



Central Pine Barrens Commission Meeting Agenda
Wednesday, July 20, 2022 at 2:00 pm
Hybrid Meeting In-Person and Remote via Zoom
Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901
Link to Join Zoom Meeting

<https://us02web.zoom.us/j/83775434002?pwd=WnFCT2h3WG42ZzVCK29TQ2NUL0lVUT09>

Dial by your location

+1 312 626 6799 or +1 669 900 6833

Meeting ID: 837 7543 4002; Passcode: 080715

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

- a. Public Comment
- b. Minutes for 6/15/22 review (*approval*)
- c. Commission Budget for FY 2022 - 2023: *approval* (Ms. Jakobsen)

2. Education and Outreach, Science and Stewardship

- a. Division report updates for distribution: NYWIMA Fall Academy (Ms. Malangone); Education and Outreach Division (Ms. Parrott); Science and Stewardship Division (Ms. Weigand)
- b. Draft resolution to approve ATV purchase for Town of Southampton Police using EBF monies / *approval* (Ms. Jakobsen)
- c. FOREST funding update (Ms. Jakobsen)

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

- a. Division report updates for distribution: Compliance and Enforcement Division (Mr. Huss); Land Use Division (Ms. Hargrave); Credit Program (Mr. Tverdyy)

Core Preservation Area

- b. NYSDEC referral: Peconic Sportsman's Club herbicide application to treat invasive fanwort with flumioxazin in Donohue Pond and inlets, 42 acres / 389 River Road, Manorville / 200-298-1-1 and 600-142-2-1.1 / *draft response* (Ms. Hargrave)

Compatible Growth Area

- c. Expressway Drive North CGA-Development of Regional Significance / development of 549,942 square feet of warehouses on 71.45 acres on the LIE North Service Road, west of Sills Road / Yaphank / *schedule public hearing / decision deadline 10/10/22* (Ms. Hargrave)
- d. 59 Ryerson Avenue Subdivision Compatible Growth Area Hardship Waiver / Manorville / 200-461-4-31& 32 / two lot substandard subdivision on 0.8 acre in A Residence 2 / *request to adjourn and extension / decision deadline 7/20/22* (Ms. Hargrave)
- e. Southampton ZBA referral: 7 Eleven signage / Hampton Bays / 900-221-3-17 / development of new gas station with a two-story, 3,545 square foot convenience store on 2 acres in the Highway Business Zoning District / *draft response* (Ms. Hargrave)

4. Public Hearings at 3:00 pm

- a. Tommasino Compatible Growth Area Hardship Waiver / 88 Woodland Avenue, Manorville / 200-558-2-23.3 / exceed the 35% clearing limit to 45% to construct a 9,600 square foot horse arena on 2.4 acres with a single-family residence / *decision deadline 8/2/22* (Ms. Hargrave)
- b. Finks Country Farm Compatible Growth Area Hardship Waiver / 6242 Middle Country Road, Wading River / 600-134-1-1.3 / exceed the 65% clearing limit for agricultural use to 95% on 11.2 acres / *decision deadline 9/2/22* (Ms. Hargrave)
- c. 59 Ryerson Avenue Subdivision Compatible Growth Area Hardship Waiver / Manorville / 200-461-4-31& 32 / two lot substandard subdivision on 0.8 acre in the A Residence 2 Zoning District / *decision deadline 7/20/22* (Ms. Hargrave) – **ADJOURN hearing on 59 Ryerson**

5. Public Comment

6. Closed Advisory Session (if necessary)

624 Old Riverhead Road
Westhampton Beach, NY
11978

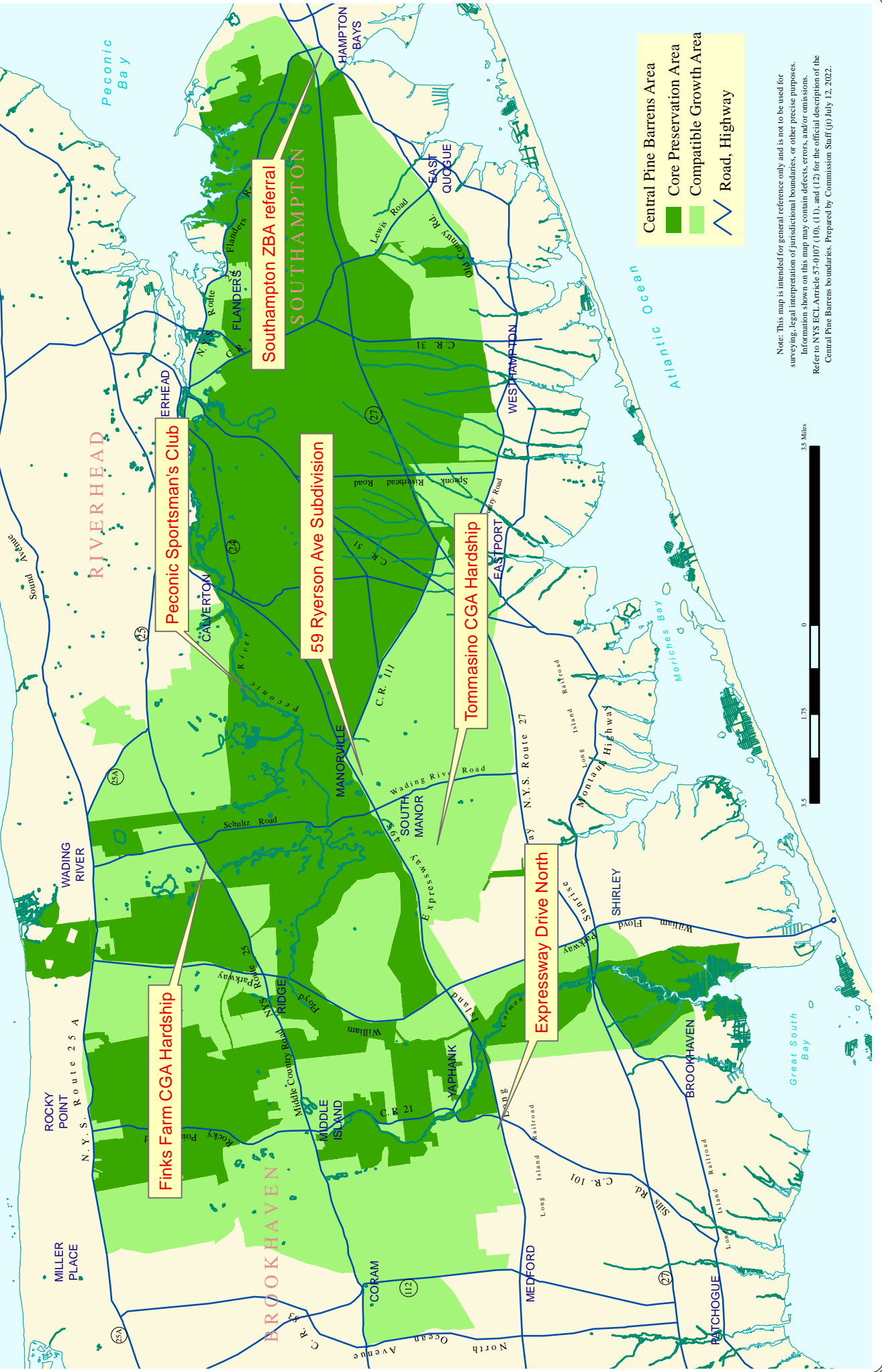
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www.pb.state.ny.us

Next Commission Meeting, Wednesday, August 17, 2022 at 2:00 pm
For meeting information visit <https://pb.state.ny.us/>

SITES FOR DISCUSSION AT CENTRAL PINE BARRENS COMMISSION MEETING OF July 20, 2022



Long Island Sound



- 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 (j) July 12, 2022.



Central Pine Barrens Commission Meeting Summary
Wednesday, June 15, 2022 (Draft)
Hybrid In-Person and Remote Meeting
Brookhaven Town Hall
One Independence Hill, Farmingville, NY 11738

2:00 pm

Commission members present: Mr. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar and Mr. McCormick (for Riverhead), Ms. Scherer and Mr. Shea (for Southampton), Mr. Dale and Mr. Freleng (for Suffolk County), New York State Governor's Representative (not designated).

Others present: Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Huss, Mr. Tverdy, Ms. Weigand, Ms. Cohn, Ms. Acampora, Ms. Malangone and Ms. Brown-Walton.

Mr. Romaine led the pledge to the flag and Ms. Jakobsen noted that with four Commission members present there is a quorum. Ms. Jakobsen explained that the meeting was a Hybrid meeting with attendance in person and on Zoom.

1. Administrative and Public Comment

a. *Public Comments*

Summary: No public comments were received.

b. *Minutes for 5/18/22*

Summary: **The motion was made by Mr. Romaine and seconded by Mr.**

McCormick to approve the 05/18/22 meeting minutes. The motion was approved by the four members present.

c. *Memorandum of Understanding renewal with the Civil Air Patrol*

Summary: **The motion was made by Mr. Romaine and seconded by Mr.**

McCormick to adopt the Memorandum of Understanding between the Civil Air Patrol and Central Pine Barrens Joint and Policy Commission. The motion was approved by the four members present.

2. Education, Science and Stewardship

a. *Memorandum of Understanding with The Friends of Wertheim*

Summary: **The motion was made by Mr. Shea and seconded by Mr. Freleng to**

adopt the Indemnification and Insurance Agreement between The Friends of Wertheim and Central Pine Barrens Joint Planning and Policy Commission. The motion was approved by the four members present.

b. *Draft Resolution to accept Foundation Research and Stewardship funding to support housing for research assistant working on UVM grant project*

Summary: Ms. Jakobsen discussed prior to the former Executive Director John Pavacic leaving, he approached the Commission about creating a friends group. Mr. Pavacic continued to work with the FERN, an established friends group which changed to FOREST with their mission to help provide support to the Commission and to the larger maritime reserve in various areas related to research.

The motion was made by Mr. Romaine and seconded by Mr. McCormick for the Commission to accept FOREST funding to support housing for a research assistant working on University of Vermont grant. The motion was approved by the four members present.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
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Jay H.
Schneiderman
Member

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

a. Supplemental Draft Generic Environmental Statement for the Comprehensive Land Use Plan Amendments

Summary: Ms. Hargrave discussed the Amendments comment period closed on May 31, 2022. There were comments focused on bird protection guidelines and strengthening them to be specific and comments from the Long Island Builders Institute. The staff is working on addressing all the comments and in late summer, early fall the responses will be presented to the Commission.

Core Preservation Area

b. Referral: Southampton Planning Board / Klug Farm / Northampton / 900-235-1-47.1/ proposal for a 720 square foot expansion of existing 2,610 square foot barn used for agriculture on 182 acres

Summary: **The motion was made by Mr. Romaine and seconded by Mr. McCormick to approve to send the draft letter to the Town of Southampton for the Klug Farm Project. The motion was approved by the four members present.**

c. Determination of Jurisdiction: Sang-Choon Cho / 70 Schultz Road / Manorville / 600-148-2-2.3 / customary incidental use for a single-family dwelling on 5.2 acres

Summary: A clarification was made that this is a request for the installation of a swimming pool on the property of an existing residence that pre-dates the Act.

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to send the draft letter for Sang-Choon Cho / 70 Schultz Road Project. The motion was approved by the four members present.

d. Determination of Jurisdiction: Homeland Towers / 2055 Flanders Road / Flanders / 900-170-1-41.1 construction of new 150-foot-tall monopole with 3,000 square foot equipment installation for Verizon Wireless on 6.6 acres with a junk yard

Summary: David Wortman of VHB introduced Robert Gaudioso with the law firm of Snyder and Snyder on behalf of Homeland Towers and Verizon Wireless discussed the application for a public utility facility and that it is not development due to the non-development definition for public utility in the Act. Mr. Gaudioso discussed these types of facilities are also regulated not only by New York State case law as public utilities but also under federal law as personal wireless service facilities. The hardship application would be made pursuant to those federal and state laws simultaneously with an application to the town of Southampton. Mr. Gaudioso stated that alternative sites were explored, but this is the best site because of the prior conditions on the site, the distance from any dense residential areas being sandwiched between two different open space areas and the placement on an industrial use parcel. It is a very important project due to the necessity to provide emergency wireless services for underserved communities for everyday use of cell phones and wireless connections, remote learning and medical uses. Mr. Gaudioso stated if it is determined that the Commission does have jurisdiction, a request for a Hardship Waiver will be made.

The motion was made by Mr. Shea and seconded by Mr. Romaine to approve to send the draft response for the Homeland Towers 2055 Flanders Road Project. The motion was approved by the four members present.

Compatible Growth Area

e. Determination of Jurisdiction: PSEG / 9,300 linear feet of underground distribution cable from the William Floyd Substation to the Brookhaven R&D Park

Summary: Ms. Hargrave discussed the project is non-development activity. PSEG-LI will need to avoid the easement areas that are protected in the Brookhaven R&D Plaza which includes the RD Industrial project that was recently approved

The motion was made by Mr. Romaine and seconded by Mr. Shea to approve to send a letter for the PSEG-LI underground distribution cable from the William Floyd Substation to the Brookhaven R&D Park. The motion was approved by the four members present.

4. Public Comment

Summary: Mr. Amper expressed his concern about the technical difficulties encountered during the Commission meeting.

5. Public Hearings at 3:00pm Adjourned

- a. Tommasino Compatible Growth Area Hardship Waiver / 88 Woodland Avenue, Manorville / 200-558-2-23.3 / exceed the 35% clearing limit to 45% to construct a 9,600 square foot horse arena on 2.4 acres with a single-family residence / decision deadline 8/2/22
- b. Finks Country Farm Compatible Growth Area Hardship Waiver / 6242 Middle Country Road, Wading River / 600-134-1-1.3 / exceed the 65% clearing limit for agricultural use to 95% on 11.2 acres / decision deadline 9/2/22

Summary: Ms. Jakobsen discussed due to technical difficulties with the hybrid meeting that the hearings will be adjourned to the July 20, 2022 Commission Meeting that will be held at Riverhead Town Hall. This information was provided to the public attending through Zoom.

6. Public Session of the Meeting Adjourned at 3:07pm

The motion was made by Mr. Shea and seconded by Mr. Romaine to adjourn the meeting. The motion was approved by the four members present.

Meeting was adjourned at approximately 3:07 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for May 18, 2022 (5 pages)
2. Final Commission meeting summary for May 18, 2022 (5 pages)
3. Draft resolution to Authorize Renewal of a Memorandum of Understanding with Civil Air Patrol and attachments dated June 15, 2022 (21 pages)
4. Final resolution to Authorize Renewal of a Memorandum of Understanding with Civil Air Patrol and attachments dated June 15, 2022 (21 pages)
5. Draft resolution to Approve the Indemnification and Insurance Agreement between the Friends of Wertheim and the Central Pine Barrens Joint Planning and Policy Commission (19 pages)
6. Final resolution to Approve the Indemnification and Insurance Agreement between the Friends of Wertheim and the Central Pine Barrens Joint Planning and Policy Commission (19 pages)
7. Draft resolution for Commission to accept FOREST funding to support housing for research assistant working on UVM grant project dated June 15, 2022 (2 pages); Letter with attachments from John Pavacic dated June 8, 2022 (3 pages)
8. Final resolution for Commission to accept FOREST funding to support housing for research assistant working on UVM grant project dated June 15, 2022 (1 page)
9. Draft referral response letter and map to the Town of Southampton for Klug Farm barn site at Northampton dated June 15, 2022 (3 pages); Letter and attachments from Jacqueline Fenlon dated May 16, 2022 (24 pages)
10. Final referral response letter and map to the Town of Southampton for Klug Farm barn site at Northampton dated June 15, 2022 (3 pages)
11. Draft response letter and map for the 70 Schultz Road, Manorville project dated June 15, 2022 (2 pages); Email with attachments from Merri Reilly dated May 31, 2022 (8 pages)
12. Final response letter and map for the 70 Schultz Road, Manorville project dated June 15, 2022 (2 pages)
13. Draft response letter and map for 2055 Flanders Road, Flanders project dated June 15, 2022 (3 pages); Letter from David Wortman dated May 31, 2022 (2 pages); Homeland Towers Approval Review Form (4 pages)
14. Final response letter and map for 2055 Flanders Road, Flanders project dated June 15, 2022 (3 pages)
15. Final response letter to PSEG-LI for William Floyd with attachments including the RD Industrial conservation easement and map for the William Floyd new underground feeder project dated June 16, 2022 (40 pages).
16. Email with attachments from Justin LaCorte including a letter dated May 26, 2022 and a map of the project route (4 pages)



July 20, 2022

TO: Commission Members and Designated Representatives

FROM: Judy Jakobsen, Executive Director

RE: State Fiscal Year 2022-2023 CPB Commission Budget Overview & Highlights

Dear Commission Members and Designated Representatives,

The Commission's current agreement with the New York State Department of Environmental Conservation (NYSDEC), contract number DEC01-C00620GG-3350000, requires that the Commission submit a budget plan to NYSDEC at the beginning of each state fiscal year. Associated budget documents are attached to provide more detail and include:

- **Attachment B-1 Expenditure Based Budget**
- **2022-2023 Central Pine Barrens Commission Budget Highlights**
- **Attachment B-1 Expenditure Based Budget – Comparison 4/1/14 to Present**
- **Central Pine Barrens Commission Allocations State Fiscal Years 1996-97 through Present**

Yvette Aguiar
Member

Steven Bellone
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Member

The primary document, "*Attachment B-1 Expenditure Based Budget – SFY 2022-2023*" that is submitted to NYSDEC for the fiscal year identifies specific budget categories that are required by NYSDEC which include Personal Services (Salary and Fringe) and Non-Personal Services (Contractual Services, Travel, and Equipment, Space/Property & Utilities, Operating Expenses and Other). It should be noted that there are no expenses under the categories of Space/Property and Utilities since these expenses are captured under the Suffolk County Water Authority's administrative fee which is included under the category of Other in the Attachment B-1. The total budget includes accumulated funds re-appropriated from prior fiscal years.

The "*2022-2023 Central Pine Barrens Commission Budget Highlights*" document provides detailed elements of the proposed budget. The document entitled "*Attachment B-1 Expenditure Based Budget – Comparison 4/1/14 to Present*" provides a side-by-side comparison of the B-1 Budget categories to those contained in prior years under the current NYSDEC contract. Finally, the document entitled "*Central Pine Barrens Commission Allocations State Fiscal Years 1996-97 through Present*" shows the progression of annual Commission appropriations approved by the New York State Legislature and Governor since the early years of the Commission.

The total proposed Commission budget for fiscal year 2022-2023 is \$3,345,639 which includes funding re-appropriated by the State from prior fiscal years.

The attached documents should provide sufficient background and rationale for the expenditures in this year's budget. An accompanying approval and adoption resolution has also been distributed for your review and action at the Commission meeting.

Thank you for your consideration.

JEJ/jj
Attachments

624 Old Riverhead Road
Westhampton Beach, NY
11978

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2022-2023 Central Pine Barrens Commission Budget Highlights

(July 20, 2022)

Budget Item		Expenditure
Stewardship A diverse and complex set of stewardship activities are proposed for 2022-2023. This includes a wide array of forest health management and enhancement activities and related ecological projects. The Commission's Southern Pine Beetle response and management activities will continue this fiscal year in cooperation with NYSDEC Lands and Forest. Other activities to be undertaken include conducting ecological restoration projects, continuing Oak Wilt surveillance and monitoring and response efforts to Spotted Lanternfly if it should be detected during the fiscal year. Funding also supports prescribed fire planning and staff participation associated with the Commission's prescribed fire grant, continued Commission participation in the Sandplain Grassland Network and the Empire Pollinators Initiative; Phragmites surveillance, monitoring and removal in coastal plain ponds; Atlantic White Cedar monitoring and restoration; revegetation projects; ecological inventories; invasive species control; ecological enhancement and restoration efforts and encroachment surveys. Funding will also be used to continue ATV mitigation efforts in ecologically-sensitive areas.		\$300,000
SUNY ESF Forest Health Research and Monitoring Funding is proposed for continuing support for the SUNY College of Environmental Science and Forestry (SUNY ESF) for additional research and forest health monitoring programs conducted in cooperation with BNL. Ultimately, this work will inform the Commission's prescribed fire management program and ecological management activities. <i>In 2020-2021 \$19,554 of the \$50,000 originally allocated toward research and monitoring programs with BNL and SUNY ESF was expended to hire 3 interns to complete the forest health monitoring of forest plots. The remaining funds will be used for similar monitoring and research projects coordinated with SUNY-ESF and BNL.</i>		\$30,446
USGS Comprehensive Water Monitoring Program This funding will continue the implementation of the remaining few months of the 5-year agreement with the United States Geological Survey (USGS) to conduct a comprehensive, Central Pine Barrens-focused water resources monitoring program. This program analyzes water resource quantity and quality in the watersheds of the Carmans and Peconic rivers, the two major Central Pine Barrens rivers, and in groundwater. This funding would support the Commission's partnership program with USGS. Protection of Central Pine Barrens groundwater and surface water resources is one of the key objectives in the Long Island Pine Barrens Protection Act and this work would help maintain that focus. Contract ends in September 30, 202.		\$136,450
Research Projects This funding will be used toward either a new contract with USGS to provide support for water resource quantity and quality monitoring and data collection in the Carmans and Peconic rivers or other similar water quality research initiatives, forest health research opportunities or cultural resources in cooperation with other agencies or private contractor.		\$310,000
Vehicles To replace 2006 Ford Escape and to have funding set aside to purchase an additional vehicle, if needed.		\$100,000
Personnel This funding will support the transition of a part time ecological field specialist to full time to reduce turnover rate of this position, backfill the vacant ecologist position, hire interns and include funding other potential staffing needs identified.		\$229,000

Attachment B-1 Expenditure Based Budget
Summary

Project Name: Central Pine Barrens Joint Planning & Policy Commission

Contractor SFS Payee Name: Central Pine Barrens Joint Planning & Policy Commission

Contract Period: From: 4/1/2022

To: 3/31/2023

Category of Expense	Grant Funds	Match Funds	Match %	Other Funds	Total
1. Personal Services					
a. Salary	\$1,169,026	0	0	0	\$1,169,026
b. Fringe	\$686,565	0	0	0	\$686,565
Subtotal	\$1,855,591				\$1,855,591
2. Non Personal Services					
a. Contractual Services	\$826,896	0	0	0	\$826,896
b. Travel	\$8,000	0	0	0	\$8,000
c. Equipment	\$142,000	0	0	0	\$142,000
d. Space/ Property & Utilities	0	0	0	0	0
e. Operating Expenses	\$195,003	0	0	0	\$195,003
f. Other (includes SCWA Admin fee, registration fees, & storage rental)	\$318,149	0	0	0	\$318,149
Subtotal	\$1,490,048				\$1,490,048
Total	\$3,345,639				\$3,345,639

Attachment B-1 Summary FY 2022-2023 Compared to Prior Years

Category of Expense	4/1/22 to 3/31/23	4/1/21 to 3/31/22	4/1/20 to 3/31/21	4/1/19 to 3/31/20	4/1/18 to 3/31/19	4/1/17 to 3/31/18	4/1/16 to 3/31/17	4/1/15 to 3/31/16
1. Personal Services								
a. Salary	\$1,169,026	\$1,062,761	\$1,063,778	\$1,039,823	\$994,899	\$1,015,030	\$850,105	\$739,738
b. Fringe	\$686,565	\$629,089	\$629,413	\$623,894	\$489,684	\$560,906	\$496,959	\$443,843
Subtotal	\$1,855,591	\$1,691,850	\$1,693,191	\$1,663,717	\$1,484,583	\$1,575,936	\$1,347,064	\$1,183,581
2. Non Personal Services								
a. Contractual Services	\$826,896	\$603,346	\$718,940	\$865,175	\$1,169,250	\$888,482	\$522,000	\$385,300
b. Travel	\$8,000	\$4,000	\$5,436	\$10,000	\$7,000	\$7,200	\$4,000	\$2,500
c. Equipment	\$142,000	\$15,300	\$43,400	\$124,037	\$115,259	\$302,800	\$118,000	\$78,200
d. Space/ Property & Utilities	0	0	0	0	\$6,000	\$3,000	0	0
e. Operating Expenses	\$195,003	\$169,066	\$175,700	\$155,740	\$161,146	\$137,600	\$111,215	\$96,800
f. Other	\$318,149	\$256,936	\$271,390	\$289,827	\$296,524	\$296,602	\$212,428	\$176,288
Subtotal	\$1,490,048	\$1,048,648	\$1,214,866	\$1,445,779	\$1,755,179	\$1,630,684	\$967,643	\$739,088
Total	\$3,345,639	\$2,740,498	\$2,908,057	\$3,108,495	\$3,239,762	\$3,206,620	\$2,314,707	\$1,922,669
State Fiscal Year EPF Appropriation	\$2,500,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$1,800,000	\$1,600,000

4/1/14 to 3/31/15
\$691,227
\$566,806
\$1,258,033
\$244,600
\$4,000
\$8,650
0
\$86,800
\$164,388
\$508,438
\$1,766,471
\$1,250,000

Central Pine Barrens Commission Allocations State Fiscal Years 1996-97 through Present

Fiscal Year	Allocation	
4/1/96 - 3/31/97	600,000	
4/1/97 - 3/31/98	615,000	
4/1/98 - 3/31/99	630,000	
4/1/99 - 3/31/00	630,000	
4/1/00 - 3/31/01	700,000.00	
4/1/01 - 3/31/02	700,000.00	
4/1/02 - 3/31/03	700,000.00	
4/1/03 - 3/31/04	700,000.00	
4/1/04 - 3/31/05	950,000.00	
4/1/05 - 3/31/06	950,000.00	
4/1/06 - 3/31/07	1,100,000.00	
4/1/07 - 3/31/08	1,100,000.00	
4/1/08 - 3/31/09	1,100,000.00	
4/1/09 - 3/31/10	1,100,000.00	
4/1/10 - 3/31/11	1,100,000.00	
4/1/11 - 3/31/12	1,100,000.00	
4/1/12 - 3/31/13	1,100,000.00	
4/1/13 - 3/31/14	1,100,000.00	
4/1/14 - 3/31/15	1,250,000.00	<i>(\$150,000 increase from prior fiscal year)</i>
4/1/15 - 3/31/16	1,600,000.00	<i>(\$350,000 increase from prior fiscal year)</i>
4/1/16 - 3/31/17	1,800,000.00	<i>(\$200,000 increase from prior fiscal year)</i>
4/1/17 - 3/31/18	2,000,000.00	<i>(\$200,000 increase from prior fiscal year)</i>
4/1/18 - 3/31/19	2,000,000.00	<i>(no increase from prior fiscal year)</i>
4/1/19 - 3/31/20	2,000,000.00	<i>(no increase from prior fiscal year)</i>
4/1/20 - 3/31/21	2,000,000.00	<i>(no increase from prior fiscal year)</i>
4/1/21 - 3/31/22	2,000,000.00	<i>(no increase from prior fiscal year)</i>
4/1/22 - 3/31/23	2,500,000.00	<i>(\$500,000 increase from prior fiscal year)</i>



2022 October New York Wildfire and Incident Management Academy

The fall 2022 Academy will be holding the following classes October 17th – 28th :

- S-130/190 5 day – Firefighting Training/Intro. To Wildland Fire Behavior
- S-130/190 Field days only – Firefighting Training/Intro. To Wildland Fire Behavior
- S-131 – Firefighter Type 1
- S-211 – Portable Pumps & Water Usage
- S-200 – Initial Attack Incident Commander
- S-212 – Wildfire Chainsaws with Storm Debris Removal
- S-215 – Fire Operations in the Wildland/Urban Interface
- S-219 – Firing Operations
- S-230 – Crew Boss
- S-231 – Engine Boss
- S-236 – Heavy Equipment Boss
- S-359 – Medical Unit Leader
- FI-210 – Wildland Fire Origin & Cause Determination
- UTV – Off-highway Vehicle Basic Driver Course

The fall Academy will be held at Stony Brook Southampton University. The University has once again offered NYWIMA the facility at no charge. A total of 14 classes will be held. Registration opened on July 1st. The schedule of classes and online registration link can be found on the Academy website at www.nywima.com.

Education and Outreach Division

July 2022 Update

Submitted by Melissa Griffiths Parrott, Education and Outreach Coordinator

Events:

Preparing for our annual Pine Barrens Discovery Day

- A Saturday in September is being considered.
- Event type is being discussed due to covid. Wertheim is open, but outdoor activities are encouraged

Partnerships:

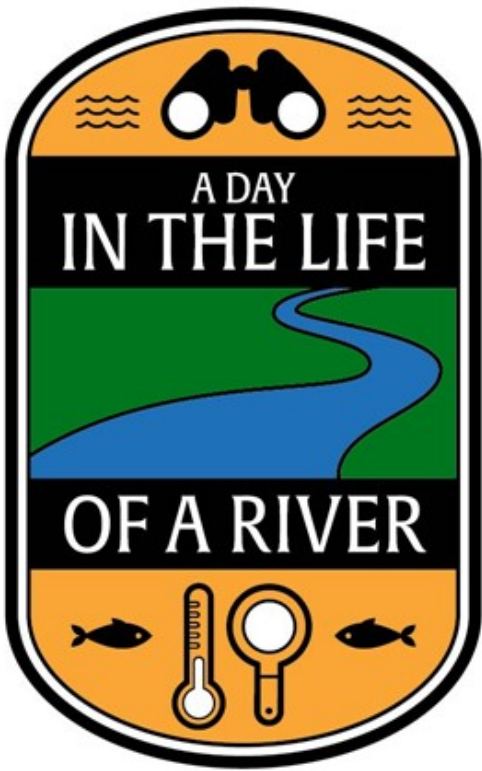
2022 Summer Camp @ Wertheim National Wildlife Refuge

- Our six-week camp is halfway complete- booked to capacity
- NYS DEC visits weekly with live animals and environmentally themed activities.
- CCE comes in weekly for an insect talk/activities.
- Successful Monarch Butterfly rearing and release program.
- Each day different theme: *Pine Barrens Day, Refuge Day, Footprint Day, Animal/Plant Day* and *Carmans River Day*.
- Please see 4-minute video of our week 1 - <https://youtu.be/9e1rmt-zP24>

A Day in the Life program

Preparing for our fall events in cooperation with BNL and NYSDEC.

- Flyer included: September – November events every Friday.
- Our Nassau programming is expanding and ESF is partnering with us to host an A Day in the Life in Syracuse this fall.
- August teacher training being organized, location will be BNL or Wertheim Wildlife Refuge.



A Day in the Life

2022 DATES

Carmans River~ September 23

Greens Creek~ September 23

Gardiner County Park~ September 23

Massapequa Preserve~ September 30

Fire Island~ September 30

Nissequogue River~ October 7

Carlls River~ October 14

Forge River~ October 14

Peconic Estuary~ October 21

Connetquot River~ October 28

Mill River~ November 4

Grades 2-12— A Fun, Experiential science research program!

Using the Environment Integrated Context for Learning- At each location, teams of students use seine nets and lab equipment to investigate aquatic life, biodiversity, water chemistry and quality, tides and weather and other parameters to fit into your STEM curriculum.

Citizen Science- Results for all locations and schools are posted on our "A Day in the Life" Website to be used by the students, land use decision makers, civic groups, and the general public.

Creating Environmental Stewards- Students are our future decision makers; our goal is to give them the inspiration and knowledge to make informed decisions for environmental health.

Brookhaven National Lab

Please contact:

Dr. Aleida Perez, BNL
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Melissa Parrott, CPBC
mparrott@pb.state.ny.us

Ron Gelardi, NYSDEC
ron.gelardi@dec.ny.gov





Science and Stewardship Division Update July 20, 2022

Prescribed Fire Program:

- **Administration:**
 - Quarterly vouchers continue to be processed to receive reimbursement of expenses incurred and ensure access to the balance of funds to be used for prescribed fire planning and implementation.
 - Implementation of the prescribed fire program took center stage this spring and early summer.
- **Equipment Storage and Purchasing:**
 - It is an exciting milestone that much of the equipment to support the prescribed fire program has been purchased, inventoried, cached and put to immediate use this spring allowing for an almost completely self-sustained and portable prescribed fire operation. The Commission is outfitted with two storage facilities, a cache trailer, a water trailer, two UTV Type 7 Fire Engines, PPE, water delivery system (fold a tank, hoses, pumps), emergency response equipment, and fuel containment.
 - Storage is temporarily provided through two rental units in Ridge.
 - Meeting with Wildland Warehouse and NYSDEC has advanced to finalize the specifications for at Type 6 Fire Engine, which will ensure standardization of fire engines across the State and meet the needs of the prescribed fire program.
 - Storage building needs are being specified and explored for the SCWA Spinney Road GAC Building as a location to store the Type 6 Fire Engine.
- **Education and Outreach:**
 - Pre-operation outreach notifications were sent to homeowners in Rocky Point and Sarnoff Pine Barrens State Forest to inform residents of the prescribed fire operations being conducted in the woodlands within these natural areas. To further communicate with the public on operations. The Commission also issues these operational posts to our social media accounts when an operation is tentatively anticipated. The final Go-No Go determination is made the day of by the Burn Boss reflective of the prescription, current conditions, staffing and other considerations.
 - The interagency prescribed fire program was provided recognition in the News 12 coverage of the [Brookhaven National Lab Prescribed Fire](#) as well as the Forest Rangers Week in Review for the burn that was conducted in [David Sarnoff Pine Barrens State Forest](#).

Brookhaven National Laboratory hold controlled burn in pine barrens to prevent future wildfires

Jul 06, 2022, 8:11pm • Updated 5d ago

By: News 12 Staff



The Brookhaven National Laboratory held a controlled burn in the pine barrens Wednesday.

A total of 23 acres of land was burned in order to protect neighboring areas from wildfires.

- **Prescribed Fire Operations:**

- Spring and early summer burn season has been extremely successful equipped and staffed by Commission staff including seasonal prescribed fire crew members; staff from NYSDEC including Forest Ranger staffed modules from off the island; US Fish and Wildlife, Brookhaven National Lab as well as NYSDEC volunteers. The bolstered staffing and new equipment, especially the Type 7 Engines, have been integral to conducting a more prescribed fires as well as expanding from grassland to forest treatments. In addition, there have been increased training opportunities, increased experience gained and expanded professional development across prescribed fire staffing.
- The Commission successfully conducted prescribed burns totaling 9 acres within Demo Forest I; 4 acres within Sarnoff West of Sarnoff Pine Barrens State Forest and 23 acres in Brookhaven National Lab, which brought the total woodland acres treated to over 55 and over 350 acres of treated lands across the Central Pine Barrens. This is the greatest number of acres treated with prescribed fire in any one year with the Central Pine Barrens which is notable for benefits to ecological restoration, southern pine beetle resiliency, wildfire risk reduction and improved public safety.



Demo Forest I, Sarnoff and
Brookhaven National Lab
Prescribed Fires

Community WISE Program:

- **Planning:**
 - Ecological Field Specialist, Sabrina Cohn continues to assist in the coordination of this US Forest Service funded program which Judy Jakobsen initiated in November 2016. The program's goal is the promotion of wildfire ignition safety and mitigation measures that can help reduce the risk of wildfire associated



losses for homes and businesses within the Ridge-Calverton-Manorville Community Wildfire Protection Plan.

- *Home Assessments and Outreach:*

- Four final home assessments have been conducted in the last two months, bringing the total of homes that have been evaluated for wildfire prevention to 11. The reports have been finalized and delivered to the homeowners to allow for their review and implementation of the findings to help improve the resiliency of these homes and properties in the face of wildfire. Mitigation funding through the USFS grant is no longer available as the grant expired on July 2nd.
- One mitigation project was completed in June by the Hamilton household at 10 Apex Lane in Ridge. Tree work including trimming branches which were overhanging the roof was implemented with a reimbursement for the work totaling \$1086.25.
- Although the USFS grant has ended on July 2nd, Ms. Cohn will continue to offer home assessments upon request to homeowners within the CWPP.



Southern Pine Beetle (SPB):

- **Surveying and Suppression:** Statewide SPB Incident Command System continues to be coordinated by NYSDEC's Forest Health Unit. Surveying has commenced with high activity documented in Southaven County Park and Brookhaven National Lab and an uptick in activity in Rocky Point Pine Barrens State Forest. Drone flights conducted by the Division helped focus ground truthing and suppression within Southaven and Rocky Point Pine Barrens State Forest. Commission staff will continue to actively support ground truthing and suppression activities through November.
- **The Pitch Pine Regeneration Study** being conducted through funding from the US Forest Service Special Technical Development Program Grant, has commenced. Commission has been focused on logistics including helping to secure housing, providing data, determining suitable sites in anticipation of the start of field data collection on July 5th. This study is key to determining the current status of pitch pine regeneration in the Pine Barrens, and how management may influence the abundance of this species. Both findings are key to current population trends as well as advancement of management to counter the impacts of southern pine beetle in pitch pine mortality.

Invasive Species Management:

- **USFS/NYSDEC Early Detection Rapid Response Non-Native Bark and Ambrosia Beetle Monitoring Program (NBBT):** The third year of NBBT monitoring came to a close at the end of June. Trap catch from three traps during six sampling periods (from April – June) in Calverton have been sent to NYSDEC for identification. Once identification is finalized, a report will be issued by the US Forest Service to determine if there are any species of concern that need to be addressed through further monitoring and future management. This is early defense method to determine if threatening species may have been inadvertently introduced through trade and transport from other countries.

- Spotted Lanternfly, caper spurge, Japanese stiltgrass as well as other invasive species continue to be on the forefront of monitoring and management during the field season.
- The division participated in New York's Invasive Species Awareness Week June 6th-12th through daily social media posts, in collaboration with LIISMA and the North American Invasive Species Management Association.
- In collaboration with the US Department of Agricultural and Markets LIISMA and Town of Southampton, the Division has installed two spotted lanternfly traps on Ailanthus trees in areas of high risk of infestation within Westhampton and Hampton Bays Transfer Stations in an effort to detect these insects early and contain their spread.
- Stewardship staff began removing invasive plant species at the Rocky Point State Pine Barrens along the southern part of Currans Road where there has been ongoing monitoring and restoration of a threatened population of Sundial Lupine (*Lupinus perennis*). Seed collection of these native plants has also been conducted to help support population expansion.



Stewardship Training:

- Ecological field specialists Ms. Cohn and Ms. Acampora participated in a three-day small mammal trapping training in collaboration with the NY Natural Heritage Program, Seatuck and NYSDEC from June 28th to 30th. This training will allow for the Commission to participate in this effort to document small mammals within the Central Pine Barrens as part of this study in the coming years. In addition, the staff is researching game cameras to support passive monitoring of mammals in key areas of the Central Pine Barrens.



Encroachment Restoration:

- Division staff continues to provide restoration recommendations and provide technical assistance to the NYS Attorney General's office regarding a violation in Eastport.
- A draft Request for Proposal (RFP) is being reviewed to solicit, vet and secure contractors for performing restoration work at existing and future encroachment and violation sites.



Central Pine Barrens Joint Planning and Policy Commission Meeting

Wednesday, July 20, 2022

Riverhead Town Hall

200 Howell Avenue, Riverhead, NY

Draft Resolution for the Commission to Authorize the Purchase of One All-Terrain Vehicle by the Law Enforcement Council for the Town of Southampton Police

Present: , for the Suffolk County Executive
, for the Brookhaven Town Supervisor
, for the Riverhead Town Supervisor
, for the Southampton Town Supervisor

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Whereas, the Commission, pursuant to its 1995 Central Pine Barrens Comprehensive Land Use Plan, acknowledged the importance of developing an effective law enforcement program that would, through interagency coordination and cooperation, improve the enforcement of all relevant land use and natural resource laws within the Central Pine Barrens and which led the Commission to create the Law Enforcement Council; and

Whereas, the Law Enforcement Council has created a multi-agency ATV Task Force that performs enforcement details to combat illegal all-terrain vehicle (ATV) use within and around the Central Pine Barrens region, along with enforcing other environmental and pertinent laws; and

Whereas, the Law Enforcement Council ATV Task Force has been very effective over the years in reducing the occurrence of illegal ATV use and other environmental crimes in the Central Pine Barrens due to these details; and

Whereas, several Law Enforcement Council member agencies currently possess and use for enforcement purposes ATVs that are in extensively worn condition and therefore in need of significant repair to remain operational and safe to use; and

Whereas, there are monies available to enable the Law Enforcement Council to purchase one new ATV from the Central Pine Barrens Environmental Benefit Fund; and

Whereas, the Law Enforcement Council has obtained three (3) price quotes from vendors for the purchase of a 2022 Polaris Sportsman All Terrain Vehicle and shall select the vendor with the lowest price quote to purchase said ATV, in an amount not to exceed \$9,500; and

Whereas, the Law Enforcement Council unanimously approved the purchase of the ATV with EBF monies at the Council's meeting on June 16th for the Town of Southampton Police; and

Whereas, once purchased, ownership of the ATV would be transferred to the Town of Southampton Police, which is a member of the Law Enforcement Council and needs a new ATV for enforcement purposes; now therefore be it

Resolved, the Commission hereby authorizes the purchase of one new ATV using the money available from the Central Pine Barrens Environmental Benefit Fund for an amount not to exceed \$9,500 and which will be used by the Town of Southampton Police for enforcement purposes.

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

Motion by:
Seconded by:
Ayes:
Nays:
Abstentions:



Honda of Riverhead
1407 PULASKI ST
RIVERHEAD, NY 11901
Phn# (631) 727-5510
Fax# (631) 727-5425
Facility# 7001051

Invoice#: 102718

Email: KPhillips@southamptontownny.gov

Buyer Name(s): Southampton Town Police Department	Home Phn:	Sale Date: 06-16-22
Address: 110 Old Riverhead Road, HAMPTON BAYS, NY 11946	Cell Phn:	Delivery Date: 06-16-22
Unit #1: New 2022 POLARIS SPORTSMAN 570 ATV		Odometer: 0
VIN:	Stock#:	License#:

Unit #2:

Unit #3:

Trade(s):

Payoff To:		Total Purchase	
		Cash Price of Unit #1	7,999.00
		Cash Price of Unit #2	N/A
		Cash Price of Unit #3	N/A
		Factory Destination	460.00
		Setup	395.00
		Optional Equipment and Accessories	N/A
		Extended Service Policy	N/A
		Commodity Surcharge	250.00
		Tire/Wheel/Roadside Hazard Protection	N/A
		Delivery	N/A
		Sales Tax - 112856727	N/A
		Sub-Total	9,104.00
		Cash Down	N/A
		Trade Allowance	N/A
		Less Total Down Payment	N/A
		Inspection Fee	N/A
		Fuel & Oil	25.00
		Tire Tax	N/A
		DOC/Administrative Fees	N/A
		Motor Vehicle Fees	N/A
		Trade Payoff	N/A
Optional Equipment Carried Forward		Unpaid Balance	9,129.00

Lienholder: - NONE -

Dealer and Buyer(s) certify that the additional terms and conditions printed on the 2nd page of this agreement are agreed to as part of this agreement the same as if they were printed above the signature.

☐ WHEN THIS BOX IS CHECKED, BUYER(S) UNDERSTAND THAT THE UNIT(S) BUYER(S) IS/ARE BUYING FROM DEALER DESCRIBED ABOVE IS BEING SOLD TO BUYER(S) 'AS-IS' AND BUYER(S) ACCEPT THE ENTIRE RISK AS TO THE QUALITY AND PERFORMANCE OF THIS UNIT AND THAT BUYER(S) DID USE BUYER(S) OWN JUDGEMENT AND INSPECTION.

BUYER(S) HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER AND THAT BUYER(S) HAVE READ THE 2ND PAGE OF THIS AGREEMENT. BUYER(S) ALSO AGREE THAT THE BALANCE WILL BE PAID BY CASH, BANK DRAFT, CERTIFIED CHECK, OR BY THE EXECUTION OF A RETAIL INSTALLMENT CONTRACT, OR A SECURITY AGREEMENT AND ITS ACCEPTANCE BY A FINANCING AGENCY.


Buyer Sign ☒

Salesperson James Bekman

Co-Buyer Sign ☒

Seller Sign ☒

READ ALL PAGES OF THIS AGREEMENT BEFORE SIGNING

Invoice # 27270				390 East Jericho Turnpike HUNTINGTON STATION, NY 11746 (631) 427-4400					
BUYERS Southampton town Police Dept. /kphillips@southamptontownny.gov		PHONE NUMBER(s) C-(631) 702-2251		DATE SOLD 06-02-2022					
ADDRESS 110 Old Riverhead Rd		CITY HAMPTON BAYS		STATE NY					
SALESPERSON Steve Jenkins		DELIVERY DATE		DELIVERY INSTRUCTIONS					
UNIT #1 MAKE POLARIS	ATV	YEAR 2022	SIZE 570	MODEL SPM 570	COLOR GREEN	ODOMETER 0	VIN	NEW USED	7,999.00
UNIT #2 MAKE		YEAR	SIZE	MODEL	COLOR	ODOMETER	VIN	NEW USED	
UNIT #3 MAKE		YEAR	SIZE	MODEL	COLOR	ODOMETER	VIN	NEW USED	
UNIT #4 MAKE		YEAR	SIZE	MODEL	COLOR	ODOMETER	VIN	NEW USED	
OPTIONAL EQUIPMENT AND ACCESSORIES							TOTAL PURCHASE		
Description		Price	Qty.	Ext. Price		Cash Price of ALL Units		7,999.00	
						Optional Equipment Carried Forward		N/A	
						Destination Charge		735.00	
						Vehicle Assembly		695.00	
						Delivery			
						Extended Warranty 60 Mo		1,020.00	
						Sub-Total		10,449.00	
						Trade-In Allowance		N/A	
						Sales Tax		N/A	
						Tire Tax / Tire Disposal Fees		10.00	
						License / Registration / Title Fees		N/A	
						DOC / Admin Fees		125.00	
						Trade-In Payoff		N/A	
						Total		10584.00	
PLATE:						Down Payment			
REGISTRATION:						Unpaid Balance		9504.00	
NYS TAX ID: 113206519						Unit must be paid in full before leaving			
NYS FACILITY: 7066950						the dealership.			
Lienholder:						NOTE: WARRANTY AND EXCLUSIONS AND LIMITATIONS OF DAMAGES ON THE NEXT 2 PAGES.			
DESCRIPTION OF TRADE-IN						Dealer and Buyer(s) certify that the additional terms and conditions (printed on the 2nd & 3rd pages of this contract are agreed to as a part of this agreement the same as if printed above the signature. Buyer(s) certify that optional equipment, accessories, and insurance, if any, has been voluntarily purchased by Buyer(s). Buyer(s) trade-in is free from all liens and encumbrances, whatsoever, except as Buyer(s) have indicated herein. (See Par #3 and #12 on the 2nd & 3rd pages of this agreement). Dealer and Buyer(s) agree that if any paragraph or provision should violate the law and/or is unenforceable, the rest of the contract will remain valid.			
MAKE	YEAR	SIZE	MODEL / VEHICLE TYPE				WHEN THIS BOX IS CHECKED, BUYER(S) UNDERSTAND THAT THE UNIT BUYER(S) IS/ARE BUYING FROM DEALER DESCRIBED ABOVE IS BEING SOLD TO BUYER(S) 'AS-IS' AND BUYER(S) ACCEPT THE ENTIRE RISK AS TO THE QUALITY AND PERFORMANCE OF THIS UNIT AND THAT BUYER(S) DID USE BUYER(S) OWN JUDGEMENT AND INSPECTION.		
		SERIAL NO.							
MAKE	YEAR	SIZE	MODEL / VEHICLE TYPE						
		SERIAL NO.							
MAKE	YEAR	SIZE	MODEL / VEHICLE TYPE						
		SERIAL NO.							
AMOUNT OWING		TO WHOM OWED							
TOTAL TRADE-IN ALLOWANCE				N/A		BUYER(S) HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER AND THAT BUYER(S) HAVE READ THE FOLLOWING 2 PAGES OF THIS AGREEMENT.			
DEBT BUYER OWES ON TRADE-IN TO BE PAID BY:		DEALER		BUYER		BUYER(S) ALSO AGREE THAT THE BALANCE WILL BE PAID BY CASH BANK DRAFT, CERTIFIED CHECK, OR BY THE EXECUTION OF A RETAIL INSTALLMENT CONTRACT, OR A SECURITY AGREEMENT AND ITS ACCEPTANCE BY A FINANCING AGENCY.			
NOT VALID UNLESS SIGNED AND ACCEPTED BY AN OFFICER OF THE COMPANY						Buyer Sign		X	
APPROVED, SUBJECT TO ACCEPTANCE OF FINANCING BY BANK OR FINANCE CO.						Co-Buyer Sign		X	
READ ALL PAGES OF THIS AGREEMENT BEFORE SIGNING THIS DOCUMENT									

Island Powersports
4116 Sunrise Highway
Massapequa NY 11758
516-795-4400

Buyer's Order

Keith Phillips

Date
Deal No.
Salesperson Monty Walton
Lienholder NO LIEN HOLDER

H 16314781127 W C Email kphillips@southamptontownny.gov

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.	Price (Incl factory options)
New	2022	POLARIS	SPORTSMAN 570 BA		INCOMING	\$7,999.00

Options:

Dealer Unit Price	\$7,999.00
Factory Options	\$0.00
Added Accessories	\$0.00
Freight	\$895.00
Dealer Prep	\$695.00
TIRE TAX	\$10.00
Commodity Surcharge	\$250.00

Notes:

First Name: Keith
Last Name: Phillips
Work Phone: 16314781127
Email Address: kphillips@southamptontownny.gov
telephone: 16314781127
Source Page: xcontact
formpage: xcontact
Comments: Good Morning,

Looking to obtain a quote on a 2022 Polaris Sportsman 570. Basic Model for our Police Department.

Monthly Payment of \$10,049.00 For 1 Months at 0.00% Interest

Thank You
NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) In the event of default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.

*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.

Cash Price	\$9,849.00
Trade Allowance	\$0.00
Payoff	\$0.00
Net Trade	\$0.00
Net Sale (Cash Price - Net Trade)	\$9,849.00
Sales Tax	\$0.00
Title/License/Registration Fees	\$25.00
Document or Administration Fees	\$175.00
Credit Life Insurance	\$0.00
Accident & Disability	\$0.00
Total Other Charges	\$200.00
Sub Total (Net Sale + Other Charges)	\$10,049.00
Cash Down Payment	\$0.00
Amount to Pay/Finance	\$10,049.00

Customer(s) Signature _____ Dealer Signature _____

Thank You for Your Business!



Compliance and Enforcement Division Highlights January - June 2022

Prepared by Chief CAED Officer Tim Huss

- Twenty-eight complaint investigations documented to date (Clearing, dumping, and criminal mischief)
- Drone program in operation with mapping of prescribed burn areas.
- Compliance and Enforcement staff continue to utilize new GIS based data collection program to track locations, status of, and types of violations
- Enforcement staff monitoring easements and important development projects in Brookhaven and Southampton to assure compliance with Commission requirements
- Coordinating active clearing investigations with Towns of Brookhaven and Southampton
- Meetings held with LEC, County Parks, and other enforcement partners

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member



624 Old Riverhead Road
Westhampton Beach, NY
11978

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

	Incident Statistics - Reporting Period 01/01/20 – 7/07/22			
Year	2020	2021	2022	
Intake				
Sent by Agency to Commission	26	11	5	
Discovered by Commission Staff	37	48	18	
Called in by Individual to Commission	14	12	5	
Total Incidents Reported	78	71	28	
Location of Incident				
Brookhaven	55	54	21	
Southampton	15	10	7	
Riverhead	4	6	0	
Occurring on Public Land	27	26	5	
Occurring on Private Land	25	35	8	
Occurring on Public & Private Land	2	10	1	
Core	46	35	8	
CGA	16	18	5	
Core & CGA	1	0	1	
Outside CPBA	15	18		
Nature of Incident*				
Clearing/Encroachment	29	24	10	
Structures	2	0	0	
Dumping	36	35	12	
Mining	0	1	0	
Hunting	1	1	0	
ATV	6	2	0	
Other	4	8	3	
*note some incidents involve more than one land use issue				
Referrals*				
Sent to Town	9	17	5	
Sent to County	8	17	3	
Sent to State	22	16	2	
Commission	26	21	4	
Sent to AG	0	0	0	
Other	12	0	0	
*note some incidents are sent to multiple agencies				
Status				
Founded	77	60	28	
Unfounded	1	11	0	
Open	35	39	13	
Closed	43	32	1	
Conservation Easement Inspections			5	
Development project inspections			2	

Pine Barrens Credit Program Report for July 20, 2022:

Activities in the Credit Program (since January 1, 2022) included review of applications for Letters of Interpretation, Conservation Easements, Credit Program and FOIL requests management. Some specific work items include:

- Letters of Interpretation: 14 Letters of Interpretations were issued and six parcels were inspected in the Towns of Brookhaven and Southampton. Staff is following up on past LOIs for interest in the Program.
- Conservation Easements: Review and Monitoring
 - two easements were recently recorded
 - seven easements are currently in progress
 - research and review of proposed activities on three easement properties for consistency with easement terms including reserved rights and covenants.
- Pine Barrens Credits
 - Redeemed: 38.19 Credits have been redeemed, 15.65 in the Town of Brookhaven, 6.33 in the Town of Riverhead and 16.21 in the Town of Southampton.
 - Conveyed: 25.94 Credits have been conveyed, 14.48 in the Town of Brookhaven, 6.45 in the Town of Riverhead and 5.01 in the Town of Southampton.
 - The average price is \$91,865 per credit.
- Order on Consent: The Ridge Church Order on Consent was executed on January 5, 2022. The three sheds and the stone were removed from the property, native pine barrens seed mix was planted and a split rail fence was installed to protect the site from future disturbance.
- Maps: The maps of DRS', CRAs and Assertions of Jurisdiction parcels, Core and CGA hardships, CGA overcleared and Industrial properties have been created.

Easement Protected Lands and Pine Barrens Credits As of July 11, 2022								
	Brookhaven	2022	Riverhead	2022	Southampton	2022	Total	2022
Parcels	513	1	37	-	454	1	1004	2
Acreage	819.57	5.02	516.78	-	850.05	0.96	2186.4	5.98
Average parcel size	1.60	5.02	13.97	-	1.87	0.96	2.18	2.99
Credits generated	540.5	2.01	172.39	-	331.82	0.20	1044.71	2.21
Credits redeemed	416.5	15.65	137.49	6.33	178.66	16.21	732.65	38.19
Credits not redeemed	124	-13.64	34.9	-	153.16	-16.01	312.06	-35.98
Credits sold	589.87	14.48	231.35	6.45	279.59	5.01	1100.81	25.94
Total value of PBC transactions through this date	\$32,540,169	\$1,456,750	\$8,737,047	\$506,300	\$18,950,242	\$419,940	\$60,227,458	\$2,382,990
Average Credits value		\$100,604		\$78,496		\$83,820		\$91,865
Credits owned by the Clearinghouse	0.54		-		-		0.54	
# of Inspected CE Parcels	-	24	-	6	-	-	-	30
# of Installed CE Signs	131	6	17	2	87	-	235	8



SUFFOLK COUNTY COMPTROLLER

330 CENTER DRIVE RIVERHEAD, N.Y. 11901-3311

Telephone: (631) 852-1501 FAX (631) 852-1507

JOHN M. KENNEDY, JR.
COUNTY COMPTROLLER

July 7th, 2022

**Central Pine Barrens Joint Planning and
Policy Commission
P.O. Box 587
Great River, N.Y. 11739-0587**

**Dear Pine Barrens Credit Clearinghouse
Board of Advisors:**

**Attached please find our financial report on the Pine Barrens Credit Program for the
month of June 2022. Thank you.**

Respectfully submitted,

Christina M. Withers

**Christina M. Withers, CIA, CPFO
Executive Director of Finance & Taxation**

Suffolk County Comptroller's Office The Pine Barrens Credit Program	
Balance as of December 31st, 2021	\$2,551,999.78
Additional Deposits	0.00
Interest (see below for details)	1,265.82
Disbursements	0.00
Balance as of June 30th, 2022	\$2,553,265.60

**Interest Earnings & Disbursements
For the Months of January - December 2021**

Interest Earnings

Premier MMA - Public Fund



January	216.75
February	195.79
March	216.79
April	202.82
May	223.82
June	209.85
July	0.00
August	0.00
September	0.00
October	0.00
November	0.00
December	0.00
	<u>\$1,265.82</u>

<u>Interest Period</u>	<u>APR</u>
01/01/22- 01/31/22	0.1000%
02/01/22- 02/28/22	0.1000%
03/01/22- 03/31/22	0.1000%
04/01/22- 04/30/22	0.1000%
05/01/22- 05/31/22	0.1000%
06/01/22- 06/30/22	0.1000%
07/01/22- 07/31/22	0.0000%
08/01/22- 08/31/22	0.0000%
09/01/22- 09/30/22	0.0000%
10/01/22- 10/31/22	0.0000%
11/01/22- 11/30/22	0.0000%
12/01/22- 12/31/22	0.0000%

Disbursements

None	<u>\$ -</u>
	<u>\$ -</u>

Central Pine Barrens Joint Planning and Policy Commission
Land Use Division Bi-Monthly Update for the Meeting of Wednesday, July 20, 2022

Action	Central Pine Barrens Location		
Municipality	Town of Brookhaven	Town of Riverhead	Town of Southampton
Applications and Requests for Determination of Jurisdiction	<ul style="list-style-type: none">59 Ryerson Ave Subdivision CGA Hardship waiver application, two lot substandard subdivision on 0.8 acres. Adjourn hearing and extend.Tommasino CGA Hardship Waiver Application. Hearing 7/20/22.	<ul style="list-style-type: none">Finks Country Farm CGA Hardship Waiver Application. Hearing 7/20/22.	
SEQRA Coordination, referrals, land use inquiries and activities	<ul style="list-style-type: none">Town Referral: Expressway Drive North CGA DRS and Hardship Waiver Application, formerly Silver Corporate Park, 3-lot industrial subdivision for 549,942 sf on 71 acres.NYSDEC Referral: Peconic River Sportsman’s Club aquatic herbicide applicationThe Meadows at Yaphank easement review.		<ul style="list-style-type: none">ZBA referral: 7 Eleven gas station and convenience store, Hampton Bays.
Regional Projects	<ul style="list-style-type: none">Peconic Estuary Partnership - participation in technical committees.USGS-Commission Water Resources Monitoring Program, 2018 through 2022.		
Division Activity and Participation	<ul style="list-style-type: none">Research, review and analyze new Core and CGA hardship waiver applications, SEQRA Coordination, interagency referrals, information requests and inquiries.Prepare material and responses for Commission review of development project activities and land use related items. Types of projects include commercial/industrial site plans, commercial and residential subdivisions, mixed-use projects, Developments of Regional Significance, Assertions of Jurisdiction, code amendments, zone changes and other actions.Site inspections pre- and post-construction, consent order compliance and monitoring of land use related activities and restoration on project sites, incidents and violations.Requests for Determination of Jurisdiction. Research and prepare materials for the Commission.FOIL Requests. Research and assist with FOIL requests and litigation on development projects.Technical support to the Compliance and Enforcement Division on land use matters including property information research on unauthorized development, clearing activities, encroachments on credit program conservation easements and other incidents.Supervise Credit Program staff.Collaborate and coordinate with other Commission divisions.SEQRA for the Draft Supplemental GEIS for the Comprehensive Land Use Plan Amendments.		



DRAFT

July 20, 2022



Mary MacKinnon
Environmental Analyst II
New York State Department of Environmental Conservation
Division of Environmental Permits
50 Circle Road, Stony Brook, NY 11790

Re: NYS DEC Permit Application # 1-4799-00037/00037
Peconic River Sportsman's Club
Central Pine Barrens Core Preservation Area - Conservation Easement

Dear Ms. MacKinnon:

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

This letter is in response to your June 14, 2022 email referral to the Central Pine Barrens Commission on the referenced project that involves the application of aquatic herbicides on Donahue Pond and Pond and inlets, 42.7 acres, for management of fanwort (*Cabomba caroliniana*) at the Peconic River Sportsman's Club. The project site is located in the Core Preservation Area of the Central Pine Barrens and is encumbered by a Commission held Conservation Easement.

Information in the Commission's files for the project site that includes past activities indicates that treatments have occurred in the past to control aquatic invasive species in the pond. Therefore, the activity to control fanwort has not been one time event.

The proposed product, Clipper, contains the active ingredient flumioxazin. The label for this product states it is toxic to non-target organisms including plants and aquatic invertebrates and fish and that it should not be used in streams with outflows. Donahue Pond is in the headwaters of Peconic River and part of the nationally recognized Peconic Bay Estuary ecosystem and in a New York State Significant Coastal Fish and Wildlife Habitat. It is also in the mapped Coastal Zone Management Area.

For the current proposed treatment product, Clipper, the potential frequency required to treat the fanwort should be identified. In addition, has the applicant submitted an analysis of the potential environmental impacts of flumioxazin, its inert ingredients and degradation products when used in this habitat? Are there alternative products that have been considered that may have less of an environmental impact on the pond ecosystem and an evaluation of prior control methods, their effectiveness and potential impacts. Have the potential impacts to target and non-target species, including rare and endangered species in this ecosystem been evaluated along with impacts to water quality, surface and groundwater, and downstream environs in the Peconic River and the Peconic Bay estuary? For recreational users of the pond, has there been an evaluation of potential impacts to human health?

Has the DEC or applicant considered the preparation of a long-term maintenance plan for the pond that identifies the purpose, need and alternatives and evaluates potential

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

DRAFT

adverse impacts of the aquatic invasive species that are present and the range of potential control methods and benefits?

Please provide any information that will be helpful for the Commission to review this proposal and direct the applicant to provide the information if it is not available. Once the information is submitted for review, the proposed action can be defined in the context of the Long Island Pine Barrens Protection Act of 1993 and determined whether it is consistent with the goals and objectives of the Act and the conservation easement.

Thank you for your attention. Please contact this office with any questions.

Sincerely,

Julie Hargrave
Policy and Planning Manager

cc: Judith Jakobsen, Executive Director
John Milazzo, Counsel to the Commission
Joe Hocker, President, Peconic River Sportsman's Club

Hargrave, Julie

From: Mackinnon, Mary A (DEC) <mary.mackinnon@dec.ny.gov>
Sent: Tuesday, June 14, 2022 2:04 PM
To: Hargrave, Julie
Cc: Aicher, Sherri L (DEC); Ackerman, Sue (DEC)
Subject: Review needed for Aquatic Herbicide application for Donahue Pond, Manorville, DEC ID# 1-4799-00037/00037
Attachments: pesticides application.pdf; Completed 2022 Wetland Permit Package Donahue Pond.pdf

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Julie Hargrave
Central Pine Barrens Joint Planning and Policy Commission
624 Old Riverhead Rd.
Westhampton, NY 11978

RE: Peconic River Sportman's Club Project located at Donahue Pond, Manorville
Project proposed: Application of aquatic herbicide Clipper (flumioxazin) to Donahue Pond and inlets for management of fanwort (*Cabomba caroliniana*).
Approximately 42.7 acres.

Dear Ms. Hargrave:

I am writing to advise you that we received the enclosed application to apply aquatic herbicide Clipper (flumioxazin) to Donahue Pond and inlets for management of fanwort (*Cabomba caroliniana*). The site is located within the Core Preservation Area. Could you please advise me as to whether this project meets your criteria for approval in this area?

Thanks for your help. If you have any questions about this project, please contact me at the address above or call me at 631-444-0362.

Sincerely,
Mary

Mary MacKinnon

Environmental Analyst II, Division of Environmental Permits

New York State Department of Environmental Conservation

50 Circle Road, Stony Brook, NY 11790

P: 631-444-0362 | mary.mackinnon@dec.ny.gov

www.dec.ny.gov |  



Department of
Environmental
Conservation



Attachments



PERMISSION TO INSPECT PROPERTY

By signing this permission form for submission with an application for a permit(s) to the Department of Environmental Conservation ("DEC"), the signer consents to inspection by DEC staff of the project site or facility for which a permit is sought and, to the extent necessary, areas adjacent to the project site or facility. This consent allows DEC staff to enter upon and pass through such property in order to inspect the project site or facility, without prior notice, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If DEC staff should wish to conduct an inspection at any other times, DEC staff will so notify the applicant and will obtain a separate consent for such an inspection.

Inspections may take place as part of the application review prior to a decision to grant or deny the permit(s) sought. By signing this consent form, the signer agrees that this consent remains in effect as long as the application is pending, and is effective regardless of whether the signer, applicant or an agent is present at the time of the inspection. In the event that the project site or facility is posted with any form of "posted" or "keep out" notices, or fenced in with an unlocked gate, this permission authorizes DEC staff to disregard such notices or unlocked gates at the time of inspection.

The signer further agrees that during an inspection, DEC staff may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings and take photographs.

Failure to grant consent for an inspection is grounds for, and may result in, denial of the permit(s) sought by the application.

Permission is granted for inspection of property located at the following address(es):

Donahue Pond is located at 389 River Road Manorville, NY 11949

*By signing this form, I affirm under penalty of perjury that I am authorized to give consent to entry by DEC staff as described above. I understand that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.**

JOSEPH HOCKER
VP PRSC



3-8-22

Print Name and Title

Signature

Date

*The signer of this form must be an individual or authorized representative of a legal entity that:

- owns fee title and is in possession of the property identified above;
- maintains possessory interest in the property through a lease, rental agreement or other legally binding agreement; or
- is provided permission to act on behalf of an individual or legal entity possessing fee title or other possessory interest in the property for the purpose of consenting to inspection of such property.



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

>NYS Department of Environmental Conservation ☒ Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

☐ Stream Disturbance

☐ Excavation and Fill in
Navigable Waters

☐ Docks, Moorings or
Platforms

☐ Dams and Impound-
ment Structures

☐ 401 Water Quality
Certification

☒ Freshwater Wetlands

☐ Tidal Wetlands

☐ Wild, Scenic and
Recreational Rivers

☐ Coastal Erosion
Management

☐ Water Withdrawal

☐ Long Island Well

☐ Incidental Take of
Endangered /
Threatened Species

>US Army Corps of Engineers

☐ Check here to confirm you sent this form to USACE.

Check all permits that apply: ☐ Section 404 Clean Water Act

☐ Section 10 Rivers and Harbors Act

Is the project Federally funded? ☐ Yes ☐ No

If yes, name of Federal Agency:

General Permit Type(s), if known:

Preconstruction Notification: ☐ Yes ☐ No

>NYS Office of General Services

☐ Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

☐ State Owned Lands Under Water

☐ Utility Easement (pipelines, conduits, cables, etc.)

☐ Docks, Moorings or Platforms

>NYS Department of State

☐ Check here to confirm you sent this form to NYSDOS.

Check if this applies: ☐ Coastal Consistency Concurrence

2. Name of Applicant

Peconic River Sportsman Club

Taxpayer ID (if applicant is NOT an individual)

Mailing Address

398 River Road

Post Office / City

Manorville

State

NY

Zip

11949

Telephone 631-727-5248

Email mvi1322@aol.com

Applicant Must be (check all that apply): ☒ Owner ☐ Operator ☐ Lessee

3. Name of Property Owner (if different than Applicant)

Mailing Address

Post Office / City

State

Zip

Telephone

Email

For Agency Use Only

Agency Application Number:

4. Name of Contact / Agent

Bob Schindler		Post Office / City		State	Zip
Mailing Address		Washington		NJ	07882
310 East Washington Ave. Suite C					
Telephone	908-850-0303	Email	bschindler@solitdelake.com		

5. Project / Facility Name

Donahue Pond		Property Tax Map Section / Block / Lot Number:	
		0200-29800-0100-001000	
Project Street Address, if applicable		Post Office / City	State Zip
Donahue Pond is located off of River Road		Manorville	NY 11949
Provide directions and distances to roads, intersections, bridges and bodies of water			
Near intersection of River Road and Connecticut Avenue			
<input checked="" type="checkbox"/> Town	<input type="checkbox"/> Village	<input type="checkbox"/> City	County
Manorville			Suffolk
Stream/Waterbody Name		Donahue Pond	
Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:			
Latitude:	40	°	53
		'	52
		"	
Longitude:	72	°	46
		'	96
		"	

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. Attach plans on separate pages.

a. Purpose of the proposed project:

The "Applicant", Peconic Sportsman Club is seeking approval for the use of Clipper (flumioxazin) to control Fanwort, which is an invasive plant species. The proposed treatment(s) aim to reduce the cover of non-native aquatic plants to improve access for recreational use, restore native plant species, and reduce downstream fragmentation. The areas that are currently infested contain very high densities of growth.

b. Description of current site conditions:

The site currently has populations of invasive Fanwort, impairing recreational uses of the lake and impeding growth of desired native species of aquatic vegetation.

c. Proposed site changes:

The application of an aquatic herbicide will be used in order to achieve the above control.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

N/A

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

N/A

f. Is tree cutting or clearing proposed? ☐ Yes If Yes, explain below. ☒ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut:

Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

Airboat with calibrated spray systems and subsurface injectors, or a small boat with hand sprayers will be used to conduct the applications.

h. Describe the planned sequence of activities:

Once permits are obtained for the applications of herbicides and pesticides treatment will be scheduled.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Pollution control kits will be stationed both on the boat and with the on shore support vehicle.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

N/A

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

l. Proposed use: ☒ Private ☐ Public ☐ Commercial

m. Proposed Start Date: 5/1/2022 Estimated Completion Date: 8/31/2022

n. Has work begun on project? ☐ Yes If Yes, explain below. ☒ No

o. Will project occupy Federal, State, or Municipal Land? ☐ Yes If Yes, explain below. ☒ No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

Aquatic Pesticide Permit NYSDEC, Notice of Intent NYS

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

☒ Yes If Yes, list below. ☐ No

Town of Brookhaven, Town of Riverhead, Suffolk County Parks, NYSDEC

7. Signatures.

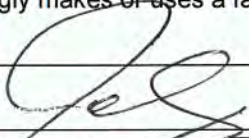
Applicant and Owner (If different) must sign the application.

Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant**Date**


3-8-22

Applicant Must be (check all that apply): ☐ Owner ☐ Operator ☐ Lessee

Printed Name**Title**

JOSEPH HOCKER

VICE PRESIDENT PRSC

Signature of Owner (if different than Applicant)**Date****Printed Name****Title****Signature of Contact / Agent****Date**

Robert Schindler

3/10/2022

Printed Name**Title**

Robert Schindler

Project Manager

For Agency Use Only**DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed
Name

Title

Signature

Date

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <p>_____</p> <ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> If yes, DEC site ID number: _____ Describe the type of institutional control (e.g., deed restriction or easement): _____ Describe any use limitations: _____ Describe any engineering controls: _____ Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site </div>	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____	
h. Surface water features. <div style="margin-top: 10px;"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. </div> <div style="margin-top: 5px;"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <div style="margin-top: 5px;"> <ul style="list-style-type: none"> Streams: Name _____ Classification _____ Lakes or Ponds: Name _____ Classification _____ Wetlands: Name _____ Approximate Size _____ Wetland No. (if regulated by DEC) _____ </div> </div>	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>
<p>E.3. Designated Public Resources On or Near Project Site</p>
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>

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

F. Additional Information

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

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

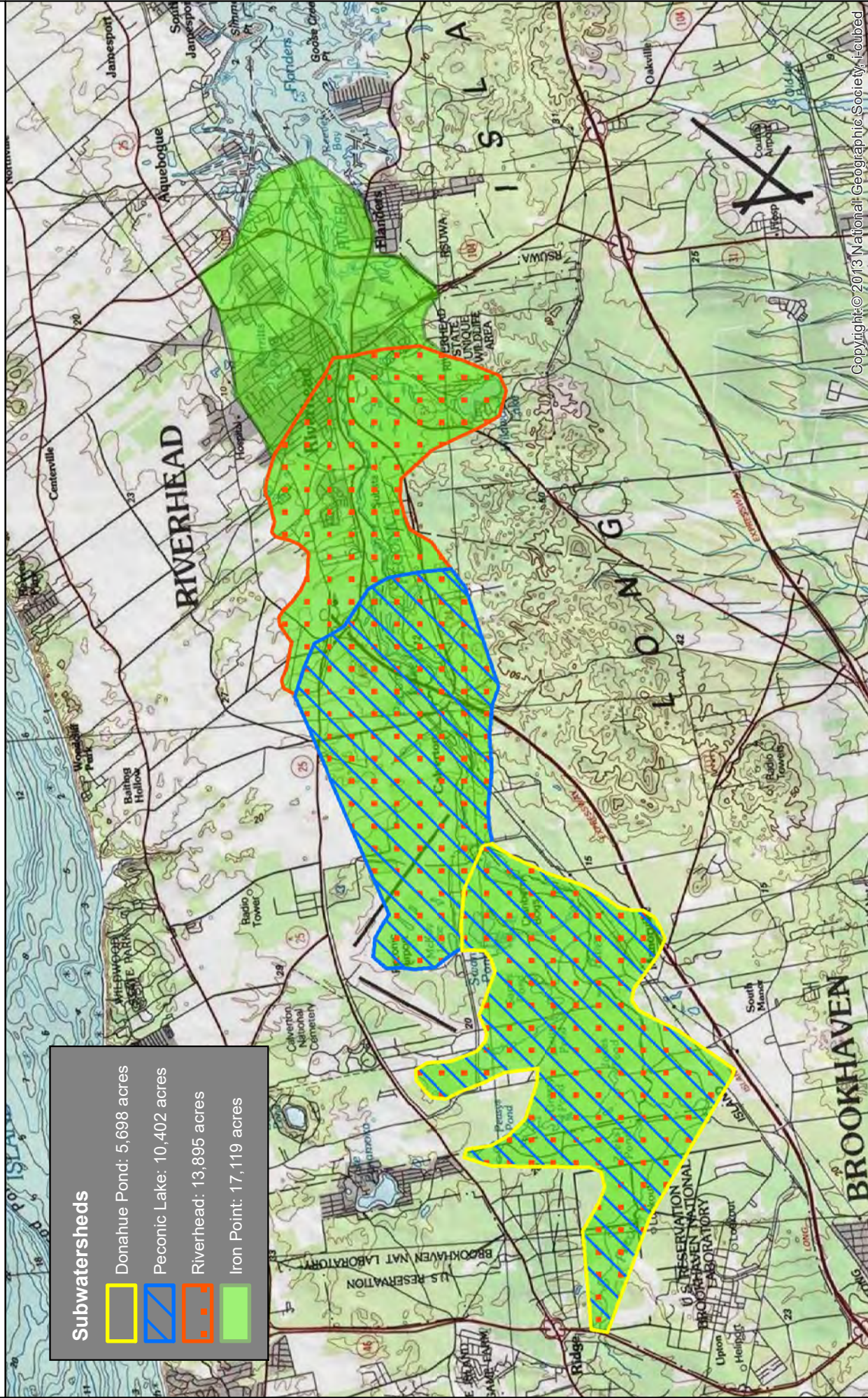
G. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature Robert Schindler Title _____

WATERSHED MAP FOR DONAHUE POND HERICIDE DILUTION MODEL



Subwatersheds

	Donahue Pond: 5,698 acres
	Peconic Lake: 10,402 acres
	Riverhead: 13,895 acres
	Iron Point: 17,119 acres

Donahue Pond
Manorville, NY
40.900184°, -72.775101°

DONAHUE POND

June 4, 2020 | 2:52 pm

Information on Novel Coronavirus

Coronavirus is still spreading in New York. New Yorkers are required to wear a mask and maintain 6 feet distance in public.

[GET THE FACTS >](#)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

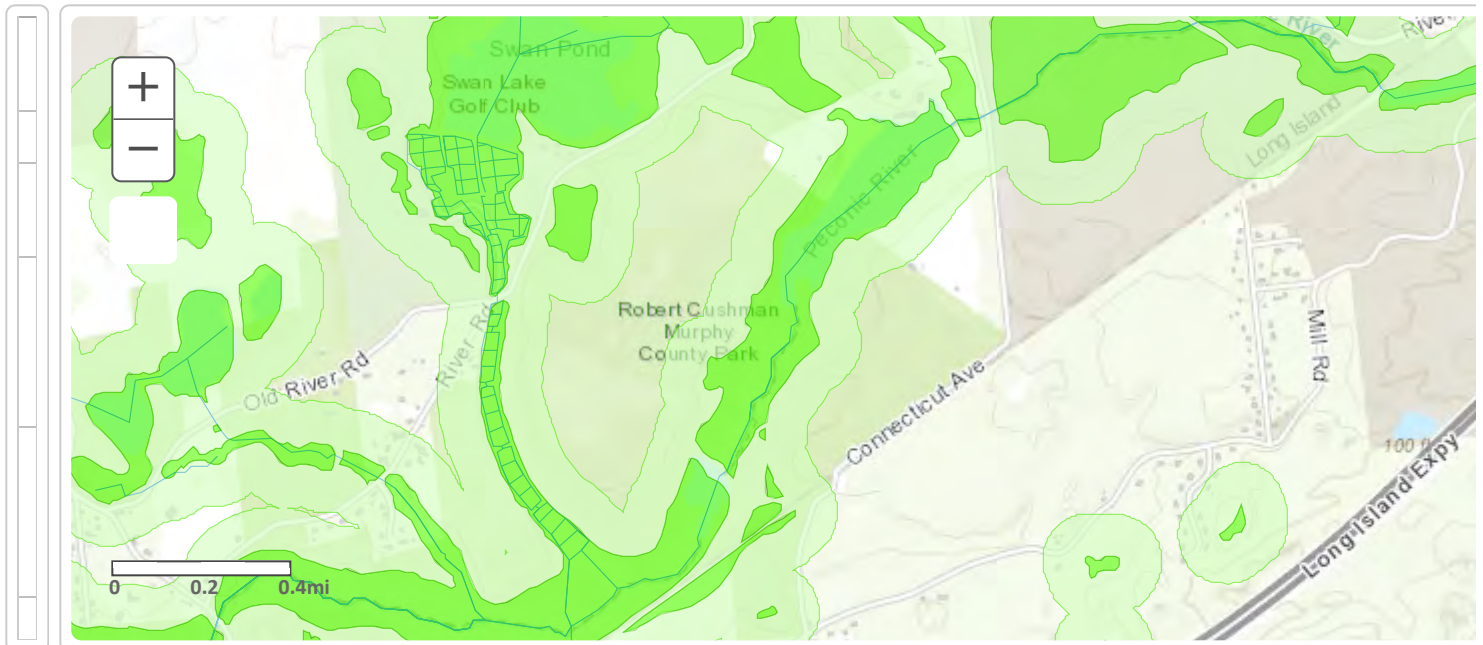


Environmental Resource Mapper

Topographical



[Using this map](#)







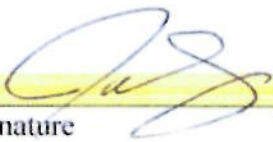
March 8

February 25, 2022

Bureau of Pesticide Management
NYSDEC, Region 1
SUNY at Stony Brook
50 Circle Road
Stony Brook, NY 11790-3409
ph: 631-444-0340

The Peconic River Sportsman's Club Board of Directors support the proposed treatment of Donahue Pond in 2022 with Clipper (flumioxazin) as may be required or permitted.

Decisions regarding treatments in Donahue Pond have been delegated to Joe Hocker, 389 River Road, Manorville, NY 11949-1405 (631) 804-2147.

	VICE PRESIDENT PRSC	3-8-22
Signature	Title	Date



**Department of
Environmental
Conservation**

AQV (10/2021)

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)
DIVISION OF MATERIALS MANAGEMENT - BUREAU OF PESTICIDES
MANAGEMENT**

**APPLICATION FOR A PERMIT TO USE A PESTICIDE
FOR THE CONTROL OF AN AQUATIC PEST - TITLE 6 NYCRR PART 327/328/329**
<http://www.dec.ny.gov/chemical/8530.html>

**SUBMIT THE APPLICATION 3 MONTHS BEFORE THE PROPOSED TREATMENT
A CHECK OF \$100 MUST ACCOMPANY THE PERMIT APPLICATION
REFER TO THE ATTACHED APPLICATION INSTRUCTIONS**

FOR DEC USE:

Application Number _____
Water Body Name _____
Date Received _____
Fee Receipt Number _____
Type of Application _____
New ____ Previous # _____
NYCDEP/APA/Other _____

1. PERMIT APPLICANT INFORMATION

Name of Permit

Applicant/Association/Agency: Peconic River Sportsman Club

Name of Authorized Person signing the Application: Vice President, Joe Hocker
(if on behalf of an Association/Organization)

Mailing Address: 389 River Road

City: Manorville

State: NY

Zip Code: 11949

Telephone

Number: 631-727-5248

Email: mvi1322@aol.com

Website: NA

The Permit Applicant is a (check appropriate):

Riparian Owner: **X**

Lessee:

Association of Riparian Owners:

**If the Permit Applicant is an Association of Riparian Owners/Lesseees, a copy of the
Board of Directors resolution in support of the proposed pesticide application must be attached**

Other:

(please explain)

2. PESTICIDE APPLICATOR INFORMATION

Name of Pesticide Business/Agency

performing application: (if applicable) SOLitude Lake Management

Business/ Agency

Registration Number: 16506

Telephone

Number: 888-480-5253

Contact: Krista Michniewicz/Carl

Cummins

Business

Mailing Address: 310 East Washington Ave. Suite C

City: Washington

State: NJ

Zip

Code: 07882

Email: ccummins@solitudelake.com

kmichniewicz@solitudelake.com

Name of Certified Applicator(s)

performing application: See attached list.

Certified Applicator(s)

Identification Number: See attached list.

If certified in Category 11 (Aerial) did the
applicator make pesticide recommendations?
Circle one: Yes No **X**

Business Address:

(if different than Mailing Address)

City:

State:

Zip Code:

Telephone

Number:

3. PERMIT HISTORY					
Have you previously been issued an aquatic permit for this water body?				Yes X	No
If Yes, provide the prior permit number(s):					
Is the application identical to one covered by a previous permit?				Yes	No X
If Yes, provide the prior permit number:					
Describe any other permitted projects, alternative pest management projects, or relevant studies concerning the water body? (attach separate documentation) Multiple vegetation surveys have been conducted allowing for plant growth to be monitored over many years.					
4. WATER BODY INFORMATION (Read the AQV instructions and use the Mapping Tools as needed)					
Name of water body: Donahue Pond			DEC water classification (e.g. Class A, Class B): B		
Address or location of water body: 389 River Road			County where water body is located: Suffolk		
Town where water body is located: Manerville		Rare, Threatened or Endangered plants or animals present (RTE)?		Yes X	No
Are fish present?	Yes X	No	Are fish stocked?	Yes	No X
If fish are present, see the Instructions for AQV Section #4.					
Are there any regulated freshwater or tidal wetlands associated with the proposed treated waters (including downstream if applicable)?				Yes X	No
Do application sites include lands under the control of the DEC?				Yes	No X
If Yes, please specify:					
Total water body size in acres: 45.4		Average depth in feet: 2.7		Latitude: 40.8984441 Longitude: -72.778690	
Water body uses (Check all that apply):					
Swimming	Irrigation	Livestock watering	Potable water uses	Domestic water uses	Fishing X
Other uses (list) Boating. Applicant has indicated there are no potable or domestic water uses.					
5. A DETAILED MAP MUST BE INCLUDED WITH THIS APPLICATION					
<ul style="list-style-type: none"> The exact map scale size and average depths of the water body. The outline and average depths of the application site(s), or with all streams/treated sites/catch basins clearly identified. Inlets and outlets to the water body. (if the applicant can't control the outflow, also include the downstream watershed map information for Attachment D - Downstream Modeling) Location of known designated bathing sites, livestock watering sites, water intakes, public lands contiguous to the water body, public boat launches and any other features relevant to the application. Wetlands contiguous or downstream of the water body. 					

6. WATER BODY APPLICATION INFORMATION (Fill Out the Applicable Lettered Section)	
A. Whole or Partial Water Body Application:	
Total number of application sites:	3
Surface acres of each application site:	Donahue Pond (39.6 acres), Inlet Stream (1.9 acres), Inlet Pond (1.2 acres)
Total application area in surface acres:	Up to 42.7 acres (up to 21.35 per section)
Average depth of each application site:	Donahue Pond (2.3 feet), Inlet Stream (2.7 feet), Inlet Pond (1.9 feet)
Total number of acre feet:	Up to 106.5
B. Stream Application for Black Fly or Lamprey Control:	
Miles of streams treated: NA	Stream flow estimates in cubic feet per second (cfs): NA
C. Mosquito Larvaciding Application:	
Number of sites or catch basins: NA	Total acreage/sq ft: NA
7. PESTICIDE APPLICATION INFORMATION (A COMPLETE PESTICIDE LABEL MUST BE ATTACHED TO THE APPLICATION)	
Pesticide name:	Clipper
Pesticide active ingredient:	Flumioxazin
% Active Ingredient:	51%
Pesticide EPA Registration Number:	59639-161
Formulation:	Dissolvable powder
Application rate: (e.g. gals/acre ft. or gals/surface acre)	1.1 pounds per acre/foot
Dosage rate: (e.g. ppm, ppb)	200 ppb
Total number of applications: (including bump/split applications)	2
Approximate date(s) of application: (including bump/split applications)	May 1, 2022 – August 31, 2022
Amount of pesticide needed per application:	Up to 62.4 pounds
Total amount of pesticide needed per calendar year:	Up to 124.8 pounds
Target pest: (scientific and common name)	Fanwort (<i>Cabomba caroliniana</i>)
Method of application (e.g. sprayed on surface, bag dragged behind boat):	Subsurface injection
If the proposed application involves an aircraft, indicate FAA Number(s):	NA

Method of application (e.g. sprayed on surface, bag dragged behind boat):	Subsurface injection
If the proposed application involves an aircraft, indicate FAA Number(s):	NA

8. WATER USE RESTRICTIONS

List all the applicable water use restrictions as stated on the label/SLN, in 6 NYCRR 327.6, or the applicable water quality standards.

Swimming	None
Irrigation	2 days for turf & ornamentals, 5 days for ornamentals grown in greenhouse and nursery
Livestock watering	None
Potable water uses	< 51 ppb
Domestic water uses	None
Fishing	None
Other	

9. OUTFLOW AND DOWNSTREAM MODELING

Does this water body have an outlet?	Yes X	No
If yes, can the applicant hold the water during and for the required water use restrictions after the application?	Yes	No X

☐ Check the box if the applicant proposes to hold the water for the required water use restrictions, fill out Attachment C, and describe how the water will be held.

XX Check the box if the applicant cannot hold the water for the required water use restrictions, see Attachment D, and complete the Downstream Modeling spreadsheet.

10. RIPARIAN OWNER/USER NOTIFICATIONS

If there is more than one riparian owner, or vested riparian users, these riparian owners and users must be notified in writing of the application and the water use restrictions, and their right to object. (See Attachment A - Sample Riparian Letter) If there will be outflow of treated waters through lands owned by other than the sole water body riparian owner, they too must be notified. (See Attachment D - Downstream Modeling)

11. CERTIFICATION OF NOTIFICATION OF RIPARIAN OWNERS AND USERS

The applicant must complete and sign the Certification of Notification of Riparian Owners and Users below. A copy of the notification letter and a list of riparian owners/users to whom the notification letter was sent must accompany this application. Check all appropriate statements:

- X** All owners of real property abutting the body of water proposed to be treated pursuant to this application, a list of whom is attached to this application, have been notified by letter of the proposed pesticide permit. This list includes property owners abutting the outflow from this body of water, if the water is not to be held in the treated water body for the period of time during which use of water is restricted. Such letters were mailed or personally delivered on 3/8/22. A copy of the letter is attached.
- A review of the appropriate real property tax records indicates that no person other than the applicant owns any real property abutting the water body proposed to be treated.
- A person(s), not owning abutting real property, possesses vested legal right to use the water body proposed to be treated. All such persons, and the nature of their right to use of the water proposed to be treated is attached. Such letters were mailed or personally delivered on / / . A copy of the letter is attached.

To my knowledge, no person other than the applicant possesses any vested legal right to use the water body treated pursuant to this application.

Name: Joe Hocker

If Applicant is not an individual,
include the title of signatory:

Signature:



Date: 3-8-22

12. AFFIRMATION:

The applicant/applicator guarantees that they will employ the listed pesticides in conformance with all conditions of the permit and agrees to accept the following conditions as a prerequisite to the issuance of a permit: that the issuance of the permit is based on the accuracy of all statements presented by the applicant/applicator; that damage resulting from the inaccuracy of any computations, improper application of the pesticide, or legal responsibility for the representations made in obtaining approvals or releases, or the failure to obtain approvals or releases from the riparian owners/users likely to be affected is the sole responsibility of the applicant/applicator.

I hereby affirm under penalty of perjury that information on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class "A" misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature of Permit Applicant or Representative:



Title:

VICE PRESIDENT
PRSC

Date: 3-8-22

Signature of Certified Applicator:

Carl Cummins

Title

Aquatic Biologist

Date:

3/17/2022

13. NOTES

Clipper will be applied in each treatment area at 200 ppb and will be adjusted according to the average depth of that particular area. The total number of pounds was calculated by using the label rate associated with each treatment area average depth multiplied by the acreage of each area.

1) Treated Waterbody Name:	Donahue Pond
2) County:	Suffolk
3) Product Name:	Clipper
4) Active Ingredient:	Flumioxazin
5) Applicator:	SOLitude Lake Management
6) Today's Date:	3/21/2022
7) Total Waterbody Size (acres):	45.4
8) Total proposed Treated Surface Area (acres)	up to 42.7
9) Total Proposed Volume to be Treated (acre/feet):	up to 106.75
10) Name of Outlet Stream:	Peconic River
11) Date of Application:	May 1 through August 31, 2022
12) Provide a brief description of the location, target concentration and scope of the proposed pesticide applications within the waterbody, and justification why the specific application modeled will result in the outflow of pesticide concentrations that flow the greatest distance downstream: Notification of downstream landowners will extend to Flanders Bay. The model could not be run because Streamstats does not provide statistics for Long Island.	

Key:
Input
Calculation / Carry Over
Drop Down

Key:	
Input	
Calculation/Carry Over	

Parameter	Value
1) Application Rate:	1.1
2) Units for Application rate:	lbs/acre
3) Concentration of Active Ingredient at Dosage Rate (ppb):	200
4) Starting Concentration of Product Being Modeled (ppb):	103
5) Reference USGS Gage Number:	1304600
6) Reference USGS Gage 7Q10 (cfs):	17.1
7) Reference USGS Gage Watershed Area (sq. mi):	74.7
8) Watershed Area at Point of Application / Outlet (sq. mi):	8.9
9) Target Concentration for No Notification (ppb):	50

----> Check ---->

Whole Lake Dilution									
<p>The starting concentration will be the concentration of the active ingredient at the dosage rate. Only use the calculations to the right for partial lake applications. This will factor in whole lake dilution in determining the pesticide concentration at the outlet, with some limitations:</p> <ul style="list-style-type: none"> - Sum of the application areas is less than 1/2 of the entire lake surface area, - Significant portion of that 1/2 area is located in the upper half of the waterbody away from the outlet, <p>If a significant portion of the partial lake application occurs in the lower half of the lake near the outlet, or if the sum of the application areas exceeds 1/2 of the entire lake area, then the modeling will start with the dosage rate concentration of the active ingredient.</p> <p>Depending on the location of the pesticide application, for irregularly shaped lakes, or for lakes where the outlet is near the inlet, the allowance of whole lake dilution will be determined by DEC staff.</p>				Lake Outlet Concentration for Mass Application Rate			Lake Outlet Concentration for a Volume Application Rate		
				14) Mass to be Added:	lbs	62.4	18) Volume to be Added:	gal	
				15) Ratio of Active Ingredient:	lbs of active ingredient/lbs of product	0.5	19) Ratio of Active Ingredient:	lbs of active product/gallon	
				Total lbs of active product to be added:		31.8 lbs	Total lbs of active product to be added:		0.0 lbs
				16) Total Area of Lake:		45.4 acres	20) Total Area of Lake:		acres
				17) Average Depth of Lake:		2.5 ft	21) Average Depth of Lake:		ft
				Total Volume of Lake:		4944060.0 ft3	Total Volume of Lake:		0 ft3
				Lake Concentration:		6.44E-06 lbs/ft3	Lake Concentration:		lbs/ft3
				Lake Concentration:		1.03E-01 ppm	Lake Concentration:		mg/L
				Lake Concentration:		103.1 ppb	Lake Concentration:		ppb

Segment/Dilution Number	1	2	3	4	5	6	7	9	10	11
10) Name										
11) Watershed Area at Point Downstream (sq. mi):										
12) Stream Slope (ft/ft):										
13) Distance from Outlet (mi):										
OUTPUT										
Time of Travel (days):	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Total Flow 7Q10 (cfs):	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stream Concentration (ppb):	103.1	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Notification Distance:	unknown	miles
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LETTER OF NOTIFICATION

Date: March 8, 2022

Re: Proposed Lake Management Program – Peconic River Sportsman's Club

The **Peconic River Sportsman's Club** is planning to apply an aquatic herbicide in Donahue Pond in 2022. The program is intended to control the invasive aquatic plant **fanwort (*Cabomba caroliniana*)** in the lake. The program is being carried out by a lake management firm, SOLitude Lake Management, registered with the New York State Department of Environmental Conservation (#16506). NYSDEC permit applications will be submitted requesting approval for the application of the herbicide **Clipper (flumioxazin)**.

We anticipate the one-day treatment to occur between **May 1st and July 1st, 2022**, and will proceed only after the Peconic River Sportsman's Club obtains permits for the treatments from the NYSDEC, Suffolk County and local town wetland permit authorities as appropriate. Prior notification of the exact dates of treatment will also be provided to the Club, NYSDEC, and the riparian owner list seven to fourteen days prior to treatment and by shoreline posting on the day of application prior to the application.

As an affected riparian owner/user, you have the right to consent or object to the restrictions of water use resulting from the proposed treatment. Water use restrictions are as follows:

WATER USE RESTRICTIONS

	Clipper
Swimming	None
Fishing	None
Irrigation	5 days
Drinking	< 51 ppb
Domestic water uses	< 51 ppb
Livestock watering	None

Herbicide and algacide labels are available for review on SOLitude Lake Management's website www.solitudelakemanagement.com/product-labels-new-york-updates. The affected water body will be posted at the time of treatments indicating the applicable water use restrictions. In the event that you, as a riparian owner or vested riparian user, have any questions or objections to the proposed program, please contact the following agency in writing **within 21 days of receipt of this notice**:

Bureau of Pesticide Management
NYSDEC, Region 1
SUNY at Stony Brook
50 Circle Road
Stony Brook, NY 11790-3409

If you wish further information about the treatments, or wish information on the exact dates of the pesticide application, please contact SOLitude Lake Management at 1-888-480-5253.

Lack of comment will be considered consent to the treatment and water use restrictions.

Town of Riverhead	200 Howell Avenue	Riverhead	NY	11901
Mr. Phillip Eng	Jamaica Station	Jamaica	NY	11435-4380
State of New York	Washington Ave. and State St.	Albany	NY	12224
Town of Brookhaven	1 Independence Hill	Farmingville	NY	11738
County of Suffolk	P.O. Box 6100	Hauppauge	NY	11788
Town of Southampton	116 Hampton Road	Southampton	NY	11968
Stephen Perlstein	44 Mill Road	Calverton	NY	11933
Michael and Christina Spindler	2749 River Road	Calverton	NY	11933
Hatty Baldwin	25 Private Road	Calverton	NY	11933
Kevin Koeberl	33 Private Road	Calverton	NY	11933
Kevin J. Koeberl	41 Private Road	Calverton	NY	11933
Kevin Koeberl	47 Private Road	Calverton	NY	11933
Kevin Koeberl	53 Private Road	Calverton	NY	11933
Alice M. Danowski	61 Private Road	Calverton	NY	11933
Susan Jaeger	42 Mill Road	Calverton	NY	11933
Pei Liao	40 South River Road	Calverton	NY	11933
INDEPENDENT GROUP HOME LIVING PROGRAM IN	38 South River Road	Calverton	NY	11933
Joseph Lutz	40 South River Road	Calverton	NY	11933
Michele Wagner	26 Mill Road	Calverton	NY	11933
Alyssa Tuthill	22 Mill Road	Calverton	NY	11933
Paul D. Anderson	322B Edwards Avenue	Calverton	NY	11933
Dawn Anderson	322 Edwards Avenue	Calverton	NY	11933
Richard Cahill	4 Edwards Avenue	Calverton	NY	11933
Linda Nagorski	2511 River Road	Calverton	NY	11933
Charles Glass	2499 River Road	Calverton	NY	11933
Catherine Allen	2491 River Road	Calverton	NY	11933
Diana C. Cheshire	2485 River Road	Calverton	NY	11933
Donald Cheshire	2463 River Road	Calverton	NY	11933
Ronald Berezny	2453 River Road	Calverton	NY	11933
Brielle MacArthur	2441 River Road	Calverton	NY	11933
Kenneth Walz	2434 River Road	Calverton	NY	11933
Ann N. Sendlewski	2415 River Road	Calverton	NY	11933
RIVER ROAD PROPERTY HOLDINGS LLC	2329 River Road	Calverton	NY	11933
LOUISE S VANCE IRREVOCABLE TRUST	2295 River Road	Calverton	NY	11933

Karen Cunningham	Or Current Resident	2283 River Road	Calverton	NY	11933
April Pokorny	Or Current Resident	2267 River Road	Calverton	NY	11933
ADA HOWE KENT MEMORIAL SHELTER INC	Or Current Resident	2259 River Road	Calverton	NY	11933
Benjamin Karlin	Or Current Resident	2245 River Road	Calverton	NY	11933
Carole A. Murray	Or Current Resident	2235 River Road	Calverton	NY	11933
Gunnar Gundersen	Or Current Resident	2231 River Road	Calverton	NY	11933
Barbara Lewin	Or Current Resident	2225 River Road	Calverton	NY	11933
Kimberly Schmidt	Or Current Resident	2213 River Road	Calverton	NY	11933
Ingrid Schmelzer	Or Current Resident	2203 River Road	Calverton	NY	11933
Erick Schmelzer	Or Current Resident	2155 River Road	Calverton	NY	11933
INGE J SCHMELZER REVOCABLE LIVING TRUST	Or Current Resident	274 South River Road	Calverton	NY	11933
Gai Stratton	Or Current Resident	302 South River Road	Calverton	NY	11933
300 SOUTH RIVER ROAD LLC	Or Current Resident	300 South River Road	Calverton	NY	11933
Howard Bitting	Or Current Resident	299 South River Road	Calverton	NY	11933
Gintaras Rimavicius	Or Current Resident	298 South River Road	Calverton	NY	11933
Richard A. Grzegorzcyk	Or Current Resident	297 South River Road	Calverton	NY	11933
Family Trust	Or Current Resident	295 South River Road	Calverton	NY	11933
Joan Caputo	Or Current Resident	89 Reeves Bay Trail	Riverhead	NY	11901
Peconic Lake Estates Civic Organization	Or Current Resident	275 South River Road	Calverton	NY	11933
Peter Pober	Or Current Resident	332 South River Road	Calverton	NY	11933
Fresh Water Anglers of Long Island, Inc	Or Current Resident	4 South River Road	Calverton	NY	11933
Christos Kakoulas	Or Current Resident	2353 E 72nd St, Apt PVT	Brooklyn	NY	11234-6617
Lorna Musnicki	Or Current Resident	6 South River Road	Calverton	NY	11933
George Leroy James	Or Current Resident	7 South River Road	Calverton	NY	11933
Edmund Daszewski	Or Current Resident	8 South River Road	Calverton	NY	11933
Hasan Biberoglu	Or Current Resident	9 South River Road	Calverton	NY	11933
Karl Washwick	Or Current Resident	10 South River Road	Calverton	NY	11933
Margaret E. Stein	Or Current Resident	11 South River Road	Calverton	NY	11933
Irwin J. Breslauer	Or Current Resident	12 South River Road	Calverton	NY	11933
Gene Sapitsky	Or Current Resident	351 South River Road	Calverton	NY	11933
Philip Swotkewicz	Or Current Resident	13 South River Road	Calverton	NY	11933
Krzysztof Luniewski	Or Current Resident	342 South River Road	Calverton	NY	11933
Roy Defrancis	Or Current Resident	139 South River Road	Calverton	NY	11933
Stephen Lenczewski	Or Current Resident	55 Soundview Dr	Shoreham	NY	11786

Ernest W. Fugina Jr	Or Current Resident	138 South River Road	Calverton	NY	11933
Margaret Pizzarelli	Or Current Resident	350 South River Road	Calverton	NY	11933
Stephen Angel	Or Current Resident	108 E Main Street	Riverhead	NY	11901
Gertrude Boylan	Or Current Resident	355 South River Road	Calverton	NY	11933
Janice Ann Robins	Or Current Resident	359 South River Road	Calverton	NY	11933
Awilda Delgado	Or Current Resident	360 South River Road	Calverton	NY	11933
Arthur Klaiber	Or Current Resident	149 Forge Road	Calverton	NY	11933
Marie Vanscatter	Or Current Resident	373 South River Road	Calverton	NY	11933
Margaet M. Vanscatter	Or Current Resident	372 South River Road	Calverton	NY	11933
Mary Pollard	Or Current Resident	371 South River Road	Calverton	NY	11933
Carl Obrig	Or Current Resident	354 South River Road	Calverton	NY	11933
John Nickonovitz	Or Current Resident	2139 River Road	Calverton	NY	11933
Olin F. Warner Jr	Or Current Resident	2023 River Road	Calverton	NY	11933
John McNulty	Or Current Resident	865 Peconic Bay Blvd	Laurel	NY	11948
FORGE ROAD PROPERTIES LLC	Or Current Resident	1661 Old Country Road	Riverhead	NY	11901
Stanley Terlecky	Or Current Resident	41 Forge Road	Calverton	NY	11933
Joseph Zukowski	Or Current Resident	15 Forge Road	Riverhead	NY	11901
Lawrence Simmis	Or Current Resident	1581 Main Street	Riverhead	NY	11901
LONG ISLAND LIGHTING CO	Or Current Resident	333 Earle Ovington Blvd, Suite 403	Uniondale	NY	11553
U S BANK TRUST N A	Or Current Resident	1453 West Main Street	Riverhead	NY	11901
William Oberhausen	Or Current Resident	1443 West Main Street	Riverhead	NY	11901
GREENVIEW INC	Or Current Resident	1433 West Main Street	Riverhead	NY	11901
David Foster	Or Current Resident	1421 West Main Street	Riverhead	NY	11901
GREGORY JOHN FISCHER LIVING TRUST	Or Current Resident	1411 West Main Street	Riverhead	NY	11901
Roy T. Osman	Or Current Resident	1205 West Main Street	Riverhead	NY	11901
Jose Guichay	Or Current Resident	1389 West Main Street	Riverhead	NY	11901
Felicia Dilorio	Or Current Resident	1381 West Main Street	Riverhead	NY	11901
Fannie Mae	Or Current Resident	1375 West Main Street	Riverhead	NY	11901
Teresa Romanski	Or Current Resident	1369 West Main Street	Riverhead	NY	11901
Robert Casola	Or Current Resident	1331 West Main Street	Riverhead	NY	11901
1315 WEST MAIN STREET LLC	Or Current Resident	1315 West Main Street	Riverhead	NY	11901
Oscar Amaya	Or Current Resident	1307 West Main Street	Riverhead	NY	11901
Jody Trainer	Or Current Resident	1303 West Main Street	Riverhead	NY	11901
George Yakaboski	Or Current Resident	1299 West Main Street	Riverhead	NY	11901

STANLEY W POLLACK LIVING TRUST	Or Current Resident	1288 West Main Street	Riverhead	NY	11901
Carmello De La Cruz	Or Current Resident	1287 West Main Street	Riverhead	NY	11901
Dina K. Seaman Trust	Or Current Resident	1277 West Main Street	Riverhead	NY	11901
Rana Abdul Majahid	Or Current Resident	1271-1273 West Main Street	Riverhead	NY	11901
Kyle Dolder	Or Current Resident	1259 West Main Street	Riverhead	NY	11901
Eric Merriam	Or Current Resident	1237-1241 West Main Street	Riverhead	NY	11901
Brian Lewin	Or Current Resident	1233 West Main Street	Riverhead	NY	11901
Ignacio Sinchi	Or Current Resident	1223 West Main Street	Riverhead	NY	11901
David Osman	Or Current Resident	1165 West Main Street	Riverhead	NY	11901
1159B WEST MAIN STREET LLC	Or Current Resident	1159B West Main Street	Riverhead	NY	11901
Anastasia Marocco	Or Current Resident	1141 West Main Street	Riverhead	NY	11901
Stanley Klasek	Or Current Resident	1117 West Main Street	Riverhead	NY	11901
1111 WEST MAIN STREET INC	Or Current Resident	1111 West Main Street	Riverhead	NY	11901
Stanley Klasek	Or Current Resident	1099A West Main Street	Riverhead	NY	11901
Mary Hopkins	Or Current Resident	1095 West Main Street	Riverhead	NY	11901
Carlos Velasquez	Or Current Resident	1091 West Main Street	Riverhead	NY	11901
COLBLY MA LLC	Or Current Resident	1073 West Main Street	Riverhead	NY	11901
GAFF 21 LLC	Or Current Resident	1069 West Main Street	Riverhead	NY	11901
Stephen Liotta	Or Current Resident	1049 West Main Street	Riverhead	NY	11901
Susan Darnell	Or Current Resident	1035 West Main Street	Riverhead	NY	11901
FRANCIS FLIPPEN REVOCABLE TRUST	Or Current Resident	1021-1011 West Main Street	Riverhead	NY	11901
Rebecca Hazzard	Or Current Resident	981 West Main Street	Riverhead	NY	11901
945 MAIN PLAZA CORP	Or Current Resident	953 West Main Street	Riverhead	NY	11901
Patricia Tuccio	Or Current Resident	933 West Main Street	Riverhead	NY	11901
EMANON RIVERHEAD CORP	Or Current Resident	917-919 West Main Street	Riverhead	NY	11901
EMANON 1888 CORP	Or Current Resident	863 West Main Street	Riverhead	NY	11901
EECL PROPERTIES LLC	Or Current Resident	855 West Main Street	Riverhead	NY	11901
BIG D INC	Or Current Resident	812 West Main Street	Riverhead	NY	11901
Dawn Femmino	Or Current Resident	809 West Main Street	Riverhead	NY	11901
Hildreth Booker	Or Current Resident	737 West Main Street	Riverhead	NY	11901
Franciel Scott	Or Current Resident	733 West Main Street	Riverhead	NY	11901
Patricia Sarubbi	Or Current Resident	725 West Main Street	Riverhead	NY	11901
RVS REALTY LLC	Or Current Resident	7230 West Main Street	Riverhead	NY	11901
James Williams	Or Current Resident	717 West Main Street	Riverhead	NY	11901

BARRY C WEDEL BY PASS CREDIT TRUST	Or Current Resident	709 West Main Street	Riverhead	NY	11901
ART SITES LLC	Or Current Resident	659 West Main Street	Riverhead	NY	11901
Sukru Akkaya	Or Current Resident	641 West Main Street	Riverhead	NY	11901
JANICE MACKIEG REALTY CORP	Or Current Resident	639 West Main Street	Riverhead	NY	11901
COMMUNITY HOUSING INNOVATIONS INC	Or Current Resident	629 West Main Street	Riverhead	NY	11901
Yuko Nii	Or Current Resident	619 West Main Street	Riverhead	NY	11901
Maria Carson	Or Current Resident	601 West Main Street	Riverhead	NY	11901
505 WEST MAIN HOLDINGS LLC	Or Current Resident	505 West Main Street	Riverhead	NY	11901
Qiaofang Zhu	Or Current Resident	445 West Main Street	Riverhead	NY	11901
313 WEST MAIN REALTY LLC	Or Current Resident	313 West Main Street	Riverhead	NY	11901
SIMPLE TABLE LLC	Or Current Resident	305 West Main Street	Riverhead	NY	11901
245 WEST MAIN STREET REALTY CORP	Or Current Resident	245 West Main Street	Riverhead	NY	11901
Vidal Tezen	Or Current Resident	239 West Main Street	Riverhead	NY	11901
Caliopei Capkanis	Or Current Resident	233 West Main Street	Riverhead	NY	11901
Henry B. Ramsauer Jr	Or Current Resident	227 West Main Street	Riverhead	NY	11901
COUNTRY LIMOUSINE INC	Or Current Resident	225 West Main Street	Riverhead	NY	11901
Ben Sfoggia	Or Current Resident	215 West Main Street	Riverhead	NY	11901
PECONIC CITY PROPERTIES LLC	Or Current Resident	209 West Main Street	Riverhead	NY	11901
131 WEST MAIN LLC	Or Current Resident	131 West Main Street	Riverhead	NY	11901
RIVSHORE 2 LLC	Or Current Resident	121-127 West Main Street	Riverhead	NY	11901
Antonio Valeri	Or Current Resident	51-57 West Main Street	Riverhead	NY	11901
PECONIC CROSSING LLC	Or Current Resident	11 West Main Street	Riverhead	NY	11901
JPMORGAN CHASE BANK NATIONAL ASSOCIATION	Or Current Resident	7 West Main Street	Riverhead	NY	11901
FREDETTE SVENDSEN LLC	Or Current Resident	89 Peconic Avenue	Riverhead	NY	11901
TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY	Or Current Resident	431 East Main Street	Riverhead	NY	11901
Garrett Moore	Or Current Resident	533 East Main Street	Riverhead	NY	11901
J PETROCELLI DEVELOPMENT ASSOCIATES LLC	Or Current Resident	543 East Main Street	Riverhead	NY	11901
Anthony Conforti	Or Current Resident	611 East Main Street	Riverhead	NY	11901
Henry Tyte	Or Current Resident	25 Howell Lane	Riverhead	NY	11901
33 HOWELL LANE LLC	Or Current Resident	33 Howell Lane	Riverhead	NY	11901
Clairetina Taborsky	Or Current Resident	41 Howell Lane	Riverhead	NY	11901
Richard E. Gadzinski	Or Current Resident	25 Howell Lane	Riverhead	NY	11901

GENDOT HOMES	Or Current Resident	111 Riverside Drive	Riverhead	NY	11901
William Hulse	Or Current Resident	115 Riverside Drive	Riverhead	NY	11901
Pamela Hogrefe	Or Current Resident	129 Riverside Drive	Riverhead	NY	11901
Robert J. Banfelder	Or Current Resident	141 Riverside Drive	Riverhead	NY	11901
David Fulton	Or Current Resident	145 Riverside Drive	Riverhead	NY	11901
Arthur Gould	Or Current Resident	147-149 Riverside Drive	Riverhead	NY	11901
Mary-Beth Corwin	Or Current Resident	153 Riverside Drive	Riverhead	NY	11901
Barbara Woodhull	Or Current Resident	307 Riverside Drive	Riverhead	NY	11901
George Woodhull	Or Current Resident	209 Riverside Drive	Riverhead	NY	11901
W. R. GELATERIA INC	Or Current Resident	143 E. Main Street	Smithtown	NY	11787
Herbert Voss	Or Current Resident	243 Main Road	Riverhead	NY	11901
Charles Timponi	Or Current Resident	43 Corwell Avenue	Riverhead	NY	11901
David B. Peterson	Or Current Resident	17 Madison Street	Riverhead	NY	11901
Joanna Whitney	Or Current Resident	41 Madison Street	Riverhead	NY	11901
LOYAL ORDER OF MOOSE LODGE 1742	Or Current Resident	51 Madison Street	Riverhead	NY	11901
RIVERHEAD YACHT CLUB INC	Or Current Resident	68 River Avenue	Riverhead	NY	11901
SOUTHAMPTON PECONIC REALTY LLC	Or Current Resident	98 Peconic Avenue	Riverhead	NY	11901
U A RIVERHEAD REALTY LLC	Or Current Resident	7 Peconic Avenue	Riverhead	NY	11901
Charles McDonly	Or Current Resident	10 Flanders Road	Riverhead	NY	11901
LAKE CREEK PROPERTIES LLC	Or Current Resident	30 Flanders Road	Riverhead	NY	11901
R E J CORP	Or Current Resident	250 David Court	Calverton	NY	19933
RIVERBANK	Or Current Resident	120 Flanders Road	Riverhead	NY	11901
CATCOVE GROUP INC	Or Current Resident	246 Flanders Road	Riverhead	NY	11901
Anne Marie Barnes	Or Current Resident	306 Flanders Road	Riverhead	NY	11901
PARKVIEW COMMUNITY INC	Or Current Resident	320 Flanders Road	Riverhead	NY	11901
John M. Shumejda	Or Current Resident	448 Flanders Road	Riverhead	NY	11901
Keavin Heinrich	Or Current Resident	8 Meadowbrook Lane	Riverhead	NY	11901
Christopher Wolfe	Or Current Resident	6 Meadowbrook Lane	Riverhead	NY	11901
Gerard Chasteen	Or Current Resident	4 Meadowbrook Lane	Riverhead	NY	11901
Joseph Orilla	Or Current Resident	187 Evergreen Road	Riverhead	NY	11901
Debra Leposa	Or Current Resident	182 Evergreen Road	Riverhead	NY	11901
Cassandra Paula Randall	Or Current Resident	16 Arlen Court	Riverhead	NY	11901
Barbara Hale	Or Current Resident	30 Arlen Court	Riverhead	NY	11901
Sharon T. Sabbatino	Or Current Resident	40 Arlen Court	Riverhead	NY	11901

Jeffrey W. Burns	Or Current Resident	44 Arlen Court	Riverhead	NY	11901
Diane McNulty	Or Current Resident	60 Arlen Court	Riverhead	NY	11901
Isidore Ianniello	Or Current Resident	63 Arlen Court	Riverhead	NY	11901
Pasquale Ianniello	Or Current Resident	85 Arlen Court	Riverhead	NY	11901



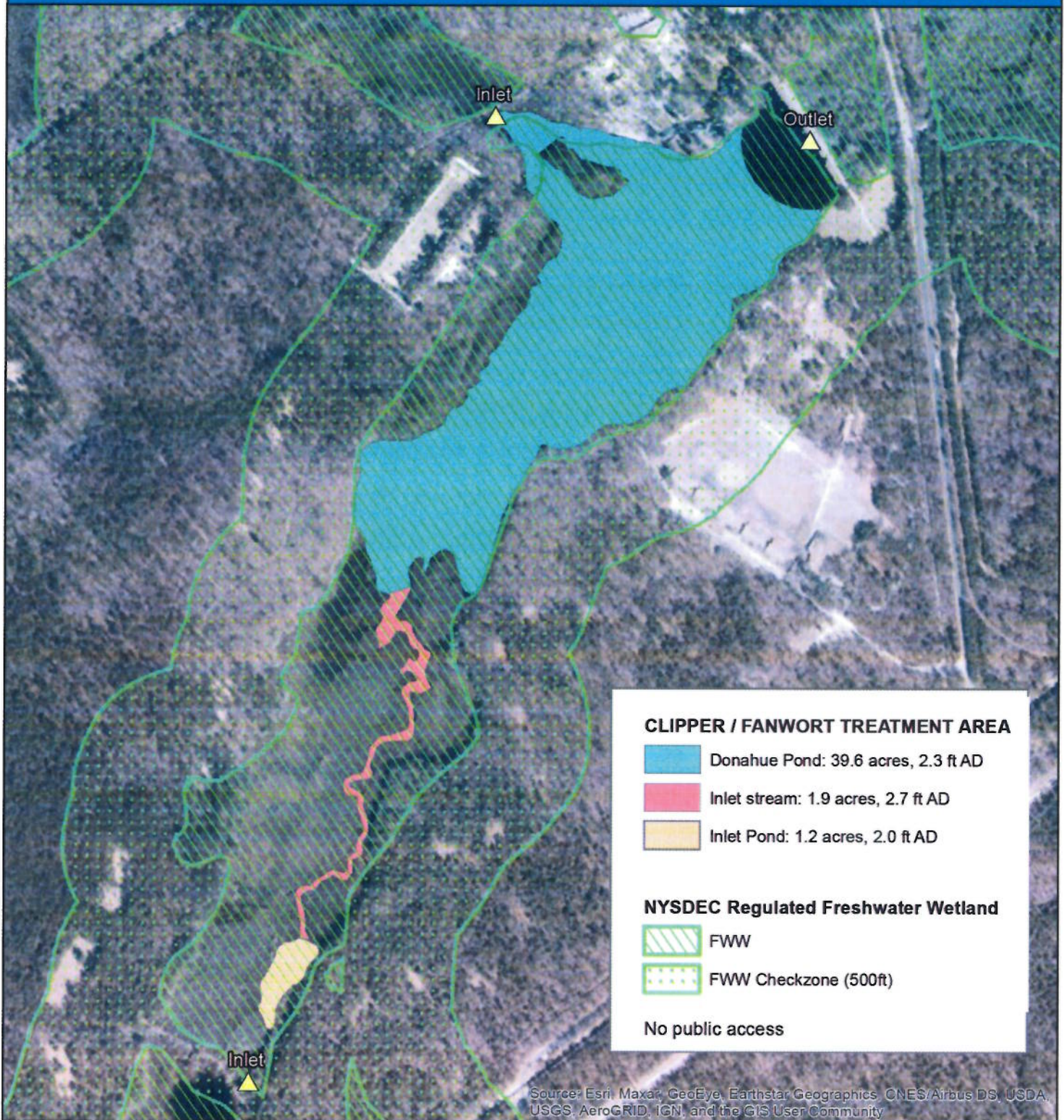
SOLitude Lake Management (License No. 16506)

List of Certified Applicators

Carl Cummins C0837725
Dominic Meringolo, C0806083
Glenn Sullivan, C0680740
Jason Luce, C7889266
Jeff Horn, C0810437
Kevin Shank, C0883418
Robert Schindler, C0839043
Stradder Caves T888641
Todd Schramm, C0838971
Vincent Giordano C0837319

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2022 CLIPPER APPLICATION PLAN FOR FANWORT CONTROL



Donahue Pond
Manorville, New York
[Suffolk County]
40.897°, -72.78°



DONAHUE POND

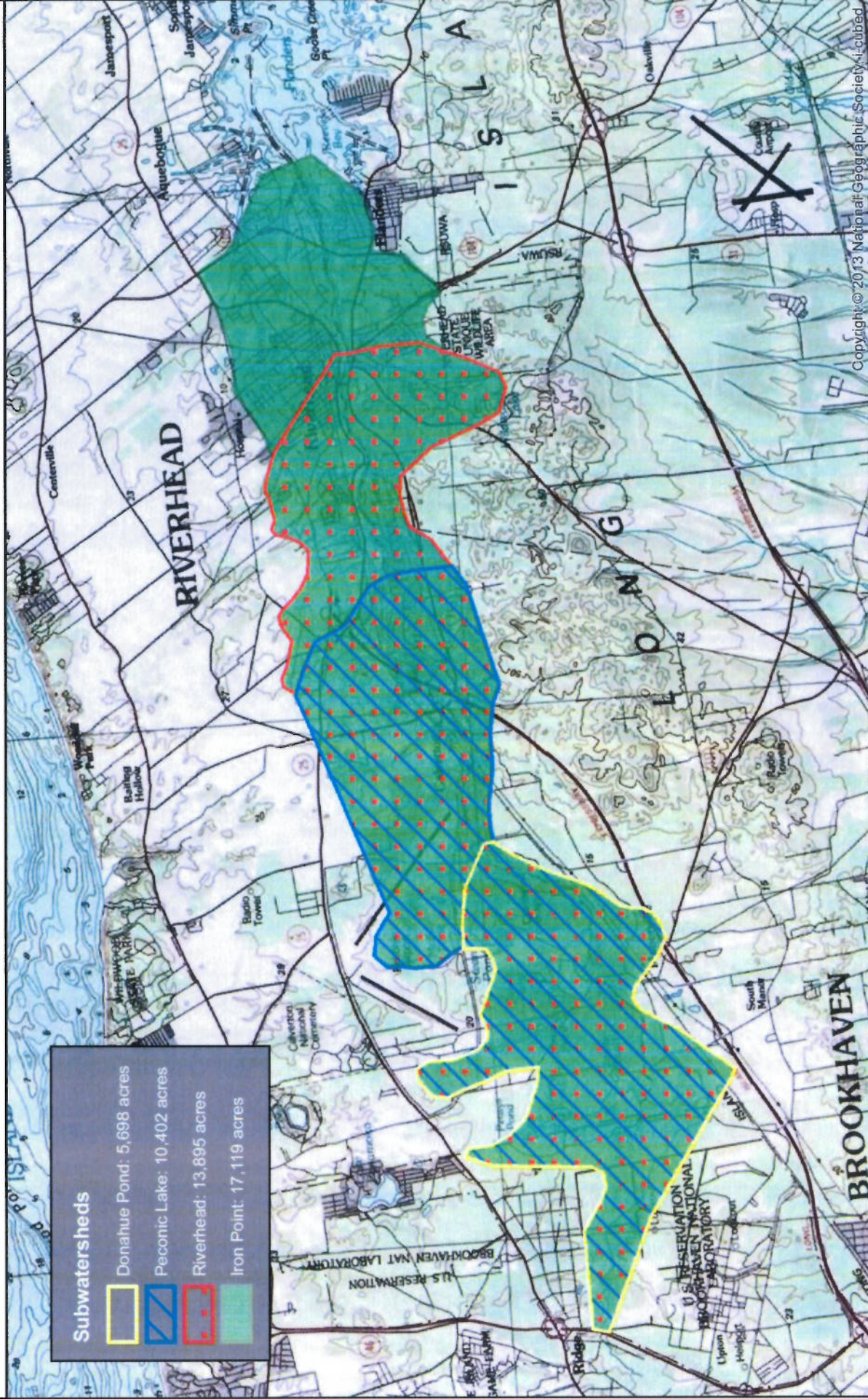
1:7,222

0 425 850 Feet



Date: 3/10/2022
File: Donahue_TrArea_2022
Prepared by: KM
Office: Washington, NJ

WATERSHED MAP FOR DONAHUE POND HERICIDE DILUTION MODEL



Donahue Pond
Manorville, NY
40.900184°, -72.775101°

DONAHUE POND

0 1.25 2.5 Miles

June 4, 2020 | 2:52 pm

Information on Novel Coronavirus

Coronavirus is still spreading in New York. New Yorkers are required to wear a mask and maintain 6 feet distance in public.

[GET THE FACTS >](#)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

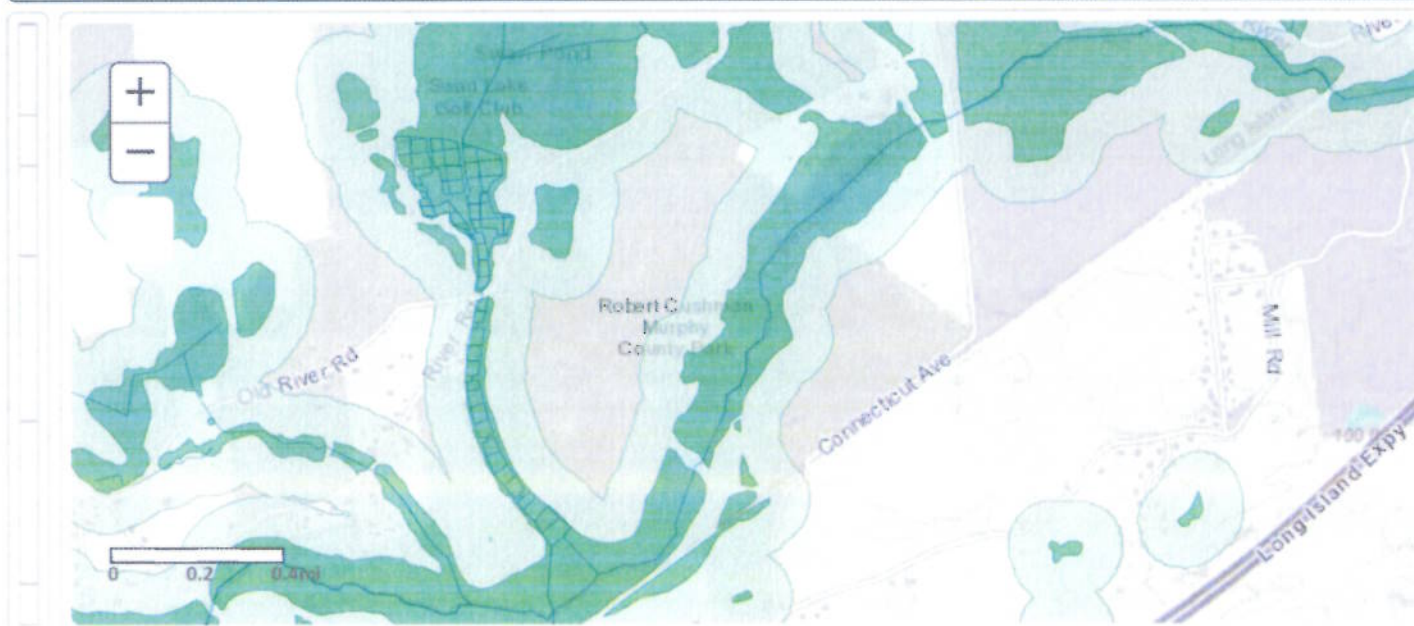


Environmental Resource Mapper

Topographical



[Using this map](#)



DATE: 8.21.20
FORM: 1791-H
NAME: Clipper Herbicide
KIND: Booklet Label
AMOUNT: 5 Pounds

ACCEPTED
VIA NOTIFICATION
LABEL NOT REVIEWED

April 22, 2021

New York State Department
of Environmental Conservation
Division of Materials Management
Pesticide Product Registration

Classified for
"RESTRICTED USE"
in New York State
under 6NYCRR Part 326

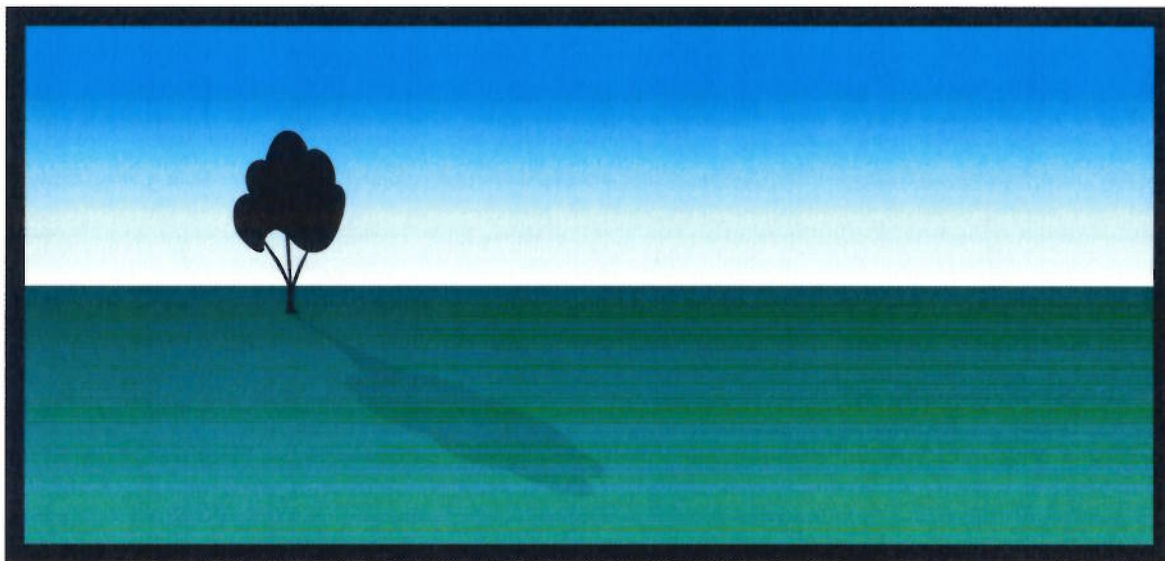
Doc id: 573494

FLUMIOXAZIN GROUP 14 HERBICIDE



Clipper®

HERBICIDE



**FOR THE MANAGEMENT OF UNDESIRABLE AQUATIC
VEGETATION IN SLOW MOVING OR QUIESCENT WATERS**

Active Ingredient	By Wt
* Flumioxazin.....	51%
Other Ingredients.....	49%
Total	100%

* 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isindole-1,3(2H)-dione

Clipper® Herbicide is a water dispersible granule containing 51% active ingredient.

EPA Reg. No. 59639-161 EPA Est. 11773-IA-1® 39578-TX-1® 47857-CA-1
Superscript is first letter of lot number.

NET WEIGHT 5 POUNDS

**KEEP OUT OF
REACH OF CHILDREN
CAUTION**
SEE NEXT PAGE FOR ADDITIONAL
PRECAUTIONARY STATEMENTS



**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS
CAUTION**

Harmful if inhaled or absorbed through the skin. Causes moderate eye irritation. Avoid breathing dust and spray mist. Avoid contact with skin, eyes or clothing. Wash hands before eating, drinking, chewing gum, using tobacco or the toilet.

FIRST AID

If inhaled: Move person to fresh air.
If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth if possible.
Call a poison control center or doctor for further treatment advice.

If on skin or clothing: Take off contaminated clothing.
Rinse skin immediately with plenty of water for 15-20 minutes.
Call a poison control center or doctor for treatment advice.

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes.
Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
Call a poison control center or doctor for treatment advice.

If swallowed: Call a poison control center or doctor immediately for treatment advice.
Have person sip a glass of water if able to swallow.
Do not induce vomiting unless told to by a poison control center or doctor.
Do not give anything by mouth to an unconscious person.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact **800-892-0099** for emergency medical treatment information.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Some of the materials that are chemical-resistant to this product are listed below.

Applicators and other handlers must wear:

- long-sleeved shirt
- long pants

- chemical-resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride
- shoes and socks.

User Safety Requirements

Follow manufacturer's instructions for cleaning/maintaining PPE. If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should:

- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS:

If not used in accordance with directions on the label, this product can be toxic to non-target plants and aquatic invertebrates. Do not apply to water except as specified on the label. Drift and runoff may be hazardous to non-target plants and aquatic organisms in neighboring areas, if not used in accordance to label directions. Do not apply where runoff is likely to occur. Do not apply when weather conditions favor drift from treated areas. Do not contaminate water when disposing of equipment washwaters.

This pesticide is toxic to plants and should be used strictly in accordance with the drift and runoff precautions on this label in order to minimize off-site exposures.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the treatment area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

**DISCLAIMER, RISKS OF USING THIS PRODUCT,
LIMITED WARRANTY
AND LIMITATION OF LIABILITY**

IMPORTANT: Read the entire Label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable **THEN DO NOT USE THE PRODUCT**; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weeds to this product, injury caused by drift, and injury to rotational crops caused by carryover in the soil. If the Buyer chooses not to accept these risks, **THEN THIS PRODUCT SHOULD NOT BE APPLIED.**

By applying this product Buyer acknowledges and accepts these inherent unintended risks **AND TO THE FULLEST EXTENT ALLOWED BY LAW, AGREES THAT ALL SUCH RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.**

Valent shall not be responsible for losses or damages resulting from use of this product in any manner not set forth on the label. Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

Valent warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label and subject to the Risks of Using This Product as described above. **To the extent consistent with applicable law AND AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.**

LIMITATION OF LIABILITY

To the fullest extent allowed by law, Valent or Seller is not liable for any incidental, consequential, indirect

(continued)

(continued)

or special damages resulting from the use or handling of this product. TO THE FULLEST EXTENT ALLOWED BY LAW, THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF VALENT OR SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

PROMPT NOTICE OF CLAIM

To the extent consistent with applicable law allowing such requirements Valent must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from the date of application so that an immediate inspection of the affected property can be made.

To the extent consistent with applicable law if Buyer does not notify Valent of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

Valent and Seller offer this product, and Buyer accepts it, subject to the foregoing **Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability**, which may not be modified by any oral or written agreement.

TANK MIXES

NOTICE: Tank mixing or use of this product with any other product which is not specifically and expressly authorized by the label shall be the exclusive risk of user, applicator and/or application advisor, to the extent allowed by applicable law.

It is the pesticide user's responsibility to ensure that all products are registered for the intended use. Read and follow the applicable restrictions and limitations and directions for use on all product labels involved in tank mixing. Users must follow the most restrictive directions for use and precautionary statements of each product in the tank mixture.

PRODUCT INFORMATION

Clipper Herbicide is a fast acting contact herbicide that controls selected submersed, emergent and floating aquatic weeds. It is most effective when applied to young, actively growing weeds in water with a pH of less than 8.5.

Clipper Herbicide may be applied to the following quiescent or slow moving bodies of water:

- Bayous
- Canals
- Drainage ditches
- Lakes
- Marshes
- Ponds (including golf course ponds)
- Reservoirs

Application of *Clipper* Herbicide to public aquatic areas may require special approval and/or permits. Consult with local state agencies, if required.

RESTRICTIONS

- Do not exceed 400 ppb of *Clipper* Herbicide during any one application.
- Do not re-treat the same section of water with *Clipper* Herbicide more than 6 times per year.
- Do not apply to intertidal or estuarine areas.
- Do not retreat the same section of water within 28 days of application. In areas with dense weed vegetation only treat 1/2 the water body at one time and wait 10-14 days before treating the remaining area.
- Do not use in water utilized for crawfish farming.
- **Do not use treated water for irrigation purposes on food crops until at least five (5) days after application.**

Notes

- Treated water may be used for irrigation purposes on turf and landscape ornamentals as outlined in the *Irrigation Restrictions Following Application* table.
- There is no post-application holding restriction against use of treated water for drinking or recreational purposes (e.g., swimming, fishing).

IRRIGATION RESTRICTIONS FOLLOWING APPLICATION

Application Method	Application Rate	Average Water Depth	Turf and Landscape Ornamentals	Ornamentals Grown for Production in Greenhouse and Nursery
Surface Spray	6 to 12 oz per surface acre	Greater than 3 feet	None	5 days
		Less than 3 feet	12 hours	5 days
Subsurface	Less than 200 ppb	N/A	1 day	5 days
	200 to 300 ppb	N/A	2 days	5 days
	300 to 400 ppb	N/A	3 days	5 days

Weed Resistance Management

For resistance management, please note that *Clipper* Herbicide contains a Group 14 herbicide. Any weed population may contain plants naturally resistant to *Clipper* Herbicide and other Group 14 herbicides. The resistant individuals may dominate the weed population if these herbicides are used repeatedly in the same field. Appropriate resistance-management strategies should be followed.

To delay herbicide resistance take one or more of the following steps:

- Rotate the use of *Clipper* Herbicide or other Group 14 herbicides within a growing season sequence or among growing seasons with different herbicide groups that control the same weeds.

(continued)

(continued)

- Use tank mixtures with herbicides from a different group if such use is permitted; where information on resistance in target weed species is available, use the less resistance-prone partner at a rate that will control the target weed(s) equally as well as the more resistance-prone partner. Consult your local extension service or certified crop advisor if you are unsure as to which active ingredient is currently less prone to resistance.
- Adopt an integrated weed-management program for herbicide use that includes scouting and uses historical information related to herbicide use and other management practices.

(continued)

(continued)

- Scout after herbicide application to monitor weed populations for early signs of resistance development. Indicators of possible herbicide resistance include: (1) failure to control a weed species normally controlled by the herbicide at the dose applied, especially if control is achieved on adjacent weeds; (2) a spreading patch of non-controlled plants of a particular weed species; (3) surviving plants mixed with controlled individuals of the same species. If resistance is suspected, prevent weed seed production in the affected area by an alternative herbicide from a different group or by a mechanical method.
- If a weed pest population continues to progress after treatment with this product, discontinue use of this product, and switch to another management strategy or herbicide with a different mode of action, if available.
- Contact your local extension specialist or certified crop advisors for additional pesticide resistance management and/or integrated weed-management strategies for specific weed biotypes.
- For further information or to report suspected resistance, contact Valent U.S.A. LLC at 800-682-5368.

SPRAY DRIFT MANAGEMENT FOR FOLIAR OR SURFACE APPLICATIONS

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather-related factors determine the potential for spray drift. The applicator is responsible for considering all these factors when making decisions.

Do not spray *Clipper* Herbicide under circumstances where spray droplets may drift on to unprotected persons, or plantings of food, forage or crops that might be damaged, or rendered unfit for sale, use or consumption. These precautions are not applicable for subsurface injection by closed systems.

- Use the largest droplet size consistent with acceptable efficacy. Formation of very small droplets may be minimized by appropriate nozzle selection, by orienting nozzles away from the air stream as much as possible and by avoiding excessive spray boom pressure. For ground boom and aerial applications, use medium or coarser spray nozzles according to ASAE 572 definition for standard nozzles or a volume mean diameter (VMD) of 300 microns or greater for spinning atomizer nozzles.

- Make aerial, ground or watercraft-based surface applications when wind velocity favors on-target product deposition. Apply only when the wind speed is less than or equal to 10 mph.
- Do not make aerial or ground applications into areas of temperature inversions. Inversions are characterized by stable air and increasing temperatures with increasing distance above the ground. Mist or fog may indicate the presence of an inversion in humid areas. Where permissible by local regulations, the applicator may detect the presence of an inversion by producing smoke and observing a smoke layer near the ground surface.
- Low humidity and high temperatures increase the evaporation rate of spray droplets, and therefore the likelihood of increased spray drift. Avoid spraying during conditions of low humidity and/or high temperatures.

Properly maintain and calibrate all aerial, ground and water based application equipment.

Where states have more stringent regulations, they should be observed.

APPLICATION AND SPRAYER INFORMATION

Mixing Instructions

- Fill clean spray tank 1/2 full of desired level with water and add buffering agent if necessary.
- Add the required amount of *Clipper* Herbicide to the spray tank while agitating.
- Fill spray tank to desired level with water. Ensure that *Clipper* Herbicide is thoroughly mixed before making applications. Agitation should continue until spray solution has been applied.
- Mix only the amount of spray solution that can be applied the day of mixing. Apply *Clipper* Herbicide within 12 hours of mixing.

ADDITIVES

When applying *Clipper* Herbicide to the foliage of floating or emerged aquatic weeds, mix with an adjuvant approved for use in aquatic sites. Valent recommends the use of a Chemical Producers and Distributors Association certified adjuvant. Mix *Clipper* Herbicide with a non-ionic surfactant containing at least 80% active ingredient. Follow adjuvant manufacturer's label rates. Mixing compatibility should be verified by a jar test before using.

Jar Test to Determine Compatibility of Adjuvants and *Clipper* Herbicide

Conduct a jar test before mixing commercial quantities of *Clipper* Herbicide, when using for the first time, when using new adjuvants or when a new water source is being used.

1. Add 1 pt of water to a quart jar. The water should be from the same source and have the same temperature as the water used in the spray tank mixing operation.
2. Add 3 grams (approximately 1 level tsp) of *Clipper* Herbicide for the 8 oz/A rate or 4 grams (approximately 1-1/2 tsp) for 12 oz/A rate to the jar. Gently mix until product disperses.
3. Add 60 ml (4 Tbsp or 2 fl oz) of additive to the quart jar and gently mix.
4. Place cap on jar, invert 10 times, let stand for 15 minutes, evaluate.
5. An ideal tank mix combination will be uniform and free of suspended particles. If any of the following conditions are observed the choice of adjuvant should be questioned:
 - a) Layer of oil or globules on the solution surface.
 - b) Flocculation: Fine particles in suspension or as a layer on the bottom of the jar.
 - c) Clabbering: Thickening texture (coagulated) like gelatin.

Sprayer Cleanup

If spray equipment is dedicated to application of aquatic herbicides, the following steps are recommended to clean the spray equipment:

- Completely drain the spray tank and rinse the application equipment thoroughly, including the inside and outside of the tank and all in-line screens.

If spray equipment will be used for purposes other than applying aquatic herbicides, it must be thoroughly cleaned following application of *Clipper* Herbicide. The following steps must be used to clean the spray equipment:

1. Completely drain the spray tank and rinse the application equipment thoroughly, including the inside and outside of the tank and all in-line screens.
2. Fill the tank with clean water and flush all hoses, booms, screens and nozzles.
3. Top off tank with clean water.
4. Circulate through sprayer for 5 minutes.
5. Then flush all hoses, booms, screens and nozzles for a minimum of 15 minutes.
6. Drain tank completely.
7. Remove all nozzles and screens and rinse them with clean water.

AERIAL APPLICATION

To obtain satisfactory weed control, aerial application of *Clipper* Herbicide, must provide uniform coverage of surface weeds and sufficient contact time. When applied by air, *Clipper* Herbicide may not provide adequate control of some submersed weeds. Do not apply

by air when significant drift on to non-target plants may occur or when wind velocity is more than 10 mph. Avoid spraying *Clipper* Herbicide within 200 feet of dwellings, adjacent sensitive crops or environmentally sensitive areas. To obtain satisfactory application and avoid drift, the following directions must be observed:

Volume and Pressure

Apply *Clipper* Herbicide in a minimum of 5 gallons of water per acre, with a maximum spray pressure of 40 PSI. Application at less than 5 gallons per acre may not provide adequate weed control. Higher gallonage applications generally provide more consistent weed control.

Nozzles and Nozzle Operation

Use nozzles that produce flat or hollow cone spray patterns. Use non-drip type nozzles such as diaphragm type nozzles to avoid unwanted discharge of spray solution. The nozzle must be directed toward the rear of the aircraft, at an angle between 0° and 15° downward. Do not place nozzles on the outer 25% of the wings or rotors.

Adjuvants

Refer to the additive section or the tank mix partners label for adjuvant recommendation.

DIRECTIONS FOR USE TO CONTROL FLOATING AND EMERGED WEEDS USING SURFACE APPLICATION

Clipper Herbicide will control weeds and algae listed in Table 1, Floating and Emerged Weeds when applied as a broadcast spray with appropriate equipment. For best results, apply *Clipper* Herbicide to the foliage of actively growing weeds.

Table 1. Floating and Emerged Weeds

Common Name	Scientific Name
Alligator Weed	<i>Alternanthera philoxeroides</i>
Duckweed	<i>Lemna spp.</i>
Frog's-bit	<i>Limnobium spongia</i>
Water Fern	<i>Salvinia spp.</i>
Water Lettuce	<i>Pistia stratiotes</i>
Watermeal	<i>Wolffia spp.</i>
Water Pennywort*	<i>Hydrocotyle spp.</i>
Filamentous algae*	<i>Pithophora</i>
Filamentous algae*	<i>Cladophora</i>

*Not for use in California.

Surface Application

Apply *Clipper* Herbicide as a broadcast spray at 6 to 12 ounces of formulated product per acre plus an adjuvant approved for use in aquatics.

Clipper Herbicide is a contact herbicide that quickly degrades in the water column so plants that do not initially come in contact with the herbicide will not be controlled. Apply *Clipper* Herbicide in a minimum of 30 gallons of water per acre to all areas of the water body where weeds exist. Coverage is essential for effective control as all floating weeds need to be exposed to lethal concentrations in all parts of the water body. Any untreated escapes or re-introductions of plants that were not treated will reestablish in areas where surface weeds had previously been controlled. If a second application is required to provide control, it is recommended that a treatment be made once the return of these weeds is first observed, but no sooner than 28 days after the last treatment.

Application of *Clipper* Herbicide during early morning hours may enhance weed control. When applying to densely packed actively growing surface weeds, ensure adequate coverage. Rapid decomposition of vegetation resulting from herbicide treatment can result in loss of oxygen in water. A sudden decrease in dissolved oxygen can result in fish suffocation. If aquatic vegetation is dense, treat floating surface weeds in sections to avoid a rapid decrease in dissolved oxygen.

Clipper Herbicide may be tank mixed with 2,4-D, diquat, glyphosate or other registered foliar applied herbicides for enhanced control of floating and emergent weeds.

Consult a manufacturer's label for specific rate restrictions and weeds controlled. Always follow the most restrictive label restrictions and precautions for all products used when making an application involving tank mixes.

Application Equipment

Apply *Clipper* Herbicide with sprayers equipped with nozzles designed to deliver the desired spray pressure and spray volume. Apply by backpack or handgun sprayer, airboat, helicopter, airplane or other application equipment that will ensure thorough coverage of target plant foliage.

DIRECTIONS FOR USE TO CONTROL SUBMERSED AND FLOATING WEEDS USING SUBSURFACE APPLICATION

Clipper Herbicide will control submersed and floating weeds listed in Table 2, Submersed and Floating Weeds Controlled by Subsurface Application, when applied subsurface with appropriate equipment.

Table 2. Submersed and Floating Weeds Controlled by Subsurface Application

Common Name	Scientific Name
Coontail	<i>Ceratophyllum demersum</i>
Duckweed	<i>Lemna</i> spp.
Fanwort	<i>Cabomba caroliniana</i>
Hydrilla	<i>Hydrilla verticillata</i>
Hygrophila	<i>Hygrophila polysperma</i>
Naiad, Southern	<i>Najas guadalupensis</i>
Pondweed, Curlyleaf*	<i>Potamogeton crispus</i>
Pondweed, Sago*	<i>Potamogeton pectinatus</i>
Pondweed, Variable-Leaf*	<i>Potamogeton diversifolius</i>
Water Fern	<i>Salvinia</i> spp.
Water Lettuce	<i>Pistia stratiotes</i>
Watermeal	<i>Wolffia</i> spp.
Watermilfoil, Eurasian	<i>Myriophyllum spicatum</i>
Watermilfoil, Variable-Leaf	<i>Myriophyllum heterophyllum</i>

*Not for use in California.

Subsurface Application

Apply *Clipper* Herbicide at a rate that will produce an initial concentration of 200 to 400 ppb (of active ingredient flumioxazin) in the water column.

Clipper Herbicide is rapidly absorbed by target plants, but also breaks down quickly in water with a pH greater than 8.5. The pH of water surrounding mats of submersed vegetation can exceed 8.5 by early to mid-day, due to photosynthetic processes. Application of *Clipper* Herbicide under these conditions may provide only partial weed control, and regrowth is likely. For best control, apply *Clipper* Herbicide in a minimum of 30 gallons of water per acre in the early morning to actively growing weeds and early in the season before surface matting occurs. Complete coverage and sufficient contact time of submersed weeds with *Clipper* Herbicide is required for optimal performance. Application of *Clipper* Herbicide with subsurface trailing hoses designed to distribute the herbicide within the plant stand will provide more effective and longer term control of submersed weeds. Use Table 3, Subsurface Application Rates to determine the amount of *Clipper* Herbicide needed to achieve desired concentration at different water depths. Use higher concentrations when weed biomass is heavy and/or weeds are more mature and topped out. Any untreated plants that are left in the water column can re-infest treated areas that had previously been controlled. If a second application is required to provide control, it is recommended that a treatment be made once the return of these weeds is

first observed, but no sooner than 28 days after the last treatment.

When applying *Clipper* Herbicide to densely packed actively growing submersed weeds, a rapid decomposition of vegetation resulting from herbicide treatment can result in loss of oxygen in water. A sudden decrease in dissolved oxygen can result in fish suffocation. If aquatic vegetation is dense, treat submersed weeds in sections to avoid a rapid decrease in dissolved oxygen.

Clipper Herbicide may be tank mixed with other registered submersed applied herbicides for enhanced control of submersed and floating weeds.

Application Equipment

To improve distribution in the water column and ensure adequate coverage, apply *Clipper* Herbicide with subsurface trailing hoses in order to place the herbicide under the surface and throughout the biomass of aquatic vegetation. Keep swath width to a minimum in order to maximize contact with submersed aquatic vegetation.

Information on Hydrilla Control in Florida

Clipper Herbicide should be applied as a subsurface treatment for hydrilla control. For best control of hydrilla apply during the late Winter/early Spring and/or early to late Fall. Efficacy of *Clipper* Herbicide will be enhanced at these timings due to lower potential biomass present and lower pH of the water. If applied to mature topped out hydrilla, *Clipper* Herbicide will cause some discoloration and loss of growing tips, but regrowth will be rapid.

Tank mixing *Clipper* Herbicide with other registered herbicides is recommended, especially if hydrilla is approaching maturity or biomass is heavy.

Table 3. Subsurface Application Rates

Water Depth (feet)	Pounds of <i>Clipper</i> Herbicide required per surface acre to achieve desired water concentration		
	200 ppb	300 ppb	400 ppb
1	1.1	1.6	2.1
2	2.1	3.2	4.2
3	3.2	4.8	6.4
4	4.2	6.4	8.5
5	5.3	8.0	10.6
6	6.4	9.5	12.7
7	7.4	11.1	14.8

Example: to achieve an initial concentration of 200 ppb of flumioxazin in a 4 foot deep water column, apply 4.2 lb of *Clipper* Herbicide per surface acre.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment.

PESTICIDE STORAGE

Keep pesticide in original container.

Store in a cool, dry, secure place.

Do not put formulation or dilute spray solution into food or drink containers.

Do not contaminate food or foodstuffs.

Do not store or transport near feed or food.

Not for use or storage in or around the home.

For help with any spill, leak, fire or exposure involving this material, call day or night (800) 892-0099.

PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING

Nonrefillable container. Do not reuse or refill this container. Clean container promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration.

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Clipper is a registered trademark of Valent U.S.A. LLC

Manufactured for:

Valent U.S.A. LLC

P.O. Box 5075

San Ramon CA 94583-5075

Made in U.S.A.

Form 1791-H

EPA Reg. No. 59639-161

EPA Reg. No. 59639-161 EPA Est. 11773-IA-1®

39578-TX-1©, 47857-CA-1

Superscript is first letter of lot number.

059639-00161.20180612.CLP.AMEND.FINAL

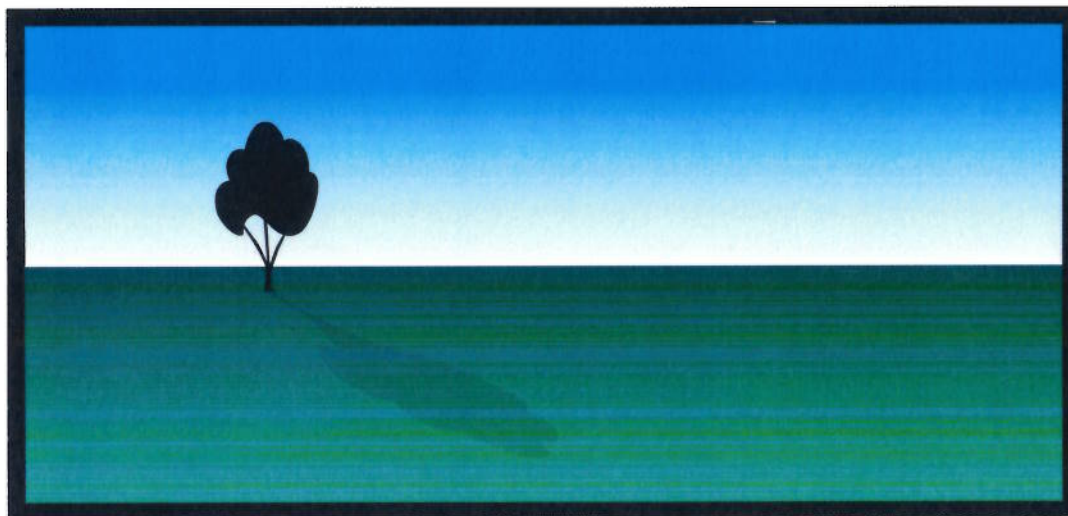
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FLUMIOXAZIN GROUP 14 HERBICIDE



Clipper®

HERBICIDE



**FOR THE MANAGEMENT OF UNDESIRABLE AQUATIC
VEGETATION IN SLOW MOVING OR QUIESCENT WATERS**

Active Ingredient	By Wt
* Flumioxazin	51%
Other Ingredients	49%
Total	100%

* 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione

Clipper® Herbicide is a water dispersible granule containing 51% active ingredient.

EPA Reg. No. 59639-161 EPA Est. 11773-IA-1®, 39578-TX-1®, 47857-CA-1
Superscript is first letter of lot number.

**KEEP OUT OF
REACH OF CHILDREN
CAUTION**

**SEE INSIDE BOOKLET FOR ADDITIONAL
PRECAUTIONARY STATEMENTS**

NET WEIGHT 5 POUNDS

Form 1791-H

HARDSHIP WAIVER APPLICATION

EXPRESSWAY DRIVE NORTH WAREHOUSE BUILDINGS

Compatible Growth Area, Central Pine Barrens Zone

Hamlet of Yaphank, Town of Brookhaven
Suffolk County New York

NPV No. 02045

Prepared for Submission to:

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

Prepared by:



NELSON POPE VOORHIS

environmental • land use • planning

70 Maxess Road
Melville, NY 11747

Contact: Charles J. Voorhis, CEP, AICP, Principal
office: 631.427.5665 | cvoorhis@nelsonpopevoorhis.com

June 13, 2022

HARDSHIP WAIVER APPLICATION

Expressway Drive North Warehouse Buildings

Compatible Growth Area, Central Pine Barrens Zone

Hamlet of Yaphank, Town of Brookhaven
Suffolk County, New York

Applicant: WF Industrial XII LLC
80 8th Avenue, Suite 1602
New York, New York 10011
Contact: Matthew Dicker, Authorized Signatory

For Submission to: Central Pine Barrens Joint Planning &
Policy Commission
624 Old Riverhead Road
Westhampton Beach, New York 11978
Contact: Judy Jakobsen, Executive Director
(631) 288-1079

Prepared by: Nelson, Pope & Voorhis, LLC
70 Maxess Road
Melville, New York 11747
Contact: Charles Voorhis, CEP, AICP, Principal
(631) 427-5665

Key Civil Engineering
664 Blue Point Road, Unit B
Holtsville, NY 11742
Contact: Daniel J. Peveraro, P.E., Project Manager
(631) 961-0506

June 13, 2022

**COMPATIBLE GROWTH AREA APPLICATION
PROJECT DATA SHEET**

Applicant Information	
Name	WF Industrial XII LLC; Matthew Dicker, Authorized Signatory
Address	80 8 th Avenue, Suite 1602, New York, NY 10011
Phone/Fax	(310) 490-0526 (phone)
Agent's Name	Charles J. Voorhis, CEP, AICP: Principal Nelson Pope Voorhis LLC
Address	70 Maxess Road Melville, NY 11747
Phone/Fax	(631) 427-5665/ (631) 427-5620
Project Information	
Project Name	Expressway Drive North Warehouse Buildings
Tax Map Number(s)	District 0200; Section 662; Block 2, Lot 5.16
Street Location	North side of LIE North Service Road, west of Sills Road; SCTM: 200-662-5.16
Hamlet & Town	Yaphank, Brookhaven
Total Acreage	71.45 acres
Existing Land Use	Vacant, wooded
Present Zoning	Industrial Warehouses
Project Description	<p>The proposed project involves a Site Plan application for 549,942 SF of warehouse space in three structures, on a 71.45-acre portion of the overall 192±-acre Silver Corporate Park property. The Silver Corporate Park project underwent review under SEQRA, and subsequent litigation between the Applicant and the Town. That litigation concluded in a Stipulation of Settlement to allow development of a 14-lot subdivision of the site, for about 550,000 SF of warehouse space. A Subdivision application was submitted to the Town. The Town Planning Board adopted a Negative Declaration for the Subdivision Plan, indicating that, in its judgement, the Subdivision Plan would not result in significant adverse environmental impacts. It is noteworthy that the Subdivision Plan was also reviewed by the CPBJPPC, which adopted its own Findings Statement that supports the DRS approval and is further described in Section 2.0 of the Consistency Analysis (see Attachment A).</p> <p>Subsequently, the Applicant revised the project to occur on a single lot and reduce the area of steep slopes that would be impacted. A Town Site Plan application is being processed. The Site Plan application has been reviewed by the Town Division of Environmental Protection and has been determined to <i>"...be less intensive than that of the previously considered proposal [i.e., the Subdivision application] and allows for a more contiguous, orderly, and compact design. No further SEQRA review is necessary or warranted."</i> Note that, in its review of the Consistency Analysis, the Town determined that <i>"...the proposed site plan is in conformance with and does not exceed any thresholds or impacts previously considered for the March 26, 2015, Town Board adopted SEQRA negative declaration or the January 13, 2020, Planning Board adopted SEQRA negative declaration."</i> (see Attachment B).</p> <p>The Site Plan conforms to the CLUP and therefore is expected to gain the same approvals as were granted for the Subdivision Plan. A Consistency Analysis (dated February 8, 2022) comparing the anticipated impacts of the approved subdivision against those of the site</p>

plan was prepared for the Brookhaven Planning Board, to demonstrate that the latter was at least as protective of steep slopes as the former, so that no further analysis under SEQRA would be warranted. It should be noted that, since the Consistency Analysis was prepared, the Site Plan has been subject to further revisions to reduce impacts to steep slopes. Consequently, the Consistency Analysis was revised to reflect these Site Plan revisions. A copy of the revised Consistency Analysis (dated May 9, 2022) is contained in **Attachment A**. The Site Plan revisions are presented in the attached **Existing Slope Analysis Plan** (*revised 5/3/22*) and **Overall Site Plan** (*revised 5/3/22*), and are the subject of this Hardship application.

Plans contrasting the layouts and limits of development of the prior-approved Subdivision and the proposed Site Plan (**Previous Development Overlay Exhibit, 5/14/2022**), and the limits of impact to slopes for these two scenarios (**Previous Development Overlay Exhibit, with Slopes, revised 5/25/2022**) are attached hereto.

Permit Information (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)	DEIS- Silver Corporate Park Subdivision October 2005 FEIS- Silver Corporate Park Subdivision December 2005 Findings- Silver Corporate Park Subdivision December 2005 Stipulation of Settlement February 2015 Negative Declaration Stipulation of Settlement March 2015 Negative Declaration Subdivision January 2020 Adopted Decision to Approve Subdivision, CPBJPPC June 2020
Town Permits - subdivision, site plan, tree clearing, variance, special permit (please note from which board)	Special Permit - Town Planning Board (overnight outdoor parking) Site Plan- Town Planning Board Variance- Town Planning Board (landscaping in front yard)
Project Plans Enclosed (site plan, subdivision, etc.) Including drainage or landscape plans	(in pouches at the back of this document)
NYS DEC - wetlands, WSR, mining, SPDES, etc.	SWPPP
Suffolk County Department of Health Services - Article 6, 7, 12	SCSC Article 6
Suffolk County Planning Commission	N/A

STANDARDS AND GUIDELINES FOR LAND USE

Standard (S)/Guideline (G)		Explanation and Document Page Reference
5.3.3.1 Nitrate-nitrogen		
S 5.3.3.1.1	SCSC Article 6 compliance	The project’s sanitary wastewater will be treated and recharged via on-site septic systems conforming to SCSC Article 6 requirements. The estimated 549,942 SF of warehouse spaces would generate an estimated 21,998 gpd of sanitary wastewater. This would exceed the allowable sanitary flow under SCSC Article 6, which is 21,423 gpd. However, according to the Town Planning Board Negative Declaration and the Stipulation of Settlement, the Town acknowledges that the site may yield 550,000 SF of industrial space, which the Site Plan satisfies. The Site Plan will obtain all necessary and appropriate variances and/or permits, including the SCDHS Board of Review.
S 5.3.3.1.2	STP discharge	The proposed project will conform to SCSC Article 6 requirements, so that no STP will be necessary. It is acknowledged that the project’s effluent will be recharged within the CGA. However, the project will operate under the jurisdiction of the SCDHS and in conformance with SCSC Article 6, thereby assuring that no impact to underlying groundwater quality will occur.
G 5.3.3.1.3	Nitrate-nitrogen goal	No surface water bodies or wetlands are present on the site or in the vicinity that could be impacted by the site’s recharge and as a result, this Guideline does not apply. The proposed project includes measures that will minimize potential nitrogen impacts to groundwater (i.e., conformance to SCSC Article 6, use of an Innovative/Alternative septic system, elimination of fertilizer use on landscaping). The project density is unchanged and therefore if applicable, the nitrogen concentration in recharge will be less than 2.5 mg/l.
5.3.3.2 Other chemical contaminants of concern		
S 5.3.3.2.1	SCSC Articles 7 & 12 compliance	The Site Plan will be consistent with SCSC Article 7 in that it would not involve an industrial process or use hazardous or toxic materials in excess of the quantities allowed under Article 7 of the SCSC. The project will conform to the applicable storage and handling restrictions and requirements of SCSC Article 12. The proposed project will obtain proper permits, if needed and required.
5.3.3.3 Wellhead protection		
S 5.3.3.3.1	Significant discharges and public supply well locations	There are no public water supply wellfields within 200 feet of the subject site.
G 5.3.3.3.2	Private well protection	The project conforms to SCSC Articles 6 and 7, and all wastewater recharge will flow in an east-southeasterly direction. There are no SCWA public water supply wellfields in this direction that are near enough to the project site to be impacted by the site’s sanitary recharge.
5.3.3.4 Wetlands and surface waters		
S 5.3.3.4.1	Non-disturbance buffers	There are no surface water bodies or freshwater wetlands on the subject site.
S 5.3.3.4.2	Buffer delineations, covenants, and conservation easements	The eastern and northern portions of the site, and the naturally-vegetated buffer along the LIE (totaling 30.15 acres), will be retained in their naturally-vegetated condition, and permanently protected by covenant filed with the County Clerk.
S 5.3.3.4.3	WSRR Act compliance	The subject site is not within the regulated distance from any State-designated WSRR.
G 5.3.3.4.4	Additional non-disturbance buffers	No additional buffer areas are necessary or proposed.
5.3.3.5 Stormwater runoff		
S 5.3.3.5.1	Stormwater recharge	All stormwater runoff generated on developed surfaces will be retained on-site and recharged to groundwater. The project’s drainage system will utilize a recharge basin. The system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project notification and preparation of a SWPPP.
G 5.3.3.5.2	Natural recharge and drainage	No suitable natural low areas are present on the site that could be used for drainage purposes.
G 5.3.3.5.3	Ponds	No artificial ponds are proposed.
G 5.3.3.5.4	Natural topography in lieu of recharge basins	No natural topographic low points or swales are available to be utilized for stormwater recharge.
G 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	The project’s drainage system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project notification and preparation of a SWPPP.
5.3.3.6 Natural vegetation and plant habitat		
S 5.3.3.6.1	Vegetation Clearance Limits	The subject parcel is now and was zoned L-1 in 1995, when the CPB CLUP was adopted. Figure 5-2 of the CLUP indicates that the overall maximum allowed site clearance is 65% (46.44 acres; conversely, a minimum of 35% of the site, or 25.01 acres, would have to be preserved as natural). The proposed project will clear an estimated 41.30 acres of the site (57.80%), thereby

		conforming to this requirement. Conversely, the Site Plan would retain 30.15 acres on natural vegetation, or 42.20% of the site.
		In summary, the Site Plan will conform to the CLUP clearing standard, though it will clear 1.59 acres more land than the Subdivision Plan, and will retain 1.55 acres less of the site’s naturally-vegetated land than the Subdivision Plan. These differences are because the Site Plan includes more landscaped area than the Subdivision Plan and has a larger recharge basin than the Subdivision Plan. As a result, the Site Plan requires a somewhat larger disturbed area than the Subdivision Plan, which leaves slightly less natural land available to be retained in a natural condition.
S 5.3.3.6.2	Unfragmented open space	This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. As a result, substantial areas of natural contiguous habitat will be retained; these areas will be contiguous to naturally-vegetated spaces adjacent to the north, east and west, thus forming an open space continuum as intended by this standard.
S 5.3.3.6.3	Fertilizer dependent vegetation limit	The Applicant does not intend to include fertilizer-dependent landscape species in the project’s landscape design, other than a potential initial application, to establish healthy growth. Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the CLUP will be used in the final site plan landscape design plans.
S 5.3.3.6.4	Native Plantings	Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the CLUP will be used as part of the final site plan landscape design plans.
5.3.3.7 Species and communities of special concern		
S 5.3.3.7.1	Special Species and Ecological Communities	<ul style="list-style-type: none">• The Applicant will ensure that the Site Plan will conform to NYSDEC guidance regarding habitat protection and accommodation for rare, threatened endangered and species of special concern.• As directed by the NHP, clearing will be limited to occur within the time period specified by the NYSDEC, to protect the habitat of the Northern Long-eared Bat. No clearing will occur on the Project Site from April 1 to October 31 of any given year to protect the habitat of the Northern Long-eared Bat unless otherwise authorized by NYSDEC.• Host plants for the Persius Duskywing are not expected within proposed development areas.
5.3.3.8 Soils		
G 5.3.3.8.1	Clearing envelopes	The Site Plan was revised in part to maximize use of slopes less than 10%, and reduce impacts to slopes 10 to 15%, as well as to slopes in excess of 15%. This goal is achieved to a large degree by the Site Plan, where more of the site’s slopes of less than 10% will be disturbed than the Subdivision Plan, but less of the site’s 10 to 15% slopes and less of the site’s 15+% slopes will be impacted.
G 5.3.3.8.2	Stabilization and erosion control	An Erosion & Sediment Control Plan will be prepared as part of the Site Plan for the project. Erosion prevention measures to be taken during construction may include groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this standard.
G 5.3.3.8.3	Slope analysis	A map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15%. As shown in the Existing Slope Analysis Plan, Proposed Warehouse for the Site Plan, there are 8.33 acres of steep slopes (defined as >15%) on the subject site. It should be noted that 91.67% of the site has slopes of less than 15%. Natural steep slopes are found in the central and northern parts of the site. For the proposed project, regrading is not expected to produce slopes in excess of 1:3.
G 5.3.3.8.4	Erosion and sediment control plans	The potential for erosion to occur during construction or after construction is completed will be controlled by implementing a SWPPP, which will include engineered Erosion Control Plans during the site plan review process.
G 5.3.3.8.5	Placement of roadways	One of the goals of the Site Plan was to reduce the area of impact to slopes in excess of 10% to a greater degree than achieved for the Subdivision Plan. It is estimated that 0.98 acres of slopes 10% and greater will be impacted by the Site Plan. In comparison, the Subdivision Plan (assuming the current slope map) would impact 1.45 acres of slopes in excess of 10%.
G 5.3.3.8.6	Retaining walls and control structures	One of the goals of the Site Plan was to reduce the potential need of retaining walls by reducing impacts to steep slope areas. However, should retaining walls still be needed, details will be prepared for and submitted to the Town Engineer.
		It is estimated that 0.20 acres of slopes 15% and greater will be impacted by the Site Plan. In comparison, the Subdivision Plan (assuming the current slope map) would impact 0.32 acres of slopes in excess of 15%.
5.3.3.9 Coordinated design for open space management		
S 5.3.3.9.1	Receiving entity for open space dedications	No dedication of the open space on the site is proposed.
G 5.3.3.9.2	Clustering	Clustering of the project is a central tenet of the Site Plan, to allow for retention of substantial acreages of natural vegetation in the site’s eastern and northern portions, to abut similar areas on adjacent properties. This principle also enables the Applicant to locate the disturbed area preferentially on the low-slope areas of the site.
G 5.3.3.9.3	Protection of dedicated open space	The Applicant will participate in the preparation of a covenant to permanently protect the open spaces on the site.
5.3.3.10 Agriculture and horticulture		
G 5.3.3.10.1	Best Management Practices	N/A; the project is a warehouse in nature, and no new or expanded agricultural or horticultural uses are included.

5.3.3.11 Scenic, historic, and cultural resources		
G 5.3.3.11.1	Cultural resource consideration	The project design will retain a 100 foot-deep naturally-vegetated buffer along the site’s southern boundary with the LIE. Additionally, plantings of appropriate landscape species to protect and enhance the natural aesthetics of the site and area will be made within the disturbed area. The project’s buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.
G 5.3.3.11.2	Inclusion of cultural resources in application	N/A; there are no known or suspected cultural resources on the subject site that could be impacted by the proposed project, based on review of NYS OPRHP records.
G 5.3.3.11.3	Protection of scenic and recreational resources	The project design will retain a 100 foot-deep naturally-vegetated buffer along the site’s southern boundary with the LIE. Additionally, plantings of appropriate landscape species to protect and enhance the natural aesthetics of the site and area will be made within the disturbed area. The project’s buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses.
G 5.3.3.11.4	Roadside design and management	<ul style="list-style-type: none">• Unlike the Subdivision Plan, the Site Plan includes two ingress/egress curb cuts on the site’s frontage on the LIE North Service Road.• The project’s signage and lighting will be compliant and in keeping with the character of the area.
5.3.3.12 Commercial and industrial development		
S 5.3.3.12.1	Commercial and industrial compliance with SCSC	The proposed project will comply with all applicable Town, County and/or State regulations and requirements insofar as practicable; where variances would be necessary, each will be applied for to the appropriate entity having jurisdiction.

CONFORMANCE TO HARDSHIP WAIVER CRITERIA OF ECL 57-0123(3)(b)

CONFORMANCE TO HARDSHIP WAIVER CRITERIA OF ECL 57-0123(3)(b)

Prepared by: Nelson Pope Voorhis
70 Maxess Road
Melville, NY 11747

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80 8th Avenue, Suite 1602
New York, NY 10011

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

Date: June 10, 2022

The following provides an analysis of the proposed project's conformance to the standards necessary to justify a use variance listed in NYS Town Law Section 267-b, which the New York State Environmental Conservation Law, Article 57, Section 57-0121.9 utilizes as a basis for consideration of a hardship exemption for development proposals in the Central Pine Barrens Zone, Compatible Growth Area.

Town Law Section 267-b states, in pertinent part:

- (b) No such use variances 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.

Following are the applicant's responses to each of the four above-noted criteria for approval of the requested hardship application:

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;*

The proposed project is the result of a negotiated Stipulation of Settlement between the Town and the prior owner, which establishes the use and yield of the 72±-acre subject site. The Applicant is not seeking an increase in yield for the site, and the Town is not seeking a decrease in the project's yield.

The prior owner had obtained both Development of Regional Significance (DRS) approval and hardship approval or the prior plan. That plan conformed to clearing and received a hardship for minor disturbance of steep slope areas. The Applicant is pursuing the project with substantially the same configuration of development; however, the site plan establishes three (3) industrial buildings rather than an industrial subdivision with buildings to be constructed in the future. The current site plan disturbs steep slope areas to a lesser degree than the prior approved plan.

The Applicant purchased the property in December 2021 with the prior approval in place. There is a reasonable expectation that a similar square footage of anticipated development would be permitted, albeit, in a different configuration. Similarly, it is reasonable to expect that a project that conforms to the vegetation clearance limits and disturbs steep slopes to a lesser degree would be permitted. The only changes are slightly greater clearing that remains in conformance with vegetation clearance limits, less slope disturbance and three (3) industrial buildings instead of multiple buildings to be built in the future within an industrial subdivision.

The Applicant has also submitted a full application to the Brookhaven Industrial Development Agency. This package seeks tax deferral in order to ensure an economically viable project. With the costs of materials, construction, fuel and related items increasing, this is even more important. The IDA submission is attached. This submission includes competent financial evidence to support the importance of the project with respect to construction/operational employment, beneficial economic ripple effect, a negotiated Payment in Lieu of Taxes (PILOT) program to offset certain community service costs and phased in real estate taxation of the property. The IDA application also includes evidence pertaining to development costs and the need for IDA relief. Without these incentives, the economic viability of the project is compromised. With these thin margins, should there be a reduction of yield, the project would not be viable. As a result, the Applicant would not be able to realize a reasonable economic return. That lack of return is substantial, and is supported by the reasonable expectations for approval of a project similar to what was previously approved as outlined above, as well as competent financial evidence included as **Attachment C**.

(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;

The Applicant is not claiming any Hardship in regard to the approved use and/or yield of the property. The Applicant notes that the proposed project is unique to the site and would not set a precedent for additional, similar projects in the neighborhood, as it is the result of a negotiated Stipulation of Settlement between the Town and Applicant.

The Applicant notes that the proposed Site Plan layout represents a substantial reduction in the acreage of impacts to areas of steep slopes (defined as slopes of 10% and above) as compared to that for the industrial subdivision, which had received Town and CPBJPPC approvals.

The Town and CLUP tend to encourage avoidance of impacts to slope areas, so that an underlying goal of the Site Plan was to shift the disturbed area into those portions of the property that have low (i.e., less than 10% grade) slopes. As a result, the disturbed area of the Site Plan is in the site's central area near and along the LIE North Service Road to a greater degree than that shown in the Subdivision Plan (see **Attachment A, Table 2**). This shift results in greater impact to slopes less than 10%, less impacts to slopes in excess of 10%, and less impacts to slopes in excess of 15%, as compared to the impacts of the Subdivision Plan.

The Subdivision Plan would disturb 1,666,482 SF (38.26 acres) of slopes less than 10%, 49,201 SF (1.13 acres) of slopes between 10 and 15%, and 14,153 SF (0.32 acres) of slopes in excess of 15%, while the Site Plan would disturb 1,756,347 SF (40.32 acres) of slopes of less than 10%, 33,981 SF (0.78 acres) to slopes between 10 and 15%, and 8,898 SF (0.20 acres) to slopes in excess of 15%.

It is noteworthy that both development scenarios will conform to the applicable CLUP clearing requirement: up to 46.44 acres of site may be cleared, while the approved Subdivision would clear 39.71 acres, and the Site Plan would clear 41.30 acres (a 1.59-acre increase in clearing). This difference is because the Site Plan includes more landscaped area than the Subdivision Plan and requires a larger recharge basin than the Subdivision Plan.

The Applicant acknowledges that the acreage of naturally-vegetated open space under the Site Plan that would be retained on-site will be slightly less (1.55 acres; 30.15 acres versus 31.70 acres, a 4.89% reduction) than that for the approved Subdivision; however, the clearing remains in conformance with the vegetation clearance limits.

In summary, the subject site had received DRS and Hardship approval for a similar development, and the proposed project will reduce disturbance of steep slopes and will conform with clearing. The difference from the approved plan to the current plan is a

slightly modified configuration of development and construction of three (3) buildings as compared to an industrial subdivision. As a result, the project 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;

Approval of the requested Hardship waiver would not change the character of the neighborhood; it is zoned for industrial use, occupies a site that is buffered from its neighbors by a substantial acreage of vacant, wooded land, and lies along a major regional roadway (the LIE). The use of the overall property (of which the subject site is a part) has been settled by the Stipulation of Settlement, so that potential impacts of a land use change have been considered by the Town and CPBJPPC when giving their approvals for the Subdivision. The land use of the Site Plan duplicates that for the approved Subdivision.

(4) that the alleged hardship has not been self-created.

The proposed project is the result of a negotiated Stipulation of Settlement between the Town and the Applicant, which establishes the use and yield of the 72±-acre subject site. The Applicant purchased the property with a reasonable expectation that a similar project would be approved. The difference from the approved plan to the current plan is a slightly modified configuration of development and construction of three (3) buildings as compared to an industrial subdivision. Given these circumstances, there is a reasonable expectation that a similar DRS approval and similar but lesser hardship would be approved. As a result, the conditions pertaining to this application are not self-created, but were created through the prior negotiated settlement and approvals for a similar project on the same property with minor beneficial changes resulting from the proposed project.

ATTACHMENT B

SEQRA REVIEW MEMO

Town Division of Environmental Protection, *June 6, 2022*



Town of Brookhaven Long Island

Edward P. Romaine, Supervisor

To: Michael J. Albano, Site Plan Reviewer, Planning Division, PELM

From: Peter E. Fountaine, Pr. Environmental Analyst, DEP, PELM

Date: June 6, 2022

Re: Site Plan for Brookhaven Logistics Center
N/s Long Island Expressway (SR 495) North Service Road, approx. 95 feet W/o
Patchogue-Yaphank Road (CR 101), Yaphank
Town Log # 21SP0055
SCTM # 0200 66200 0200 005016 (71.45 acres)

The Division of Environmental Protection (DEP) has reviewed the materials supplied with the above-mentioned site plan application. The applicant proposes the construction of three (3) one-story warehouse buildings totaling approximately 549,942 square feet (sf) with associated truck docks, vehicle parking, landscaping, pavement, storm drainage, utilities, and other associated site improvements. The site was the subject of a project formerly known as Silver Corporate Park which involved the implementation of a stipulation of settlement (Index No.:06-10360 and 06-10359) between the property owner and the Town of Brookhaven which resulted in a land division dividing the 192 acre subject property into 7 lots: one (1) 50-acre lot and five (5) 14-acre lots, totaling 120 acres, to be acquired by the Town of Brookhaven and one (1) approximately 72-acre lot to be retained by the property owner.

The action previously reviewed by the Planning Board involved the subdivision of the lot, consisting of 71.41-acres, into twelve (12) buildable lots of between 2.76 acres and 4.93 acres, each, intended for approximately 550,000 square feet of industrial, warehouse, and/or office space use as per the current requirements of the Town of Brookhaven's L-Industrial-1 zoning district, a 60-foot-wide roadway, and two (2) open space lots. The twelve (12) buildable lots and 60-foot right of way were to occupy 46.42 acres (65%) of the 71.41-acre parcel. The remaining 24.99 acres (35%) of the 71.41-acre parcel was to remain as open space as per the stipulation of settlement and to satisfy the standards of the Central Pine Barrens Comprehensive Land Use Plan (CLUP) and Town Code.

The applicant has submitted a *Consistency Analysis – Expressway Drive North Warehouse Buildings*, dated May 9, 2022 to establish to the Town of Brookhaven Planning Board that no further analysis under the New York State (NYS) Environmental Quality Review Act (SEQRA) is warranted. In review of the document, the proposed site plan is in conformance with and does not exceed any thresholds or impacts previously considered for the March 26, 2015, Town Board adopted SEQRA negative declaration or the January 13, 2020, Planning Board adopted SEQRA negative declaration. Significant environmental impacts have been mitigated through an agreement between the Town of Brookhaven and the applicant that has resulted in contiguous open space dedications amounting to approximately 145 acres of the original 192-acre parcel and allowed for development of a remaining 47 acres in compliance with the L-Industrial-1 zoning requirements of the Town Code of the Town of Brookhaven.

The impacts from the site plan would generally be similar to those of the subdivision plan apart from a greater overall clearing of 1.59-acres which will still allow for compliance with Town Code, would conform to the prior impact analyses and reviews, and would not result in any significant adverse environmental impacts. The proposed development of the three (3) one-story warehouse buildings, totaling approximately 549,942 square feet (sf), with the associated site improvements will result in clearing 41.30 acres of the site, or 57.8%, with 30.15 acres, or 42.2%, of the 71.45-acre subject site to remain natural and undisturbed. The proposed site plan is found to be less intensive than that of the previously considered proposal and allows for a more contiguous, orderly, and compact design. No further SEQRA review is necessary or warranted.

Division of Environmental Protection

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6455 • Fax (631) 451-6459
www.brookhavenny.gov

Thank you for the opportunity to comment on this application. If you have any questions, comments, or concerns please do not hesitate to contact me.

PEF

Cc: Karen Sullivan, Senior Office Assistant, Office of the Town Clerk
File

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Expressway Drive North Warehouse Buildings		
Project Location (describe, and attach a general location map): N/s Long Island Expressway (SR 495) North Service Road, approx. 99.58 feet W/o Sills Road, Yaphank		
Brief Description of Proposed Action (include purpose or need): Proposed construction of three (3) one story warehouse buildings totaling approximately 549,942 sf with associated truck docks, vehicle parking, landscaping, pavement, storm drainage, utilities, and other associated site improvements.		
Name of Applicant/Sponsor: WF Industrial XII LLC c/o Matthew Dicker	Telephone: 310-490-0526	
	E-Mail: matt@wildflowerltd.com	
Address: 80 8th Avenue, Suite 1602		
City/PO: New York	State: NY	Zip Code: 10011
Project Contact (if not same as sponsor; give name and title/role): Key Civil Engineering c/o Dan Peveraro	Telephone: (631) 961-0506	
	E-Mail: DP@KeyCivilEngineering.com	
Address: 664 Blue Point Road, Unit B		
City/PO: Holtsville	State: NY	Zip Code: 11742
Property Owner (if not same as sponsor): Same as Sponsor	Telephone: (516) 681-0562	
	E-Mail: mth@dascontracting.com	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Brookhaven Planning Board (Site Plan)	TBD
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Suffolk County Water Authority (backflow prevention)	TBD
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Suffolk County Department of Health Services	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC (SWPPP), NYSDOT	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

NYS Heritage Areas: LI North Shore Heritage Area

Town of Brookhaven Hydrogeologic Sensitive Zone

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☒ Yes ☐ No

If Yes, identify the plan(s):

Central Pine Barrens Comprehensive Land Use Plan

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
L-1 (Light Industry) within the Hydrogeologic Sensitive Zone

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Longwood Central School District

b. What police or other public protection forces serve the project site?
Suffolk County Police Department, Sixth Precinct (Sector 619)

c. Which fire protection and emergency medical services serve the project site?
Ridge Fire District

d. What parks serve the project site?
None

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial

b. a. Total acreage of the site of the proposed action? 71.45 acres
b. Total acreage to be physically disturbed? 42.11 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 71.45 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 24 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>3</u>	
ii. Dimensions (in feet) of largest proposed structure: <u><50'</u> height; <u>302</u> width; and <u>674</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>549,942</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: <u>Stormwater disposal areas (drainage reserve areas and drywells) and sanitary disposal septic tanks</u>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: <u>Stormwater and sanitary wastewater</u>	
iii. If other than water, identify the type of impounded/contained liquids and their source. <u>N/A</u>	
iv. Approximate size of the proposed impoundment. Volume: <u>1</u> million gallons; surface area: <u>1.8</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>N/A</u> height; <u>N/A</u> length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): <u>No impounding structure is proposed. Drainage Reserve Areas are to be constructed by creating by proposed grading to create a localized low point</u>	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 35,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: Suffolk County Water Authority (SCWA)
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☐ Yes ☒ No

iii. Will line extension within an existing district be necessary to supply the project? ☒ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
A main extension of ±3,850 feet is required.
- Source(s) of supply for the district: SCWA - public main in Lincoln Road

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 22,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Wastewater to be disposed of via use of an on-site sanitary disposal system consisting of concrete septic tanks and leaching pools in accordance with SCDHS requirements.

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☒ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

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h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____ 			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____ _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input checked="" type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ <div style="text-align: center;">150, box trucks and tractor trailers</div> iii. Parking spaces: Existing <u>0</u> Proposed <u>1,375</u> Net increase/decrease <u>+1,375</u> iv. Does the proposed action include any shared use parking? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>1 right-in/right-out and 1 egress-only driveway along Service Road. Potential relocation of existing on-ramp from Service Road to LIE mainline.</u> vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes: <ul style="list-style-type: none"> i. Estimate annual electricity demand during operation of the proposed action: _____ <u>26,100,000 kWh</u> ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>Primary as grid/local utility</u> iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours • Saturday: _____ 24 hours • Sunday: _____ 24 hours • Holidays: _____ 24 hours </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ 7AM - 6PM • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A </td> </tr> </table>		i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours • Saturday: _____ 24 hours • Sunday: _____ 24 hours • Holidays: _____ 24 hours 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ 7AM - 6PM • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A
i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours • Saturday: _____ 24 hours • Sunday: _____ 24 hours • Holidays: _____ 24 hours 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ 7AM - 6PM • Saturday: _____ N/A • Sunday: _____ N/A • Holidays: _____ N/A 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Noise of levels typical to construction sites will be generated during construction (i.e. excavators, dump trucks, various motorized equipment, etc.). Noise levels to conform to Chapter 50 of the Town of Brookhaven Town Code. Construction will be limited to 7am - 6pm on weekdays, except as permitted by Town Code</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Existing trees within the disturbed area of the site are to be removed.</u></p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Proposed area and building lighting located throughout the site for site safety. Heights and photometrics are proposed to conform to Town of Brookhaven requirements. The nearest structure is a gas station (+/-750' from prop. lighting)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Existing trees within the disturbed area of the site are to be removed.</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>Pesticides may be utilizing in proposed landscaped areas in quantities typical of commercial/industrial developments and in conformance with any pertinent local, State, or Federal requirements.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ 5 tons per _____ month (unit of time) • Operation : _____ 45 tons per _____ month (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: <u>N/A</u> • Operation: <u>N/A</u> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: <u>Private Carter to approved off-site solid waste disposal area in accordance with local, State, and Federal requirements.</u> • Operation: <u>Private Carter to approved off-site solid waste disposal area in accordance with local, State, and Federal requirements.</u> 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
- ☒ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): PSEG easement, Long Island Expressway

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	33.11	+33.11
• Forested	71.45	29.15	-42.3
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Landscape Area</u>	0	9.19	+9.19

Page 10 of 13

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ >1,000 feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site:	
Plymouth loamy sand	75 %
Carver & Plymouth sands	21 %
Carver & Plymouth sands	4 %
d. What is the average depth to the water table on the project site? Average: _____ 80 feet	
e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: _____ 100 % of site	
<input type="checkbox"/> Moderately Well Drained: _____ % of site	
<input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ 78 % of site	
<input checked="" type="checkbox"/> 10-15%: _____ 10 % of site	
<input checked="" type="checkbox"/> 15% or greater: _____ 12 % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____	
• Lakes or Ponds: Name _____ Classification _____	
• Wetlands: Name _____ Approximate Size _____	
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: Sole Source Aquifer Names: Nassau-Suffolk SSA	

m. Identify the predominant wildlife species that occupy or use the project site:		
Songbirds Mice	Eastern Grey Squirrel	Eastern Cottontail
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes:		
i. Species and listing (endangered or threatened): _____		
Northern Long-eared Bat, Persius Duskywing		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Species and listing: _____		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, give a brief description of how the proposed action may affect that use: _____		
E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes, provide county plus district name/number: SUFF003		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. If Yes: acreage(s) on project site? _____		
ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If Yes:		
i. CEA name: SGPA, Central Suffolk Pine Barrens		
ii. Basis for designation: Protect groundwater, Benefit to human health & protect drinking water		
iii. Designating agency and date: Agency: Long Island Regional Planning, Agency: Suffolk County, Date: 3-19-93, Date: 2-10-88		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☒ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☒ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No

If Yes:

i. Identify resource: Carmans River Wild, Scenic and Recreational River (WSRR) Area

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): The Carmans River and associated river basin

iii. Distance between project and resource: _____ 0.70 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

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

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

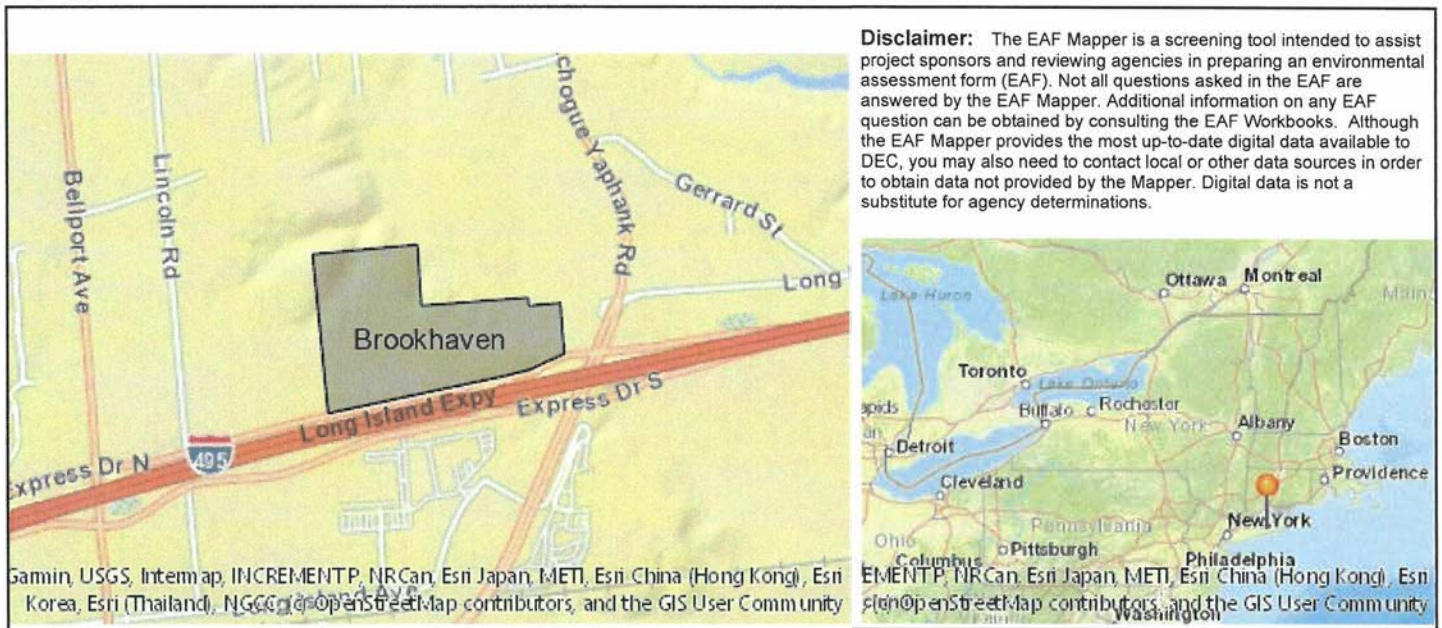
G. Verification

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

Applicant/Sponsor Name Matthew A. Dicker Date 5/23/2022

Signature  Title Authorized Signatory

PRINT FORM



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas:LI North Shore Heritage Area
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes State & Federal Maps checked; not present on site
E.2.h.ii [Surface Water Features]	Yes State & Federal Maps checked; not present on site
E.2.h.iii [Surface Water Features]	Yes - water State & Federal Maps checked; not present on site
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters State & Federal Maps checked; not present on site
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Persius Duskywing
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	SUFF003
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	SGPA, Central Suffolk Pine Barrens
E.3.d.ii [Critical Environmental Area - Reason]	Protect groundwater, Benefit to human health & protect drinking water
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Long Island Regional Planning, Agency:Suffolk County, Date:3-19-93, Date:2-10-88
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

PLANS

EXISTING CONDITIONS SLOPE ANALYSIS (OVERALL SITE)

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	2,443,225	56.09	
2	10.00%	15.00%	305,334	7.03	
3	15.00%	100.00%	362,682	8.33	

EXISTING CONDITIONS SLOPE ANALYSIS (WITHIN PROPOSED DISTURBED AREA)

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	1,735,107	40.32	
2	10.00%	15.00%	33,981	0.78	
3	15.00%	100.00%	8,648	0.20	

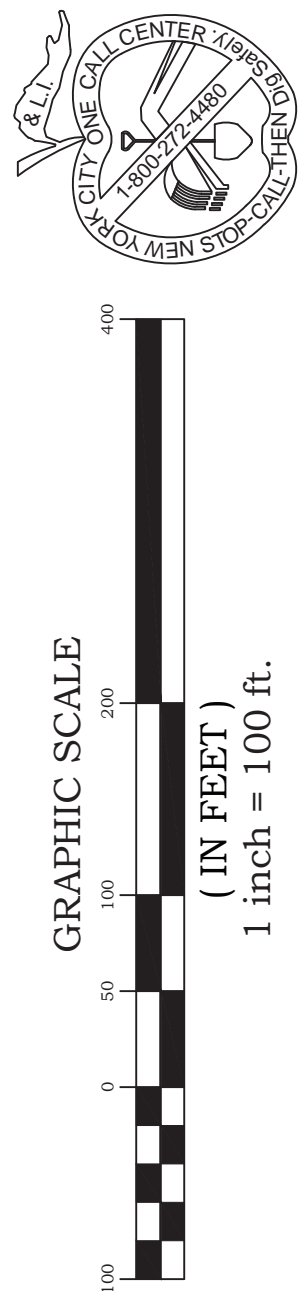
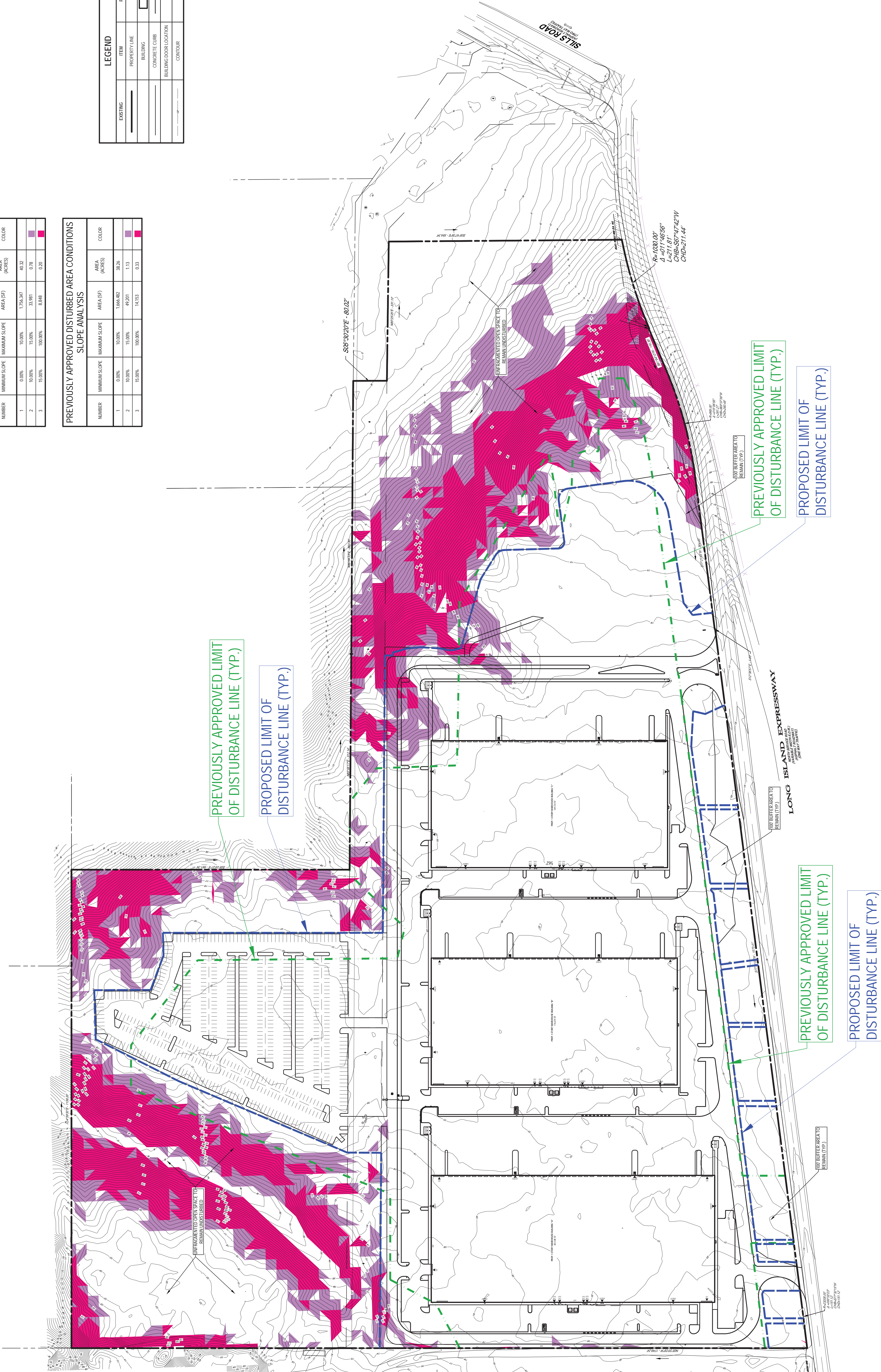
PREVIOUSLY APPROVED DISTURBED AREA CONDITIONS SLOPE ANALYSIS

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	0.00%	10.00%	1,696,482	38.26	
2	10.00%	15.00%	49,201	1.13	
3	15.00%	100.00%	14,153	0.33	

REFERENCES

THIS PLAN REFLECTS THE SURVEY DATA PROVIDED BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED. THE ENGINEER HAS CONDUCTED A VISUAL CHECK OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.

LEGEND	
EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
BUILDING	BUILDING
CONCRETE CURB	CONCRETE CURB
BUILDING DOOR LOCATION	BUILDING DOOR LOCATION
CONTOUR	CONTOUR



VICINITY MAP
N.T.S.

NO	DATE	BY	DESCRIPTION
1	10/05/21	JR	DISTURBANCE LINE
2	01/14/22	JR	MISCELLANEOUS REV'S
3	2/16/22	DP	REV TO SLOPE COLORS
4	3/29/22	DP	MISC. REVISIONS
5	4/19/22	JR	REV PER TOWN COMMENTS
6	05/03/22	DP	MISC. REVISIONS

KEY
CIVIL ENGINEERING
864 BLUE POINT ROAD, UNIT B
HOLTSVILLE, NEW YORK 11742
(837) 961-0506
www.KeyCivilEngineering.com

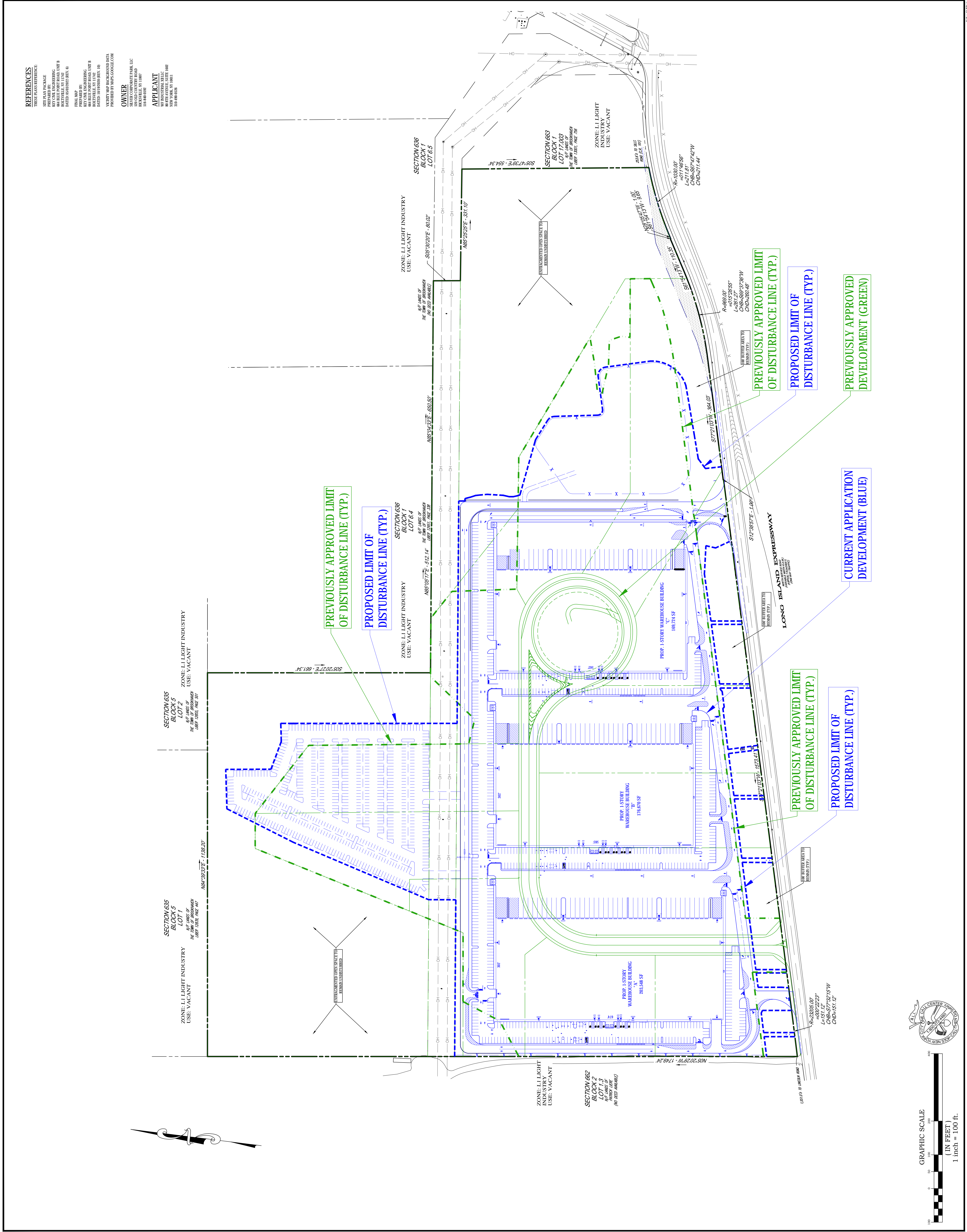
PROPOSED WAREHOUSE
NORTH OF NYA ROUTE 406 & WEST OF SULLS ROAD
TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK
DIST. 0200, SECT. 862, BLOCK 2, LOT 5:16
ZONE L INDUSTRIAL 1

EXISTING SLOPE
ANALYSIS PLAN

DATE:	09/16/2021
SCALE:	1" = 100'
PROJECT NUMBER:	21065
DRAWING BY:	JR
CHECKED BY:	DP
APPROVED BY:	JP

SEAL & SIGNATURE:
DANIEL J. PEVERARO, P.E.
NEW YORK STATE PROFESSIONAL ENGINEER

ESAP-1
DRAWING No:
DANIEL J. PEVERARO, P.E.
NEW YORK STATE PROFESSIONAL ENGINEER

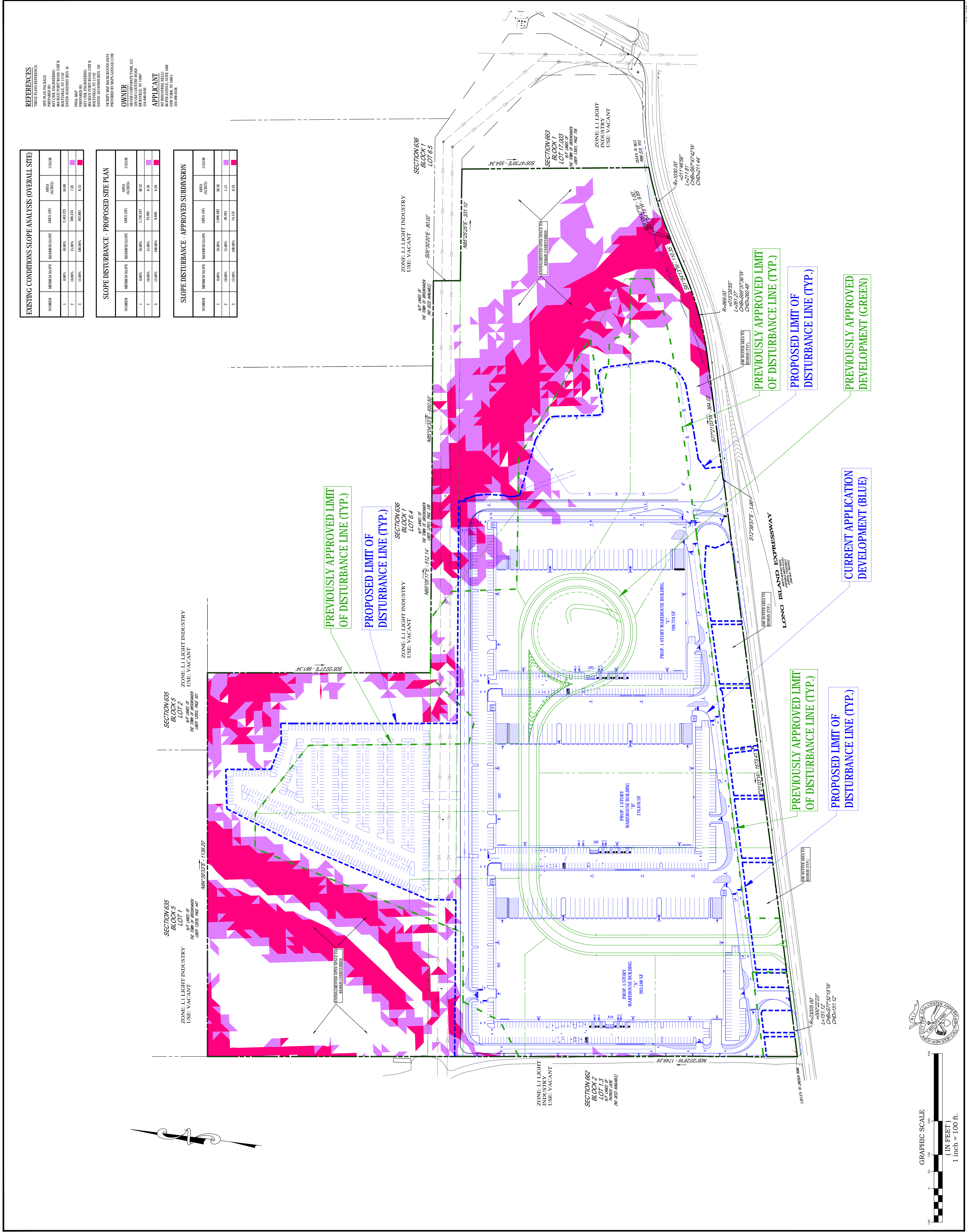


KEY ENGINEERING
864 BLUE POINT ROAD, UNIT B
HOLTSVILLE, NEW YORK 11742
(531) 951-0505
www.KeyCivilEngineering.com

DRAWING TITLE
PREVIOUS DEVELOPMENT
OVERLAY EXHIBIT

SEAL & SIGNATURE:

PDX-1



NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SQ)	AREA (ACRES)	COLOR
1	0.00%	10.00%	2,443,325	56.09	
2	10.00%	15.00%	306,534	7.05	
3	15.00%	100.00%	392,885	8.33	

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	AREA (ACRES)	COLOR
1	10.00%	10.00%	1,756,347	40.32	
2	10.00%	15.00%	33,981	0.78	
3	15.00%	100.00%	8,848	0.20	

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SQ)	AREA (ACRES)	COLOR
1	10.00%	10.00%	1,686.482	38.25	
2	10.00%	15.00%	40.201	1.13	
3	15.00%	100.00%	41.155	0.33	



CIVIL ENGINEERING
664 BLUE POINT ROAD, UNIT B
HOLTSVILLE, NEW YORK 11742
(631) 961-0506
www.KeyCivilEngineering.com

PROJECT NAME

PROPOSED WAREHOUSE

NORTH OF NY'S ROUTE 495 & WEST OF SILLIS ROAD
YAPHANK, NEW YORK 11980

TOWN OF BROOKHAVEN, COUNTY OF SUFFOLK
DIST.:0200, SECT.: 662, BLOCK: 2, LOT: 5,16

ZONE: L INDUSTRIAL 1 (DISTRICT (LIGHT INDUSTRY))

DRAWING TITLE

DATE:	05/17/2022
SCALE:	1" = 100'
PROJECT NUMBER:	21063
DRAWING BY:	JR
CHECKED BY:	DP
APPROVED BY:	JP

SEAL & SIGNATURE:

DRAWING No:

NOT VALID UNTIL SEALED

PDX-1

DANIEL J. PEVERARO, P.E. NEW YORK STATE PROFESSIONAL ENGINEER #089025	PAGE No: 1 OF 1
--	-----------------

Hargrave, Julie

From: Larry Davis <larry@davisandprager.com>
Sent: Friday, July 08, 2022 10:21 AM
To: Hargrave, Julie
Subject: RE: 59 Ryerson CGA Hardship status

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are going to adjourn one more time please. Please advise of the new date. Thank you!!

From: Hargrave, Julie <Julie.Hargrave@SCWA.com>
Sent: Friday, July 8, 2022 9:34 AM
To: Larry Davis <larry@davisandprager.com>
Subject: 59 Ryerson CGA Hardship status

Dear Larry
Please advise the commission on the status of this application
Thank you
Julie Hargrave
631-218-1192

DRAFT

July 20, 2022



Adam B. Grossman
Chairperson
Zoning Board of Appeals
Town of Southampton
116 Hampton Road
Southampton, NY 11968

RE: Town of Southampton ZBA referral #2200016
192 Hampton Bays Realty LLC
7 Eleven gas station with convenience store
SCTM # 900-221-3-17
Compatible Growth Area of the Central Pine Barrens

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Dear Mr. Grossman:

On June 15, 2022, the Central Pine Barrens Commission office received a referral of the referenced project. The subject property is in the Compatible Growth Area of the Central Pine Barrens.

Existing Conditions and the Proposed Project

The 90,156 square foot (2.07 acre) project site is on the north side of Montauk Highway, between the Macy's shopping center on the eastside and Stop and Shop to the west. The site is in the Highway Business Zoning District. The northerly half is naturally wooded. A vacant building is present on the south side of the property.

The proposal is the development of a 7 Eleven gas station with convenience store, as per the Site Plan prepared by Key Civil Engineering dated April 7, 2021. The 3,545 square foot building, a two-story retail outlet, has 2,000 square feet on the first floor and 1,545 square feet on the second floor.

The referral explains the request for multiple variances related to signage including: an increase in 16 square feet of additional signage area (48 from 32), reducing the setback to 6 feet where 20 is required, modifying spacing between fixtures and two times more colors (6) than the permitted number (3).

Central Pine Barrens

The site plan constitutes development activity pursuant to the definitions in the New York State Environmental Conservation Law Article 57 Section 57-0107(13). Therefore, it must conform with the standards of the Central Pine Barrens Comprehensive Land Use Plan as implemented by the Southampton

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367

<https://pb.state.ny.us/>

DRAFT

Town Code. If the proposal does not conform, it must be revised to conform, or the applicant must seek a hardship waiver.

One of the Plan standards, Vegetation Clearance Limits (5.3.3.6.1), allows 65% of the site be disturbed. Please ensure the area to remain natural is unfragmented and is protected through the filing of covenants and restrictions or a conservation easement.

Signage design elements including size, height, setbacks, lighting and colors may require town variances but are more advisory in nature for the Commission. Please ensure the project is in keeping with the character of the Central Pine Barrens and adheres to the sign code design requirements that reflect the character and resources of the CGA.

The proposed cross access connection is an important beneficial planning element to mitigate traffic impacts caused by the project.

Thank you for your attention. Please do not hesitate to contact this office with any questions.

Sincerely,

Julie Hargrave
Policy and Planning Manager

cc: Judy Jakobsen, Executive Director
John Milazzo, Commission Counsel

DRAFT

Draft Staff Report
Central Pine Barrens Joint Planning and Policy Commission
for the Commission meeting of June 15, 2022

PROJECT NAME: Desiree Tommasino
Compatible Growth Area (CGA) Hardship Waiver Application

APPLICATION TIMELINE:

- April 5, 2022 Receipt of Application
- April 20, 2022 Scheduled Public Hearing
- June 15, 2022 Public Hearing
- August 2, 2022 Decision Deadline
(decide at July 20 meeting absent extension)

OWNER/APPLICANT: Desiree Tommasino

PROJECT: Development of a 9,600 square foot horse arena

PROJECT SITE LOCATION: 88 Woodland Avenue, Manorville, Town of Brookhaven

PROJECT SITE AREA: 2.3676 acres (103,136 square feet)

SUFFOLK COUNTY TAX MAP #: 200-558-2-23.3

ZONING DISTRICT: A Residence 2 Zoning District

SEQRA: Unlisted Action

EXISTING CONDITIONS

The 2.3676 acre Project Site is located on the west side of Woodland Avenue in Manorville, in the Town of Brookhaven. See Exhibit A for an aerial of the project site and immediate area.

According to the applicant's letter, the site is cleared to its maximum limit of 35%. See Exhibit B for the letter dated April 5, 2022.

The survey dated May 5, 2021 prepared by Kenneth H. Beckman, L.S. lists the amount of existing clearing equals 15.3% or 15,920 square feet. This discrepancy between the existing condition of 15% cleared or 35% needs to be clarified. See Exhibit C for the survey and Exhibit D for photographs of the site.

APPLICANT REQUEST AND CENTRAL PINE BARRENS STATUS

The Applicant is seeking relief from conformance with the Comprehensive Land Use Plan (the Plan) Vegetation Clearance Limit Standard (5.3.3.6.1) to clear the Project Site to a limit of 45% where a limit of 35% is permitted. The proposal is to clear an additional 10% or 0.24 acres for a total cleared area of 45% or 1.07 acres. The area left to remain natural is 55% or 1.3 acres.

DRAFT

The applicant proposes to utilize the cleared area to build a 120 foot x 80 foot (9,600 square foot) horse arena for human therapy using horses. The owner is a certified equine specialist practicing EAGALA, an equine assisted psychotherapy and personal development specialist.

The Town Zoning Board of Appeals approved the Woodland Avenue Land Division in 2019. See Exhibit E for the Town's decision materials and subdivision map.

The Suffolk County Clerk's office has indicated that a certificate of abandonment of the underlying map needs to be filed to correctly reflect the property, the subdivision and have the new parcels drawn correctly in the tax map. The applicant should follow-up with the requirements of the County Clerk's office to have the subdivision and current lot configuration accurately represented in the tax map.

Long Island Pine Barrens Protection Act of 1993

The proposed activity constitutes development pursuant to the definitions in New York State Environmental Conservation Law (ECL) Article 57 Section 57-0107(13)(b) and (c):

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

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

“(c) commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities;”

Development activity that does not conform with one or more standards of the Plan may either be revised to conform or the applicant must seek relief from the Commission by submitting a hardship waiver application for review and consideration.

SEQRA AND OTHER REQUIRED PERMITS AND APPROVALS

- SEQRA: Project classified as an Unlisted Action. Coordinated review for Lead Agency. Coordinated review for Lead Agency. No other agency requested Lead Agency.
- New York State Office of Parks, Recreation and Historic Preservation
- New York State Department of Environmental Conservation
- Central Pine Barrens Commission Compatible Growth Area Hardship Waiver
- Town of Brookhaven clearing permit

SITE DESCRIPTION

This section contains a general description of the environmental features and resources on the Project Site. Some information was provided in the Applicant's Environmental Assessment Form.

Existing Condition and Land Use on-site: The site has been naturally wooded and not cleared going back as far as 1947 in the aerial photography available on the County's GIS viewer at:

<https://gisapps.suffolkcountyny.gov/gisviewer/>

Since the recent Town subdivision approval, the property was cleared to its limit of 35% for the existing residence. The remaining area, 65%, is naturally vegetated

Vegetation and Wildlife: A pitch pine-oak-heath woodland ecological community exists in the natural area. Large oak and pitch pine trees are present as well as an understory of native shrubs and groundcover. Avian wildlife including goldfinches, yellow warblers and other songbirds are present in the area.

Rare, Endangered, & Threatened Species and Species of Concern: Response pending from the New York Natural Heritage Program. The area is expected to contain habitat for the Northern Long-eared Bat, a State and Federally listed Threatened species. Coordinate with NYSDEC on the habitat protection requirements and clearing windows.

The New York State Breeding Bird Atlas list contains 66 species including 25 confirmed breeding in the survey block, 6752D, covering the Project Site (note: survey block is a 3 x 3 mi). Two species of special concern were identified including Cooper's Hawk and Whip-poor-will.

Wetlands: No wetlands were identified in the application.

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

[Long Island Depth to Water Viewer \(usgs.gov\)](https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx)

Topography/Elevation: The Project Site is generally flat.

Soils (source: USDA Natural Resources Conservation Service): Plymouth loamy coarse sand, 3 to 8 percent slopes. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Suffolk County Agricultural District and Purchase of Development Rights (PDR) Program: The project site is not in either the Agricultural District or PDR Program.

FEMA Flood Hazard Zones: The project site is not within a flood zone.

Cultural/Archeological Resources: Response not received to date.

Surrounding Land Use and Zoning

The Study Area is defined as a one-half mile radius around the Project Site in Manorville, south of the Long Island Expressway, in the CGA. See Exhibit F for a map with an aerial depicting the Study Area. The Study Area is roughly bounded on its north side by South Street, on the east side by Dayton Avenue and Sparrow Mining sand and gravel mine, Victoria Lane on the south side and Weeks Avenue on the west side.

The site is in a low density residential community developed with single-family residences. The area has a rural character with large lots, woodlands and agricultural uses including residential properties with horse facilities including paddocks and barns. The 117-acre Sparrow Mining sand and gravel mine is located on the east side of the Study Area.

DRAFT

Woodland Avenue is mapped from South Street to Moriches Middle Island Road, however, it is not entirely built out. It is developed from South Street to the location of the Project Site subdivision. Only two houses exist south of the Project Site, #90 and #92 Woodland Ave. Southward from the Project Site, Woodland Avenue is an undeveloped, dirt path. Victoria Lane, with ingress on Weeks Avenue is a dead end street with no connection to Woodland Avenue yet. The property on the east side of Woodland Avenue is presently naturally wooded with pine barrens habitat.

The A Residence 2 Zoning District covers the Study Area.

Central Pine Barrens Commission Public Hearing
Tommasino Compatible Growth Area Hardship Waiver
88 Woodland Avenue, Manorville, Town of Brookhaven
SCTM # 200-558-2-23.3
Study Area Map
June 15, 2022



Study Area
1/2 mile radius

Project Site

0 500 1,000 2,000 3,000 4,000 Feet

2020 aerial

DRAFT for discussion purposes only

COMPREHENSIVE LAND USE PLAN STANDARDS

Development activity in the CGA must conform with the Standards for land use outlined in Chapter 5 of the Plan. The applicant did not provide a review of the project's conformance with standards. The information here is derived from the application material.

Standards		Explanation and Document Page Reference (attach additional sheets if necessary)
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	No response
S 5.3.3.1.2	Sewage treatment plant discharge	No response
S 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance	No response
S 5.3.3.3.1	Significant discharges and public supply well locations	No response
S 5.3.3.4.1	Nondisturbance buffers	No response
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	55% of the site's natural vegetation would remain in a buffer in the rear yard after the project, according to the application
S 5.3.3.4.3	Wild, Scenic and Recreational Rivers Act compliance	No response
S 5.3.3.5.1	Stormwater recharge	No response
S 5.3.3.6.1	Vegetation Clearance Limits	35% of the site is presently cleared as per the standard. The proposal clears an additional 10% for a total of 45% cleared and 55% to remain natural
S 5.3.3.6.2	Unfragmented open space	The area to remain natural is 55% or 1.3 acres in the rear area of the site.
S 5.3.3.6.3	Fertilizer-dependent vegetation limit	No response
S 5.3.3.6.4	Native Plantings	No response
S 5.3.3.7.1	Special species and ecological communities	Application sent to Natural Heritage Program. Awaiting response.
S 5.3.3.9.1	Receiving entity for open space dedications	No response
S 5.3.3.12.1	Commercial and industrial compliance with Suffolk County Sanitary Code	No response

Project Site clearing data

The project site is allowed to be cleared up to 35%. The proposed activity clears 10% for a total clearing limit of 45% or 1.07 acres. An area of 55% or 1.30 acres will remain natural.

Project Site	%	Area (acres)
Project Site area	100%	2.3676
allowed clearing per CLUP Standard 5.3.3.6.1	35%	0.83
total proposed clearing	45%	1.07
existing cleared	35%	0.83
existing natural	65%	1.54
proposed additional clearing	10%	0.24
amount of proposed clearing in excess of the standard	10%	0.24
area to remain natural	55%	1.30

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.

According to the application, the property was acquired by the applicant in 2019. See Exhibit G for the deed.

ECL §57-0123(3)(b)

“The commission by majority vote is also authorized to waive strict compliance with such plan or with any element or standard contained therein, upon finding that such waiver is necessary to alleviate hardship for development proposed by any person, the state or a public corporation in the compatible growth area according to the conditions and findings of hardship pursuant to subdivision nine of section 57-0121 of this article, is consistent with the purposes and provisions of this article and would not result in substantial impairment of the resources of the Central Pine Barrens area.”

§57-0121(9)

“If the proposed development is consistent with the commission's interim goals and standards, the commission shall approve the development and may include conditions for approval. If the applicant seeks an exemption based upon a demonstration of hardship, the commission may approve development in the compatible growth area upon the finding that such interim goals and standards caused an unnecessary hardship. In making such finding the commission shall consider the criteria for a use variance pursuant to section two hundred sixty-seven-b of the town law. The commission must make a decision within one hundred twenty days of receipt of a complete application. If the commission fails to make a decision within one hundred twenty days, the development shall be deemed to be approved by the commission, unless extended by mutual agreement of the applicant and commission.”

Town Law Section §267-b

Please address the hardship criteria including reasonable return, uniqueness, neighborhood character and self-created hardship. See Exhibit H for the applicant's review of the hardship criteria. See Exhibit I for the zoning district regulations for A2 Residence.

The applicant's responses include:

- 1) financial evidence: the applicant provided none.
- 2) uniqueness: the applicant states they are looking to do this in their backyard and have cleared to the allowed maximum extent of 35% and are asking to clear an additional 10%.
- 3) essential character: the applicant states 55% of the trees will remain.
- 4) the self created hardship: the applicant states they are asking for 10% more clearing. The current 35% hosts their barn and house.

Here are the criteria:

(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.

Applicable provisions in the Act are excerpted here.

§ 57-0123. Implementation of the Central Pine Barrens comprehensive land use plan.

3.(a) “Subsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan; provided, however, that the commission by majority vote is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, for an application for

development of any person, upon finding that such waiver is necessary to alleviate hardship for proposed development in the core preservation area according to the conditions and finding of extraordinary hardship or compelling public need pursuant to subdivision ten of section 57-0121 of this article,...

SUMMARY/DISCUSSION ITEMS/ADDITIONAL INFORMATION REQUESTED

1. No evaluation was submitted on the project's conformance with the Plan standards. The demonstration of conformance is required by the applicant and the information needs to be provided for the Commission to review and to consider as part of their decision-making process.
2. Address the hardship criteria.
3. Is Woodland Avenue a Town road?
4. Provide a demonstration of every use permitted in the zoning regulations as per the 267-b criteria requirements.
5. Is the requested waiver the minimum relief necessary?
6. Does the applicant have additional plans for the property? Are accessory uses proposed? Will the area be adequate to address other needs/uses on the property, related or not related to this project?
7. Consult with NYSDEC on the species and habitat protection requirements for the State and Federal listed Threatened Northern Long-eared Bat.
8. The County Clerk's office has indicated that a certificate of abandonment of the underlying map is needed to correctly reflect the property and the rest of the subdivision in the tax map.
9. Additional analyses may be necessary after the public hearing and/or receipt of any additional information. Hearing record may need to remain open to receive and review any additional information from the Applicant and the public during the written comment period.

HEARING EXHIBITS

- A. Project Site Location Map with aerial
- B. Applicant's letter dated April 5, 2022
- C. Survey
- D. Photographs
- E. Town of Brookhaven Zoning Board of Appeals decision materials
- F. Study Area Map
- G. Property Deed
- H. Applicant's review of hardship criteria (undated)
- I. Zoning district regulations for A Residence 2 and A Residence

Hargrave, Julie

From: Nicholas Rigano <nrigano@riganollc.com>
Sent: Wednesday, July 13, 2022 3:43 PM
To: Hargrave, Julie; Milazzo, John
Subject: RE: Fink

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Julie:

I hope all is well. I spoke with my client this morning and we would like to request an adjournment of the July 20th public hearing. I would, of course, agree to a commensurate extension of the Commission's decision deadline.

Thank you.

Regards,
Nick

Nicholas C. Rigano, Esq.
RIGANO LLC
538 Broad Hollow Road
Suite 301*
Melville, New York 11747
Main: 631.756.5900
Cell: 516.241.4543

From: Nicholas Rigano
Sent: Thursday, July 07, 2022 11:24 AM
To: Hargrave, Julie <Julie.Hargrave@SCWA.com>; Milazzo, John <John.Milazzo@SCWA.com>
Subject: RE: Fink

Hi Julie/John:

I hope all is well. Are you available to meet by Zoom before the next Pine Barrens Commission meeting on July 20th?

Thanks,
Nick

Nicholas C. Rigano, Esq.
RIGANO LLC
538 Broad Hollow Road
Suite 301*
Melville, New York 11747
Main: 631.756.5900
Cell: 516.241.4543

From: Nicholas Rigano
Sent: Thursday, June 16, 2022 8:36 AM

To: Hargrave, Julie <Julie.Hargrave@SCWA.com>; Milazzo, John <John.Milazzo@SCWA.com>

Subject: Fink

Hi Julie/John-

It was nice seeing you yesterday. As discussed with Julie, I was hoping to schedule a virtual or in person meeting to discuss the questions in the Staff report for this application. Do you have availability next week?

Thanks

Nick

Nicholas C. Rigano, Esq.

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