



Central Pine Barrens Commission Meeting Agenda
Wednesday, June 18, 2025 at 2:00 pm
Riverhead Town Hall
4 West 2nd Street
Riverhead, NY 11901

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

- a. Public Comment
- b. Minutes for 05/21/25 review (*approve*)

2. Division Reports

- a. Education, Outreach and Communications: update (*Mr. Motz*)
- b. Science and Stewardship Division: update (*Mr. Smith*)
- c. New York Wildfire and Incident Management Academy: update (*Ms. Drew*)
- d. Compliance and Enforcement Division: update (*Ms. Lawston*)
- e. Land Use Division: update (*Ms. Hargrave*)
- f. Credit Program: update (*Mr. Tverdy*)

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

Core Preservation Area

- a. Request for Determination: 36 Pine Court / Northampton / 900-164-3-51.1 / development of a single-family residence on 0.36 acres in the R-10 zoning district / *draft response* (*Ms. Murphy*)
- b. Homeland Towers Compelling Public Need Core Hardship Application / 2055 Flanders Road, Flanders / 900-170-1-41.1 / development of a 150 foot tall wireless tower for eight carrier antennas including Verizon, Dish Wireless and two future carriers and a 3,000 square foot equipment compound on a 6.18 acre project site with a junkyard in the CR 60 zoning district / public hearing held May 21, 2025 / *Declare Lead Agency and accept request to adjourn continuation of public hearing to July 16, 2025 and extension of SEQRA timeframe and decision deadline to September 17, 2025* (*Ms. Hargrave*)

4. Public Hearings at 3:00 pm

- a. **Starbucks at Middle Island Compatible Growth Area Hardship Waiver Application** / 599 Middle Country Road, Middle Island / 200-402-2-2 / zone change and site plan for development of a drive-through restaurant with an existing vacant bank building on 1.4 acres in the J4 Business zoning district / decision deadline 8/2/25 (*Ms. Murphy*)
- b. **V&G Realty Core Preservation Area Hardship Application** / Gerard Road, Yaphank / 200-781-1-5 and 15 / development of two-story single-family residence on 37,992 square feet in the A1 Residence zoning district / decision deadline 7/30/25 (*Ms. Hargrave*)

5. Public Comment

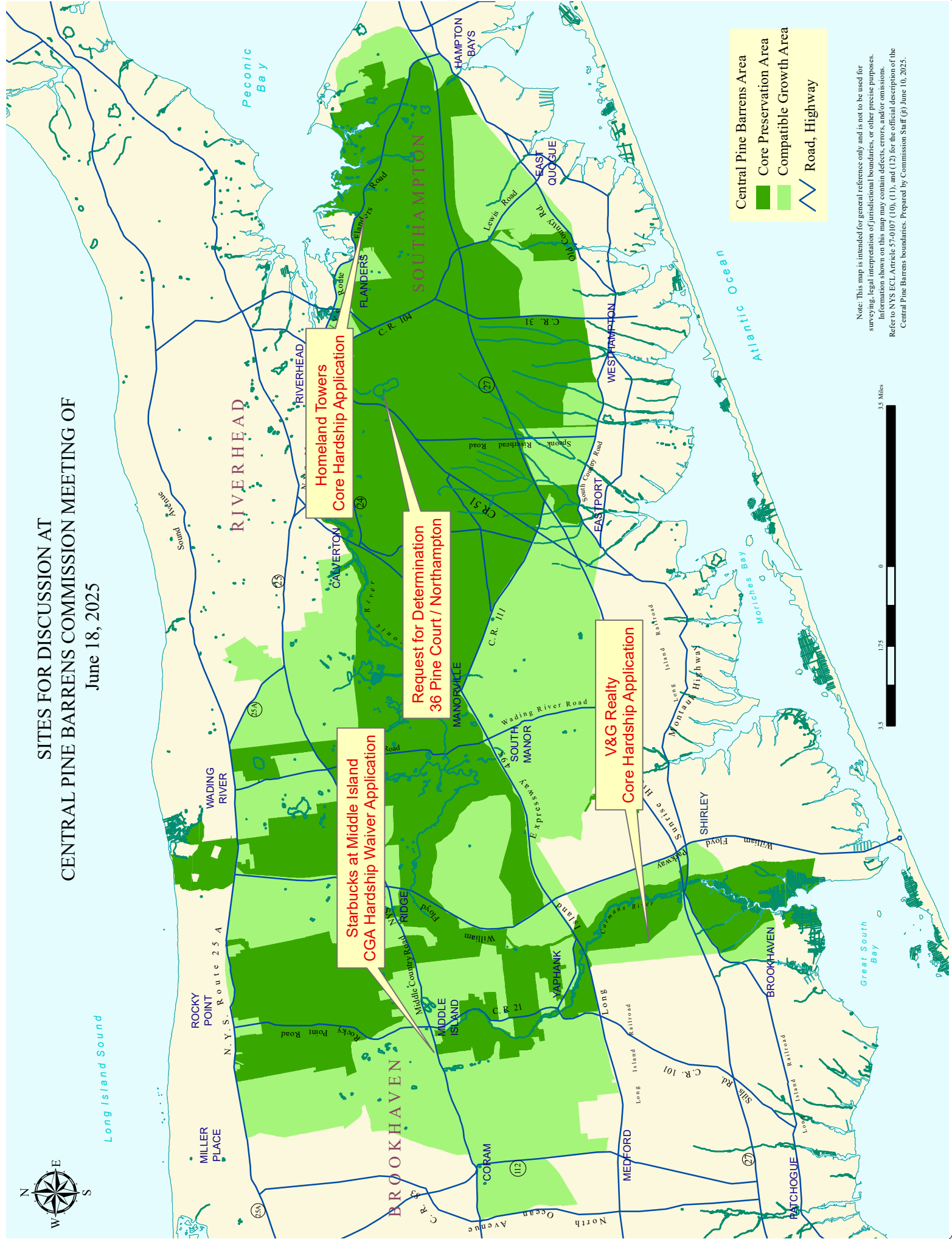
6. Closed Advisory Session (if necessary)

Next Commission Meeting, Wednesday, July 16, 2025 at 2:00 pm, Riverhead Town Hall
For meeting information visit <https://pb.state.ny.us/>

624 Old Riverhead Road
Westhampton Beach, NY
11978

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SITES FOR DISCUSSION AT CENTRAL PINE BARRENS COMMISSION MEETING OF June 18, 2025





Central Pine Barrens Commission Meeting Summary
Wednesday, May 21, 2025 (Draft)
Riverhead Town Hall
4 West 2nd Street, Riverhead, NY 11901
2:00 pm

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

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

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

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

- a. *Public Comment*
Summary: No public comments were received
- b. *Minutes for Commission Meeting of 4/16/25*
Summary: **The motion was made by Mr. Hubbard and seconded by Mr. Sweeney to adopt April 16, 2025 meeting minutes. The motion was approved by 4:0 vote.**
- c. *Draft resolution to approve ATV purchase for Suffolk County Parks*
Summary: **The motion was made by Mr. Sweeney and seconded by Ms. DiBrita to authorize the purchase of ATV for Suffolk County Parks Department. The motion was approved by 4:0 vote.**
- d. *Draft resolution to approve purchase of ATV purchase for Suffolk County Sheriff's Office*
Summary: **The motion was made by Mr. Sweeney and seconded by Mr. Hubbard to authorize the purchase of ATV for Suffolk County Sheriff's Office. The motion was approved by 4:0 vote.**
- e. *Draft resolution to approve renewal of Prescribed Fire insurance policy*
Summary: **The motion was made by Ms. Scherer and seconded by Ms. DiBrita to approve the resolution to renew the Prescribed Fire Insurance. The motion was approved by 4:0 vote.**
- f. *Commission to authorize payment of invoice from Marvel Design for \$22,477.50 for work performed on the Central Pine Barrens Feasibility Study from January 2025 through April*
Summary: **The motion was made by Mr. Hubbard and seconded by Mr. Sweeney to authorize payment of the Marvel Design invoice. The motion was approved by 4:0 vote.**

2. Education and Science and Stewardship

- a. *USGS-Commission five-year water resources study presentation*
Summary: Ms. Fisher from USGS discussed the highlights and updates of the five-year scientific investigations report characterization of stream water quality and groundwater levels in the Central Pine Barrens Region from 2017 -2023. The water-quality dataset was assessed to provide a current characterization of conditions throughout the Central Pine Barrens region and an understanding of the anthropogenic influences on the water resources within it. The concentrations of nutrients, metals, pharmaceuticals, pesticides, and other water-quality parameters of the Carmans and Peconic Rivers are

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likely influenced by several factors. These factors include natural inputs such as from the weathering of rocks and soils or atmospheric deposition, and human inputs such as wastewater effluent, use of fertilizers or pesticides, road runoff, and urban or industrial sources.

The report is located at <https://pubs.usgs.gov/publication/sir20255010>



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

Core Preservation Area and Compatible Growth Area

- a. *PSEG-LI Request for Determination: Replace three timber utility poles in the hamlets of Shoreham and Calverton*
Summary: The motion was made by Ms. DiBrita and seconded by Mr. Sweeney to approve sending the draft response for PSEG-LI Request for Determination of Jurisdiction. The motion was approved by 4:0 vote.

Core Preservation Area

- b. *Schiff Scout Reservation Camp Wauwepex / Wading River / 600-75-3-10.3 / request to replace eight lean-tos with five cabins on a 404.53 acre property with a conservation easement in the Credit Program*
Summary: Mr. Tverdyy discussed the conservation easement paragraphs 1, 4 and 5. The proposal is to build five cabins of two different sizes. Cabin A is 14x20 feet or 280 square feet and Cabin B is 14x24 feet or 336 square feet. The total area of five cabins is 1,568 square feet, a net increase of 112 square feet. The proposal seeks to increase the total number of beds from 32 to 40. The location changes of four structures from the Pueblo Campsite to the Tombstone Campsite

The Commission discussed the necessity to find a compromise due to the future structure clause in the conservation easement in paragraph 5 for future development allowance.

The motion was made by Ms. DiBrita and seconded by Ms. Scherer to authorize the project subject to an agreement approved by Commission Staff to either revise the conservation easement or document the changes of the easement modification. The motion was approved by 4:0 vote

Compatible Growth Area

- c. *Brookhaven Town Board Referral: Crest Coram 7-11 Site Plan / State Route 25 and State Route 112 / 200-476-2-30, 32.1, 34.1 / change of zone from J6 Business and A1 Residence to J5 Business for the development of a gas station and convenience store 2.11 acres*
Summary: The motion was made by Ms. DiBrita and seconded by Mr. Sweeney to approve sending the draft response for Brookhaven Town Board Referral: Crest Coram 7-11. The motion was approved by 4:0 vote
- d. *Starbucks at Middle Island CGA Hardship Waiver Application / 599 Middle Country Road, Middle Island / 200-402-2-2 / zone change and site plan for development of a drive-through restaurant with an existing vacant bank building on 1.4 acres in the J4 Business zoning district / decision deadline 8/2/25*
Summary: The motion was made by Ms. Scherer and seconded by Mr. Hubbard to schedule a public hearing for June 18, 2025. The motion was approved by 4:0 vote.

- e. *Verizon Wireless at Suffolk County STP / 2195 William Floyd Parkway, Ridge / 200-242-1-1.2, 1.4 / development of a 120 foot tall wireless tower monopole with 12 external future carrier antennas and equipment compound on 10.59 acres with an existing sewage treatment plant in the A1 Residence zoning district*
Summary: Mr. Helman of Verizon will get staff an answer to the question about the external antennas being installed and is there an alternative to external antennas.

The motion was made by Mr. Sweeney and seconded by Ms. Scherer to approve sending the draft response for Verizon Wireless at Suffolk County STP. The motion was approved by 4:0 vote

4. Public Hearing at 4:20 pm

- a. *Homeland Towers Compelling Public Need Core Hardship Application / 2055 Flanders Road, Flanders / 900-170-1-41.1 / development of a 150 foot tall wireless tower for eight carrier antennas including Verizon, Dish Wireless and two future carriers and a 3,000 square foot equipment compound on a 6.18 acre project site with a junkyard in the CR 60 zoning district / decision deadline 7/16/25 or 8/20/25*

Summary:

A stenographic transcript was prepared for the hearing

5. Public Comment

Summary: No public comments were received

6. Closed Advisory Session

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

The meeting was adjourned at approximately 4:00pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for April 16, 2025
2. Final Commission meeting summary for April 16, 2025
3. Draft resolution to approve ATV purchase for Suffolk County Parks Department dated May 21, 2025
4. Final resolution to approve ATV purchase for Suffolk County Parks Department dated May 21, 2025
5. Draft resolution to approve ATV purchase for Suffolk County Sheriff's Office dated May 21, 2025
6. Final resolution to approve ATV purchase for Suffolk County Sheriff's Office dated May 21, 2025
7. Draft resolution for the Commission to Authorize the Renewal of Prescribed Fire General Liability Insurance dated May 21, 2025
8. Final resolution for the Commission to Authorize the Renewal of Prescribed Fire General Liability Insurance dated May 21, 2025
9. Marvel Design invoice dated April 30, 2025
10. Draft response to PSEG-LI regarding transmission pole replacement dated May 21, 2025; Letter and attachments from PSEG-LI regarding notification of work dated April 11, 2025
11. Final response to PSEG-LI regarding transmission pole replacement dated May 21, 2025
12. Draft response with attachments regarding proposal to replace lean-tos with cabins at the Schiff Scout Reservation Camp Wauwepex dated May 21, 2025
13. Draft response to the Town of Brookhaven regarding Crest Coram 7-11 dated May 21, 2025; Memo and attachments from the Town of Brookhaven dated May 1, 2025
14. Final response to the Town of Brookhaven regarding Crest Coram 7-11 dated May 21, 2025
15. Compatible Growth Area Hardship Application for 599 Middle Country Road – Middle Island Starbucks dated April 2025
16. Draft response with attachments regarding Verizon Wireless at Suffolk County STP Property dated May 21, 2025
17. Final response regarding Verizon Wireless at Suffolk County STP Property dated May 21, 2025

Educational Outreach and Communications Division Update

June 2025

Submitted by Tim Motz, Educational Outreach and Communications Coordinator

Barrens to Bay Summer Camp

- We will hold on Saturday, June 14 our second Counselors Roundtable at Wertheim National Wildlife Refuge. This program allows us to orient the new counselors, go over all camp protocols, test out new planned activities, go over their schedules and assignments and take any questions they have.
- It is a primary goal of the division to constantly create new camp activities to educate and entertain our campers, and to that end, we've developed five or so new activities for this summer, after creating approximately nine last year. The new activities, coupled with last year's, will allow us to change up the program regularly, which is key since we have a number of campers who attend multiple sessions.
- Camp begins on Monday, June 30, and all sessions are full, despite increasing the number of registrations by 20% to accommodate increased demand. We also have an increased number of volunteer counselors this year and one more paid counselor to ensure we always have plenty of supervision and engagement with a higher number of campers.

"A Day in the Life" Program

- The fall schedule for our "A Day in the Life" of our local rivers has been set, and teachers have been notified.
- Prior to the fall, though, we have numerous goals we are seeking to accomplish to enhance the program, including:
 - 1) Creating a dynamic and thorough brochure highlighting ADITL in photos, explaining how the program works and how to join, and providing contact information.
 - 2) Scheduling a forum at which the teachers who have best utilized ADITL data in their classrooms will show others how to do the same. This, we believe, will help us to foster collaboration on ADITL-centered projects between school districts.
 - 3) Create a series of videos providing an overview of the program and guiding viewers through every aspect of the ADITL workbook. This will enable us to provide for teachers and experts an instantly available refresher—perhaps even

initial training—of everything they need to know to be ready to lead a class in the field.

In addition to these goals, we will be holding an in-person training for teachers in August at Wertheim and in September, holding the second edition of our online Q&A for teachers, to give them a forum to have all their questions answered and go over protocols just before the ADITL season starts.

New Videos

- **The division in the past two months has also created two new videos: one chronicles the fascinating topic of vernal pools in the Central Pine Barrens, and will be distributed to the public (after being introduced at the annual Cooperators Meeting) via YouTube and social media this week; the second video is a 90-second, image heavy look at the commission's New York Wildfire and Incident Management Academy, and will be used for promotional purposes for this year's fall academy.**

New Staff

- **The division is also happy to welcome an assistant to the division coordinator: Emmanuel Jaquez, after working as an intern for more than a year, began work for the commission in late May.**



CENTRAL PINE BARRENS COMMISSION

Science And Stewardship Program

Bimonthly Division Report

06/18/2025

Prescribed Fire Season Closed for 2025

The end of May brought the close of the 2025 Prescribed Fire season in the Central Pine Barrens. Overall, the season was a success but there were a few atypical scenarios that influenced the final numbers.

In 2025, in cooperation with the NYSDEC, the CPBC assisted on a total of 15 prescribed fires, down from 23 burns in 2024. There was a total of 321 acres burned in 2025. Grassland fires remained consistent with a total of 308 acres burned in 2025. Prescribed fires conducted in woodlands, however, were down from the year prior with only 13 acres of woodland being treated in 2025. That is down from 51 and 57 acres of woodlands burned in 2024 and 2023 respectively.



Figure 1: Rx Fire at Whiskey Road Grassland April 29, 2025

The reason why fewer acres of woodlands were prescribe burned in 2025 is a combination of two major issues. First, the weather was not in prescription for woodland burns, too much rain this year kept the forest damp and wet. Secondly, the DEC's Burn Boss, Bryan Gallagher, was called to Minnesota to assist in wildfire suppression efforts in the state. That resulted in no burn boss being available for two weeks in May.

While at first glance this season had lower woodland acres burned by prescription, the Westhampton Pines (424 acres) and Eastport (33 acres) wildfires in March brings the total woodland acres disturbed by fire to 470 acres. When coupled with the 308 grassland acres, the overall total area burned, within the Central Pine Barrens, during the 2025 fire season is 778 acres.

Southern Pine Beetle Symposium & LTV

On April 23rd Suffolk County Executive Ed Romaine held a public symposium on the Southern Pine Beetle at Suffolk County Community College in Riverhead. The event was very well attended and included several media outlets. The symposium was a panel discussion which



CENTRAL PINE BARRENS COMMISSION

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included representatives from the NYSDEC, Suffolk County Parks, Suffolk County FRES, and other local first responders and public officials. The Commission was represented on the panel through the Science and Stewardship Program.

The conversation focused on the impact the Southern Pine Beetle has had on Long Island and the management efforts, both past and present, to address those impacts. The essential message for the day was that we all need to work together to maintain a healthy and safe Central Pine Barrens.

On June 11th, LTV Studios, a public access television station in East Hampton hosted a panel discussion on Southern Pine Beetle in the Pine Barrens. The event was moderated by LTV with pre-determined questions as well as a live Q&A period with the studio audience. Additional panelists included representatives from the NYSDEC, East Hampton Trails Preservation Society, and Councilman David Lys.

Conservation Planning

The conservation planning effort continues to evolve. During the prescribed fire season, data collection for the monitoring of general forest health and the vegetative response to prescribed fire became a prominent issue. Science and Stewardship conducted a review of recent monitoring efforts conducted through or in partnership with the Commission and identified a few aspects that could be improved upon moving forward.

Briefly, traditional methods for collecting and then analyzing forest data are laborious, time intensive, and often require extrapolation after data has been collected. Additionally, vegetation is only one part of Pine Barrens ecosystem. The wildlife that inhabits the Pine Barrens is also reflective of overall system health, and they are not currently included in monitoring surveys.

As a way forward the Commission is looking to use remote sensing technology to both improve our data collection methodology and expand our understanding of the Pine Barrens community.



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The first remote sensing technology being explored is terrestrial laser scanning. This technology, also called LiDAR (**L**ight **D**etection and **R**anging), can create a three-dimensional digital copy of the forest. Capturing even the finest details down to less than a millimeter of the entire survey plot. Every leaf, tree, stem, and flower get measured. LiDAR technology is more accurate, more comprehensive, and considerably faster too. Traditional methods can take the

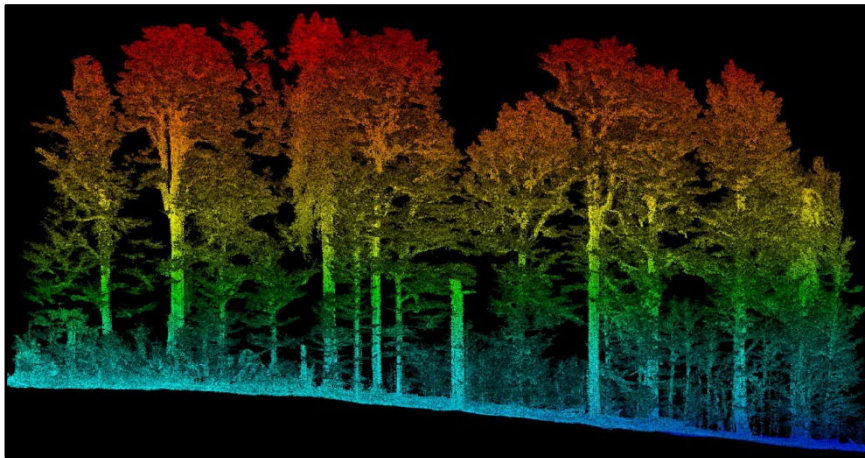


Figure 2: LiDAR scan of a forest plot.

better part of a workday to complete one survey plot, while LiDAR can cover the same area in a fraction of the time. Literally the amount of time it takes to walk through the survey area.

The second area of remote sensing we are exploring is to address the lack of data in the Pine Barrens on the wildlife response to prescribed fire

and overall use, distribution, and residency time within our local habitat. Here bioacoustics can be used to literally monitor the sounds of the wildlife. Bird calls for example can be recorded daily for several weeks and used to describe the local ecology. For example, which birds are using the habitat; how long do they use it for; are birds leaving an area after it has burned; or are birds attracted to areas after they burn.

We can also monitor for the presence of the Northern Long-eared Bat to inform land managers, especially those conducting prescribed fire, to their presence or absence in a particular area. Proximity to a Northern Long-eared Bat site can restrict use of prescribed fire or cutting

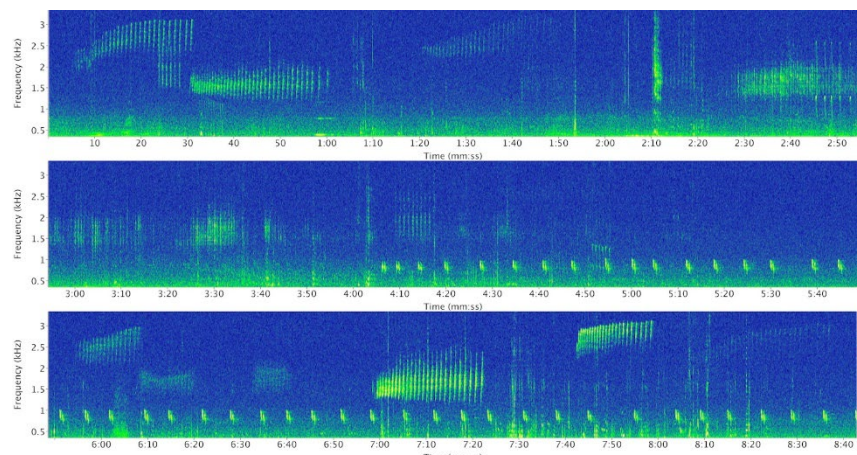


Figure 3: Bioacoustic audio patterns being analyzed.



CENTRAL PINE BARRENS COMMISSION

Science And Stewardship Program

Bimonthly Division Report

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trees impacted by Southern Pine Beetle. Knowing if they are near can be useful information to have.

When combined, the two technologies can dramatically improve our understanding of how the Pine Barrens ecosystem is functioning and thereby lead to better management decisions by our local partners. Furthermore, these technologies can also be leveraged for us in other projects on the Commission's horizon. For example, road ecology and the design and installation of wildlife crossings. LiDAR scans of the roadway, surrounding site conditions including local topography and hydrology can be very useful to designing engineers.

In the coming weeks Science and Stewardship will continue to research remote sensing methods and work with SCWA's IT department to find the right way to integrate these technologies into the Commissions workflow.

Other Notes of Interest

June brought the addition of two new temporary staff, Intern Iasia Brown and Ecological Field Specialist Broderick DeAngelis. Both will be with us for approximately two months as they assist in a research project being conducted by a post-doc from SUNY ESF and in partnership with the NYSDEC. Iasia and Broderick will be primarily collecting forest characteristic and structural data using traditional survey methods developed by the post-doctoral student. Data collection will be centered around the Rocky Point Pine Barrens State Forest. This data will be used to establish baseline forest measurements as part of an Air Curtain Burner research project for fuel reduction.

On April 30th Science and Stewardship attended a New Hire Tour conducted by SCWA for new employees. We toured SCWA pump stations, water quality laboratories, and the construction and maintenance yard for a hands-on demonstration. It was a great opportunity to get exposed to the scope of SCWA operations and challenges.

On May 15th, the Commission hosted an Advisory Committee meeting at Brookhaven Town Hall. This was the first meeting of the Advisory Committee since 2013.

On June 6th, the Commission hosted their annual Cooperator's meeting at Atlantis in Riverhead. The event is intended to thank our local partners for all their hard work and dedication to the Central Pine Barrens and to recognize individuals who went above and beyond over the last year. Science and Stewardship took photos to help document the day's festivities.



CENTRAL PINE BARRENS COMMISSION
Science And Stewardship Program
Bimonthly Division Report

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Figure 4: 2025 CPBC Cooperators Meeting in Riverhead.



New York Wildfire & Incident Management Academy - NYWIMA - June 2025

The New York Wildfire & Incident Management Academy, (NYWIMA) has always been a vital training ground for those who dedicate themselves to protecting our communities, our forests, and our natural resources.

Planning is underway for the 2025 New York Wildfire and Incident Management Academy. This year's training session will be held at Brookhaven National Laboratory and Suffolk County Fire Academy from October 18-24th. Additional classes will be held in December at Suffolk County Fire Academy.

The Planning team is currently establishing a schedule for the Academy based on a survey completed by former students, cooperating agencies and wildland firefighters across the country. We look forward to working with these agencies in a collaborative effort to provide the best education for our students.

In addition, with the leadership of Chuck Hamilton as Academy Coordinator we look to expand our outreach and work on establishing additional instructors to add to our cadre of wildland fire professionals.

It is the mission of NYWIMA to continue to provide free Wildland Firefighter Training to Nassau and Suffolk volunteer firefighters, allowing local fire departments to benefit from these critical programs. The need for trained personnel is greater than ever, and we are proud to contribute to building a stronger, more prepared fire service.



Compliance and Enforcement Division Report May - June 2025

Prepared by CAED Chief Enforcement Officer Alena Lawston

- We received fifty complaints this period for dumping, encroachment and clearing. The dumping was consistent being primarily furniture, household trash, landscaping debris as well as construction and demolition debris.
- Eleven of these incidents were captured on surveillance cameras and referred to our law enforcement partner agencies. Three of these incidents involved the same individual dumping cinder blocks, soil and paint buckets in different locations. Another individual dumped household garbage several times in different locations leaving behind identifying information. The dispositions are pending clean up initiated by subjects.
- Our surveillance cameras have also provided evidence for the NYSDEC Police & NYS Forest Rangers. A subject was charged with illegal transportation of wildlife when caught on camera releasing an Opossum in the Pine Barrens from another location. Other subjects have been using NYS land to dump several truckloads of leaves and a BBQ grill.
- For this period, we have recorded a total of \$350 in fines with multiple cases pending.
- The February incident involving the commercial dump of 24 tons of concrete where our surveillance cameras provided evidence for the Suffolk County Sheriff's Criminal Investigation Bureau and the District Attorney's Office's Biological, Environmental, and Animal Safety Team received substantial media coverage. The Suffolk County Sheriffs held a press conference in late April detailing charges. The subject was charged with Criminal Mischief in the Second Degree, a Class D Misdemeanor and is facing 7 years in prison and 150,000 in fines.
- We continue to utilize the Flock Safety surveillance camera and all integrated shared cameras with the outside partner agencies. This type of surveillance enables our division to provide multiple leads to law enforcement for dumping within the Pine Barrens.
- UAS Part 107 training continues with our GLEIM testing platform. With better weather we hope to get out for some outdoor training exercises

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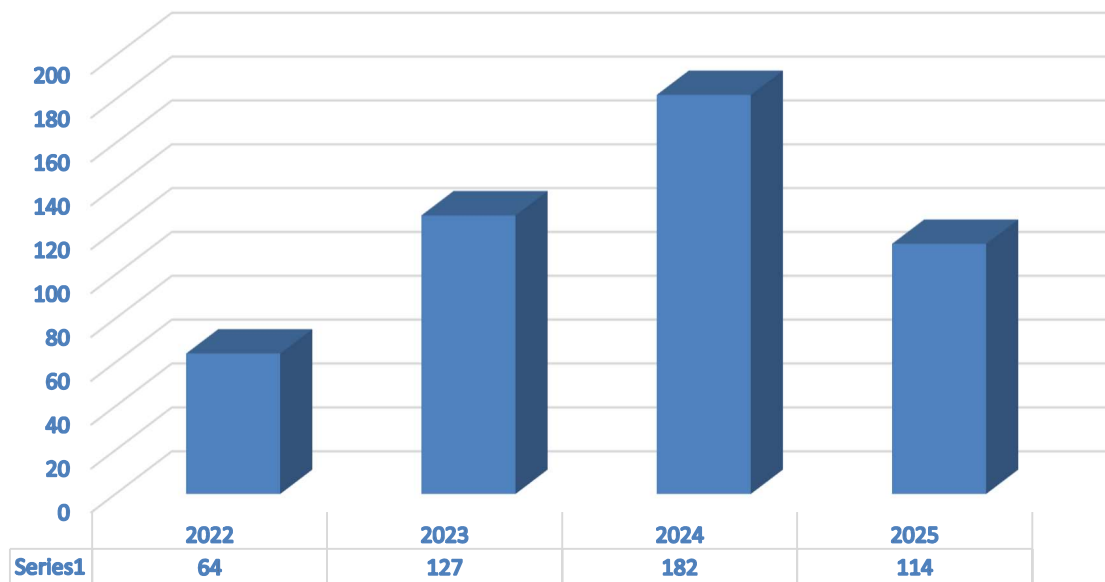
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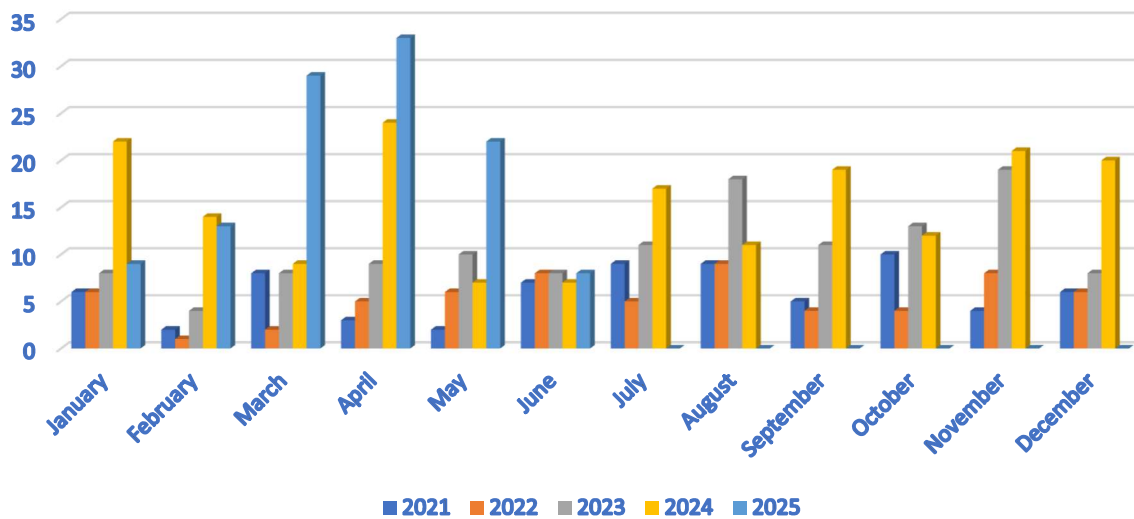
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Incident Statistics - Reporting Period 2021 - 2024				
Year	2022	2023	2024	2025
Intake				
Sent by Agency to Commission	14	17	9	3
Discovered by Commission Staff	41	104	163	106
Called in by Individual to Commission	8	6	10	5
Total Incidents Reported	63	127	182	114
Location of Incident				
Brookhaven	46	69	102	73
Southampton	17	50	75	38
Riverhead	0	8	5	3
Occurring on Public Land	21	79	158	97
Occurring on Private Land	22	23	22	16
Occurring on Public & Private Land	20	25	0	1
Core	38	78	140	92
Compatible Growth Area (CGA)	13	39	30	12
Core & CGA	1	1	0	1
Outside CPBA	12	9	10	9
Nature of Incident*				
Clearing/Encroachment	24	20	21	22
Structures	1	2	1	0
Dumping	35	103	153	89
Mining	0	0	1	0
Hunting	0	1	0	0
ATV	1	0	0	0
Other	4	1	2	2
Referrals*				
Sent to Town	20	6	4	3
Sent to County	12	36	31	14
Sent to State	22	33	17	4
Commission	15	8	1	0
Sent to AG	1	0	0	0
Other	5	37	16	8
Status				
Founded	50	125	179	114
Unfounded	13	2	1	0
Open	18	52	51	44
Closed	45	75	131	70
Inspections				
Conservation Easement Inspections	1	0	0	0
Development project inspections	2	0	0	0

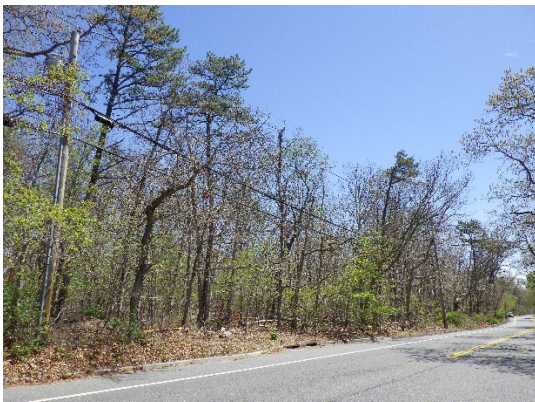


Complaints Month/Year



Central Pine Barrens Joint Planning and Policy Commission
Land Use Division Bi-Monthly Update for the Meeting of Wednesday, June 18, 2025

Action	Central Pine Barrens Location		
Municipality	Brookhaven Town	Riverhead Town	Southampton Town
Pending Applications, Requests for Determination of Jurisdiction, SEQRA Coordination, inquiries, proposals and other activities	<ul style="list-style-type: none"> • CGA Hardship: Starbucks Middle Island, redevelop bank on 1.4 acres. Route 25, Middle Island, CGA. • Core Hardship: V&G Realty, single-family residence on 0.87 acres. Gerard Road, Yaphank, Core. • Compelling Public Need Core Hardship: 608 Middle Country Road, Middle Island, expansion of building and parking lot on 0.45 acres, Core. 	<p>Boy Scouts Camp inquiry, Wading River, Core and Conservation Easement.</p>	<ul style="list-style-type: none"> • Compelling Public Need Core Hardship: Homeland Towers, 150 foot monopole on 6.17 acres with a junkyard. Flanders, Core. • Request for Determination: Pine Court, single-family residence on 0.36 acres, Northampton, Core. • Army Corps munitions removal study inquiry, Westhampton, Core.
Division Activity, Regional Projects and Participation	<ul style="list-style-type: none"> • Review and analysis including SEQRA review of land use development projects and applications including Core Preservation Area and Compatible Growth Area Hardship waivers, SEQRA Coordination, interagency referrals, information requests, inquiries, requests for determination of jurisdiction and conformance reviews. Applications are for commercial and industrial uses, mixed uses, zone changes, site plans, residential and non-residential subdivisions, Developments of Regional Significance, Assertions of Jurisdiction, Critical Resource Areas and other development activities. • Monitor sites for compliance with decisions and conditions of approval. • Site inspections and land use surveys for applications. • Technical support on FOIL requests, compliance and enforcement violations, consent orders, Credit Program items, communications on land use matters, unauthorized development and clearing activities and encroachments in protected areas and regulated habitats. • Collaborate and coordinate with other Commission divisions. • USGS: two year water resources study continues, 2024-2026, in Peconic River and Carmans River and groundwater sampling. • Website management and updates on land use and planning items and seasonal changes, natural, scenic, historic and cultural resources. • Pine Barrens Nature Center Feasibility Study continues, site selection and programming elements. 		



Item 2.f. Pine Barrens Credit Program Report for June 18, 2025:

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

- Letters of Interpretation: 25 LOIs were issued and five parcels were inspected. Staff is following up on past LOIs for interest in the Program.
- Conservation Easements: Review and Monitoring
 - Seven easements are currently in progress.
 - 45 easement properties with road access were inspected.



- Pine Barrens Credits
 - Redeemed: 2.31 Credits have been used for commercial and residential projects in the Town of Southampton.
 - Conveyed: 0.65 Credits have been sold in the Town of Southampton.
 - The average price is \$102,538 per credit.
- Credit Clearinghouse Program Fund Account balance: \$3,296,992.
- In January, 2025 the Commission sent 380 letters to core land owners soliciting their participation in the Credit Program. It resulted in 25 LOI applications.

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

Easement Protected Lands and Pine Barrens Credits As of June 9, 2025								
	Brookhaven	2025	Riverhead	2025	Southampton	2025	Total	2025
Parcels	531	-	37	-	471	-	1039	-
Acreage	833.44	-	516.78	-	889.51	-	2239.73	-
Average parcel size	1.57	-	13.97	-	1.89	-	2.16	-
Credits generated	550.26	-	173.39	-	340.26	-	1063.91	-
Credits redeemed	428.77	-	145.13	-	193.36	2.31	767.26	2.31
Credits not redeemed	121.49	-	28.26	-	146.9	-	296.65	-
Credits sold		-		-		0.65		0.65
Total value of PBC transactions		-		-		\$66,650		\$66,650
Average Credits value		-		-		\$102,538		\$102,538
Credits owned by the Clearinghouse	2.19		-		-		2.19	
# of Inspected CE Parcels	-	27	-	5	-	13	-	45
# of Installed CE Signs	141	2	15	-	91	-	247	2



June 18, 2025

Glen Crandall
8 Eagle Road
Rhinebeck, NY 12572

**RE: Request for Determination of Jurisdiction
36 Pine Court, Northampton, Town of Southampton
SCTM Number 900-164-3-51.1
Core Preservation Area of the Central Pine Barrens**

Dear Mr. Crandall :

On May 12, 2025, the Central Pine Barrens Commission received your request for determination of jurisdiction regarding the referenced property in the Central Pine Barrens Core Preservation Area.

Existing Conditions and Project Description

The 0.36 acre property is within the R-10 Zoning District and is located on the north side of Pine Court abutting Wildwood Lake in the Town of Southampton. The majority of the lot is wooded with natural pine barrens vegetation and is improved with a gravel driveway, wooden retaining walls and stairs.

The proposal is to clear 40% of the lot to construct a single-family residence with innovative/alternative on-site wastewater treatment systems (I/A OWTS) installed in the front of the residence before the road.

The survey that was submitted with the request indicates it was prepared by Scalise Land Surveying last dated December 17, 2024 and illustrates a proposed residence with an area to remain natural adjacent to a NYS regulated freshwater wetland boundary.

Central Pine Barrens Status

The proposal constitutes development activity pursuant to the Long Island Pine Barrens Protection Act (the "Act"), embodied in New York State Environmental Conservation Law (ECL) §57-0107(13).

Chapter 4, Section 4.5.1 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan) states:

"The Act requires the prohibition or redirection of development in the Core Preservation Area and sets forth the jurisdiction of the Commission over, and certain requirements for processing, hardship exemptions. The Act authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate hardship according to the conditions and finding of extraordinary hardship or compelling public need pursuant to subdivision 10 of Section 57-0121 of the Act."

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

Comments

- To explore the option of developing the proposed project, please proceed with the preparation and submission of a Core Preservation Area Hardship Waiver application to the Commission, subject to review and discretionary decision. Enclosed is a copy of the application for your use.
- To explore the option of transferring development rights via the Pine Barrens Credit Program ("PBC Program"), please contact creditprogram@pb.state.ny.us.
- Please note, it has come to the Commission's attention that the site is the subject of one or more Southampton Town Code violations including failing to obtain a wetland permit prior to construction of a retaining wall. Application review will be suspended and no Pine Barrens Credits will be issued until the issue is resolved.

- ECL §57-0123(3)(c) states:

"The aforesaid time period and the processing and review of an application shall be suspended by the commission with notice to the applicant where a proceeding pursuant to section 57-0136 of this title is pending against the applicant with respect to the property at issue or otherwise arising out of the ownership or use of such property."

- Chapter 6, 6.7.6.8 of the Plan states:

"No Pine Barrens Credits shall be issued for any property where land use conduct has occurred or is occurring that violates the Act, this Plan, any regulation promulgated by the Commission, or any order, determination or permit condition issued by the Commission for which a notice of violation has been issued and not resolved or a Commission enforcement action is pending until the violation is resolved to the satisfaction of the Commission."

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

Sincerely,

Tara Murphy
Environmental Planner

cc: Judy Jakobsen, Executive Director, CPBJPPC
Julie Hargrave, Policy and Planning Manager, CPBJPPC
John C. Milazzo, Counsel, CPBJPPC
Janice Scherer, Town Planning & Development Administrator, Southampton Town
Martin Shea, Chief Environmental Analyst, Southampton Town

Core Preservation Area Hardship Application Checklist
Adopted 9/5/01

Filing an application.

The Central Pine Barrens Commission interprets the Pine Barrens statute to require the following items as part of a Core Preservation Area application pursuant to the L.I. Pine Barrens Protection Act, New York State Environmental Conservation Law Article 57-0121(10). If these items are not present, the Commission cannot accept the application, and the calendar time periods for holding a public hearing and issuing a decision cannot begin.

Please note that the Commission does not issue advisory opinions on future core area projects or on projects which are insufficiently detailed. The Commission can act only upon substantive, tangible applications. The following checklist is intended to assist applicants with preparing an application.

Item 1: A written description of the project.

This should summarize the type number, areas, dimensions, and other pertinent features of proposed structures and clearing. Their proposed uses should be described. The Commission does not require formal (and sometimes costly) engineering drawings or surveys from applicants unless such material has already been produced for other permitting processes.

Please note that much of the information required here may be available from the items which follow.

Item 2. A description of how the project satisfies the requirements of the Pine Barrens statute.

Section 57-0121(10) of the Environmental Conservation Law, which describes the hardship provisions of the Pine Barrens Act, lists several specific criteria which projects must meet in order to be granted relief from the core area development restrictions.

Note that the law describes two types of hardships: extraordinary hardship (related to the unique character of the property, as distinguished from other factors) or a compelling public need for the proposed project. Applicants do not have to demonstrate both aspects. Since this section of the law is quite specific, it provides a natural format for demonstrating a project's compliance. Thus, this section of the law is not paraphrased in this checklist.

Copies of this section of the law (as well as the entire statute) are available to prospective applicants directly from the Commission office at no charge.

Item 3: A Full Environmental Assessment Form (EAF) with Part 1 completed.

If this project has already been filed with a permit-issuing agency a Full Environmental Assessment Form (EAF; required under the State Environmental Quality Review Act) is likely to have already been completed. If so, applicants must provide a copy of this form.

If the Commission is the first agency to receive the project application, then Part 1 of such an EAF should be filed with the application. This form can be obtained

from the Commission office at no charge.

Item 4: Determination of significance and designation of lead agency if adopted by any other permit-issuing agency.

Materials which would fall into this category include, for example, the longer versions of the EAF mentioned above (also known as a Part 3 EAF), a full Draft or Final Environmental Impact Statement (EIS), Supplemental Environmental Impact Statement, site plans, surveys, engineering diagrams and drawings, etc.

When additional items such as these already exist, applicants are encouraged to speak with the Commission staff regarding which of them should be submitted with the initial application.

Item 5: Copies of any approvals granted by other agencies in connection with the project.

Item 6: Completed and Notarized Owner's Affidavit.

This is only required if the applicant is not the property owner.

OWNER'S AFFIDAVIT

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

STATE OF _____

)ss:

COUNTY OF _____

----- being duly sworn, deposes _____
(Owner's Name(s))

and says that I/we reside at _____
(Owner's Address)

in the County of _____ State of _____, and that

I/we am/are the owner in fee of the property located at _____
(Property Address)

which is also designated as Suffolk County Tax Map Number(s) _____

_____ and that I/we have been the

owner(s) of this property continuously since _____, and that I/we
(Date)

have authorized _____ to make a permit application to the
(Applicant's Name)

Central Pine Barrens Joint Planning and Policy Commission for this property. I/we make this Statement knowing that the Central Pine Barrens Joint Planning and Policy Commission will rely upon the truth of the information contained herein.

(Owner's
Signature)

(2nd Owner's Signature)

(Owner's Name - Please Print)

(2nd Owner's Name - Please Print)

(Date)

(Date)

Sworn to before me this ____ day
of, 20__

Sworn to before me this ____ day
of, 20__

Notary

Notary

OWNER'S AFFIDAVIT

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

STATE OF _____

)ss:

COUNTY OF _____

I, _____, being duly sworn, deposes and says that I am

(Authorized Officer's Name)

_____ of the _____ corporation

(Official Title)

(Landowner's Name)

Located at _____,

(Landowner's Address)

in the County of _____ State of _____, and that

this corporation is the owner in fee of the property located at _____

(Property Address)

which is also designated as Suffolk County Tax Map Number(s) _____

_____ and that this corporation has been the

owner of this property continuously since _____, and that I have

(Date)

authorized _____ to make a permit application to the

(Applicant's Name)

Central Pine Barrens Joint Planning and Policy Commission for this property. I make this Statement knowing that the Central Pine Barrens Joint Planning and Policy Commission will rely upon the truth of the information contained herein.

(Authorized Officer's Signature)

(Officer's Name – Please Print)

Date

Sworn to before me this ____ day of 20__

(Notary Public)

Public Hearings on Development Applications

Originally adopted 7/13/94; amended 1/7/98 and 3/17/99; Provision regarding hearing extensions adopted 1/15/03.

The Commission applies the following procedures and principles to public hearings required under New York Environmental Conservation Law Article 57 (the statute containing the Long Island Pine Barrens Protection Act) for development applications in the both the Compatible Growth Area and the Core Preservation Area.

Scheduling of Hearings: Where hearings are required for applications within either the Compatible Growth Area or the Core Preservation Area, the Commission determines the date of the hearing, and normally does so by resolution during a work or regular session.

Coordination of Hearings for Different Applications: When applications are pending from several distinct applicants, the Commission will attempt to schedule the required hearings on the same date.

Locations: Hearings are generally held as part of the Commission's regularly scheduled meetings. These meetings are frequently held at the Commission office, one of the three town's Town Halls, or at a Suffolk County facility. Other locations are possible, but applicants will generally know the location of their hearing at the time that the Commission schedules it, usually three weeks prior to the hearing date.

Fees: No application fee is charged by the Commission for submitting an application or holding a public hearing, however, the legal notice costs must be paid by the applicant as noted below.

Legal Notice: Publication of a legal notice of the hearing in a newspaper of general circulation within the Central Pine Barrens is to be arranged by the Commission staff, with the cost to be borne by the applicant. The cost of the legal notice must be paid by the applicant on or before the day of the hearing.

Stenography: Stenographic transcription will be arranged by the Commission staff for use in the Commission's review, with the cost borne by the Commission.

Withholding of Written Decisions: No written decision or permit will be provided to the applicant unless the cost of the legal notice publication has been paid by the applicant as required above.

Other Costs: The applicant may provide for attorneys, consultants or other professional assistance at any hearing, but is responsible for bearing the complete costs of any such assistance. All other costs incurred at the applicant's initiative are, of course, to be paid entirely by the applicant.

Requests for Extensions and Continuation of Scheduled Hearings: The Commission shall consider requests for an extension or continuation of a previously scheduled hearing. Commission staff shall instruct applicants that have requested a first extension or continuation of a hearing, where such request is received at least three weeks before the scheduled hearing date, that such request shall be granted by the Commission. This policy in no way undermines the Commission's authority to grant extensions on its own motion.

CORE AREA HARDSHIP ECL ARTICLE 57 - 0121 (10)

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

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

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

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

36 Pine Court, Riverhead (900-164-3-51.1)



5/9/2025, 11:44:45 AM

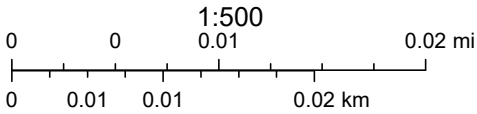
- Street Labels

Tax Parcels

Nearmap Imagery
- Green: Band_2

Blue: Band_3

Red: Band_1



Copyright nearmap 2015

Glen Crandall Architect
8 Eagle Road, Rhinebeck, NY 12572
(631) 368-1212 / glen@gcarchitect.com
www.gcarchitect.com

RECEIVED

MAY 12 2025

Central Pine Barrens
Joint Planning & Policy Commission

May 9, 2025

Tara Murphy
Central Pine Barrens Joint Planning and Policy Commission
624 Old Riverhead Road, Westhampton Beach, NY 11978
tara.murphy@scwa.com

Subject: Request the determination of the jurisdiction to construct a single-family home on 36 Pine Court, Riverhead, NY. (Tax Map No. 0900-164.00-3.00-51.001 / Tax lot 51.1

Dear Tara Murphy,

I am requesting the *determination of the jurisdiction to construct a small single-family home* that would be on already undeveloped / partially developed (with retaining walls and steps) land in the core preservation area. This is a residential road front property. There are other homes around and adjacent to this subject property that are also residential road front properties. Some properties in this neighborhood are indicated on Chapter 9, Volume 1 of the Central Pine Barrens Comprehensive Land Use Plan Core Road front Residential Parcel Exemption List.

We wish to pursue a development activity (new home) and apply for and seek hardship waiver approval (if required) from the Central Pine Barrens Joint Planning and Policy Commission to construct a single-family home on this subject property. Refer to the attached survey showing the home location, setbacks & sewer system.

We agree to maintain the protection and preservation and management with the property as follows:

1. The property will more than comply with the town code lot clearance (330-67. Protection of Natural vegetation shows 60%). Refer to attached Lot Clearance sheet. The home will be placed in an area that is already cleared and minimize any disruption of the trees and vegetation. To ensure the maximum water recharges and minimizes the potential for fertilized vegetation, natural resources located on the lot we would only clear 40% but more than 20% is already cleared. Refer to the attached photos.
2. The home will meet all of the R10 zoning requirements and will not request any variances to build the home. The design meets all setbacks, heights, area, sky planes, etc. Refer to the attached sheet showing the R10 requirements.
3. There will be no significant impact to the ground water on the property. The homes sanitary system will be located between the road and the front of the home and be an innovative / alternative on-site wastewater treatment system (I/A OWTS and will comply with the Suffolk County Water Authority requirements. Also comply with any DEC requirements and approvals.)
4. We will comply with the location of the curb cut / driveway entrance as per the highway department request.
5. These circumstances will not affect any other property in the immediate vicinity, and they arise out the characteristics of the property.
6. We will not be materially detrimental or injurious to other property or improvements in the area in which the subject property in the area in which the subject property is located, will not endanger public safety nor result in substantial impairment of the resources of the core preservation area.

Please accept this request towards an approval to build this home that are adjacent to other homes tat are built.

Best regards,

Glen Crandall Architect

- ◐ MOUNTAIN PNO
- ◐ 1P / 1LB PNO
- ◐ 1P / 1LB SET
- ◐ SPOT ELEVATIONS
- ◐ UTILITY POLE
- ◐ CUT WIRE
- ◐ UTILITY POLE W/AUGT
- ◐ LIGHT POLE
- ◐ SIGN
- ◐ FIRE HYDRANT
- ◐ PVC FENCE (PVC)
- ◐ STOCKADE FENCE (STK)
- ◐ CHAIN LINK FENCE (CLF)
- ◐ WIRE FENCE
- ◐ MANHOLE
- ◐ "A"-INLET
- ◐ "B"-INLET
- ◐ YARD INLET
- ◐ YARD INLET
- ◐ A/C UNIT
- ◐ ELECTRIC METER
- ◐ GAS METER
- ◐ WATER METER
- ◐ GAS VALVE
- ◐ WATER VALVE
- ◐ TEST HOLE
- ◐ TREE
- ◐ SHRUB
- ◐ BOLLARD
- ◐ WETLAND FLAG
- ◐ D.C. DEPRESSION CURB
- ◐ FE. FENCE
- ◐ M.A.S. MANSORY
- ◐ PLAT. PLATFORM
- ◐ W/B WINDOW WELL
- ◐ W/B BAY WINDOW
- ◐ C/E CELLAR ENTRANCE
- ◐ O/H OVERHANG
- ◐ R/O ROOF OVER
- ◐ CANT. CANTILEVER
- ◐ G.O. GENERALLY ON LINE
- ◐ C.O. CLOSURE CUT
- ◐ STAKE
- ◐ O/L ON LINE
- ◐ R.O.R. RIGHT OF WAY

WILDWOOD LAKE
EDGE OF WATER

LOT COVERAGE
LOT AREA
16,081.86 S.F. = 0.37 AC.

PATIOS/WALKS/DECKS =
362.49 SQ.FT.

2% LOT COVERED

LESS THAN
40% OF
LOT CLEARING

Planning & Policy Commission

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

PINE COURT
(50' WIDE)

LOT AREA
16,081.86 S.F.
0.37 AC.

1	12/17/2024	STAKE OUT SURVEY
REV	DATE	DESCRIPTION

SURVEY OF PROPERTY

38 PINE COURT, RIVERHEAD, NEW YORK 11901
SITUATE
RIVERHEAD, TOWN OF SOUTHAMPTON
SUFFOLK COUNTY, NEW YORK

SCALICE

land surveying

mjslandsurvey.com P:631-957-2400
1 South Bay Avenue, Islip, NY 11751

DR:MC

CREW.:JT

SCALE: 1" = 20'

TAX MAP NO.

DATE SURVEYED: 11/05/2024

JOB No. S24-5945

TAX MAP NO.
0900-164.00-03.00-051.001



DATE SURVEYED: 11/05/2024 JOB No. S24-3945

LOT CLEARANCE

Note: 1 ACRE equals 43,560sq ft
½ ACRE equals 21,780sq ft
1/3 ACRE equals 14,520sq ft
¼ ACRE equals 10,890sq ft
Distance from Wetlands:
Structure 100ft
Septic 150ft

RECEIVED

MAY 12 2025

Central Pine Barrens
Joint Planning & Policy Commission

§ 330-67. Protection of natural vegetation.

[Amended 5-13-1986 by L.L. No. 7-1986; 12-27-1988 by L.L. No. 26-1988; 11-14-1989 by L.L. No. 23-1989; 9-26-1995 by L.L. No. 46-1995; 8-23-2005 by L.L. No. 43-2005]

A. To ensure maximum water recharge and to minimize the potential for fertilized vegetation, natural vegetation located on a tract or lot shall be preserved to the maximum extent possible, consistent with the following parameters:

(4) Residential lots and tracts.

- (a) For residential lots, the amount of disturbance of natural vegetation shall not exceed the following percentages, except on flagpole lots, where the area of the pole shall be exempt from the total lot area and the total amount of clearing permitted:

Lot Size (square feet)	Percentage of Site
1 to 15,000	75%
15,001 to 30,000	60%
30,001 to 60,000	50%
60,001 to 90,000	35%
90,001 to 140,000	25%
140,001 to 200,000	20%
200,001 or greater	15%

- (b) For the development of a residential tract with one single-family dwelling and its accessory structures, the amount of disturbance of natural vegetation shall not exceed the maximum percentage allowed as provided in Subsection A(4)(a) above for the minimum required lot area of the zoning district in which the tract lies (e.g., a tract upon which a dwelling is proposed in the CR-40 Zone would not be allowed to be disturbed in excess of 50% of 40,000 square feet). The Planning Board may modify the provisions of this subsection where the applicant has agreed to restrict the remainder of the site or portions thereof so that the burden of meeting the maximum disturbance limitation is not borne by any future lots resulting from the subdivision of the tract.

330 Attachment 2

Town of Southauspous

§ 330-11.1. Residence Districts Table of Dimensional Regulations¹
 (Amended 5-13-1994 by L.L. No. 7-1994; 10-24-1999 by L.L. No. 23-1999; 1-10-1995 by L.L. No. 3-1995; 5-13-2003 by L.L. No. 41-2003; 6-10-2003 by L.L. No. 47-2003;
 10-26-2004 by L.L. No. 33-2004; 6-28-2005 by L.L. No. 28-2005; 4-22-2008 by L.L. No. 24-2008; 7-20-2009 by L.L. No. 33-2009; 5-25-2010 by L.L. No. 16-2010; 5-27-2014 by L.L. No. 17-2014)

Dimension	CR-200 Country Residence	CR-120 Country Residence	CR-80 Country Residence	CR-40 Country Residence	CR-40 Country Residence	R-120 Residence	R-80 Residence	R-40 Residence	R-20 Residence	R-15 Residence	R-10 Residence	MP-44 Medium Density Residence	MHS-40 Medium Subdivided Residence	SC-44 Senior Citizens Residence	MFRD	OSC ¹
Lot size ²	200,000	120,000	80,000	60,000	40,000	120,000	80,000	60,000	20,000	15,000	10,000	44,000	40,000	44,000	220,000 ³	-
Minimum (square feet)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	44,000	40,000	44,000	220,000 ³	-
Maximum per dwelling unit (square feet)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	44,000	40,000	44,000	220,000 ³	-
Maximum number of dwelling units on any 1 parcel, except as provided in § 330-3	5	10	15	20	20	10	10	15	20	20	20	20	20	20	20	-
Lot coverage	5	10	15	20	20	10	10	15	20	20	20	20	20	20	20	-
Maximum lot coverage by main and accessory buildings (percent)	200	200	175	150	150	200	175	150	120	100	75	200	150	200	-	-
Lot width, minimum (feet)	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	-
Height, maximum ⁶	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	-
Setbacks	100	80	60	40	20	100	80	60	40	20	10	50	40	50	50	-
Yards, principal building, minimums ⁸ (feet)	100	80	60	40	20	100	80	60	40	20	10	50	40	50	50	-
Front	50	30	20	10	5	50	30	20	10	5	5	50	40	50	50	-
Side, minimum for 1	125	75	65	45	25	75	65	45	25	15	10	100	60	100	100	-
Side, total for both on interior lot	100	80	60	40	20	100	80	60	40	20	10	50	40	50	50	-
Side, abutting side street on corner lot	100	80	60	40	20	100	80	60	40	20	10	50	40	50	50	-
Rear	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	-
Yards, accessory buildings ¹⁰ and structures, except fences and retaining walls, minimum (feet)	110	90	90	90	90	90	90	90	90	90	90	90	90	90	90	-
Distance from street ¹¹	50	30	30	30	30	30	30	30	30	30	30	30	30	30	30	-
Distance from side and rear lot lines	50	30	30	30	30	30	30	30	30	30	30	30	30	30	30	-
Distance between buildings	50	30	30	30	30	30	30	30	30	30	30	30	30	30	30	-

NOTES:

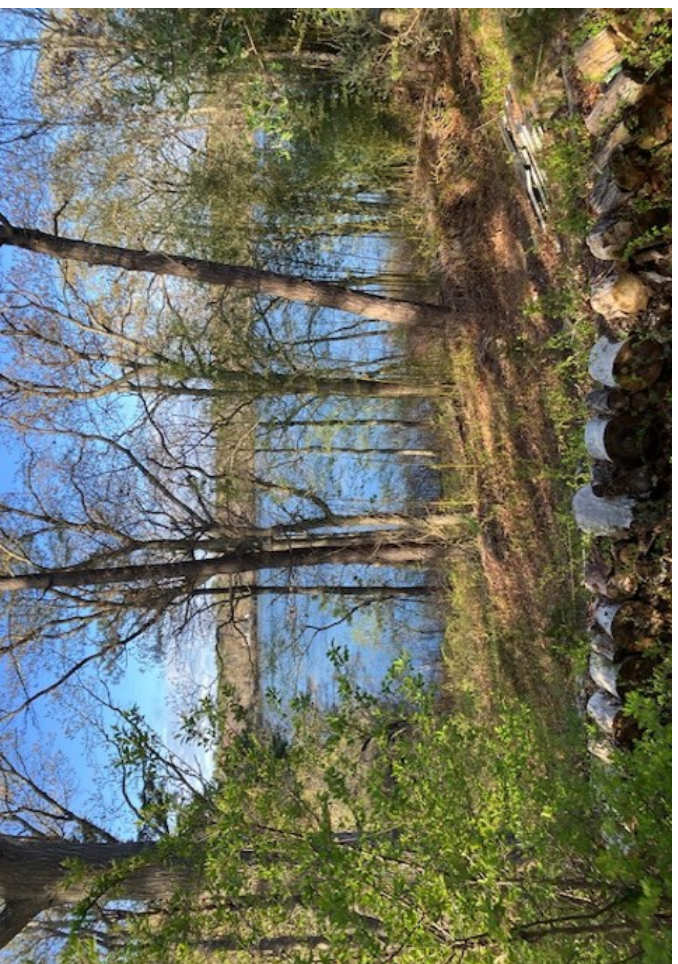
- There are no dimensional regulations for OSC; however, all construction is subject to site plan approval by the Planning Board.
- Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the town and the Suffolk County Health Department.
- Required 220,000 square feet for each development, but no minimum for each individual building lot within a development which is subdivided in accordance with a plan approved by the Planning Board pursuant to Art. IV.
- The effect of this section shall be prospective only, and no lands previously zoned MP-44 shall be affected hereby.
- Minimum is determined by dwelling unit type and may be modified by density incentive pursuant to § 330-25DQ21.
- Maximum height in any AE or VE Zone as shown on the applicable Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the Town of Southauspous shall not exceed elevation +40 feet NAVD (83) plus required Residential Code of New York State R-2000 or the maximum height as shown on this table, whichever is less.
- Unless both opposing walls of the building lack windows, in which case the distance may be reduced to 30 feet.
- Minimum yards may be modified pursuant to the provisions of § 330-45A or 330-43C.
- Chapter 134, Coastal Erosion Hazard Areas, of this Code Actives two areas along the Atlantic Ocean shoreline of the Town, the coastal erosion hazard area and the coastal erosion hazard adjacent area. Certain dimensional regulations for these areas, governing, water also, yards, setbacks from these areas, native vegetation and clearing and site determinations, are set forth in Chapter 134 and supersede any conflicting requirements of this Chapter 330.
- Minimum yards for a residential single shall may be modified pursuant to the provisions of § 330-77E.
- Unexcused steps, decks, patios and terraces shall not be subject to distance from street regulations.
- All structures located on a serviced parcel shall be set back a minimum of 5 feet from the boundary of any easement established for the purposes of easement and egress.

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MAY 12 2025

Central Pine Barrens
 Joint Planning & Policy Commission





LAW OFFICES OF
SNYDER & SNYDER, LLP

94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

RGaudioso@snyderlaw.net

June 4, 2025

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

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

DAVID L. SNYDER
(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Tarrytown Offices

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

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

Dear Ms. Hargrave:

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

We respectfully request that the June 18, 2025 continued public hearing be adjourned to July 16, 2025, which would include extending the SEQRA and decision timeframes to September 17, 2025.

If you have any questions or require additional documentation, please do not hesitate to contact me.

Respectfully submitted,

/s/ Robert D. Gaudioso
Robert D. Gaudioso

Enclosures
RDG/cae
cc: Homeland Towers, LLC



Central Pine Barrens Commission Public Hearing

Wednesday, June 18, 2025

Riverhead Town Hall

599 Middle Country Road

Compatible Growth Area Hardship Waiver Application

Middle Island, Town of Brookhaven

SCTM Numbers 200-402-2-2

List of Staff Exhibits

- A. 2024 Aerial of the Project Site
- B. Photographs of the Project Site
- C. Site Plan prepared by Stonefield Engineering & Design last dated April 30, 2025
- D. Study Area Map
- E. Applicant's Review of Standards
- F. Applicant's Review of Hardship Criteria
- G. Applicant's supplemental materials dated May 30, 2025

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

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

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Central Pine Barrens Joint Planning and Policy Commission

Draft Staff Report for the Public Hearing

Wednesday, June 18, 2025

PROJECT NAME: **599 Middle Country Road**
Compatible Growth Area Hardship Waiver Application

APPLICATION TIMELINE:

- April 4, 2025 Received application
- May 19, 2025 Received referral materials from Town
- May 21, 2025 Scheduled public hearing
- May 30, 2025 Received supplemental materials from Applicant
- June 18, 2025 Public Hearing
- July 16, 2025 Decision Deadline

OWNER/APPLICANT: RA Middle Island LLC represented by
Charles J. Voorhis, Nelson, Pope & Voorhis LLC

PROJECT SITE LOCATION: 599 Middle Country Road
Middle Island, Town of Brookhaven

SUFFOLK COUNTY TAX MAP NUMBERS: 200-402-2-2

PROJECT SITE AREA: 1.44 acre

ZONING DISTRICT: J Business 4

EXISTING CONDITIONS

The 1.44 acre Project Site is located at 599 Middle Country Road (NYS Route 25) in Middle Island, Town of Brookhaven in the Compatible Growth Area (CGA) of the Central Pine Barrens. The site is developed with an estimated 5,000 square foot one-story commercial building, drive-through and parking lot. The existing building was previously occupied by a bank and has been vacant since 2019. The site was developed prior to the 1995 adoption of the Central Pine Barrens Comprehensive Land Use Plan and is currently cleared to a limit of 86%, or 1.24 acres. The remaining 14%, 0.20 acres, is natural pine barrens vegetation. See Exhibit A for an aerial of the Project Site and Exhibit B for photographs of the Project Site.

The site has about 190 feet of frontage on Middle Country Road on its south side. On its east side is Spring Lake Drive, a dead-end street that separates the Project Site and an adjacent commercial property currently operating a car wash. This street acts as a shared access driveway for both properties.

The Project Site is bounded on the north and west sides by a 23.56 acre wooded parcel owned by RA Oak Run LLC that is currently under construction for the development of a 74-unit planned retirement community, Oak Run at Middle Island. The Commission previously commented on the project on May 18, 2022. The community is to be clustered to the northeastern portion of the

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parcel with an estimated 55% remaining as natural open space, including a buffer around the north and west borders of the Project Site and along the road front on Middle Country Road.

APPLICANT REQUEST

The Applicant requests a CGA Hardship Waiver for a change of zone from J Business 4 to J Business 5 for a Starbucks restaurant to reuse and occupy the existing building and drive-through window. The Applicant seeks relief from the Comprehensive Land Use Plan (the Plan) Vegetation clearance limit standard (5.3.3.6.1) and Open space standard requirement, unfragmented open space and habitat standard (5.3.3.6.2). The standards permit a clearing limit of 60% (0.86 acres) and a minimum open space requirement of 40% (0.58 acres). The project proposes 77% (1.11 acres) of cleared land with 23% (0.33 acres) to remain natural open space, including areas to be restored.

The current configuration of the parking lot and its access points along the northeastern and southwestern boundaries will be retained. Ground disturbance of existing parking lot and landscaped island on 0.26 acres is proposed and does not include the removal of natural vegetation. The existing septic system will be replaced with an Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS). A conversion of about 5,440 square feet (0.12 acres) of asphalt and maintained lawn to non-fertilized, non-irrigated native vegetation is included in the project. Restoration includes about 1,840 square feet (0.04 acres) of driveway areas along the western boundary and about 3,600 square feet (0.08 acres) of lawn area in the southern portion of the parcel.

See Exhibit C for the Site Plan prepared by Stonefield Engineering & Design last dated April 30, 2025.

CENTRAL PINE BARRENS STATUS

The Project constitutes “development” pursuant to NYS Environmental Conservation Law §57-0107(13)(a):

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

SEQRA AND OTHER REQUIRED PERMITS AND APPROVALS

- SEQRA: Project classified as an Unlisted Action. An Uncoordinated review was performed.
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP)
- Suffolk County Department of Health Services (SCDHS)
- Town of Brookhaven zone change, site plan approval, and other permits and approvals.

SITE DESCRIPTION

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

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Existing Condition and Land Use on-site: The site is cleared to a limit of 86% and developed with a one-story commercial structure with drive through and parking lot. See discussion of Study Area below and Exhibit B for photographs.

Vegetation: On the west and north sides of the Project Site are narrow fringes of natural pine barrens vegetation. There is a maintained lawn on the east and south sides of the site as well as strips of lawn outlining the parking area. Non-native landscaping is planted within the parking and lawn areas.

Rare, Endangered, & Threatened Species and Species of Concern: A request for information was submitted to the New York State Department of Environmental Conservation Natural Heritage Program (NHP). A response has not been received to date.

Wetlands: No wetlands are identified in the survey.

Hydrology: The site is located in Groundwater Management Zone III. According to the USGS Long Island Depth to Water and Hydrologic Conditions Viewer, the depth to water on site is approximately 107 feet.

Topography/Elevation: The project site is generally flat with approximately 3% slopes.

Soils: According to the USDA Natural Resources Conservation Service, the predominant soil types on the Project Site are Riverhead sandy loam, 0 to 3 percent slopes, and Plymouth loamy coarse sand, 3 to 8 percent slopes.

Cultural/Archeological Resources: By letter dated April 25, 2025, NYSOPRHP indicated that the “no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

SURROUNDING LAND USE AND ZONING

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

The Study Area is bisected by the principal arterial east-west State Route 25, Middle Country Road, as classified by the New York State Department of Transportation. It is bound on the west side by Bartlett Road and Middle Island Road on the east. The southern boundary extends to Fairway Drive and includes parcels in both Compatible Growth Area and Core Preservation Area. The northern boundary cuts through the residential communities of Birchwood at Spring Lake and Eagleview, and the industrial operation of Roanoke Sand and Gravel Corp.

Land uses within the Study Area include industrial, institutional, commercial, vacant, low-, medium-, and high-density residential. A mix of town-, state-, and county-owned open space are distributed throughout the north and south sides of the Study Area with larger contiguous space on the south side of Middle Country Road in the Core Preservation Area.

A mix of zoning districts are within the Study Area including J Business, A and B Residence, Multifamily Residence, Planned Retirement Community, Light Industrial, and Pet Cemetery Business District.

PRIOR COMMISSION DECISIONS IN AND AROUND THE STUDY AREA

Approved Compatible Growth Area Hardship Waiver applications in the Study Area include:

- 2/7/1996 - Aroya and Brodbeck (SCTM # 200-402-1-16.12 and 16.2). Developed site approved for new construction and parking.
- 5/18/2005 - Longwood Public Library (SCTM # 200-402-1-24.9 and 200-403- 1-3, 4). One developed parcel and two undeveloped parcels approved for parking lot expansion and drainage improvements.
- 1/16/2013- Longwood Public Library (SCTM # 200-402-1-23.1, 24.9; 200- 403-1-3, 4, 17, 18). Developed site approved for parking lot expansion and drainage improvements.

Approved Compatible Growth Area Hardship Waiver applications near the Study Area include:

- 10/11/1995 - Mavis Development Corp. (SCTM # 200-378-3-49). Developed site approved for gas station and convenience store with parking.
- 8/16/2017 - R.N. Middle Island, 7-Eleven Middle Island (SCTM # 200-378-2-37.2 and 200-403-1-2.1 and 2.3). Two developed parcels and one undeveloped parcel approved for change of zone to develop a gas station and convenience store.

COMPREHENSIVE LAND USE PLAN STANDARDS

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

Standards		Explanation and Document Page Reference (attach additional sheets if necessary)
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	The project requires Suffolk County Department of Health Services Board of Review approval. The maximum density load is 432 gpd based on 300 gpd/acre. The project proposes 900 gpd. More information is needed to demonstrate conformance such as the purchase of PBCs for excess wastewater flow.
S 5.3.3.1.2	Sewage treatment plant (STP) discharge	The existing onsite conventional septic system will be replaced with a new Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS); no STP included.
S 5.3.3.1.3	Suffolk County Sanitary Code Articles 7 & 12 compliance	Conformance with the Suffolk County Sanitary Code regulations for industrial and commercial uses is required. The proposed action is a change of zone to allow for commercial activity.
S 5.3.3.1.4	Commercial and industrial compliance with the Suffolk County Sanitary Code	Conformance with the Suffolk County Sanitary Code regulations for industrial and commercial uses is required.

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S 5.3.3.3.1	Significant discharges and public supply well locations	The proposed action does not include significant discharges to groundwater.
S 5.3.3.4.1	Nondisturbance buffers	Freshwater wetlands, tidal wetlands or surface waters are not contained in or abutting the project site.
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	Not applicable to the project.
S 5.3.3.4.3	Wild, Scenic and Recreational Rivers Act compliance	Not applicable to the project.
S 5.3.3.5.1	Stormwater recharge	All stormwater runoff generated on-site will be captured and recharged on-site through the existing drainage system. A conversion of 5,440± SF of impervious surface and maintained lawn to native vegetation will aid in on-site stormwater recharge. The project involves ground disturbance of 0.26 acres and is not subject to the SPDES General Permit for Construction Activity requirements.
S 5.3.3.5.2	Natural recharge and drainage	The project includes a conversion of 1,840± SF of impervious surface and 3,600± SF of maintained landscaping totaling 5,440± SF to native vegetation. This aids in improving natural recharge on-site.
S 5.3.3.5.3	Ponds	Not applicable to the project.
S 5.3.3.5.4	Natural topography in lieu of recharge basins	Not applicable to the project.
S 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	The project involves ground disturbance of 0.26 acres and is not subject to the SPDES General Permit for Construction Activity requirements.
S 5.3.3.6.1	Vegetation clearance limits	The clearance limit is 60% (0.86 acres). The Project Site is presently cleared to 86% (1.24 acres). The Applicant is seeking relief from this standard and proposes a reduction in clearing to 77% (1.11 acres). This exceeds the limit by 17% (0.25 acres). The building and parking lot footprint remains unchanged, however 5,440± SF of maintained landscaping and impervious surface will be converted to natural vegetation.
S 5.3.3.6.1.1	Non-contiguous parcels	Not applicable to the project.
S 5.3.3.6.1.2	Split zone parcel(s)	Not applicable to the project.
S 5.3.3.6.1.3	Residential overlay district	Not applicable to the project.
S 5.3.3.6.1.4	Environmental Restoration	5,440± SF of natural vegetation is to be restored to areas that are currently impervious surface and maintained landscaping.
S 5.3.3.6.1.5	CGA Hardship requirement	The Applicant is seeking relief from S 5.3.3.6.1 and S 5.3.3.6.2 to reuse the Project Site which was overdeveloped prior to the adoption of the Plan.
S 5.3.3.6.1.6	Split Core-CGA parcel(s)	Not applicable to the project.

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S 5.3.3.6.2	Open space standard requirement, unfragmented open space and habitat	The open space requirement is 40% (0.58 acres). The Project Site has 14% (0.20 acres) of natural area. The Applicant is seeking relief from this standard and proposes an increase in natural vegetation to 23% (0.33 acres). This fails to meet the minimum by 17% (0.25 acres). Revegetation of 1,840± SF of native vegetation will occur along the northern and western boundaries to connect to open space on the neighboring parcel (200-401-2-38.5).
S 5.3.3.6.3	Fertilizer-dependent vegetation limit	The fertilizer-dependent vegetation limit is 15% (0.22 acres). The Project Site has 19% (0.28 acres) of maintained landscaping. The Applicant proposes a reduction in fertilizer-dependent vegetation from 19% to 14% (0.20 acres). Therefore, the project will conform with this Standard.
S 5.3.3.6.4	Native Plantings	Restoration and landscaped areas will include native plantings as depicted in Landscaping Plan prepared by Stonefield Engineering & Design last dated April 30, 2025. Suggest replacing some of the non-native landscaping with more native and pollinator friendly species of trees, shrubs, groundcovers and perennials such as winterberry holly, witch hazel, shadbush and maple-leafed viburnum.
S 5.3.3.6.5	Receiving entity for open space areas	No dedications are included in the project.
S 5.3.3.7.1	Special species and ecological communities	Pending NHP response. The area is expected to be within the vicinity of rare, threatened or endangered plants and animals. No clearing of natural vegetation is included in the project, therefore coordination with NYSDEC for this matter is not required.
S 5.3.3.7.2	Bird conservation and protection	Though the exterior of the existing building is not of highly reflective materials, existing lighting may pose a risk. Refer to the American Bird Conservancy et al publication “Bird Friendly Building Design” for guidance.
S 5.3.3.9.1	Light pollution prevention	This standard does not apply to this project because it is subject to local municipal review. The Applicant notes that the site plan will comply with town lighting requirements, which support efforts to satisfy S 5.3.3.7.2.
S 5.3.3.11.1	Tall structures and scenic resources	This standard does not apply to this project because it is subject to local municipal review.

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PROJECT SITE CLEARING DATA

The Project Site allows up to 60% vegetation clearance and is presently cleared to 86%, or 1.24 acres. The proposed activity reduces the amount of area cleared to 77%, or 1.11 acres.

The Project Site requires a minimum of 40% of open space and 14%, or 0.20 acres, remains natural. The proposed activity increases the amount of open space to 23%, or 0.33 acres.

Project Site	%	Area (acres)
Project Site area	100 %	1.44
Maximum clearing per S 5.3.3.6.1	60%	0.86
Minimum natural open space per S 5.3.3.6.2	40%	0.58
Existing cleared	86%	1.24
Existing natural	14%	0.20
Proposed clearing	0%	0.00
Proposed revegetation	9%	0.13
Total proposed clearing	77%	1.11
Area to remain natural	23%	0.33
Amount of proposed clearing in excess of standard	17%	0.25

COMPATIBLE GROWTH AREA EXTRAORDINARY HARDSHIP CRITERIA

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

DISCUSSION ITEMS/ADDITIONAL INFORMATION

1. The Commission will independently perform the SEQRA review and discuss a determination in the decision process.
2. In Exhibit F, the Applicant argues that a reasonable return is unable to be realized with the current zoning due to lack of demand for the existing use and requires a change of zone. Have the other permitted uses within the current zoning been explored as profitable options? Please provide more information demonstrating an examination of these options.
3. In Appendix D in the submitted application, Sections D.2.c. and d. indicate an anticipated 900 gallons per day (gpd) of water used and waste generated with this project. The maximum density load is 432 gpd based on 300 gpd/acre. Please provide more information regarding the usage and generation of wastewater.
4. Consider replacing additional landscaping with more native species.
5. The Commission will consider any additional documentation submitted in support of this Application and reserves the right to keep the hearing record open to receive and review any additional information for the public record.
6. Confirm the decision deadline is extended to the August 20, 2025 meeting.

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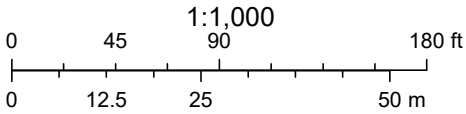
EXHIBITS

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- B. Photographs of the Project Site
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RA Middle Island Starbucks (SCTM #: 200-402-2-2)



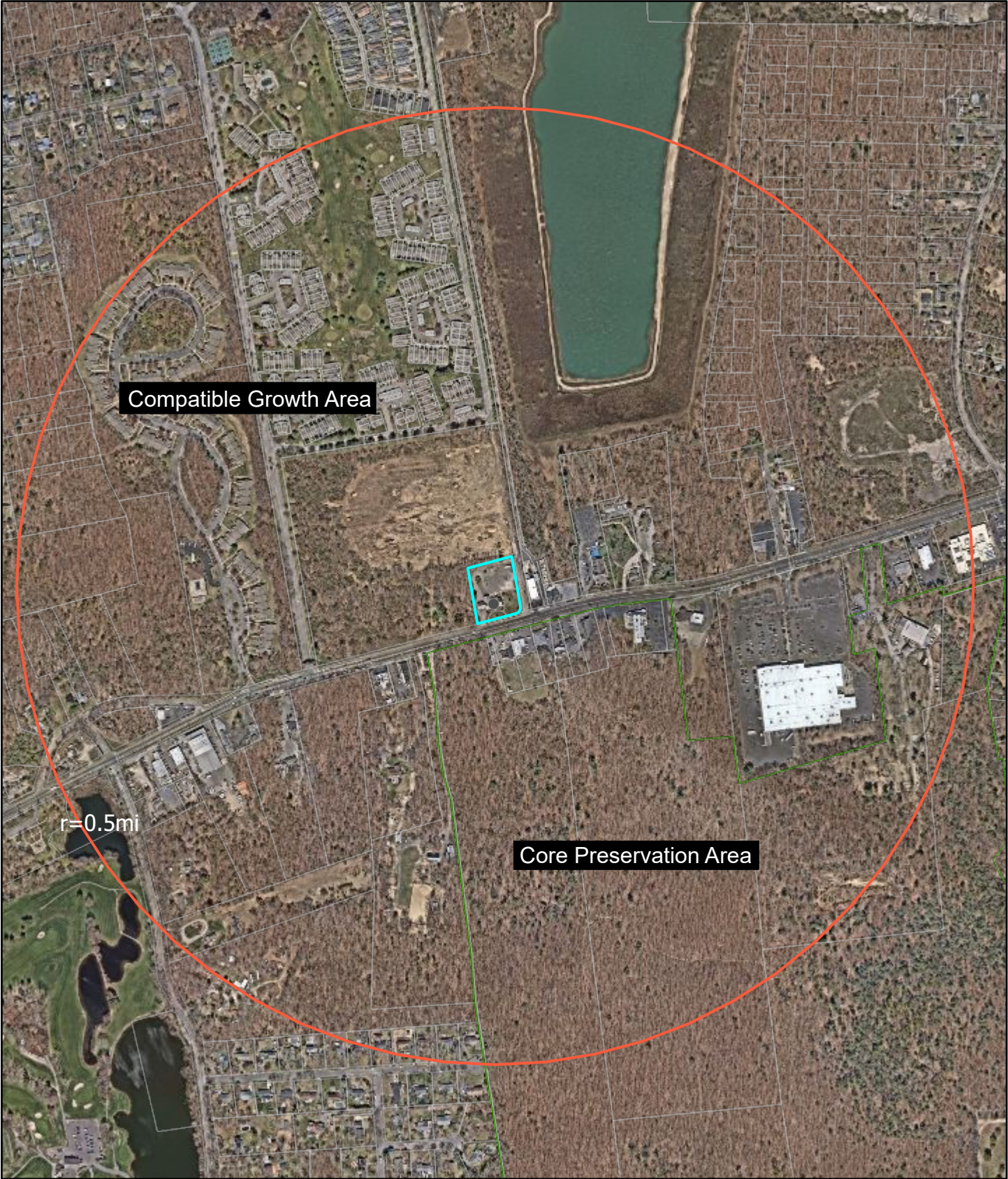
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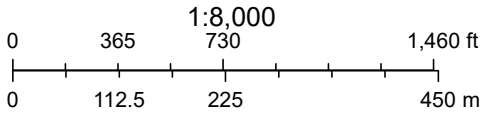


599 Middle Country Road Study Area (SCTM #: 200-402-2-2)



6/4/2025, 11:06:07 AM

- Pine Barren CGA
 - Pine Barren Core
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- Nearmap Imagery



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STANDARDS AND GUIDELINES FOR LAND USE

599 MIDDLE COUNTRY ROAD

April 3, 2025

Standard (S)/Guideline (G)		Explanation and Document Page Reference	
		5.3.3.1 Sanitary Waste, Nitrate-Nitrogen and Other Chemicals of Concern	
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.	All wastewater generated onsite will be treated and recharged into the ground using facilities that conform to Suffolk County Sanitary Code (SCSC) Article 6 requirements. The existing onsite conventional septic system will be replaced with a new Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS). The proposed action site is located in the Central Pine Barrens Compatible Growth Area (CGA), Central Suffolk Special Groundwater Protection Area (SGPA), and Suffolk County Department of Health Services (SCDHS) Groundwater Management Zone III (GMZ III). Under GMZ III standards, the project is permitted to use conventional onsite septic systems when the total density load of the land use is ≤432 gpd based on 300 gpd/acre (43,560 SF). The total combined density load from the proposed project, assuming 30 seats in the proposed Starbucks, has been estimated to be just 300 gpd (10 gpd/seat); therefore, conforming with SCSC Article 6 flow standards for individual onsite septic systems. The proposed I/A sanitary systems, however, will provide a superior level of treatment compared to the existing onsite conventional septic systems with a total anticipated nitrogen discharge concentration that is minimal based on SCDHS density standards (35-36% of the upper limit). The siting and design of the proposed I/A OWTS will be consistent with all applicable standards.
S 5.3.3.1.2	Sewage treatment plant discharge	Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. Treatment systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.	The Proposed Action will conform to SCSC Article 6 requirements, so that an STP is not necessary. It is acknowledged that the project’s effluent will be recharged within the CGA and SGPA. However, the site’s proposed I/A OWTSs will be designed, sited and installed in conformance with all SCSC Article 6 and other applicable SCDHS requirements, thereby assuring that little impact to underlying groundwater quality will occur. As previously noted, the proposed action involves the abandonment of the existing onsite conventional septic system in accordance with SCDHS requirements and replacement of this system with an I/A OWTS which will provide a superior level of treatment including the reduction of nitrogen loading. Overall wastewater discharge on the 1.44-acre property is minimal at just 300 gpd per day.
S 5.3.3.1.3	Suffolk County Sanitary Code Articles 7 and 12 compliance	All projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.	These regulations concern water pollution control (Article 7) and storage of hazardous or toxic materials associated with industrial use (Article 12). The proposed action involves a change of zone to allow for the commercial building to be operated by Starbucks. No storage or use of hazardous or toxic materials will occur in connection with the proposed use. The subject site is currently fully developed with a bank building that has not been occupied since 2019. The proposed action site is not within any public Water Supply Sensitive Area which is defined by Article 7 as “areas in close proximity to existing or identified future public water supply wellfields” with “close proximity” defined as “within 1,500 feet upgradient or 500 feet downgradient of public water supply wells screened in the Upper glacial aquifer.” Based on an assessment of the closest domestic supply wells and community supply wells (Middle Island Road, Spring Lake Drive, Rocky Point Road) the proposed action site is not within any public Water Supply Sensitive Area.
S 5.3.3.1.4	Commercial and industrial compliance with the Suffolk County Sanitary Code	All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Development projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service’s Board of Review in order to be deemed to have met the requirements of this standard.	The subject site is currently fully developed with a bank building that has not been occupied since 2019 and the site will continue to be used for commercial purposes. The proposed action will comply with applicable requirements of Suffolk County Sanitary Code Articles 6, 7, and 12. Applicable SCDHS approvals will be obtained through the required application process.
G 5.3.3.1.5	Nitrate-nitrogen	A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its non-residential equivalent), through clustering, or through other mechanisms	As noted above, the proposed action will replace the existing conventional onsite septic system serving the current commercial use with an I/A OWTS with advanced nitrogen removal capabilities. Overall, wastewater loading from the proposed action will be just 300± gpd indicating a relatively small wastewater load for the 1.44-acre site. The proposed action also includes the restoration of 1,840± SF of the site by converting parking and driveway areas along the western property boundary to unmaintained native vegetation, thereby restoring the western portion of the site contiguous to wooded areas to a more natural condition. Additionally, ±3,600 SF of maintained lawn in the southern portion of the subject property will be converted to native non-irrigated/non-fertilized vegetation. Native plants will require no

		to protect surface water quality for projects in the vicinity of ponds and wetlands.	applications of fertilizer except during initial installation. The increased area of native vegetation will also assist in reducing stormwater runoff and improving stormwater recharge on the property, which will help to further reduce nitrogen that may be contained in onsite stormwater runoff.
5.3.3.3 Wellhead and Groundwater Protection			
5.3.3.3.1	Significant discharges and public supply well locations	The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17.	This standard restricts activities that could degrade the public water supply within a 200-foot radius of a public supply well. The location of existing public wells are outside the 200-ft buffer zone of the site. Furthermore, the proposed action will not have “significant discharge” to a point where it will impact a public water supply. The proposed action was further assessed relative to Article 7 Water Supply Sensitive Areas as noted above pursuant to Guideline S 5.3.3.1.5 above.
5.3.3.4 Wetlands and Surface Waters			
5.3.3.4.1	Nondisturbance buffers	Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a nondisturbance buffer area that is no less than that required by the New York State Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers Act or local ordinance. The Commission reserves the right to require a stricter and larger nondisturbance buffer for development projects not subject to municipal review. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard.	<p>The proposed action site is not located near a tidal wetland. The closest feature, as listed by the NWI is a 22±-acre freshwater pond, designated as PUSCx (an excavated man-made palustrine feature that is seasonally flooded and has an unconsolidated shore), located approximately 900 feet northeast of the subject property. This feature is not mapped by the NYSDEC as a previously mapped freshwater wetland. Nevertheless, the pond is located outside of the standard 100-foot NYSDEC freshwater wetland adjacent area.</p> <p>The proposed action includes retention and supplementation of native vegetation in existing perimeter buffers and restoration of 1,840± SF of the site by converting parking and driveway areas along the western property boundary to unmaintained native vegetation and the restoration of 3,600± SF of the site by converting maintained lawn area to native vegetation, thereby restoring the western portion of the site contiguous to wooded areas and an area along the roadway frontage to a more-natural condition. Restoring the vegetative buffer around the site will improve native plant density and diversity, improving overall health and sightliness. Operations under the proposed project will not disturb the vegetation.</p>
5.3.3.4.2	Buffer delineations, covenants and conservation easements	Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary.	N/A; the proposed action site is not located within a conservation boundary or other protected area. The proposed action includes retention and supplementation of native vegetation in existing perimeter buffers and restoration of 1,840± SF of the site by converting parking and driveway areas along the western property boundary to unmaintained native vegetation, thereby restoring the western portion of the site contiguous to wooded areas to a more natural condition. Additionally, the proposed conversion of 3,600± SF of the maintained lawn area in the southern portion of the subject property to native vegetation will restore this area along the property boundary to a more natural condition.
5.3.3.4.3	Wild, Scenic & Recreational Rivers Act compliance	Development shall conform to the provisions of the New York State Wild, Scenic and Recreational Rivers Act, where applicable. Projects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard.	N/A; the project site is not located within or adjacent to any WSRR boundary. This Standard does not apply.
5.3.3.5 Stormwater Runoff			
5.3.3.5.1	Stormwater recharge	Development projects must provide that all stormwater runoff originating from development on the property is recharged on site unless surplus capacity exists in an off site drainage system.	This standard requires that adequate drainage capacity be provided for retention and recharge of stormwater runoff generated on-site. All stormwater runoff generated on developed project surfaces will be captured on-site and recharged into the ground through the existing on-site drainage system. The proposed project involves a reduction of ±1,840 SF of impervious surface and restoration of 1,840± SF of the site by converting parking and driveway areas along the western property boundary to unmaintained native vegetation. Additionally, the project proposes the restoration of 3,600± SF of the site by converting maintained lawn area to native

			vegetation. The reduction of impervious surfaces and maintained lawn area will result in decreased stormwater runoff and improved stormwater recharge on the subject property.
			No runoff from developed surfaces will be allowed to exit the site, based on the stringent retention and design standards. The project’s drainage system is subject to the review and approval of the Town engineering and planning staff. The proposed project will involve the disturbance of only 0.26 acres of the subject property; therefore, the project is not subject to the requirements of the SPDES General Permit for Construction Activity.
S 5.3.3.5.2	Natural recharge and drainage	Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.	The proposed project does not involve alteration of the existing onsite drainage system or disturbance of any existing native vegetation. The proposed action will involve reductions in impervious area and maintained lawn and increase in native vegetation, thereby improving the existing drainage conditions onsite. No recharge basins or ponds are proposed as part of the proposed action.
S 5.3.3.5.3	Ponds	Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.	N/A: the proposed action will not include construction of a pond.
S 5.3.3.5.4	Natural topography in lieu of recharge basins	The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.	The proposed action does not include excavated recharge basins. No natural topographic low points or swales are available to be utilized for stormwater runoff detention or recharge. As noted previously, the proposed action does not involve an alteration to the existing on-site drainage system. The proposed reduction in impervious surfaces and maintained lawn and increase of native vegetation will result in improved drainage conditions on-site.
S 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.	The proposed project will involve the disturbance of only 0.26 acres of the subject property; therefore, the project is not subject to the requirements of the SPDES General Permit for Construction Activity.
5.3.3.6 Coordinated Design for Open Space, Habitat and Soil Protection			
		<p>The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.</p> <p>Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites, drainage structures and landbanked parking. The clearance standard that would be applied to a development project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.</p> <p>To the extent that a portion of a development project site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and</p>	<p>The proposed project will not comply with the current Vegetation Clearance Limits outlined in Standard 5.3.3.6.1 and thus requires this hardship application. The subject parcel was zoned J Business 4 in 1995, when the CPB CLUP was adopted. In conformance with the allowable site clearance standards listed in Figure 5-1 of the CLUP, the overall maximum allowed site clearance for the proposed action site is 60%, or 0.864 acres (conversely, a minimum of 40% of the site, or 0.576 acres, would have to be preserved as natural). The subject property has been developed with the existing building since at least 1980, prior to the adoption of the CLUP, and is over-cleared in its existing condition. Currently, approximately 86% of the site is cleared (including impervious and maintained landscaped areas) and approximately 14% of the site consists of natural vegetation.</p> <p>The proposed action represents an improvement upon the existing condition with a reduction in clearing from approximately 86% to approximately 77% and an increase in natural areas from approximately 14% to 23%. The proposed site coverages include 1.11 acres of cleared land (impervious and maintained landscaping in existing areas) and 0.33 acres of natural land, including areas to be restored with native vegetation.</p> <p>It is noted that the entirety of the proposed action site is within the Compatible Growth Area of the Central Pine Barrens. Furthermore, the entirety of the remaining natural existing pine barrens habitat within the property will not be developed.</p> <p>As the proposed action does not involve non-contiguous parcels, split zone parcel(s), residential overlay district parcels, environmental restoration, or split Core-CGA parcel(s), Standards S 5.3.3.6.1.1 through S 5.3.3.6.1.4 and S 5.3.3.6.1.6 do not apply.</p>
S 5.3.3.6.1	Vegetation Clearance Limits		

		CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan.		
S 5.3.3.6.1.5	CGA Hardship Requirement	Persons seeking relief from clearing requirements on development project sites must file a CGA hardship application.		The proposed action involves the filing of a CGA hardship application for relief from the clearing requirements. Of note, the site is over-cleared in its existing condition, which was the case prior to the adoption of the CLUP. The proposed action would improve upon the clearing condition of the subject property by offering a reduction in clearing and restoration of an impervious area to a natural condition.
S 5.3.3.6.2	Open space standard requirement, unfragmented open space and habitat	<p>Development project sites must meet at a minimum the percentages of open space specified in Figure 5-1 regardless of existing physical site conditions. Applicants must prioritize first the use of existing cleared areas for development on a project site prior to clearing areas of natural vegetation. Site plans, surveys and subdivision maps must delineate the open space boundary lines and include the calculation of open space areas to demonstrate conformance with this standard. Applicants must identify the receiving entity to which dedicated open space will be transferred as required by Standard 5.3.3.6.5.</p> <p>Project sites that do not have sufficient existing natural areas to meet the open space requirement specified in Figure 5-1 due prior development or use, will be required to revegetate areas to satisfy this standard. This will include sites that do not meet the open space requirement due to pre-existing clearing or disturbance, formalized landscaped and turf areas and/or impervious surfaces.</p>	<p>This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and off-site property. The proposed action seeks to preserve the existing wooded areas and reclaim the western perimeter and northwestern corner of the site as part of its restoration plan. The proposed action limits any improvements and operations to the existing cleared areas, reduces impervious surfaces, and increases the native vegetation on-site. The area to be restored to native vegetation along the western and northwestern parcel boundaries is contiguous to natural wooded land to the west and north of the subject property. The proposed action provides additional contiguity of the natural area on the west part of the site and the adjoining natural areas on the adjoining property to the west .</p> <p>The Vegetation Clearance Limits in the CPB CLUP favor the placement of development in existing cleared areas in order to retain natural vegetation. This design strategy is implemented for the Applicant’s plan, so that spatial efficiency of the proposed development acknowledges the restrictive nature of allowable clearing (including the site which has already been cleared), whilst also emphasizing the need to create greater parcels of contiguous natural open space and wooded areas. By adhering to the proposed plans and these guidelines, the proposed action will result in a healthier, more contiguous pine barrens ecosystem.</p>	
S 5.3.3.6.3	Fertilizer dependent vegetation limit	<p>No more than 15% of an entire development project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. Development designs shall be in conformance with Standard 5.3.3.6.4 Native plantings.</p>	<p>No more than 15% of a project site shall be established in fertilizer-dependent vegetation. As the project site is a total of 1.44 acres in, up to 0.216 acres of landscaping that requires fertilization may be planted on this site. The subject property currently includes 0.28 acres of maintained landscaping, as it has since prior to the adoption of the CLUP. The proposed project will convert a portion of the maintained landscaping in the southern portion of the subject property to native vegetation that does not require irrigation or fertilizer application in order to comply with this standard. Therefore, no more than 15% of the project site will be established in fertilizer-dependent vegetation under the proposed action. As noted previously, under the proposed project, a portion of impervious surface will be restored with native vegetation in order to provide more natural areas on-site, contiguous to adjacent wooded land.</p> <p>There may be fertilizer required for the initial growth stage of the native vegetation to be restored on site to ensure establishment, but long-term use of fertilizer is not anticipated except for the 0.22 acres of maintained landscaping to remain. None of the non-native species listed in Figure 5-2 of the CLUP will be used as part of the project’s final site plan landscape design plans.</p>	
S 5.3.3.6.4	Native Plantings	Development designs shall incorporate the species listed as “recommended” in Figure 5-2 “Planting Recommendations.” Landscaping and restoration plans shall strive to use Long Island native genotypes, unless the plants are not available. A more extensive list of acceptable and unacceptable plants is available from the Commission office.	<p>Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the Pine Barrens Plan are being used as part of the final site plan landscape design plans. Typical landscape trees that are native to the area will be used for streetscapes and natural vegetation are being retained wherever possible.</p> <p>Where pine barrens species are used in a landscape function, species listed in Figure 5-2 of the CPB CLUP will be used. See response to Policy S 5.3.3.6.3 above.</p>	

S 5.3.3.3.6.5	Receiving entity and protection for open space areas	The use, maintenance and management of open space shall be considered when protecting open space areas. The project applicant must specify the entity to which the open space will be dedicated. The protection of the open space shall be guaranteed by dedicating the open space to a government entity, private not for profit, land conservation management organization, homeowner’s association or similar entity through the transfer of title or a permanent conservation easement or covenant recorded with the Suffolk County Clerk, or similar mechanism to ensure open space protection.	No dedicated open space will be transferred as part of this proposed action.
5.3.3.7 Protection and Conservation of Species and Communities			
S 5.3.3.7.1	Special Species and Ecological Communities	Where a significant impact is proposed upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.	Per the Environmental Resource Mapper, the subject property is situated within the vicinity of plants and bats listed as endangered or threatened. As the proposed action does not involve the disturbance of any existing natural vegetation, no impacts to rare, threatened, or endangered species is expected. The only areas of the subject property to be disturbed under the proposed action include impervious surfaces, which will include areas to be restored to a more natural state, which will improve the quality of potential habitat for wildlife species. As such, no endangered or threatened species are expected to be present in areas that would be disturbed on the proposed action site. In addition, no existing natural vegetation will be removed from the site and part of the lawn will be converted to unmaintained vegetation. The natural vegetation fringe on the west part of the site will be expanded as a result of the proposed project. Consequently, no impacts are expected with respect to special species and/or ecological communities and the proposed action conforms to this standard.
S 5.3.3.7.2	Bird conservation and protection	Development projects shall incorporate bird friendly structures, design and site planning elements to reduce bird strikes and mortality to the greatest extent feasible. Seek guidance provided in the American Bird Conservancy et al publication “Bird Friendly Building Design,” available from their website.	The proposed action will utilize the existing building design in order to limit impacts to undeveloped areas of the subject property. Therefore, this standard does not apply as no new structures are proposed.
5.3.3.9 Dark Sky Compliance			
S 5.3.3.9.1	Light Pollution Prevention	This standard applies only to projects which are not subject to local municipal review and approval. The candlepower distribution from lighting fixtures and installations shall be cut off at all angles beyond those required to restrict direct illumination to the specific area or surface being illuminated. Development shall utilize full cutoff lighting that directs all light downward and eliminates spill light and direct upward light. Fixtures must be noted on the proposed site plan as dark-sky compliant fixtures. Existing exterior fixtures on a development project site shall be retrofitted accordingly.	This standard does not apply, as the project is subject to local municipal review and approval associated with the Change of Zone application. No changes to lighting from the existing condition are proposed; however, compliance with current lighting requirements will be achieved through site plan review by the Town of Brookhaven. Such requirements . include cutoff lighting, dark-sky compliance and no luminaires beyond the property line. Lighting will only be used for safety and security and will comply with Town requirements.
5.3.3.11 Scenic, Historic and Cultural Resources			
S 5.3.3.11.1	Tall structures and scenic resources	This standard applies to projects not subject to local municipal review. A development project subject to this standard must not exceed the height definition for tall structures in Chapter 4,	The subject site is currently fully developed with a bank building that has not been occupied since 2019 and the site will continue to be used for commercial purposes. This standard does not apply, as the project is subject to local municipal review and approval associated with the Change of Zone application. There are no changes proposed to the height of the existing structure.

		Section 4.3.11. This standard requires, in part, the adaptive use and reuse of existing tall structures rather than the construction and placement of new ones when and where feasible and appropriate.	
G 5.3.3.11.2	Cultural resource consideration	<p>Development proposals should account for, review, and provide protection measures for:</p> <ol style="list-style-type: none">1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this Plan.2. Active recreation sites, including existing sites and those proposed as part of a development.3. Scenic corridors, roads, vistas and viewpoints as documented in Volume 2 of this Plan, and which are listed in Figure 5-2, which may be amended from time to time, in Volume I of this Plan and may be located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway.4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute.5.Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.	<p>The proposed action will not impact any trails, recreation sites, scenic resources, sites of historic or cultural significance, or sensitive archaeological areas, as there are no such resources on-site or immediately adjacent to the subject property. All areas to be disturbed under the proposed action have been previously disturbed. The only change in site coverages proposed involves the conversion of an area of impervious pavement to native vegetation and the conversion of an area of maintained lawn to native vegetation.</p>
G 5.3.3.11.5	Roadside design and management	Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.	<p>The project complies with this Guideline. No roadside areas are proposed to be cleared. The proposed project will utilize existing vehicle access points.</p>

SECTION 2.0

TOWN LAW SECTION 267-B

2.0 TOWN LAW SECTION 267-B CRITERIA

The Applicant seeks an exemption based upon a demonstration of hardship for development in the CGA. In making such a finding, the commission shall consider the criteria for a use variance pursuant to section two hundred sixty-seven-b of NYS Town law. These criteria are as follows:

- (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.

A demonstration supporting the above factors is outlined below.

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

The commercial drive-thru bank has been vacant since 2019 and unable to secure a tenant to operate the facility and realize a reasonable return. The prolonged vacancy, which indicates a lack of demand for its existing use, has resulted in the property owner being unable to realize a reasonable return on their investment. The facility is not profitable under its present zoning and therefore a Town change of zone is sought to allow the proposed use. The site is privately-owned and subject to real estate taxes. The lack of income from the property that would be facilitated by an occupant/operator of a commercial use is a significant economic hardship to the property owner. Current real estate taxes are \$***, attesting to the annually accruing hardship of having the site unoccupied.

The placement of the property in the CGA following the full development of the property in its current configuration is a hardship that prohibits the property owner from being able to initiate a use on the subject property that would be profitable. The current owner sought to market the property for banking purposes. However, three brokerage groups were unsuccessful in securing a banking branch willing to lease the location. This was attributed to the downsizing of bank branches and the decreased demand for large bank formats. The proposed project will improve site conditions by removal of pavement on the west side of the site to expand contiguous natural open space with adjoining lands, and reducing maintained landscaped lawn area with native non-maintained vegetation.

(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 subject property is unique as it is a developed commercially-zoned property with a drive-thru window situated within the CGA, which was developed prior to the adoption of the CLUP. The building is vacant and has not been in use since 2019. The placement of the property in the CGA prevents the subject property from being utilized as a profitable commercial business that is consistent with the changing consumer needs of the surrounding community. The presence of the existing commercial building, parking area and drive-thru infrastructure would allow the property to function as a profitable business with very minimal modifications to the existing property. Proposed changes would remove pavement on the west side of the site to expand contiguous natural open space with adjoining lands, and would reduce maintained lawn area and replace it with native vegetation that does not require maintenance such that compliance with Standard 5.3.3.6.3. The site will also be improved with an I/A OWTS installation which will reduce nitrogen concentrations in recharge to groundwater.

The unique conditions applicable to this site are as summarized as follows:

- The site is almost completely developed and was developed in its current form prior to the CLUP.
- The CLUP placed this developed site within the CGA of the Central Pine Barrens.
- The existing bank building is not viable for tenancy by a bank due to changing market conditions.
- The project site can be improved in terms of natural vegetation to more closely conform with Standard 5.3.3.6.1.
- The project site can be improved to comply with Standard 5.3.3.6.3.
- The project site will be improved with an I/A OWTS installation to reduce groundwater impacts.

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood;

Under the proposed action, the use of the subject property will remain commercial in nature. The primary function of the property as a drive-thru establishment will remain unchanged. The operational structure of a drive-thru ensures that vehicular traffic patterns and customer flow will be consistent with the existing use, minimizing and significant changes to the surrounding area.

The physical characteristics of the site will remain essentially unchanged, with the exception of the conversion of an area of impervious pavement and an area of maintained lawn to native vegetation, contiguous to the wooded vegetation to the west and the roadway,

respectively. Consequently, there is no negative alteration of the essential character of the neighborhood and any change is positive and beneficial in terms of reducing pavement that faces Middle Country Road, with establishment of natural vegetation along a small additional portion of road frontage.

The surrounding community was engaged in discussions regarding how the property could optimally address their needs. Concerns were raised about the current condition of the building and its effects on the neighborhood. The community expressed support for the decision to convert the property from its prior use to a restaurant that would contribute positively to the local area.

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

The subject property was developed for commercial use prior to the adoption of the CLUP and the placement of the subject property into the CGA, greatly limits the property's potential for adaptation driven by consumer needs. The current and previous property owners have been unable to secure a tenant for the existing commercial bank facility, and is proposing to change the use with minimal disturbance to the subject property and an improvement upon the natural condition of the subject property. The condition of the subject property aligns with the trends observed in banking properties within the surrounding area, attributable to shifts in consumer preferences and market conditions. Additionally, there are two other banks along the same road that have also remained vacant for an extended period.

Murphy, Tara

From: Brianna Sadoski <bsadoski@nelsonpope.com>
Sent: Friday, May 30, 2025 2:15 PM
To: Murphy, Tara
Cc: Chic Voorhis; NPV-Admin; Jakobsen, Judith; PB Hargrave, Julie; Milazzo, John; Daniel Scarda; TIMOTHY SHEA JR
Subject: 599 Middle Country Road, Middle Island - CGA Hardship Application
Attachments: 2025-05-30_599 Middle Country Road_Summary of Minor Revisions.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.

Tara,

Please see attached summary of minor revisions to the Site Plan and CGA Hardship Application for the Proposed Starbucks at 599 Middle Country Road since the April 7, 2025 CGA Hardship submittal.

Please confirm receipt, and feel free to reach out with any questions.

Thank you,

Brianna Sadoski
Project Manager/Senior Environmental Planner



NELSON POPE VOORHIS

Long Island: 70 Maxess Road, Melville, NY 11747
Hudson Valley: 156 Route 59, Suite C6, Suffern, NY 10901
o: 631.427.5665 c: 631.972.8623
bsadoski@nelsonpopevoorhis.com
nelsonpopevoorhis.com

RECEIVED

MAY 30 2025

*Central Pine Barrens
Joint Planning & Policy Commission*

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NELSON POPE VOORHIS

environmental • land use • planning

May 30, 2024

RECEIVED

VIA FEDEX & EMAIL

Tara Murphy
Central Pine Barrens Commission Office
624 Old Riverhead Road (CR 31)
Westhampton Beach, NY 11978

MAY 30 2025

*Central Pine Barrens
Joint Planning & Policy Commission*

**RE: 599 Middle Country Road; CGA Hardship Application Update
Summary of Minor Revisions; NPV# 81083**

Dear Ms. Murphy:

Minor revisions were made to the Site Plan for the Proposed Starbucks at 599 Middle Country Road since the April 7, 2025 Compatible Growth Area (CGA) Hardship Application submittal. The updated plans prepared by Stonefield Engineering & Design, revised April 30, 2025, are attached. As shown on the attached plans, revisions include:

- Addition of proposed outdoor seating area including 10 seats on the south side of the subject building
- Updates to gross floor area (GFA) of the building to account for the basement of the building. Specifically, the building GFA was updated from 3,908 SF in the previous submission to 5,097 SF including a 500 SF basement and a 589 SF porch.
- Updates to required parking based on updated building GFA. The total required parking spaces was updated from 40 spaces in the previous submission to 53 spaces, based on the updated building GFA. The proposed project continues to propose 40 spaces and now requests a variance for parking.
- Addition of the Central Pine Barrens Data Table indicating the following land coverages:
 - Area to remain undisturbed and natural: 4,240 SF (6.8%)
 - Area of fertilizer-dependent vegetation: 8,829 SF (14.1%)
 - Area of non-fertilizer-dependent vegetation: 9,965 SF (15.9%)
 - Proposed total Pine Barrens native vegetation: 14,205 SF (22.6%)

Based on these minor plan updates, minor updates to the CGA Hardship Application submission are required for consistency with the attached site plan. These updates are as follows:

- Update landscaped (maintained) site coverage from 0.22 acres to 0.20 acres.
- Update wooded/natural (native vegetation) site coverage from 0.31 acres to 0.33 acres.
- The area of fertilized vegetation will be reduced from 19% to 15%.
- Current real estate taxes (noted on Page 1-4) are \$46,409.11 annually. This value was missing from the previous submission.

Please add this to the file and distribute, and please feel free to contact me should you have any questions.

Very Truly Yours,

Nelson, Pope & Voorhis, LLC



Brianna Sadoski
Project Manager/Senior Environmental Planner

cc: Judy Jakobsen (CPBJPPC) (via email only)
Julie Hargrave (CPBJPPC) (via email only)
John Milazzo (CPBJPPC) (via email only)
Daniel Scarda (Crest Group)
Tim Shea (CBAH)

Attachment A
Revised Site Plans
April 30, 2025

[illegible]

ISSUE	DATE	BY	DESCRIPTION
3	04/26/2015	PHG	REVISED PER TOWN COMMENTS
2	03/07/2015	PHG	ISSUED FOR REVIEW
1	02/14/2015	PHG	ISSUED FOR REVIEW



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SITE PLANS

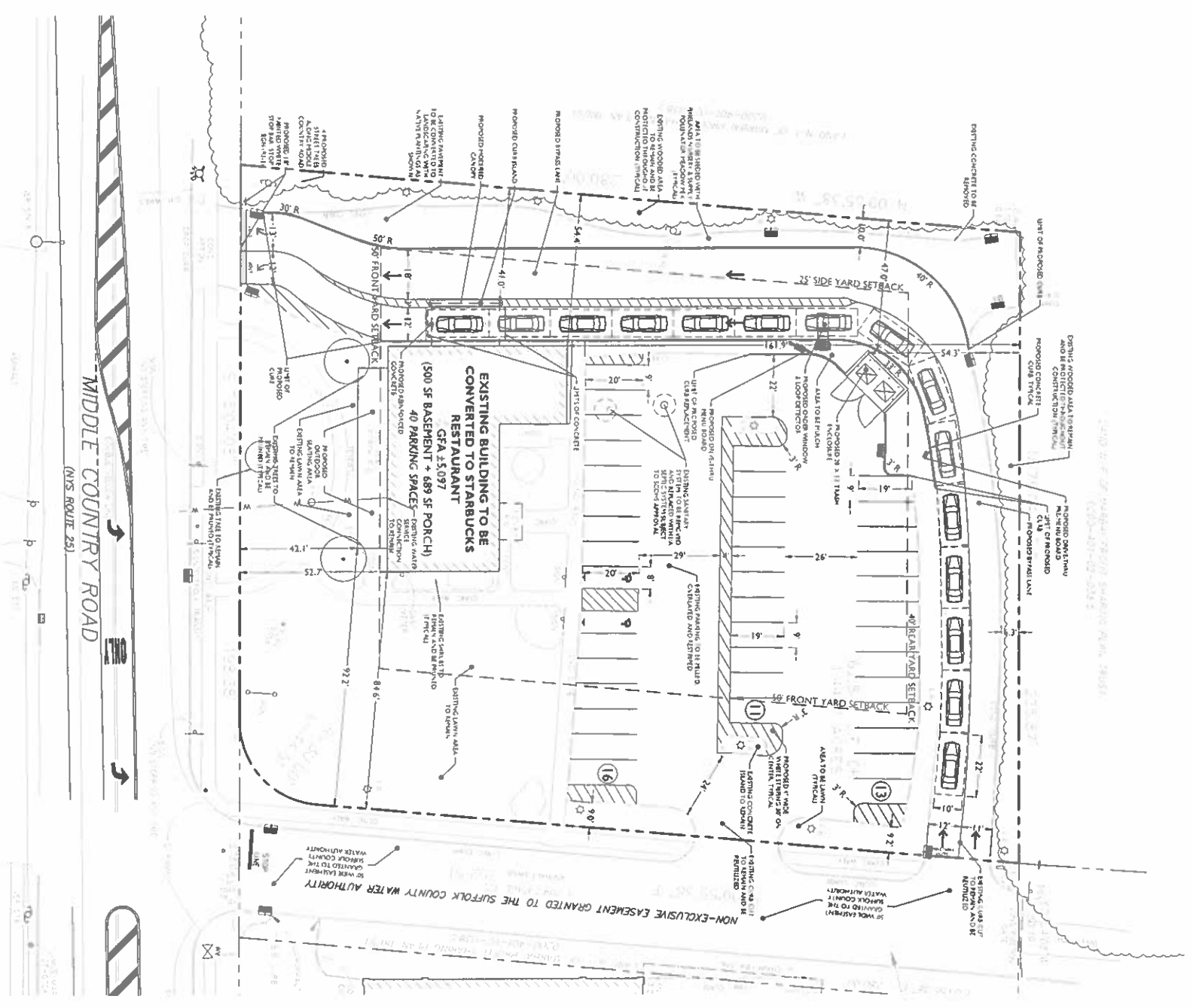
PROPOSED STARBUCKS

SECTION 492 BLOCK 2 LOT 2
599 MIDDLE COUNTRY ROAD
TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK



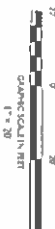
 **STONEFIELD**
engineering & design

SCALE	1"=10'	PROJECT NO. MC14011
TITLE		
SITE PLAN		
DRAWING:		
1 OF 2		

[illegible][illegible][illegible][illegible]

PROPERTY NOTE
THE PROPERTY IS LOCATED WITHIN A ZONED 4 DISTRICT (L4). THE PROPOSED ZONING MAP HAS BEEN RECOMMENDED BY THE ASSUMPTION THE PROPERTY WAS WITHIN ALLOTTED TO THE BUSINESS 1 DISTRICT.

Know what's **below**
Call before you dig.

[illegible]



1. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, UNDEVELOPED AREA TO REMAIN EXISTING, AND THE CONTRACTOR SHALL HAVE SUFFICIENT KNOWLEDGE OF THE CONTRACTOR'S SITE, LOCATION, ALL EXISTING LAWS, AND THE CONTRACTOR'S INTENT TO OBTAIN ALL NECESSARY PERMITS, APPROVALS, AND CONSENTS FROM ALL AFFECTED AGENCIES.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS, AND CONSENTS FROM ALL AFFECTED AGENCIES.
3. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS, AND CONSENTS FROM ALL AFFECTED AGENCIES.
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8. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS, AND CONSENTS FROM ALL AFFECTED AGENCIES.
9. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS, AND CONSENTS FROM ALL AFFECTED AGENCIES.
10. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS, APPROVALS, AND CONSENTS FROM ALL AFFECTED AGENCIES.



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Draft Staff Report
CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION
for the Commission meeting of June 18, 2025

PROJECT NAME: V&G Realty Core Preservation Area Extraordinary Hardship Waiver

APPLICATION TIMELINE:

- 4/1/25 Received application materials
- 4/16/25 Scheduled public hearing
- 6/18/25 Public hearing
- 7/30/25 Decision deadline

OWNER/APPLICANT: Vitalino Vaz, represented by Tracey Schleske, V&G Realty

PROJECT SITE LOCATION: Gerard Road, opposite Woodfield Terrace, Yaphank

SUFFOLK COUNTY TAX MAP NUMBERS: 200-781-1-5 and 15

PROJECT SITE AREA: 37,992 square feet (0.87 acre)

ZONING DISTRICT: A 1 Residence Zoning District

EXISTING CONDITIONS

The Project Site is two parcels that combined total of 37,992 square feet (0.87 acres) and is presently naturally vegetated. See Exhibit A for a location map and aerial overview.

It is on three undeveloped unopened streets including Sterling Street to the south, Hawthorn Avenue to the east and Ann Street to the north and has 6.22 feet of frontage on Gerard Road. See Exhibit B for the survey prepared by O'Connor – Petito, LLC last revised January 21, 2019. The Applicant purchased the parcel in 2016. See Exhibit C for the Title Report.

APPLICANT REQUEST

The Applicant's request is to develop a 0.87 acres, located in the A1 residential zone for a two-story, four bedroom residence with basement, attached garage, covered front porch, exterior cellar and rear entry stoop. The project will clear 15,000 square feet, or 39.4% that is currently naturally vegetated.

The survey is stamped by the Suffolk County Department of Health Services (SCDHS Permit # R02-18-0657), dated February 13, 2019 for a sanitary system. An expired approval from the SCDHS was renewed until February 13, 2025. See Exhibit D

The applicant seeks relief from the 280A town requirements that requires the construction of a Town maintained road, per the application made to Brookhaven Town Planning Board (#61940) dated April 15, 2019. Brookhaven Town Zoning Board denied the project on October 9, 2024. See Exhibit E for Brookhaven Town Planning Board and Zoning Board applications and decisions.

CENTRAL PINE BARRENS STATUS

The proposal constitutes development activity pursuant to NYS Environmental Conservation Law §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;”

In regard to the site in the Core Preservation Area, Chapter 4 Section 4.5.1 Development located within the Core Preservation Area (“Core development”) of the Plan states:

“The Act requires the prohibition or redirection of development in the Core Preservation Area and sets forth the jurisdiction of the Commission over, and certain requirements for processing, hardship exemptions. The Act authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate hardship according to the conditions and finding of extraordinary hardship or compelling public need pursuant to subdivision 10 of Section 57-0121 of the Act.”

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND OTHER REQUIRED PERMITS AND APPROVALS

Pursuant to Chapter 4, Review Procedures, of the Plan, Section 4.5.1.1, the Commission shall seek Lead Agency status, pursuant to SEQRA, for development proposed in the Core Preservation Area.

The project may require other permits and approvals including but not limited to:

- State Environmental Quality Review Act (SEQRA). The proposal is classified as a Type II Action. No further SEQRA review is required.
- New York State Office of Parks, Recreation and Historic Preservation.
- Suffolk County Department of Health Services Article 6 conformance and approval.
- Town of Brookhaven approvals and permits.

SITE DESCRIPTION

This section contains a general description of the features on the project site including natural, scenic, and cultural resources. Data were excerpted from the application and other available resources.

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Existing Condition and Land Use: Vacant and wooded with natural pine barrens vegetation. See Exhibit F for photographs of the project site and immediate surroundings.

Vegetation: A pitch pine-oak forest ecological community exists on the project site. Several very tall, healthy pitch pines are present on the project site. Other flowering trees and oaks are present. The area has experienced widespread infestation of Southern Pine Beetle. A number of healthy large pitch pines are present on the site that can continue to serve as seed banks for new pitch pines to replenish and naturally restore this pine barrens ecological community.

Rare, Endangered, & Threatened Species and Species of Concern: A referral was sent to New York Natural Heritage Program, waiting for a response. The NYSDEC Environmental Resource Mapper database contains a number of old or historical records of State-listed threatened and endangered species potentially on or in the vicinity of the project site. <http://www.dec.ny.gov/ismaps/ERM/viewer.htm>

Wetlands: No mapped and regulated wetlands are present on the Project Site.

Hydrology: Hydrogeologic Zone III, a deep recharge zone. Groundwater flow is generally in a northerly direction toward Peconic River. The estimated depth to groundwater is 19 feet. (<http://ny.water.usgs.gov/maps/li-dtw10/>).

Topography/Elevation: The project site is generally flat.

Soils: Haven loam, 0 to 2 percent slopes. (USDA Natural Resources Conservation Service).

Cultural/Archeological Resources: On May 1, 2025, the New York State Office of Parks, Recreation and Historic Preservation letter stated that “it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

Surrounding Land Use and Zoning

Land Use Study Area

A Study Area of approximately ½-mile radius around the project site was defined to discuss the project site in the context of surrounding land use. The Study Area encompasses approximately 500 acres. See Exhibit G for the study area map.

Approximately 50% of the Study Area is publicly owned natural open space, primarily in Southaven County Park which covers 1,100 acres to the east of the Project Site. Other County and Town owned parcels are present to the north and are naturally vegetated. The other 50% of the Study Area is developed with low density residential land uses in clustered subdivisions with open space.

Prior to 2014, the Project Site was not in the Central Pine Barrens. Situated in the watershed of the Carmans River, the Project Site was placed in the Core in 2014 after completion of the Town of Brookhaven’s Carmans River Management Plan. At that time approximately 4,000 acres of land was added to the Core Preservation Area. Additional land was added to the CGA in the Study Area.

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The Project Site is bounded on three sides by unopened, undeveloped and naturally vegetated. The three unopened roads are named Ann Street on the north side, Hawthorn Avenue on the east side and Sterling Street on the south side. Brookhaven Town owned land is on the west side.

Other undeveloped lots in the old filed Map of Orient Park to the north and east are either publicly owned by the Town or County and a number of privately owned lots are present in the old filed map. A developed lot is present in the Core to the east of Hawthorne Avenue is a privately owned 14 acre lot with a residence and accessory structures including barns and open areas.

Southaven County Park, south and east of the site, contains active and passive recreational uses including the shooting range, hiking trails, water related activities including canoeing and kayaking and picnicking areas.

Gerard Road is the boundary of the Core and Compatible Growth Area. Land opposite the site is in the CGA. The northwest portion of the study area contains agricultural land. Yaphank Avenue to the west is the boundary of the CGA, and the most westerly portion of the Study Area extends west of Yaphank Avenue outside of the Central Pine Barrens.

Zoning

The zoning districts in the Study Area include A Residence 1, A Residence 2 and A Residence 10.

WATER RESOURCES

An individual sanitary system is proposed. The Applicant submitted a survey stamped by the Health Department in 2019 for installation of an individual sanitary system. Permit reapproval is necessary for the project.

PROJECT SITE HISTORY

A Letter of Interpretation application has not been received on this parcel to participate in the Pine Barrens Credit program.

CORE PRESERVATION AREA EXTRAORDINARY HARDSHIP WAIVER CRITERIA

Hardship must be demonstrated pursuant to New York State Environmental Conservation Law (ECL) §57-0121(10). See Exhibit H for the Applicant's petition.

The applicable Core Hardship criteria, as enumerated in Article 57, Section 57-0121(10) are listed below.

"10. Any person, the state or a public corporation upon a showing of hardship caused by the provisions of subdivision eight of this section on development in the core preservation area, may apply to the commission for a permit exempting such applicant from such subdivision eight in connection with any proposed development in the core preservation area. Such application for an exemption pursuant to the demonstration of hardship within the core preservation area shall be approved only if the person satisfies the following conditions and extraordinary hardship or compelling public need is determined to have been established under the following standards or for development by the state or a public corporation or

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proposed for land owned by the state or a public corporation compelling public need is determined to have been established under the following standards: ”

“(a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in an extraordinary hardship, as distinguished from a mere inconvenience, if the provisions of this act are literally enforced. A person shall be deemed to have established the existence of extraordinary hardship only if he or she demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this article, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property which:

- (i) Do not apply to or affect other property in the immediate vicinity;*
- (ii) Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or*
- (iii) Are not the result of any action or inaction by the applicant or the owner or his or her predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993.”*

“(c) An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met:

- (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area;*
- (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or*
- (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need.”*

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

POTENTIAL PRECEDENT

Since 1993, the Commission has approved and denied Core hardship waivers for single-family residences. None were in the Study Area.

Development in the Core may set a precedent for the development of other privately owned lots for residences or other uses where development is prohibited and the development of unopened roads, providing access to other undeveloped areas and parcels that are presently inaccessible,

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development of old filed map lots in the Map of Orient Park and other old filed map areas. This may cause cumulative adverse environmental impacts including direct and long term adverse impacts on subjects including pine barrens ecological communities, natural vegetation and wildlife habitat, open space, groundwater, traffic, conflict with adopted plans, growth inducing impacts, drainage, erosion, stormwater runoff and other adverse environmental impacts.

SUMMARY/DISCUSSION ITEMS/ADDITIONAL INFORMATION REQUESTED

1. Applicant should address hardship criteria in the hearing record.
2. Clearing
 - a. The Project is subject to protection of the State and Federally listed Endangered Northern Long-eared Bat. Clearing natural habitat would be prohibited from March through November of any given year. Clearing would be permitted only from December through February of any given year.
 - b. During and after construction, protect the tall pitch pine trees that are present on the project site outside of the building envelope.
3. Are any accessory uses such as a shed or pool contemplated? The building survey does not show the development of potential accessory uses which would cause additional clearing of natural vegetation. A building envelope reasonable to develop customary accessory uses(s) to a residence for this owner or future owners should be provided and shown on the plan for buildout.
4. Identify Town variances needed, if any.
5. Discuss conformance with SCSC Article 6 requirements to obtain Health Department approval for installation of a new sanitary system and if an alternative sanitary system is proposed.
6. Extend decision deadline for time to receive the hearing transcript in July and extend the decision deadline to either August 20, 2025 or September 17.
7. 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 for the public record.

STAFF EXHIBITS TO THE STAFF REPORT

- A. Aerial of the project site and immediate surroundings.
- B. Survey prepared by O'Connor – Petito, LLC last revised January 21, 2019.
- C. Title Report dated November 26, 2024 and owner's affidavit dated March 31, 2025.
- D. Suffolk County Department of Health Services renewal expired February 13, 2025.
- E. Brookhaven Town Planning Board Application dated April 15, 2019 and Town Zoning Board Denial (BZA006104) dated October 9, 2024.
- F. Photographs of the project site taken April 30, 2025.
- G. Study Area Map.
- H. Applicant's petition.



Central Pine Barrens Commission Public Hearing

For the Meeting of June 18, 2025
Riverhead Town Hall

V&G Realty Core Preservation Area Hardship Waiver Application Yaphank, Town of Brookhaven Suffolk County Tax Map Numbers 200-781-1-5 and 15

List of Staff Report Exhibits

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

- A. Aerial of the project site and immediate surroundings.
- B. Survey prepared by O'Connor – Petito, LLC last revised January 21, 2019.
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624 Old Riverhead Road
Westhampton Beach, NY
11978

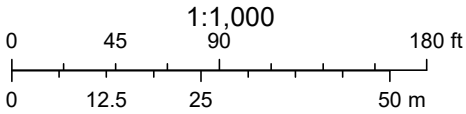
Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

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



4/1/2025, 2:38:39 PM

- Street Labels
- Pine Barren Core
- Tax Parcels



0



First American Title

November 26, 2024

The Town of Brookhaven
1 Independence Hill
Farmingville, NY 11738

RE: Title No: SS6385-S
Premises: Ann Street, Yaphank
Tax Map No.: 0200-781.00-01.00-005.000 and 015.000

Dear Sir or Madam:

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

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

Very truly yours,

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

PAL/wvp

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

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

www.firstam.com

TITLE NO. SS6385-S

SCHEDULE "A"

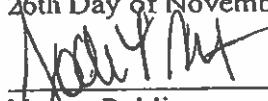
ALL that certain plot, piece or parcel of land situate lying and being in the town of Brookhaven, County of Suffolk and State of New York, known as and by Lots 9 to 16 inclusive on a certain map entitled, "Map of Orient Park, Plate N, Map No. 49, Sec. 3, filed on the 18th day of November, 1910 in the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

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

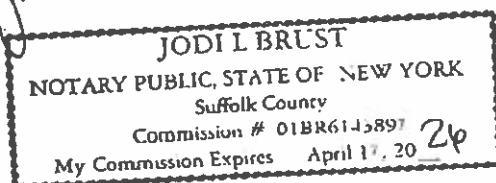
ALL that certain plot, piece or parcel of land situate lying and being in the town of Brookhaven, County of Suffolk and State of New York, known as and by Lots 1 to 8 inclusive on a certain map entitled, "Map of Orient Park, Plate N, Map No. 49, Sec. 3, filed on the 18th day of November, 1910 in the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

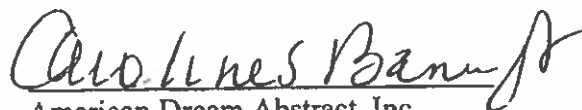
Premises also known as Ann Street, Yaphank, NY
District: 0200 Section 781.00 Block 01.00 Lot 015.000

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



Notary Public




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

TITLE NO. SS6385-S

SUBJECT PREMISES:

SCTM: 0200-781.00-01.00-005.000

CHAIN OF TITLE

Henry P. Tuthill as the County Treasurer
To
County of Suffolk
NOTE: Covers part of premises, Lots 5-8

DEED

Dated: 03-01-1916
Rec'd: 03-04-1916
Liber: 924 cp 7 (77)

Milton L. Burns, as the County Treasurer
To
County of Suffolk
NOTE: Covers part of premises, Lots 3, 4, 9-16

DEED

Dated: 11-02-1944
Rec'd: 11-02-1944
Liber: 2408 cp 61 (113)

County of Suffolk, Milton L. Burns, as the County Treasurer
To
Diana Glass
NOTE: Covers premises and more, per numerous tax sales

DEED

Dated: 11-04-1955
Rec'd: 11-16-1955
Liber: 4018 cp 300

Henry D. Claussen, deputy County Treasurer
To
County of Suffolk
NOTE: Sold 11/1963. Taxes levied 1962-1963, assessed to D. Glass

DEED

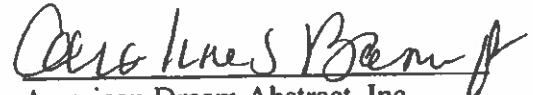
Dated: 01-30-1967
Rec'd: 01-30-1967
Liber: 6108 cp 053

County of Suffolk by Chester F. Jacobs, as County Treasurer
To
August H. Lowe Donald E. Lowe
NOTE: Covers premises and more, per tax sale 11/18/1963

DEED

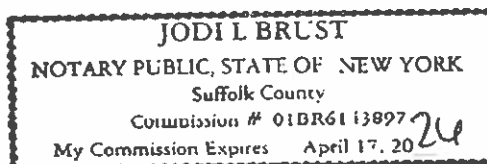
Dated: 08-07-1969
Rec'd: 08-08-1969
Liber: 6601 cp 093

Continued


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

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


Notary Public



TITLE NO. SS6385-S

SUBJECT PREMISES:

SCTM: 0200-781.00-01.00-005.000

CHAIN OF TITLE

continued

August H. Lowe Donald E. Lowe
To
Nancy E. Lowe and Carol L. Lowe

DEED

Dated: 09-28-1988
Rec'd: 11-18-1988
Liber: 10739 cp 059

Nancy E. Lowe and Carol L. Lowe
To
Jerome Kass

DEED

Dated: 03-08-2006
Rec'd: 04-03-2006
Liber: 12443 cp 585

Jerome Kass and Autumn Glenn LLC
To
V&G Realty Properties, LLC
NOTE: Lots 005.000 and 015.000

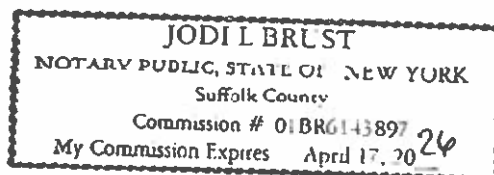
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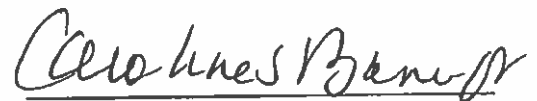
Dated: 03-01-2016
Rec'd: 03-16-2016
Liber: 12856 cp 731

LAST OWNER OF RECORD

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


Notary Public





American Dream Abstract, Inc.

By: Caroline S. Bancroft

TITLE NO. SS6385-S

SUBJECT PREMISES:

SCTM: 0200-781.00-01.00-015.000

CHAIN OF TITLE

Henry P. Tuthill, as the County Treasurer
To
County of Suffolk
NOTE: Covers part of premises, Lot 5-8

DEED

Dated: 03-01-1916
Rec'd: 03-04-1916
Liber: 924 cp 01 (77)

Milton L. Burns, as the County Treasurer
To
County of Suffolk
NOTE: Covers part of premises, Lots 3, 4, 9-16

DEED

Dated: 11-02-1944
Rec'd: 11-02-1944
Liber: 2408 cp 61 (113)

County of Suffolk, Milton L. Burns, as the County Treasurer
To
Diana Glass
NOTE: Covers premises and more, per numerous tax sales

DEED

Dated: 11-04-1955
Rec'd: 11-16-1955
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Henry D. Claussen, deputy County Treasurer
To
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NOTE: Sold 11/1963. Taxes levied 1962-1963, assessed to D. Glass

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County of Suffolk by Chester F. Jacobs, as County Treasurer
To
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NOTE: Covers premises and more, per tax sale 11/18/1963

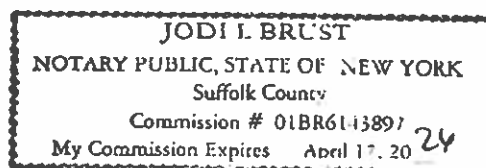
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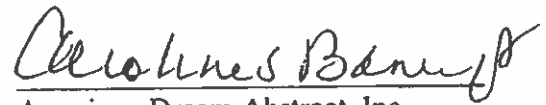
Dated: 08-07-1969
Rec'd: 08-08-1969
Liber: 6601 cp 093

CONTINUED

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

Notary Public




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

TITLE NO. SS6385-S

SUBJECT PREMISES:

SCTM: 0200-781.00-01.00-015.000

CHAIN OF TITLE
continued

August H. Lowe Donald E. Lowe
To
Autumn Glenn, LLC

DEED

Dated: 03-08-2006
Rec'd: 04-03-2006
Liber: 12443 cp 586

Jerome Kass and Autumn Glenn LLC
To
V&G Realty Properties, LLC
NOTE: Lots 005.000 and 015.000

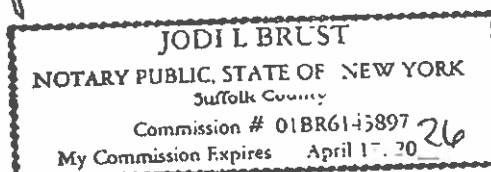
DEED

Dated: 03-01-2016
Rec'd: 03-16-2016
Liber: 12856 cp 731

LAST OWNER OF RECORD

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


Notary Public





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

OWNER'S AFFIDAVIT

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

RECEIVED

APR 01 2025

Central Pine Barrens Joint
Planning & Policy Commission

STATE OF New York

COUNTY OF Suffolk

)ss:

I, Vitalino Vaz, being duly sworn, deposes and says that I am the
(Authorized Officer's Name)
Member of the V8G Realty corporation
(Official Title) (Landowner's Name)

located at 463orn Blvd, Suite D, Yaphank NY 11980,
(Landowner's Address)
in the County of Suffolk, State of New York, and that

this corporation is the owner in fee of the property located at W15 Gerard Rd
(Property Address)
3409.40' S/b CR 21, Yaphank which is also designated as Suffolk County Tax
Map Number(s) 0200-78100-0100-005000 & 015.000 and that

this corporation has been the owner of this property continuously since 2016,
(Date)
and that I have authorized Beach Expediting (Tracy Schlaske)
(Applicant's Name)

to make a permit application to the Central Pine Barrens Joint Planning and Policy Commission
for this property. I make this Statement knowing that the Central Pine Barrens Joint Planning
and Policy Commission will rely upon the truth of the information contained herein.

[Signature]
(Authorized Officer's Signature)

Vitalino Vaz
(Officer's Name - Please Print)

3.31.25
(Date)

Sworn to before me this
31 day of March 2025

[Signature]
(Notary Public)

Kathleen Rose McHenry
Notary Public, State of New York
Registration No. 01MC0005297
Qualified in Suffolk County
Commission Expires 04/07/20 27

FOR OFFICE USE ONLY

Health Department Ref. No.

R02 18 0657

APPLICATION TO UPDATE AN EXISTING PERMIT TO CONSTRUCT SEWAGE DISPOSAL AND
WATER SUPPLY FACILITIES FOR A SINGLE FAMILY DWELLING

REFER TO REVERSE SIDE OF THIS FORM FOR INSTRUCTIONS

PLEASE COMPLETE APPLICABLE SECTIONS OF THIS FORM. ALL SIGNATURES MUST BE ORIGINAL.

SECTION 1 FOR ALL RENEWALS AND TRANSFERS				
EXISTING REFERENCE NUMBER: R02-18-0657				
Tax Map No.:	District	Section	Block	Lot
	0200	781	1	15
Name of Current Applicant: V & G REAL ESTATE			Tel#: (516) 315 - 0095	
Mailing Address: 46 BO UNIO D ROCK BLVD YAPHANK 11980 N.Y.				
Email Address: H-CI 46@OUTLOOK.COM				
Name of Current Agent:			Tel#: () -	
Mailing Address:				
Email Address:				
DATE OF ORIGINAL APPROVAL: SEP 25 2014				
*If more than 6 years old and SCDHS site inspections have not been performed, a new application will be required.				
SECTION 2 FOR TRANSFERS WITH PREVIOUS APPLICANT/AGENT PERMISSION				
Name of Previous Applicant/Agent:			Tel#: () -	
I hereby transfer all rights and interest in the above referenced permit to the new applicant named above;				
Signature of Previous Applicant/Agent:			Date:	
SECTION 3 FOR TRANSFERS WITHOUT PREVIOUS APPLICANT/AGENT PERMISSION				
Name of Previous Applicant's Architect/Engineer/Surveyor:			Tel#: () -	
I hereby authorize the above named current applicant to use the previous applicant's survey/site plan for this project prepared by me; for the purpose of transferring the above named reference number and its site design.				
Architect/Engineer/Surveyor's signature:			Date:	
SECTION 4 FOR ALL RENEWALS AND TRANSFERS				
Application is hereby made to [] TRANSFER, [] RENEW (check applicable) a permit to construct in accordance with this application, surveys and plans submitted. I hereby certify that I have examined this complete application and the statements therein are true and correct, and that all work shall be done in accordance with all applicable Town, County, State and Federal Laws. "Any false statement made herein is punishable as a misdemeanor pursuant to S210.45 of New York State Penal Law."				
Signature of Current Applicant/Agent			Date	
Print Name of Current Applicant/Agent			Title	
VITALINO VAZ			PRESIDENTE	
DEPARTMENT USE ONLY				
Permit is Transferred (Renewed) Until 2/13/2025 Number of Bedrooms Approved 4				
Signature of Department Representative			Date	
Edel 24			10/2/24	

TOWN OF BROOKHAVEN PLANNING BOARD
Medford, New York

APPLICATION FOR PLANNING BOARD

BUILDERS JOB NO. Gerald 1.

HOUSE NO.:
HAMLET:
Yaphank

Applicant to complete information only within this box.
TYPEWRITTEN OR PRINTED

APPLICANT: V & G Real Estate c/o Andrew Malguarnera

MAILING ADDRESS: 713 Main St.
Port Jefferson, NY 11777

PHONE No.: (516) 732-0010

RESPONSIBLE PERSON: Andrew Malguarnera

P.B. No. 61940

DATE: 4/15/19

TO: APPLICANT

FROM: PLANNING BOARD

A review of your survey for a building permit application indicated non-compliance. If necessary, please contact the appropriate department as indicated below:

PLANNING BOARD USE ONLY

ACCESS: Section 280A of N.Y.S. Town Law

- ☒ Application does not demonstrate access to a suitably improved highway.
☒ Access not suitably improved.
☒ Request 15' on Sterling widening.
25' on Hawthorn Ave

PER: Goltz

Road Improvement
required for
Sterling Street.

GRADING ORDINANCE: Chapter 35 Town of Brookhaven Ordinance

- ☐ Submit site grading plan to the Planning Board for Review.

PER: _____

MUNICIPAL ACQUISITION:

- ☐ to be acquired.
☐ area being studied for acquisition.

PER: _____

SUBDIVISION REGULATIONS:

- ☐ submit land division application.

PER: _____

OTHER: (specify) _____

PER: _____

DEPT. OF ENVIRONMENTAL PROTECTION

WETLANDS: Chapter 81 Town of Brookhaven Ordinance

- ☐ Required further review and/or application.

OTHER: (specify) Singles separate paperwork, construction
on paper street, Hardship exemption from Pine Barrens reg.

PER: _____

HIGHWAY DEPARTMENT USE ONLY

☐ Maintained

- ☐ Improved - jurisdiction other than Town.
☐ Paper street - should be improved to Town specifications.
☐ Non-existing or dirt road.
☐ Pending development.

☐ Work Permit not required

- ☐ Work permit required for apron, curb cut, continuation of curb, sidewalk (circle one)

☐ No apparent grade problem

- ☐ Property lower than road.
☐ Property higher than road.
☐ Request topo map.



Town of Brookhaven
Long Island

RECEIVED

APR 01 2025

Central Pine Barrens Joint
Planning & Policy Commission

DENIAL - BZA006104

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

SCTM Number: 0200781000100005000

PROPERTY OWNER: V&G REALTY PROPERTIES, LLC

c/o Tracey Schleske

P.O. Box 427

Westhampton, NY 11977

Property Location : 0 E GERARD RD, BROOKHAVEN

Distance: ' of

Denied Date: 10/09/2024

Denied by: NP

Zoning: A1

A1

Description of Work:

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

***** BUILDING REVIEW INFORMATION *****

Description

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

Relief of Town Law 280A

BZA006104

Building Division

One Independence Hill, Farmingville, NY 11738 · Phone 631-451-TOWN (8696) · Fax 631-451-6341



**Town of Brookhaven
Long Island**

DENIAL - BZA006104

THIS DENIAL IS VALID FOR 180 DAYS FROM DENIED DATE ABOVE

DATE: October 09, 2024

TO: Board of Zoning Appeals

FROM: Department of Planning, Environmental, Land Management - Building Division

RE: Building Permit Application Record Number: BZA006104 for Proposed single family, two story 35' x 54' irreg. including attached garage 35' x 21.5' with 5' x 21' front covered porch with steps, 5' x 15' exterior basement entrance to unfinished basement, 5' x 10' rear entry deck with steps.

1. The subject parcel, as reflected on the survey submitted to the Board of Zoning Appeals, is known as Tax Map Number **0200-78100-0100-005000**
2. The subject parcel consists of **37992** square feet.
3. The relevant zoning date for the purpose of confirming the applicant's claim of single and separate ownership for this parcel is : (**12/27/1988** to)

Building Division

One Independence Hill Farmingville NY 11738 · Phone 631-451-TOWN (8696) Fax 631-451-6341







Central Pine Barrens Commission
V&G Realty Core Preservation Area Hardship
June 18, 2025
Public Hearing



510 255 0 510 1,020 1,530 2,040
Feet



+

Find address or place

Q

-





RECEIVED

March 27, 2025

Central Pine Barrens Joint Planning & Policy Commission

624 Old Riverhead Road
Westhampton Beach, NY 11978

APR 03 2025

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

Central Pine Barrens
Joint Planning & Policy Commission

Greetings,

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

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

Above ground utilities run along the north side of Gerard as well.

We have a current Suffolk County Wastewater permit to construct a single family dwelling under the reference number R02-18-0657

The total square footage of the lot is 37,992, approximately 190' x 200'. We are proposing to clear 15,000 square feet (39.4% of 37,992 square feet, leaving greater than 60% vacant). V&G Realty owns no additional adjacent or contiguous properties.

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

The lot has been held in single and separate ownership since 1969. V&G is the 4th owner of the property and purchased it with the intention of constructing a single family dwelling in 2016.



There is a 17-lot subdivision directly to the west with a recharge basin and town-maintained road. Per Suffolk County GIS, construction was completed between 2004-2007. To the east lies a privately owned 14-acre lot with a single-family dwelling with an inground pool. Contiguous (across Gerard Rd.) is an 11-lot subdivision also constructed after 1993.

Our proposed use is consistent with the surrounding use and zoning within a 200' radius. We believe a single family dwelling in this location will be minimally invasive & not have a deleterious effect on surrounding properties meeting Article 57-0121 (10)(c), (i) & (ii).

Thank you for your time and consideration in this matter.

Tracey Schleske