



Central Pine Barrens Commission Meeting Agenda
Wednesday, July 15, 2026 at 2:00 pm
Riverhead Town Hall
4 West Second Street, Riverhead, NY

1. Administrative and Public Comment

- a. Public Comment
- b. Minutes for Commission Meeting of 06/17/26 review (*approve*)
- c. Consider canceling the August 19, 2026 Commission meeting

2. Invoices

- a. Invoices for Judy Jakobsen, Consultant: Invoice #s 2026-18 to 22 for the period of 6/8/26 to 6/26/26 in the amount of \$1,096.00

3. Planning and Land Use

Core Preservation Area

- a. Suffolk County Correction Officers Association, Inc. Core Preservation Area Hardship Waiver Application / 1001 Middle Country Road, Ridge / 200-295-1-5.1, 5.2, 5.3 / construction of a second-story that measures 2,200 square feet (sf) on an existing building that measures 2,100 sf and construction of an attached garage that measures 1,225 sf on 2.77 acres in the J4 zoning district / *decision deadline 9/10/26 / decision*
- b. Elite Towers at Peconic River Sportsman's Club / 1 Connecticut Avenue, Manorville / 200-298-1-1 / request to amend a conservation easement in the Pine Barrens Credit Program to submit a core hardship application to construct a 150 foot tall communications tower and equipment compound on 60 acres in the A5 Residence zoning district / *draft response*
- c. PSEG-LI Calverton / request to replace 12 timber utility poles in the road right of way / *draft response*

Compatible Growth Area

- d. Colonial Woods Condominiums / w/s William Floyd Parkway, north of Yaphank Woods Boulevard, Yaphank / 200-552-1-7 / request to cut 10 dead, hazardous trees in a residential condominium complex on 87 acres in the A1 Residence zoning district / *draft response*

4. Public Hearings at 2:30 pm

- a. Oakcrest Compatible Growth Area Hardship Waiver Application / 49 and 63 Oakcrest Avenue, Middle Island / 200-343-6-20.1 / construction of a 3,350 sf building and 43 parking spaces for an existing 32,000 sf nursing facility in two, three-story buildings, parking and a sewage treatment plant on 4.4 acres in the NH-H zoning district / *decision deadline 10/01/26*
- b. Draft enforcement review process and procedure for alleged violations of the Act and the Plan in the Central Pine Barrens

5. Public Comment

6. Closed Advisory Session (if necessary)

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

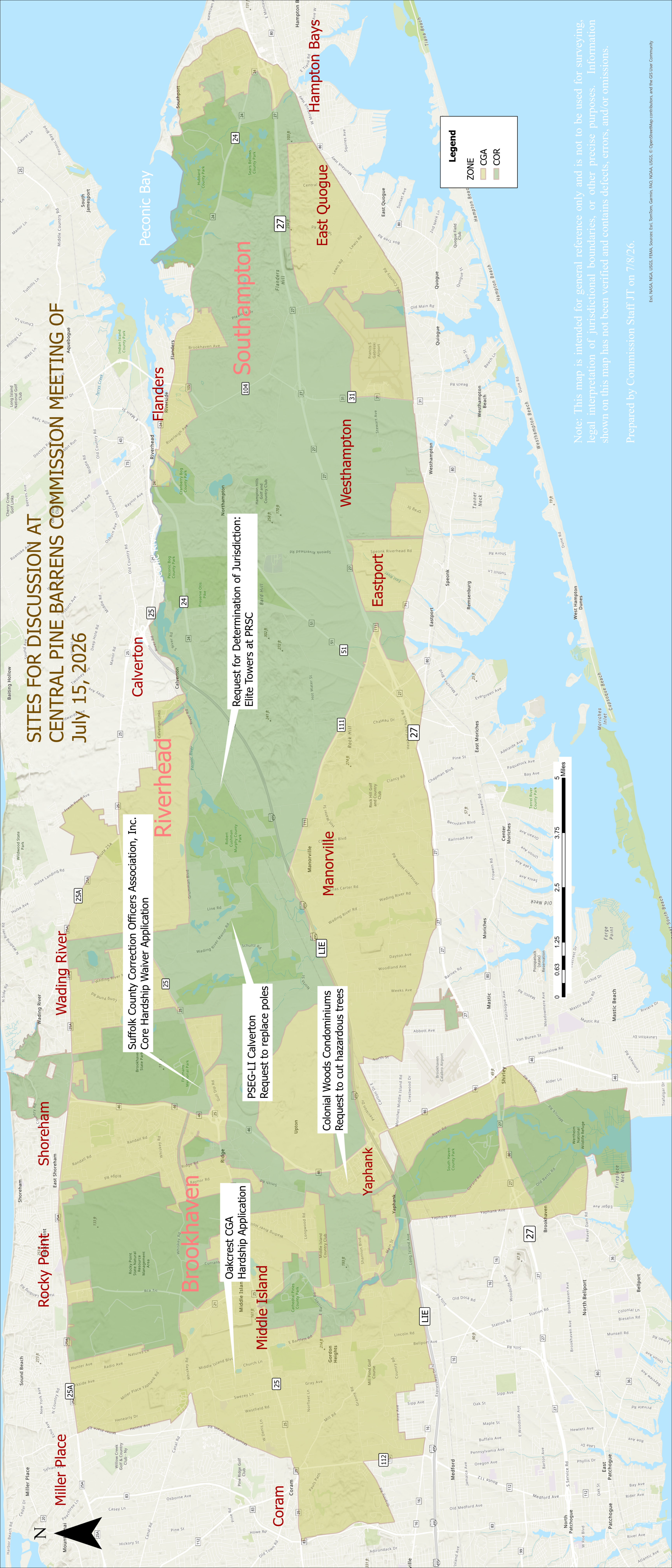
Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

Next Commission Meeting, Wednesday, August 19, 2026 at 2:00 pm
Brookhaven Town Hall, One Independence Hill, Farmingville
For meeting information visit <https://pb.state.ny.us>

SITES FOR DISCUSSION AT
CENTRAL PINE BARRENS COMMISSION MEETING OF
July 15, 2026



Note: This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries, or other precise purposes. Information shown on this map has not been verified and contains defects, errors, and/or omissions.

Prepared by Commission Staff JT on 7/8/26.



Central Pine Barrens Commission Meeting Summary
Wednesday, June 17, 2026
Riverhead Town Hall
4 West Second Street, Riverhead, NY 11901

2:00 pm

Commission members present: Mr. McGarry (New York State Governor's Representative), Mr. Panico (Brookhaven), Ms. Juengst (for Suffolk County), Ms. Moore and Ms. Scherer (for Southampton) and Mr. Halpin and Mr. Charters (for Riverhead)

Others present: Commission and other agency staff members included Ms. Hargrave, Mr. Milazzo, Mr. Tverdy, Mr. Callagy, Mr. Ward, Mr. Jaquez, Mr. Verby and Ms. Brown-Walton

The meeting started with the pledge to the flag led by Mr. Halpin and Mr. McGarry noted that with five Commission members present, there is a quorum.

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

a. Public Comment

Summary: Mr. Metcalf discussed his dissatisfaction with how the sandpit company 4 Old Country Road, LLC is being handled because it seems like nothing is happening. The Notice of Violation has not stopped them. They're operating like they have pre-existing non-conforming use, which they don't. There is a three-section modular office that was constructed on the site, septic and everything else without inspections. Mr. Metcalf continued that he believes the company is doing and asked the Commission to explain how 4 Old Country Road, LLC is able to get away with it and who's monitoring it. Southampton Member Moore responded that the Commission and Town are going through the process to stop any illegal actions at that location, there was a Cease and Desist Order, and Notice of Violation was issued.

b. Minutes for Commission Meeting of 05/20/26 review

*Summary: **The motion was made by Ms. Moore and seconded by Mr. Halpin to adopt May 20, 2026 meeting minutes. The motion was approved by 5:0 vote.***

c. Draft enforcement review process and procedure

Summary: Mr. Milazzo discussed the public hearing next month will be to receive comments on the draft process. If there are no significant concerns provided at the hearing, the Commission could adopt them. Then schedule the first public hearing, which will allow an applicant or a person that has been issued a notice of violation an opportunity to be heard on that notice. The Commission would enter a fact finding where they would determine whether a violation did occur and a proposed settlement. If that was not accepted by the respondent or the person with the violation, it would then be referred to the Attorney General. This is housekeeping to make sure there's a fair process for everyone to have an opportunity to be heard. The draft enforcement process and procedure is posted on the Commission website.

The motion was made by Ms. Juengst and seconded by Ms. Moore to schedule a Public Hearing for July 15, 2026 at 2:30pm. The motion was approved by 5:0 vote.

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2. Reports

- a. *Central Pine Barrens Nature Center: Report from Ms. Jakobsen, Analysis of existing nature centers, construction, funding and operation report on facilities*
Summary: Mr. Jakobsen discussed how existing nature centers are structured and their related costs to fund, operate and maintain. The information provided may assist with evaluating potential costs and fund and operate the proposed Central Pine Barrens Nature Center. Seven of the existing nature/visitor Centers identified in the Central Pine Barrens Nature Center Feasibility Study were further evaluated to obtain additional information on ownership of the facility and land, who is responsible for operation, the role of friends groups, how the center was created, initial construction costs, operations costs and grant sources that either helped to establish or fund various aspects of these centers.
- b. *Division reports:*
 - i. *Compliance and Enforcement Division: update*
Summary: Mr. Callagy discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed Compliance and Enforcement division report.
 - ii. *Education, Outreach and Communications Division: update*
Summary: Mr. Jaquez discussed highlights and updates on the Education and Outreach division's activities covered in the previously distributed Education and Outreach division report.
 - iii. *Land Use Division: update*
Summary: Ms. Hargrave discussed highlights and updates on the Land Use division's activities covered in the previously distributed Land Use division report.
 - iv. *Pine Barrens Credit Program: update*
Summary: Mr. Tverdyy discussed highlights and updates on the Credit Program's activities covered in the previously distributed Credit Program division report.
 - v. *Science and Stewardship Division: update*
Summary: The Science and Stewardship Manager was not present but the division's activities were previously distributed.

3. Invoices for Payment

- a. *Invoices for Judy Jakobsen, Consultant: Invoice #s 2026-17 to 21 for the period of May 4 to June 5, 2026 the amount of \$2,100.00*
*Summary: **The motion was made by Ms. Juengst and seconded by Mr. Halpin to authorize payment of Invoices 2026-17 to 21 to Consultant Judy Jakobsen. The motion was approved by 5:0 vote.***
- b. *Invoice for SWCA Consultant #246610 for the US Forest Service Grant to prepare the Southampton Community Wildfire Protection Plan in the total amount of \$19,053.84 for the period of April 19, 2026 to May 23, 2026*
*Summary: **The motion was made by Ms. Moore and seconded by Mr. Panico to authorize payment to SWCA Consultant for the period of April 19, 2026 to May 23, 2026. The motion was approved by 5:0 vote.***
- c. *Invoice for USGS #90180381 dated May 13, 2026 in the amount of \$24,343.00 for the period of January 1 to March 31, 2026*

Summary: The motion was made by Ms. Juengst and seconded by Mr. Halpin to authorize payment to USGS for the period of January 1, 2026 to March 31, 2026. The motion was approved by 5:0 vote.

4. Planning and Land Use

Core Preservation Area and Compatible Growth Area

- a. Southampton Town Referral: CVE US NY Westhampton 243, LLC, Site Plan / 80 Sunrise Highway, Remsenberg/Speonk / 900-276-3-1 and 2 / construction of solar facility on a 115 acre property with a sand mine in the CR 200 zoning district that was the subject of a Commission waiver granted on June 26, 2024

Summary: The motion was made by Mr. Halpin and seconded by Ms. Juengst to approve the draft response regarding Southampton Town Referral: CVE US NY Westhampton 243. The motion was approved by 5:0 vote.

- b. Request for Determination of Jurisdiction: Elite Towers at Peconic River Sportsman's Club / 200-298-1-1 / River Road, Manorville / request to construct a 150-foot tall cell tower and 1,525 sf equipment basin for four private carriers and the Manorville Fire District on a 60 acre property with a conservation easement in the Credit Program where 7.99 Pine Barrens Credits were issued

Summary: Ms. Hargrave discussed that the property is in the core area and is currently utilized as a shooting range. The property is subject to restrictions associated with participation in the credit program, including limitations that may affect construction activities. Ms. Hargrave discussed that the proposed Elite Tower project constitutes development and similar cell tower applications have previously been reviewed by the Commission and determined to be development. And a similar cell tower application was recently denied. Discussion included whether alternative locations had been sufficiently explored on property outside of the core preservation area or at another suitable location that could address the identified service needs while reducing potential impacts.

Mr. Armentano a representative for the applicant, discussed that the materials submitted for review were substantially the same as those previously provided to the Commission, except for an additional conservation easement submitted as supplemental documentation. He clarified that the request before the Commission was limited to seeking authorization to amend the conservation easement to allow the applicant to submit a hardship application. Mr. Armentano emphasized that the request was not for the Commission to consider the merits of the hardship application or decide regarding approval of the proposed Elite Tower project. Typically, when Pine Barrens Credits are allocated, a conservation easement is placed on the property to preserve the land in exchange for those credits. The Peconic River Sportsman's Club (PRSC) conservation easement contains a specific restriction that prevents the property owner from seeking a hardship application. He stated that the requested amendment would provide the applicant the opportunity to submit a hardship application for Commission review. Mr. Armentano expressed that looking at the hardship application the applicant may not be able to match the requirements to grant a waiver but the applicant is asking to allow the waiver request to be submitted and that the easement has the ability to be amended.

Mr. Milazzo discussed the PRSC easement and the rights that were preserved and that PRSC was represented by counsel when the easement was reviewed and approved and in exchange the PRSC was issued credits and PRSC agreed to not apply for a hardship. Mr. Armentano expressed the support letters received for this

project from area fire departments. Mr. Armentano said PRSC would offer free installation for fire departments. A discussion ensued.

The motion was made by Mr. Panico and seconded by Ms. Moore to defer the draft response regarding Elite Towers at Peconic River Sportsman's Club until the July 15, 2026 meeting. The motion was approved by 5:0 vote.

Compatible Growth Area

- c. Oakcrest CGA Hardship Waiver Application / 49 and 63 Oakcrest Avenue, Middle Island / 200-343-6-20.1 / construction of a 3,350 sf building and 43 parking spaces for an existing 32,000 square foot nursing facility in two buildings, parking spaces and a sewage treatment plant on 4.14 acres in the NH-H zoning district

Summary: The motion was made by Mr. Panico and seconded by Ms. Juengst to schedule a Public Hearing for July 15, 2026. The motion was approved by 5:0 vote.

- d. Suffolk County Gabreski Airport / request to amend the Airport Master Plan to accommodate a land swap of equal area to develop a secure Air National Guard Mission Support Facility on the east side of the Airport property in an area of unprotected open space and protect an area slated for development on the south side of the Airport property

Summary: The staff will send a letter and resolution to respond to the request as discussed.

5. Public Hearing at 2:30 pm

- a. Suffolk County Correction Officers Association, Inc. Core Hardship Waiver Application / 1001 Middle Country Road, Ridge / 200-295-1-5.1, 5.2, 5.3 / construction of 2,200 square foot second story on a 2,100 sf existing building and 1,225 sf garage on a 2.77 acre site in the J4 zoning district / decision deadline 9/10/26

Summary: A stenographic transcript was prepared for the hearing

6. Public Comment

Summary: Mr. Gazza discussed that he believes there is development occurring at the sandpit at 4 Old Country Road, LLC and business includes contracting, segmenting and adding and operating a big industrial business. He believes a Stop Work Order should be presented to the company. Mr. Milazzo discussed that next month there is a hearing for the Commission's Enforcement Procedures and Process to be reviewed.

The motion was made by Ms. Juengst and seconded by Mr. Halpin to close the public portion of the meeting and move into the Hearing. The motion was approved by a 5:0 vote.

The meeting was adjourned at approximately 3:51 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for May 20, 2026
2. Final Commission meeting summary for May 20, 2026
3. Draft Violation Determinations and Remedies
4. Draft Memo regarding Information on existing nature centers, construction funding and operation dated June 17, 2026; Imagine a Central Pine Barrens Nature Center pamphlet
5. Compliance and Enforcement Division update dated April-June 2026
6. Education Outreach and Communication Division update dated June 2026
7. Land Use Division update dated June 17, 2026
8. Credit Program update dated June 17, 2026
9. Science and Stewardship Division update dated June 17, 2026
10. Invoices for Judy Jakobsen, Consultant dated May 20, 2026 to June 8, 2026
11. Invoice for SWCA Consultant for US Forest Service Grant dated May 20, 2026
12. Invoice for USGS dated May 13, 2026
13. Draft response and site plan and application regarding Referral: CVE US NY Westhampton 243, LLC dated June 17, 2026
14. Final response regarding Referral: CVE US NY Westhampton 243, LLD dated June 17, 2026
15. Draft response and attachments regarding Elite Towers at Peconic River Sportsman's Club dated June 17, 2026; Letters and Exhibits from Farrell Fritz dated June 10 and June 11, 2026
16. Oakcrest Compatible Growth Area Hardship Application regarding 49 & 63 Oakcrest Avenue dated June 2026
17. Letter and materials from Suffolk County regarding Suffolk County Gabreski Airport Proposed Developable Land Swap for ANG Mission Support Facility dated June 4, 2026
18. Draft Staff Report for Public Hearing regarding Suffolk County Correction Officers Association Core Preservation Area Hardship Application dated June 17, 2026

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date 7/3/2026

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #22

FOR

**Consultation
Services
Central Pine
Barrens Work**

Details

Work performed 6/8/2026 - 6/12/2026	Hours
6/8/2026 review and edit final memo and matrix for nature center	2
6/10/2026 teams meeting to review GIS layer for CWPP	0.75
TOTAL HOURS	2.75
TOTAL INVOICE AMOUNT	\$220.00

Make all checks payable to Judith Jakobsen

If you have any questions concerning this invoice, use the following contact

Contact information: mooneypdfarm@optonline.net or 631-559-5996

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date 7/3/2026

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #23

FOR

**Consultation
Services
Central Pine
Barrens Work**

Details

Work performed 6/15/2026 - 6/19/2026	Hours
6/17/2026 Attend Commission meeting to present funding information on some of the existing nature centers	1
6/18/2026 CWPP monthly virtual meeting research grants and public benefit of nature centers	4.5

TOTAL HOURS	5.5
TOTAL INVOICE AMOUNT	\$440.00

Make all checks payable to Judith Jakobsen
If you have any questions concerning this invoice, use the following contact
Contact information: mooneypdfarm@optonline.net or 631-559-5996

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date 7/3/2026

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #24

FOR

**Consultation
Services
Central Pine
Barrens Work**

Details

Work performed 6/22/2026 - 6/26/2026	Hours
6/23/26 research NYSOGS & DASNY management of capital projects	3.15
6/24/2026 CWPP recommendations tables download and review	0.15
Nature center information for center planning team	0.15
6/26/2026 NYSOGS information	2
TOTAL HOURS	5.45
	\$436.00

Make all checks payable to Judith Jakobsen

If you have any questions concerning this invoice, use the following contact

Contact information: mooneypdfarm@optonline.net or 631-559-5996



Central Pine Barrens Commission
Meeting of July 15, 2026
Draft Resolution to Approve
Suffolk County Correction Officer Association
Core Preservation Area Hardship Waiver
1001 Middle Country Road, Ridge, Town of Brookhaven
SCTM Numbers 200-295-1-5.1, 5.2 and 5.3

Present:

- _, for the Governor of the State of New York
- _, for the Suffolk County Executive
- _, for the Brookhaven Town Supervisor
- _, for the Riverhead Town Supervisor
- _, Southampton Town Supervisor

I. The Project

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

The Suffolk County Correction Officers Association (SCCOA) owns property located at 1001 Middle Country Road in Ridge in the Town of Brookhaven and within the Core Preservation Area of the Central Pine Barrens. The 2.77-acre property (the Project Site) is developed with a one-story commercial building and parking lot currently in use in the J4 Business zoning district.

SCCOA (the Applicant) seeks to construct a second-story addition that measures 2,200 square feet on the existing building that contains 2,100 square feet and construct an attached garage that contains 1,225 square feet for a total building area of 4,300 square feet. These proposed additions are referred to as the Project.

The proposed garage will be constructed in an existing lawn area. The Applicant does not propose to clear existing natural vegetation, to retire sanitary credits, or to make changes to the parking lot or access point on Middle Country Road.

The Project, under the proposal, will retain the existing conditions of 34% (0.94 acres) of cleared land and 66% (1.83 acres) will remain natural. The Applicant pledges to protect the remaining 1.83 acres of natural open space with a conservation easement. Two existing sheds on the mowed lawn area will be removed.

The septic system will be upgraded to install an innovative and alternative onsite wastewater treatment system. Sanitary flow however, will not increase in excess of the allowable amount for the Project Site, according to the Applicant. The as-of-right sanitary flow for the Project Site is 831 gallons-per-day (gpd). Based on materials submitted, the Project does not exceed the as-of-right sanitary flow.

The Applicant requires approval from the Central Pine Barrens Commission because the Project constitutes development and the Project Site is in the Core Preservation Area as defined in Article 57 of the Environmental Conservation

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Law, where development is to be prohibited or redirected absent Commission approval for a waiver from such generalized prohibition. Details and specifications concerning the Applicant's proposal are depicted in a sketch on the Site Plan prepared by AJC Land Surveyor dated May 20, 2025. The Applicant is represented by Diane C. Moje of D&I Expediting Services, Inc. (Moje).

II. The Act and the Commission

The New York State Legislature passed the Long Island Pine Barrens Protection Act (Act) and codified it in Article 57 of the Environmental Conservation Law (ECL), which was signed into law on July 13, 1993. The Act, among other things, created the Central Pine Barrens Joint Planning and Policy Commission (Commission) to, among other functions, oversee land use activities within the specially designated Central Pine Barrens Area. In furtherance of its mission and in compliance with the directives set forth in the Act, the Commission drafted the Central Pine Barrens Comprehensive Land Use Plan (the Plan), which was adopted on June 28, 1995.

ECL §57-0107 defines development to be the “performance of any building activity, . . . , the making of any material change in use or intensity of use of any structure or land. Without limitation the following uses shall be taken for the purposes of this article to involve development . . . (b) a material increase in the intensity of use of land or environmental impacts as a result thereof.” ECL §57-0123 provides that “no application for development within the Central Pine Barrens area shall be approved by any municipality, or county or agency thereof or the [C]ommission . . . unless such approval or grant conforms to the provisions” of the Plan and Environmental Conservation Law Section. The Project constitutes development as defined in the Act.

III. Materials Submitted to the Commission

On May 13, 2026, the Applicant submitted a Core Preservation Area Hardship Waiver Application (the Application) prepared by Moje with a written project description, an Environmental Assessment Form Part I, owner's affidavit, sketch of the Project on a copy of a survey prepared by AJC Land Surveyor dated May 20, 2025, court settlement of a prior violation and certificate of occupancy.

On June 23, 2026, Moje submitted supplemental information for the Project including additional background information and details on the Project and hardship.

IV. Public Process

On June 17, 2026, the Commission held a public hearing on the Project at which the Commission reviewed a Staff Report evaluating the Project and Exhibits prepared for the hearing and heard testimony from the Applicant. The hearing was closed, and a one-week written comment period was provided. No comments were received at the hearing or during the extended comment period. A transcript of the hearing was received and distributed to the Commission and posted on the Commission website.

V. The Project Site and Study Area

The Staff Report defined a Study Area which analyzed, in general, the land use and ownership of property within a one-half mile radius of the Project Site. The Study Area is bisected by the principal arterial east-west State Route 25, Middle Country Road, as classified by the New York State Department of Transportation. This section of Middle Country Road acts as the boundary separating the Compatible Growth Area to the south and the Core Preservation Area to the north.

The Project Site is on the north side of Middle Country Road. Public land under the ownership of Brookhaven Town, Suffolk County and New York State is situated to the immediate east and west in the Core Preservation Area of the Central Pine Barrens. Low density residential uses are present north of the Project Site.

The south side of Middle Country Road contains residential development in the Compatible Growth Area and non-residential uses on the road front including the Ridge Fire Department and a storage facility. The two largest non-residential uses in the Study Area include Fireman's Park to the east and Brookhaven National Laboratory on the south side of the Study Area.

VI. Environmental Review and Other Required Approvals

The Project is a Type II Action pursuant to 6 NYCRR Part 617.5(c)(9) of the State Environmental Quality Review Act (SEQRA). No further environmental review pursuant to the SEQRA regulations is required.

Other agencies with jurisdiction will need to review and issue permits and/or approvals for the Project to proceed. These include the Town of Brookhaven for site plan and building permits and the Suffolk County Department of Health Services (SCDHS) for Article 6 of the Sanitary Code requirements.

The Commission requested information from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on whether the Project would impact state listed historic resources. OPRHP replied by letter dated June 10, 2026 that, "no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project." Thus, the Project will not impact such resources.

VII. History of the Project Site and Prior Commission Decisions

SCCOA purchased the site in 2013. The one-story commercial building was vacant when SCCOA purchased it. The building was constructed in 1970 as per the July 16, 1970 Certificate of Occupancy (C.O.) issued to Legend Homes Inc. In November 2000, the C.O. was updated to reflect repairs of fire damage. The 2000 C.O. was issued to the Lake Grove Treatment.

The Commission has reviewed similar exemption requests in the past; some have been approved and some denied. Two other Core Preservation Area Extraordinary Hardship Waiver Approvals relate to commercial or office building and parking lot expansions including second-story additions to existing buildings in the Core Preservation Area.

In 2025, the Commission approved the Klein Core Preservation Area Hardship Waiver Application to add a second-story too an existing office building in Middle Island that had no increase in footprint for the office use and to create additional parking in a cleared area.

In 2010, the American Physical Society (APS) filed a Core Hardship Waiver Application for a 16,274-square-foot second-story expansion to the existing 31,062-square-foot commercial office building on a five-acre Project Site. The first Core Hardship Waiver was granted on December 12, 1994 for an extension of the existing office building with a condition requiring future expansions to be accommodated vertically above the new addition.

The Commission granted the waiver for APS on July 21, 2010 with the finding that “APS has designed the proposal in harmony with the project site’s physical surroundings and boundary constraints, with minimal disturbance to existing natural vegetation to the greatest extent possible, and in accordance with the condition imposed by the Commission in its 1994 Waiver resolution to accommodate future expansions of the building on a vertical plane rather than expanding the existing building laterally.”

SCCOA is characterized similarly to other approvals in the Core that did not materially alter grade or vegetation and provided evidence of a lack of beneficial use including the redevelopment of Michealangelo’s in Manorville (11/15/2023) for a drive through restaurant and 645 Grumman Boulevard (05/20/2026) office complex conversion to indoor agriculture.

SCCOA is distinguished from Denials in the Core occurred when significant increases in density or intensity were proposed and demonstrations of a lack of beneficial use were not supported by evidence including IGHL in Manorville (07/19/2017) and 7 Eleven in Ridge (01/19/2011) parking lot expansion.

VIII. Commission Review of the Act’s Extraordinary Hardship Waiver Criteria and Applicant’s Materials

In reviewing a Application, the Commission is required to consider the criteria set forth in ECL §57-0121(10)(a) and (c) to determine whether an applicant has established the existence of extraordinary hardship as distinguished from a mere inconvenience, whether the requested relief is consistent with the purposes, provisions of the Act, and if granted, would not result in a substantial impairment of the resources of the Central Pine Barrens area. An applicant demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this article, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property under certain conditions.

The Commission has considered the Application, the Staff Report and Exhibits, transcripts of the hearings and its prior decisions and finds that SCCOA has demonstrated that an extraordinary hardship exists.

The SCCOA is nonprofit labor organization funded by membership dues. The Applicant purchased the property for use as its office and headquarters and explained that a hardship is imposed by the limited building size and the facility’s inability to accommodate the organization’s membership.

The site is centrally located for SCCOA's operations. However, the membership has outgrown the current building layout.

The nature of the use requires meetings on a regular basis however the facility lacks space and requires outsourcing meeting space in other locations that is costly to the organization, not convenient, not geographically centrally located and not serving the use and membership. The Applicant expressed that limited office space restricts current business activity and future growth, thus hindering the beneficial use of the property.

The current membership consists of 900 active corrections officers. An estimated 200 members typically attend meetings at the site. The facility is used for membership meetings, mental health and peer counseling support, confidential administrative guidance on health benefits and retirement, member advocacy functions and regular educational programming.

No dedicated conference space is present in the existing facility to accommodate regular meeting attendance requiring the need to rent space offsite for regular meetings. Constraints imposed by the current facility present a financial burden to the organization reducing opportunities for other member services and benefits. The buildings original construction in 1970 provides no layout with the ability to reuse or reconfigure interior spaces for large group assembly functions. Its physical and financial limitations are ineffective to support operations going forward. The presence of the Core and its restrictions restrict opportunity for growth potential on the project site as it was intended when the site was purchased by the organization. A second-story achieves the goal of the SCCOA to accommodate membership meetings on a site that is centrally located in the service area of this law enforcement public safety organization while minimizing adverse impacts on the Core and allows the organization to maintain the use on the project site without the disruption and hardship of finding a new site and moving. The Applicant has demonstrated that without the Project the site has no beneficial use by SCCOA.

The Applicant states the Project's proposal for a second story addition does not affect neighboring properties. The Commission finds the vertical expansion of a building that existed before the Act is designed in harmony with the site's physical boundary constraints and results in no disturbance to the existing natural vegetation. The Applicant proposes to record a conservation easement to protect 1.83 acres of natural open space on the Project Site in the Core Preservation Area, preserving the pine barrens ecosystem and groundwater resources consistent with the goals and objectives of the Act.

The attached garage is needed to secure SCCOA-owned vehicles and equipment to minimize threats of vandalism, theft and mischief. SCCOA has two trailers and a billboard truck and equipment including community outreach tools that support charitable, civic, memorial and public safety events. Vehicles are vulnerable and exposed when left outdoors overnight and on weekends.

The Applicant states the inability to have a beneficial use results from unique circumstances peculiar to the subject property which are not the result of any action or inaction by the Applicant or the owner or their predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993. The Commission finds that the Applicant has demonstrated such criteria.

The Applicant states the Project 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. The Commission finds the Project's lack of disturbance to natural vegetation and use of previously cleared areas demonstrates these criteria.

The Commission finds the waiver is consistent with the purposes, objectives or the general spirit and intent of Article 57 as the Project Site was developed prior to the Act and current plans preserve existing natural vegetation. Preservation of the balance of natural areas on the project site is consistent with the Act's goals and objectives for the Core Preservation Area. The Project Site will maintain a clearing limit of less than 35% in a commercial zoning district, which conforms with the standard for a site in the Compatible Growth Area.

The Commission finds the waiver is the minimum relief necessary to relieve the extraordinary hardship on behalf of the Applicant to meet their needs and minimize adverse impacts on the Project Site in the Core Preservation Area to the greatest extent practicable.

The Commission hereby determines the Application, as submitted, satisfies the criteria for a Core Preservation Area Extraordinary Hardship Waiver pursuant to New York State ECL Article 57 §57-0121(10) for the reasons set forth in this resolution.

IX. Conclusion

Based on the foregoing and upon review of the Application, the Commission hereby grants the waiver requested by the Applicant. The waiver is granted only for the Project. No other uses or development of the site in the J4 Business zoning category is permitted.

Aside from this waiver, the Applicant must obtain any and all other permits and approvals from other agencies including the Town of Brookhaven and SCDHS.

A condition of approval requires the Applicant to record a Conservation Easement on the property to protect 1.83 acres of natural open space on the property and bar the construction of any other structure(s), uses and disturbance to areas with natural pine barrens vegetation on the property.

The Suffolk County Correction Officer Association Core Preservation Area Hardship Waiver is approved, as per the site plan prepared by AJC Land Surveyor last dated May 20, 2025, subject to conditions including:

1. The waiver shall be valid for a period of five (5) years from the date of approval, and a new application will be required after five years even for the same project and survey.
2. The waiver is granted only for this specific Project as depicted in the sketch on the survey prepared by AJC Land Surveyor last dated May 20, 2025 and explained in the Application.
3. Submit any updates in the Project if they occur. No substantial changes may occur without Commission approval. If any changes occur in the Project, the Applicant must notify the Commission and submit an amended application, subject to review and approval.

4. The Applicant must obtain additional permits and approvals, as required by law, prior to commencement of activity related to the Project including Town of Brookhaven and SCDHS review and approval, and any other approvals and permit requirements that apply to the Project.
5. The Project Site is not eligible for a credit allocation in the Pine Barrens Credit Program.
6. No clearing or disturbance of trees or other natural vegetation present on the Project Site shall occur, as confirmed by the Applicant.
7. Install snow fencing on the construction limits to protect the natural area during construction and remove snow fencing post-construction.
8. Conservation Easement:
 - a. The Applicant must submit a draft Conservation Easement for review by the Commission or legal counsel.
 - b. The easement must be granted to the Commission to include the protection of the Project Site's existing natural vegetation, 1.83 acres. It must include no disturbance to natural vegetation and not permit the construction of any other structures and uses on the property.
 - c. The Applicant must submit the draft easement for review and approval prior to site disturbance.
 - d. The easement must be approved and recorded in the Office of the County Clerk prior to site disturbance.
9. Submit a copy of the As-Built Survey for the Commission's file record within one year of the issuance of the Certificate of Occupancy for the expansion.

Suffolk County Correction Officers Core Preservation Area Hardship Waiver

Ridge, Town of Brookhaven, SCTM Numbers 200-295-1-5.1, 5.2 and 5.3

Decision to Approve

Record of Motion

Motion by:

Seconded by:

In Favor:

Opposed:

Absent:

Abstention:

cc: Town of Brookhaven Department of Planning, Environmental, and Land Management
Suffolk County Department of Health Services



John C. Armentano
Partner

Direct Dial: 631.367.0719
Direct Fax: 631.367.0788
jcarmentano@farrellfritz.com

100 Motor Parkway
Suite 300
Hauppauge, NY 11788
www.farrellfritz.com

Our File No.
31269-109

June 25, 2026

BY FEDERAL EXPRESS

Julie Hargrave
Interim Executive Director/Pine Barrens Manager
Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

Re: JUSTIFICATION FOR CONSERVATION EASEMENT MODIFICATION
Elite LI Towers, LP
1 Connecticut Avenue, Manorville, NY 11949
SCTM No.: 0200-298.00-01.00-001.000

Dear Ms. Hargrave:

As a follow up to the June 17th meeting of the Central Pine Barrens Commission (the "Commission"), we are supplementing our prior written submissions to include a letter of support from the Riverhead Town Board. A copy of the letter of support has been annexed hereto as **Exhibit 1**.

As stated in the letter, the members of the Town Board have expressed their full support for our request to amend the conservation easement to allow for the submission of a Hardship Waiver application. In support of the need for the proposed tower, the Town Board notes, "This is an area with **known poor cellular service** and the **tower will augment emergency services radio frequency for the local Police, Fire Departments and Ambulance units** responding in the area (emphasis added)."

The Town Board urges the Commission to consider both the compelling public need and the lifesaving services associated with the proposed tower. According to the Town Board, "This area has had prior Brush Fire Operations with **limited Radio Communication services endangering the Volunteer Firefighters serving in our community** (emphasis added)."

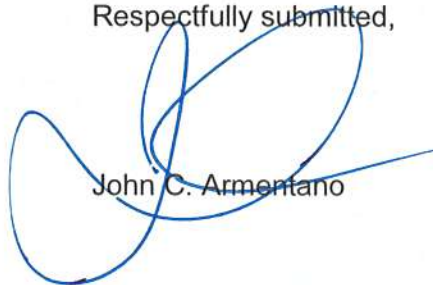
As stated by the members of the Town Board, we submit that there is a compelling justification for the requested amendment of the conservation easement. Therefore, we respectfully request that the Commission consent to amending the conservation easement's prohibition against the submission of a Hardship Waiver application.

Central Pine Barrens

Page 2

Please contact our office if you have any questions or require additional information. Thank you very much for your time and consideration.

Respectfully submitted,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

John C. Armentano

HAM
Enclosures

cc: John C. Milazzo, Special Counsel to the Central Pine Barrens Commission
Robert D. Gaudioso, Esq.

EXHIBIT 1



TOWN OF RIVERHEAD

TOWN BOARD

Kenneth T. Rothwell, Councilman

Robert Kern, Councilman

Joann Waski, Councilwoman

Denise Merrifield, Councilwoman

4 West Second Street, Riverhead, New York 11901

Tel: (631) 727-3200 Ext. 225

rothwell@townofriverheadny.gov

June 19, 2026

Pine Barrens Commission

Re: PRSC Elite Cell Tower

In sum and substance, we, the members of the Riverhead Town Board, fully support the Peconic River Sportsman's Club's application to amend or modify a provision of its conservation easement that prohibits the Club from apply for a core hardship application in connection with its application for a proposed cell tower on Club property.

New York law and the conservation easement's language itself allows for and contemplates such a request.

There is no precedent that prevents the Commission from amending the conservation easement for this purpose. Moreover, such a modification does not alter the purpose and intent of the conservation easement.

The proposed cell tower is supported by many local Police and Fire Departments in the vicinity who will utilize the proposed cell tower.

Finally, the Commission must consider the compelling public need and lifesaving services that will be served by the proposed cell tower in this specific location. This is an area with known poor cellular service and the tower will augment emergency services radio frequency for the local Police, Fire Departments and Ambulance units responding in the area. This area has had prior Brush Fire Operations with limited Radio Communication services endangering the Volunteer Firefighters serving in our community. In addition, many state and local Police agencies hold training on the grounds of the PRSC and communication failures have been an ongoing concern and limit training programs.

We thank you for your time and attention to this matter.

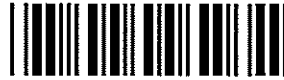
Sincerely,

Kenneth Rothwell
Riverhead Town Councilman

Robert Kern
Riverhead Town Councilman

Joann Waski
Riverhead Town Councilwoman

Denise Merrifield
Riverhead Town Councilwoman



SUFFOLK COUNTY CLERK
RECORDS OFFICE
RECORDING PAGE

Type of Instrument: EASEMENT/DOP
Number of Pages: 14
Receipt Number : 05-0035385
TRANSFER TAX NUMBER: 04-35585

Recorded: 04/04/2005
At: 04:18:17 PM
LIBER: D00012380
PAGE: 440

District: 0600 Section: 142.00 Block: 02.00 Lot: 001.001

EXAMINED AND CHARGED AS FOLLOWS

Deed Amount: \$0.00

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$42.00	NO	Handling	\$5.00	NO
COE	\$5.00	NO	NYS SRCHG	\$15.00	NO
TP-584	\$5.00	NO	Notation	\$0.00	NO
Cert.Copies	\$9.10	NO	RPT	\$130.00	NO
SCTM	\$0.00	NO	Transfer tax	\$0.00	NO
Comm.Pres	\$0.00	NO			
			Fees Paid	\$211.10	

TRANSFER TAX NUMBER: 04-35585

THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Edward P.Romaine
County Clerk, Suffolk County

RECORDED
2005 Apr 04 04:18:17 PM
Edward P. Romaine
CLERK OF
SUFFOLK COUNTY
L 000012380
P 440
DT# 04-35585

Number of pages

TORRENS

Serial # _____

Certificate # _____

Prior Ctf. # _____

Deed / Mortgage Instrument

Deed / Mortgage Tax Stamp

Recording / Filing Stamps

3

FBES

Page / Filing Fee _____

Handling _____ 5. 00

TP-584 _____

Notation _____

EA-52 17 (County) _____ Sub Total _____

EA-5217 (State) _____

R.P.T.S.A. _____ 130

Comm. of Ed. _____ 5. 00

Affidavit _____

Certified Copy _____

NYS Surcharge _____ 15. 00 Sub Total _____

Other _____ Grand Total _____



Mortgage Amt. _____

1. Basic Tax _____

2. Additional Tax _____

Sub Total _____

Spec./Assit. _____

or _____

Spec. /Add. _____

TOT. MTG. TAX _____

Dual Town _____ Dual County _____

Held for Appointment _____

Transfer Tax _____

Mansion Tax _____

The property covered by this mortgage is or will be improved by a one or two family dwelling only.

YES _____ or NO _____

If NO, see appropriate tax clause on page # _____ of this instrument.

4

06.00
Dist.

Real Property
Tax Service
Agency
Verification



See Attached

5 Community Preservation Fund

Consideration Amount \$ _____

CPF Tax Due \$ _____

Improved _____

Vacant Land _____

TD _____

TD _____

TD _____

6

Satisfactions/Discharges/Releases List Property Owners Mailing Address

RECORD & RETURN TO:

Certilman Baun Adler & Hyman
Attn: Frederick Mars
1393 Veterans Memorial Hwy.
Suite 301 S
Hauppauge, NY 11788

7

Title Company Information

Co. Name Chicago Title Ins. Co.

Title # 3802-95093

8

Suffolk County Recording & Endorsement Page

This page forms part of the attached Conservation Easement made by:
(SPECIFY TYPE OF INSTRUMENT)

Pocomt River Sportsman's
Club, Inc.

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

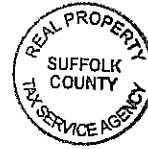
TO
Central Pine Barrens Joint
Planning and Policy Commission

In the Township of Reverhead
In the VILLAGE
or HAMLET of Manorville

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

Tax Maps

District	Section	Block	Lot	School District
0200	29800	0100	001000	SOUTH MANOR
0600	14200	0200	001001	RIVERHEAD CENTRAL SCHOOL
0600	14300	0100	008001	RIVERHEAD CENTRAL SCHOOL
0600	14300	0100	013001	RIVERHEAD CENTRAL SCHOOL
0600	14300	0100	015000	RIVERHEAD CENTRAL SCHOOL
0600	14300	0100	023000	



4/4/05
CF

Conservation Easement

THIS INDENTURE, made this 10th day of March, ~~2000~~ 2005,

Witnesseth:

WHEREAS, Peconic River Sportsman's Club, Inc., formerly known as Babylon Rod and Gun Club, Inc., with offices at RFD 389 River Road, Manorville, New York 11949, hereinafter called the Grantor is the owner in fee simple of certain real property, hereinafter called the "Property," which has ecological, scientific, groundwater recharge, scenic, educational, recreational and aesthetic value (the "Natural Values") in its present state as a natural area which property is partly located in the Town of Brookhaven and partly located in the Town of Riverhead in the County of Suffolk, State of New York, which property is more particularly described as follows:

See Schedule A annexed hereto

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (the "Commission"), with offices at P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587, was created pursuant to the Long Island Pine Barrens Protection Act of 1993 (the "Act") codified in New York Environmental Conservation Law Article 57 ("Article 57"), is hereinafter described as the "Grantee;" and

WHEREAS, the Central Pine Barrens is a 100,000 acre area within the central and eastern portions of New York's Suffolk County which includes parts of the towns of Brookhaven, Riverhead and Southampton, and which is divided into two areas, the Core Preservation Area (the "Core") and the Compatible Growth Area (the "CGA"), as delineated in Article 57; and

WHEREAS, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the "Plan") which is designed to protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and its significant natural resources, including plant and animal populations and communities, to protect the quality of surface water and groundwater, discourage piecemeal and scattered development, promote recreational and environmental educational uses that are consistent with the Plan, to accommodate development in a manner consistent with the long term integrity of the Pine Barrens ecosystem, and to ensure that the pattern of development is compact, orderly and efficient; and

WHEREAS, the Plan's goals for the Core include protecting and preserving the ecologic and hydrologic functions of the Central Pine Barrens by preserving the Central Pine Barrens area in its natural state, promoting compatible agricultural, horticultural and open space and certain recreational uses within the framework of maintaining a Pine Barrens environment and minimizing the impact of such activities thereon, prohibiting or redirecting new construction or development, accommodating specific Pine Barrens management practices, and protecting and preserving the

quality of surface and groundwaters; and

WHEREAS, this grant of Conservation Easement is made pursuant to Environmental Conservation Law ("ECL"), Title 3, Article 49 or its similar successor statute, and this Conservation Easement is intended to comply with said statute; and

WHEREAS, Grantor and Grantee recognize the ecological, scientific, groundwater recharge, scenic, educational, recreational and aesthetic value of the Property and have the common purpose of conserving the Natural Values of the Property by the conveyance to the Grantee of a Conservation Easement on, over and across the Property which shall conserve the Natural Values of the Property and advance the goals of the Commission pursuant to the Act and the Plan;

NOW, THEREFORE, Grantor, for and in consideration of the facts above and hereinafter recited including, but not limited to, entitlement to receipt of the Pine Barrens Credits pursuant to Grantor's Letters of Interpretation dated February 7, 2005 in the amount of 7.99 Brookhaven and 9.26 Riverhead Pine Barrens Credits and of the mutual covenants, terms, conditions and restrictions herein contained, does hereby give, grant, bargain, sell and convey unto the Grantee, its successors and assigns forever a Conservation Easement in perpetuity over the Property consisting of the following:

1. The right of visual access to and view of the Property in its natural, scenic and open condition.
2. The Grantor's forbearance from taking any of those actions constituting development pursuant to ECL Section 57-0107(13), and the Grantor's forbearance from operations or uses pursuant to ECL Section 57-0107(13)(i-xiv) unless such operations or uses are otherwise expressly reserved herein.
3.
 - a. The right of the Grantee, its respective agents, employees or other representatives, to enforce this Conservation Easement in an action at law or in equity or both.
 - b. The right of the State of New York, the County of Suffolk, the Township in which the Property is situated or their respective agents, employees or other representatives, exercising a third party enforcement right, to enforce this Conservation Easement in an action at law or in equity or both.

Enforcement pursuant to (a) and (b) hereinabove shall not be defeated because of any subsequent adverse possession, laches, estoppel or waiver. Grantee or any party with a third party enforcement right or their respective agents, employees or other representatives shall be permitted access, if necessary, to cross other lands retained by the Grantor, and to enter upon the Property at all reasonable times but

solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions herein contained. Grantee, its agents, employees or other representatives, agree to give Grantor reasonable advance notice of its intention to enter and inspect the Property, and further such entrance and inspection shall be in a reasonable manner and at reasonable times. Furthermore, Grantor shall provide any third party with enforcement rights, or its agents, representatives or employees, access to cross other lands retained by Grantor, and permission to enter upon the Property, upon receipt of advance notice of such third party's intention to enter and inspect. Such entrance and inspection shall be in a reasonable manner and at reasonable times and accompanied by a representative of the Grantor.

Covenants

In furtherance of the foregoing affirmative rights, the Grantor makes the following covenants, on behalf of himself, his successors, heirs and assigns, lessees, personal representatives and other successors in interest, which covenants shall run with and bind the Property in perpetuity:

1. There shall be no alteration of vegetation or change in topography, no development as defined by ECL Section 57-0107(13) and no operations or uses not constituting development pursuant to ECL Section 57-0107(13)(i-xiv), unless otherwise expressly reserved herein.
2. There shall be no storing, dumping, discharging or placing of any substance in or on the Property in contravention of any applicable federal, state or local law or ordinance.

Reserved Rights

NEVERTHELESS, and notwithstanding any of the foregoing provisions to the contrary and as expressly limited herein, the Grantor reserves for himself, his heirs, successors and assigns the following reserved rights in addition to all those rights previously retained, reserved and defined herein, which may be exercised without written notice to the Grantee.

1. The right of exclusive possession of the Property.
2. The right to use the Property for passive recreational activities such as, but not limited to, hunting, fishing, camping, and hiking so long as such activities conform to local zoning regulations and do not constitute development as defined in ECL Section 57-0107(13) and do not involve the material alteration of vegetation.

3. The right to use the Property for any existing, expanded, or new activity involving agriculture or horticulture, the erection of agricultural buildings, required for the production of plants or animals, including but not limited to barns, greenhouses, farm stands and bird pens, provided such activities are within a cleared area as shown on the aerial photograph taken by AeroGraphics Corp. dated March 7, 2000 and depicted as such on the survey by Young and Young entitled "Map of Property Peconic River Sportsman Club, Inc.," dated December 12, 2003 and further provided such activities do not have the potential to generate sanitary waste. The continued use of the property as a shooting ground as reflected under ECL Section 57-0107(14) provided such activity does not involve material alteration of native vegetation.
4. The right to use and maintain, by mowing or cutting, the existing fields including maintaining the existing cleared areas used for hunting game birds and shooting clay targets and to maintain and replace in kind (without increasing the foot print or generating any additional sanitary waste) existing buildings and equipment. The areas that may be maintained are the areas which are cleared as shown on the aerial photograph taken by AeroGraphics Corp. dated March 7, 2000 and depicted as such on the survey by Young and Young entitled "Map of Property Peconic River Sportsman Club, Inc.," dated December 12, 2003.
5. The right to use the Property for operations or uses described in ECL Section 57-0107(13) (i, ii and vi), or environmental restoration projects commenced by the Grantor or his heirs, successors or assigns upon approval of any applicable Federal, State or local agency, or any activity authorized under the federal natural gas act (15 U.S.C. Sections 717- 717w), as same may be amended from time to time.
6. The right to sell, give or otherwise convey the Property or, consistent with the Covenants herein, any portion or portions of the Property, subject to the terms of this Conservation Easement. The Grantor, upon the sale, gift or other conveyance of his fee interest in the Property, shall have no further obligations or liabilities under this Conservation Easement. Grantor shall promptly notify Grantee of any conveyance of any interest in the Property, including the full names and mailing addresses of all Grantees, and the individual principals thereof, under any such conveyance. The instrument of any such conveyance shall specifically set forth that the interest thereby conveyed is subject to this Conservation Easement, without modification or amendment of the terms of this Conservation Easement, and shall incorporate this Conservation Easement by reference, specifically setting forth the date, office, liber and page of the recording thereof. The failure of any such instrument to comply with the provisions hereof shall not affect Grantee's rights hereunder.

Rights of the Public

Nothing contained in this Conservation Easement shall give or grant to the public a right to enter upon or to use the Property or any portion thereof where no such right existed in the public immediately prior to the execution of this Conservation Easement except as may be granted by the Grantor herein or his successors.

Miscellaneous

1. The parties hereto understand and agree that all the terms and provisions of ECL, Title 3, Article 49, as the same may be hereafter amended, entitled Conservation Easements, shall apply to this Conservation Easement.
2. This Conservation Easement contains the entire understanding between its parties concerning its subject matter. Any prior agreement between the parties concerning its subject matter shall be merged into this Conservation Easement and superseded by it.
3. Any provision of this Conservation Easement restricting Grantor's activities, which is determined to be invalid or unenforceable by a court, shall not be rendered a nullity. Instead, that provision shall be reduced or limited to whatever extent that the court determines will make it enforceable and effective. Any other provision of this Conservation Easement which is determined to be invalid or unenforceable by a court shall be severed from the other provisions, which shall remain enforceable and effective.
4. Regardless of any contrary rule of construction, no provision or alleged ambiguity of this Conservation Easement shall be construed in favor of one of the parties because it was drafted by the other party's attorney. If any provision of this Conservation Easement is ambiguous or shall be subject to two or more interpretations, one of which would render that provision invalid, then that provision shall be given such interpretation as would render it valid and consistent with the purposes of this Conservation Easement as intended by Grantor. Any rule of strict construction designed to limit the breadth of the restrictions on use of the Property shall not apply in the construction or interpretation of this Conservation Easement, and, this Conservation Easement shall be interpreted broadly to effect the purposes of this Conservation Easement as intended by Grantor. The parties intend that this Conservation Easement, which is by nature and character primarily negative in that Grantor has restricted and limited Grantor's right to use the Property, except as otherwise recited herein, be construed at all times and by all parties to effectuate its purposes.
5. This Conservation Easement can be terminated only in accordance with the law of the State of New York applicable to the termination of easements and covenants running with

the land. This Conservation Easement may be modified only upon the written consent of both Grantor and Grantee, or their successors, heirs, representatives or assigns. Grantor and Grantee recognize that circumstances could arise which would justify the modification of certain of the restrictions contained herein. To this end, Grantee and Grantor shall mutually have the right, in their sole discretion, to agree to amendments to this Conservation Easement which are not inconsistent with the basic purpose of this Conservation Easement, provided, however, that the Grantee shall have no right or power to agree to any amendments hereto that would result in this Conservation Easement failing to qualify as a valid conservation easement under ECL, Title 3, Article 49 as the same may be hereafter amended.

6. The Grantor agrees that the terms, conditions, restrictions and purposes of this Conservation Easement shall continue as a servitude running in perpetuity with the Property and will be incorporated by reference in any subsequent deed or other legal instrument by which the Grantor divests himself of either the fee simple title to or its possessory interest in the Property or any portion thereof specifically setting forth the date, and the liber and page of the Suffolk County Clerk's records of the recording hereof.
7. Any notices required in this Conservation Easement shall be written. Notices shall be given either by manual delivery or by mailing in a mail receptacle maintained by the United States Postal Service. Mailed notices must be contained in an accurately addressed, sealed envelope, marked for delivery by first class registered or certified mail, with sufficient prepaid postage affixed and with return receipt requested. Mailed notice to the Grantor shall be addressed to Grantor's address as recited herein or to any such other address as the Grantor may designate by notice in accordance with this section. Mailed notice to the Grantee shall be addressed to Grantee's address as recited herein or to any such other address as the Grantee may designate by notice in accordance with this section.
8. It is understood and agreed by the Parties hereto that the Grantor, its successors, heirs and assigns, shall not be liable for any changes to the Property caused by any natural disaster or Act of God. Grantor reserves the right to restore the Property to substantially same condition as existed before the occurrence of such natural disaster or Act of God, but in restoring the Property, Grantor, shall not be permitted to restore the Property in a manner that has the potential to increase the sanitary waste generated by the improvements on the Property or materially alter the vegetation of the Property. Prior to commencing any restoration effort, Grantor shall submit a restoration plan to the Commission for its review and approval.
9. The Grantor and Grantor's lessees, representatives, successors, heirs and assigns, shall not apply to the Commission or the Pine Barrens Credit Clearinghouse for a hardship, other permit or Pine Barrens Credits under the Plan or under ECL Article 57 pertaining to the "Schedule A" premises. Notwithstanding the foregoing, the Grantor shall have the right to construct a pump house pursuant to a resolution passed by the Commission on August

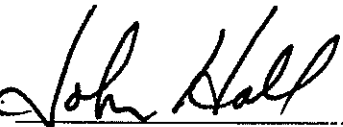
19, 2004, a copy of which is annexed hereto and made a part hereof.

10. The Grantor does further covenant and represent that the Grantor is seized of the Property in fee simple and has good right to grant and convey the aforesaid Conservation Easement, that the Property is free and clear of any and all encumbrances, other than those of record, and that the Grantee shall have the use of, and enjoy all of the benefits derived from and arising out of, the aforesaid Conservation Easement.
11. The parties hereto recognize and agree that the benefits of this Conservation Easement are in gross and assignable, and the Grantee hereby covenants and agrees that any transferee or assignee will be an organization or public body qualified to hold a Conservation Easement pursuant to ECL, Title 3, Article 49, as the same may be hereafter amended, and the regulations promulgated thereunder.
12. All references to statutory provisions of Article 57 shall be as such provisions were in effect on the date of execution of this Conservation Easement.

IN WITNESS WHEREOF, Grantor has executed and delivered and Grantee has accepted and received this Grant of Conservation Easement on the day and year set forth above.

GRANTOR:

Peconic River Sportsman Club, Inc.

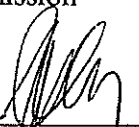
By: 

Name: John Hall

Title: President

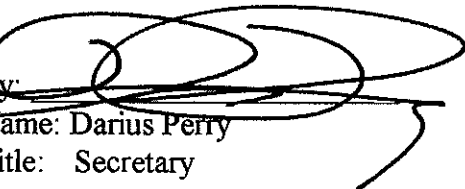
GRANTEE:

Central Pine Barrens Joint Planning and Policy Commission

By: 

Name: Peter A. Scully

Title: Chairman

By: 

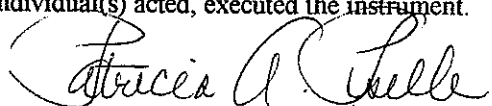
Name: Darius Perry

Title: Secretary

ACKNOWLEDGMENTS

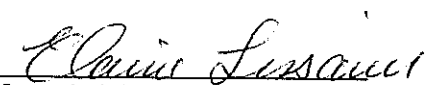
STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

On the 23 day of February in the year 2004,
before me, the undersigned, a notary public in and
for said state, personally appeared JOHN HALL
personally known to me or proved to me on the basis
of satisfactory evidence to be the individual(s) whose
name(s) is (are) subscribed to the within instrument
and acknowledged to me that he/she/they executed
the same in his/her/their capacity(ies), and that by
his/her/their signature(s) on the instrument, the
individual(s) or the person upon behalf of which the
individual(s) acted, executed the instrument.


Notary Public
PATRICIA A. PISELLI
NOTARY PUBLIC, State of New York
No. 4840100
Qualified in Nassau County
Commission Expires Feb. 28, 2006

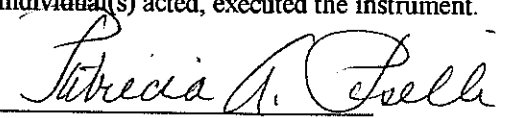
STATE OF New York)
COUNTY OF Suffolk) ss.:

On the 10th day of March in the year 2004,
before me, the undersigned, a notary public in and
for said state, personally appeared Peter A. Scully
personally known to me or proved to me on the basis
of satisfactory evidence to be the individual(s) whose
name(s) is (are) subscribed to the within instrument
and acknowledged to me that he/she/they executed
the same in his/her/their capacity(ies), and that by
his/her/their signature(s) on the instrument, the
individual(s) or the person upon behalf of which the
individual(s) acted, executed the instrument.


Notary Public
ELAINE LISSAUER
Notary Public, State of New York
No. 0115021405
Qualified in Suffolk County
Commission Expires Dec. 13, 2005

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

On the 23rd day of Feb in the year 2004, 5
before me, the undersigned, a notary public in and
for said state, personally appeared DARIUS PERRY
personally known to me or proved to me on the basis
of satisfactory evidence to be the individual(s) whose
name(s) is (are) subscribed to the within instrument
and acknowledged to me that he/she/they executed
the same in his/her/their capacity(ies), and that by
his/her/their signature(s) on the instrument, the
individual(s) or the person upon behalf of which the
individual(s) acted, executed the instrument.


Notary Public

PATRICIA A. PISELLI
NOTARY PUBLIC, State of New York
No. 4840100
Qualified in Nassau County
Commission Expires Feb. 28, 2006

STATE OF _____)
COUNTY OF _____) ss.:

On the _____ day of _____ in the year 2004,
before me, the undersigned Notary Public, personally
appeared _____ personally
known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose
name(s) is (are) subscribed in the within instrument
and acknowledged to me that he/she/they executed
the same in his/her/their capacity(ies), that by
his/her/their signature(s) on the instrument, the
individual(s), or the person upon behalf of which the
individual(s) acted, executed the instrument, and
that such individual made such appearance before
the undersigned in the _____.

(Insert city or other political subdivision and the
state or country or other place the acknowledgment
was taken).

Notary Public

CHICAGO TITLE INSURANCE COMPANY

LEGAL DESCRIPTION (Continued)

Title Number: 3802-95093

SOUTHERLY SIDE OF RIVER ROAD, THE POINT OR PLACE OF BEGINNING;

FOR INFORMATION ONLY:

DISTRICT 0200 SECTION 298.00 BLOCK 01.00 LOT 001.000
DISTRICT 0600 SECTION 143.00 BLOCK 01.00 LOT 008.001
DISTRICT 0600 SECTION 143.00 BLOCK 01.00 PART OF LOT 013.001
DISTRICT 0600 SECTION 143.00 BLOCK 01.00 LOT 015.000
DISTRICT 0600 SECTION 142.00 BLOCK 02.00 LOT 001.001

STATE OF NEW YORK
COUNTY OF SUFFOLK

SS:

I, EDWARD P. ROMAINE, CLERK OF THE COUNTY OF SUFFOLK AND CLERK OF THE SUPREME COURT OF THE STATE OF NEW YORK IN AND FOR SAID COUNTY (SAID COURT BEING A COURT OF RECORD) DO HEREBY CERTIFY THAT I HAVE COMPARED THE ANNEXED COPY OF

DEED LIBER 12380 AT PAGE 440 RECORDED 04/04/2005
AND THAT IT IS A JUST AND TRUE COPY OF SUCH ORIGINAL EASEMENT AND OF THE WHOLE THEREOF.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF SAID COUNTY AND COURT THIS 4th DAY OF April 2005

CLERK

Edward P. Romaine

12-0168.. 4/98cb

CHICAGO TITLE INSURANCE COMPANY

Schedule A LEGAL DESCRIPTION

Title Number: 3802-95093

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

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF RIVER ROAD AND THE WESTERLY SIDE OF CONNECTICUT AVENUE;

RUNNING THENCE FROM SAID POINT OR PLACE OF BEGINNING SOUTH 13 DEGREES 43 MINUTES 02 SECONDS EAST 970.00 FEET ALONG THE WESTERLY SIDE OF CONNECTICUT AVENUE;

RUNNING THENCE SOUTH 76 DEGREES 16 MINUTES 58 SECONDS WEST 100.00 FEET;

RUNNING THENCE SOUTH 13 DEGREES 43 MINUTES 02 SECONDS EAST 225.00 FEET;

RUNNING THENCE NORTH 76 DEGREES 16 MINUTES 58 SECONDS EAST 100.00 FEET TO A POINT IN THE WESTERLY SIDE OF CONNECTICUT AVENUE;

RUNNING THENCE SOUTH 13 DEGREES 43 MINUTES 02 SECONDS EAST 138.12 FEET ALONG THE WESTERLY SIDE OF CONNECTICUT AVENUE;

RUNNING THENCE SOUTH 11 DEGREES 04 MINUTES 12 SECONDS EAST 258.39 FEET ALONG THE WESTERLY SIDE OF CONNECTICUT AVENUE;

RUNNING THENCE SOUTH 6 DEGREES 10 MINUTES 52 SECONDS EAST 1,638.49 FEET ALONG THE WESTERLY SIDE OF CONNECTICUT AVENUE;

RUNNING THENCE SOUTH 6 DEGREES 23 MINUTES 12 SECONDS EAST 1,006.80 FEET ALONG THE WESTERLY SIDE OF CONNECTICUT AVENUE TO A POINT ON THE WESTERLY SIDE OF CONNECTICUT AVENUE;

RUNNING THENCE NORTH 53 DEGREES 21 MINUTES 39 SECONDS WEST 3,670.63 FEET;

RUNNING THENCE NORTH 21 DEGREES 51 MINUTES 34 SECONDS EAST 234.75 FEET ALONG A STEEL MESH FENCE BOUNDING PROPERTY NOW OR FORMERLY OF RICHARD D. HERSTONE AND JEAN SCHULMAN, FORMERLY OWNED BY ALLIENE S.D. JOHNSON;

RUNNING THENCE NORTH 59 DEGREES 14 MINUTES 04 SECONDS EAST 1,809.44 FEET;

RUNNING THENCE NORTH 28 DEGREES 27 MINUTES 20 SECONDS WEST 496.17 FEET;

RUNNING THENCE NORTH 2 DEGREES 17 MINUTES 30 SECONDS WEST 430.46 FEET TO A POINT ON THE SOUTHERLY SIDE OF RIVER ROAD;

RUNNING THENCE SOUTH 89 DEGREES 26 MINUTES 30 SECONDS EAST 124.78 FEET ALONG THE SOUTHERLY SIDE OF RIVER ROAD;

RUNNING THENCE NORTH 89 DEGREES 17 MINUTES 20 SECONDS EAST 510.86 FEET ALONG THE SOUTHERLY SIDE OF RIVER ROAD;

RUNNING THENCE SOUTH 84 DEGREES 10 MINUTES 20 SECONDS EAST 268.42 FEET ALONG THE

Number: 0200-00500
Date Issued: April 15, 2005

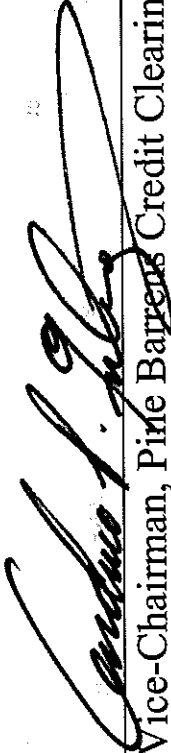
Pine Barrens Credit Certificate

Issued Pursuant to the Long Island Pine Barrens Protection Act
and the *Central Pine Barrens Comprehensive Land Use Plan*

This certifies that **Peconic River Sportsman's Club** hereby owns:

7.99 Pine Barrens Credits

This certificate entitles the owner to a land use density or intensity increase as provided in the Central Pine Barrens Comprehensive Land Use Plan and pursuant to local ordinances.


Vice-Chairman, Pine Barrens Credit Clearinghouse

CONVEYED

Pine Barrens Credit Clearinghouse

Number: 0600-00055
Date Issued: April 15, 2005

Pine Barrens Credit Certificate

Issued Pursuant to the Long Island Pine Barrens Protection Act
and the *Central Pine Barrens Comprehensive Land Use Plan*

This certifies that Peconic River Sportsman's Club hereby owns:

9.26 Pine Barrens Credits

This certificate entitles the owner to a land use density or intensity increase as provided in the Central Pine Barrens Comprehensive Land Use Plan and pursuant to local ordinances.



Vice-Chairman, Pine Barrens Credit Clearinghouse



July 15, 2026

Kelly Risotto
Principal
Land Use Ecological Services Inc.
570 Expressway Drive South, Suite 2f
Medford, NY 11763

RE: PSEGLI FEMA Pole Replacements Project
Central Pine Barrens Core Preservation Area

Dear Ms. Risotto:

On June 25, 2026, the Central Pine Barrens Commission received materials on the referenced proposal. The submission included a letter, maps and photographs of pole replacement locations in Calverton.

The Proposed Action involves the replacement of 12 timber utility poles in the Core Preservation Area on Wading River Road, Line Road, Oakwood Road, River Road and Schultz Road.

Existing and new poles are timber. Poles range in height from 30 to 50 feet. A new pole will be no taller than 10 feet above its present height. Pole diameter will not increase more than 2 to 3 inches wider.

Poles are located in the mowed grass roadside right of way. The referral material states no trees will be removed. The activity is part of the Power On Storm Hardening Project. The material indicates that underground installation is not feasible due to cost and logistics.

As proposed, the activity appears to constitute “non-development” pursuant to New York State Environmental Conservation Law Article 57 Section 57-0107.13(ii) which states, “Work by any utility not involving substantial engineering redesign for the purpose of inspection, maintenance or renewal on established utility rights of way or the likes,”... No further review from this office is required.

If the proposed activity changes, including the need to remove trees, please notify this office and forward the updated information for Commission review prior to implementation as the revised project may constitute development.

It is encouraged that, where possible, the new pole heights remain within the heights of surrounding trees to maintain the character of the Core and CGA.

Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 218-1192.

Sincerely,
Julie Hargrave
Interim Executive Director

cc: John C. Milazzo, Counsel

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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



June 25, 2026

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

RE: Request for No-Development Confirmation
PSEG Long Island
FEMA Hazard Mitigation Program Storm Hardening Pole Replacements (SHPR) Project

Dear Ms. Hargrave:

Land Use Ecological Services, Inc., on behalf of PSEG Long Island, as agent for Long Island Lighting Company d/b/a LIPA, a wholly owned subsidiary of Long Island Power Authority, is requesting confirmation that work proposed within the Core Preservation Area (CPA) of the Central Pine Barrens does not constitute "development" as per NYS ECL Article §57-0107(13). PSEG is proposing the in place replacement of existing utility poles for one circuit in 2026, as follows:

- Circuit 8DR-426 – 12 poles to be replaced along Wading River Road, Line Road, Oakwood Road, River Road, and Schultz Road. All poles are within the CPA.

All of the poles to be replaced are located within mowed/maintained strips along each of the road right-of-ways; 2 of the poles to be replaced are in close proximity to native vegetation. Representative photos of poles to be replaced are enclosed. PSEG has confirmed that replacement of poles will not result in removal of any trees or shrubs. Trimming is required around some poles for safety; and relocation of up to 6 poles away from vegetation, but within 5 feet of existing, will be performed.

Existing and new poles are timber; new poles will be southern yellow pine. Existing poles are 30-50 feet in height; new poles are 40-50 feet in height. For all poles, height will not increase by more than 10 feet with replacement. For example, 30 foot poles will be replaced with 40 foot poles; 35 foot poles will be replaced with 40-45 foot poles; and poles 40-50 feet in height will be replaced with 50 foot poles. New poles will be the same/similar class/diameter, with a maximum increase of 2-3 inches in diameter versus existing.

All equipment will remain on the paved roadways during pole replacement, with some setup and outriggers to be placed on the mowed/maintained strips along each of the circuits. There will be no disturbance to naturally vegetated areas, and no removal of any trees or woody vegetation. Areas of

disturbance will be reseeded per NYSDOT and/or Suffolk County specifications, utilizing native grass mix where appropriate.

Please note that these pole replacements are part of a FEMA storm hardening program and classified as maintenance of existing overhead electric lines. Undergrounding these circuits, or portions thereof, is not feasible due to cost and logistics, as well as the potential to disturb more area than the proposed pole replacements depending on the method of undergrounding. This FEMA program has funding specified for pole replacements, with no funding available for undergrounding. PSEG poles are utilized by other utilities, which themselves do not have the resources or requirement to underground, so logistically undergrounding is not feasible.

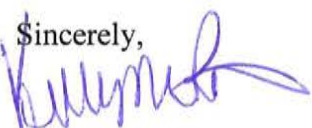
In accordance with ECL § 57-0107 (13), the project as described is classified as one or more of the following, and therefore, does not constitute development:

- (i) *Public improvements undertaken for the health, safety, or welfare of the public. Such public improvements shall be consistent with the goals and objectives of this article, and shall include, but not be limited to, maintenance of an existing road or railroad track.*
- (ii) *Work by any utility not involving substantial engineering redesign for the purpose of inspection, maintenance or renewal on established utility rights-of-way or the likes, and any work pertaining to water supply for the residents of Suffolk County.*
- (vi) *Work by a utility performed for the purpose of public health, safety, or welfare and consistent with the goals and objectives of this article.*

Based on the information provided, I respectfully request that the Commission confirm in writing that the project is classified as “non-development” as soon as possible. In support of this request for a non-development confirmation, I have enclosed circuit maps showing the poles to be replaced, as well as representative photographs of the poles.

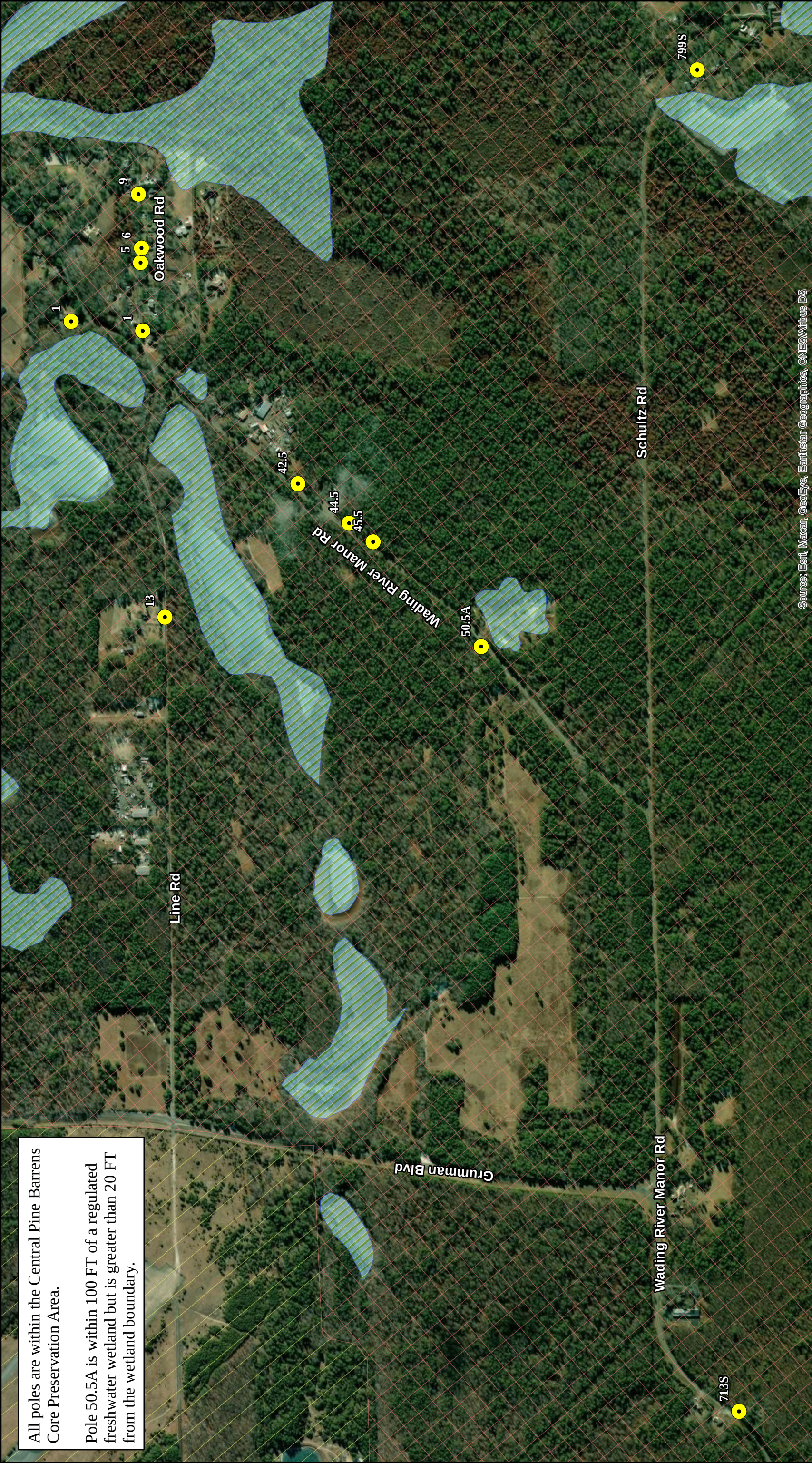
If you have any questions or require additional information to enable review and confirmation of no development, please contact me at (631) 727-2400 or krisotto@landuse.us. Thank you.

Sincerely,



Kelly M. Risotto
Principal

Enc.
Via Priority Mail and Email



All poles are within the Central Pine Barrens Core Preservation Area.

Pole 50.5A is within 100 FT of a regulated freshwater wetland but is greater than 20 FT from the wetland boundary.

NYSDEC Freshwater Wetlands

Compatible Growth Area (CGA)

Core Preservation Area (CPA)

1 in = 700 ft

02505001,000ft



Prepared By: Land Use Ecological Services, Inc.
570 Expressway Drive South
Suite 204
Medford, NY 11763

Project: FEMA POLE REPLACEMENTS
For: PSEG LI, H2M
At: MASTIC-SHIRLEY
Circuit: 8RX-746

Date: 6/17/2026

Revised:

Sheet: FEMA-8RX746

PSEG Long Island - Circuit 8DR-426 - Representative Photos of Poles to be Replaced

Photos taken 6/25/2026 by Land Use Ecological Services, Inc.



PSEG Long Island - Circuit 8DR-426 - Representative Photos of Poles to be Replaced

Photos taken 6/25/2026 by Land Use Ecological Services, Inc.





July 15, 2026

Lois Coners
Property Management
Colonial Woods Condominium
c/o Racanelli Realty Services, Inc.
45 Mall Drive, Suite 5
Commack, NY 11725
email: lois@racanelli.com

RE: Request to remove hazardous trees at Colonial Woods, Yaphank
SCTM Number 200-552-1-7
Compatible Growth Area of the Central Pine Barrens

Dear Ms. Coners:

On June 11, 2026, the Central Pine Barrens Commission office received your request to remove dead, diseased and hazardous trees on the property of the Colonial Woods residential complex in Yaphank.

The project site is in Yaphank, in the Town of Brookhaven, in the Compatible Growth Area of the Central Pine Barrens. It is located north of Yaphank Woods Boulevard and west of William Floyd Parkway, approximately 3,700 feet north of the Long Island Expressway.

The information submitted with your letter included photographs, a notarized owner's affidavit and map showing the locations of dead trees in the condominium complex. According to your letter, 25 trees were removed that were either dead, diseased or damaging to infrastructure including water mains on the property. An additional 10 trees are identified as hazardous and are planned to be removed.

Please consider restoring native tree cover by replacing each tree that is removed with a new native tree in or near its place. For a list of trees and other plants native to the Central Pine Barrens, please refer to Figure 5-2, Planting Recommendations, in the Central Pine Barrens Comprehensive Land Use Plan. Native trees are adapted to local environmental conditions and require no maintenance, irrigation and fertilizer. Examples of native tree species include pitch pine, white and scarlet oak, tulip tree, sassafras, sweet gum, black cherry and red maple. Brookhaven Town Division of Environmental Protection also has a plant list for reference.

No further review from this office is required. If any activity related to the proposal changes, you must notify this office and forward the information for Commission review prior to implementation and site disturbance.

The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site. Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 218-1192.

Sincerely,
Julie Hargrave
Interim Executive Director

Encl.

cc: John C. Milazzo, Commission Counsel
Peter Fountaine, Brookhaven Town Division of Planning and Environmental Protection

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

Colonial Woods Condominium

C/O Racanelli Realty Services, Inc.
45 Mall Drive, Suite 5
Commack, NY 11725
631-486-8940

June 11, 2026

RECEIVED

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

JUN 11 2026

*Central Pine Barrens
Joint Planning & Policy Commission*

RE: Tree removal at Colonial Wood Condominium

Dear Julie:

Below and attached is information pertaining to our request to remove dead trees within the community as well as notifying you of trees that have been removed in May.

- We are looking to remove 10 additional dead trees and one limb on a tree that is splitting.
- In May we removed 25 dead/diseased trees and trees that were affecting the infrastructure of the water mains. We also removed limbs from one tree
- Attached are pictures of the trees to be removed as well as pictures of trees that were removed
- Attached is a copy of the survey of the property
- Attached is a copy of the survey showing the locations of the trees that are to be removed and were removed
- Attached is the signed Owner's Affidavit
- We have submitted our Tree Clearing application with the Town of Brookhaven
- We are looking to remove the remaining 10 trees within the next few months, once we have obtained your approval.
- We are looking for immediate approval to remove the leaning tree at the east entrance, exit gate as we are fearful that with strong winds, this may come down on the gate or passing vehicle.

Please let me know if I have forgotten anything. Thanking you in advance for your assistance with this matter.

Sincerely,



Lois Coners
Property Management

OWNER'S AFFIDAVIT
(Use this form if property is owned by a ~~corporation~~ ^{condominium})

RECEIVED

JUN 11 2026

Central Pine Barrens
Joint Planning & Policy Commission

STATE OF New York)

)ss:

COUNTY OF Suffolk)

I, Vincent Arezzi, being duly sworn, deposes and says that I am the
(Authorized Officer's Name)

President of the Colonial Woods Condominium at Yaphank
(Official Title) (Landowner's Name)

~~condominium~~
~~corporation~~

located at 1 Colonial Woods Drive, East, Yaphank,
(Landowner's Address)

in the County of Suffolk, State of New York, and that

this ~~corporation~~ ^{condominium} is the owner in fee of the property located at 1 Colonial Woods Drive East,
(Property Address)

Yaphank, NY 11980, which is also designated as Suffolk County Tax

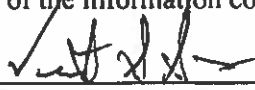
Map Number(s) 0200 552.00 01.00 007.000, and that

this corporation has been the owner of this property continuously since 1977,
(Date)

and that I have authorized Lois Coners of Racanelli Realty Services Inc.

(Applicant's Name)

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

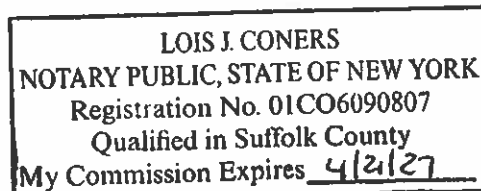

(Authorized Officer's Signature)

Vincent Arezzi
(Officer's Name - Please Print)

June 10, 2026
(Date)

Sworn to before me this
10 day of June 2026


(Notary Public)

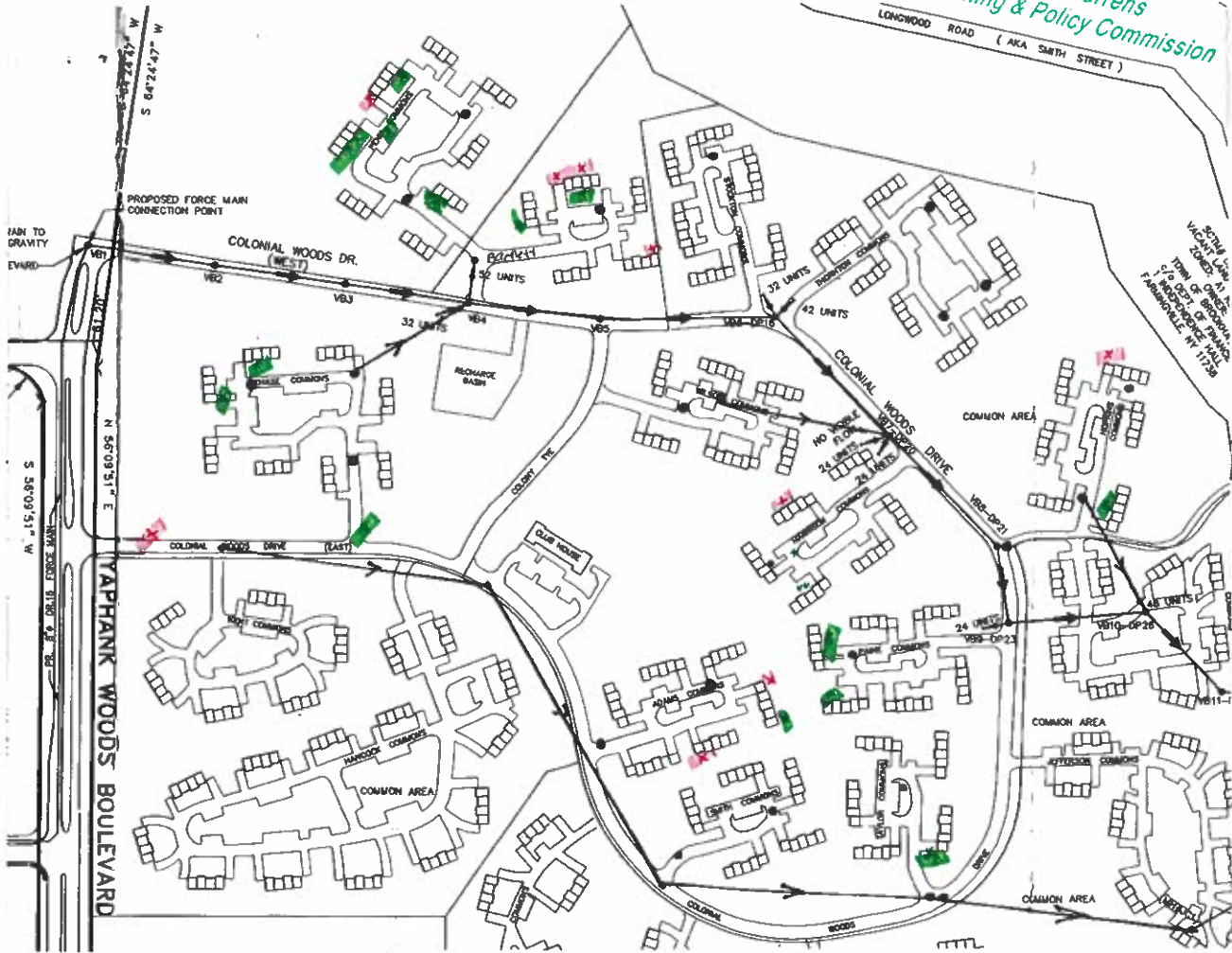


RECEIVED

JUN 11 2026

Central Pine Barrens
Joint Planning & Policy Commission

Green - Removed
Red - dead to be removed



Colonial Woods Condominium, Yaphank



5 Adams— Back of Building—Dead Tree



5 Bartlett—Side Yard—Dead Tree

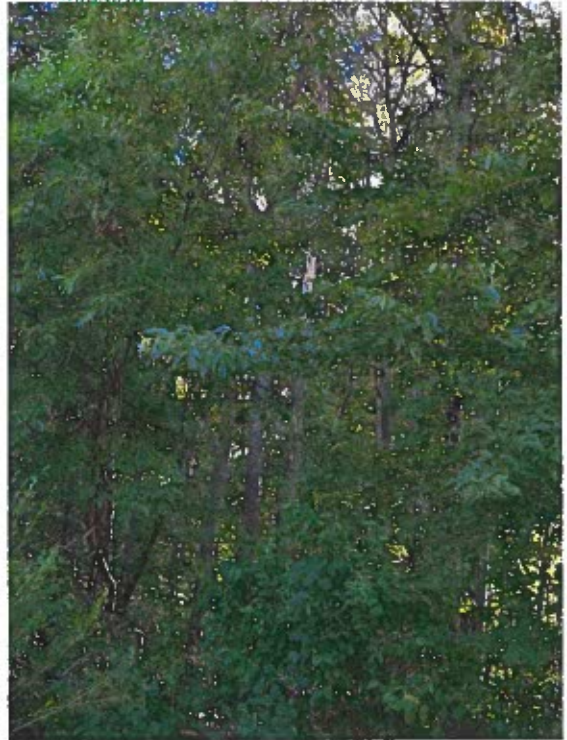
RECEIVED

JUN 11 2026

Central Pine Barrens
Joint Planning & Policy Commission



7 Bartlett—Back of Building—1/2 tree is dead

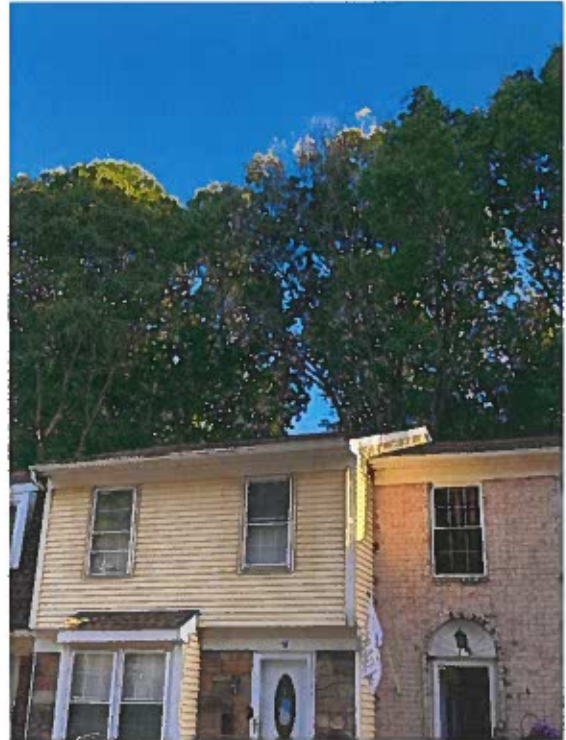


12 Adams—2 Dead Trees

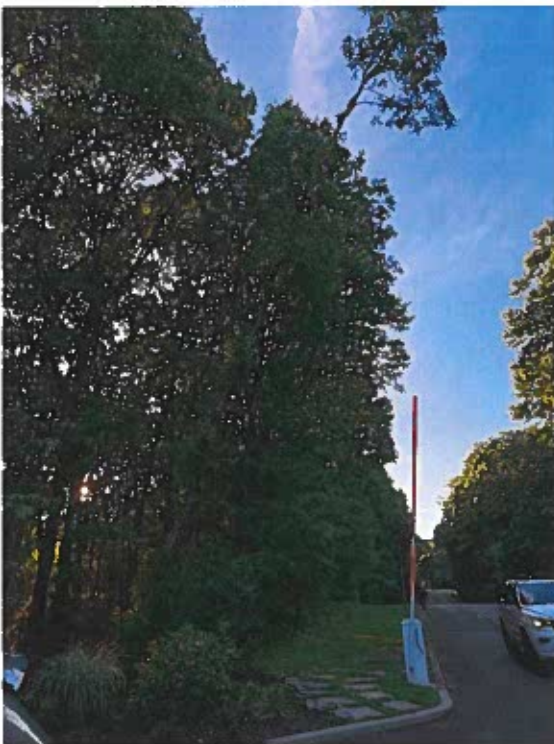
Colonial Woods Condominium, Yaphank



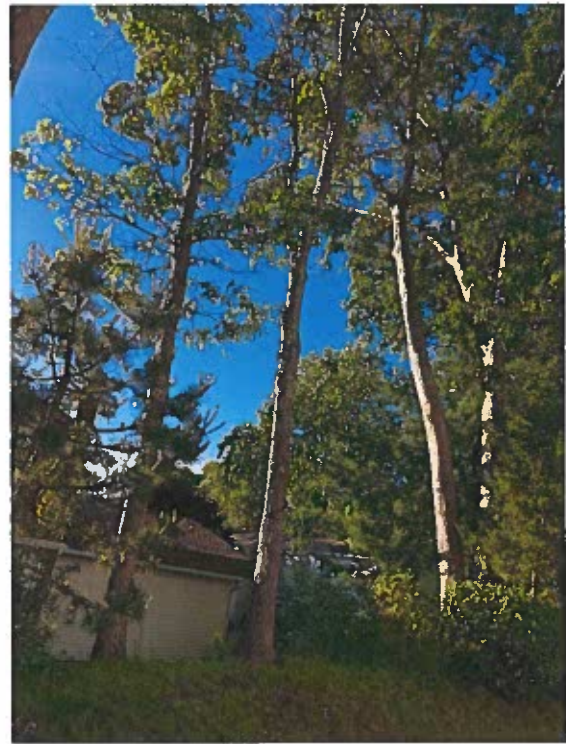
13 Penn—Split in Tree



18 Harrison—Back of Building—Dead Tree

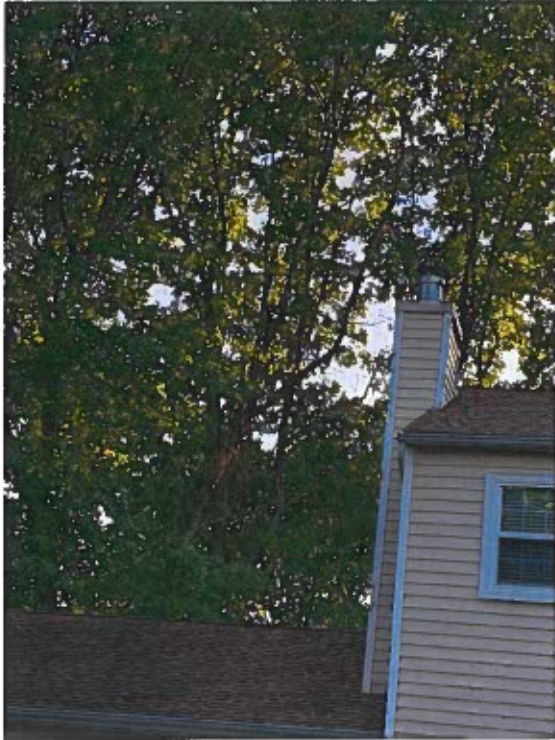


East Entrance—Exit Gate—Tree leaning



13 Bartlett—Side Yard—Dead Tree

Colonial Woods Condominium, Yaphank



12 Hopkins—Side Yard—Dead Tree



Entrance to Stockton—Ants eating inside trunk of tree

Colonial Woods Condominium, Yaphank



1 Bartlett—Limbs Removed



1 Taylor—Removed



1 Taylor—Removed



2 Hopkins—Removed

Colonial Woods Condominium, Yaphank



7 Bartlett—Removed



7 Chase—Removed



9 Adams—Removed



10 Penn—Removed

Colonial Woods Condominium, Yaphank



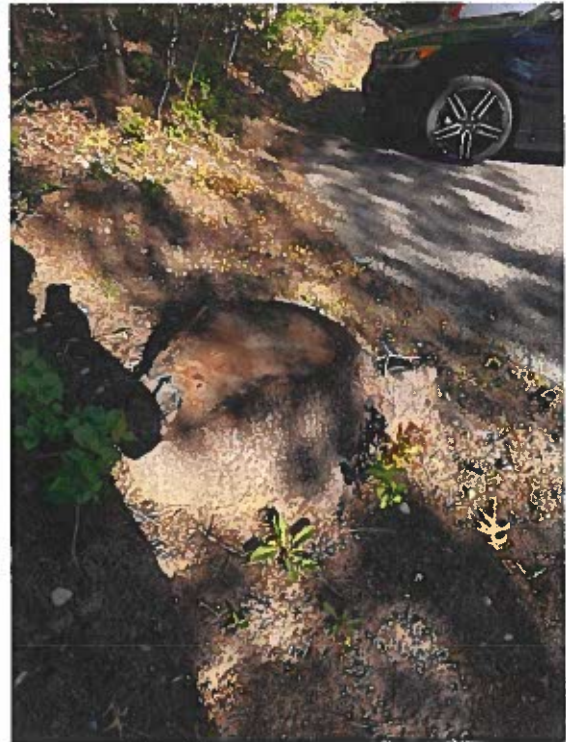
10-11 Paine—5 Trees Removed



11 Harrison—2 Trees Removed



11 Penn—Removed



12 Chase—Removed

Colonial Woods Condominium, Yaphank



13 Paine—2 Trees Removed



16 Penn—Removed



29 Penn—Removed



Entrance to Chase—2 Trees Removed

Colonial Woods Condominium, Yaphank



Harrison Center Island—Removed



Penn Center Island—2 Trees Removed

Central Pine Barrens
Joint Planning & Policy Comm.





Central Pine Barrens Commission Public Hearing
Wednesday, July 15, 2026

49 and 63 Oakcrest Compatible Growth Area Hardship Application
Middle Island, Town of Brookhaven
SCTM Number 200-343-6-20.1

List of Staff Exhibits

- | | | |
|------------------------------------|----|---|
| | A. | 2025 Aerial of the Project Site |
| | B. | Photographs of the Project Site |
| Ryan P. McGarry
<i>Chairman</i> | C. | Survey prepared by Nelson and Pope dated January 2026 |
| Jerome Halpin
<i>Member</i> | D. | Site Plan prepared by Nelson and Pope dated January 2026 |
| Maria Z. Moore
<i>Member</i> | E. | Study Area Map and 2016 Suffolk County Land Use Map |
| | F. | Applicant's review of standards |
| Daniel J. Panico
<i>Member</i> | G. | Landscape Plan prepared by Nelson and Pope dated May 2026 |
| Edward P. Romaine
<i>Member</i> | H. | Applicant's hardship |

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

DRAFT

Central Pine Barrens Joint Planning and Policy Commission

Draft Staff Report for the Public Hearing

Wednesday, July 15, 2026

PROJECT NAME: Oakcrest Compatible Growth Area Hardship Application

APPLICATION TIMELINE:

- June 4, 2026 Application Received
- June 17, 2026 Public Hearing Scheduled
- July 15, 2026 Public Hearing
- October 2, 2026 Decision Deadline

OWNER/APPLICANT: Oakcrest Avenue Realty LLC

PROJECT SITE LOCATION: 49 and 63 Oakcrest Avenue, Middle Island, Brookhaven Town

SUFFOLK COUNTY TAX MAP NUMBER: 200-343-6-20.1

PROJECT SITE AREA: 4.4 acres

ZONING DISTRICT: NH-H Health Facility

CURRENT USE: Nursing Home Facility
49 Oakcrest Avenue is Surge Nursing Home
63 Oakcrest Avenue is Quantum Nursing Home

PROJECT: Expansion including a new building, parking and upgrades to drainage infrastructure

EXISTING CONDITIONS

The 4.4-acre Project Site is located at 49 and 63 Oakcrest Avenue in Middle Island, Town of Brookhaven, in the Compatible Growth Area of the Central Pine Barrens. The site is on the east side of Oakcrest Avenue, 0.8 mile north of Middle Country Road. Pine Lake Park is opposite the Project Site. Residential uses and natural open space surround the property.

The site contains two nursing homes that were developed in 1972: Surge at #49 Oakcrest Avenue and Quantum at #63 Oakcrest Avenue. There are two buildings, and each building is three-stories tall. Surge measures 18,050 square feet (sf) and contains 149 beds. Quantum measures 13,970 sf and contains 120 beds. The total building area is 32,020 sf and number of beds is 269. Parking for 119 vehicles is provided.

Approximately 2.74 acres is developed with roads, buildings, a sewage treatment plant and impervious surfaces. The remaining 1.66 acres of the Project Site contains formalized landscape and turf areas that are cleared of natural vegetation except for a limited number of trees and other natural vegetation on the perimeter of the site and in landscaped areas. Development of the site and clearing occurred before the Long Island Pine Barrens Protection Act of 1993, and the Project Site does not conform with the Plan's Vegetation Clearance Limit and Open Space Standards.

DRAFT

See Exhibit A for an aerial map of the Project Site, Exhibit B for photographs of the Project Site and Exhibit C for the Existing Conditions survey.

APPLICANT REQUEST

The Applicant proposes to construct a one-story building addition for a social meeting space that measures 3,350 sf in the rear of Surge. After the expansion, the total building area on the property will be 35,370 sf. An additional 43 parking spaces will be developed for a total of 162 spaces. To do so, the Applicant seeks a waiver of the clearing standard to clear an additional 0.283 acres (12,327 sf) of natural vegetation including 0.05 acre (2,178 sf) of native pine barrens vegetation and 0.233 acres of nonnative vegetation, e.g., maintained landscaped areas.

The building expansion will occupy an existing outdoor patio area. The parking lot expansion requires removal of trees and other natural vegetation. This requires a Hardship because the Project Site does not conform with the Plan's Clearing or Space Standards.

The Applicant proposes to maintain an area of 1.38 acres that will remain planted with landscaping and mowed lawns. The Applicant has offered to restore 0.33 acres (14,375 sf) of the Project Site with native vegetation yielding a total of 1.71 acres of natural vegetation and formalized landscaping on the Project Site. The "Project" includes the construction of the addition, the new parking areas and the clearing of natural vegetation.

To achieve its plans, the Applicant seeks waivers of Plan standards including: 1) clearing limit of 60%, 2) natural open space requirement of 40%, and 3) the maximum 15% fertilizer dependent vegetation limit to 24.1% or 1.06 acres, reduced from 32% or 1.41 acres.

Nelson and Pope prepared Site Plan, last dated January 6, 2026, depicting the Project. See Exhibit D for the Site Plan.

Sanitary Flow

Septage from the facility is treated in an onsite Sewage Treatment Facility. The as of right sanitary flow for the Project Site is 300 gpd/acre x 4.4 acre or 3,044 gallons-per-day (gpd). Based on Table 1 – Project Density Loading Rates & Design Sewage Flow Rates by the Suffolk County Department of Health Services dated July 21, 2020, the flow rate for a nursing home is 150 gpd/bed. With 269 beds, the project generates 40,350 gpd.

CENTRAL PINE BARRENS STATUS

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

(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, ...

SEQRA AND OTHER REQUIRED PERMITS AND APPROVALS

- SEQRA: Project classified as an Unlisted Action (Part 617.5(c)(9)). No coordinated review occurred.

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- Suffolk County Department of Health Services (SCDHS)
- Town of Brookhaven approvals and permits for the site plan.

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 on-site: The site is cleared of natural vegetation except for trees in landscaping and on the perimeter of the site's boundary. The site is nearly 100% developed with residential structures, parking lots and a large mowed lawn in the front yard. See discussion of Study Area below and Exhibit B for photographs.

Vegetation: Native trees and other natural vegetation line the property boundaries. The front yard is a large mowed grass lawn. The site contains landscaping including trees and flowering plants. Several large native trees are present on the site including one at the entrance to Quantum.

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

Wetlands: No wetlands are identified in the survey.

Hydrology: The site is located in Groundwater Management Zone III. According to the USGS Long Island Depth to Water and Hydrologic Conditions Viewer, the depth to water on site is approximately 26 feet.

Topography/Elevation: The Project Site is steeply sloped particularly in the front yard areas.

Soils: According to the USDA Natural Resources Conservation Service, the predominant soil types on the Project Site include:

Plymouth loamy coarse sand (PIA), 0 to 3 percent slopes,
Plymouth loamy coarse sand (PIB), 3 to 8 percent slopes, and
Plymouth loamy coarse sand (PIC) 8 to 15 percent slopes.

Cultural/Archeological Resources: Coordinated with SHPO.

PROJECT SITE HISTORY

The Project Site was developed 54 years ago in 1972. The sewage treatment plant was updated approximately 10 years ago.

SURROUNDING LAND USE AND ZONING

To analyze the Project in relation to its environs, a Study Area was defined and the land use therein were analyzed. The Study Area is defined to be all the land within a one-half mile radius around the Project Site. See Exhibit E for an aerial depicting the Study Area and Suffolk County's 2016 land use map.

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The Study Area is centered on the northeast corner of Church Lane and Oakcrest Avenue. It is bound on the east by Brookhaven Town open space, opposite Pine Lake Park, a 3.4 acre surface water wetland feature, and residential development to the north and west.

Land uses within the Study Area include single-family residential communities and natural open space. Ten acres of open space owned by Suffolk County is located approximately 600 feet to the south, opposite Pine Lake Park. Brookhaven Town owns approximately 10 acres of natural open space in the Study Area.

The residential zoning district A Residence 1 surrounds the Project Site in the Study Area, with the exception of four parcels on Half Mile Road in the J2 Business District.

PRIOR COMMISSION DECISIONS IN AND AROUND THE STUDY AREA

Compatible Growth Area Hardship Waiver applications similar in nature include:

- 10/11/1995 - Mavis Development Corp. (SCTM # 200-378-3-49). Developed site approved for gas station and convenience store with parking.
- 2/7/1996 - Aroya and Brodbeck (SCTM # 200-402-1-16.12 and 16.2). Developed site approved for new construction and parking.
- 5/18/2005 and 1/16/2013- Longwood Public Library (SCTM # 200-402-1-23.1, 24.9; 200- 403-1-3, 4, 17, 18). Parking lot expansion and drainage improvements.
- 8/16/2017 - R.N. Middle Island, 7-Eleven Middle Island (SCTM # 200-378-2-37.2 and 200-403-1-2.1 and 2.3). Two developed parcels and one undeveloped parcel approved for change of zone to develop a gas station and convenience store with a natural restoration area of 0.35 acres.
- 7/16/2025 - 599 Middle Country Road (Starbucks Middle Island) (SCTM # 200-402-2-2). Developed site approved for clearing and open space relief for a change of zone to reuse commercial building formerly used as a bank for a drive through restaurant.

COMPREHENSIVE LAND USE PLAN STANDARDS

As a development activity in the CGA, the Project must conform to the Standards in Chapter 5 of the Comprehensive Land Use Plan (the Plan). Below is a staff review of Standards. For the Applicant's review, see Exhibit F.

Standards		Explanation and Document Page Reference (attach additional sheets if necessary)
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	Wastewater is generated on site by nursing home facilities exceeding the as of right flow for the site in Groundwater Management Zone III by approximately 37,300 gpd. Wastewater is treated in an on site sewage treatment plant. Conformance with sanitary wastewater standards established by the Health Department is required.

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S 5.3.3.1.2	Sewage treatment plant (STP) discharge	Wastewater is treated in an existing sewage treatment plant on the property.
S 5.3.3.1.3	Suffolk County Sanitary Code Articles 7 & 12 compliance	Conformance with the Suffolk County Sanitary Code regulations for industrial and commercial uses is required.
S 5.3.3.1.4	Commercial and industrial compliance with the Suffolk County Sanitary Code	Conformance with the Suffolk County Sanitary Code regulations for industrial and commercial uses is required.
S 5.3.3.3.1	Significant discharges and public supply well locations	The nearest wellfield is approximately 0.53 mile from the Project Site.
S 5.3.3.4.1	Nondisturbance buffers	The surface water wetland habitat of Pine Lake is present on the opposite side of the road from the Project Site.
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	Not applicable to the Project.
S 5.3.3.4.3	Wild, Scenic and Recreational Rivers Act compliance	Not applicable to the Project.
S 5.3.3.5.1	Stormwater recharge	All stormwater runoff generated on-site will be captured and recharged on-site through the drainage system.
S 5.3.3.5.2	Natural recharge and drainage	The Project includes drainage infrastructure upgrades and native plant restoration.
S 5.3.3.5.3	Ponds	Not applicable to the Project.
S 5.3.3.5.4	Natural topography in lieu of recharge basins	A rain garden that measures 2,660 sf is proposed to accommodate drainage in the parking lot. It will be installed as a landscaped parking lot median that measures 160 feet long by 13.3 feet wide.
S 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	Drainage infrastructure upgrades are part of the Project and will conform with NYSDEC SPDES permit requirements. An area of 1.66 acres of the site will be disturbed requiring the preparation of a Stormwater Pollution Prevention Plan and a State Pollution Discharge Elimination System General Permit for stormwater discharges from construction activity. Proposed drainage infrastructure includes new catch basins and leaching pools in the parking lot.
S 5.3.3.6.1	Vegetation clearance limits	The Applicant seeks a waiver from the 60% clearing limit. An area of natural vegetation that measures 0.6 acres will be cleared including native and non-native vegetation. Native plant restoration will occur on 0.33 acres (14,375 sf).
S 5.3.3.6.1.1	Non-contiguous parcels	Not applicable to the Project.
S 5.3.3.6.1.2	Split zone parcel(s)	Not applicable to the Project.
S 5.3.3.6.1.3	Residential overlay district	Not applicable to the Project.
S 5.3.3.6.1.4	Environmental Restoration	Native plant restoration will occur on 0.33 acres of the Project Site.

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S 5.3.3.6.1.5	CGA Hardship requirement	The Applicant seeks a waiver from the standards for the vegetation clearing limit, natural open space and fertilizer dependent vegetation for the Project which involves an upgrade to facilities, adding parking and constructing a new building to continue the use on the Project Site that was developed 54 years ago prior to the Act and Plan.
S 5.3.3.6.1.6	Split Core-CGA parcel(s)	Not applicable to the Project.
S 5.3.3.6.2	Open space standard requirement, unfragmented open space and habitat	The Applicant seeks a waiver from the requirements of this Standard. The open space requirement is 40% (1.76 acres). No open space is provided and none is proposed in the Project, contiguous or non-contiguous to the Project Site.
S 5.3.3.6.3	Fertilizer-dependent vegetation limit	The Applicant seeks a waiver of this Standard from 15% to 24.1% or 9.1% more than the standard permits. The fertilizer-dependent vegetation limit is 15% (0.66 acres). Fertilizer a grass lawn is presently applied to 32% or 1.41 acres of the property. A reduction in fertilizer-dependent vegetation will occur from 32% acres to 24.1% or 1.06 acres on the Project Site.
S 5.3.3.6.4	Native Plantings	Native plant restoration will occur on 0.33 acres as depicted in Landscaping Plan prepared by Nelson and Pope last dated May 20, 2026. Dogwood, witch hazel and other native plantings are proposed. See Exhibit G for the Landscape Plan. Add native trees to the planting plan. Only one oak tree and two witch hazels are proposed. Consider adding tulip tree, pitch pine, oaks, black cherry, maple-leaf viburnum and inkberry. Native plants are adapted local conditions, support the pine barrens ecosystem and protect the character of the CGA. Add trees on the roadfront to provide a natural buffer, reduce noise and improve aesthetics, and minimize extent of fertilized and maintained mowed grass.
S 5.3.3.6.5	Receiving entity for open space areas	No dedications are included in the Project.
S 5.3.3.7.1	Special species and ecological communities	Pending NHP response.
S 5.3.3.7.2	Bird conservation and protection	The new building should utilize bird friendly materials to achieve a threat factor less than 25, utilize decals or techniques to deter window strikes and retrofit existing buildings where feasible to minimize bird strikes. Refer to the American Bird Conservancy et al publication “Bird Friendly Building Design” for guidance.
S 5.3.3.9.1	Light pollution prevention	Minimize nighttime lighting and utilize timers where lighting for safety is necessary. Utilize dark skies friendly fixtures for outdoor lighting.
S 5.3.3.11.1	Tall structures and scenic resources	This Standard does not apply to the Project because it is subject to local municipal review.

PROJECT SITE CLEARING DATA

The Project Site allows up to 60% vegetation clearance and is presently cleared 100% except for 0.05 acres of native trees and other natural vegetation in formalized landscaping and on the site's perimeter.

The Project Site requires a minimum of 40% natural open space. No natural open space is provided. Native plant restoration will occur on 0.33 acres (14,375 sf), or 7.5% of the Project Site. After the Project, an area of 1.71 acres will contain native plants and landscaping.

Project Site	%	Area (acres)
Project Site area	100 %	4.4
Maximum clearing per S 5.3.3.6.1	60%	2.64
Minimum natural open space per S 5.3.3.6.2	40%	1.76
Existing cleared area	99%	4.35
Existing natural area	1%	0.05
Existing landscape and lawn area	38%	1.66
Proposed clearing	1.1%	0.05
Proposed native plant restoration	7.5%	0.33
Area to remain natural	0	0
Amount of clearing in excess of standard	40%	1.76
Natural area and landscaping including mowed lawns	39%	1.71

*Areas need to be confirmed

COMPATIBLE GROWTH AREA EXTRAORDINARY HARDSHIP CRITERIA

The Applicant is required to demonstrate Hardship in accordance with ECL §57-0121(9) and ECL §57-0123(3)(b) and the criteria contained in Town Law §267-b.

SUMMARY OF APPLICANT'S HARDSHIP DEMONSTRATION

The Applicant explains that the nursing facility is currently in operation and economically viable, however it is compromised and lacks sufficient parking and vehicular movements. It states, "If the hardship is not granted the facility could be subject to a loss of revenue as a result of competition with other more optimized facilities, thus stressing the ability to continue in a manner that provides a reasonable return." The site's zoning for nursing home provides no other viable use.

The Applicant maintains that the Project will not increase facility capacities; it is intended to modernize and improve existing facilities to make them safer, healthier, more enjoyable and consistent with code and economically competitive and sustainable.

The Applicant seeks to "maintain and improve facilities to remain competitive and provide a better workplace for staff, minimize impacts on neighbors and improve health and safety of the facility's clientele. Relocating to another location after 54 years serving the community is not an option." See Exhibit H for the Applicant's review of the hardship criteria.

DISCUSSION ITEMS/ADDITIONAL INFORMATION

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1. Clarify the cleared area and natural area coverages before and after the Project on the 4.4 acre Project Site including:
 - o Extent of cleared area: 4.35 acres
 - o Natural area: 0.05 acres
 - o Proposed clearing: 0.05 acres
 - o Area of mowed lawn and landscaping: ?
 - o Area to remain as natural open space: 0
 - o Natural restoration area: 0.33 acres
2. Consider redeeming Pine Barrens Credits for the increase in intensity of use. Increases in sanitary flow should utilize the redemption of Pine Barrens Credit(s) regardless of the use of a sewage treatment plant to continue protection of groundwater resources.
3. Consider planting more native plants adapted to local environmental conditions to avoid the waiver for fertilizer dependent vegetation and exceeding the standard. Minimizing the application of fertilizers will protect the surface water wetlands of Pine Lake on the opposite side of the road from stormwater and other pollution inputs. Consider native plantings or intentional mowed paths around natural areas to replace mowed lawns and reduce the extent of fertilized mowed grass and maintenance.
4. Please retain the existing large tree at the entrance to Quantum and any other mature trees on site that can be left to remain in place during and after construction.
5. The Commission will consider any additional documentation submitted in support of this Application and reserves the right to keep the hearing record open to receive and review any additional information for the public record.
6. Decision necessary by September 16 or an extension to October 21 or later.

EXHIBITS

- A. 2025 Aerial of the Project Site
- B. Photographs of the Project Site
- C. Survey prepared by Nelson and Pope dated January 2026
- D. Site Plan prepared by Nelson and Pope dated January 2026
- E. Study Area Map and 2016 Suffolk County Land Use Map
- F. Applicant's review of standards
- G. Landscape Plan prepared by Nelson and Pope dated May 2026
- H. Applicant's hardship

Oakcrest Avenue CGA Hardship



7/9/2026, 10:18:03 AM

Street Labels 2023

Green: Green

Tax Parcels

Red: Red

Blue: Blue

1:1,644

0 0.01 0.02 0.03 0.04 0.06 mi
0 0.02 0.04 0.09 km





FIGURE 2
AERIAL LOCATION MAP

Sources: NYS Orthophotography 2023; SC Parcels 2024
Scale: 1 inch equals 200 feet



49 & 63 Oakcrest Avenue
Middle Island, NY
Hardship Exemption
Application

Oakcrest Avenue CGA Hardship - wide view



7/9/2026, 10:20:47 AM

Street Labels 2023
County Roads



Green: Green



Red: Red



Blue: Blue

1:12,686

0 0.1 0.2 0.4 mi
0 0.17 0.35 0.7 km



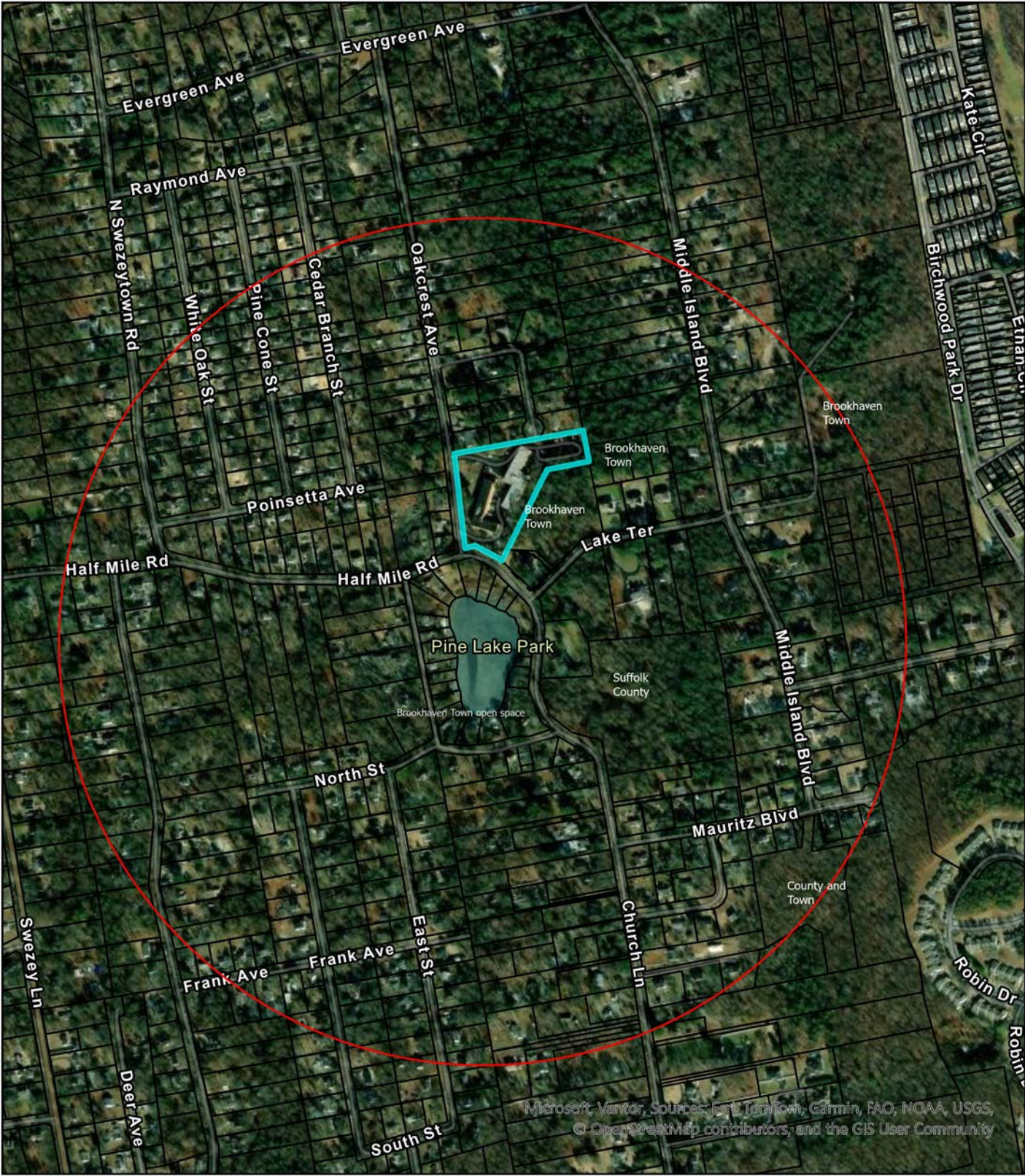




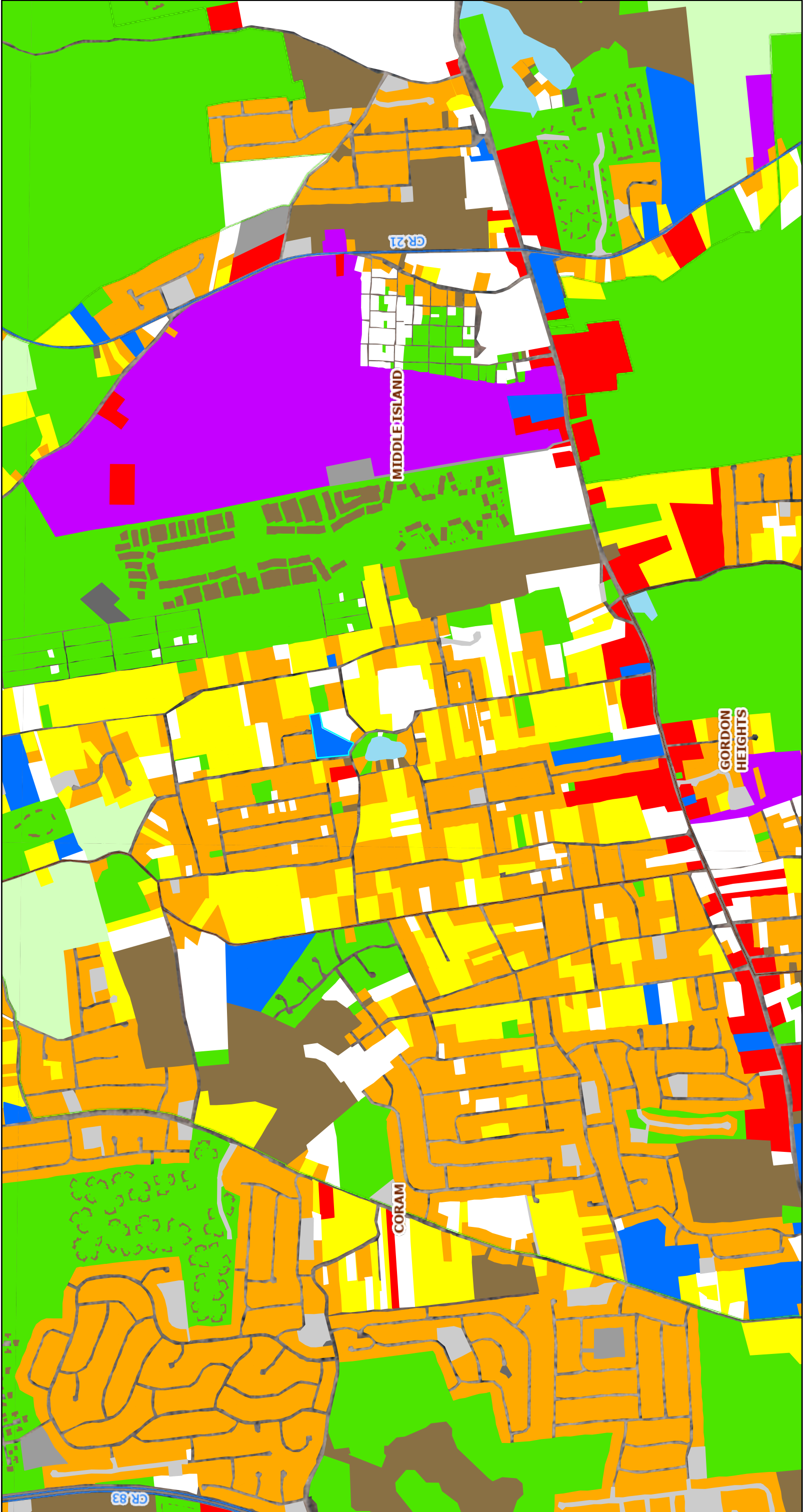




Central Pine Barrens Commission
49 and 63 Oakcrest Avenue Middle Island CGA Hardship
July 15, 2026
Public Hearing



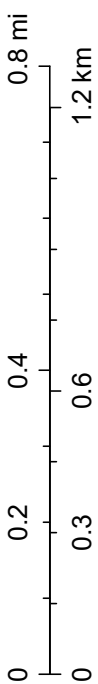
Land Use Oakcrest Avenue CGA Hardship



7/9/2026, 10:23:31 AM

1:21,144

- Street Labels
- County Roads
- Hamlets
- Pine Barren CGA
- Green: Green
- Blue: Blue
- Red: Red



CENTRAL PINE BARRENS DISTRICT
COMPATIBLE GROWTH AREA STANDARDS AND GUIDELINES CONSISTENCY REVIEW

49 AND 63 OAKCREST AVENUE
MIDDLE ISLAND, TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK
SCTM: 200-343-06-20.1

June 2026

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference	
S & G 5.3.3.1 Sanitary Waste, Nitrate-Nitrogen and Other Chemicals of Concern			
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.	The subject property is located in the Central Pine Barrens (CPB) Compatible Growth Area (CGA), Central Suffolk Special Groundwater Protection Area (SGPA), and Suffolk County Department of Health Services' (SCDHS) Groundwater Management Zone III (GMZ III). Under GMZ III standards, the project is permitted to use conventional onsite septic systems when the total density load of the land use is 300 gallons per day (gpd) per acre or less. The existing onsite land uses exceed this amount and therefore all wastewater generated onsite is currently treated by an existing previously SCDHS-approved onsite sewage treatment plant (STP) that was enhanced and modernized under SCDHS oversight and approval in 2014. All sanitary waste generated onsite is currently discharged into the ground on the subject property through subsurface leaching pools. The present project involves the construction of a 3,350 SF single-story addition that will be used as a meeting room or social space for patients/residents, their guests, and staff and therefore will not increase the facility patient/resident capacity, number of patient/resident rooms, number of staff and overall onsite sanitary flow. Other improvements include increased onsite parking to accommodate employees and/or staff who currently park on the street, new drainage improvements, enhanced outdoor space for patients/residents, sidewalk improvements with ADA accessibility, retaining walls, landscaping, and other minor outdoor features having no effect on sanitary waste generation or disposal. In summary, the project is consistent with SCDHS requirements and therefore is consistent with this Standard. The property was developed as a rehabilitation and nursing facility in 1972 long before the 1993 Central Pine Barrens Act was enacted and the Town of Brookhaven's Central Pine Barrens District regulations were created. As discussed above, the existing nursing and rehabilitation facilities exceed Article 6, GMZ III sanitary waste generation threshold and therefore is required to utilize public sewers or a private STP for waste disposal. In 2014, comprehensive STP upgrades were completed and SCDHS reviewed and approved these upgrades. As such, the facility is a pre-existing facility within the CPB CGA that is necessary to ensure continued high level treatment and discharge of treated effluent into the ground onsite. The proposed project involves the creation of a small social/meeting space to improve the quality of patients and residents visits and is not expected to increase the volume of total flow to the STP since no new rooms, no increase in the number of patients served or number of visitors, or additional staff is expected. The purpose of the proposed additional onsite parking is to remove existing on-street parking and to improve access for visitors and staff, not to an increase the facilities capacities. The site has an existing STP, operated under SCDHS oversight, and therefore is consistent with this Standard. These regulations concern "Water Pollution Control" (Article 7) and "Toxic and Hazardous Materials Storage and Handling Control" (Article 12). The proposed action involves the construction of a small single-story 3,350 SF addition to an existing building which will be used as an indoor meeting and social room for patients/residents and their friends and families. The property is within a CPB CGA and the Central Suffolk SGPA (West). The project site and area is also within Groundwater Management Zone III (Deep Recharge Area), and the Town of Brookhaven's Hydrogeologic Zone, and is served by the Suffolk County Water Authority's Distribution Area 15 necessitating maximum protection. The subject property is not within any SCDHS public Water Supply Sensitive Areas which are defined by Article 7 of the Suffolk County Sanitary Code as "areas in close proximity to existing or identified future public water supply wellfields" with "close proximity" defined as "within 1,500 feet upgradient or 500 feet downgradient of public water supply wells screened in the Upper glacial aquifer." No public community supply wells were identified in the vicinity of the proposed action site; therefore, the subject property is not within a public Water Supply Sensitive Area. The closest identified domestic well is 0.53± miles from the site. The proposed project and minor outdoor improvements do not involve any onsite storage, use or increased use, or handling of hazardous chemicals that are regulated under Article 12. The project utilizes an existing onsite STP which underwent improvements in
S 5.3.3.1.2	Sewage treatment plant discharge	Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. Treatment systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.	
S 5.3.3.1.3	Suffolk County Sanitary Code Articles 7 and 12 compliance	All projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.	

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference	
			2014. The proposed building addition will not increase onsite sanitary flow as it is to be used only as an amenity for existing patients/residents, their visitors and existing staff rather than for additional rooms or expanding patient capacity or number of staff at the facility. Additional drainage improvements are proposed to enhance the collection and recharge of stormwater onsite and prevent flooding or other stormwater impacts, providing an overall benefit. All collected stormwater runoff will be discharged underground with no point discharges to any surface waters or wetlands. A Stormwater Pollution Prevention Plan or SWPPP has been prepared for the project. A small area of existing lawn and a few trees will be removed and there will be additional landscaping including foundation plantings around the proposed addition and a large center parking island swale or rain garden at the rear of the property that will be planted primarily with native and/or well adapted plant species that will minimize or eliminate the need for long-term landscape fertilization and irrigation is expected. Since there will be no change to operations related to Articles 7 & 12, the project is consistent with this Standard.
S 5.3.3.1.4	Commercial and industrial compliance with the Suffolk County Sanitary Code	All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Development projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.	The existing use is a mixed residential/personal service/commercial care use. The proposed 3,350 SF single-story building addition is to be used as space for residents/patients and their visitors to enjoy time together rather than to accommodate additional patients or visitors. The proposed action will comply with applicable requirements of Suffolk County Sanitary Code Articles 6, 7, and 12 and no variances are needed or requested from SCDHS for this project; therefore the Proposed Project is consistent with this Standard.
G 5.3.3.1.5	Nitrate-nitrogen	A more protective goal of two and one half (2.5) ppm shall be achieved for new development projects through an average residential density of one (1) unit per two (2) acres (or its non-residential equivalent), through clustering or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands. For purposes of this section, in the vicinity of ponds and wetlands means that the project site contains areas subject to review by the state or a local municipality under their respective tidal or freshwater wetland, or both, regulations or other provision regulating activities in a surface or tidal wetland.	The Proposed Project will not increase sanitary wastewater flow onsite. Improvements were made to the existing onsite STP approximately ten years ago to improve onsite treatment and disposal to the maximum extent practicable. Total exiting fertilizer dependent lawn area will be reduced under the Proposed Project. Native plant species are proposed to eliminate the need for fertilization of proposed vegetation. No changes to wastewater quality or loading will occur and fertilizer dependent landscaping will be reduced; therefore, the project is consistent with this Guideline.
		S & G 5.3.3.3 Wellhead and Groundwater Protection	
			There will be no new discharges to groundwater from the proposed construction of 3,350 SF of amenity space for existing patients and residents and their guests, except as may result from additional runoff from the 3,350 SF addition and parking area. The new onsite drainage facilities that will improve the effectiveness of system collection and subsurface recharge of runoff onsite.
S 5.3.3.3.1	Significant discharges and public supply well locations	The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17.	This standard restricts activities that could degrade a public drinking water supply defined as being within a 200-foot radius of the project site. The Proposed Action is located in an area served by Suffolk County Water Authority (SCWA) within Distribution Area 15; however, a review of SCWA water supply infrastructure maps, indicate that there are no public wells or wellfields within 200 feet of the site nor is the subject property within any SCDHS' Water Supply Sensitive Areas which are defined as being a public well withdrawing from the Upper Glacial Aquifer that is either within 1,500 feet up-gradient or 500 feet down-gradient of the site. Even though this standard focuses on public water supplies, it is noted that the area is served by public water provided by SCWA and there are no identified documented domestic supply wells within 200-feet of the site with the closest identified being 0.53+/- miles from the site based on NYSDEC Info Locator data. The Proposed Project is consistent with this Standard. The proposed action was further assessed relative to Article 7 Water Supply Sensitive Areas as noted above pursuant to Standard S 5.3.3.1.5 above.

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference
G 5.3.3.3.2	Private Well Protection	The area is served by public water. The proposed action does not increase sanitary flow or decrease existing sanitary effluent quality. The project site is served by an advanced onsite STP. Drainage is proposed to be improved to ensure the capture and discharge of runoff below ground. The total area of fertilizer dependent vegetation will be reduced and native well adapted plant species will be planted. A rain garden will be installed to help with the uptake of nutrients in runoff. The Proposed Project does not involve the use of toxic or hazardous chemicals. The Proposed Project is consistent with this Guideline.
S 5.3.3.4 Wetlands and Surface Waters		
S 5.3.3.4.1	Nondisturbance buffers	The Subject Property is not located near a tidal wetland or any designated NYS Wild, Scenic or Recreational Rivers. The closest surface water and freshwater wetland is Pine Lake which is identified by NYSDEC as a 7-acre Class 2 freshwater pond and adjacent emergent wetland which are identified by NYSDEC as ID: MD-6. (NPV notes that the actual pond and wetlands are much smaller than 7 acres.) This pond and wetland are also identified by the US Fish & Wildlife's National Wetland Inventory (NWI) as a 3.4-acre Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded freshwater pond (NWI Code: PUBHh) with 1.37 acres of adjacent Palustrine, Emergent, Persistent, Semi-permanently Flooded wetlands (NWI Code: PEM1F). The pond's fringing emergent wetlands were flagged by NPV and were found to be located over 150 feet from any proposed site disturbance and is therefore outside of both NYSDEC and Town wetlands jurisdictions with the rest of the improvements being several hundred feet from Pine Lake and its wetlands. The subject property is separated from the pond and emergent wetlands by a narrow strip of upland vegetation, a small, paved Pine Lake parking lot, Church Lane's (aka Lake Terrace's) 50-foot right of way, and a small hill vegetated with existing upland vegetation and landscaping leading up to the subject rehabilitation and nursing facilities. There is an existing 100+ foot vegetated buffer on the north side of Pine Lake, south of Church Lane/Lake Terrace directly across the street from the existing facility and proposed work. Three parking spaces and a total of 532± SF of impervious area and retaining wall are proposed on the southwest side of the subject property outside of the wetlands jurisdictional area. This area requires a total of 222 CF of additional stormwater storage and a 268 CF of storage will be provided. The project does not require any variances or exceptions from the identified wetlands laws. NPV has requested a letter of non-jurisdiction from NYSDEC. Natural buffering from wetlands and surface waters is provided and maintained. The Proposed Project is consistent with this Standard.
		As discussed above, no project disturbance is proposed within 150 feet of the nearby offsite lake and freshwater wetlands and all work will be conducted outside of both NYSDEC and Town wetlands jurisdictions. Clearing limits will be clearly delineated and inspected prior to clearing to ensure the protection of the wetland, although outside of wetlands jurisdictional areas. All required erosion, sediment, and drainage controls will be effectuated prior to conducting any work and the proposed drainage catch basins, leaching pools, and shallow leaching galleys some with wicks (Drainage Area "D") penetrating low permeability soils are expected to provide an overall improvement to drainage conditions. A SWPPP has been prepared to control stormwater, erosion and any potential for wetland or lake sedimentation. A retaining wall is proposed on the south side of the closest area of proposed work near the wetlands (three parking spaces) on the southwest side of the property. The area between this work and the lake will remain as undisturbed landscaped area. Since the project disturbance is outside of wetlands jurisdiction, easements and covenants are not necessary. The site plan is binding in terms of layout, landscaping and alignment of site uses, providing consistency with this Standard.
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	This Standard is not applicable. This project site is not located within, adjacent to or anywhere near any WSRR boundary.
S 5.3.3.4.3	Wild, Scenic & Recreational Rivers Act compliance	
S 5.3.3.5 Stormwater Runoff		
S 5.3.3.5.1	Stormwater recharge	This standard requires that adequate drainage capacity be provided for the capture, temporary storage and onsite recharge of stormwater runoff generated on the subject property. The project includes the construction of a 3,350 SF building addition and parking improvements that will create additional impervious surfaces onsite. Sheets C-104, C-105, C-106 and C-107 of the proposed site plan set includes drainage calculations and project drainage plans. These plans include the removal of unsuitable poorly drained soils and

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference
		replacement of these soils with clean well-drained sand and gravel in areas proposed for stormwater recharge and demonstrate conformance with the required stormwater storage and recharge. Proposed drainage infrastructure include new catch basins, a network of shallow five-foot (effective depth) subsurface drainage galleys, and drainage leaching pools within the improved parking lot at the northwest side of the property, and a 13.5 foot effective depth diffusion well to discharge runoff below restrictive soil strata into underlying well drained sand. In addition, leaching galleys will be installed beneath the proposed outdoor amenity area on the west side of the existing Surge building and a new 160± foot-long 13.3± foot-wide landscaped parking lot median or rain garden in the center of the paved parking lot on the northeast side of the property. There will also be some improvements to site grade to help with onsite collection of runoff for subsurface disposal. The total required volume of storage for the proposed drainage system is 27,653 CF and the total volume of storage provided is 28,743 CF, thereby fully meeting and exceeding the Town of Brookhaven's 9-inch on-site containment criteria. See Overall Grading and Drainage Plan (Sheet C-104). In addition, a total of 1.67 acres of the existing developed site will be disturbed requiring the preparation of a Stormwater Pollution Prevention Plan (SWPPP) in compliance with Town requirements and a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001).
S 5.3.3.5.2	Natural recharge and basins	No runoff from developed surfaces based on the design storm will be allowed to exit the site, based on the stringent retention and design standards. The project's drainage system is subject to the review and approval of the Town engineer and planning staff. Given the improvements in surface treatment/detention to the existing on-site drainage system, the project is consistent with this Standard. The subject property is currently nearly fully cleared and developed including two three-story rehabilitation and nursing buildings, paved access driveways, paved parking areas, outdoor amenity space, single story sewage treatment building and subsurface leaching areas. Thus, space for an onsite stormwater recharge basin is not possible. The proposed action includes the construction of a 3,350 SF single-story meeting room to be attached to the rear of the Surge building, parking and outdoor amenity improvements and landscaping. Some minor clearing will be necessary but this will be offset by the roughly 2,660± SF landscaped parking island rain garden and foundation plantings around the proposed building consisting of well adapted native trees, shrubs, perennials and grasses as shown and described on the proposed Landscape Plan (Sheet LA-101). The proposed rain garden will provide a small area of green drainage infrastructure within an existing developed site. The remaining drainage features will be installed beneath existing and proposed impervious areas. The southwest side of the property along Oakcrest Avenue and east of the Quantum nursing and rehabilitation facility consists largely of trees and landscaping including lawn that will remain, and the northeast end, east of the rear parking lot will also be pervious and will be vegetated with Long Island sun and shade seed mix and flowering dogwood trees. The site was developed in 1972, 54 years ago, therefore, basic design was fixed prior to Article 57. The drainage improvements demonstrate compliance with this Standard. This Standard is not applicable. The subject property does not contain any ponds and the Proposed Project will not include the construction of a pond. There is no space on the existing developed site for a stormwater recharge basin; however, the proposed project will include a new green infrastructure (rain garden) vegetated with native plant species within the middle of the existing parking lot, along with typical stormwater structures to control and improve drainage on the site. As noted above, the proposed drainage design will also retain most of the lawn, trees and onsite landscaping and exceed the onsite storage requirement for stormwater and recharge collected runoff into the ground onsite. The topography of the site has been graded in the past to provide suitable grade for building and parking area construction but some areas of gentle to moderately steep slopes exist which slope mainly toward south and west sides of the property. The site was developed in 1972, 54 years ago, therefore, basic design was fixed prior to Article 57. The site topography will not be changed, other than to provide parking and drainage improvements, thereby providing compliance with this Standard.
S 5.3.3.5.3	Ponds	Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.
S 5.3.3.5.4	Natural topography in lieu of recharge basins	The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins.

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference
S 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	The proposed project will involve the disturbance of approximately 1.67 acres of the property including previously disturbed and paved areas triggering the need for a SPDES General Permit and SWPPP that will help protect the nearby lake and prevent runoff from entering streets and adjacent properties. The project also includes grading, drainage, erosion, and sedimentation plans to address these concerns. The Town will review the proposed SWPPP and plans to ensure compliance with Town requirements and protect area natural resources. Erosion control will be observed, ensuring consistency with this Standard.
S 5.3.3.6 Coordinated Design for Open Space, Habitat and Soil Protection		
S 5.3.3.6	Coordinated Design for Open Space Management	No land is proposed to be formally dedicated as open space to the Town or other entity and will be kept in private ownership.
S 5.3.3.6.1	Vegetation Clearance Limits	Total proposed landscape and natural vegetation removal for the project including lawn, shrubs and trees is estimated to be 0.61± of an acre and proposed revegetation after work is completed is reduced to 0.33± acres. Therefore the total reduction in vegetation will be a little over a quarter acre of which 0.05± of an acre is native/natural requiring a CPB CGA Hardship Exemption. The subject property is located entirely within the Central Pine Barrens CGA and is zoned NH-H (Health Facility District) and not the CPB Core Preservation Area. Based on Figure 5-1 of the CLUP and Brookhaven Town Code, the maximum permitted clearing is 60 percent of the property 191,929 SF (4.4 acre) property or 115,158 SF (2.643) acres and the required open space is 40 percent of the total lot's land area which is 76,772 SF (1.76 acres). The proposed project involves the removal of some of the limited existing vegetation onsite but also provides additional plantings to offset this loss including a 2,660± SF rain garden, 2,338± SF of new seeded area and dogwood trees and foundation plantings. The applicant does not seek to increase the capacity of the existing nursing and rehabilitation facilities but seeks to improve the quality of the site and the facility experience for its patients and residents by providing essential amenities, improving onsite drainage conditions, addressing current on-street parking which neighbors are unhappy with and providing additional spaces onsite. The replacement of existing disturbed areas with needed parking and amenity improvements has a very limited impact on Vegetation Clearance Limits on the site. The site was developed in 1972, 54 years ago, therefore, basic design was fixed prior to Article 57. The landscape improvements improve site conditions. This Standard marginally applies given the prior site development, though it is recognized that the level of clearing would not be permitted if the site were developed under current requirements.
S 5.3.3.6.1.1	Contiguous Land in Same Ownership	The Subject Property consists of one 4.40 acre lot. The landowners do not own any adjacent land; therefore, this Standard is not applicable.
S 5.3.3.6.1.2	Split Zones	The Subject Property is not split zoned. The entire 4.40 acre lot is zoned NH-H; therefore, this Standard is not applicable.

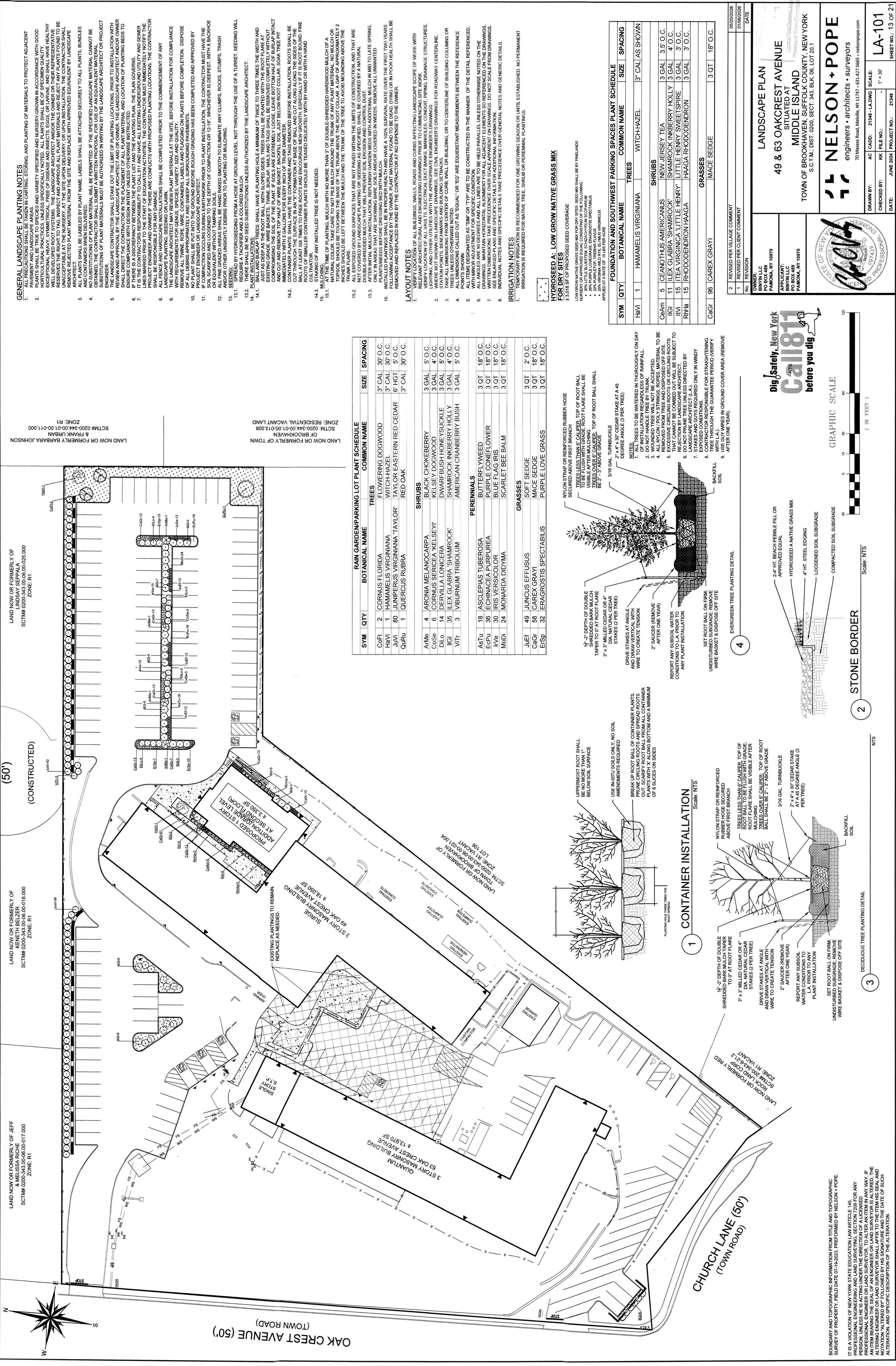
Standard ("S") or Guideline ("G")		Explanation and Document Page Reference	
S 5.3.3.6.1.3	Residential Overlay Districts that Include Redemption of PBCs.	Development project sites in Residential Overlay Districts that include the redemption of Pine Barrens Credits shall apply Figure 5-1 based on the resulting average lot size after the redemption of Credits, rather than the base zoning lot size. To determine the amount of clearing allowed, interpolate the maximum site clearance percentage using Figure 5-1, as long as the requirements of the Town Code and of Section 6.4 of the Plan are met.	The Proposed Project is not within a designated CPB Residential Overlay District and does not involve the redemption of PBCs; therefore, this Standard is not applicable.
S 5.3.3.6.1.4	Land being Cleared for Environmental Restoration	Land cleared for purposes of conducting environmental restoration pursuant to ECL 57-0107(13)(c), shall be considered "natural vegetation," and shall not be considered "cleared" or "previously cleared" land in determining conformance.	Land is not being cleared for environmental restoration; therefore, this Standard is not applicable.
S 5.3.3.6.1.5	Hardship Application	Persons seeking relief from clearing requirements on development project sites must file a CGA hardship application.	The site was fully developed in 1972, 54 years ago and prior to Article 57, the CLUP and the CPBC. The project does not and cannot meet the required clearing limit, open space requirement or 15% fertilizer dependent vegetation standard due to existing conditions and the essential health, safety, and economic needs of the facilities and therefore must apply for a Hardship Exemption from these Standard. See respective sections. A CGA has been filed. The Proposed Project is consistent with this Standard.
S 5.3.3.6.1.6	Properties Split Between CPA and CGA	For a project site which is split between the Core Preservation Area and the Compatible Growth Area, and within which Pine Barrens Credits have been issued for the Core Preservation Area portion, only the Compatible Growth Area acreage shall be used to determine the amount of clearing allowed according to Figure 5-1.	The entire 4.40 acre property is within the CGA; therefore this Standard is not applicable.
S 5.3.3.6.2	Open Space Standard Requirement, Unfragmented Open Space and Habitat	(a) Development project sites must meet at a minimum the percentages of open space specified in Figure 5-1 regardless of existing physical site conditions. Applicants must prioritize first the use of existing cleared areas for development on a project site prior to clearing areas of natural vegetation. Site plans, surveys and subdivision maps must delineate the open space boundary lines and include the calculation of open space areas to demonstrate conformance with this standard. Applicants must identify the receiving entity to which dedicated open space will be transferred as required by Subsection E of this section. (b) Conservation design promotes the creation of open space that permanently protects the significant natural and cultural resources and environmental features of a site by concentrating development into compact areas. This will be required for development projects and accomplished through the use of conservation design methods that include clustering, reduced density development design, or similar methods that achieve the requirements of this section. (c) In determining which areas of a development project site to set aside as open space, the order of priority, from highest to lowest, shall be as follows: 1. Areas that include any species, habitats or significant attributes are required to be protected under existing regulations. This includes, but is not limited to, wetlands; the habitats of endangered; threatened and special concern species; floodplains; archaeological sites and	The project does not and cannot meet the required open space requirement and therefore must seek a Hardship Exemption from this standard. The proposed addition and outdoor amenity improvements are, however, proposed for the purpose of providing safe and necessary social or passive recreational space for patients or residents with limited physical capabilities. The property is essentially built out with limited land available for necessary improvements therefore clustering or density reductions are not feasible. Total vegetation to be removed is 0.61± acres; however, an estimated 0.33± acres of native plantings will be provided after work is completed offsetting some of the loss and resulting in an overall 0.28± acre reduction in site vegetation. Of the total area to be cleared, an estimated 0.05± of an acre is considered native/natural pine barrens species and the remainder is either nonnative invasive species, lawn or nonnative ornamentals that were planted. The replacement of existing disturbed areas with needed parking and amenity improvements does not alter the Open Space on the site. The site was developed in 1972, 54 years ago, therefore, basic design was fixed prior to Article 57. The landscape improvements improve site conditions. This Standard marginally applies given the prior site development, though it is recognized that the reduced amount of open space would not be permitted if the site were developed under current requirements.

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference
	burial grounds and cemeteries. 2. Areas that contain woodlands followed by other natural areas. 3. Areas that contain woodlands and other natural areas adjacent to existing open space, that will connect open space areas into large contiguous, unbroken blocks of habitat. This should include consideration of existing and planned future development of adjacent properties. Project sites that do not have sufficient existing natural areas to meet the open space requirement specified in Figure 5-1 due to prior development or use, will be required to revegetate areas to satisfy this standard. This will include sites that do not meet the open space requirement due to preexisting clearing or disturbance, formalized landscaped and turf areas and/or impervious surfaces.	
S 5.3.3.6.3	Fertilizer dependent vegetation limit	As discussed above the project site is nearly fully developed but needs to be improved with necessary infrastructure (onsite parking and drainage) and social and passive indoor recreational amenities to improve the quality of patients' stay at the facility, improve the effectiveness of services rendered, and enhance the facilities' long term viability and sustainability as a quality rehabilitation and nursing center. Existing areas of grass are present onsite where the existing onsite STP's subsurface leaching system is located to support natural recharge without extensive root system growths that can adversely affect the subsurface leaching system and its maintenance. Currently, there is a total of 61,500 SF (1.41 acres) of fertilizer dependent vegetation (i.e., lawn areas) which is 32% of the property. The Applicant proposes to use native plant species and seed mixes to minimize impacts and reduce total fertilizer dependent landscaping from 1.41 acres or 32% of the property to 1.06 acres (46,220 SF) or 24.1% of the property. Even though the Applicant proposes to use native vegetation and the percentage of existing fertilizer dependent landscaping will be significantly less than the existing condition (32% to 24.1%), the subject property and project will still not meet the 15 percent standard, mainly because of the existing lawn over the necessary above the sanitary leaching field. None of the non-native species listed in Figure 5-2 of the CLUP will be used as part of the project's final site plan landscape design plans. (see Landscape Plan, Sheet LA-101). Given the prior development of the site 54 years ago and prior to Article 57, and the improvement through reduced, fertilizer dependent vegetation, the project is consistent with the spirit of this Standard. See also Standard 5.3.3.6.4, Native Plantings below. As discussed above, proposed landscape species are mostly native species with some non-native well adapted species not typically found in native undisturbed pine barrens. Fertilizer dependent species are not proposed. None of the non-native species listed in Figure 5-2 of the CLUP will be used as part of the project's final site plan landscape design plans. (see Landscape Plan, Sheet LA-101). The project is consistent with this Standard through its use of native plantings.
S 5.3.3.6.4	Native Plantings	Development designs shall incorporate the species listed as "recommended" in Figure 5-2 "Planting Recommendations." Landscaping and restoration plans shall strive to use Long Island native genotypes unless the plants are not available. A more extensive list of acceptable and unacceptable plants is available from the Commission office. The use, maintenance and management of open space shall be considered when protecting open space areas. The project applicant must specify the entity to which the open space will be dedicated. The protection of the open space shall be guaranteed by dedicating the open space to a government entity, private not for profit, land conservation management organization, homeowners' association or similar entity through the transfer of title or a permanent conservation easement or covenant recorded with the Suffolk County Clerk, or similar mechanism to ensure open space protection.
S 5.3.3.6.5	Receiving entity and protection for open space areas	No dedicated or easement open space is proposed given that the site was fully developed in 1972, prior to Article 57. The site plan is binding in terms of layout, landscaping and alignment of site uses. This Standard is not applicable.

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference	
S 5.3.3.7 Protection and Conservation of Species and Communities			
S 5.3.3.7.1	Special Species and Ecological Communities	Where a significant impact is proposed upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species, the appropriate mitigation measures as determined by the appropriate state, county or Town agency shall be taken to protect these species.	Per the NYSDEC's Environmental Resource Mapper and EAF Mapper, the subject property is situated within the vicinity of plants listed as endangered, threatened or rare and wildlife listed as endangered or threatened. The New York Natural Heritage Program (NYNHP) did not identify any rare plants of concern in their July 19, 2023 letter; however, rare plants identified by NYSDEC's Environmental Resource Mapper and EAF Mapper as being found in the general area in the past, include small-flowered dwarf bulrush, rose coreopsis and black-fruited spike rush. These plants are associated with wetland/pond shore habitats which are not present on the subject property and the closest such habitat is on the south side of Church Lane, over 150 feet away from any proposed work, and outside of both NYSDEC and Town wetlands jurisdictions. The July 19, 2023 NYNHP coordination letter noted that the subject property is located within one mile of documented threatened nesting bald eagles (<i>Haliaeetus leucocephalus</i>) and 2.5 miles from documented endangered Northern long-eared bats (<i>Myotis septentrionalis</i>) (NLEB). The documented location of bald eagles is just below the one mile threshold within an area containing significant wooded habitat, homes and other development between the subject property and the nesting location. Per the NYNHP coordination response letter, there is documented non-winter habitat of the Northern Long-Eared Bat (NLEB) within one mile of the project site. Potential limited roosting and/or foraging habitat for the NLEB has been identified on-site. The proposed project has been designed to limit clearing to the maximum extent practicable with a net 0.28 acres of clearing necessary including clearing of lawn. Per NYSDEC guidance, as the project site is proposing less than 5 acres of clearing of potential habitat, and no tree clearing activity will take place between March 1 and November 30 of a given year (unless otherwise authorized by NYSDEC), an Article 11 Incidental Take permit will not be required and the proposed project is not anticipated to impact endangered NLEBs. EAF Mapper indicates the possible presence of tiger salamanders (<i>Ambystoma tigrinum</i>) in the area. However, they are not listed in the NYNHP letter and no known tiger salamander breeding ponds are present within 1,000 feet of the project site including Pine Lake. Therefore, there would be no anticipated impacts to this species. As a result the project is consistent with this Standard. The site is currently developed with two large three-story rehabilitation and nursing buildings. The proposed action involves the construction of an attached 3,350 SF single story building that will be constructed at grade behind the existing Surge building at the second floor level and therefore does not create any additional horizontal building walls. The proposed project design does not add or include any additional outdoor lighting. A net 0.28 acres of land will be transformed from vegetation to impervious surface. Proposed landscaping includes the planting of two flowering dogwood trees to offset the necessary clearing and provide nesting and perching for birds, thus providing consistency with this Standard.
G 5.3.3.8 Soils			
G 5.3.3.8.1	Clearing envelopes	Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).	The Proposed Project does not include a subdivision of the property; therefore, this Guideline is not applicable.
G 5.3.3.8.2	Stabilization and erosion control	Construction of structures on slopes greater than ten percent (10%) may be Chapter 5: Standards and Guidelines for Land Use - Page 92 approved if technical review shows that stabilization measures, erosion control practices and structures are implemented to mitigate negative environmental impacts and no alternative location exists on the project site.	See attached plans. The proposed single-story 3,350SF addition will be constructed at the rear of the Surge building where the grade is nearly flat. The Proposed Project will include grading and erosion, sedimentation and runoff controls as shown on the attached plans. See Overall Grading and Drainage Plan (Sheet C-104) . A SWPPP has been prepared for the project in compliance with Town requirements and a SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) is required. The proposed improvements will enhance stormwater collection and recharge and the project will fully address erosion and sedimentation concerns including use of silt fencing, inlet protection, etc. The Proposed Project is consistent with this Guideline.

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference
G 5.3.3.8.3	Slope analyses	The project site is an existing developed property. As discussed above, a SWPPP has been prepared, a SPDES Construction Permit will be secured and all required grading, erosion, sedimentation, and stormwater controls will be put into place regardless of slope to ensure the protection of site conditions and environmental resources. The Proposed Project is consistent with this Guideline.
G 5.3.3.8.4	Erosion and sediment control plans	As discussed above, a SWPPP has been prepared, a SPDES Construction Permit will be secured and all required erosion, sedimentation, and stormwater control will be put into place regardless of slope to ensure the protection of site conditions and environmental resources. The Proposed Project is consistent with this Guideline.
G 5.3.3.8.5	Placement of roadways	No new roads are proposed; therefore, this Guideline is not applicable.
G 5.3.3.8.6	Retaining walls and control structures	No new roads or driveways are proposed; therefore, this Guideline is not applicable.
S 5.3.3.9 Dark Sky Compliance		
S 5.3.3.9.1	Light pollution prevention	The Proposed Project does not include any new outdoor lighting and the project is subject to local municipal review and approval; therefore this standard is not applicable.
S & G 5.3.3.11 Scenic, Historic and Cultural Resources		
S 5.3.3.11.1	Tall structures and scenic resources	The Proposed Project is subject to local review. The proposed 3,350 SF amenity space will be just one story and fully comply with Town height and number of stories requirements. There will be no changes to the existing use of the property. Therefore this Standard is not applicable.
G 5.3.3.11.2	Cultural resource consideration	There are no established recreational or educational trails nearby or that would be affected by this project. The closest Town Park is Pine Lake. The Proposed Action provides the necessary drainage, erosion and sedimentation controls to protect this feature and prevent any impacts. The project will have no impact on scenic resources and is not located within or adjacent to a designated Critical Resource Area. Based on a review of the NYS Office of Parks, Recreation and Historic Preservation Cultural Resources Information System (CRIS), there are no onsite, adjacent or nearby National Register Listed or Eligible landmarks, sites or buildings; no historic districts; no known archaeological sites; and the property is not within or adjacent to any designated historic district or archeologically sensitive areas. The property is and has been developed since 1972. This Guideline is not applicable.

Standard ("S") or Guideline ("G")		Explanation and Document Page Reference	
		municipal law or statute. 5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.	
G 5.3.3.11.3	Inclusion of cultural resources in applications	Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area. A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources. See response above; this Guideline is not applicable.	
G 5.3.3.11.4	Protection of scenic and recreational resources	Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.	The Proposed Project includes landscaping and vegetative screening. The proposed addition will be located behind the Surge building and will have enhance architecture appearance compared to existing conditions providing an overall improvement. The Proposed Project is consistent with this Guideline.
G 5.3.3.11.5	Roadside design and management	Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.	The project will not involve the disturbance of roadside areas. This Guideline is not applicable. Elimination of on-street parking and providing additional parking onsite will provide an overall improvement to the character of the area.



GENERAL LANDSCAPE PLANTING NOTES

1. ALL PRECAUTIONS SHALL BE TAKEN IN CARTING, STORING, AND PLANTING OF MATERIALS TO PROTECT ADJACENT PLANTS SHALL BE TRUE TO SPECIES AND VARIETY SPECIFIED AND NURSERY-GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES, UNLESS SPECIFICALLY NOTED. ALL PLANTS SHALL BE OF SPECIMEN QUALITY, WELL DEVELOPED ROOT SYSTEMS, AND FREE FROM DISEASE, INJURY, AND DEFOLIATION. PLANTS SHALL BE WELL SERVED THE RIGHT TO TAG, INSPECT AND APPROVE ALL PLANT MATERIALS AND REJECT ANY PLANTS FOUND TO BE UNACCEPTABLE AT THE NURSERY, AT THE SITE UPON DELIVERY, OR UPON INSTALLATION. THE CONTRACTOR SHALL PROTECT PLANT MATERIAL FROM THE SITE AND REPLACE WITH APPROVED EQUIVALENT BY LANDSCAPE ARCHITECT.
2. ALL PLANTS SHALL BE LABELED BY PLANT NAME. LABELS SHALL BE ATTACHED SECURELY TO ALL PLANTS. BUNDLES OF PLANTS SHALL BE LABELED BY PLANT NAME AND QUANTITY. PLANTS SHALL BE LABELED BY PLANT NAME AND QUANTITY. PLANTS SHALL BE LABELED BY PLANT NAME AND QUANTITY.
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4. NO SUBSTITUTIONS OF PLANT MATERIALS WILL BE PERMITTED, IF THE SPECIFIED LANDSCAPE MATERIAL CANNOT BE OBTAINED, THE CONTRACTOR SHALL SUBMIT A WRITTEN PROPOSAL FOR USE OF AN EQUIVALENT MATERIAL. SUBSTITUTIONS OF PLANT MATERIALS MUST BE AUTHORIZED IN WRITING BY THE LANDSCAPE ARCHITECT OR PROJECT ENGINEER.
5. THE LANDSCAPE CONTRACTOR SHALL STAKE OUT THE LIMIT OF PLANTING LOCATIONS PRIOR TO INSTALLATION WITH REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT AND/OR OWNER. THE LANDSCAPE ARCHITECT AND/OR OWNER SHALL BE RESPONSIBLE FOR THE LOCATION AND PLANTING OF ALL PLANTS. THE LANDSCAPE ARCHITECT AND/OR OWNER SHALL BE RESPONSIBLE FOR THE LOCATION AND PLANTING OF ALL PLANTS.
6. IF THERE IS A DISCREPANCY BETWEEN THE PLANT LIST AND THE PLANTING PLAN, THE PLAN GOVERNS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALL 811 AND HAVE ALL EXISTING UNDERGROUND UTILITY AND SEWER LINES LOCATED PRIOR TO PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION AND PLANTING OF ALL PLANTS.
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SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
CoFl	2	CORNUS FLORIDA	FLOWERING DOGWOOD	3" CAL	30' O.C.
HaVi	1	HAMAMELIS VIRGINIANA	WITCH-HAZEL	3" CAL	30' O.C.
JuVi	80	JUNIPERUS VIRGINIANA 'TAYLOR'	TAYLOR EASTERN RED CEDAR	6" HT	5' O.C.
QuRu	1	QUERCUS RUBRA	RED OAK	3" CAL	30' O.C.
ArMe	4	ARONIA MELANOCARPA	BLACK CHOKEBERRY	3 GAL	5' O.C.
CoSe	6	CORNUS SERICEA 'KEISEY'	KELSEY DOGWOOD	3 GAL	4' O.C.
DiLo	14	DERVILLA LONICERA	DWARFBUSH HONEYSUCKLE	3 GAL	5' O.C.
IiGi	35	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERY HOLLY	3 GAL	4' O.C.
ViTr	3	VIBURNUM TRIBOLUM	AMERICAN CRANBERRY BUSH	3 GAL	5' O.C.
AsTu	18	ASCLEPIAS TUBEROSA	BUTTERFLYWEED	3 QT	18" O.C.
EcPu	36	ECHINACEA PURPUREA	PURPLE CONEFLOWER	3 QT	18" O.C.
IvIr	30	IRIS VERSICOLOR	BLUE FLAG IRIS	3 QT	18" O.C.
MoDi	24	MONARDA DIDYMA	SCARLET BEE BALM	3 QT	18" O.C.
JuEf	49	JUNCUS EFFUSUS	SOFT SEDGE	3 QT	2' O.C.
CaGr	58	CAREX GRAYI	MACE SEDGE	3 QT	18" O.C.
ErSp	32	ERAGROSTIS SPECTABILIS	PURPLE LOVE GRASS	3 QT	18" O.C.

HYDROSEED A: LOW GROW NATIVE GRASS MIX FOR DRY SITES

3,301 SF OF PROPOSED SEED COVERAGE

LOW GROW NATIVE GRASS MIX FOR DRY SITES. SEED MIX SHALL BE BY PHILADELPHIA HYDROSEEDING CO. (PHILADELPHIA, PA) AND SHALL BE COMPOSED OF THE FOLLOWING:

- 30% LITTLE BLUESTEM, SCHIZACHYRUM SCOPARIUM
- 25% PURPLE LOVEGRASS, ERAGROSTIS SPECTABILIS
- 25% VIRGINIA WILD RYE, ELYMUS VIRGINICUS
- 20% VIRGINIA WILD RYE, ELYMUS VIRGINICUS

APPLIED AT A RATE OF 1.0 LB PER SQUARE FOOT

IRRIGATION NOTES

1. TEMPORARY IRRIGATION IS RECOMMENDED FOR ONE GROWING SEASON OR UNTIL ESTABLISHED, NO PERMANENT IRRIGATION IS REQUIRED FOR NATIVE TREE, SHRUB OR PERENNIAL PLANTINGS.

FOUNDATION AND SOUTHWEST PARKING SPACES PLANT SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
HaVi	1	HAMAMELIS VIRGINIANA	WITCH-HAZEL	3" CAL	AS SHOWN
CaGr	5	CAREX GRAYI	MACE SEDGE	3 GAL	3.5' O.C.
IiGi	11	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERY HOLLY	3 GAL	4' O.C.
JuVi	15	JUNIPERUS VIRGINIANA 'TAYLOR'	TAYLOR EASTERN RED CEDAR	6" HT	5' O.C.
RhVa	15	RHOODENDRON VIRENS	RED BUD	3 GAL	3' O.C.
CaGr	58	CAREX GRAYI	MACE SEDGE	3 QT	18" O.C.

STONE BORDER

Scale: NTS

1. UPPERMOST ROOT SHALL BE NO MORE THAN 1" BELOW SOIL SURFACE.

2. BREAK UP ROOT BALL OF CONTAINER PLANTS. PRUNE CIRCULING ROOTS AND SPREAD ROOTS OUT. SCARIFY ROOT BALL FROM ALL CONTAINER PLANTS. REMOVE EXCESSIVE ROOTS FROM BOTTOM AND A MINIMUM OF 6 SLICES ON SIDES.

3. DECIDUOUS TREE PLANTING DETAIL

Scale: NTS

4. EVERGREEN TREE PLANTING DETAIL

Scale: NTS

BOUNDARY AND TOPOGRAPHIC INFORMATION FROM TITLE AND TOPOGRAPHIC SURVEY OF PROPERTY, FIELD DATE 07/19/2023, PREPARED BY NELSON + POPE.

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, PROFESSIONAL ENGINEERING AND LAND SURVEYING, SECTION 7209 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF OR A LICENSED SURVEYOR, TO PREPARE, SIGN, SEAL, OR CERTIFY ANY SURVEYING MAP, PLAN, OR SPECIFICATION BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IF SUCH ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND SIGNATURE, AND SPECIFIC DESCRIPTION OF THE ALTERATION.

LANDSCAPE PLAN

49 & 63 OAKCREST AVENUE
SITUATED AT
MIDDLE ISLAND
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK
S.C.T.M.: DIST. 0230, SECT. 343, BLK. 06, LOT 20.1

APPLICANT:
BINNY LLC
PO BOX 489
PAMONA, NY 10970

DESIGNED BY:
BINNY LLC
PO BOX 489
PAMONA, NY 10970

engineers • architects • surveyors

70 Masses Road, Melville, NY 11747 • 631.427.5665 • nelsonpopo.com

LA-101

SCALE: 1" = 30'

FILE NO.: 21346

PROJECT NO.: 21346

SHEET NO.: 13 OF 21

- Reduction in fertilizer dependent vegetation from 32% to 24.1%.
- Removal of on-street parking on older public streets.
- Provision of on-site parking with controlled drainage including surface treatment/detention rain gardens.
- Removal of noise/light pollution on public streets within a residential neighborhood.
- Safety and related operational improvements to the site.
- Improved experience for on-site occupants, visitors with better facilities, parking, outdoor enjoyment areas and related enhancements.
- Removal of existing impervious surfaces and mostly maintained/manicured, non-native vegetation and replacement with improved parking facilities, rain gardens, native landscape and outdoor enhancements.

Based on the foregoing, proposed relief from CPB CGA standards is requested and considered necessary due to essential health, safety and human needs and current site conditions that precede pine barrens requirements. Proposed plans seek to minimize environmental impacts to the maximum extent practicable while improving conditions and patient/resident experience and care.

2.0 TOWN LAW SECTION 267-B CRITERIA

The Applicant seeks a hardship exemption from CPBC based upon a demonstration of hardship for development in the CGA. In making such a finding, the commission shall consider the criteria for a use variance pursuant to section two hundred sixty-seven-b (267-b) of New York State Town law. These criteria are as follows:

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

A demonstration supporting the above factors is outlined below.

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

The existing nursing/rehabilitation facility is currently in operation and is economically viable, allowing it to continue to service the needs of its residents/patients, and the community. However, the operational conditions are compromised as a result of the lack of on-site parking, necessitating off-site vehicular activity, as well as non-optimum on-site

amenities for occupants. If the hardship is not granted the facility could be subject to a loss of revenue as a result of competition with other more optimized facilities, thus stressing the ability to continue in a manner that provides a reasonable return. Also, the site is zoned NH-H for nursing home use, and is not viable for any other purpose. While not directly quantifiable, this is a logical assessment of the financial realities of operating a 54 year old nursing and rehabilitation center.

The Applicant seeks to improve the necessary services, support and convenience for its residents and patients to enhance the overall quality of existing facilities and meet current standards and expectations so it can remain competitive with larger more modern facilities. The hardship for these facilities is not merely inconvenience; it is a hardship to all its residents/patients and visitors, as well as to the facility staff, managers, and owners as basic improvements and modernization as proposed are essential to long-term health, safety, and the sustainability and viability of Surge and Quantum. The proposed improvements will help to enable proper facility functions and foster success in meeting health care objectives, by providing necessary infrastructure and maintenance to ensure the quality of service necessary to remain competitive and viable is met. It is expected that visitors are more likely to visit, and staff will find working at the facilities safer and more convenient, when the additional onsite parking necessary to replace parking in the street is finally provided. The project seeks to provide greater consistency with current zoning, engineering principles and practices and health and safety standards on a site that was developed over 50 years ago in 1972, before current regulations, to better support increasing demand by the aging population, and high quality facilities.

- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;*

The Subject Property is unique as it is a small, fully developed NH-H-zoned property situated within the CPB CGA in the center of a moderate to densely developed single-family residential neighborhood containing a park, small lake, Town owned open space, and one deli and catering business directly across the street that is undoubtedly supported by the existing facilities. The 4.4-acre rehabilitation and nursing establishment was constructed over 50 years ago long before Article 57 of the Environmental Conservation Law, adoption of the CLUP, and current local pine barrens requirements, parking and drainage standards, and greater knowledge about the needs of patients/residents. The property serves two long established essential nursing home and rehabilitation facilities, at a time when these uses are in significant demand due to the aging population. The project does not seek to increase facility capacities, it merely seeks to modernize and improve the existing facilities and make them safer, healthier, more enjoyable, more consistent with code and economically competitive and sustainable.

As discussed previously, improvements include providing the necessary onsite parking to meet the needs of patients/residents and eliminating identified hazardous and nuisance

conditions on the street. The Proposed Project will offer appropriate space for the elderly, disabled and rehabilitating to enjoy time with friends and relatives, which has been shown to support health. The project also creates a more ADA-accessible facility including parking and sidewalk improvements in accordance with current requirements, and provides curbing, pavement striping and suitable drainage. Due to past development of the site, including buildings, parking, drainage, and onsite sewage treatment plant and large sanitary leaching area it is impossible to meet the requirements of the CLUP under Town § 85-723.E.3 (CLUP Standard, S 5.3.3.6.1), "Vegetation Clearance Limits"; Town Code § 85-723.E.5 (CLUP Standard, S 5.3.3.6.2), "Open Space Standard Requirement, Unfragmented Open Space and Habitat"; and § 85-723.E.6 (S 5.3.3.6.3), "Fertilizer dependent vegetation limit." The project seeks a CPBC Hardship Exemption for the proposed very limited additional disturbance to the site (0.283 acres), the impossibility of fully complying with CLUP clearing restrictions and open space requirements, and further reducing lawn on the property covering the sanitary system or beneath existing trees by this long-established land use.

The surrounding area consists primarily of dense single-family residential neighborhood, "Pine Lake Town Park" and its fringing emergent wetlands to the south, and 4.7 acres of adjacent Town owned woodlands to the east. Unlike the surrounding single-family residential neighborhood, this land use involves two businesses that were approved long ago but require enough space to fully accommodate contemporary needs to remain competitive such as its existing STP that was improved over a decade ago, onsite parking needed to serve the existing land use, and essential space for visits and socialization on a relatively small lot.

In summary, the aspects of this application that make it unique are listed as follows:

- The nursing/rehabilitation center was fully developed in 1972, 54 years ago and prior to Article 57, the CLUP and the Commission.
- The site is zoned NH-H for a nursing/rehabilitation center, and is not viable for any other use.
- The site serves a community need by providing patient care within an ongoing nursing/rehabilitation enterprise.
- The proposed use is not intended to expand capacity of the facility, but will improve safety, facility operations and provide needed amenities.
- The Proposed Project will provide environmental improvements to the site, as compared to existing conditions, as outlined in Section 1.4 above.

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

The existing use has been a part of the essential character of the neighborhood for 54 years. The facility has involved the activity associated with patients and visitors, employees

and management, all in an ongoing business that has existed since 1972. The Proposed Project will result in minor alterations to the site, in the context of the larger use occupying the site for over half a century. The improvements reconfigure parking, where parking currently exists, and includes added landscaping. The onsite parking improvements will improve the character of the neighborhood by the cessation of parking on streets within the community. Other improvements are more internal to the site, near existing buildings in existing previously disturbed areas. As a result, the hardship, if granted, will not alter the essential character of the neighborhood.

The Proposed Project does not request a use variance, and will not result in a change in the long-standing use or intensity of use of the Subject Property. The existing and proposed use of the property are the same and are fully compliant with the Town NH-H land use requirements, although several Town area or dimensional requirements are preexisting nonconforming and a variance for maximum floor area ratio is required. The project will not significantly alter the site or the character of the neighborhood and the changes that are proposed are expected to be minor with minimal environmental impact, while providing many beneficial social, economic, environmental, and public health benefits. In fact, the project seeks to enhance conditions by removing on-street parking and providing space on the Subject Property to fully serve the existing uses and address feedback collected from neighbors. The project does NOT seek to increase the capacity or number of beds at its facilities but does seek to improve conditions including creating a safer and quieter street. The project includes the planting of a large rain garden consisting of native plants to offset environmental, ecological and drainage impacts.

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

The existing condition is not a result of the Applicant's actions or inactions. The Subject Property was zoned and developed for the current land use over 50 years ago, prior to the CLUP, changing facility and community needs, and contemporary regulatory standards and policies. As previously noted, approximately 62.3 percent of the site is currently impervious, which includes the existing buildings, site driveways, parking areas, sidewalks, garage, etc. Due to existing conditions and pre-CLUP development of the property, it is not feasible to make the requested improvements for the Proposed Project without obtaining a Hardship Exemption from the Commission. The property owners and current managers have no control over the present needs and current requirements of these types of facilities but can make improvements to address neighbor and patient/resident comments and recommendations. Maintenance and site and facility improvements are necessary to remain competitive, provide the best services possible to patients/residents, create a better workplace for staff, minimize impacts on neighbors, and improve health and safety of facility clientele. Relocating to another location after over 50 years serving this community is not an option.



Notice of Public Hearing

Pursuant to New York State Environmental Conservation Law Article 57 Section 57-0136 and the Central Pine Barrens Comprehensive Land Use Plan, notice is hereby given that the Central Pine Barrens Joint Planning and Policy Commission will hold a public hearing on Wednesday, July 15, 2026, on the matter of review of a draft enforcement review process and procedure in accordance with ECL Article 57 Section 57-0136.

Proposal: Draft Enforcement Review Process and Procedure

Sponsor: Central Pine Barrens Joint Planning and Policy Commission

Project Description:

Draft review process and procedure to address alleged violations of New York State Environmental Conservation Law Article 57 and the Central Pine Barrens Comprehensive Land Use Plan. The process would apply in the Central Pine Barrens region.

The proposal is classified as a Type II Action pursuant to the State Environmental Quality Review Act regulations.

Said hearing may be adjourned from time to time as necessary.

A public hearing will be held at Riverhead Town Hall, 4 West Second Street, Riverhead, NY 11901 at 2:30 p.m. on July 15, 2026. The proposal is posted on the Commission's website at: <https://pb.state.ny.us/>. A copy of the proposal is available for examination during regular business hours between 8:30 a.m. and 5:00 p.m. at the Commission office at: 624 Old Riverhead Road, Westhampton Beach, NY 11978.

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

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Violation Determinations and Remedies

Section 1.0 Definitions. The following terms shall have the stated meanings when used in this Part and/or documents prepared or reviewed by the Commission:

- (a) The “Act” means the Long Island Pine Barrens Protection Act of 1993 and amendments thereto codified in Article 57 of the Environmental Conservation Law.
- (b) “Central Pine Barrens” means the area described in Section 57-0107 of the Environmental Conservation Law.
- (c) “Commission” means the Central Pine Barrens Joint Planning and Policy Commission established by the Act.
- (d) “Compliance Conference” means a process between the Commission’s Executive Director, or its designee, to resolve a Violation with a Respondent alleged to have caused the Violation.
- (e) “Consent Order” means a document entered into by the Commission and a Respondent, whereby the latter agrees to discontinue or remedy the acts or practices which violate or will violate the Act, the Plan, any regulation promulgated by the Commission, or the terms or conditions of any order, permit, or determination issued by the Commission and may provide such other and further relief to which the Commission may require and the Respondent may agree. Such Consent Order shall be admissible as evidence to provide the basis for a finding or fact in any subsequent proceeding brought by the Commission against such Respondent involving the same or similar violation(s).
- (f) “ECL” means the Environmental Conservation Law of the State of New York.
- (g) “Executive Director” means the Commission’s Executive Director.
- (h) “Executive Director’s Report” means the report prepared by the Executive Director following a Compliance Conference with a Respondent.
- (i) “Notice” shall be made by first class mail, return receipt request to each Respondent. All other notices shall be by first class mail or as otherwise agreed to by the Parties.
- (j) “Notice of Violation” means a written instrument issued by the Commission or the Executive Director that alleges a violation of the Act, the Plan, any regulation promulgated by the Commission or the terms or conditions of any order, permit or decision issued by the Commission has occurred or is imminent.

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(k) “Party” means the Commission and any Person designated as a Respondent in any proceeding taken under these Rules.

(l) “Person” means a human being, a public or private corporation, a cooperative, club, trust, firm, company, an unincorporated association, a partnership, a government or a governmental instrumentality.

(m) “Plan” means the Central Pine Barrens Comprehensive Land Use Plan as adopted by the Commission and any amendments, rules or regulations issued thereto.

(n) “Respondent” means a Person who is issued a Notice of Violation.

(o) “Violation” means an action or actions by a Person that caused, or will imminently cause a contravention of a provision or provisions of the Act, the Central Pine Barrens Comprehensive Land Use Plan, any regulation promulgated by the Commission, or the terms or conditions of any order, permit or decision issued by the Commission.

(p) “Violation Determination” means the Commission’s written decision determining whether a Violation occurred, or is imminent, after an Informal Administrative Proceeding or a Formal Administrative Proceeding, and remedial measures as necessary.

Section 2.0 Applicability. Whenever the Commission determines, after investigation, or upon receipt of a Notice of Violation, that a Person caused, or will imminently cause, a contravention of a provision, or provisions, of the Act, the Central Pine Barrens Comprehensive Land Use Plan, any regulation promulgated by the Commission, or the terms or conditions of any order, permit or decision issued by the Commission, the Commission shall commence an Informal Administrative Proceeding under Section 4.0, an Formal Administrative Process under Section 5.0 or both to determine if a Violation has occurred or will imminently occur.

Section 3.0. Issuance of a Notice of Violation.

The Commission or its Executive Director may issue a Notice of Violation to a Person who has caused, or will imminently cause, a Violation based on a reasonable showing of evidence of same. A Notice of Violation does not establish a Violation has occurred.

Section 4.0 Informal Administrative Proceeding

(a) Upon the mutual consent of the Commission and the Respondent, an Informal Administrative Proceeding may be initiated to resolve an alleged Violation. If the Informal Administrative Proceeding is commenced and does not result in the issuance of Final Determination and Order as per Section 4.3, the Commission may proceed pursuant to Section

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5.0 to resolve the Violation.

(b) A Respondent may elect not to participate in an Informal Administrative Proceeding, by providing a written notification of the same to the Commission, within Fifteen (15) days of the Commission notice of an Informal Administrative Proceeding. If a Respondent elects not to participate in an Informal Administrative Proceeding, the Commission will resolve the Violation under the provisions of Section 5.0 below.

Section 4.1 Compliance Conference

The Commission shall schedule a Compliance Conference to discuss the alleged Violation within Thirty (30) days of its notice to Respondent. During the Compliance Conference, the Executive Director, or its designee, shall meet with the Respondent and discuss the alleged Violation. The Executive Director, or its designee, or the Respondent may propose a Consent Order to resolve the alleged Violation.

Section 4.2 Executive Director's Report

Within Thirty (30) days of the Compliance Conference, the Executive Director, or its designee, shall prepare and forward a Executive Director's Compliance Conference Report to the Commission. The Report shall contain a summary of the alleged Violation and the Compliance Conference. If the Respondent and the Executive Director have preliminary agreed on the terms of a proposed Consent Order to resolve the Violation, the same is to be included with the Report.

Section 5.0 Formal Administrative Process

Section 5.1 Notice of Hearing

(a) If a Notice of Violation cannot be resolved pursuant to an Informal Administrative Process, or an Informal Administrative Process was not held, the Commission shall commence a Formal Administrative Process to determine whether the Respondent caused, or will imminently cause, a Violation.

(b) The Commission shall scheduled a hearing to receive evidence concerning the Violation from the Respondent and interested Person.

(b) The Commission, on its own motion set a reasonable time for the hearing and give public notice thereof, and notice to the Respondent. The notice of hearing shall specify the time and place of the hearing, and shall set a date for a hearing not earlier than Twenty (20) days after service of the notice.

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(e) The failure to provide evidence or the failure by the Respondent to appear at the hearing and provide evidence of the Violation shall constitute a default upon proof of service of a notice of the hearing and a copy of the Notice of Violation delivered to the Respondent.

Section 5.2 The Hearing.

(a) Appearances.

(1) A Respondent may appear in person, by a representative, or by counsel.

(2) Any Person appearing on behalf of a Respondent in a representative capacity may be required to show its authority to act in such capacity.

(b) Evidence.

(1) Each Person shall, before testifying, be sworn or make an affirmation its testimony, under the penalties of perjury, shall be true.

(2) Prefiled, written testimony may be presented by any Party with permission of and subject to the discretion of the Commission. Prefiled testimony shall be sworn to by the Person and subject to review during the Hearing. To be considered, such testimony must be provided to the Commission no later than Ten (10) days prior to the date of the Hearing.

(3) When necessary, in order to prevent undue prolongation of the Hearing, the Commission may limit the number of times any Person may testify, the repetitious examination or cross-examination of witnesses, or the amount of corroborative or cumulative testimony.

(4) The rules of evidence shall not be strictly applied; provided, however, the Commission may exclude irrelevant, immaterial or unduly repetitious evidence and shall give effect to the rules of privilege recognized by law.

(5) All written statements, charts, tabulations and similar data offered at the Hearing shall, upon a showing satisfactory to the Commission of their authenticity, relevancy and materiality, shall constitute a part of the record of the Hearing.

(f) Adjournment. A request for an adjournment of the Hearing shall be in writing and submitted to the Commission prior to the Hearing. A Respondent shall be entitled to one adjournment without cause and thereafter provide reasonable cause an adjournment request.

(g) Record.

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- (1) Testimony given and other proceedings had at a hearing shall be recorded by the Commission, at its own expenses, by whatever means it deems appropriate.
- (2) The record of the hearing shall include: the notice of hearing, the Notice of Violation, Executive Director Report, if prepared, the transcript or recording of the testimony taken at the hearing; exhibits submitted and filed therein;
- (3) A copy of the stenographic transcript of the hearing or, if the hearing is recorded, a copy of the tape or a transcript of the recording, shall be available to any party upon request to the Commission, as appropriate, and upon payment of the fees allowed by law.

Section 5.3 Burden and Standard of Proof

- (1) Burden of proof.
 - (a) The Commission bears the burden of proof on all matters which they affirmatively assert in the Notice of Violation which initiated the proceeding.
 - (b) The Respondent bears the burden of proof regarding all affirmative defenses.
- (2) Standard of proof. Whenever factual matters are involved, the Person bearing the burden of proof must sustain that burden by a preponderance of the evidence. This subdivision does not modify or supplement the questions that may be raised in a proceeding brought pursuant to CPLR Article 78.

Section 5.4 Post Hearing Submission

Either Party may submit within Thirty (30) days of the Hearing a post hearing brief. There shall be no reply briefs.

Section 6.0 Commission's Violation Determination

- (a) In all matters, the Commission shall make a Violation Determination which shall provide:
 - (1) the factual record concerning the Violation and each Party's evidence, testimony, and assertions, concerning the the Violation,
 - (2) the dismissal of the Notice of Violation, in part or whole,
 - (3) determination that the Violation has occurred or is imminent, in part or in whole, and

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(4) if the Violation has occurred or is imminent:

- (i) an assessment of penalties consistent with applicable provisions of the ECL Article 57;
- (ii) a direction for abatement;
- (iii) order prohibiting the Respondent from causing the Violation,
- (iv) a combination of any or all of the foregoing; or
- (v) any determination deemed appropriate under the circumstances, consistent with applicable provisions of the Act, the Plan, any regulation promulgated by the Commission, or the terms or conditions of any order, permit, or determination issued by the Commission.

(c) A copy of the Commission's Violation Determination shall be served on the Respondent in the same manner as is provided in the Section.

Section 7.0 Waiver of Rules. Any of the foregoing rules affecting a period of time or notice may be waived by stipulation upon the consent of the Commission

Section 8. No Waiver of the Jurisdiction, Authority, or Power Provided by the Act.

(a) Notwithstanding the foregoing, no action hereunder or the Commission's decision not to exercise its powers provided herein, shall affect or limit, the independent jurisdiction a town, village or the Attorney General established under the Act.

(b) Nothing herein shall modify the provisions of the Act and in an event of conflict between the two, the provisions of the Act control.