Sup. Ct. Erie County). In *Rosenberg, supra*, the Court of Appeals, New York's highest court, held that federally licensed wireless carriers (such as Verizon Wireless) provide an essential public service and is a public utility in the State of New York. Public utilities should be accorded favored treatment in zoning matters.

Verizon Wireless's status as a public utility is underscored by the fact that its services are an important part of the national telecommunications infrastructure and will be offered to all persons that require advanced digital wireless communications services, including local businesses, public safety entities, and the general public.

In addition to its status as a public utility, Verizon Wireless is licensed by the Federal Communications Commission ("FCC").

There is also a public need for Verizon Wireless's service, as evidenced by the granting of a license to Verizon Wireless by the FCC. This grant constitutes a finding that the public interest will be served by Verizon Wireless's service and is consistent with the public policy of the United States "to make available so far as possible, to all people of the United States a rapid, efficient, nationwide and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication . . . [.]" 47 U.S.C. § 151.

The instant application is filed in furtherance of the goals and objectives established by Congress under the federal Telecommunications Act of 1996 ("TCA"). The TCA is "an unusually important legislative enactment," establishing national public policy in favor of encouraging "rapid deployment of new telecommunications technologies (emphasis supplied)." *Reno v. ACLU*, 521 U.S. 844, 857 (1997).

In fact, in 1999, Congress expanded further upon this policy by enacting the Wireless Communications and Public Safety Act of 1999, Pub.L. 106-81, 113 Stat. 1286 (the "911 Act"). The "911 Act" empowered the FCC to develop regulations to make wireless 911 services available to all Americans. The express purpose of the Act, as articulated by Congress, was "to encourage and facilitate the prompt deployment throughout the United States of seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs[.]"

A State or local government's authority to regulate "the placement, construction, and modification of personal wireless service facilities," is limited by the federal requirements set forth in Section 332(c)(7)(B) of the TCA. 47 U.S.C. § 332(c)(7)(a). The Facility is a "personal wireless service facility" as defined by the TCA. 47 U.S.C. § 332(c)(7)(c). Pursuant to Section 332(c)(7)(B), the zoning authority of a State or local government, or instrumentality thereof, including the Planning Board and Central Pine Barrens Commission, with regards to personal wireless service facilities is limited as follows:

No decision or action shall "unreasonably discriminate among providers of functionally equivalent services," or "prohibit or have the effect of prohibiting the provision of personal wireless services." 47 USCA § 332(c)(7)(B)(i);

Decisions and actions on zoning and construction applications must be made "within a reasonable period of time." 47 USCA § 332(c)(7)(B)(ii);

Any "decision shall be in writing and supported by substantial evidence

contained in a written record." 47 USCA § 332(c)(7)(B)(iii); and

No action or decision shall be made "on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." 47 USCA § 332(c)(7)(B)(iv).

Please note that the FCC and federal courts have concluded that the correct test for determining an effective prohibition is the "materially inhibits standard." The FCC in its 2018 Third Report and Order clarified that the significant gap plus least intrusive means standard (a/k/a the Willoth standard) is no longer applicable and that a carrier needs only to demonstrate that a municipality is materially inhibiting the provision of wireless services. See In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018), (hereinafter referred to as the "Third Report and Order"); See also, City of Portland v. United States, 969 F.3d 1020, (9th Cir. 2020), cert denied sub nom. City of Portland, Oregon v. Fed. Communications Commn., 141 S. Ct. 2855 (2021) (upholding the Third Report and Order's "materially inhibit" standard.) The FCC clarified that "an effective prohibition occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service. This test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities." Third Report and Order, at 9104-9105. Furthermore, "a state or local legal requirement could materially inhibit service in numerous ways-not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services. Thus, an effective prohibition includes materially inhibiting additional services or improving existing services." Third Report and Order, at 9105; See also, New Cingular Wireless PCS, LLC v. Town of Colonie, 20-CV-1388 (NAM/ATB), 2022 WL 1009436, (N.D.N.Y. Mar. 31, 2022) ("[t]he FCC has stated that the 'materially inhibit' standard is the appropriate standard for determining whether a State or local law operates as a prohibition or effective prohibition within the meaning of Sections 253 and 332."); See also, Cellco P'ship v. White Deer Twp. Zoning Hearing Bd., 74 F.4th 96, 106 (3rd Cir. 2023) ("[i]n light of our decision to adopt the 'materially inhibit' standard, not only does 'insufficiency in coverage' ordinarily entitle a provider to a variance but so does insufficiency in network capacity, 5G services, or new technology. In the TCA, Congress recognized that '[t]he telecommunications interests of constitutions are . . . statewide, national and international.' 33 FCC Rcd. at 9110. Local zoning boards, like White Deer Zoning Board, are prohibited from preventing providers from meeting those broader interests.")

Please further note that on November 18, 2009, the FCC issued a Declaratory Ruling regarding timely review of applications for siting of wireless facilities, WT Docket NO. 08-165 (the "Shot Clock Order"). The Shot Clock Order finds that a "reasonable period of time" for a local government to act on this type of application, an application for a new tower, is presumptively 150 days. The FCC again clarified the 150-day "Shot Clock" (2018 Third Report and Order) and in the implementing regulations contained in 47 C.F.R. § 1.6003. According to the Shot Clock Order and 47 C.F.R. § 1.6003(c)(1)(iv), if the Town or Central Pine Barrens Commission fails to

act within 150 days of filing a complete application, the applicant may commence an action in federal court for "failure to act" under Section 332(c)(7)(B)(v) of the Federal Communications Act.

#### IV. The Proposed Facility Meets the Applicable Legal Standards

The instant application is for a special use permit pursuant to Article XXVII of the Zoning Code. A special use permit is permitted as of right when the applicant has demonstrated compliance with the applicable standards. *See Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston*, 30 N.Y.2d 238 (1972).

Please see the Planning Report with Appendices and Environmental Assessment Form and Site Plan for a full and complete description of the Facility's compliance with the Town Code and the New York State Environmental Conservation Law.

#### **Conclusion**

By granting the special use permit and the hardship waiver, the Planning Board and Central Pine Barrens Commission, respectively, will permit Verizon Wireless to improve its network and provide local businesses, residents and public service entities with a safe and reliable wireless communications alternative. There will be no significant adverse effects from the project.

WHEREFORE, for all of the foregoing reasons, the Applicants respectfully pray that the Planning Board issue a Negative Declaration and that the Central Pine Barrens Commission grant the Hardship Waiver declare the grant the requested special use permit, including all waivers requested herein, and site plan approval.

Dated: March 25, 2025 Tarrytown, New York

Respectfully submitted,

David J. Kenny, Esq. SNYDER & SNYDER, LLP 94 White Plains Road Tarrytown, NY 10591

Sworn to before me this  $\Delta S$ day of Match, 2025

Notary Public

JORDAN M. FRY NOTARY PUBLIC, STATE OF NEW YORK Registration No. 02FR6228594 Qualified in Westchester County Commission Expires 9/27/20