



**Central Pine Barrens Commission Meeting Agenda**  
**Wednesday, February 19, 2025 at 2:00 pm**  
**Brookhaven Town Hall**  
**One Independence Hill**  
**Farmingville, NY 11738**

**1. Administrative and Public Comment**

- a. Public Comment
- b. Minutes for 01/15/25 review (*approve*)

**2. Education and Science and Stewardship**

- a. Education and Outreach Division: update (*Mr. Motz*)
- b. Science and Stewardship Division: update (*Mr. Smith*)

**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*)

**Compatible Growth Area**

- d. Brookhaven Town Referral: 400 Middle Country Road Change of Zone and Site Plan / 200-297-1-3.1 / change of zone on a 0.96 acre project site in the A Residence 1 and J Business 2 zoning districts to J Business 5 to develop a commercial landscape nursery / *draft response* (*Ms. Hargrave*)

**4. Public Hearings at 3:00 pm**

- a. 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 3/3/25 (*Ms. Murphy*)
- 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 (*Mr. Tverdyy*)

**5. Public Comment**

**6. Closed Advisory Session** (if necessary)

Timothy C. Hubbard  
*Member*

Maria Z. Moore  
*Member*

Daniel J. Panico  
*Member*

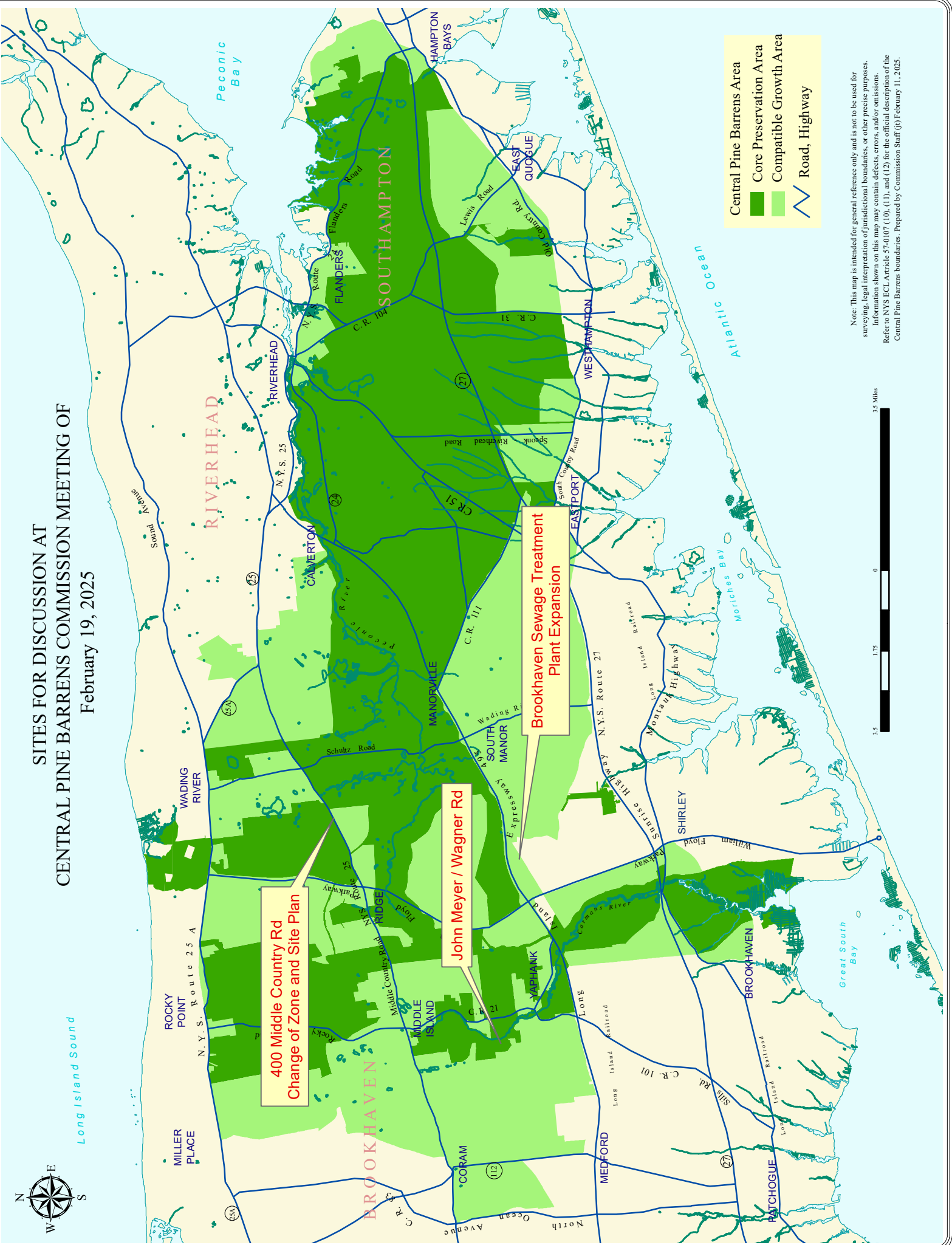
Edward P. Romaine  
*Member*

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
[www.pb.state.ny.us](http://www.pb.state.ny.us)

Next Commission Meeting, Wednesday, March 19, 2025 at 2:00 pm, Brookhaven Town Hall  
For meeting information visit <https://pb.state.ny.us/>

SITES FOR DISCUSSION AT  
CENTRAL PINE BARRENS COMMISSION MEETING OF  
February 19, 2025



400 Middle Country Rd  
Change of Zone and Site Plan

John Meyer / Wagner Rd

Brookhaven Sewage Treatment  
Plant Expansion

- Central Pine Barrens Area
- Core Preservation Area
- Compatible Growth Area
- Road, Highway

Note: This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries, or other precise purposes. Information shown on this map may contain defects, errors, and/or omissions. Refer to NYS ECL Article 57-0107 (10), (11), and (12) for the official description of the Central Pine Barrens boundaries. Prepared by Commission Staff (f) February 11, 2025.





**Central Pine Barrens Commission Meeting Summary**  
**Wednesday, January 15, 2025 (Draft)**  
**Riverhead Town Hall**  
**4 West Second Street**  
**Riverhead, NY 11901**  
**2:00 pm**

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

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

*The meeting started with the pledge to the flag lead by Mr. Hubbard and Ms. Jakobsen noted with four Commission members present, there is a quorum.*

Timothy C. Hubbard  
*Member*

*A revised agenda with item 1e was distributed.*

Maria Z. Moore  
*Member*

**1. Administrative and Public Comment**

Daniel J. Panico  
*Member*

**a. Public Comment**

*Summary: Mr. Gazza discussed his dissatisfaction to DEC's non-action to the sand mine activities he previously discussed with the Commission members. He asked if there is something that the Commission can do to stop the unlawful activities happening on the sand mine. Mr. Milazzo discussed the commission staff and DEC is monitoring the site. The town is aware and the town attorney knows what's going on. They came to the Commission with a site that was under consent order for environmental restoration. Ms. Jakobsen discussed that all the material Mr. Gazza brings to the Commission Staff is shared with the Commissioners, the Staff communicates with DEC and when needed the Commission's enforcement officers follow up with DEC on Mr. Gazza's concerns.*

Edward P. Romaine  
*Member*

**b. Minutes for 12/18/24 review**

*Summary: **The motion was made by Ms. Juengst and seconded by Mr. Hubbard to adopt the December 18, 2024 meeting minutes. The motion was approved by 4:0 vote.***

**c. Draft Commission Policy on boot allowance**

*Summary: **The motion was made by Mr. Hubbard and seconded by Ms. Moore to approve the draft Commission Policy on Boot Allowance. The motion was approved by 4:0 vote.***

**d. Draft Commission General Contract Budget**

*Summary: **The motion was made by Ms. Juengst and seconded by Ms. Moore to approve the draft General Contract Budget. The motion was approved by 4:0 vote.***

**e. Authorize payment of half of invoice total (\$6,687.90/\$13,375.80) to Franklin Court Press for reproducing and preparing copies of Record on Appeal for Bond Schoeneck, & King LLC.**

*Summary: **The motion was made by Mr. Hubbard and seconded by Ms. Juengst to authorize payment of the Franklin Court Press invoice. The motion was approved by 4:0 vote.***

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

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

Phone (631) 288-1079  
[www.pb.state.ny.us](http://www.pb.state.ny.us)

**Credit Program – Core Preservation Area**

**a. 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.

**Summary: The motion was made by Ms. Juengst and seconded by Ms. Moore to schedule a public hearing on the appeal for February 19, 2025. The motion was approved by 4:0 vote.**

### **Compatible Growth Area**

- b. *Brookhaven Town Referral: Starbucks Middle Island / 599 Middle Country Road, Middle Island / 200-402-2-2 / change of zone from J4 to J5 Business and development of a drive-through Starbucks restaurant on 1.44 acres.*

**Summary: The motion was made by Ms. Juengst and seconded by Mr. Hubbard to approve sending the draft response for Brookhaven Town Referral: Starbucks Middle Island. The motion was approved by 4:0 vote.**

- c. *NYSDEC Referral: Manorville Fire District / Moriches Middle Island Road, Manorville / 200-645-3-46.1, 47 and 48.2 / development to a 12,312 square foot building and parking facility on 5.88 acres in the L1 Industrial zoning district.*

**Summary: The motion was made by Ms. Moore and seconded by Ms. DiBrita to approve sending the draft response for NYSDEC Referral: Manorville Fire District. The motion was approved by 4:0 vote.**

- d. *Lewis Road Planned Residential Development Site Plan Modification Application / East Quogue / changes to recreational and other facilities in the developed area of the 608 acre project site / decision deadline 2/28/25.*

*Summary: Ms. Juengst asked about the legal effects of a Sense Resolution on the Commission Board. Mr. Milazzo discussed that this is a way to approve it without giving a formal approval until the process is complete with the town without holding up the project.*

**The motion was made by Mr. Hubbard and seconded by Ms. Moore to approve sending the draft Sense Resolution for Lewis Road Planned Residential Development Site Plan Modification Application. The motion was approved by 4:0 vote.**

- e. *Southampton Town SEQRA Coordination: Commence SEQRA and Coordinate Lead Agency for the Amortization of Nonconforming Sand Mines within the Town of Southampton.*

**Summary: The motion was made by Ms. Juengst and seconded by Ms. DiBrita to approve sending the draft response for the Southampton Town SEQRA Coordination for Sand Mine Amortization. The motion was approved by 4:0 vote.**

### **3. Public Comment**

*Summary: No public comments*

*The meeting was adjourned by Mr. Hubbard and seconded by Ms. Juengst at approximately 2:40 pm. The motion was approved by a 4:0 vote.*



Attachments (in order of discussion)

1. Revised agenda with item 1e invoice
2. Draft Commission meeting summary for December 18, 2024
3. Final Commission meeting summary for December 18, 2024
4. Draft Commission Policy on boot allowance dated January 15, 2025
5. Final Commission Policy on boot allowance dated January 15, 2025
6. Draft Commission General Contract Budget dated January 15, 2025
7. Final Commission General Contract Budget dated January 15, 2025
8. Franklin Court Press, LLC invoice dated October 22, 2024
9. Pine Barrens Clearinghouse Letter of Interpretation Application dated November 21, 2024; Letter from applicant dated December 9, 2024
10. Draft response regarding referral of the Site Plan and map for Middle Island Starbucks dated January 15, 2025; Town of Brookhaven memo and map dated December 27, 2024
11. Final response regarding referral of the Site Plan and map for Middle Island Starbucks dated January 15, 2025
12. Draft response regarding Manorville Fire District dated January 15, 2025; VHB Engineering memo, maps and application dated December 10, 2024
13. Final response regarding Manorville Fire District dated January 15, 2025
14. Draft Sense Resolution and Site Plan Modification Application for Lewis Road Planned Residential Development dated January 15, 2025
15. Final Sense Resolution for Lewis Road Planned Residential Development dated January 15, 2025
16. Draft response regarding Town Board Resolution 2024-1522 Sand Mine Amortization dated January 15, 2025
17. Final response regarding Town Board Resolution 2024-1522 Sand Mine Amortization dated January 15, 2025

# **Educational Outreach and Communications Division Update**

**February 2025**

**Submitted by Tim Motz, Educational Outreach and Communications Coordinator**

## **Annual Report**

- **The 2024 report has been submitted to the printer and should be available for viewing at the February commission meeting. This year's report again features the highlights of the year of our various divisions, information about the Central Pine Barrens and the Commission's mission and function, a letter from Executive Director Jakobsen touting the highlights of the year and the most interesting news coming out of the commission as a whole in 2024. This year, we've also added photos of commission members and information about their designated representatives.**

## **Barrens to Bay Summer Camp**

- **Registration has begun for the 2025 Barrens to Bay Summer Camp at Wertheim National Wildlife Refuge, and sessions are already beginning to fill up. Over the next month, I will be bringing on counselors for paid positions and counselors-in-training for volunteer positions. I will also be registering campers, ordering supplies and working on the program for this summer's six sessions.**

## **"A Day in the Life" Program**

- **I met last month with my partners in the program from Brookhaven National Laboratory and the NYS Department of Environmental Conservation to review the 2024 season and make plans for 2025. Among our major initiatives for 2025 will be holding a forum in the spring at which the teachers in the program who have had the most success in utilizing ADITL data in their curricula will teacher others how to do so. We'll also be creating 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 nearly complete and conveys, via rapid-fire imagery, why the academy is the best place for firefighters or emergency workers looking to advance in their fields or for those new to these fields to launch their careers.**

### **New Video for Cooperators Meeting**

- **I am also brainstorming on a new video for the commission's annual Cooperators Meeting in June in conjunction with the event's theme, which centers on groundwater and surface waters in the Central Pine Barrens. I will have a much more detailed report on the status of that video at my next commission report in April.**



# Central Pine Barrens Commission Science and Stewardship Program

## Division Report 02/19/2025

### 2025 Prescribed Fire Staff

Shortly after the New Year began the hiring process for the 2025 prescribed fire staff had begun. The Commission advertised the five job openings that were available for this year's squad, two squad boss positions (Fire Fighter Type 1 (FFT1)) and three support positions (Fire Fighter Type 2 (FFT2)).

We received a total of 17 applicants for the openings.

The applicant pool included three candidates that were returning employees from the 2024 prescribed fire staff. Both Squad Bosses returned and one support firefighter. Leaving only two openings for the FFT2 support roles.

A review of all applicants was performed by both me and Bob Panko, the Commission's Fire Management Specialist, and a selection of 7 applicants were offered interviews. Since the LA wildfires were still active and coincided with our hiring process a few extra applicants were identified in case some had been called to serve on the LA fires.

In coordination with the SCWA's Human Resources staff (Katherine Naccarato) a total of six interviews were scheduled. Applicants interviewed for approximately 40-60 minutes with Katheine, Bob, and me as the interviewers.

Based on our review of their applications and subsequent interview the hiring group unanimously identified two candidates that will be offered a position on the CPBC's 2025 Prescribed Fire Squad. One candidate (Katherine Hooper) is new to wildland fire service but recently served on six different wildfire suppression incidents in 2024. The other is a former Marine (Matthew Elms) with over 12 years of experience on structural fires and is looking to expand his skill set to include wildland fire work. Our last FFT2 squad mate is Justin Mangibin who served on the 2024 prescribed fire staff and is returning to his position in 2025.

All three FFT2s will begin work with the Commission during the first week in March.



Figure 1: Ron Bagan (left) and Nathan LeClair are the CPBC's 2025 Squad Bosses.

The two Squad Bosses (Ron Bagan and Nathan LeClair) returned to the CPBC the first week in February. They are currently performing equipment maintenance, repairs, and all other necessary preparations to get the gear ready for the 2025 prescribed fire season.

To date they have inventoried all equipment for the Type 6 engine, performed preventative maintenance on the Type 7 pumps, prepped ATVs and UTVs, inventoried squad equipment including PPE and Line gear, pre-built FFT2 backpacks, helped to schedule



## Central Pine Barrens Commission Science and Stewardship Program

### Division Report 02/19/2025

CPR/AED training, and established relationships with the Ridge FD to assist in service to the Type 6 engine.

Additional safety and CPBC operational process orientation and trainings have been prepared or are being scheduled to complete the onboarding process for the 2025 prescribed fire staff. This includes safety training for working in areas inhabited by Ticks, identifying signs of illness and/or heat related stress, as well as first aid training for lacerations, abrasions, and other bleeding scenarios. This supplemental training will be conducted during the first week in March.

Further training, including a mandatory annual re-fresher course in wildland fire suppression, as well as a driver safety course for off-road vehicles (ATVs specifically) are also scheduled for early March. Upon completion of all safety and supplemental training, the 2025 prescribed fire staff will be ready to go for the 2025 fire season.

#### Conservation Planning

Over the last few months, I have continued my research and completed my initial review of hundreds of Species Status Assessments (SSA) that were recently updated by the NY Natural Heritage Program (NYNHP) as part of the 2025 Statewide Action Plan being developed by the NYS Department of Environmental Conservation (DEC) and NYNHP.

This review has identified 377 different species so far ranging across most taxonomic groups that are directly or indirectly associated with the Central Pine Barrens. This includes amphibians, birds, mammals, reptiles, plants and several types of insects such as bees, butterflies, and dragonflies. Currently only limited information has been found to help address freshwater crustaceans and mollusks, as well as a suite of aquatic insects (stoneflies and mayflies). As such research in those two areas is ongoing. Marine species such as whales, dolphins, skates, and rays are currently being excluded from the initial planning efforts as they are often well removed from environmental process within the Central Pine Barrens, however several species of marine fish have been included due to their use of near shore waters including the Peconic and Carmans Rivers.

I am currently going through each species one by one to identify threats to each species, as well as any preliminary conservation actions that were recommended through the SSA process. These three aspects (species, threat, action) will form the basis for the recommendations within the CPBC's conservation plan.

#### Other News



*Figure 2: PPE and Line gear for the FFT2s is ready for the crewmembers who start in March.*





## Central Pine Barrens Commission Science and Stewardship Program

### Division Report 02/19/2025

On January 6, 2025, Judy, Bob, and I had a conference call with the NYSDEC (Forest Health and Rangers staff) to discuss the upcoming 2025 prescribed fire season. Highlighted topics of conversation included finalizing the burn plans for Otis Pike/Upton Reserve, Dwarf Pines, and Rocky Point East areas; priorities for the upcoming 2025 fire season and discussing the upcoming wildland fire academy (end of February 2025) and the mandatory refresher course (early and mid-March 2025) for active FFT2s and above.

On January 15, 2025, I attended a web conference hosted by the NYSDEC to discuss the upcoming changes to NY's Environmental Conservation Law regarding freshwater wetland regulations in NYS. The new laws will increase legal protections for freshwater wetlands and vernal pools that occur within the CPB (and all of NYS). The major announcement being the change to the size of the wetland that triggers environmental regulation. Prior to these changes freshwater regulations did not apply to wetlands smaller than 14.4 hectares. With the new regulations freshwater wetlands as small as 6.4 hectares would be protected.

The new freshwater wetlands regulations will take effect in 2028.

On January 23, 2025, I (along with Judy and Julie) met with John Turner a well-known local naturalist to discuss multiple conservation issues within the CPB. Highlighted topics included local salamander conservation and key breeding locations, discussing locations for the proposed CPBC nature center, and language and essential tenets of bird friendly building construction.



## Compliance and Enforcement Division Report January - February 2024 Prepared by CAED Chief Enforcement Officer Alena Lawston

- We received 10 complaints this period for dumping, encroachment and clearing. The dumping was consistent being primarily furniture, household trash and landscaping debris.
- Two of these incidents were referred to our law enforcement partner agencies. One was captured on surveillance cameras and the second involved recovered materials containing identifying information. We have approximately 23 referred cases pending from 2024, the majority of which have solid identifying evidence.
- We will be welcoming a new Enforcement Officer at the end of February. This will help our Division tremendously with patrols and our ability to focus on UAS pilot training.
- Our division is utilizing social media to highlight the importance of citizen stewardship to assist in protecting the Central Pine Barrens. We are providing the 1-877-BARRENS phone number which is staffed on a 24/7 basis by the Suffolk County Sheriff's Office.
- 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 (Unmanned Aircraft Systems) training continues Enforcement Officer Ward and I are both currently preparing to take our UAS Part 107 test utilizing an online testing platform called GLEIM. When time allows, we will begin training on the SYMA training drones in the indoor setting kindly provided to us by the Ridge Fire Department.

Timothy C. Hubbard  
*Member*

Maria Z. Moore  
*Member*

Daniel J. Panico  
*Member*

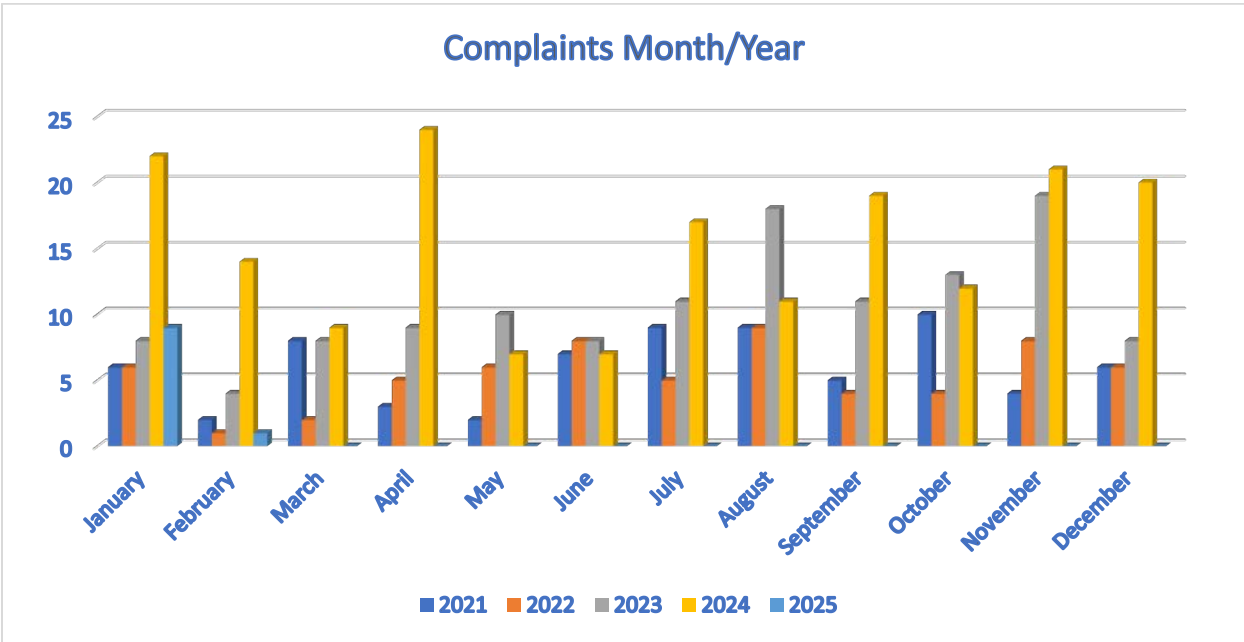
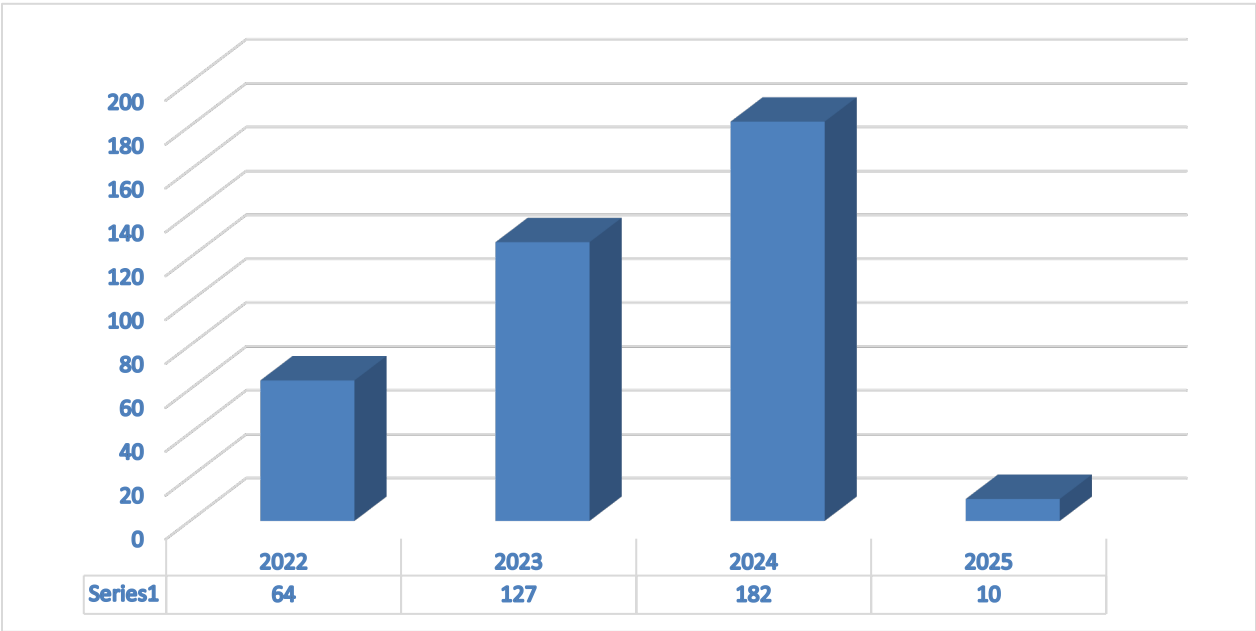
Edward P. Romaine  
*Member*



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<b>Incident Statistics - Reporting Period 2021 - 2024</b>				
<b>Year</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Intake</b>				
Sent by Agency to Commission	14	17	9	2
Discovered by Commission Staff	41	104	163	7
Called in by Individual to Commission	8	6	10	1
Total Incidents Reported	63	127	182	10
<b>Location of Incident</b>				
Brookhaven	46	69	102	1
Southampton	17	50	75	9
Riverhead	0	8	5	0
Occurring on Public Land	21	79	158	10
Occurring on Private Land	22	23	22	0
Occurring on Public & Private Land	20	25	0	0
Core	38	78	140	9
Compatible Growth Area (CGA)	13	39	30	0
Core & CGA	1	1	0	0
Outside CPBA	12	9	10	1
<b>Nature of Incident*</b>				
Clearing/Encroachment	24	20	21	1
Structures	1	2	1	0
Dumping	35	103	153	9
Mining	0	0	1	0
Hunting	0	1	0	0
ATV	1	0	0	0
Other	4	1	2	0
<b>Referrals*</b>				
Sent to Town	20	6	4	0
Sent to County	12	36	31	1
Sent to State	22	33	17	1
Commission	15	8	1	0
Sent to AG	1	0	0	0
Other	5	37	16	0
<b>Status</b>				
Founded	50	125	179	10
Unfounded	13	2	1	0
Open	18	52	51	5
Closed	45	75	131	5
<b>Inspections</b>				
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, February 19, 2025

Action	Central Pine Barrens Location		
Municipality	Brookhaven Town	Riverhead Town	Southampton Town
<p><b>Pending Applications, Requests for Determination of Jurisdiction, SEQRA Coordination, inquiries, proposals and other activities</b></p>	<ul style="list-style-type: none"> <li>• Brookhaven Industrial Park Sewage Treatment Plant (STP) Expansion CGA Hardship, Yaphank.</li> <li>• Inquiry: Calverton Hills STP project. Core.</li> <li>• Inquiry: Manorville subdivision, clearing relief.</li> <li>• Referrals: 400 Middle Country Road Zone Change and Site Plan for a garden center; Manorville Fire District; Starbucks Middle Island.</li> </ul>	<p>Venezia Square commercial development project, Wading River, CGA.</p>	<p>Inquiry: Hampton Bays Water District, CGA</p>
<p><b>Active/Ongoing</b></p>	<p style="text-align: center;">---</p>	<ul style="list-style-type: none"> <li>• 4 Old Country Road / 76 Summit Blvd Consent Order.</li> <li>• CVE Solar, compliance with decision, submit legal documents, etc.</li> </ul>	<p style="text-align: center;">---</p>
<p><b>Division Activity, Regional Projects and Participation</b></p>	<ul style="list-style-type: none"> <li>• Environmental review of land use development projects including Core Preservation Area and Compatible Growth Area Hardship waivers, SEQRA Coordination, interagency referrals, information requests, inquiries, requests for determination of jurisdiction and conformance reviews. Applications include commercial and industrial uses, mixed uses and other site plans, residential and non-residential subdivisions, applications for Developments of Regional Significance, Assertions of Jurisdiction, zone changes and other development activities.</li> <li>• Monitor sites for compliance with decisions and conditions of approval.</li> <li>• Site inspections and land use surveys for applications.</li> <li>• Technical support on FOIL requests, compliance and enforcement violations, consent orders, Credit Program items, communications on land use matters, unauthorized development and clearing activities and encroachments in protected areas and regulated habitats.</li> <li>• Collaborate and coordinate with other Commission divisions.</li> <li>• USGS two-year contract to monitor surface and groundwater resources, 2024 to 2026. Researching a study on vernal ponds and coastal plain pond surface water quality monitoring.</li> <li>• Website updates on land use and planning matters, natural, scenic, historic and cultural resources.</li> <li>• Pine Barrens Nature Center Feasibility Study.</li> </ul>		





***Item 3.c. Pine Barrens Credit Program Report for February 19, 2025:***

Activities in the Credit Program for 2024 included review of applications for Letters of Interpretation, Conservation Easements, Credit Program and FOIL requests management. Some specific work items include:

- Letters of Interpretation: 44 LOIs were issued and eight parcels were inspected. Staff is following up on past LOIs for interest in the Program.
- Conservation Easements: Review and Monitoring
  - Five easements were recorded, which generated 2.82 credits.
  - Nine easements are currently in progress.
  - 68 easement properties with road access were inspected.



- Pine Barrens Credits
  - Redeemed: 6.39 Credits have been used for commercial, industrial and residential projects in the Town of Brookhaven and Southampton.
  - Conveyed: 13.3 Credits have been sold in the Towns of Brookhaven, Riverhead and Southampton.
  - The average price is \$107,902 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.

*Pine Barrens Credit Program Statistics Table: represents figures for the total and annual summary of 2024.*

Easement Protected Lands and Pine Barrens Credits As of January 1, 2025								
	Brookhaven	2024	Riverhead	2024	Southampton	2024	Total	2024
Parcels	531	4	37	-	471	1	1039	5
Acreage	833.44	1.75	516.78	-	889.51	3.59	2239.73	5.34
Average parcel size	1.57	0.44	13.97	-	1.89	3.59	2.16	1.07
Credits generated	550.26	2.24	173.39	-	340.26	0.58	1063.91	2.82
Credits redeemed	428.77	5.10	145.13	-	191.05	1.29	764.95	6.39
Credits not redeemed	121.49	-2.86	28.26	-	149.21	-0.71	298.96	-3.57
Credits sold		7.57		1.59		4.14		13.3
Total value of PBC transactions		\$903,997		\$100,000		\$431,100		\$1,435,097
Average Credits value		\$119,418		\$62,893		\$104,130		\$107,902
Credits owned by the Clearinghouse	2.19		-		-		2.19	
# of Inspected CE Parcels	-	42	-	4	-	22	-	68
# of Installed CE Signs	139	3	15	-	91	-	245	3



February 19, 2025

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

**RE: Referral of the Change of Zone and Site Plan for  
 400 Middle Country Road Corp., Ridge  
 Town Log #2024-015-CZ and 24SP0044  
 SCTM Number 200-297-1-3.1  
 Compatible Growth Area of the Central Pine Barrens**

Dear Mrs. Rivera:

On January 23, 2025, the Central Pine Barrens Commission office received your referral for the referenced project. The project site is in the Central Pine Barrens Compatible Growth Area (CGA).

Timothy C. Hubbard  
*Member*

Maria Z. Moore  
*Member*

Daniel J. Panico  
*Member*

Edward P. Romaine  
*Member*

**Existing Conditions**

The project site is 0.926 acre (40,349 square foot). It is located on the southwest corner of Middle Country Road and East Margin Road in Ridge. A fence encloses the property. A large pile of cut trees and logs is present inside the fence. The site is split zoned: J Business 2 and A Residence 1.

The site adjoins a single-family residence on the south side and an undeveloped, wooded property on the west side, identified as SCTM Number 200-297-1-2.1. The Core Preservation Area is situated on the north side of State Route 25. The Town facility known as Fireman’s Park is in the vicinity in the Core.

Recent aerial photograph indicates significant clearing of natural vegetation occurred on the project site in the recent past.

**Proposal**

The proposal is a zone change and site plan for development of a commercial landscape nursery and garden center. The change of zone is from J Business 2 and A Residence 1 to J Business 2. The Site Plan, dated May 21, 2024, prepared by Bohler Engineering, identifies development including a 440 square foot building and 927 square foot canopy, parking lot, drainage, paving and landscaping. The applicant seeks clearing and setback relief.

**Central Pine Barrens status**

The project site appears to be in violation of one or more Town regulations and Article 57 Section 57-0136, Penalties and Enforcement. This letter serves as a referral to the Town of an enforcement matter for investigation involving clearing of natural vegetation and development pursuant to Section 57-0136(1)(b) of the Act and the Comprehensive Land Use Plan, as implemented by the Town Code.

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 11978

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DRAFT

Due to the pending enforcement matter, comments are not provided on the zone change and site plan development referrals at this time. Please keep our Chief Enforcement Officer Alena Lawston informed of the Town's action on this enforcement matter.

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) 218-1192.

Sincerely,

Julie Hargrave  
Pine Barrens Manager

cc: Judy Jakobsen, Executive Director  
John C. Milazzo, Counsel  
Alena Lawston, Chief Enforcement Officer  
Brookhaven Town Planning Department and Law Department



# Town of Brookhaven Long Island

**Daniel J. Panico**, Supervisor

DATE: January 23, 2025

TO: Melik Tariq, New York State, Department of Transportation  
Judy Jakobsen, Central Pine Barrens Joint Planning & Policy Commission

FROM: Robert Schroeder  
Planning Division

RE: Town Board Application: **400 Middle Country Rd. Corp**, Log # **2024-015-CZ**  
Change of zone from J-Business-2 & A-Residence-1 to J-Business-2  
400 Middle Country Rd., W/o E. Margin St., Ridge,  
SCTM: 0200 29700 0100 003001, 0.96 acres

---

Attached is a copy of a new application this office has received. For your review and consideration, please find enclosed a copy of the project application materials.

Please reply within 30 days of the date of this mailing. Also, kindly forward any information or concerns you may have regarding this proposal, particularly with respect to your agency's areas of expertise and jurisdiction, which would enhance the utilization of this site or provide additional protection to the community.

All correspondence should be forwarded to:

**Town of Brookhaven  
OFFICE OF THE TOWN CLERK  
Kevin J. Lavallo  
One Independence Hill  
Farmingville, NY 11738**

Thank you for your continued cooperation. If you have any questions or need any further information, please contact this Division.

Cc: Kevin J. Lavallo, Brookhaven Town Clerk

**Planning, Environment and Land Management  
James M. Tullo, Commissioner**

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6400 • Fax (631) 451-6419  
[www.brookhavenny.gov](http://www.brookhavenny.gov)





# Town of Brookhaven Long Island

**Daniel J. Panico**, Supervisor

DATE: January 23, 2025

TO: Bruce Schaal, Town of Brookhaven, Division of Engineering  
Peter E. Fountaine, Town of Brookhaven, Division of Environmental Protection  
Christopher Mehrman, Town of Brookhaven, Division of Fire Prevention  
Daniel P. Losquadro, Town of Brookhaven, Highway Department  
Kerri Mass, Town of Brookhaven, Division of Traffic Safety  
Judy Jakobsen, Central Pine Barrens Joint Planning & Policy Commission  
Melik Tariq, New York State, Department of Transportation

FROM: Robert Schroeder  
Planning Division

RE: Site Plan: **400 Middle Country Rd. Corp.**, Log # **24SP0044**  
Proposed Nursery/Garden Center consisting of a 440 s.f. retail building and associated site  
Improvements & Relief of Planning Board covenant.  
W Side of East Margin Rd., S of Middle Country Rd. Ridge  
SCTM #: 0200 29700 0100 003001, 0.96 acres

---

Please be advised that the Planning Board of the Town of Brookhaven has received an application for the above referenced action. For your review and consideration, please find enclosed a copy of the project application, EAF & site plans.

The Planning Board would like to encourage your agency to make any comments or suggest mitigation measures, particularly with respect to your areas of expertise and jurisdiction, which would enhance the utilization of this site or provide additional protection to the community.

It is requested that any comment letter be sent directly to the applicant with a copy to this office. Your reply is kindly requested within 30 days of the date of this mailing.

Thank you for your continued cooperation. If you have any questions or need any further information, please contact this Division.

RS/ar

**Planning, Environment and Land Management**  
**James M. Tullo, Commissioner**

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### Property



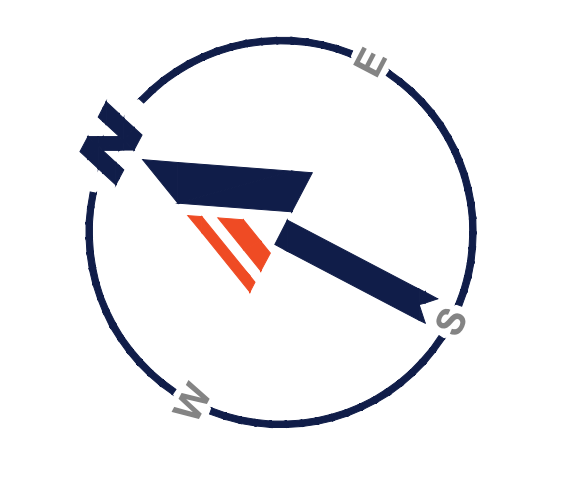
40.904881, -72.854376  
40° 54' 18", -72° 51' 16"



### Parcel Details

Area: 39848.1 ft<sup>2</sup>  
FIPS Code: 36103  
Parcel APN: 0200297000100003001  
State: NY





**LEGEND**

EXISTING	PROPOSED

**PROPOSED KEY DESCRIPTIONS**  
(SEE DETAIL SHEET FOR MORE INFORMATION)

AS	ON-SITE ASPHALT PAVEMENT
BN	BOLLARD SIGN POST
CE	FLUSH CURB
CM	CANOPY COLUMN
CP	CONCRETE PAD
CW	CONCRETE SIDEWALK
FC	CHAIN LINK FENCE
GW	GATEWAY
HR	ACCESSIBLE RAMP
LS	LANDSCAPED AREA
PH	ACCESSIBLE PARKING STALL
SB	PAINTED STOP BAR
ST	DOUBLE PAINTED LINE (YELLOW NOTED)
TE	TRASH ENCLOSURE

**SIGNAGE KEY DESCRIPTIONS**  
(SEE DETAIL SHEET FOR MORE INFORMATION)

01	STOP SIGN (AUTOR) R11
12	(MOD) RESERVED PARKING SIGN (WITHOUT ARROW) (AUTOC) R14 (MOD)
13	RESERVED PARKING SIGN (WITHOUT ARROW) (AUTOC) R14 (MOD)
14	MIN ACCESSIBLE SIGN (AUTOC) R14b

PROPOSED ASPHALT PAVEMENT IN ROW  
 PROPOSED CONCRETE PAVEMENT IN ROW  
 PROPOSED GRASS/ LANDSCAPE IN ROW

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(SEE DETAIL SHEET FOR MORE INFORMATION)



**TOWN OF BROOKHAVEN NOTES**

1. ALL SPECIFIC CONCERNING, SIDEWALKS, AND DRAINAGE STRUCTURES SHALL CONFORM TO PLANNING BOARD STANDARD DETAILS AND SPECIFICATIONS.
2. TOWN OF BROOKHAVEN PLANNING BOARD SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF ALL CONSTRUCTION.
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**SITE LAYOUT NOTES**

1. THE GENERAL NOTES MUST BE INCLUDED AS PART OF THIS ENTIRE DOCUMENT PACKAGE AND ARE PART OF THE CONTRACT DOCUMENTS. THE GENERAL NOTES ARE REFERENCED HEREIN, AND THE CONTRACTOR MUST REFER TO THEM AND FULLY COMPLY WITH ALL OF THE GENERAL NOTES AND ALL OF THE PLANS SPECIFIC NOTES.
2. PRIOR TO THE COMMENCEMENT OF GENERAL CONSTRUCTION, THE CONTRACTOR MUST INSTALL SOLE EROSION CONTROL AND SEDIMENTATION MEASURES TO PREVENT SEDIMENT AND SOIL FROM WASHING ONTO ADJACENT PROPERTIES OR THE RIGHT-OF-WAY.
3. EROSION AND SEDIMENT CONTROL PLAN AND IN ACCORDANCE WITH APPLICABLE AND APPROPRIATE AGENCIES' GUIDELINES TO PREVENT SEDIMENT AND SOIL FROM WASHING ONTO ADJACENT PROPERTIES OR THE RIGHT-OF-WAY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING THEIR LOCATION. THE CONTRACTOR MUST COORDINATE THE ALL DIMENSIONS SHOWN ARE TO BOTTOM FACE OF CURB, EDGE OF PAVEMENT, OR EDGE OF BUILDING, EXCEPT WHEN DIMENSION IS TO A PROPERTY LINE, STAKE OUT OF LOCATIONS OF INLETS, LIGHT POLES, ETC. MUST BE PERFORMED IN STRICT ACCORDANCE WITH THE TOWN OF BROOKHAVEN PLANNING BOARD STANDARD DETAILS AND SPECIFICATIONS.
5. WHEN APPLICABLE, OWNER OPERATOR MUST FILE THE NOT FOR NOTES PERMITS AT APPROPRIATE AND/OR REQUIRED TIMEFRAMES BASED UPON THE DESIRED START OF CONSTRUCTION. LAND DISTURBING ACTIVITIES MUST NOT COMMENCE UNTIL THE PERMITS ARE OBTAINED.
6. ALL VENTILATION/EXHAUST SYSTEMS MUST BE AIR TRAPPED AND INCLUDE THE MINIMUM COMPRESSIVE STRENGTH OF 4,000 PSI AT 28 DAYS UNLESS OTHERWISE NOTED ON THE PLANS. DETAILS AND/OR GEOTECHNICAL REPORT.
7. PAVEMENT DAMAGED BY CONSTRUCTION ACTIVITIES WHETHER SPECIFIED ON THIS PLAN OR NOT.
8. BUILDING AND REESTABLISHMENT IDENTIFICATION SIGNS TO BE FILED UNDER SEPARATE APPLICATIONS WITH ALL APPLICABLE REQUIREMENTS AND STANDARDS OF NEW YORK STATE DEPARTMENT OF TRANSPORTATION WORK WITHIN THE RIGHT-OF-WAY.
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REQUIREMENTS AND STANDARDS OF THE TOWN OF BROOKHAVEN PLANNING BOARD.

**ESTIMATE OF QUANTITIES TABLE**

1.	CONCRETE CURB (ON-SITE)	470 LF
2.	CONCRETE CURB (ROW)	76 LF
3.	ASPHALT CURB	0 LF
4.	CONCRETE PAVING (ON-SITE)	1,787 SF
5.	CONCRETE PAVING (ROW)	1,572 SF
6.	ASPHALT PAVING (TYP)	N/A
7.	CRACK DIMENSIONALITY	N/A
8.	STOCKPILE FENCE	600 LF
9.	CHAIN LINK FENCE	600 LF
10.	SCREEN PLANTING	3,508 SF
11.	SHRUBS	116
12.	SEED/LAWN AREA	7,901 SF
13.	RECHARGE BASIN	N/A
14.	RECHARGE BASIN FENCING	N/A
15.	VEGETATION PERMANENTLY TO REMAIN	N/A
16.	RECHARGE BASIN PLANTING	N/A

**SITE DATA TABLE**

1.	AREA OF SITE	40,349 SF (0.926 AC)
2.	AREA OF BUILDING	440 SF
3.	AREA OF CANOPY	927 SF
4.	PERCENT OF LOT OCCUPANCY	2.3%
5.	AREA OF PAVING (ASPHALT)	8,122 SF
6.	AREA OF PAVING (CONCRETE)	1,787 SF
7.	VEGETATION PERMANENTLY TO REMAIN	(SEE SITE PLAN)
8.	EXISTING TREES	8 EXIST TREES
9.	AREA AND PERCENT OF LANDSCAPING WITHIN (LANDSCAPING) (ON-SITE)	11,478 SF (28.4%)
10.	LANDSCAPING WITHIN (LANDSCAPING) (ROW)	3,578 SF (8.9%)
11.	PARKING REQUIRED	14
12.	UNBANKED STALLS	0
13.	LOADING REQUIRED	1
14.	DATUM U.S.C. & G.S. OR T.O.B.	NAD83
15.	INTENDED USE OF PROPERTY	RESIDENTIAL
16.	DEPTH OF GROUNDWATER	2.25'
17.	ZONING	J-BUSINESS-2
18.	SUFFOLK COUNTY TAX NUMBER	200-297-1-1-3.1

**ZONING TABLE**

1.	MIN. LOT AREA	15,000 SF
2.	MIN. ROAD FRONTAGE	100'
3.	MIN. FRONT YARD	47' (PRIMARY FRONT) 107' (SECONDARY FRONT)
4.	MIN. SIDE YARD	25'
5.	MIN. REAR YARD	25'
6.	MAX. BUILDING HEIGHT	35' OR 2.5 STORIES COMPLEES
7.	MIN. BUFFER TO RESIDENTIAL	25'
8.	MAX. FAR FRONTAGE	35%
9.	MIN. LANDSCAPE COVERAGE	20% (8,070 SF)
10.	MIN. LANDSCAPE COVERAGE FRONT	50% (4,035 SF)

**PARKING REQUIREMENTS**

ITEM	CODE	PERMITTED	PROPOSED
MIN. STALL SIZE	\$ 85-84 B	8' X 19'	8' X 19'
MIN. ANGLE WIDTH	\$ 85-84 E	24'	24'
LOADING REQUIREMENTS	\$ 85-85 A	1	1
MIN. NUMBER OF STALLS	\$ 85-82	14	14 (INCL. 1 ADA)
REQUIRED FOR NURSERY/GREEN CENTER:			
REQUIRED - MINIMUM OF 10 STALLS - 1 PER 10,000 SF OF LAND			
REQUIRED - MINIMUM OF 4 STALLS - 1 PER 1,000 SF OF LAND			
PROVIDED - 14 STALLS (INCLUDING 1 ACCESSIBLE STALL)			

**DETACHED / GROUND SIGNAGE REQUIREMENTS**

ITEM	CODE	PERMITTED	PROPOSED
MAX. NUMBER OF SIGNS	\$ 57A - 68(Y)	2	1
MAX. SIGN SIZE	\$ 57A - 68(Y)	32 SF	32 SF
MAX. SIGN HEIGHT	\$ 57A - 68(Y)	12'	6'
MIN. SETBACK	\$ 57A - 70(D)	22'	19'
	KEY-1		VARIANCE REQUIRED

**BOHLER**  
 SITE CIVIL AND CONSULTING ENGINEERING  
 PROGRAM ARCHITECTURE  
 LANDSCAPE ARCHITECTURE  
 SUSTAINABLE DESIGN  
 TRANSPORTATION SERVICES

**REVISIONS**

REV	DATE	REV. PER CLIENT	COMMENTS
1	04/09/2021		
2	04/09/2022		
3	05/21/2024		



YOU MUST CALL 811 BEFORE ANY EXCAVATION WORK BEGINS. CALL 811 AT LEAST 48 HOURS BEFORE ANY EXCAVATION WORK BEGINS. CALL 811 AT LEAST 48 HOURS BEFORE ANY EXCAVATION WORK BEGINS.

**ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL**

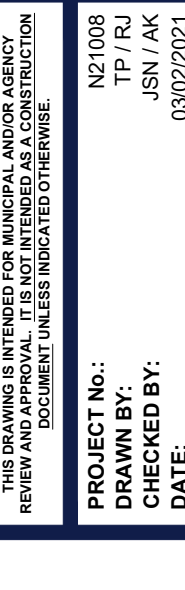
REVIEW AND APPROVAL MUST BE OBTAINED FROM A COMMUNITY AGENCY BEFORE ANY CONSTRUCTION DOCUMENTS ARE SUBMITTED TO THE TOWN OF BROOKHAVEN PLANNING BOARD.

PROJECT No.: N21008  
 DRAWN BY: TP / RJ  
 CHECKED BY: JSN / JAK  
 CAD ID.: N21008-SFP-3A

**PROP. SITE PLAN DOCUMENTS**  
 FOR  
 400 MIDDLE COUNTRY RD CORP.

DEVELOPMENT  
 400 MIDDLE COUNTRY RD.  
 TOWN OF BROOKHAVEN,  
 SUFFOLK COUNTY,  
 RIDGE, NY 11961  
 SCTM: 200-297-1-3.1

**BOHLER**  
 BOHLER ENGINEERING NY, PLLC  
 2929 EXPRESSWAY DRIVE NORTH  
 HAUPPAUGE, NY 11749  
 Phone: (631) 738-1200  
 Fax: (631) 285-6464  
 www.BohlerEngineering.com



SHEET TITLE:  
**SITE LAYOUT PLAN**

SHEET NUMBER:  
**C-301**

REVISION 3 - 05/21/2024

NYSDOT CASE #: TBD  
 HEALTH DEP. REF. #: TBD

**THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY**

THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY ACCOMPANYING SPECIFICATIONS, UNLESS IT IS UNDER THE DIRECTION OF THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY ACCOMPANYING SPECIFICATIONS, UNLESS IT IS UNDER THE DIRECTION OF THE DESIGNER.

GRAPHIC SCALE 1 INCH = 20 FEET



AUG 15 2024

Print Form



Town of

**Brookhaven**

Long Island, New York

Town of Brookhaven  
Town Clerk's Office**Land Use Application**

One Independence Hill, Farmingville, NY 11738

Form PL-01 rev E 1/1/2019

Page 1 of 11

Please check the appropriate application request:

**1. TOWN BOARD:**

- 1a. AMENDMENT OF RESTRICTIVE COVENANT (TBR)
- 1b. CHANGE OF ZONE (CZ)
- 1c. PLANNED DEVELOPMENT DISTRICT (PDD)(CZ)
- 1d. SPECIAL PERMIT (CZ)

Case Number:

2024-015

Application Date:

Town Use Only

**2. PLANNING BOARD:**

- 2a. AMEND RESTRICTIVE COVENANT (Relief of Covenant) PBR
- 2b. FINAL SUBDIVISION - FS
- 2c. LAND DIVISION - LD
- 2d. PLANNING BOARD VARIANCE
- 2e. PRELIMINARY FINAL SUBDIVISION - FS
- 2f. PRELIMINARY SUBDIVISION - PS
- 2g. ROAD IMPROVEMENT/RESUBDIVISION - RI
- 2h. SINGLE FAMILY RESIDENCE - SF
- 2i. SITE PLAN- SP
- 2j. SPECIAL PERMIT - SP
- 2k. 278 CLUSTER TREATMENT (Submitted w/PS, FS, PF, LD or RI)
- 2l. OTHER:

Application is hereby made to the Town of Brookhaven for the application type requested.

By application submittal, the applicant does hereby authorize employees or agents of the Town of Brookhaven to enter and inspect the project site as necessary in conjunction with this application.

**3. PLANNING DIVISION:**

- 3a. CHANGE OF USE - CU  
(including facade and minor additions up to 500 sf)
- 3b. FIRE/AMBULANCE, ETC. - OM
- 3c. TEST HOLE - TH
- 3d. TREE CLEARING - TC
- 3e. REVEGETATION PLAN- RV



Town of <h1 style="margin: 0;">Brookhaven</h1> <p style="margin: 0;">Long Island, New York</p>	<h2 style="margin: 0;">Land Use Application</h2>
Form <u>PL-01</u> rev E 1/1/2019 <span style="float: right;">Page 2 of 11</span>	

**I. GENERAL APPLICATION:**  
**A. PROPERTY LOCATION:**

Suffolk County Tax Map (SCTM) Property Number: (Use "Scope of Work" section below to list any additional SCTM #'s)

DISTRICT	SECTION	BLOCK	LOT
0200	- 297.00	- 01.00	- 003.001

Name of Application: 400 MIDDLE COUNTRY ROAD CORP.

Located at #: 400, on the  N  E  S  W side of: Middle Country Road

Distance: 0,  N  E  S  W of: E. Margin Road

Hamlet: Ridge Post Office: Ridge

Ambulance District: Ridge School District: Longwood CSD

Fire District: Ridge \*Total Proposed S.F. of Building(s): 440-sf

Property Size (Acres): .926 OR Square Feet: 40349

Disturbed Property Size (Acres): .926 OR Square Feet: 40349

Present Zoning/Use of Site: J2/A1 Proposed Zoning/Use of Site: J2 Business District

Name of Subdivision: N/A

Subdivision Lot Number: N/A

Yes  No Does the property in question conform to the lot area requirement?

Scope of Proposed Work: (Please list all SCTM #'s associated with application)

Applicant seeks a change of zone from J2 and A1 to J2 and site plan approval in connection with a proposed nursery/garden center consisting of a 440 sf retail building, on-site paved parking area and associated improvements.





Town of <h1 style="margin: 0;">Brookhaven</h1> <p style="margin: 0;">Long Island, New York</p>	<h2 style="margin: 0;">Land Use Application</h2>
Form <u>PL-01</u> rev. E 6/2/15 <span style="float: right;">Page 3 of 11</span>	

**B. PROPERTY OWNER/ENTITY CONSENT:** *(separate sheets may be used for multiple owners)*

Be advised that I am the owner of record of the property referenced herein and hereby consent to this application. By this application, the owner does hereby authorize employees or agents of the Town of Brookhaven, in conjunction with this application, to enter and inspect the project site as necessary.

Owner/Entity Name:

Firm Name:

Address:

Hamlet:  State:  Zip:  Tel#:

E-mail:  Fax#:

If corporation, name of responsible officer:  Title:

**IN WITNESS WHEREOF** I have hereto set my hand onto this  day of ,

\_\_\_\_\_  
 Sign By Owner/Officer

STATE OF NEW YORK )  
 COUNTY OF SUFFOLK ) ss.:  
 On the 18<sup>th</sup> day of July in the year 2024 before me, the undersigned, personally appeared RICHARD HILLENBRAND personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is ~~(are)~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ capacity ~~(ies)~~, and that by his/~~her/their~~ signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
 Notary Public

**Margaret E. Roland**  
 NOTARY PUBLIC - STATE OF NEW YORK  
 No. 01RO5082353  
 Qualified in Suffolk County  
 My Commission Expires July 21, 2025



Town of <b>Brookhaven</b> Long Island, New York	<b>Land Use Application</b>
	Form PL-01 rev E 6/2/15 <span style="float: right;">Page 4 of 11</span>

**C. APPLICANT/CONTRACT VENDEE/LESSEE**

(If same as owner, state in name field below)

Name:  Firm Name:

Street Address:

City:  State:  Zip:  Tel#:

E-mail:  Fax#:

**D. PLAN PREPARER**

Name:  Firm Name:

Street Address:

City:  State:  Zip:  Tel#:

E-mail:  Fax#:

**E. ATTORNEY/AGENT (If applicable):**

Name:  Firm Name:

Street Address:

City:  State:  Zip:  Tel#:

E-Mail:  Fax#:

**F. Removal of Excess Materials**

**Engineers Certification:**

The site plan or subdivision submitted to the Board depicts an excess of  cubic yards, proposed to be removed from the premises.

Name:  Phone Number:

E-mail:  License Number:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Town of <b>Brookhaven</b> Long Island, New York	<b>Land Use Application</b>
	Form <u>PL-01</u> rev E 6/2/15 <span style="float: right;">Page 5 of 11</span>

**II. BOARD OF ETHICS TRANSACTIONAL DISCLOSURE:**

Case Number:

**A. APPLICANT**

Application Date:

Name:  Address:

City:  State:  Zip:  Tel#:

E-Mail  Fax#:

Does any officer of the State of New York, officer or employee of the Town of Brookhaven, officer or employee of Suffolk County, officer of a political party in Suffolk County or his or her spouse, brother, sister, parent, child, grandchild, or the spouse of any of them have an interest in this application by virtue of being the actual applicant, or, by virtue of having an interest in the corporation, partnership, or association making such application?

Yes  No

**B. If you checked "Yes" above, please complete the following section below:**

Interested Party and Nature of Interest:

Name:  Address:

City:  State:  Zip:

Title:  Department:

Relationship to Public Officer/Employee and Title if other than Self:

Yes  No 1. Is the owner of greater than five percent (5%) of the corporate stock of the application when the applicant is a corporation whose stock is listed on the New York or American Stock Exchanges,

Yes  No 2. The actual applicant,

Yes  No 3. An Officer, Director, Partner, or Employee of the applicant, or ,

Yes  No 4. Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant.

Print Name: Richard A Hillenbrand Signature: [Signature]

On the 18th day of July, in the year 2024, before me, the undersigned, a Notary Public in and for said State, appeared RICHARD HILLENBRAND, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their/ capacity(ies), and they by his/her/their signature(s), on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Notary Public: [Signature]

**Margaret E. Roland**  
**NOTARY PUBLIC - STATE OF NEW YORK**  
 No. 01RO5082353  
 Qualified in Suffolk County  
 My Commission Expires July 21, 2025



Town of <h1 style="margin: 0;">Brookhaven</h1> <p style="margin: 0;">Long Island, New York</p>	<h2 style="margin: 0;">Land Use Application</h2>
Form PL-01 rev E 6/2/15 <span style="float: right;">Page 6 of 11</span>	

### III. A. PROJECT DATA

- Yes  No 1. Is the property within 500' of the boundary of any village or town? Village/Town
- Yes  No 2. Within 500' of any existing or proposed County or State Parkway, Thruway, Expressway or highway?
- Yes  No 3. Within 500' of any existing or proposed boundary of any County, State or Federal owned land?
- Yes  No 4. Within 500' of any existing or proposed place of public assembly?
- Yes  No 5. Within 100' of any freshwater or tidal wetland system?
- Yes  No 6. Within Carmans River Watershed area?
- Yes  No 7. Within a designated Historic District or Historic District Transition Zone?
- Yes  No 8. Are there any existing covenants or restrictions affecting the premises for which the approval is sought?  
If **Yes**, please attach a copy certified by the Suffolk County Clerk.
- Yes  No 9. Are there covenants or conditions being offered which would affect the use or development of this property?
- Yes  No 10. Is the property improved with any structures or signs? If **Yes**, attach a copy of any Certificate of Occupancy(s), Certificates of Existing Use(s), and/or Certificate of Zoning Compliance(s) for all of the existing structures and/or signs.
- Yes  No 11. Is the property located within the New York State Hydrogeologic Sensitive Zone?
- Yes  No 12. Is the property located within the New York State designated Central Pine Barrens area?
- Yes  No 13. Is there any Pine Barrens Credits being purchased?
- Yes  NO 14. Does the owner/applicant own or have any interest in any contiguous property?  
If **Yes**, list the SCTM numbers below:

- Yes  No 15. Have you applied for Health Department approval for sanitary waste for the proposed use?
- Yes  No 16. Do any Special Districts or utilities service the site?  
If **Yes**, please explain below:

- Yes  No 17. Will there be any use, manufacture, or disposal of any hazardous materials, and/or ground water resources be utilized in any other way other than for normal potable consumption, and/or any air, noise or light emissions occur. If **Yes**, please explain below:

- Yes  No 18. Is the property located on an improved road?
- Yes  No 19. Is the road Town maintained?
- Yes  No 20. Does the proposed property disturb more than one acre of land? If **Yes**, please prepare a Stormwater Pollution Prevention Plan.
- Yes  No 21. Is the property located within a designated Zoning Overlay District?
- Yes  No 22. Was the property subject to a public hearing on a change of zone application within the last 12 months?



**III. B. PROJECT DATA: ECONOMIC IMPACTS**

Completed for all commercial/industrial projects and residential projects greater than 10 Units  
(If not applicable, check here and go to Section IV)  N/A

1. Does project involved Local, State or Federal funding?  Yes  No
2. If single phase project:  
Anticipated period of construction months. (including demolition).
3. If multi-phased:
  - a. Total number of phases anticipated.
  - b. Expected date of commencement Phase 1. (including demolition)
  - c. Approximate completion date of final phase. (month/year)
  - d. Is Phase 1 functionally dependent on subsequent phases?  Yes  No
4. Number of jobs generated during construction. (full time equivalent)
5. Number of jobs generated after completion. (full time equivalent)
6. Number of jobs eliminated by this project.
7. What are the current tax revenues generated by the project site?
8. What tax revenues will project generate after completion?
9. What is the estimated cost of construction?
10. How many schoolchildren is the project expected to generate?  N/A
11. What is the estimated cost of educating the school-age children generated by the completion of this project?  N/A



Town of <b>Brookhaven</b> Long Island, New York	<h1>Land Use Application</h1>
Form PL-01 rev E 6/2/15 <span style="float: right;">Page 8 of 11</span>	

**IV. SPECIAL USE PERMITS & VARIANCES:**

**A1.** If the proposed project requires a **Special Permit**, please **check** the appropriate **Board** and describe the Special Permit request in the space below:

- Town Board    
  Planning Board    
  Zoning Board of Appeals

**B1.** If the proposed project requires **Variations, or Waivers**, please **check** the appropriate **Board**, state the nature of the request and the reason in the space below:

- Town Board    
  Planning Board    
  Zoning Board of Appeals

**2. VARIANCES/WAIVERS REQUESTED:** Please check the type of variance/waiver request and specify the size proposed:  
 [Note: Upon application review, additional variance/waiver request(s) may be added by Town Application Examiners.]

<input type="checkbox"/> Lot Area	<input type="text"/>	<input type="checkbox"/> 1st Story Sq. Ft.	<input type="text"/>
<input type="checkbox"/> Lot Width	<input type="text"/>	<input type="checkbox"/> 2nd Story Sq. Ft.	<input type="text"/>
<input type="checkbox"/> Front Yard Setback	<input type="text"/>	<input type="checkbox"/> Special Permit Criteria	<input type="text"/>
<input type="checkbox"/> Rear Yard Setback	<input type="text"/>	<input type="checkbox"/> Other	<input type="text"/>
<input type="checkbox"/> Side Yard Setback	Minimum <input type="text"/>	Total	<input type="text"/>

**3. List the structure(s) requiring variance/waiver(s): Specify whether each structure is PROPOSED or EXISTING:**

	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>





Town of <b>Brookhaven</b> Long Island, New York	<h1>Land Use Application</h1>
	Form PL-01 rev E 6/2/15 <span style="float: right;">Page 9 of 11</span>

**C1.** If the proposed project requires an **Amendment to a Restrictive Covenant**, please check the appropriate **Board** and describe: A) Existing covenant for which relief is sought; B) Description of requested relief; and, C) Reason for requested relief, in the space below:

Town Board    
  Planning Board    
  Zoning Board of Appeals

The applicant seeks relief from Planning Board covenants and restrictions dated May 28, 2002, that (i) limit the clearing of natural vegetation to no more than 53% of the property; and (ii) require a 40-foot-wide natural and undisturbed buffer on the westerly lot line on the grounds that the restrictions are unduly burdensome on commercial use of the site.

2. Percentage of current covenant area affected:  % Proposed percentage of covenant area affected:  %

3. Percentage of current buffer area affected:  % Proposed percentage of buffer area affected:  %

**V. SUBDIVISION/LAND DIVISION:**

**A1.** Complete for all subdivision/land division/road improvements

Deed(s) recorded in the Suffolk County Clerk's Office:		Number of Lots: <input type="text"/>
Date:	Liber:	Page:
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

- Yes  No 2. Are there encumbrances or liens against this land other than mortgages?
- Yes  No 3. Will the final plat be filed in sections, or will it cover the entire preliminary layout?
- Yes  No 4. Are all the public open spaces shown on the layout to be dedicated for public purposes?
- 5. How many acres are to be dedicated for public park or playground purposes?

Reset Form

**TOWN OF BROOKHAVEN  
TRANSACTIONAL DISCLOSURE FORM  
(Conflict of Interest Form)**

A Transactional Disclosure form is required when someone submits certain applications to Brookhaven Town. The purpose of the disclosure is to alert the Town if a party of influence has an interest in this application or if someone within the Town who will participate in the decision has an interest.

**\*Note:** It is required that a copy of this form be sent to the Director of the Board of Ethics.

Name RICHARD HILLENBRNAD Address 51 Medford Road  
City Ridge State NY Zip 11961  
Telephone (516) 983-4347 Email rich.hillenbrand@gmail.com Fax \_\_\_\_\_

This form is for:

- An individual       A partnership  
 A corporation       An association

**Nature of Application:**

- Property Assessment Grievance for non-residential parcel       Variance  
 Amendment       Change of Zone  
 Approval of Plat       Exemption from Plat or Official Map  
 License or Permit affecting real property       Bidding on contract(s)

Affected parcel (address) 400 Middle Country Road, Ridge

Does any officer or employee of the Town of Brookhaven, member of an executive committee of a political party, or his/her spouse, brother, sister, parent, child, grandchild or spouse of any of them, have an interest in this application by virtue of being the actual applicant, being the owner of the actual property or having an interest in the corporation, partnership or association making such application?      Yes \_\_\_\_ No x

If Yes, complete the appropriate section below.

If No, sign and date at end of form.

**Please complete the following relevant section below:**

**For individual:**

Interested Party:

Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Effective 5/15/2018

**For corporation:**

Interested Party:

Name \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Title \_\_\_\_\_ Department \_\_\_\_\_

Relationship to Public Officer/Employee and Title, if other than Self: \_\_\_\_\_

Yes \_\_\_ No \_\_\_ Is the owner of greater than five percent (5%) of the corporate stock of the application when the applicant is a corporation whose stock is publicly traded.

Yes \_\_\_ No \_\_\_ The actual applicant,

Yes \_\_\_ No \_\_\_ An Officer, Director, Partner, or Employee of the applicant, or

Yes \_\_\_ No \_\_\_ Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant.

**For partnership or association:**

Interested Party:

Name \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

Title \_\_\_\_\_ Department \_\_\_\_\_

Relationship to Public Officer/Employee and Title, if other than Self: \_\_\_\_\_

Yes \_\_\_ No \_\_\_ Does the owner hold greater than five percent (5%) interest of publicly traded shares?

Yes \_\_\_ No \_\_\_ The actual applicant,

Yes \_\_\_ No \_\_\_ An Officer, Director, Partner, or Employee of the applicant, or

Yes \_\_\_ No \_\_\_ Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant.

**ALL APPLICANTS PLEASE FILL OUT BELOW:**

Print Name RICHARD HILLENBRAND Date 7/18/24

Signature 

Effective 05/15/2018



RECEIVED  
OCT 16 2002  
PLANNING DIVISION



SUFFOLK COUNTY CLERK  
RECORDS OFFICE  
RECORDING PAGE

Type of Instrument: DECLARATION COVENANT/RESTRICTIO  
Number of Pages: 5

Recorded: 10/10/2002  
At: 10:09:39 AM  
LIBER: D00012214  
PAGE: 184

District: 0200      Section: 297.00      Block: 01.00      Lot: 003.000

EXAMINED AND CHARGED AS FOLLOWS

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$15.00	NO	Handling	\$5.00	NO
COE	\$5.00	NO	NYS SURCHG	\$15.00	NO
TP-584	\$0.00	NO	Notation	\$0.00	NO
Cert.Copies	\$4.00	NO	RPT	\$30.00	NO
SCTM	\$0.00	NO			
			Fees Paid	\$74.00	

THIS PAGE IS A PART OF THE INSTRUMENT

Edward P.Romaine  
County Clerk, Suffolk County

1 2

RECEIVED  
OCT 16 2002  
PLANNING DIVISION

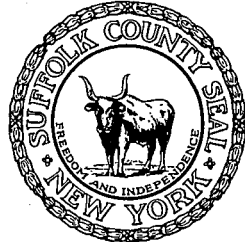
RECORDED  
2002 Oct 10 10:09:39 AM  
Edward P. Romaine  
CLERK OF  
SUFFOLK COUNTY  
L 000012214  
P 184

Number of pages  
TORRENS  
Serial # \_\_\_\_\_  
Certificate # \_\_\_\_\_  
Prior Ctf. # \_\_\_\_\_

Deed / Mortgage Instrument      Deed / Mortgage Tax Stamp      Recording / Filing Stamps

3      FEES

Page / Filing Fee \_\_\_\_\_  
Handling      5. 00  
TP-584 \_\_\_\_\_  
Notation \_\_\_\_\_  
EA-52 17 (County) \_\_\_\_\_ Sub Total \_\_\_\_\_  
EA-5217 (State) \_\_\_\_\_  
R.P.T.S.A.      30 -  
Comm. of Ed.      5. 00  
Affidavit \_\_\_\_\_  
Certified Copy \_\_\_\_\_  
Reg. Copy \_\_\_\_\_ Sub Total \_\_\_\_\_  
Other \_\_\_\_\_ Grand Total 74



Mortgage Amt. \_\_\_\_\_  
1. Basic Tax \_\_\_\_\_  
2. Additional Tax \_\_\_\_\_  
Sub Total \_\_\_\_\_  
Spec./Assit. \_\_\_\_\_  
or  
Spec. /Add. \_\_\_\_\_  
TOT. MTG. TAX \_\_\_\_\_  
Dual Town \_\_\_\_\_ Dual County \_\_\_\_\_  
Held for Appointment \_\_\_\_\_  
Transfer Tax \_\_\_\_\_  
Mansion Tax \_\_\_\_\_  
The property covered by this mortgage is or will be improved by a one or two family dwelling only.  
YES \_\_\_\_\_ or NO \_\_\_\_\_  
If NO, see appropriate tax clause on page # \_\_\_\_\_ of this instrument.

4      0200 District      297.00 Section      01.00 Block      003.000 Lot

5      Community Preservation Fund

Real Property Tax Service Agency Verification  
KU  
10-10-02

Consideration Amount \$ \_\_\_\_\_  
CPF Tax Due \$ \_\_\_\_\_  
Improved \_\_\_\_\_  
Vacant Land \_\_\_\_\_  
TD \_\_\_\_\_  
TD \_\_\_\_\_  
TD \_\_\_\_\_

6      Satisfaction/Discharges/Releases List Property Owners Mailing Address  
RECORD & RETURN TO:  
CERTILMAN BALIN ADLER & HYMAN, LLP  
1393 Veterans Memorial Highway  
Suite 301 South  
Hauppauge, NY 11788

Att: Lynn Cavalla

7      Title Company Information  
Co. Name \_\_\_\_\_  
Title # \_\_\_\_\_

# 8      Suffolk County Recording & Endorsement Page

This page forms part of the attached Declaration of Covenants and Restrictions made by: (SPECIFY TYPE OF INSTRUMENT)

Mario LaHara and Yolanda LaHara

The premises herein is situated in SUFFOLK COUNTY, NEW YORK.

TO  
Brookhaven Town Planning Board

In the Township of Brookhaven

01084.0000

In the VILLAGE or HAMLET of Ridge

BOXES 6 THRU 8 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.

(over)

DECLARATION OF  
COVENANTS AND RESTRICTIONS

RECEIVED

OCT 16 2002

PLANNING DIVISION

This Declaration, made and dated the 28<sup>th</sup> day of May, 2002, by Mario LaHara and Yolanda LaHara, husband and wife, residing at 2468 Northeast Ginger Terrace, Jensen Beach, Florida, hereinafter referred to as the Declarants.

WITNESSETH:

WHEREAS, Declarants are the owners of the property described in Schedule "A", which is annexed hereto and made a part hereof;

WHEREAS, a public hearing was duly held on the 30th day of September, 1991, before the Planning Board of the Town of Brookhaven, a municipal corporation situate in Medford, County of Suffolk and State of New York, upon the application of Declarants, for proposed land division known as land of Middle Country Road and E. Margin Road;

WHEREAS, at a regular meeting of the Brookhaven Planning Board held on the 30th day of September, 1991, the application of the Declarants was duly granted, as indicated by the attached letter of approval of the Planning Board annexed hereto as Schedule "B"; and

WHEREAS, the Declarants deem it mutually beneficial and in the best interest of the parties, to wit, the Declarants and the Town of Brookhaven, to impose certain covenants and restrictions upon the said property;

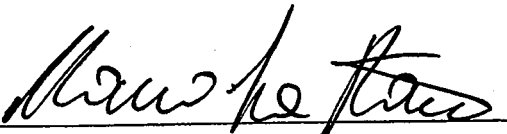
NOW, THEREFORE, in consideration of the premises, the Declarants hereby covenant, promise and declare that the above-described real property shall be hereinafter held subject to the following covenants and restrictions:

abc



1. That there be no further subdivision of the lots described in Schedule "A" without Planning Board approval;
2. That clearing of natural vegetation shall not exceed 53% for parcels 1, 2, 3 and 4;
3. That no more than 15% of each lot shall be placed in fertilizer dependent vegetation; and
4. That a 40 foot natural and undisturbed buffer will be required along the westerly lot lines of lots 1 through 4 inclusive.
5. That these covenants and restrictions shall run with the land, and shall be binding upon the heirs, successors and assigns of the Declarants, subject to the right of the Town Planning Board of the Town of Brookhaven with the consent of the Declarants, or the Declarant's heirs, successors or assigns, to amend, annul or repeal any or all of the foregoing covenants and restrictions at any time hereinafter.

IN WITNESS WHEREOF, the Declarants have hereunto set their hands and seals the day and year first above written.

  
 Mario LaHara

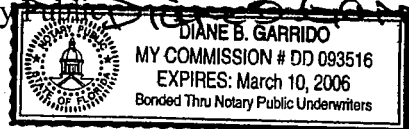
  
 Yolanda LaHara

STATE OF FLORIDA )  
 )SS:  
 COUNTY OF MARTIN)

On the 28<sup>th</sup> day of May, in the year 2002, before me, the undersigned, personally appeared Mario LaHara and Yolanda LaHara, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument, and that such individuals made such appearance before the undersigned in the State of Florida.

*Who produced FDL exp. 3-6-2004  
 + FDL exp. 11-4-2004*

  
 Notary *Diane B. Garrido*



*OK*

SCHEDULE A  
Description of Subject Premises  
District 0200 Section 297.00 Block 01.00 Lot 003.000

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Ridge, Town of Brookhaven, County of Suffolk and State of New York, more particularly bounded and described as follows:

BEGINNING at a monument set at the corner formed by the intersection of the northerly side of Gull Dip with the westerly side of East Margin Road;

RUNNING THENCE South 75 degrees 36 minutes 10 seconds West along the northerly side of Gull Dip 232.90 feet to a point;

THENCE North 14 degrees 23 minutes 50 seconds West 871.20 feet to a point in the southerly side of Middle Country Road (N.Y.S. Route 25)

THENCE North 75 degrees 36 minutes 10 seconds East along the southerly side of Middle Country Road (N.Y.S. Route 25) 58.49 feet to a point of curvature;

THENCE easterly still along the southerly side of Middle Country Road (N.Y.S. Route 25) on the arc of a circle bearing to the right having a radius of 2867.89 feet a distance of 174.52 feet to a monument set at the corner formed by the intersection of the southerly side of Middle Country Road (N.Y.S. Route 25) with the westerly side of East Margin Road;

THENCE South 14 degrees 23 minutes 50 seconds East along the westerly side of East Margin Road 865.89 feet to the Monument at the point or place of BEGINNING.

---

Containing within said bounds 4.651 acres.

OK



Town of  
Brookhaven  
New York

Amended Land Division

SCHEDULE B

October 11, 1991

PAMELA BETHEIL, Chairman  
Louis K. McLean, Consulting Engineer

PLANNING BOARD MEMBERS

ANTHONY ALPERTI,  
LEWIS W. DAVIS  
LINDA PETERSEN  
PETER SAPIENZA  
THOMAS J. GALINSKI  
DONALD W. LEO

Mario La Hara  
41 West Drive  
Kings Park, N.Y. 11754

RECEIVED  
OCT 16 2002  
PLANNING DIVISION

Re: Middle Country Road & East Margin Rd. @ Ridge  
Zone A-1 & J-2, 4.6 acres, 5 lots

Dear Mr. LaHara:

At a regular meeting of the Planning Board held on September 30, 1991 approval was granted to the proposed land division known as land of Middle Country Road & E. Margin Road.

Approval was granted subject to:

1. Recreational satisfaction; fee in the amount of \$2,500.

2. Covenants Required:

- A. No further subdivision of lots without Planning Board approval.
- B. Clearing of natural vegetation shall not exceed 35% for parcels 1, 2, 3 and 4.
- C. No more than 15% of each lot shall be placed in fertilizer dependent vegetation.

D. A 40 foot natural and undisturbed buffer will be required along the westerly lot lines of lots 1 thru 4.

3. All covenants and buffer to appear on all surveys for building permits.

4. Clearing plan will be required for each lot at time of application for building permits.

STATE OF NEW YORK  
COUNTY OF SUFFOLK

SS:

I EDWARD P. ROMAINE, CLERK OF THE COUNTY OF SUFFOLK AND CLERK OF THE SUPREME COURT OF THE STATE OF NEW YORK IN AND FOR SAID COUNTY (SAID COURT BEING A COURT OF RECORD) DO HEREBY CERTIFY THAT I HAVE COMPARED THE ANNEXED COPY OF DEED LIBER 12214 AT PAGE 184 RECORDED 10/10/02 AND THAT IT IS A JUST AND TRUE COPY OF SUCH ORIGINAL DECLARATION AND OF THE WHOLE THEREOF.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID COUNTY AND COURT THIS 10th DAY OF OCT. 2002

CLERK

*Edward P. Romaine*



Town of  
Brookhaven  
Long Island

**John Jay LaValle**, Supervisor

August 16, 2002

David Sloane, Esq.  
1393 Veterans Memorial Hwy.-Suite 301S  
Hauppauge, NY 11788

**RE: MIDDLE COUNTRY RD. & E. MARGIN RD. LAND DIVISION @ Ridge**

Dear David:

At a regular meeting of the Planning Board held on Monday, July 29, 2002, the Board voted to amend the clearing limit covenant from 35% to 53% based on current standards of the Pine Barrens Act.

New covenants modifying prior covenants and restrictions, if any, to be filed with the Suffolk County Clerk's office.

Very truly yours,

  
Robert T. Reilly  
Chairman

RR:DM:jb

**Planning Board**

Robert T. Reilly, Chairman • Pamela Bethel, Vice Chairwoman  
Robert L. Hughes, Donald W. Leo and Peter Cris, Board Members

3233 Route 112 • Medford • NY 11763 • Phone (631) 451-6403 • Fax (631) 451-6419 • [www.brookhaven.org](http://www.brookhaven.org)



**Central Pine Barrens Commission Public Hearing**  
Wednesday, February 19, 2025  
Brookhaven Town Hall

**Town of Brookhaven Sewer District #2 Plant Expansion  
Compatible Growth Area Hardship Waiver Application**  
Yaphank, Town of Brookhaven  
SCTM Numbers 200-554-3-4.40 and 4.53

**List of Staff Exhibits**

- A. 2024 Aerial of the Project Site
- B. Photographs of the Project Site
- C. Site Plan prepared by Cameron Engineering, an IMEG Company, dated September 24, 2024
- D. Study Area Map
- E. Applicant's Review of Standards
- F. Applicant's Review of Hardship Criteria

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

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

Draft Staff Report for the Public Hearing

Wednesday, February 19, 2025

**PROJECT NAME:** **Town of Brookhaven Sewer District #2 Plant Expansion**  
Compatible Growth Area Hardship Waiver Application

**APPLICATION TIMELINE:**

- 11/04/24 Application Received
- 12/18/24 One-Month Extension, Scheduled Public Hearing
- 02/19/25 Public Hearing
- 03/19/25 Decision deadline

**OWNER/APPLICANT:** Town of Brookhaven represented by IMEG Corp.

**SITE LOCATION:** 60 Ramsay Road, Yaphank, Town of Brookhaven

**SCTM NUMBER(S):** 200-554-3-4.40 and 4.53

**PROJECT SITE AREA:** 4.074 acres

**ZONING DISTRICT:** L Industrial 1

**SEQRA:** Unlisted Action

The Commission is in receipt of a Hardship Waiver application for the expansion of the Town of Brookhaven Sewer District #2 Sewage Treatment Plant (STP) for the R & D Plaza subdivision. The expansion of the sewer district is an integral part of meeting requirements of the Suffolk County Department of Health (SCDHS) and Department of Public Works (SCDPW). This staff relies on the application materials and plans date stamped received January 10, 2025.

**SITE HISTORY**

The Project Site is in the Brookhaven R & D Plaza, an industrial subdivision approved in the 1980s. A Generic Environmental Impact Statement (GEIS) was prepared, and a Findings Statement was adopted on September 14, 1982.

On July 3, 2008, the Central Pine Barrens Commission responded to the Town of Brookhaven's request for comment on the SEQRA Lead Agency Coordination for the establishment of the Town of Brookhaven Sewer District #2 and construction and maintenance of a 200,000 gallon per day Tertiary Sewage Treatment Plant. 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 Central Pine Barrens Comprehensive Land Use Plan (the Plan), per 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.



## DRAFT

Per submitted materials, Suffolk County requires 80 leaching pools to serve the existing STP with land available to accommodate 120 leaching pools for future expansion. In 2009, SCDHS approved phased construction of 40 leaching pools at the STP with the understanding that an additional 40 pools would be installed when funding became available.

### **EXISTING CONDITIONS**

The 4.074 acre Project Site is located at 60 Ramsay Road and is within the R & D subdivision that sits south of the Long Island Expressway and east of William Floyd Parkway in the hamlet of Yaphank, in the Town of Brookhaven. See Exhibit A for an aerial of the Project Site.

The Site includes two parcels. For purposes of the Commission's review and according to the Plan, the two parcels, although separate are treated as a unified site. Presently, one parcel contains a 200,000 gallon per day tertiary STP and 40 leaching pools originally constructed in approximately 2010. Two Brookhaven National Lab (BNL) structures are located behind the existing STP on the same parcel and were constructed prior to the establishment of the STP. The other parcel on which the Town's proposed activities will occur is undeveloped and fully wooded. Open space is adjacent to the west of the wooded parcel. The two are separated by a town-owned recharge basin, per the Town of Brookhaven GIS Viewer.

The Site is cleared to a limit of 57%, or 2.32 acres. The remaining 1.75 acres is wooded with natural pine barrens vegetation. See Exhibit B for photographs of the site.

### **APPLICANT REQUEST**

The Applicant requests a CGA Hardship Waiver for relief from the Comprehensive Land Use Plan (the Plan) Vegetation clearance limit standard (5.3.3.6.1) and Open space standard requirement, unfragmented open space and habitat standard (5.3.3.6.2). The standards permit a clearing limit of 60%, or 2.44 acres, and a minimum open space requirement of 40%, or 1.63 acres. The project proposes to clear 88%, or 3.57 acres, of the Project Site with 12%, 0.50 acres, to remain natural vegetation.

The Applicant proposes to utilize the cleared area to install 40 new leaching pools with land set aside for the phased development of an additional 40 leaching pools to meet the 120-leaching pool SCDHS/SCDPW requirement. The Site Plan illustrates the new and future expansion leaching pool placement and the location of the 4" force main connection from the leaching pool site to the proposed effluent pump station near the existing STP. See the Site Plan prepared by Cameron Engineering, an IMEG Company, dated September 24, 2024 for Exhibit C.

### **CENTRAL PINE BARRENS STATUS**

The Project constitutes development activity pursuant to NYS Environmental Conservation Law §57-0107(13)(b) and (c).

### **SEQRA AND OTHER REQUIRED PERMITS AND APPROVALS**

- SEQRA: Project classified as an Unlisted Action. Uncoordinated review.
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)
- New York State Department of Environmental Conservation (NYSDEC)
- Suffolk County Department of Health Services (SCDHS)

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- Suffolk County Department of Public Works (SCDPW)
- Central Pine Barrens Commission Compatible Growth Area Hardship Waiver
- Town of Brookhaven permits and approvals

### **SITE DESCRIPTION**

This section contains a general description of the features on the Project Site including natural, scenic, and cultural resources.

Existing Conditions and Land Use on-site: The eastern parcel of the Project Site (200-554-3-4.40) is developed with an STP with 40 leaching pools, parking lot, and two BNL structures. The western parcel of the Project Site (200-554-3-4.53) is fully wooded with natural pine barrens vegetation.

Vegetation: A maintained lawn area hugs the existing STP and parking lot. A pitch pine-oak-heath woodland ecological community exists along parcel perimeters and in the natural area of the western parcel (200-554-3-4.53).

Rare, Endangered, & Threatened Species and Species of Concern: Pending response from the New York Natural Heritage Program (NYHP).

Wetlands: According to Part 1 of the EAF, federal wetlands exist on the Project Site.

FEMA Flood Hazard Zones: The Project Site is in an area of minimal flood hazard.

Hydrology: The estimated depth to water below surface is 40 feet.

Soils and Topography: Plymouth loamy coarse sand, 3 to 15 percent slopes (source: USDA Natural Resources Conservation Service).

Cultural/Archeological Resources: By letter dated January 16, 2025, the New York State Historic Preservation Office stated, “no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

### **SURROUNDING LAND USE AND ZONING**

The Study Area is defined to be all of the land within a one-half mile radius around the Project Site. See Exhibit D for an aerial depicting the Study Area.

A parcel developed with a recharge basin bisects the Project Site and is not part of the Project. 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.

Land uses within the Study Area include industrial, commercial, vacant, low and medium density residential, and institutional. Parcels of town-owned open space are scattered throughout the residential area.

Within the Study Area, there have been a number of projects reviewed by the Commission that have 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. Just outside the eastern boundary of the Study Area, the MTA LIRR received a CGA application for conformance approval on 200-554-1-2.1 that was granted on October 16, 2024.

Zoning Districts in the Study Area include L Industrial 1, A Residence 1 and J Business 8.

**COMPREHENSIVE LAND USE PLAN STANDARDS**

As a development activity in the CGA pursuant to the Long Island Pine Barrens Protection Act of 1993, the project must conform to the Standards in Chapter 5 of the Comprehensive Land Use Plan (the Plan). Below is a staff review of Standards. For the applicant’s review, see Exhibit E.

<b>Standards</b>		<b>Explanation and Document Page Reference (attach additional sheets if necessary)</b>
<b>S 5.3.3.1.1</b>	<b>Suffolk County Sanitary Code Article 6 compliance</b>	The project requires Suffolk County Department of Health Services Board of Review approval. Provide proof of conformance when approved.
<b>S 5.3.3.1.2</b>	<b>Sewage treatment plant discharge</b>	State Pollutant Discharge Elimination System (SPDES) Discharge Permit Number NY-0277827 is valid from October 1, 2014 through September 30, 2024. Provide proof of conformance when renewed.
<b>S 5.3.3.1.3</b>	<b>Suffolk County Sanitary Code Articles 7 &amp; 12 compliance</b>	Conformance with the Suffolk County Sanitary Code regulations for industrial and commercial uses is required.
<b>S 5.3.3.1.4</b>	<b>Commercial and industrial compliance with the Suffolk County Sanitary Code</b>	Conformance with the Suffolk County Sanitary Code regulations for industrial and commercial uses is required.
<b>S 5.3.3.3.1</b>	<b>Significant discharges and public supply well locations</b>	No wellfields are in the study area.
<b>S 5.3.3.4.1</b>	<b>Nondisturbance buffers</b>	Part 1 of EAF notes federal wetlands present, pending response from NYHP.
<b>S 5.3.3.4.2</b>	<b>Buffer delineations, covenants and conservation easements</b>	N/A
<b>S 5.3.3.4.3</b>	<b>Wild, Scenic and Recreational Rivers Act compliance</b>	N/A

Standards		Explanation and Document Page Reference (attach additional sheets if necessary)
S 5.3.3.5.1	Stormwater recharge	State Pollutant Discharge Elimination System (SPDES) Discharge Permit Number NY-0277827 is valid from October 1, 2014 through September 30, 2024. Provide proof of conformance when renewed.
S 5.3.3.5.2	Natural recharge and drainage	N/A
S 5.3.3.5.3	Ponds	N/A
S 5.3.3.5.4	Natural topography in lieu of recharge basins	N/A
S 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	During construction, the standards and guidelines promulgated by the NYSDEC pursuant to state law should be adhered to.
S 5.3.3.6.1	Vegetation clearance limits	The clearance limit is 60%. The Project Site is presently cleared to 57% and the Applicant proposes to clear an additional 28% for a total of 88% cleared area.
S 5.3.3.6.1.1	Non-contiguous parcels	N/A
S 5.3.3.6.1.2	Split zone parcel(s)	N/A
S 5.3.3.6.1.3	Residential overlay district	N/A
S 5.3.3.6.1.4	Environmental Restoration	N/A
S 5.3.3.6.1.5	CGA Hardship requirement	The Applicant is seeking relief from S 5.3.3.6.1 and S 5.3.3.6.2 to meet SCDHS/SCDPW STP requirements.
S 5.3.3.6.1.6	Split Core-CGA parcel(s)	N/A
S 5.3.3.6.2	Open space standard requirement, unfragmented open space and habitat	The open space requirement is 40%. The Applicant proposes to clear a total of 88% and keep 12% natural vegetation on the western edge of the Project Site (200-554-3-4.53).
S 5.3.3.6.3	Fertilizer-dependent vegetation limit	No response provided.
S 5.3.3.6.4	Native Plantings	No response provided.
S 5.3.3.6.5	Receiving entity for open space areas	No dedications are currently proposed.
S 5.3.3.7.1	Special species and ecological communities	Pending NHP response. The area is expected to contain habitat for the Northern Long-eared Bat, a Federal and State-listed endangered species. Coordination with the NYSDEC is required. Clearing in Suffolk County may only occur from December 1 through February 28 of a given year.
S 5.3.3.7.2	Bird conservation and protection	N/A
S 5.3.3.9.1	Light pollution prevention	No response provided.
S 5.3.3.11.1	Tall structures and scenic resources	N/A

**PROJECT SITE CLEARING DATA**

The Project Site allows up to 60% vegetation clearance and is presently cleared to 57%. The proposed activity clears 31% for a total clearing limit of 88%, or 3.57 acres. An area of 12%, or 0.50 acres, will remain natural.

<b>Project Site</b>	<b>%</b>	<b>Area (acres)</b>
Project Site area	100 %	4.074
Maximum clearing per S 5.3.3.6.1	60%	2.44
Minimum natural open space per S 5.3.3.6.2	40%	1.63
Existing cleared	57%	2.32
Existing natural	43%	1.75
Proposed clearing	31%	1.25
Total proposed clearing	88%	3.57
Area to remain natural	12%	0.50
Amount of proposed clearing in excess of standard	28%	1.13

**COMPATIBLE GROWTH AREA EXTRAORDINARY HARDSHIP CRITERIA**

The applicant is required to demonstrate Hardship in accordance with ECL §57-0123(3)(b) and the criteria contained in Town Law §267-b. See Exhibit F for the applicant’s letter.

**SUMMARY/DISCUSSION ITEMS/ADDITIONAL INFORMATION REQUESTED**

1. The Commission will independently perform the SEQRA review and discuss a determination in the decision process.
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.
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.
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.
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 (<https://dec.ny.gov/nature/animals-fish-plants/northern-long-eared-bat>).

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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.
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.
8. The Applicant must address if any mitigation will be provided for the project.
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.
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.
11. Consider decision by April 16<sup>th</sup>, 2025 Commission Meeting.

**HEARING EXHIBITS**

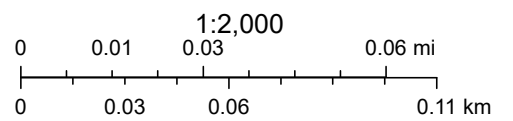
- A. 2024 Aerial of the Project Site
- B. Photographs of the Project Site
- C. Site Plan prepared by Cameron Engineering, an IMEG Company, dated September 24, 2024
- D. Study Area
- E. Applicant's review of Standards
- F. Applicant's review of hardship criteria



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



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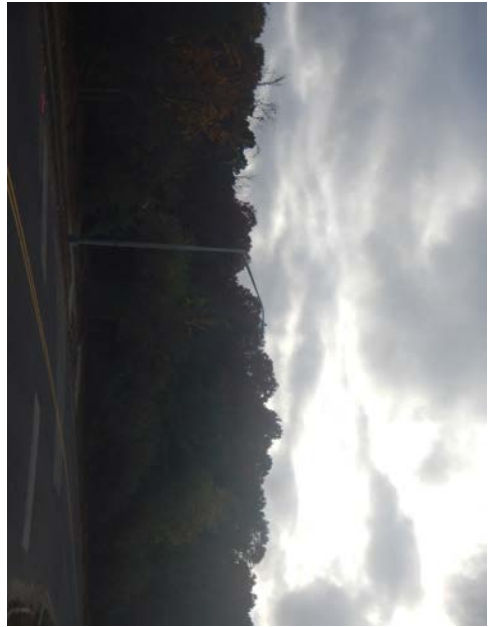
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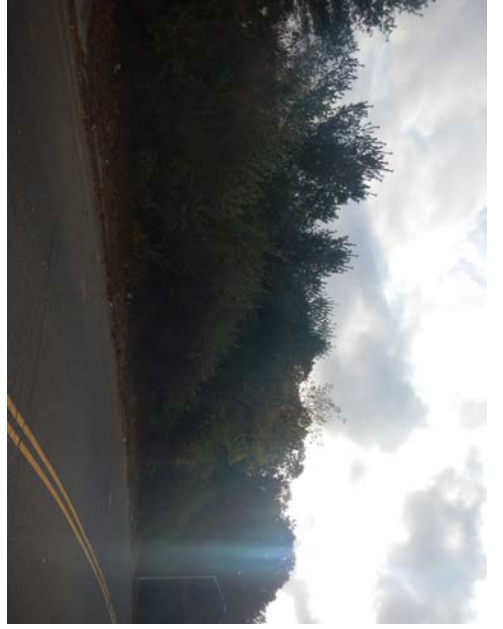








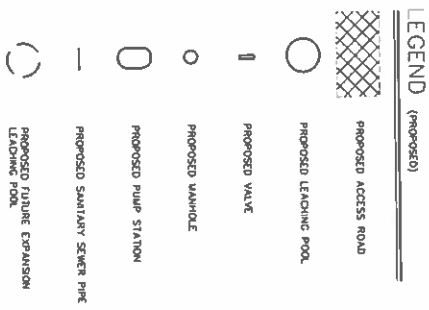
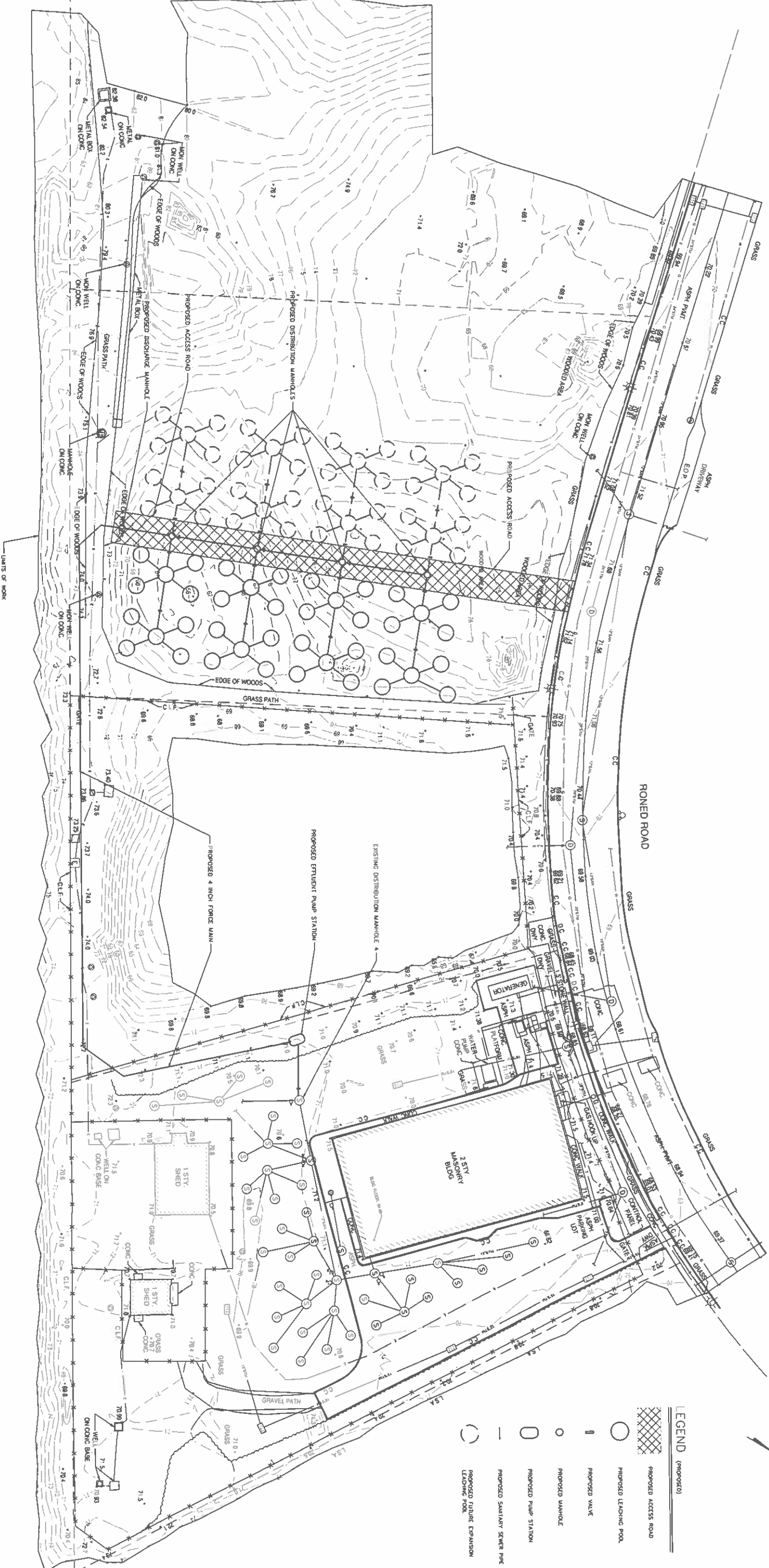




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JAN 10 2025

Central Pine Barrens Joint  
Planning & Policy Commission



**CAMERON ENGINEERING**

27 Cameron Road, Suite 200, Wallingford, CT 06495  
 1571 Boulevard, Suite 200, Wall, NJ 07724  
 Corporate Office Building (New York, NY 10017)  
 www.cameroneng.com

1-800-827-4466  
 860-261-4466  
 860-261-4466  
 860-261-4466

**TOWN OF BROOKHAVEN  
SEWER DISTRICT 2  
RIDGE, NY 11961  
LEACHING AREA PLAN**

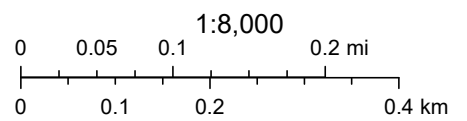
JOB NO. 24000412.00  
 DATE 9/24/2024  
 SCALE 1"=30'



# Brookhaven STP Expansion Study Area



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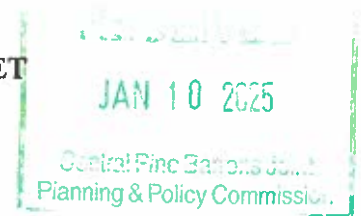


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**COMPATIBLE GROWTH AREA APPLICATION PACKET**  
**(Hardship - Updated 07/19/24)**



Dear Applicant:

We are enclosing the necessary forms for requesting review of a proposed development within the Compatible Growth Area that does not conform to the standards set forth in the applicable Town Code and as outlined in Volume I, Chapter 4 of the Central Pine Barrens Comprehensive Land Use Plan.

The Commission is authorized to waive strict compliance the standards pursuant to ECL §57-0123(3)(b) to alleviate the hardship, provided the waiver is consistent with the purposes and provisions of ECL Article 57 and will not result in substantial impairment of Central Pine Barrens resources. To facilitate your application, please find the enclosed following items:

1. Transmittal Letter (2 pages)
2. General Project Data Sheet (2 pages)
3. Standards for Land Use (2 pages)
4. Section Town Law §267-b, which contains the criteria the Commission is to consider in addition to those in ECL §57-0123(3)(b).

Please note that all forms must be completely filled out and all supporting documentation to show how your project does not meet the land use standards and how it meets the criteria for a hardship pursuant to Environmental Conservation Law §57-0123(3)(b). The completed application with the necessary supporting documentation will constitute your development application. Additionally, the Transmittal Letter lists several specific items which must be submitted:

- A copy of any and all approvals that have been received to date
- Three copies of the final approved map or site plan including any required conditions or revisions.
- Copies of other maps or data that document and support the information presented in the attached forms.
- A Full Environmental Assessment Form or final State Environmental Quality Review Act findings statement and supporting documentation (Environmental Assessment Form, Draft and Final Environmental Impact Statements)
- A copy of the Suffolk County Planning Commission determination (if applicable) regarding this application.
- Completed and Notarized Owner's Affidavit (form attached) - only required if the applicant does not own the property.
- Documentation on how the application meets ECL 57-0123(3)(b), including the criteria contained in Town Law §267-b.

Thank you for completing this application and as soon as it is received by the Commission and found to be complete, a hearing will be scheduled for your project. If you require further assistance in filling out your application, please feel free to contact Commission staff at 631-288-1079.

Sincerely,  
Commission Staff

**COMPATIBLE GROWTH AREA APPLICATION  
TRANSMITTAL LETTER**

Dear Commissioners:

Please accept this package as an application for development review of the project known as  
Town of Brookhaven Sewer District 2 Leaching Pool Expansion

---

submitted on \_\_\_\_\_ by Michelle DiBrita  
Date Applicant's Name

This project is located within the Compatible Growth Area of the Central Pine Barrens as described in §57-0107 of the New York State Environmental Conservation Law. I realize that this proposal must meet the criteria for hardship pursuant to Environmental Conservation Law §57-0121 subdivision nine of the Pine Barrens Protection Act.

I believe that this project meets the criteria for a hardship, and appropriate supporting documentation is included in this application. Please find below an explanation, and specific page references to the accompanying support materials, showing how the project is in non-conformance with the standards and how it meets the criteria for a hardship. I have also enclosed the required additional materials as noted below. I understand that it is important that I read the enclosed standards and criteria for a hardship thoroughly and that my application may be considered incomplete if an explanation is not provided for each of the items described therein and listed below.

In addition to the information noted above, the following requisite material has also been included in this packet: *(please check those items that are included)*

- A copy of any and all approvals that have been received to date
- Three copies of the final approved map or site plan including any required conditions or revisions.
- Copies of other maps or data that document and support the information presented in the attached forms.
- A Full Environmental Assessment Form or final State Environmental Quality Review Act finding statement and supporting documentation (Environmental Assessment Form, Draft and Final Environmental Impact Statements)
- A copy of the Suffolk County Planning Commission determination.
- Completed and Notarized Owner's Affidavit (form attached) - only required if the applicant does not own the property.
- Documentation on how the application meets ECL 57-0123(3)(b), including the criteria contained in Town Law §267-b.

I understand that public hearing will be scheduled for this project once my application has been deemed complete.

\_\_\_\_\_  
(Applicant's Signature)

**Michelle DiBrita**

\_\_\_\_\_  
(Applicant's Name Printed)

I authorize the following individual to act as my agent throughout the review process for this application. Please contact them with all information pertaining to this matter.

Agent's Name, Address and Phone Number:

**Tony Leung (IMEG)**

**177 Crossways Park Drive**

**Woodbury, NY**

**(516) 224-5234**

\_\_\_\_\_  
(Agent's Signature)

**OWNER'S AFFIDAVIT**

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

STATE OF \_\_\_\_\_ )  
 )ss:  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn, deposes  
(Owner's Name(s))  
and says that I/we reside at \_\_\_\_\_  
(Owner's Address)  
\_\_\_\_\_, in the County of \_\_\_\_\_,  
State of \_\_\_\_\_, and that I/we am/are the owner in fee of the  
property located at \_\_\_\_\_,  
(Property Address)  
which is also designated as Suffolk County Tax Map Number(s) \_\_\_\_\_  
\_\_\_\_\_, and that I/we have been the  
owner(s) of this property continuously since \_\_\_\_\_, and that I/we  
(Date)  
have authorized Michelle DiBrita \_\_\_\_\_ to make a  
(Applicant's Name)  
permit application to the Central Pine Barrens Joint Planning and Policy Commission for this  
property. I/we make this Statement knowing that the Central Pine Barrens Joint Planning and  
Policy Commission will rely upon the truth of the information contained herein.

\_\_\_\_\_  
(Owner's Signature)  
\_\_\_\_\_  
(Owner's Name - Please Print)  
\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(2<sup>nd</sup> Owner's Signature)  
\_\_\_\_\_  
(2<sup>nd</sup> Owner's Name - Please Print)  
\_\_\_\_\_  
(Date)

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
(Notary Public)

\_\_\_\_\_  
(Notary Public)



**OWNER'S AFFIDAVIT**

*(Use this form if property is owned by a corporation)*

STATE OF \_\_\_\_\_ )

)ss:

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being duly sworn, deposes and says that I am the  
(Authorized Officer's Name)  
\_\_\_\_\_ of the \_\_\_\_\_ corporation  
(Official Title) (Landowner's Name)

located at \_\_\_\_\_,  
(Landowner's Address)

in the County of \_\_\_\_\_, State of \_\_\_\_\_, and that

this corporation is the owner in fee of the property located at \_\_\_\_\_  
(Property Address)  
\_\_\_\_\_, which is also designated as Suffolk County Tax

Map Number(s) \_\_\_\_\_, and that

this corporation has been the owner of this property continuously since \_\_\_\_\_,  
(Date)

and that I have authorized Michelle DiBrita \_\_\_\_\_  
(Applicant's Name)

to make a permit application to the Central Pine Barrens Joint Planning and Policy Commission

for this property. I make this Statement knowing that the Central Pine Barrens Joint Planning

and Policy Commission will rely upon the truth of the information contained herein.

\_\_\_\_\_  
(Authorized Officer's Signature)

\_\_\_\_\_  
(Officer's Name - Please Print)

\_\_\_\_\_  
(Date)

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
(Notary Public)

**COMPATIBLE GROWTH AREA APPLICATION  
PROJECT DATA SHEET**

<b>Applicant Information</b>	
Name (print)	Michelle DiBrita
Address	One Independence Hill, Farmingville, NY
Phone/Fax	(631) 451-8696
Agent's Name	Tony Leung (IMEG)
Address	177 Crossways Park Drive, Woodbury, NY
Phone/Fax	(516) 224-5234
<b>Project Information</b>	
Project Name	Town of Brookhaven Sewer District 2 Leaching Pool Expansion
Tax Map Number(s)	0200554000300004053, 0200554000300004040
Street Location	Approx. 175ft west of 60 Ramsey Road
Hamlet & Town	Shirley
Total Project Site Acreage	<b>4.074</b>
Existing Land Use (vacant, residence, etc)	Sewage Treatment Plant
Present Zoning (if split please give areas within each zone)	330: Vacant Commercial
Project Description	Expansion of the leaching pool system for the Town of Brookhaven Sewer District 2 Sewage Treatment Plant.

<b>Permit Information</b> (please note which permits or plans are required and why, if they have been received and as of what date)	
State Environmental Quality Review Act (SEQRA) (please note if positive declaration, date of DEIS and FEIS, etc)	Required; Not yet received.
Town Permits - subdivision, site plan, tree clearing, variance, special permit (please note from which board)	N/A
Project Plans Enclosed (site plan, subdivision, etc.) Including drainage or landscape plans	N/A
NYS DEC - wetlands, WSR, mining, SPDES, etc.	SPDES Permit required; Not yet received.
Suffolk County Department of Health Services - Article 6, 7, 12	SCDHS Application form for other than Single Family Residences and SCDHS Checklist for other than Single Family Residences needed; Not yet received.
Suffolk County Planning Commission	N/A

## STANDARDS FOR LAND USE

Standard (S)		Explanation and Document Page Reference <i>(Attach additional sheets if necessary)</i>
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	SPEDES Permit
S 5.3.3.1.2	Sewage treatment plant discharge	SPEDES Permit
S 5.3.3.1.3	Suffolk County Sanitary Code Articles 7 and 12 compliance	N/A
S 5.3.3.1.4	Commercial and industrial compliance with the Suffolk County Sanitary Code	N/A
S 5.3.3.3.1	Significant discharges and public supply well locations	N/A
S 5.3.3.4.1	Nondisturbance buffers	N/A
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	N/A
S 5.3.3.4.3	Wild, Scenic and Recreational Rivers Act compliance	N/A
S 5.3.3.5.1	Stormwater recharge	Groundwater Recharge Onsite
S 5.3.3.5.2	Natural recharge and drainage	N/A
S 5.3.3.5.3	Ponds	N/A

<b>Standard (S)</b>		<b>Explanation and Document Page Reference</b> <i>(Attach additional sheets if necessary)</i>
<b>S 5.3.3.5.4</b>	<b>Natural topography in lieu of recharge basins</b>	N/A
<b>S 5.3.3.5.5</b>	<b>Soil erosion and stormwater runoff control during construction</b>	N/A
<b>S 5.3.3.6.1</b>	<b>Vegetation clearance limits</b>	60% Clearance
<b>S 5.3.3.6.1.1</b>	<b>Non-contiguous parcels</b>	N/A
<b>S 5.3.3.6.1.2</b>	<b>Split zone parcel(s)</b>	N/A
<b>S 5.3.3.6.1.3</b>	<b>Residential overlay district</b>	N/A
<b>S 5.3.3.6.1.4</b>	<b>Environmental restoration</b>	N/A
<b>S 5.3.3.6.1.5</b>	<b>CGA Hardship requirement</b>	
<b>S 5.3.3.6.1.6</b>	<b>Split Core-CGA parcel(s)</b>	N/A
<b>S 5.3.3.6.2</b>	<b>Open space standard requirement, unfragmented open space and habitat</b>	N/A
<b>S 5.3.3.6.3</b>	<b>Fertilizer-dependent vegetation limit</b>	N/A

Standard (S)		Explanation and Document Page Reference <i>(Attach additional sheets if necessary)</i>
S 5.3.3.6.4	Native plantings	N/A
S 5.3.3.6.5	Receiving entity and protection for open space areas	N/A
S 5.3.3.7.1	Special species and ecological communities	Northern Long-Eared Bat
S 5.3.3.7.2	Bird conservation and protection	N/A
S 5.3.3.9.1	Light pollution prevention	N/A
S 5.3.3.11.1	Tall structures and scenic resources	N/A

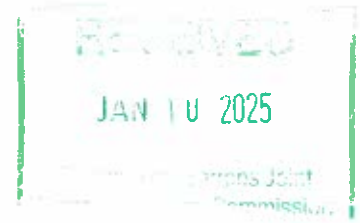
**Town Law Section 267-b**

**(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.**

**(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.**



# Town of Brookhaven Long Island



Daniel J. Panico, Supervisor

January 7, 2025

Central Pine Barrens Joint Planning & Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, NY 11978

**RE: Hardship Application  
Town of Brookhaven Sewer District 2**

Dear Commissioners:

Enclosed please find our application seeking a hardship for a development project located in the Compatible Growth Area (CGA) that does not conform to one or more standards for development identified in the Comprehensive Land Use Plan. We recognize the Commission is authorized to waive strict compliance with the standards and to alleviate hardship, provided the waiver is consistent with the purposes and provisions of ECL Article 57 and will not result in substantial impairment of Central Pine Barrens resources.

The parcels in consideration are shown on the enclosed Figure 1 and identified as Suffolk County Tax Parcel numbers 0200554000300004053 and 0200554000300004040 and total 4.074 acres in area.

Based on the Comprehensive Land Use Plan, the maximum allowable area of land clearing is 60% or 2.44 acres. To date, 2.32 acres have been cleared and are being utilized for the existing Sewage Treatment Plant and leaching pools. The remaining 0.12 acres will not be of sufficient size for the proposed development project.

SCDHS/SCDPW requires the existing treatment plant to have land available to accommodate 120 leaching pools (i.e., land to provide for installation of eighty [80] pools to serve the existing treatment plant and area large enough to accommodate forty [40] future pools).

As shown in Figure 2, the proposed development project consists of the installation of forty (40) new leaching pools with land set aside for the 40 future pools. This would require the clearing of approximately 1.25 acres. We have provided the following justification to exceed the maximum allowable area of land clearing for this proposed development:

**Planning, Environment and Land Management  
James M. Tullo, Commissioner**

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6400 • Fax (631) 451-6419  
[www.brookhavenny.gov](http://www.brookhavenny.gov)

- SCDHS/SCDPW requires a total of eighty (80) pools to serve the existing treatment plant. SCDHS approved construction of the existing treatment plant and the existing forty (40) pools in 2009, but with the understanding that an additional forty (40) pools would be installed when funding became available to meet the eighty (80) pools requirement. The proposed project is for the installation of forty (40) new pools to meet that requirement.
- Once the District meets the required eighty (80) leaching pools, the 40 future pools would accommodate plant expansion for in or out-of-district connection requests. Future plant expansion would benefit the environment by reducing nitrogen impacts to groundwater and the receiving waters and to meet County and New York State's nitrogen reduction action plan (i.e., Suffolk County's Subwatershed Wastewater Plan and the New York State Dept. of Environmental Conservation's Long Island Nitrogen Action Plan).

We believe the approval of a hardship waiver should be granted as it is consistent with the purposes and provisions of ECL Article 57 and will not result in substantial impairment of Central Pine Barrens resources.

Should you have any questions, please feel free to contact our office.

Sincerely,



Michelle DiBrita  
Chief Deputy Commissioner  
Planning, Environment and Land Management

cc: Tony Leung, IMEG  
Frank Proscia, IMEG





Figure 1 – Town of Brookhaven Sewer District 2 Parcel Map

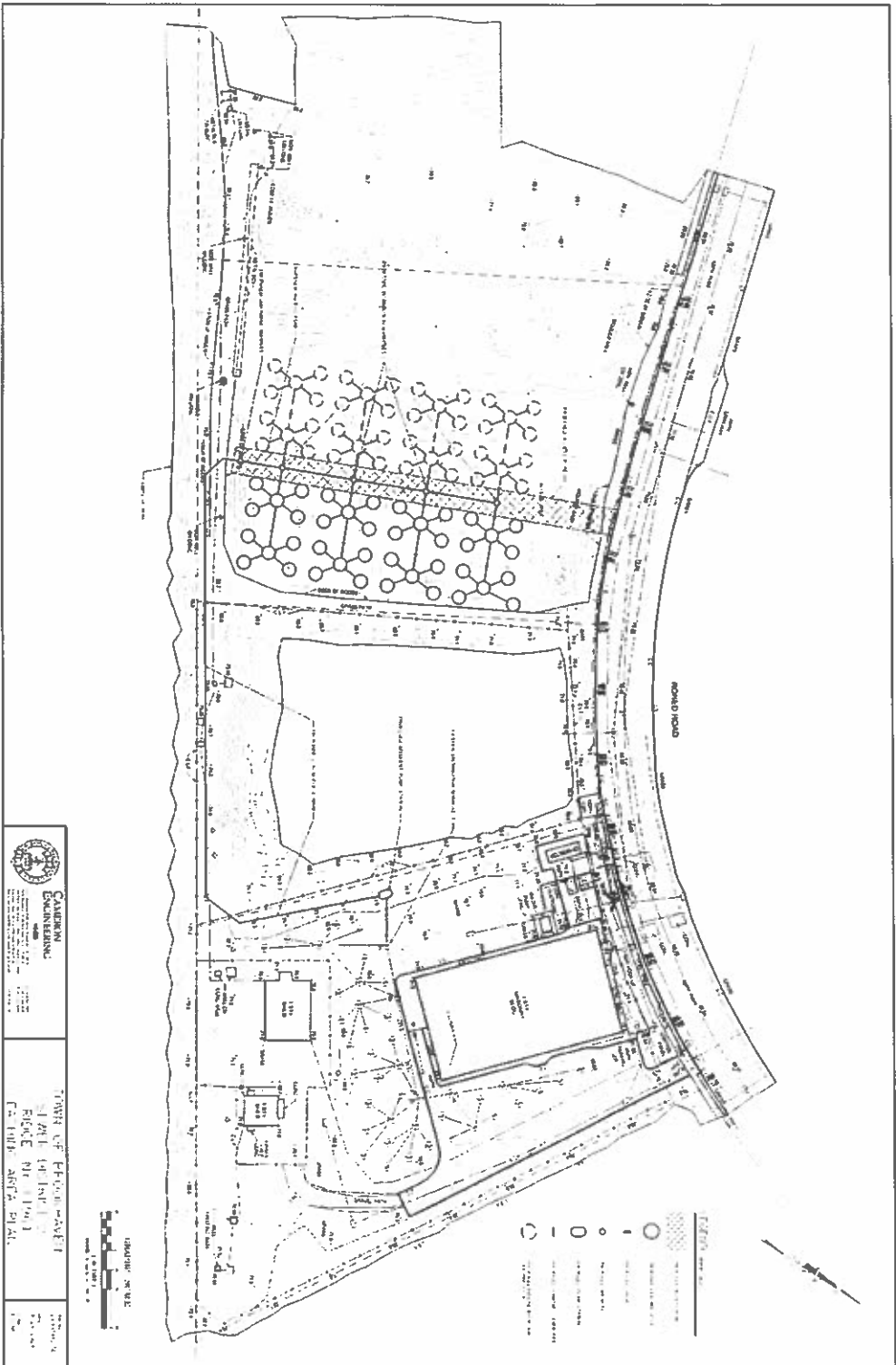


Figure 2 – Expansion teaching field Preliminary layout

 <p><b>CALIFORNIA</b> ENGINEERING No. 10000 JAMES J. SAFFERT Professional Engineer No. 10000</p>	<p><b>TOWN OF FRODO-SAVETT</b> SCHOOL DISTRICT SCHOOL PL. 1501 LA JOLLA, CALIF. 92037</p>	<p>DATE: 10/15/10 SCALE: AS SHOWN</p>

**CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION  
STAFF REPORT**

for the Commission meeting of February 19, 2025

**PROJECT NAME:** John P. Meyer  
Credit Appeal Hearing

**OWNER/APPLICANT:** John P. Meyer

**PROJECT SITE LOCATION:** Wagner Road, Medford, Town of Brookhaven  
Core Preservation Area

**SUFFOLK COUNTY TAX MAP  
NUMBERS:** 200-528-6-15

**PROJECT SITE AREA:** 0.80 acres

**ZONING DISTRICT:** A-5 Residential

**DECISION DEADLINE:** April 16, 2025

**EXISTING CONDITIONS**

The partially developed parcel contains a shed (10’x12’), a tarp quonset hut for equipment and wood storage, a wooden deck with a metal cage (10’x10’), has a stone driveway and it is surrounded by a wooden fence. No structures with sanitary flow were observed. See *Exhibits A, 2024 Aerial map and Exhibit B, Photos of the parcel’s structures.*

**SITE DESCRIPTION**

*Existing Land Use:* The parcel is surrounded by developed private and undeveloped private and public land (Suffolk County and Town of Brookhaven). The parcel is located on a paved road (Wagner Street).

Within a half mile radius there are 26 parcels with conservation easements in the Pine Barrens Credit Program, roughly totaling 5.4 acres.

*Vegetation and habitat:* Partially wooded with natural pine barrens vegetation, Pitch Pine - Oak Forest.

*Wetlands:* Carmans River is approximately 600 feet east from the parcel.  
<https://gisservices.dec.ny.gov/gis/erm/>

*Hydrology:* Hydrogeologic Zone III. Estimated depth to groundwater is 96 feet.

*Topography/Elevation:* Moderately steep slope, approximately 120 feet above mean sea level.

*Soils:* The predominant type is Carver and Plymouth soils, 3 to 15 percent slopes.

*Cultural/Archeological Resources:* The parcel is not within an archaeologically sensitive area, as per the Cultural Resource Information System (CRIS) (ny.gov) interactive website (<https://cris.parks.ny.gov>)

## **TIMELINE**

- On October 30, 2024, John P. Meyer submitted a Letter of Interpretation (LOI) application to the Pine Barrens Credit Program.
- On November 21, 2024, the Commission issued an LOI for zero (0) Pine Barrens Credits (PBC) since the parcel was determined to be “partially developed”. See *Exhibit E, LOI, dated November 21, 2024.*
- On December 9, 2024, John P. Meyer submitted a request for an appeal of the LOI. See *Exhibit F for Mr. Meyer’s letter.*

## **LETTER OF INTERPRETATION**

- The Plan contains a provision to require that credits are allocated to “partially developed” parcels only if they satisfy specific lot size requirements. Section 6.3.3.6 states:

*“Pine Barrens Credits can be allocated to partially developed parcels when the parcel size is at least twice the minimum lot size for the zoning district to which that parcel belongs and the parcel is otherwise eligible for a Credit allocation under this Plan”*

- The parcel is determined to be “partially developed” since it contains a driveway, a shed and other structures, as per submitted survey prepared by Robert B. Holzman Land Surveying P.C., dated May 14, 2020. See *Exhibit D for the survey.*
- The parcel size is less than twice the minimum lot size for the zoning district. It does not meet this requirement, therefore, it received an allocation of zero PBC.

## **CREDIT APPEAL CRITERIA**

Chapter 6 of the Plan describes the Pine Barrens Credit Program. Section 6.7.3 of the Plan explains the procedures for obtaining a Letter of Interpretation (LOI). Section 6.7.3.3 states:

*“The property owner has thirty (30) days from the date of the Letter of Interpretation to appeal the allocation to the Commission in writing. Extensions of this deadline for filing an appeal may be granted at the Commission’s discretion upon written request of the property owner.”*

Section 6.7.3.4 of the Plan further states:

*“The Commission shall consider the appeal within sixty (60) days of receipt of an appeal and may schedule a hearing. The Commission shall decide the appeal with sixty days of receipt of the appeal. The Commission may confirm, increase, or decrease the allocation to be received from the Clearinghouse.”*

Section 6.7.6.6 of the Plan explains the allocation of credits for certain roadfront parcels:

*“The Pine Barrens Credit Clearinghouse may elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing public improved road. Parcel frontage on the main lines (as opposed to any improved service roads) of Sunrise Highway (NY State Route 27), the Long Island Expressway (Interstate 495), and similarly limited access highways shall not qualify a parcel for this provision.”*

## **DISCUSSION**

1. Mr. Meyer in his letter provided reasons for the parcel’s eligibility to receive credits:
  - a. The parcel is adjacent to the Suffolk County Public Land.
  - b. The parcel is approximately 600 feet east from the Carmans River.
  - c. The structures on the parcel can be removed and the cleared areas can be replanted with native vegetation.
  - d. The driveway is not paved, it consists of dirt and stones.
  - e. After the conservation easement is recorded, the parcel can be sold or donated to a public agency.
2. If the parcel does not correspond to the *Section 6.3.3.6* status, it would be eligible to receive 1 PBC, as per *Section 6.7.6.6*.
3. Staff recommends that the public hearing be closed and the written comment period remain open for seven days (until February 26, 2025).
4. Decision deadline is April 16, 2025.

## **EXHIBITS**

- A. 2024 Aerial map depicting subject parcel (1 page).
- B. Photographs of the subject parcel’s structures, taken during a site visit on October 17, 2024 (2 pages).
- C. Town of Brookhaven 0200, Subscriber Map Album, Suffolk County, New York, Steven Bellone, County Executive, Copyright 2019, Section No. 528 Property Map showing parcel owned by John P. Meyer (1 page).
- D. Survey for SCTM# 200-528-6-15 property, prepared by Robert B. Holzman Land Surveying P.C., dated May 14, 2020 (1 page).
- E. Letter of Interpretation for John P. Meyer, SCTM# 200-528-6-15 issued on November 21, 2024 (1 page).
- F. Letter from John P. Meyer requesting an appeal of the Letter of Interpretation allocation for SCTM# 200-528-6-15, dated December 9, 2024 (2 pages).

# Exhibit A





200-528-6-15

Thu Mar 14 2024

Imagery © 2024 Nearmap, HERE

20 ft

Nearmap



Exhibit B

Photos taken on October 17, 2024





Photos taken on October 17, 2024

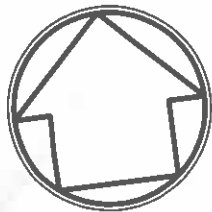


Exhibit C



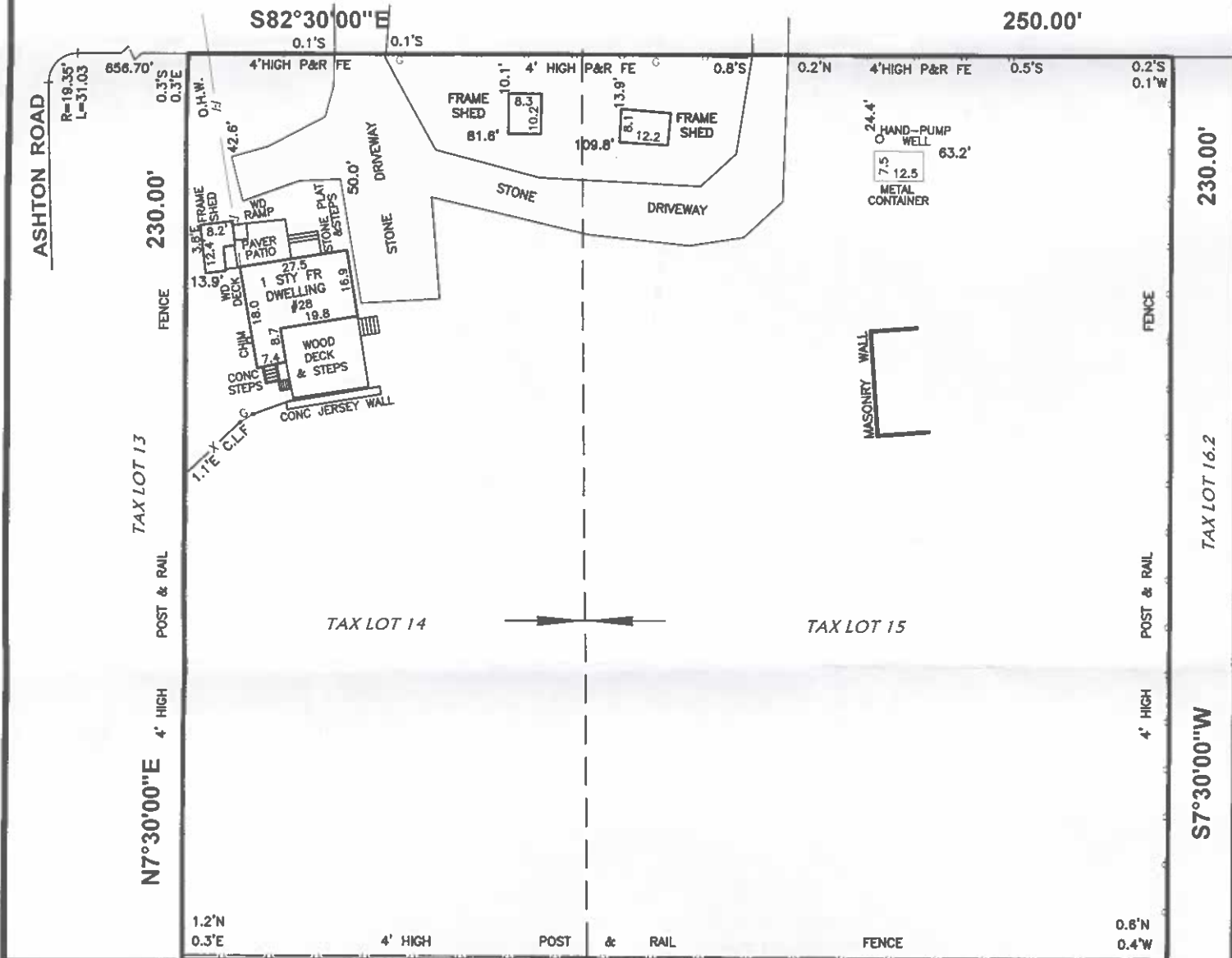


## Exhibit D



# WAGNER

# ROAD



### NOTES:

- 1) SAME AS DISTRICT 0200, SECTION 528, BLOCK 6, LOTS 14&15 ON THE SUFFOLK COUNTY TAX MAP.
- 2) THE EXISTENCE OF ANY RIGHT OF WAYS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN, NOT GUARANTEED.
- 3) G = GATE

### CERTIFIED ONLY TO:

FIDELITY NATIONAL TITLE INSURANCE COMPANY  
 FREEDOM MORTGAGE  
 JOHN P. MEYER

- UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.
  - COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.
  - CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON THEIR BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
  - THE OFFSETS FROM PROPERTY LINES SHOWN HEREON ARE NOT INTENDED TO GUIDE IN THE ERECTION OF FENCES, RETAINING WALLS, POOLS, BLDG. ADDITIONS, AND/OR OTHER CONSTRUCTION.
  - COVENANTS AND RESTRICTIONS, IF ANY, NOT INDICATED OR SHOWN UNLESS REQUESTED IN WRITING BY CLIENTS OR THEIR REPRESENTATIVE PRIOR TO SURVEY BEING DONE.
- © COPYRIGHT BY ROBERT B. HOLZMAN, L.S., AS PER ORIGINAL DATE SHOWN ON SURVEY.

## SURVEY

DISTRICT 0200 SECTION 528 BLOCK 6 LOTS 14&15  
 SUFFOLK COUNTY TAX MAP  
 SITUATE AT

## MEDFORD

TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK

**ROBERT B. HOLZMAN LAND SURVEYING P.C.** 2020

LICENSED LAND SURVEYOR, N.Y.S. LIC. # 49176  
 1029 WILLIAM FLOYD PARKWAY, SUITE 3, SHIRLEY, NY 11967  
 PHONE : 631-281-0162 FAX : 631-281-0292  
 E-mail: rbhls@optonline.net



DATE: May 14, 2020

SCALE: 1"=40'

FILE: 200-528-6-14

## Exhibit E

# PINE BARRENS CREDIT CLEARINGHOUSE

James T.B. Tripp, Esq., Chairman  
Mitchell H. Pally, Esq., Member  
Robert Anrig, Member

---

November 21, 2024

John P. Meyer  
28 Wagner Road  
Medford, NY 11763

**Subject: Letter of Interpretation Application for SCTM# 200-528-6-15**

Dear Mr. Meyer:

We have reviewed your Letter of Interpretation Application for the above subject parcel. The subject parcel is 0.8 acres and is located within the A Residence 5 zoning district in the Town of Brookhaven.

The Comprehensive Land Use Plan, Chapter 6, Section 6.3.3.6 states:

*“ Pine Barrens Credits can only be allocated to partially developed parcels when the parcel size is at least twice the minimum lot size for the zoning district to which that parcel belongs and the parcel is otherwise eligible for a Credit allocation under this Plan. ”*

The property is determined to be “partially developed” since it contains a driveway, a shed and other structures, as per submitted survey prepared by Robert B. Holzman Land Surveying P.C., dated May 14, 2020. The subject parcel size is less than twice the minimum lot size for the zoning district.

**Therefore the subject parcel would receive an allocation of zero Pine Barrens Credits.**

You may appeal this determination within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is 624 Old Riverhead Road, Westhampton Beach, NY 11978. Included with this notice shall be the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

If you have any further questions, please call me at (631) 563-0352.

Sincerely,



Jerry Tverdy  
Senior Environmental Analyst

624 Old Riverhead Road, Westhampton Beach, NY 11978  
Phone (631) 288-1079  
[www.pb.state.ny.us](http://www.pb.state.ny.us)



## Exhibit F

DEC 09 2024

TO:

Central Pine Barrens  
Joint Planning & Policy Commission

12/5/2024

Central Pine Barrens Joint Planning and Policy Commission,

My name is John P. Meyer and I am the owner and applicant of SCTMA# 200-528-6-15. I'm writing this letter to respectfully request an appeal to the commissions decision.

My reasons supporting the request of the appeal is the invaluable assets this parcel of land possesses. It is almost one full acre of land that not only is adjacent to Braithaven town open space land and Suffolk County Park lands, but its close proximity to the head waters of Carmens River. It is beautiful, clean, and a prime example of what nature has to offer. It's ownership or development rights would allow this property to continue preserving air and water quality for Long Island. This is not a stand alone piece of property, but would contribute adding positive qualities to the lands it adjoins.

I understand the reasons you have stated that do not qualify the parcel for Pine Barrens Credits, but to call the parcel "partially developed" is in my opinion wrong.

The few small issues of a shed or small structures could be move or remediated with very little time or cost by anyone. The driveway is of dirt and stone that is nothing more than a walkway that helps reduce ticks and insects.

I thought with your help and influence that this parcel could be preserved to help the environment and possibly in the future helping me with some amount of financial compensation. To my understanding your organization works with other entities that hold your opinion and recommendations in high regard. If my application is approved this could allow me to possibly sell to the town or county as well. I'm willing to work with the Pine Barrens Commission to rectify any issues or solutions to make this property eligible for credit. I could plant more native tree species, move a shed, or some other resolution to ensure a credit and preservation. I'm requesting one full pine barrens credit. I understand your funds are not unlimited and that you have to follow guidelines, but if you can make exceptions or have a solution to approve my request, I truly believe this parcel is extremely valuable and ask you to carefully review this application.

Sincerely,

John P. Meyer

