



Central Pine Barrens Commission Meeting Agenda
Wednesday, October 19, 2022 at 2:00 pm
Wertheim National Wildlife Refuge
340 Smith Road
Shirley, NY 11967

IN PERSON MEETING, NO REMOTE OPTION

1. Administrative and Public Comment

- a. Public Comment
- b. Minutes for 9/21/22 review (*approval*)

2. Education, Science and Stewardship

- a. Draft resolution to approve chair and co-vice chair for the Wildfire Task Force (*approve*) (*Ms. Jakobsen*)

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

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

- a. Comprehensive Land Use Plan Amendments: *schedule vote for December 21*

Core Preservation Area

- b. Holy Trinity Lutheran Church Core Preservation Area Hardship Waiver Application / 93 Yaphank-Middle Island Road, Middle Island / 200-456-2-4.1 and 5 / remove trees and expand parking area on a 2.86 acre project site / *application received* (*Ms. Hargrave*)

Core Preservation Area, Compatible Growth Area, Critical Resource Area

- c. Lewis Road Planned Residential Development Assertion of Jurisdiction / East Quogue / development of 130 residences, an 18-hole private golf course, sewage treatment plant, other recreational amenities and infrastructure on a 607.74 acre project site / *draft response* (*Ms. Hargrave*)

4. Public Hearing at 3:00 pm

- a. Expressway Drive North Compatible Growth Area Hardship Waiver and Development of Regional Significance and Application / LIE North Service Road, west of Sills Road / Yaphank / 200-662-2-5.16 / development of 549,942 square feet of warehouses in three buildings and hardship waiver to impact 0.98 acres of steep slopes on a 71.45 acre project site / decision deadline 01/18/23 (*Ms. Hargrave*)

5. Public Comment

6. Closed Advisory Session (if necessary)

624 Old Riverhead Road
Westhampton Beach, NY
11978

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www.pb.state.ny.us

Next Commission Meeting, Wednesday, November 16, 2022 at 2:00 pm.
For meeting information visit <https://pb.state.ny.us/>



Central Pine Barrens Commission Meeting Summary
Wednesday, September 21, 2022 (Draft)
Riverhead Town Hall
200 Howell Avenue, Riverhead, NY 11901

2:00 pm

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

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

Ms. Aguiar led the pledge to the flag and Ms. Jakobsen noted that with four Commission members present there is a quorum. Mr. Romaine provided a statement that it has been almost two years since the governor has had a representative to chair the Pine Barrens Commission and that is a long absence. He discussed that he had hoped the State of New York would have filled the position. Mr. Romaine stated to call on the governor and the State to appoint a representative to the Pine Barrens Commission who by practice would share this Commission, it is supposed to be a five-member Commission. This should be something that the state is deeply invested in and the way to invest is to appoint a chairperson. Mr. Romaine expressed the need to send the Governor a letter if the vacancy is not filled by November 9, 2022 and the Commission members agreed and would be willing to sign the letter.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H.
Schneiderman
Member

1. Administrative and Public Comment

a. Public Comments

Summary: No public comments were received.

b. Minutes for 8/17/22

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the 08/17/22 meeting minutes. The motion was approved by the four members present.**

c. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium. The motion was approved by the four members present.**

d. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the renewal of the Commission's New York State Insurance Fund Worker's Compensation Insurance Policy and Payment of Associated Premium

Summary: **The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve the renewal of the Commission's New York State Insurance Fund Worker's Compensation Insurance Policy and Associated Premium. The motion was approved by the four members present.**

2. Education, Science and Stewardship

a. NYWIMA update - Summary: Ms. Malangone discussed highlights and updates on NYWIMA's activities covered in the previously distributed NYWIMA report.

b. Education and Outreach update - Summary: Ms. Parrott is managing another

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Educational Program, so she is not present. The education and outreach division's activities are covered in the previously distributed education and outreach division report.

- c. **Science and Stewardship update** - Summary: Ms. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed Science and Stewardship division report.

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

- a. **Compliance and Enforcement update** - Summary: Mr. Huss introduced Mr. Carbone our new Chief Compliance and Enforcement Officer. Mr. Huss discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report. Mr. Romaine discussed with the Brookhaven landfill closing in 2024, there will need to be a New York State and DEC regional plan put together for the solid waste disposal. The Commission welcomed Mr. Carbone and thanked Mr. Huss again for his professionalism, dedication and service to the Pine Barrens.
- b. **Land Use update** - Summary Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed land use division report.
- c. **Credit Program update** - Summary: Mr. Tverdyy was not present. The Credit Program's activities are covered in the previously distributed credit program division report.

Compatible Growth Area

- d. Tommasino Compatible Growth Area Hardship Waiver Application / 88 Woodland Avenue, Manorville / 200-558-2-23.3 / proposal to exceed the 35% clearing limit to 45% to construct a 9,600 square foot horse arena on a 2.4 acre project site with an existing single-family residence and barn.

Summary: Ms. Hargrave discussed that in the e-packet there is a draft decision to deny this application based on several factors including the lack of hardship that was demonstrated in the application and the use of the facility as potential commercial use in the residential area with no assurances provided to the Commission. This is not unique it was a subdivision where there were covenants placed on the property and the applicant stated at the hearing that they knew that the covenants existed at the time the property was acquired.

The motion was made by Mr. Romaine and seconded by Mr. Aguiar to adopt the decision to deny the Tommasino Compatible Growth Area hardship waiver application. The motion was approved by the four members present.

- e. Expressway Drive North Compatible Growth Area-Development of Regional Significance and Hardship Waiver application / LIE North Service Road, west of Sills Road / Yaphank / 200-662-2-5.16 / development of 549,942 square feet of warehouses in three buildings and hardship to impact steep slopes on a 71.45 acre project site / completeness, schedule public hearing

Summary: Ms. Hargrave discussed in June 2020 the Commission approved a Development of Regional Significance and Hardship impacts to steep slopes on this property under the name Silver Corporate Park. The project has been revised and renamed and it is a different project. The Silver Corporate Park project was for 12 buildings on 71 acres, the Expressway Drive North project is three buildings on the same project site that will affect some steep slopes. A new application was submitted on July 20th and the Commission scheduled a public hearing to occur on August 17th. An inspection of the site was performed before the hearing and clearing was observed on the property that was not represented in the application. Also, when the project was Silver Corporate Park there were several conditions that had to be met before any clearing could occur and any disturbance. The applicant was notified in August and on August 17th the Commission deemed the application incomplete and postponed the hearing. On September 2nd the applicant submitted a revised application and the survey showing the amount of clearing is approximately 1.56 acres of clearing. The

item is on the agenda to schedule a public hearing and the issue of the clearing separately needs to be resolved as a potential incident that will be discussed in a closed advisory session. Mr. Milazzo discussed a closed advisory session is necessary because there may be violations like other violations that the Commission have been dealing with in the recent past. To discuss those potential violations, how it comports with other activities and then perhaps have a path forward to resolve if there are violations found. Mr. Romaine stated that while clearing was done, it may not have been done by the applicant, it may have been done by the former owner. There are still potential violations, and the attorney has reached out to try to settle. Mr. Romaine asked would the settlement be similar to other settlements of the similar nature?

Mr. Tim Shea stated something to consider while discussing in Advisory session that it was a prior hardship application that was granted to the prior owner of this property in 2020. The applicant made applications and obtained two permits one from the town of Brookhaven and one from the Suffolk County Department of Health Services both for the clearing to take place. It's tree clearing and test 3 holes for the site and that is evidenced in the August 16, 2022 letter sent to staff. Further evidence was the results of those test holes and the date of execution of those test holes which was December 2020. Mr. Shea also sent the deed that was executed on December 15, 2021 one year after the test holes were done evidencing that the applicant did not have fee title to the property at that time. In the test hole permit applications, it is clear that Silver was a signatory on each one of those permit applications. It should also be noted that the clearing area is consistent with areas that were to be cleared. In the Pine Barrens Hardship waiver the prior applicant failed to record the covenants and do other matters that would be required as a condition of that approval and that is acknowledged. The current applicant was not the fee title owner at the time that the clearing took place, had nothing to do with it and it would appear that the prior owner attempted to get whatever permits it needed although it appears that they failed to properly notice the Pine Barrens Commission. Mr. Shea was authorized to offer or to ask that the Commission settle any violation on this matter that it deems after executive session with a penalty similar to that that was given on the matter of AVR last year which was the redemption of a Pine Barrens credit or a cash deposit in the equivalent, which was found to be \$92,500. Mr. Shea was authorized to make that offer to the Commission that it makes life easier since the long-eared bat season is quickly approaching and there is a very short window to do clearing on this property. A preliminary planning board hearing is scheduled for October and the applicant hopes to resolve all issues and obtain a clearing permit within that window of time, which would run from December 1st through February 28th.

Mr. McCormick asked if there is an indemnification agreement between the present applicant and prior applicant regarding any potential violations? Mr. Shea responded he was not involved in the contract it was a real estate contract and normally in a closing unless there's something provided outside of that scope, the new owner is responsible. As a new owner the applicant is willing to take responsibility for this action of the prior owner to the extent that the offer was made, it is hoped the Commission would be agreeable with that penalty since it is consistent with prior penalties that were issued within the last year.

The motion was made by Mr. Schneiderman and seconded by Mr. Romaine to authorize the Executive Director to enter settlement negotiations with Silver Corporate Park and WF Industrial to settle the alleged violations on the terms acceptable to the Executive Director. The Executive Director is also authorized to execute an Order on Consent and if the Order on Consent is executed and payment is received by a date the Executive Director deemed appropriate, a public hearing on this matter is scheduled for October 19, 2022. The motion was approved by the four members present.

f. PSEG-LI Request for Determination of Jurisdiction / LIE North Service Road, Yaphank /

install 20 new wood utility poles and replace 10 existing wood utility poles that are taller and wider for the Expressway Drive North project / Determination

Summary: Ms. Hargrave discussed this project is for 20 new polls in the road front of the Expressway Drive North site. There are currently no utility poles, it is undeveloped, wooded and a vacant site. The polls begin a little further west, 10 poles would be replaced in that area and new poles would be established for this project. The poles would be a little larger and wider than the existing poles under 10 feet, but the material would remain as wood. The applicant was asked if they could place these utilities poles underground to be less visible as part of the Silver Corporate Park the DRS review of that application and then in this new project in an effort to preserve the view shed which is one of the guidelines in the Pine Barrens Land Use plan. Ms. Hargrave stated within the last couple of years, there were some utility poles replaced in Speonk in town of Southampton and in the Eastport area and that was non-development so this is non-development. Mr. Romaine discussed his concern about LIPA failing in its responsibility to bury power lines by putting together a multi-year program particularly in view sheds and even more so in critical storm areas. Mr. Romaine stated that LIPA has failed to do what they should have been doing since 1985 with Hurricane Gloria and by doing so they have put Long Island at risk and in jeopardy.

The motion was made by Mr. Romaine and seconded by Mr. Schneiderman to approve to support the determination of jurisdiction regarding installing 20 new wood utility poles and replacing 10 existing wood utility poles. The motion was approved by the four members present.

Core Preservation Area, Compatible Growth Area, Critical Resource area

g. Lewis Road Planned Residential Development / East Quogue / 130 residences, 18 hole private golf course, sewage treatment plant, other recreational amenities and infrastructure on a 608 acre project site. Southampton Town Planning Board Referral Site Plan and Final Subdivision / draft response

Summary: Ms. Hargrave discussed this project is the assertion of jurisdiction application that the Commission approved in January 2021. On August 17th the Commission received a referral from the Town of Southampton Planning Board for this site plan, final subdivision and referral of the groundwater monitoring report. There is a draft response to that referral just requesting additional information or clarification on the material that was referred. On August 29th our Executive Director Ms. Jakobsen emailed the applicant with some comments based on our preliminary review of the material from the town. Noticing there were some minor changes and there were questions about how it is consistent with the decision that the Commission approved. For instance, the road has been relocated, there are some changes in some of the clearing and conservation areas, some changes in the drainage areas. On September 7th the applicant provided some additional material to respond to those comments which is in the e-Packet. Ms. Hargrave discussed that once the completed materials for this project are received, the Commission should carefully review it with the decision that the Commission made in January 2021 to identify any changes or inconsistencies. There is a draft response to the referral for your consideration.

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to approve to send the draft response letter to the Town of Southampton for the Lewis Road Planned Residential Development site plan, final subdivision and groundwater review.

4. Public Hearings at 3:00pm - Postponed

- a. *59 Ryerson Avenue Subdivision Compatible Growth area hardship Waiver Application / Manorville / 200-461-4-31 & 32 / two-lot substandard subdivision on a 0.8 acre project site in the A Residence 2 Zoning District with an existing single residence.*

Summary: ***The motion was made by Mr. Romaine and seconded by Mr. Freleng to approve the applicant's request to postpone the hearing to November 16, 2022***

and extend the decision deadline to January 18, 2023. The motion was approved by the four members present.

5. Public Comment

Summary: No public comments were received

Public Session of the Meeting Adjourned at 3:00 pm.

6. Closed to Advisory Session

The motion was made by Mr. Romaine and seconded by Ms. Aguiar to close the public portion of the meeting and to move into an advisory session for the purpose of obtaining legal advice from Commission counsel and that they would return to public session. The motion was approved by the four members present.

The motion was made at 3:15 pm by Mr. Romaine and seconded by Mr. McCormick to return to the public portion of the meeting. The motion was approved by the four members present.

The motion was made by Mr. Romaine and seconded by Mr. Freleng to close the public portion of the meeting. The motion was approved by the four members present.

Meeting was adjourned at approximately 4:00 pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for August 17, 2022 (3 pages)
2. Final Commission meeting summary for August 17, 2022 (3 pages)
3. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the Renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium dated September 21, 2022 (1 page)
4. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the Renewal of the Commission's Public Officials Management and Employment Practices Liability Insurance Policy and Associated Premium dated September 21, 2022 (1 page)
5. Draft resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the Renewal of the Commission's New York State Insurance Fund Worker's Compensation Insurance Policy and Payment of Associated Premium dated September 21, 2022 (5 pages)
6. Final resolution of the Central Pine Barrens Joint Planning and Policy Commission to approve the Renewal of the Commission's New York State Insurance Fund Worker's Compensation Insurance Policy and Payment of Associated Premium dated September 21, 2022 (5 pages)
7. NYWIMA update dated September 21, 2022 (1 page)
8. Education and Outreach division update dated September 21, 2022 (3 pages)
9. Science and Stewardship division update dated September 21, 2022 (4 pages)
10. Compliance and Enforcement division update dated January - August 2022 (3 pages)
11. Land Use division update dated September 21, 2022 (1 page)
12. Credit Program update dated September 21, 2022 (3 pages)
13. Draft decision to deny Tommasino Compatible Growth Area Hardship Waiver Application dated September 21, 2022 (7 pages)
14. Final decision to deny Tommasino Compatible Growth Area Hardship Waiver Application dated September 21, 2022 (7 pages)
15. Expressway Drive North Warehouse Building Hardship Waiver Application and attachments dated September 1, 2022 (76 pages)
16. Letter and attachments request for process clarification from Hannah Emouna, PSEG-LI regarding PSEG Long Island pole installation project, Long Island Expressway Service Road North, town of Brookhaven dated September 7, 2022 (12 pages)
17. Draft referral response letter to the Town of Southampton for Lewis Road Planned Residential Development Site Plan, Final Subdivision and Groundwater Review Central Pine Barrens Core Preservation Area, Critical Resource Area and Compatible Growth Area dated September 21, 2022 (3 pages); Letters and attachments from Town of Southampton regarding Lewis Road PRD, Site Plan-Application, Subdivision-Final, Subdivision Groundwater Review dated August 16, 2022 (62 pages)
18. Final referral response letter to the Town of Southampton for Lewis Road Planned Residential Development Site Plan, Final Subdivision and Groundwater Review Central Pine Barrens Core Preservation Area, Critical Resource Area and Compatible Growth Area dated September 21, 2022 (3 pages)
19. Email from Raymond Camilleri to request 59 Ryerson Avenue Subdivision public hearing postponement/extension of Hardship request dated September 12, 2022 (1 page)



**Commission Meeting of October 19, 2022
Wertheim National Wildlife Refuge
340 Smith Road
Shirley, New York**

**Draft Resolution of the Central Pine Barrens Joint Planning & Policy Commission to Appoint
a New Chair and Co-Vice Chair of the Central Pine Barrens Wildfire Task Force**

Present: , Town of Brookhaven
, Town of Riverhead
, Town of Southampton
, representing Suffolk County Executive Bellone

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

WHEREAS, in accordance with the organizational requirements established by the Commission in their resolution that created the Wildfire Task Force (originally passed on October 25, 1995 and subsequently revised), the Chair of the Wildfire Task Force may be a member of a local volunteer fire department with jurisdiction in the Core Preservation Area of the Central Pine Barrens and the two Co-vice Chairs of the Central Pine Barrens Wildfire Task Force shall be members of the Wildfire Task Force and shall fulfill the duties of the Chair in the absence of the Chair; and

WHEREAS, the Chair and Co-vice chair positions shall be appointed by the Commission, taking into consideration the recommendation of the Central Pine Barrens Wildfire Task Force, and

WHEREAS, the position for Chair and for one of the Co-vice Chairs has been vacant since 2020 due to the retirement and subsequent resignation of the individuals that held these positions on the Wildfire Task Force, and

WHEREAS, in May of 2022, the members of the Wildfire Task Force were requested to submit the names of nominees for the position of Chair and Co-vice chair, which due to no response was again solicited in September of 2022, that resulted in two viable candidates, Theodore Kern from the Ridge Fire Department and Baycon Fideli from Riverhead Fire Department (resumes attached), and

WHEREAS, the members of the Wildfire Task Force at their meeting on October 5, 2022, reviewed the candidates' resumes and voted to recommend to the Commission that Mr. Kern who has been participating on the Wildfire Task Force since its inception, is a volunteer with the Ridge Fire Department, former captain and assistant chief and has over 40 years of experience in emergency services (fire and EMS), be appointed as Chair, and for Mr. Fideli, who is a volunteer with the Riverhead Fire Department and former captain and has over 30 years of experience in public and fire safety, in addition to risk management, be appointed as Co-vice chair of the Wildfire Task Force, and

WHEREAS, the Commission has received the resumes of Mr. Kern and Mr. Fideli and note the extensive experience in firefighting, including wildfire response, incident management, and emergency management that they both have, all of which demonstrate they are well-suited to and highly qualified for the position of Chair and Co-vice Chair, respectively, now therefore be it

RESOLVED, that the Commission hereby appoints and confirms Mr. Kern as the Chair and Mr. Fidelis as Co-vice Chair of the Central Pine Barrens Wildfire Task Force.

Motion by: _____

Second by: _____

Ayes: _____

Nays: _____

Abstentions: _____

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Westhampton Beach, NY
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Resume of Theodore W. Kern

P. O. Box 374 ♦ Ridge, NY 11961-0374 ♦ (631) 704-1748 ♦ (Fax) (631-205-1793

twkern@optonline.net

SUMMARY OF QUALIFICATIONS

- ❑ 40 years of experience in the safety & risk management field
- ❑ 41 years of experience in the emergency services (Fire / EMS)
- ❑ Strong leadership, managerial, project management and communication skills.
- ❑ Strong working knowledge of risk management and insurance practices.
- ❑ Significant experience in developing and monitoring safety and risk management programs. Competent and experienced at both the field and executive level administration of safety programs.
- ❑ Experienced and knowledgeable in risk management information systems, web page design and proficient in numerous computer applications.
- ❑ Competent and skilled trainer and public speaker. Experienced in providing training in classroom, professional, volunteer and seminar settings.
- ❑ Experienced in developing and implementing policies, procedures, safety programs, emergency plans and organizational budgets.

PROFESSIONAL EXPERIENCE

PSEG Long Island

Manager, Utility Health and Safety (1/2014 - Present) Provided leadership and guidance in the development and implementation of a safety program for the newly formed subsidiary of PSEG and towards achieving PSEGLI's goal to achieve top decile safety performance among PSEGLI's peers with similar operations. Achieved significant reductions in incident rates, Managed a budget of approximately \$2.5M, Managed and coordinated health and safety programs including the establishment of a safety council structure, Fleet and driver safety, health & safety manual, soft tissue injury prevention programs, Incident reporting, tracking and analysis requirements, safety and loss prevention assessment programs, regulatory compliance, safety and regulatory training, Contractor safety programs and performance tracking, coordination of health and safety initiatives across the PSEGLI business units.

Served as PSEGLI's Safety, Health and Environmental Officer - having responsibility for leading all company and external Safety, Health and Environmental resources during storm restorations and other emergencies. Represented PSEGLI on various enterprise wide pandemic planning, emergency planning, safety and process improvement teams and held a key role during the company's response to the COVID-19 Pandemic.

National Grid

Emergency Planning Coordinator (1/2013 - 12/2013 Coordinated post Hurricane Sandy emergency planning activities including conducting storm outage investigations and facilitated emergency plan

Fleet Operations Supervisor (10/2011 - 12/2012) Fleet Services Supervisor; Responsible for co-managing the operations of National Grid and LIPA Fleet Services in Nassau County, including; four fleet locations, approximately 30 mechanics and 1,200 vehicles and other mobile equipment.

Safety Program Manager For Fire Safety & Loss prevention (8/2007 - 10/11) The diverse responsibilities of this position included managing fire prevention and protection, fire investigations, life safety, loss prevention for US Operations including 500+ locations including; electric generating stations, electric distribution substation, gas storage and pumping facilities, office buildings and operations facilities from rural locations to metropolitan high rise buildings. Managed property insurance claims including a \$20M generating plant fire and implemented various safety programs including root cause analysis.

Resume of Theodore W. Kern

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Selected and implemented a root cause analysis program and provided guidance and leadership in all other areas of occupational health and safety.

KeySpan Energy

Corporate Risk Management Services, Safety & Loss Prevention Manager (5/1998 - 7/2007) Responsibilities included the managing safety operations, regulatory compliance, facility loss control and property insurance claims, risk management information systems, incident investigations, safety and regulatory training and wellness programs. Managed 13 union and management employees and managed numerous contracts for external services. Led the Company's effort to select and implement a risk management system which pulled all risk related data for all predecessor companies and 150 legal entities into a single repository for managing the cost of risk, claims and safety programs. Conducted safety and risk management assessments of potential acquisitions including the purchase of the Ravenswood Power Generating Station in NYC.

Long Island Lighting Company (LILCO) (4/1988 - 5/1998) Held progressively more responsible positions in the Corporate Risk Management Department, including; Loss Control & Workers Compensation Coordinator, Insurance Analyst and Risk Management Supervisor.

Managed risk management staff and corporate insurance programs, established corporate fire protection and risk management policies, analyzed insurance needs, conducted insurance marketing efforts and selected and purchase insurance programs; Highlights and accomplishments include:

- Moved the Company's workers' compensation program to a qualified self-insured program saving the Company significant dollars in both direct and indirect costs while improving service and reducing lost time.
- Improved the management of workers compensation claims resulting in faster return to work and reduced workers compensation costs.
- Managed the company's contractor insurance requirements and certificate of insurance program.
- Guided the Company to becoming a Highly Protected Risk (HPR) insured. This effort allowed the Company to move its property insurance programs into a combined seamless program with an HPR carrier, thereby achieving enhanced coverage at a significant cost savings.
- Applied pro-active property claims administration strategies, to achieve improved coverages at lower rates and to resulted in rapid and favorable claims settlements and minimized impacts to cash flow. Recovered over \$150M in property losses.
- Developed, implemented and tested emergency evacuation programs at Company facilities and participated in the development and testing of Business Continuity, crisis management, oil spill response and other emergency plans.

Lehrer/McGovern/Bovis Construction Mgt.Inc., New York, NY (1985 -1988)

Safety/Security Coordinator for the Ellis Island Preservation Project

Maintained safety, security, fire protection, health services, industrial hygiene, and emergency preparedness. Contracted and managed external medical, security and safety services. Performed construction site superintendent and contract management functions for safety, environmental and fire protection contractors. Served as Public Information Officer and coordinator of special events and press tours. In July 1986 my responsibilities increased to include the maintaining safety and health services for the completion of the **"Statue of Liberty Restoration Project"**. Highlights and accomplishments include:

Resume of Theodore W. Kern

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- Developed and implemented safety, security and fire protection programs leading to an excellent safety record for this unique and challenging restoration project.
- Developed a close relationship with the National Park Service, Fire Department of NYC and other Federal, State and local.
- Coordinated and conducted dignitary and media tours and arranged for special events, film shoots, including working with the US Secret Service to prepare for a Presidential visit and security preparations for the 1986 Centennial celebration.

STONE & WEBSTER ENGINEERING CORPORATION, Boston, MA (1982 - 1984)

Safety Inspector at the Shoreham Nuclear Power Station

Conducted safety/fire protection inspections, monitored noise and air quality for compliance with OSHA standards, maintained control of hazardous materials and wastes, responded to emergencies and conducted incident investigations.

RELATED VOLUNTEER EXPERIENCE

RIDGE VOLUNTEER FIRE DEPARTMENT, Ridge, NY (1981 - Present) currently, serving as Department President. Held positions at every level, including Assistant Chief and Department President. In addition to managing emergency operations my responsibilities included; department administration, personnel, budgets, statistics, emergency medical services, community fire prevention programs, pre-emergency planning, community relations, equipment and apparatus research and specification, firefighter training and various other functions associated with leading a department of approximately 125 personnel operating 24 pieces of equipment from three stations. Highlights and accomplishments include:

- Served as an Incident Commander during the 1995 Long Island Wildfires.
- Established numerous community relations and fire prevention programs that increased awareness in the role of the fire and EMS service in the community and education in fire prevention.
- Implemented several programs that reduced response time, improved response to medical emergencies, increased membership and addressed emerging issues.

EDUCATION

- Completed numerous masters level courses for continuing education in Emergency Management, Adelphi University, MBA Hofstra University.
- Bachelor of Science in Professional and Liberal Studies, Dowling College, 1/92.
- Associate in Applied Science in Fire Protection Technology, Suffolk County Community College 12/86.
- Extensive training and course work in; Codes & Standards, Computer Technology, Emergency Management, Emergency Medical, Fire Fighting, Fire Protection, Insurance, Management & Supervision, Public Speaking, Risk Management and Safety.

LICENCES AND CERTIFICATIONS

- Associate Risk Management (ARM)
- Certified Incident Safety Officer (ISO)
- New York State Certified Code Enforcement Official
- Certified Utilities Safety Professional (CUSP) with endorsements in Electric and Gas Safety

Resume of Theodore W. Kern

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- Certified Utility Safety Administrator (CUSA) - National Safety Council
- Certified Public Fire And Life Safety Educator I
- Peace Officer status for Fire Police
- NYS Pistol License Holder
- NYS Asbestos Inspector License Holder
- General Class Armature Radio Operator (KD2TGO)
- Previously certified as a NYS Emergency Medical technician (20yrs), Smith System Trainer and OSHA General and Construction Industry 10 & 30 hour trainer.

PROFESSIONAL AFFILIATIONS

- Long Island Central Pine Barrens Wildfire Task Force - Task Force Member
- Suffolk County Fire/EMS Safety Officers Association, Brookhaven Township Director
- Brookhaven Town Safety Officers Association - Vice President
- Suffolk County Fire/EMS Safety Officers Association - Town Director
- NYS Safety Officers Association - Vice President
- Suffolk County Fire Safety Educators Association
- Risk & Insurance Society (RIMS) - Former Director (18 years), Long Island Chapter

Supplemental to the resume of **Theodore W. Kern** for consideration in the Chair and Vice Chair positions of the Central Pine Barrens Wildfire Task Force.

Summary of Related Experience:

- I have been a member of the Central Pine Barrens Wildfire Task Force since its inception in 1996 with the exception of a short gap in the late 90's and have served on numerous sub-committees over the years.
- Active 41 year member of the Ridge Fire Department
 - Currently serving as Department President (20yrs in position)
 - Served 13 years as a line officer including several years as Captain and Assistant Chief
- Serve as an Incident Commander for Ridge during the 1995 wildfires
 - Ran Whiskey Road Command
 - Responsible for the transfer of command and delegation of authority to and from the Federal Government
- Served as Incident Safety Officer during the 2012 wildfire (Ridge and Manorville)
- Held many different positions during wildfire response over my 41 years in the fire service
- I am a safety and risk management professional with over 40 years of experience.
- Currently employed as the Health and Safety Compliance Manager for PSEG Long Island.
- I serve as the Safety, Health and Environmental Officer for major storms and other incidents impacting the LIPA system.
- Experienced presenter and trainer with many years of experience presenting to groups of all sizes

Certifications:

- Nationally Certified Incident Safety Officer (ISO)
- Certified Health & Safety Officer (HSO)
- New York State Code Enforcement Official
- Certified Utility Safety Administrator (CUSA)
- Certified Utility Safety Professional (CUSP)
- Public Fire and Life Safety Educator I
- Associate in Risk Management Designation (ARM)

Incident Command Related Training:

- ICS 100 10/04/05
- ICS 100-B 08/02/12
- ICS 200 ?
- ICS 200-B 08/07/12
- ICS 200-FW Federal Workers 10/20/05
- I 300 10/28/06
- I 400 10/28/06
- I 401 – Multi Agency Coord. 10/28/06
- ICS 700 - NIMS Intro 09/19/05
- ICS 800 – Natl Resp Frmwrk 10/08/19
- IS 00907 – Active Shooter 07/19/19
- S-404 – SAFETY OFFICER 10/29/07 (National Wild fire Coordinating Group) (NWCG)
- Incident Management Team (IMT) Workshop 10/31/08
- NYS 19-0004 – Code Enforcement Disaster Assistance Response (DEDAR) – 12/2006
- National Fire Academy Incident Safety Officer – 03/2004
- Hazardous Materials Incident Command - 94

Supplemental to the resume of **Theodore W. Kern** for consideration in the Chair and Vice Chair positions of the Central Pine Barrens Wildfire Task Force.

Current Memberships and Positions:

- Ridge Fire Department (41 years)
 - Ex Captain and Firefighter
 - Fire Police Officer
 - Certified Safety Officer
- Ridge Volunteer Fire Department Benevolent, Trustee
- Central Pine Barrens Wildfire Task Force, Member and RFD Delegate
- Fire-EMS Safety Officers Association of NYS, Vice President
- Brookhaven Town Safety Officers Association, Vice President
- Suffolk County Fire-EMS Safety Officers Association, Director for Brookhaven Town
- Suffolk County Fire Safety Educators Association, RFD Delegate
- New York State Public Utilities Safety Officers Association, Member

Relevant Previous Memberships and Positions:

- Ridge Fire Department
 - Assistant Chief
 - Captain Company One
 - Captain EMS
 - Past Emergency Medical Technician (served 20 years)
- NYS Fire Marshals & Inspectors Association
- International Codes Council (ICC)
- Risk & Insurance Management Society (RIMS) Long Island Chapter, Director of Membership and Website (18 years)
- Suffolk County Volunteer Firemen's Association
- Brookhaven Town Chiefs Council
- Suffolk County Chiefs Council
- American Society of Safety Engineers

Other Personal Experience:

I am a lifelong resident of Ridge and an avid outdoors person and supporter of the environment and protecting our natural resources, particularly here on Long Island where they are so at risk. I have hunted, fished, camped, hiked, biked and responded to brush fires in nearly every part of the Pine Barrens and I am very familiar with the lands, geography, vegetation, wildlife and urban interface associated with them.

Baycan Fideli
1225 Roanoke Ave.
Riverhead, NY 11901

August 31, 2022

To Whom It May Concern:

Due to my interest in the position posted for the position of Chair/Co-Chair for the Pine Barrens Wildfire Taskforce currently posted on the web site. The position will fit well with the culmination of my education, training, emergency services background, facility management fiscal and planning experience in the public sector. I have enclosed my credentials for your review.

Presently, I am working for SUNY Suffolk County Community College as the Director of Public and Fire Safety. My current position has given me the opportunity to have experience in law enforcement, emergency management, reviewing college practices for risk management, renovation/construction safety planning, access control, crisis training, life safety planning, lab safety, and judicial reviews. Previous to my current experience, I had worked at SUNY Stony Brook responsible for the safety (all aspects) for 9,000 residential students and training all staff. Outside of the higher education setting; my background as a Riverhead firefighter (ex-captain and safety officer) and traffic control officer (police department) has given me a unique perspective on managing emergencies and seeing the consequences of poor planning and the results of good planning. I also represent SCCC that has a large responsibility located in the middle of the Pine Barrens.

Enclosed you will find a copy of my resume and a reference list is available upon request. I have the interpersonal skills, motivation, and the confidence to perform this job successfully. Furthermore, I welcome the opportunity for an interview and to discuss my qualifications. Thank you for your consideration, and I look forward to hearing from you. I am always available by email and open to a phone interview.

Sincerely,

Baycan Fideli
Enclosure

BAYCAN FIDELI

1225 Roanoke Ave.
Riverhead, NY. 11901
e-mail : fidelib@sunysuffolk.edu

Home: 631-369-1871
Office: 631-451-4212
Cell: 631-831-5104

OBJECTIVE: To secure a leadership position in campus safety for a public sector organization.

PROFESSIONAL RELATED EXPERIENCES AND ACTIVITIES:

Director of Public and Fire Safety-SUNY-Suffolk County Community College-August 2010- present

- Responsible for the management (supervision and budget) of college-wide student, fire, employee, and regulatory/environmental safety initiatives. Annual Budget \$2,000,000.
- Supervise 44 non-sworn/unarmed public safety officers, 1 asst. director, 2 part-time safety planners, and 15 part-time employees, SCCC enrollment-26,000; 3 campuses
- Investigate all crimes with law enforcement partners, prepare and review for student judicial reports.
- Implemented written IACLEA based SOP's and SOG's for the department, fleet management and in the process preparing a new training system.
- Coordinate all state regulatory inspections, internal facilities fire/OSHA safety inspections and traffic safety for all 5 campuses. Certified NYS Buildings ICC Code Enforcement.
- Responsible for the parking management system, ticketing and appeal process.
- Responsible for installing and reviewing of CCTV upgrades, electronic intrusion systems and maintenance and implementing a new access control system.
- Responsible for maintaining safety systems which include; all fire systems; duct cleaning; hydrants; elevator inspections; and testing emergency phone systems.
- Member of the county emergency management team and representative of the college for command operations during emergencies. (all campuses are county shelter points)
- Committee member of the College Risk Management Team responsible for reviewing college-wide activities; protocols, felon admissions and policy review.
- Train and coordinate all college constituents on all safety protocols, shelter in place and fire drills and emergency communications. Present safety initiatives to all new students and presentations.
- Implemented a electronic incident reporting system and central dispatching using contracted software(IMPACT)
- Member of all college-wide student behavior management team with deans and counselors.
- Constant review the college emergency management plan in preparation of drills and realistic response for unarmed/nonsworn operations.

Director of Residential Risk Management for the Division of Campus Residences June 2000 – August 2010 for SUNY Stony Brook

- The Director of Residential Risk Management for Campus Residences is responsible for the coordination and administration of a range of functions, which affect the physical environment in the 30 residence halls, 22 apartment buildings, housing 9000 residents at 1.5 million sq.ft..
- Coordinate all aspects of risk management, emergency management, residential safety and security (access control, CCTV and locks), summer operations/conferences, code compliance (NYS Uniform Code- Fire Inspector and Building Inspector), fire systems, fire safety training and facilities renovation projects.
- Manage an operating budget of \$600,000 and special project budgets totaling \$1,000,000.
- Act as a liaison for the Division with external university divisions, university police and fire marshals, parking/transportation, facilities design and construction engineers, and the state Dormitory Authority.
- Manage, train, and supervise two full-time employees working and 180 student employees with the Residential Safety Program; residence hall staffing and the summer conferences.
- Review and advise Student Affairs on risk management procedures and insurance requirements with activities.
- Plan and conduct training programs for employee enhancement, worker safety(OSHA), safety equipment and safety inspections.
- Respond to all campus wide facility emergencies.
- Conduct appeal hearings for judicial cases recommending relocations.
- Develop and review policies in all areas of the Division, with the aid of the three department directors under the direction of the Assistant Vice-President.

- Act as the Division advocate/risk manager for all complaints, concerns, accidents and damages caused by negligence. Prepare tort claims for university counsel.

Emergency Management Experience-Stony Brook University

- Member of the SBU Emergency Operations Center (activated twice)-representing student affairs
- Responsible for training all 37 residential staff employees and 275 student staff members
- Wrote the Campus Residences Snow Management Plan and Hurricane Plan
- Assist in planning campus emergency management regarding communications, health crisis, and labor relations.
- Conducted drills with the local volunteer fire departments and presented drill review at fire department
- Created and sustained manage the SB-CERT Team
- Managed several campus emergency events effecting the residence halls and apartments
- NIMS training compliant ICS 700 and ICS 800, Incident Command System Compliant 100, 200, 300, 400, CERT Instructor, BLS Instructor, State Emergency Management Training in Sheltering and Homeland Security Training in Exercise Design.

Riverhead Volunteer Fire Department- Captain 2004- Present

- Responsible for truck operations and training within company and fire police squad
- Firefighter 1 training including HAZMAT operations training at Suffolk County Fire Academy
- Additional Training: LIRR Emergency Response, Volunteer Emergency Service Management
- Participated in two FEMA/USDA Large Animal Rescue; Chlorine Leak Drills
- Assist with fire prevention training
- Duty Chief responder on a rotating schedule

Riverhead Police Department- Traffic Control Officer- 2009-Present

- Enforce all state and town ordinances and permitting laws.
- Certified NYS Peace Officer – Fire Police Training
- Maintain safety perimeters during outside events
- Control traffic for police sectors during incidents.
- Investigate and report all incidents in parking lots and roads regarding vehicles.

Hall Manager for the University of Iowa May 1995 – June 2000

(Coordinator position was upgraded with more responsibilities

- Manage the daily operations of two residence halls housing 1440 students, including facilities and grounds
- Coordinate all aspects of training for 34 resident assistants; this includes updating of training manuals designing a training schedule, the development of case re-enactment's, and training regarding emergency procedures (tornado drills), crisis management confrontation, team building, application of department wellness and learning/living philosophy dealing with student development and ethics.
- Interview, train, and supervise 3 contract full-time merit employees, 15 part-time student employees and 2 fulltime assistant hall managers
- Act as a guardian of complex operating budgets which includes; salaries, supplies, vending income, and telephone/computer expenditures

Administrative Responsibilities:

- Develop and maintain liaison relationships with departmental offices, campus and city public safety departments and outside contractors.
- Investigate and adjudicate student disciplinary complaints based on an educational system.
- Serve on department and campus committees for special projects and policy / procedure review.
- Coordinate, implement, and participate in building and department programs.

Instructor for the College of Education at The University of Iowa- Spring 1997

Class Title: Introduction to Leadership

- Assisted in the development of 60 undergraduate students' knowledge of leadership and life skills
- Taught students how to develop resumes, personal goals, and personal viewpoints on race and socio-economic issues and time management.

COMMITTEE EXPERIENCE:

- Student Affairs Opening Week Planning Committee 2010-Present
- President's Campus Safety Committee 2010-Present
- Graduation Event Planning Committee- 2010-Present

LEADERSHIP / EXTRACURRICULAR ACTIVITIES:

- American College Personnel Association
- NFPA Member
- American Society for Public Administrators
- Association for Physical Plant Administrators

PROGRAMMING AND PRESENTATION EXPERIENCE

Time Management as a Leader

Goal Setting for Student Leaders

Crisis Management for Residential Programs

Organizational Change and Transition: Developing Leaders

Emergency Management on a Campus- CERT

Fire Safety and Prevention for Residence Halls

Effective Budgeting for Public Administrators

Organizational Politics: Managing the Polity

Role of Dispatchers in Communication

Safety Awareness-Living on a Campus

EDUCATION: Masters of Public Administration

Indiana State University

Concentration: Local/State/Federal Government; Personnel Management

Bachelors of Arts

State University of New York: at Cortland College

Major: Political Science-International Studies **Minor:** Spanish

Fluent in Turkish

References Available

Emergency Management Certifications Are Available Upon Request

Holy Trinity Lutheran Church

93 Yaphank-Middle Island Road
P. O. Box 36 Middle Island, New York 11953
Rev. David M. Santos
631-924-6991
www.htlcny.org



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OCT 07 2022

Central Pine Barrens Joint Planning & Policy Commission 07 October 2022

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

RE: CPB Core Area Hardship Application Assessment

Director Jakobsen and members of the CPB JP&PC:

On behalf of our members and congregational council, I offer thanks for the opportunity to present an application for Core Preservation Area Hardship, consistent with Section 57-0121(10) of the Environmental Conservation Law, in an effort to remediate a "stop work" issued by the town of Brookhaven for the removal of trees within a designated pine barrens zone.

At the direction of Michelle DiBritta, Deputy Commissioner at Brookhaven Town Planning, as well as Luke Ormond, Brookhaven Town Senior Environmental Analyst I reached out to the CPB Commission. Most recently I have been in communication with Julie Hargrave, Policy and Planning Manager in hopes of presenting this application and it's supporting information in time for consideration at the commissions upcoming meeting at Wertheim National Wildlife Refuge on October 19th.

Some background history may be helpful. During a severe windstorm in October 2020, several large trees on the property fell, tearing down power lines, damaging the fence which separates our property from Prosser Pines and fracturing a block retaining wall surrounding the basement entrance of our historic church building. Our properties committee determined that protection of our buildings from future damage, could be aided through the strategic removal of hazard trees.

In June, of this year, in advance of a large church event scheduled for September, when double the typical attendance was expected, the church council contracted to remove several trees, inspected by an arborist, and deemed as threats to our current worship space (built 1964), as well as a legacy church structure (circa 1860) and a small cemetery (circa 1832). All of which are vital and honored parts of the property. The arborist agreed that removing the trees would diminish the imminent threat of damage during the 2022 hurricane season, particularly from those trees closest to our historic church, and cemetery. Additionally, access to those historic resources for viewing and active use of our smaller church building would be dramatically increased, while also providing clearer access to the cell tower facility crews, and finally, some auxiliary parking when necessary.

At the time of the "stop work" order, all but one of the trees which caused a concern had been removed. One, located exceedingly close to our current sanctuary remains and is part of the request for work to be completed.

We would like to ensure that we are in compliance with the CPB - JP & PC and welcome an opportunity to address any of the information provided herein. The congregation of Holy Trinity Lutheran Church are stewards of the land we possess to carry out the work of God in our community, county and state. We have every intention to continue to be good stewards of the land and good neighbors to all in need. It is my great hope that our application will be considered on its merits, allowing proper permission from the Central Pine Barrens Commission and the Town of Brookhaven to complete the work begun recently and continue the work of God started here, 162 years ago.

Respectfully,

Rev. David Santos
Pastor

CC: Ginny Wirsing, Congregation President
Tim Jahn, Properties Committee Chair

CORE PRESERVATION AREA HARDSHIP APPLICATION

TO:



CENTRAL PINE BARRENS
JOINT PLANNING & POLICY COMMISSION

ON BEHALF OF:

HOLY TRINITY EVANGELICAL LUTHERAN CHURCH



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OCT 07 2022

Central Pine Barrens Joint
Planning & Policy Commission

APPLICATION REQUIREMENTS
RESPONSE SUMMARY

OCTOBER 7, 2022

OVERVIEW

Holy Trinity Lutheran Church, (hereafter HTLC) seeks approval of its CPAH application for select tree removal, and to complete limited ground surface leveling in an area whose perimeter is approx. 481 linear feet encompassing approx. 8500 sq ft. The proposed work will mitigate potential catastrophic, tree fall damage to historical resources, and an active church structure. The proposed leveling work dramatically improves access, and use of historical resources, cell tower equipment, reduces rain fall ground erosion and serves as auxiliary parking as needed.

The Objective

- Achieve retroactive compliance with CBP JP&PC, L.I. PBPA, and NYS ECL Art. 57-0121(10)
- Apply to Brookhaven Town Planning & Environmental for permit approval for proposed work
- Complete work for final inspection and approval by Brookhaven Town and CBP JP&PC

The Timeline

- With CPBC approval, HTLC is motivated to:
 - Complete the work proposed herein.
 - Avoid weather, and or contractor delays.
 - Achieve final approval before holiday attendance peak from Nov 27 - Jan 1.

The Resources

- Project budget is approved
- Contractors are committed
- Professional Expediter engaged

The Proposal

HTLC is proposing:

- The retroactive approval of twelve (12) large pine trees removed prior to this application, and consistent with the requirements of ECL Article 57-01321(10); (a,i,ii); (b,i,ii);(c,i,ii, iii).
- The removal of one (1) tree which presents a present hazard to the safety of people and property and consistent with the requirements of ECL Article 57-01321(10); (a,i,ii); (b,i,ii);(c,i,ii, iii).
- The addition of approx. 60 yards of clean fill, leveled and compacted to a consistent grade and topped with ground wood chips. Large cut logs will guard the perimeter as a border to trees and underbrush, consistent with the requirements of ECL Article 57-01321(10); (a,i,ii); (b,i,ii);(c,i,ii, iii).

The Rationale

- **Item 1: Describe of the project**

The project proposed by HTLC consists of the removal of thirteen (13) large growth, native pine trees, removal of six (6) large stumps to 12" inches below grade, as well as leveling of an area of approximately 8500 sq ft, with clean fill and finished at the surface with ground wood chips. The removal of seven (7) trees represents a protective measure against potential catastrophic damage due to proximity of a historic church building (circa 1860) and a current, high use church building (circa 1964) and a historic cemetery (circa 1834). Removal of six (6) trees, their associated stumps and the leveling of the surrounding area greatly improves access to both historic resources, enhances access to cell tower equipment and provides for auxiliary parking for both church buildings and the cemetery when needed.

- **Item 2: Describe how the project satisfies Pine Barrens statute, ECL Sec.57-0121(10)**

It is our contention that the project proposed by HTLC meets the extraordinary hardship definition as relates to the unique character of the property, as relates to the use, maintenance and improvement of the historic resources on the property. Consistent with the requirements of ECL Article 57-01321(10); (a), (i,ii) the particular topographical conditions of the subject area i.e., Sloping, uneven and inconsistent grade, constitute a hardship to year-round, full use and safe access to the historic church building. More than mere inconvenience, the building which requires a number of repairs to maintain its safety and usefulness is difficult and hazardous to access both by church members, and maintenance crews. Fallen trees in October 2020 narrowly missed the 1860 structure, severing the electric service lines and damaging a retaining wall to a basement door below grade. The roadway entrance to the historic church building has sunk in elevation due to decades of erosion and compaction making access by car, difficult and at risk of getting stuck in wet, snowy or icy conditions. Clearing the subject area by plow is currently impractical, further making winter maintenance and care difficult at best.

It is our contention that the project proposed by HTLC meets the establishment of compelling public need. Consistent with the requirements of ECL Article 57-01321(10); (b), (i) the proposed development will serve an essential health and safety benefit to HTLC and to the municipality in that the well maintained and frequently used building and surrounding property is less likely to be the target of vagrants, and vandals. Likewise, a direct safety hazard is created when high-capacity attendance at church events results in cars being parked along the outer roadway, for lack of safe, accessible parking. (ii) The proposed development enables an adaptive reuse of our historic church building resource to relieve capacity use limitations being experienced in our primary church building due to growth since January 2020. Inability to more fully utilize our historic church building will limit the work HTLC plans to engage with and for the needy within our community. Finally, though most of the individuals buried in our historic cemetery date to the late 19th century, a recent member, the 28-year-old son of a legacy family was buried there just 11 years ago. Ease of access for this family to their son's grave is an important and faithful development use of the subject area.

It is our contention that the project proposed by HTLC is consistent with the requirements of ECL Article 57-01321(10); (c), (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 caused by inability to fully utilize vital historic and contemporary resources for the purpose of carrying out the missional commands and commitments of the church to the congregation, community, county and country.

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

The Commission is the first agency to receive the project application from HTLC. Please see the appendix attachment for Part 1 of an EAF with this application.

- **Item 4: Determination of significance and designation of lead, or permit issuing agency.**

site plans. No 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 in connection with the project**

- **Item 6: Completed and Notarized Owner's Affidavit**

Please see the appendix attachment for the Owner's Affidavit.

The Remediation

It is my understanding as Pastor and shepherd of the congregation at Holy Trinity Lutheran - Middle Island, that we as a body of Christians have been uniquely blessed with the property which has historically supported Christian ministry since 1860. With that blessing comes incredible responsibility to care for, support and sustain our property to ensure its usefulness for generations of believers in the future. As such, we are taking steps not taken before to support the growth of our native pines which are naturally occurring by the hundreds, and 18"-24" in just the past year, for transplanting and healthful propagation around the property for optimal sun, water and growth. It is the intention of the properties committee at my prompting to oversee the planting of evergreens around the cell tower area to beautify the project site and create a natural screen. Our "*Church in the Pines*" daily draws people who sit in our parking lot, or in our outdoor chapel reading, meditating, even sharing where they are with friends and family via video and phone. We understand the role as stewards and will not simply allow trees to fall and decay without an effort to foster new growth. Faithful stewardship will allow our continued use of our property both indoors and outdoors, to the Glory of God.

Conclusion

I would like to thank Julie Hargrave for her specific and timely assistance in guiding HTLC toward completing this Core Preservation Area Hardship Application. Every effort has been made to provide as much of the information as was possible in as professional a format as could be created in a short period of time. I will await to hear back regarding the meeting on October 19th and whether or not our presence is required to address any questions, or provide additional information. Though there was some confusion on our part as to what is possible on our property, the church council and I have a greater clarity and respect for the work of the CPBC. We look forward to your guidance and help grow as a congregation to meet the needs of our neighbors.

Thank you for your consideration,



Pastor David Santos

OWNER'S AFFIDAVIT

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

STATE OF NEW YORK

)ss:

COUNTY OF SUFFOLK

I, Ginny Wirsing, being duly sworn, deposes and says that I am
(Authorized Officer's Name)

Congregation President of the Holy Trinity Evangelical Lutheran Church
(Official Title) (Landowner's Name)

Located at 93 Yaphank-Middle Island Rd. Middle Island
(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 93 Yaphank-Middle Island Rd.
(Property Address)

which is also designated as Suffolk County Tax Map Number(s) 0200456000200004001

_____ and that this corporation has been the
owner of this property continuously since March 17, 1954, and that I have
(Date)

authorized Reverend David M. Santos 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.

Virginia Wirsing

(Authorized Officer's Signature)

Virginia Wirsing

(Officer's Name - Please Print)

10/7/22

Date

MAUREEN A. WORONTSOFF
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SUFFOLK COUNTY
REG. No. 01WO6166975
MY COMM. EXPIRES 5/24/23

Sworn to before me this 7 day of October 2022

Maureen A. Worontsoff
(Notary Public)

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OCT 07 2022

Central Pine Barrens Joint
Planning & Policy Commission

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

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Part 1 – Project and Sponsor Information			
Holy Trinity Evangelical Lutheran Church			
Name of Action or Project:			
Holy Trinity Lutheran Church - Historic Resource Access and Protection			
Project Location (describe, and attach a location map):			
93 Yaphank-Middle Island Rd. Middle Island, NY 11953. The subject property is .22 miles (1150 ft) north of Longwood Rd. and sits on the east side of			
Brief Description of Proposed Action:			
Holy Trinity Lutheran Church, seeks approval of an application for select tree removal, and to complete limited ground surface leveling in an area whose perimeter is approx. 481 linear feet encompassing approx. 8500 sq ft. The proposed work will mitigate potential catastrophic, tree fall damage to historical resources and an active church structure. The proposed leveling work dramatically improves access, and use of historical resources, and cell tower equipment, reduces rainfall ground erosion, and serves as auxiliary parking as needed.			
Name of Applicant or Sponsor:		Telephone: 631-924-6991 office / 631-633-1772 cell	
Holy Trinity Evangelical Lutheran Church - Rev. David Santos		E-Mail: pastor@htlcny.org	
Address:			
93 Yaphank-Middle Island Rd.			
City/PO:		State:	Zip Code:
Middle Island (PO Box 36)		New York	11953
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3. a. Total acreage of the site of the proposed action?			8500 sq ft / .2 acres
b. Total acreage to be physically disturbed?			8500 sq ft / .2 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			2.86 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Church, Religious Institution			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: <u>Application</u> site is within the Central Pine Barrens - Core Preservation Area - this form accompanies a Core Area Hardship	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Rev. David Santos - Holy Trinity Evangelical Lutheran Church</u> Date: <u>07 October 2022</u> Signature: <u>David Santos</u> Title: <u>Pastor</u>		

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Holy Trinity Lutheran Church - Historic Resource Access and Protection		
Project Location (describe, and attach a general location map): 93 Yaphank-Middle Island Rd. Middle Island, NY 11953. The subject property is .22 miles (1150 ft) north of Longwood Rd. and sits on the east side of the		
Brief Description of Proposed Action (include purpose or need): Holy Trinity Lutheran Church, seeks approval of an application for select tree removal, and to complete limited ground surface leveling in an area whose perimeter is approx. 481 linear feet encompassing approx. 8500 sq ft. The proposed work will mitigate potential catastrophic, tree fall damage to historical resources and an active church structure. The proposed leveling work dramatically improves access, and use of historical resources, and cell tower equipment, reduces rainfall ground erosion and serves as auxiliary parking as needed.		
Name of Applicant/Sponsor: Ginny Wirsing, Congregation President - Holy Trinity Lutheran Church		Telephone: 631-924-6991 office / 631-553-4867 cell E-Mail: gwirsing@optonline.net
Address: 93 Yaphank - Middle Island Rd.		
City/PO: Middle Island (PO Box 36)	State: New York	Zip Code: 11953
Project Contact (if not same as sponsor; give name and title/role): Rev. David Santos, Pastor - Holy Trinity Lutheran Church		Telephone: 631-924-6991 office / 631-633-1772 cell E-Mail: pastor@htlcn.org
Address: 93 Yaphank - Middle Island Rd.		
City/PO: Middle Island (PO Box 36)	State: New York	Zip Code: 11953
Property Owner (if not same as sponsor): Holy Trinity Evangelical Lutheran Church		Telephone: 631-924-6991 office E-Mail: office@htlcn.org
Address: 93 Yaphank - Middle Island Rd.		
City/PO: Middle Island (PO Box 36)	State: New York	Zip Code: 11953

B. Government Approvals

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

C. Planning and Zoning

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

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

The subject area is part of the Central Pine Barrens Core Preservation Area. The form accompanies a CPBC Core Area Hardship Application.

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

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

If Yes,

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

C.4. Existing community services.

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

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

Suffolk County Police Department - 7th Precinct jurisdiction

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

Middle Island Fire Department

d. What parks serve the project site?

Prosser Pines Park is located adjacent to the northern property line, with no direct access or entry to the park from HTLC property.

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 8500 sq.ft / 2 acres

b. Total acreage to be physically disturbed? 8500 sq.ft / 2 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? Approx 2.86 acres

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

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 5234 Units: Sq ft

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

If Yes,

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

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

iii. Number of lots proposed? _____

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

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

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

ii. If Yes:

- Total number of phases anticipated _____

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

- Anticipated completion date of final phase _____ month _____ year

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

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

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

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

D.2. Project Operations

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

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

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

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

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

If Yes:

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

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

If, Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

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

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 9 am - 2 pm _____ • Saturday: _____ • Sunday: _____ 9 am - 12 noon _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 9 am - 2 pm _____ • Saturday: _____ • Sunday: _____ 9 am - 12 noon _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 9 am - 2 pm _____ • Saturday: _____ • Sunday: _____ 9 am - 12 noon _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 9 am - 2 pm _____ • Saturday: _____ • Sunday: _____ 9 am - 12 noon _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 9 am - 2 pm _____ • Saturday: _____ • Sunday: _____ 9 am - 12 noon _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 9 am - 2 pm _____ • Saturday: _____ • Sunday: _____ 9 am - 12 noon _____ • Holidays: _____ 		

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

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Religious services

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1200 sq ft / .03	1200 sq ft / .03	0
• Forested	17316 sq ft / .4	14050 sq ft / .32	-.08
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>i. If Yes: explain: _____</p>
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p style="margin-left: 40px;">A "Just Kid's" facility and an IGHL facility do operate .57 miles / 3000 ft away on Longwood Rd.</p>
<p>e. Does the project site contain an existing dam? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p>
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p>
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p>
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input type="checkbox"/> Yes – Spills Incidents database</p> <p><input type="checkbox"/> Yes – Environmental Site Remediation database</p> <p><input type="checkbox"/> Neither database</p> </div> <div style="width: 45%;"> <p>Provide DEC ID number(s): _____</p> <p>Provide DEC ID number(s): _____</p> </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p>

v. Is the project site subject to an institutional control limiting property uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ <u>unknown</u> feet													
b. Are there bedrock outcroppings on the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;"><u>composted natural topsoil</u></td> <td style="width: 30%; text-align: right;">_____ 60 %</td> </tr> <tr> <td><u>sandy soil</u></td> <td style="text-align: right;">_____ 40 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table>		<u>composted natural topsoil</u>	_____ 60 %	<u>sandy soil</u>	_____ 40 %	_____	_____ %						
<u>composted natural topsoil</u>	_____ 60 %												
<u>sandy soil</u>	_____ 40 %												
_____	_____ %												
d. What is the average depth to the water table on the project site? Average: _____ <u>15</u> feet													
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 70%; text-align: right;">_____ 80 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ 10 % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ 10 % of site</td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ 80 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ 10 % of site	<input type="checkbox"/> Poorly Drained	_____ 10 % of site						
<input type="checkbox"/> Well Drained:	_____ 80 % of site												
<input type="checkbox"/> Moderately Well Drained:	_____ 10 % of site												
<input type="checkbox"/> Poorly Drained	_____ 10 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><input type="checkbox"/> 0-10%:</td> <td style="width: 70%; text-align: right;">_____ 10 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input type="checkbox"/> 0-10%:	_____ 10 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site						
<input type="checkbox"/> 0-10%:	_____ 10 % of site												
<input type="checkbox"/> 10-15%:	_____ % of site												
<input type="checkbox"/> 15% or greater:	_____ % of site												
g. Are there any unique geologic features on the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____													
h. Surface water features.													
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.													
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name _____	Classification _____											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name _____	Approximate Size _____											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
k. Is the project site in the 500-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:													
i. Name of aquifer: _____													

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Deer _____</p> <p>Ground hogs _____</p> <p>Raccoon _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: <u>Central Pine Barrens - Core Preservation Area</u></p> <p style="margin-left: 20px;">ii. Basis for designation: <u>Preservation of native growth in support of Long Island Aquifer</u></p> <p style="margin-left: 20px;">iii. Designating agency and date: <u>L.I. Pine Barrens Preservation Act, 1993</u></p>	



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DRAFT

October 19, 2022



Charles Voorhis
Nelson Pope & Voorhis
70 Maxess Road
Melville, NY 11747

RE: Supplemental Information
Lewis Road Planned Residential Development Assertion of Jurisdiction
Central Pine Barrens Compatible Growth Area, Core Preservation Area
And Critical Resource Area

Dear Mr. Voorhis:

On September 7, the Central Pine Barrens Commission office received supplemental information on the Lewis Road Planned Residential Development project in response to the Executive Director's August 26 email to you.

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

The project has changed and if the changes are extensive or affect the project's conformity, this could require a more extensive Commission review and require a public hearing. In order to evaluate the changes, please provide responses to the Commission's September 21 letter to the Town of Southampton and the information requested in this letter. Once the information is received it will be reviewed by Commission staff. Provided it is received in a timely fashion it is anticipated that a discussion on the next steps of the Commission's review will occur at its November 16 meeting. This timetable is contingent on your timely response. Specifically, the following information and materials are required.

A. Current and Former Project Map Overlay

Please submit a map showing each area of the project that was changed. This should be demonstrated by overlaying the site plan for the project that was the subject of the 2021 Commission decision with the current site plan of the project. A detailed narrative should be provided that explains each area that has changed, the reason for the change and how this information is specifically calculated for the standards for clearing and area to remain natural for the overall site.

B. Clearing Data

1. Provide updated clearing data for the new project and show how the clearing limit was calculated. Use the zoning of each parcel as of 1995, the acreage and allowable clearing to identify the total clearing allowed for the project site. This is required because the current materials indicate changes including a slightly smaller project site, the area of clearing and natural areas have changed, lots have been relocated, clearing and conservation areas have been changed, a new road easement area is proposed, and potential changes to drainage shed areas may affect the clearing limit and areas to remain natural.
2. How does the 15.44 acres of additional clearing and 16.36 acres of additional conservation shown in the "Limits of Clearing Changes" map affect the clearing limit?
3. Provide the clearing data associated with the drainage infrastructure.
4. Provide data including:
 - Acres of existing cleared area
 - Acres of existing natural area
 - How much natural area will be cleared?

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Westhampton Beach, NY
11978

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

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- How much natural area will be left?
- What is the total cleared area?
- What is the total natural area?

C. Eden Path

A new access called Eden Path is proposed for the project and activities associated with the new road must be analyzed. The Commission needs information to determine whether the new road affects the project's conformance with the Standards and Guidelines of the Plan. To make this determination, please provide:

1. Clearing information for Eden Path. Clearing for Eden Path must be included in the clearing calculations of area to be cleared and to remain natural.
2. A copy of the easements with East Quogue Farms recorded on March 21, 2022 for SCTM # 900-288-1-64.1 (10.6 acres) and SCTM # 900-288-1-65.1 (4.1 acres).
3. Does the easement cover the entirety of SCTM # 900-288-1-64.1 or just the road area?
4. Explain the purpose of adding an easement on SCTM # 900-288-1-65.1 (4.1 acres).

D. Drainage

The project was revised to accommodate an additional inch of rainfall as per the Town's requirement. To analyze the impacts of these changes:

1. Is additional clearing necessary to account for additional drainage capacity to retain stormwater on site?
2. Submit a plan showing the piping, leaching pools, and clearing associated with the reserve areas in each drainage shed to accommodate stormwater runoff capacity in the shed.
3. Demonstrate no clearing will occur in open space areas for drainage infrastructure.

E. Covenants

Covenants were required as part of the Commission's decision. The Commission reserves the right to require additional covenants. Please be reminded that no ground disturbance may occur until the covenants are submitted for review, approved and filed.

F. Other items

1. A physical site inspection of the road area by Commission staff is necessary.
2. The project is still pending decisions and approvals from the Town of Southampton and the Suffolk County Department of health for the sewage treatment plant and fuel chemical storage.
3. No clearing activity may occur on the project site until further notice.

Once the information required by this letter is received, Commission staff would be amenable to meeting with the applicant, if necessary, for further clarification of the information submitted.

Thank you for your attention.

Sincerely,

Julie Hargrave
Policy and Planning Manager

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

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Central Pine Barrens Joint Planning and Policy Commission
Draft Staff Report for the Public Hearing
October 19, 2022

PROJECT NAME: Expressway Drive North Compatible Growth Area
Development of Regional Significance (DRS) and
Compatible Growth Area Hardship Waiver

APPLICATION TIMELINE:

- 6/18/22 Received DRS and Hardship Waiver Application
- 7/20/22 Scheduled public hearing
- 8/11/22 Site inspection observed clearing on the site
- 8/17/22 Public hearing adjourned, incomplete application
- 9/7/22 Received DRS and Hardship Waiver Application
- 9/21/22 Public hearing scheduled contingent on resolution of violation
- 10/5/22 Consent order executed and violation fine paid
- 1/18/23 - 120-day decision deadline

OWNER/APPLICANT: WF Industrial XII LLC
Represented by Tim Shea and Charles Voorhis

PROJECT SITE LOCATION: West of Sills Road, LIE North Service Road,
Yaphank, Town of Brookhaven

SUFFOLK COUNTY TAX MAP #: 200-662-2-5.16

PROJECT SITE AREA: 71.45 acres

PROJECT: Development of three, single-story distribution warehouses
549,942 square feet (12.6 acres) and related site
improvements and infrastructure

ZONING DISTRICT: Light Industrial Zoning District
(200,000 square foot minimum lot area)

SEQRA: Type I Action

This staff report is Exhibit A. The staff report relies on the application materials and plans date stamped received September 7, 2022.

EXISTING CONDITIONS

The 71.45 acre project site is wooded and undisturbed with natural pine barrens vegetation and habitat except for 1.56 acres of cleared area. See Exhibit B for an aerial of the Project Site and surrounding area. See Exhibit C for the property survey dated June 3, 2021 prepared by Control Point Associates, Inc. See Exhibit D for photographs of the site.

The property is bounded by the LIE North Service Road on its south side, a composting facility to the west, natural woodlands to the north and residentially developed properties to the east.

PROPOSED PROJECT AND APPLICANT REQUEST

The applicant proposes to develop three warehouses and associated infrastructure. See Exhibit E for a copy of the Overall Site Plan prepared by Key Civil Engineering dated October 4, 2021 and last revised May 3, 2022. The facilities and structures proposed include:

- Building A: 203,548 square feet (4.67 acres)
- Building B: 176,670 square feet (4.06 acres)
- Building C: 169,724 square feet (3.90 acres)
 - Total Area of Three Buildings: 549,942 square feet (12.62 acres)
- Two curb cuts
- Recharge basin: 2.2 acres
- Area of paving: 20.5 acres
- Parking stalls: 1,375 spaces plus 608 landbanked stalls
- Grass: 3 acres
- Steep slope impacts >10% grade: 42,879 square feet (0.98 acre)
- Clearing: 41.3 acres (58%)
- Open space: 30.15 acres (42%)

A road covering 1.56 acres represents the cleared area on the project site. The powerline is also cleared.

Development of Regional Significance

Pursuant to Section 57-0123.2(a) of the Act and Section 4.5.5.1 of the Plan, the project achieves a Development of Regional Significance since it exceeds 300,000 square feet. As a DRS the Commission reviews the project for conformance with the standards and guidelines in the Plan and pursuant to the Act.

CGA Hardship Waiver

The project requires an extraordinary hardship waiver pursuant to Section 57-0121.9 of the Act since it will impact 33,981 square feet (0.78 acre) of steep slopes between 10% and 15% grade and 8,898 square feet (0.2 acre) of slopes exceeding 15% grade. A total of 0.98 acres of slopes exceeding 10% grade will be removed.

See Exhibit F for a copy of the Existing Slope Analysis Plan dated September 16, 2021 last revised May 3, 2022.

PROJECT SITE HISTORY

The site was created from 192 acres of property that was the subject of a stipulation of settlement with the Town of Brookhaven in 2006. Approximately 120 acres of the 192 acre site have been protected as natural open space.

Two prior Development of Regional Significance applications on the property included:

- American Tissue was withdrawn prior to a decision.
- Silver Corporate Park (SCP) was granted a hardship waiver and approval by the Commission on June 17, 2020. See Exhibit G for the SCP decision and Previous Development Overlay map.

Notice of Violation and Order on Consent

On September 21, the Commission issued a notice of violation for clearing 1.56 acres on the project site to develop a road without satisfying the conditions of the Silver Corporate Park decision and for misrepresenting existing conditions in the Application. A consent order to resolve the violation was executed on October 5, 2022.

CENTRAL PINE BARRENS STATUS

The Project constitutes development pursuant to New York State Environmental Conservation Law (ECL) §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;

The Central Pine Barrens Comprehensive Land Use Plan (the Plan) defines Developments of Regional Significance in Chapter 4, Section 4.5.5.1. The proposed project is defined in subsection #1 of the Plan, which states:

A commercial, industrial or office development project exceeding 300,000 square feet of gross floor area, or an addition to an existing commercial, industrial or office development where the addition is 100,000 square feet or more and that addition causes the total square footage to exceed 300,000 square feet.

SEQRA, REQUIRED APPROVALS, PERMITS AND REVIEW

- State Environmental Quality Review Act (SEQRA)
 - The project is classified as a Type I Action.
 - March 26, 2015 Brookhaven Town Board adopted Negative Declaration.
 - January 13, 2020 Brookhaven Planning Board adopted a Negative Declaration.
 - June 6, 2022 Brookhaven Town Department of Environmental Protection memo concluded, “The proposed site plan is found to be less intensive than that of the previously considered proposal and allows for a more contiguous, orderly, and compact design. No further SEQRA review is necessary or warranted.”
- New York State Department of Environmental Conservation Stormwater Pollution Prevention Plan permit review and approval. Approval letter from the Town of Brookhaven dated August 19, 2022 with additional submission requirements.
- New York State Department of Transportation permit approvals.
- Suffolk County Department of Health Services Article 6 conformance and approval.
- Town of Brookhaven permits and approvals.
- New York State Office of Parks, Recreation and Historic Preservation. SHPO response received, no impact to cultural resources.
- New York State Department of Environmental Conservation review of rare, threatened, and endangered species and any regulations in effect for the protection of species and habitat on the project site. NY Natural Heritage Program response received. Adhere to clearing windows to protect the Northern Long-eared Bat, a NY State and Federally listed Threatened species.

SITE DESCRIPTION

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

Existing Condition and Land Use: Undeveloped, wooded with natural and undisturbed pine barrens vegetation and habitat except for 1.56 acres of area cleared for a roadway to install monitoring wells. An 80 foot wide LIPA overhead power line crosses the property and is maintained by a permanent utility easement.

Vegetation: The Project Site is a pitch pine-oak heath woodland ecological community type. The property exhibits a healthy dispersion of large pitch pine trees and oak trees and dense heath understory.

Historical aerial photography from roughly 72 years ago, 1947 to 2016, reveals the site has never been the subject of large scale disturbance and has remained the largely intact terrestrial woodland habitat exhibited today. It contains large diameter pitch pine trees dispersed in the landscape, with smaller scarlet and other oak tree species, an understory of heath shrubs (e.g., huckleberry), and natural leaf litter and groundcover including spotted wintergreen and trailing arbutus.

Rare, Endangered, & Threatened Species and Species of Concern:

On September 22, 2022 and February 12, 2019, the New York Natural Heritage Program states, “Within one mile of the project site is a documented non-winter location of Northern long-eared bat (*Myotis septentrionalis*, state and federally listed as Threatened). The bats may travel 1.5 miles or more from documented locations. An impact of concern for bats is the removal of potential roost trees. For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 1 Office, Division of Environmental Permits, at dep.r1@dec.ny.gov.”

The presence of this species and its habitat will affect the timing of tree cutting on the project site and limit cutting activity to a window from November through February, avoiding the period from March through October of a given year.

New York State Breeding Bird Atlas

The New York State Breeding Bird Atlas (BBA) lists 71 species exhibiting breeding behavior including 40 confirmed breeder species in the survey block, 6652D, that covers the Project Site (note: survey block is 3 x 3 miles). The survey includes a species listed as Special Concern, the Cooper’s Hawk. Other species surveyed in this BBA block, for example, the blue-winged warbler, is on the NYSDEC’s list of Species of Greatest Conservation Need (SGCN).

Wetlands: No wetland habitat is identified in the application materials.

Wild, Scenic & Recreational Rivers: The Project Site is not within the jurisdictional boundary of the New York State Department of Environmental Conservation (NYSDEC) Wild, Scenic and Recreational Rivers Program.

Hydrology: Hydrogeologic Zone III. Groundwater flow is generally in a southeasterly direction in the direction of the Carmans River. The applicant’s test hole data shows fine to medium to coarse sands to a depth of at least 30 feet and no groundwater encountered at that depth.

Topography/Elevation: The Project Site contains 56 acres of slopes 0 to 10% grade; 7 acres of slopes 10 to 15% grade and 8.33 acres of slopes over 15% grade. See Exhibit F for the Existing Slope Analysis Plan.

Soils: Carver and Plymouth sands (CpC), 3 to 15 percent slopes and PIA Plymouth loamy sand, 0 to 3 percent slopes, and Carver and Plymouth sands (CpA), 0 to 3 percent slopes. (USDA Natural Resources Conservation Service). Plymouth loamy sands, Riverhead sandy loam and Haven loam are also present.

Cultural/Archeological Resources: By letter dated June 6, 2022, the New York State Office of Parks, Recreation, and Historic Preservation indicated no potential impact on archaeological and/or historic resources listed in or eligible for the New York State and National Register of Historic Places.

Scenic Resources: The Scenic-related Guidelines in Section 5.3.3.11 of the Plan state development proposals should account for, review and provide protection measures for scenic viewpoints along the Long Island Expressway. Undisturbed roadsides to protect scenic features and buffers and manmade structures should be consistent with the character of the area.

Land Use and Zoning in the Study Area

Land uses were identified within the immediate vicinity called the Study Area. The project site is at the center of the Study Area that is a one-half mile radius in all directions from the site and contains approximately 450 to 500 acres of area.

In the Study Area, north of the Town's public land, land uses include residentially developed properties. A gas station is situated on the west side of Sills Road, north of the LIE. Public land and/or protected land is present east of Sills Road; commercial and industrial uses including the Brookhaven Rail Terminal south of the LIE, which is outside of the Central Pine Barrens boundary; and a composting facility and residential land uses are developed to the west.

The Core Preservation Area is situated on the east side of Sills Road. As of 2014, land in the watershed of Carmans River was added to the Core and the CGA. The area known as "Enchanted Forest" was placed in the Core and protected through the Pine Barrens Credit Program with the issuance of Pine Barrens Credits to the owner in exchange for a conservation easement(s).

Zoning

The Study Area zoning is comprised mostly of residential zoning districts including A1 Residence District to the west, A2 and A10 Residence districts to the north; A1, A2 and A5 zoning is present on Sills Road and in the eastern portion of the Study Area. L1 Industrial zoning south of the LIE and outside of the Study Area reflects developed land uses in that portion of the Study Area.

Other DRS Applications

The Commission has reviewed 8 Development of Regional Significance projects since 1993. There were 6 approvals, one application was withdrawn (American Tissue, 2000) and Tall Grass in Shoreham (2008) was disapproved. The approved applications include:

- Suffolk County Center (2005)
- Brookhaven Walk (2007)
- Artist Lake Plaza (2011)
- The Meadows at Yaphank (2011)
- Silver Corporate Park (2020)
- RD Industrial (2022)

WATER RESOURCES

The project does not conform with Article 6 of the Suffolk County Sanitary Code. The project exceeds the flow allowance by 575 gpd. The as-of-right sanitary flow is approximately 21,423 gallons per day and the project will generate 21,998 gpd.

The applicant will redeem 2 Pine Barrens Credits, originating in Westhampton Beach (Southampton) School District, to satisfy Article 6. An innovative alternative treatment system will be installed for wastewater treatment.

COMPATIBLE GROWTH AREA EXTRAORDINARY HARDSHIP CRITERIA

The applicant is required to demonstrate Hardship in accordance with Section §57-0123(3)(b) of the Act and the criteria contained in Town Law §267-b. See Exhibit H for the applicant's hardship petition addressing these criteria and for non-conformance with guidelines to protect steep slope topography.

The application includes a tax deferral request to the Brookhaven Industrial Development Agency dated May 16, 2022. The petition states, "The application package seeks tax deferral in order to ensure an economically viable project." It states, "To remain competitive with the existing industrial buildings in the market and to ensure the project is financially viable, we respectfully request the IDAs assistance with benefits relating to real estate taxes, mortgage recording taxes and sales and use taxes for the property." The applicant's fiscal and economic impact analysis expresses that the economic viability of the project is contingent on receiving tax deferrals.

ECL §57-0123(3)(b)

"The commission by majority vote is also authorized to waive strict compliance with such plan or with any element or standard contained therein, upon finding that such waiver is

necessary to alleviate hardship for development proposed by any person, the state or a public corporation in the compatible growth area according to the conditions and findings of hardship pursuant to subdivision nine of section 57-0121 of this article, is consistent with the purposes and provisions of this article and would not result in substantial impairment of the resources of the Central Pine Barrens area.”

§57-0121(9)

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

Town Law Section §267-b

“(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;*
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;*
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and*
- (4) that the alleged hardship has not been self-created.”*

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

COMPREHENSIVE LAND USE PLAN REVIEW OF STANDARDS AND GUIDELINES

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A project classified as a DRS must conform with the Standards and Guidelines for development contained in Chapter 5 of the Plan. The Staff's review of the project's conformance with Standards and Guidelines is provided below. Where additional information is needed, time is also needed to review supplemental or revised materials and information submitted in response. The project's conformity with Standards and Guidelines will be deferred until such time as additional information is provided by the applicant.

Review of Standards and Guidelines by Commission Staff for Expressway Drive North
Compatible Growth Area Hardship and Development of Regional Significance Application

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Standard (S)/Guideline (G)		Explanation and Document Page Reference (attach additional sheets if necessary)
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	<p>The project does not conform with this standard.</p> <p>It exceeds the as of right flow by 575 gallons per day. The SCDHS “Notice of incomplete Application” dated July 29, 2022 requires submission of pine barrens credits for the project.</p> <p>To satisfy the health department and to conform with this standard, the applicant will redeem 2 Pine Barrens Credits from the Westhampton Beach School District. PBCs offered in the application are numbered 900-790 dated August 22, 2022.</p> <p>Redemption must occur prior to commencement of the project.</p> <p>An Innovative On Site Alternative Treatment System is proposed.</p>
S 5.3.3.1.2	Sewage treatment plant discharge	No sewage treatment plant is proposed.
G 5.3.3.1.3	Nitrate-nitrogen goal of 2.5 mg/l	Conforms. The project site is in the watershed and in the groundwater contributing area of the Carmans River.
S 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance	The project must conform to the Sanitary Code regulations for industrial and commercial uses. Proposed uses will be required to conform.
S 5.3.3.3.1	Significant discharges and public supply well locations	Identify the nearest public drinking water supply well and potential impacts if any.
G 5.3.3.3.2	Private well protection	<p>No public water exists in the project site location.</p> <p>Public water main infrastructure needs to be extended for the project.</p>
S 5.3.3.4.1	Nondisturbance buffers	<p>No wetlands are on site or in the immediate vicinity.</p> <p>The plan shows a 100 foot setback to the arterial roadway that will provide partial natural screening from the LIE. The setback is interrupted by two curb cuts where previously in SCP only one curb cut was proposed.</p> <p>The natural areas of open space will be protected in a conservation easement. This will provide natural screening to the project to protect not only the roadside but the uses in the development, from noise and dust from the highway.</p> <p>The site plan should be revised to reduce fragmentation of the buffer. Nine separate blocks are shown in the site plan. This should be revised to provide one unbroken block. The only cuts should be where the curb cuts are necessary. One curb cut is preferred, as in SCP. The applicant has indicated NYS Fire Code requires an alternative access point for buildings over 62,000 square feet.</p>

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S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	<p>Open space will be protected in conservation easements.</p> <p>The 100 foot wide roadway buffer will be protected in easements. This should be one easement. Presently it is broken into 9 sections. This will not be permitted. Please revise and provide one uninterrupted buffer except where the two curb cuts are provided.</p> <p>Split rail or other wildlife friendly fencing should be installed on the boundaries of the cleared area and open space. Temporary fencing should be installed prior to clearing and maintained during construction. Inspection of easement area boundaries is required prior to site disturbance.</p> <p>Easements must be recorded prior to site disturbance.</p>
S 5.3.3.4.3	Wild, Scenic and Recreational Rivers Act compliance	N/A
G 5.3.3.4.4	Additional nondisturbance buffers	Not applicable
S 5.3.3.5.1	Stormwater recharge	<p>The project will be required to retain stormwater on the project site. Fulfill the Town and NYSDEC submission and filing requirements for the Stormwater Pollution Prevention Plan.</p> <p>A recharge basin is proposed to control stormwater on site.</p>
G 5.3.3.5.2	Natural recharge and drainage	<p>A recharge basin over 2 acres will be utilized for drainage.</p> <p>It will consume a significant area and requires the removal of considerable native vegetation to the detriment of the site's ecology and aesthetics.</p> <p>Consider alternative recharge and drainage structures in lieu of the development of a large recharge basin to capture drainage from developed surfaces or explain why this is not feasible.</p>
G 5.3.3.5.3	Ponds	<p>Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes. No ponds for aesthetic purposes are proposed at this time.</p> <p>None should be permitted for aesthetic purposes as per the Guideline.</p>
G 5.3.3.5.4	Natural topography in lieu of recharge basins	The project utilizes a recharge basin to manage stormwater.
G 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	<p>The project is required to employ stormwater controls and protect adjacent areas from runoff during construction.</p> <p>The project is required to conform with stormwater regulations.</p> <p>The applicant must prepare for review and approval a Stormwater Pollution Prevention Plan by the Town Engineer and obtain a SPDES permit.</p> <p>Protect natural areas from encroachments with snow fencing and employ erosion control measures prior to disturbance.</p>

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S 5.3.3.6.1	Vegetation Clearance Limits	<p>An area of 1.56 acres of the site is cleared. Combined with the proposed clearing, the site will conform with the 65% clearing limit.</p> <p>The plan should be revised to utilize all of the area cleared on site including the 3,803 square feet for a curb cut. The road should be aligned along this clearing.</p> <p>If this cannot be accommodated, the applicant must revegetate this cleared area with native trees and shrubs.</p> <p>The project will clear 58%, 41.30 acres. An area of 30.15 acres (42%) of existing natural vegetation will remain. The open space will be protected in a conservation easement and recording prior to site disturbance including clearing, grading, excavating or any disturbance other than to install snow fencing to delineate the open space for inspection.</p>
S 5.3.3.6.2	Unfragmented open space	<p>The roadway buffer is fragmented. No cuts or intrusions should occur in this buffer. Presently there are 9 separate blocks of open space. the purpose of these intrusions is not clear. If utilities are proposed in this area, they should be directionally drilled and not disturb this open space buffer.</p> <p>Open space is unfragmented to the greatest extent practicable to prioritize protection of natural pine barrens habitat and steep slopes.</p>
S 5.3.3.6.3	Fertilizer-dependent vegetation limit	Conforms, 4.2%
S 5.3.3.6.4	Native Plantings	<p>Retain existing natural vegetation in the development.</p> <p>Reduce the three acre area of grass which is not needed in an industrial development.</p> <p>The proposed landscaping involves planting 188 trees and 599 shrubs. All of the material will be imported. The site presently is primarily wooded with native oak trees, pitch pine and shrubs including blueberry and huckleberry.</p> <p>Minimize disturbance to existing vegetation and landscape utilizing existing natural vegetation and existing native plants on site. This will reduce irrigation and maintenance requirements in landscaping. Transplant existing natural material to use in landscaping where possible.</p>
S 5.3.3.7.1	Special species and ecological communities	<p>The New York Natural Heritage Program reported the presence of the Federal and State-listed Threatened species, Northern Long-eared Bat. No clearing will be permitted during the window of March through October to protect the species and its habitat. The allowed clearing period is November through February.</p> <p>Any deviation from this requirement would demonstrate non-conformance with this Standard and must be reviewed by the Commission.</p>
G 5.3.3.8.1	Clearing envelopes	The project maximizes development on slopes less than 10% grade
G 5.3.3.8.2	Stabilization and erosion control	Approximately 40 acres of development will occur on slopes less than 10%.

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G 5.3.3.8.3	Slope analysis	<p>See the Existing Slope Analysis Plan in Exhibit F.</p> <p>The Project will remove 40.32 acres of slopes less than 10% grade.</p> <p>The Project will remove a total of 0.98 acre of slopes greater than 10% grade including:</p> <ul style="list-style-type: none"> • 33,981 square feet (0.78 acres) of slopes between 10% and 15% grade • 8,898 square feet (0.20 acres) of slopes in excess of 15% grade <p>For reference, SCP proposed to remove 18,948 square feet (0.43 acre) of slopes greater than 10% grade. See Exhibit G for the SCP decision.</p>
Standard (S)/Guideline (G)		Explanation and Document Page Reference <i>(Attach additional sheets if necessary)</i>
G 5.3.3.8.4	Erosion and sediment control plans	Stormwater plans must be prepared and approved prior to disturbance. No structures or other disturbance may occur in the open space areas or area to remain natural.
G 5.3.3.8.5	Placement of roadways	<p>The project minimizes traversing steep slopes greater than 10% when evaluated on a proportional basis.</p> <p>In the road alignment, consider retaining existing large trees as street trees, flag and protect during construction.</p>
G 5.3.3.8.6	Retaining walls and control structures	<p>Retaining walls are planned.</p> <p>Where feasible, utilize naturally vegetated slopes as opposed to hard retaining wall structures which will retain natural habitat on the site and minimize erosion and stormwater runoff.</p>
S 5.3.3.9.1	Receiving entity for open space dedications	<p>Conservation easements are proposed to protect the open space.</p> <p>Delineate the open space for inspection prior to site disturbance with snow fencing or other markers to check against a survey and the metes and bounds of the easement area(s).</p> <p>Open space in the roadfront buffer is fragmented and shall be revised to create one continuous buffer; presently the 1,300 foot long natural buffer is broken into 9 separate segments, creating fragmented and degraded habitat, potential enforcement and monitoring issues and complications with filing and drawing the tax map to identify protected areas.</p>
G 5.3.3.9.2	Clustering	The project has been designed to maximize cluster development and open space to protect habitat and steep slopes on the project site.
G 5.3.3.9.3	Protection of dedicated open space	<p>The area to remain natural will be protected as open space in conservation easements.</p> <p>No increases in scale or size of development on the site and no additional density or intensity of land uses may occur on the project site or be generated by the open space. It must be clear in the easement and in filed maps that the open space development rights are extinguished with the project.</p>

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G 5.3.3.10.1	Best management practices	N/A
G 5.3.3.11.1	Cultural resource consideration	<p>This Guideline identifies protection measures should be provided for passive hiking trail corridors to connect to other open spaces and protected lands.</p> <p>Views of the site are present from the Long Island Expressway. It is important to keep the natural viewshed in this highway corridor to preserve the resources and character of the Central Pine Barrens</p> <p>The second proposed easterly curb cut interrupts this naturally vegetated buffer. Additionally, the repeated intrusions for 0.25 mile long roadfront buffer interrupt the natural corridor. Remove the 9 blocks that are proposed in the 100 foot wide buffer to retain one continuous buffer that can be monitored, managed and reduces habitat fragmentation and degradation.</p>
G 5.3.3.11.2	Inclusion of cultural resources in applications	<p>This Guideline suggests development proposals should note established recreation trails and trail corridors, scenic corridors, roads, vistas, and viewpoints in undisturbed portions of the roadside of the LIE. Protect the viewshed in this highly visible corridor and presently undisturbed roadside.</p>
G 5.3.3.11.3	Protection of scenic and recreational resources	<p>Reduce the number of curb cuts to one on the west side of the site. This will protect the roadside character and visually shield the project with the existing natural pine barrens vegetative buffer.</p> <p>Keep one 100 foot wide, 0.25 mile long uninterrupted buffer rather than multiple small blocks of natural area. Presently the site plan titled "Overall Site Plan" dated 10/4/21 last dated 5/3/22 shows the buffer nine separate blocks in the front buffer area.</p> <p>This is not permitted. It presents an enforcement problem and degrades the habitat from wind, erosion and other impacts. It is also a problem when the County has to redraw the tax map and to reflect natural areas that will remain undeveloped. It is too jagged.</p> <p>Please revise to create one block of open space between curb cuts and one west of the westernmost curb cut. The area east of the eastern curb cut is natural and unfragmented. Mimic this type of buffer between curb cuts.</p> <p>Signage must be in keeping with the character of the area including size, color palette, lighting, height and material. Please revise the signage to avoid interior illumination and with materials that protect the character of the Central Pine Barrens. See Exhibit I for the sign plan.</p>
G 5.3.3.11.4	Roadside design and management	<p>Two curb cuts disrupt the presently uninterrupted naturally vegetated buffer on the roadfront.</p> <p>Additional design standards are provided in Volume 2 of the Plan if guidance is needed.</p> <p>The site plan refers to a monument sign at the easterly curb cut. No excessively large monument signs will be permitted.</p>

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		<p>The plan prepared by Signarma illustrates a 9 foot tall sign with “High efficiency LED illumination” cabinet in a plexiglass sign face it is with vinyl lettering in tan with a white background with black letters. LED lighting illuminated from the inside. This type of lighting design will not be permitted.</p> <p>Please submit revised sign plans.</p> <p>Lighting should be dark skies compliant. It should be downward facing directly on the sign with minimal illumination.</p> <p>The design should use an earth tone color palette and materials in keeping with the character of the Central Pine Barrens.</p> <p>The application shows signage on a building. No additional signage will be permitted.</p>
G 5.3.3.12.1	Commercial and industrial compliance with Suffolk County Sanitary Code	<p>The Project and proposed uses must conform with the requirements of the Suffolk County Sanitary Code.</p>

SUMMARY OF DISCUSSION ITEMS

Conditions and comments for discussion are summarized below. The hearing record should remain open until the relevant information is received.

1. Prior to clearing, site disturbance, grading and any activity related to this project:
 - a. Record covenants or easements
 - b. Stake clearing limits and easement boundaries for inspection by this office.
 - c. Will the landbanked parking be developed? Stake the landbanked area also and do not include it in natural area protected by covenant or easement.
 - d. No clearing, grading, excavating, tree cutting or any site disturbance may occur until the open space and clearing limits are inspected and the easement is recorded.
 - e. obtain all other permits and approvals
2. Open space
 - a. Minimize fragmentation and excessive edges in open space.
 - b. Remove the cuts in open space in the 0.25 mile long natural roadside buffer where presently the applicant propose 9 separate blocks of open space. The buffer should remain in one large block with no intrusions. Place structures or facilities outside of the buffer and underground to reduce fragmentation of this habitat and create an uninterrupted roadside buffer.
 - c. Protect open space with a split rail fence. Requires Commission inspection when complete.
 - d. Covenants or conservation easements
 - i. Prior to site disturbance including clearing or cutting vegetation, grading or any activity related to this project file recording instrument to protect open space
 - ii. Submit draft easements for review
 - iii. Once approved, record legal instruments prior to site disturbance.
 - iv. Submit a final As Built map that shows conservation easements for routine monitoring by Commission staff when the project is complete.
3. Site Design
 - a. An area of 3,803 square feet that was not proposed for development was disturbed and is proposed to be revegetated. Rather than revegetate this area, utilize this cut for the western egress rather than creating a new cut.
 - b. One curb cut is recommended unless required to conform to building code. No other cuts through the roadside buffer are permitted. Remove the fragmentation proposed in the roadside buffer.
 - c. Landscaping
 - i. Utilize existing vegetation and trees for landscaping where feasible. Flag vegetation to remain during construction and remove flagging after construction.
 - ii. Install split rail fencing to protect open space.

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- iii. Replace 3 acres of mowed grass with native plantings including pollinator supported habitat.
- d. Signage
 - i. Please submit a revised signage plan that is in keeping with the pine barrens environment.
 - ii. No interior lighting illumination. An overhead downward facing light fixture may be installed with low dark skies friendly illumination.
 - iii. Only one monument sign is presently shown at the easterly curb cut. No additional signage should be necessary.
 - iv. Signage must be in keeping with CGA character (size, colors, height, materials, lighting, etc.). Consider wood sign with downward facing lighting, if necessary, with earth toned colors.
- e. Lighting
 - i. Install dark skies compliant lighting fixtures.
 - ii. Reduce lighting where it is not necessary.
 - iii. No lighting may spill offsite or upward.
- 4. Wastewater
 - a. Prior to site disturbance, redeem the two (2) Pine Barrens Credits presented in the application Number 0900-790 dated July 22, 2022 owned by WF Industrial XII LLC, generated in the Westhampton Beach School District. The original final redeemed certificate must be returned to the Commission prior to site disturbance.
 - b. Install an innovative alternative treatment system.
- 5. A permanent easement is identified in the site plan in a steeply sloped area on the North Service Road, west of Sills Road and east of the first curb cut. The easement was recorded in 1968 and a second permeant easement in this area was recorded in 2001. Please explain the activity in this area, if any disturbance or development such as road widening is expected, who are the parties involved, is NYSDOT requiring this easement and how it affects the project.
- 6. Obtain all approvals and permits prior to disturbance, grading excavation and other site work.
- 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. Keep record open for a minimum of 10 days to receive supplemental information and public comments.

STAFF EXHIBITS

- A. Draft Staff Report
- B. Aerial of the Project Site and Study Area
- C. Property survey dated June 3, 2021 prepared by Control Point Associates, Inc.
- D. Photographs of the Project Site

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- E. Overall Site Plan last revised May 3, 2022 prepared by Key Civil Engineering
- F. Existing Slope Analysis Plan dated September 16, 2021 last revised May 3, 2022 prepared by Key Civil Engineering
- G. Silver Corporate Park decision and Previous Development Overlay Exhibit dated May 17, 2022 last dated August 25, 2022 prepared by Key Civil Engineering
- H. Applicant's hardship waiver petition and review Standards and Guidelines
- I. Signarama sign plan.

Maps for reference





