



Central Pine Barrens Commission Meeting Agenda
Wednesday, October 18, 2023 at 2:00 pm
Southampton Town Hall
116 Hampton Road,
Southampton, NY 11968

1. **Administrative and Public Comment**
 - a. Public Comment
 - b. Minutes for 9/20/23 review (*approval*)
 - c. Draft resolution to ratify renewal of Commission's public officials management & employment practices liability insurance, umbrella policy and payment of premium (*Ms. Jakobsen*)
2. **Education and Science and Stewardship**
 - a. Draft resolution to approve the purchase of additional liability insurance for the Type 6 engine (*Ms. Jakobsen*)

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

Core Preservation Area

- a. Brookhaven Planning Board referral: Clancy Street Food Corp. / CR 111, Manorville / 200-462-2-5.1 / development of 3,293 square foot restaurant on 1.17 acres in the J2 Business zoning district / *draft response (Ms. Hargrave)*
- b. Southampton Town SEQRA Coordination: Sunrise of Speonk / 1313 Speonk Riverhead Road, Speonk / 900-301-2-15 / development of 3,000 square foot special trade contractor building on 1.8 acres in the LI 40 zoning district / *draft response (Ms. Hargrave)*
- c. CVE North America Solar at Westhampton Property Assoc. / east of Speonk Riverhead Road, Speonk / 900-276-3-1 and 2 / development of 25 acre solar facility on a 91 acre sand mine in the CR 200 zoning district / decision deadline 12/9/23 / *SEQRA Lead Agency Coordination (Ms. Hargrave)*
- d. Gosselin Property Core Preservation Area Hardship Waiver Application / 49 Old Westhampton Road, Riverside / 900-164-4-11 and 12 / development of a single-family dwelling on 1.7 acres in the R-15 zoning district and removal of 7 existing structures / *schedule public hearing (Ms. Hargrave)*

Pine Barrens Credit Program

- e. Antonia Marsh / proposal to construct barns on 1.5 acres in the A1 Residence zoning district on property restricted by a conservation easement / 58 Sally Lane, Ridge / 200-352-1-19.1 / *draft response (Mr. Tverdy)*

Compatible Growth Area

- f. Brookhaven ZBA referral: Gary Walsh / Eastport Manor Road, 978.51 feet west of CR 51, Eastport / 200-593-2-3.2 / three lot substandard subdivision of 4.67 acres in the A2 Residence zoning district / *draft response (Ms. Hargrave)*
- g. Expressway Drive North CGA DRS and Hardship / LIE North Service Road, west of Silks Road, Yaphank / 200-662-2-5.16 / sign plan for the approved development of 550,000 square feet of commercial industrial uses on 71 acres / *draft resolution (Ms. Hargrave)*

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

- a. Taco Bell-Mangogna Core Preservation Area Hardship Waiver Application / 451 County Road 111 at Chapman Boulevard, Manorville / 200-462-2-12.2 / development of a 2,624 square foot drive through restaurant where a 7,200 square foot restaurant (Michaelangelo's) is present on 1.6 acres in the J2 Business zoning district / hearing held on 7/19/23 and adjourned / *decision deadline 11/15/23 (Ms. Hargrave)*
- b. LIPA/PSEG-LI Medford Operations Center Compatible Growth Area Hardship Waiver Application / 3351 NYS Route 112 (currently Country Fair amusements), Medford / 200-574-2-3.1, 16 and 17.1 / development of an operations center on 24.26 acres in the J2 Business and A1 Residence zoning districts / *decision deadline 11/9/23 (Ms. Hargrave)*

5. **Public Comment**

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

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

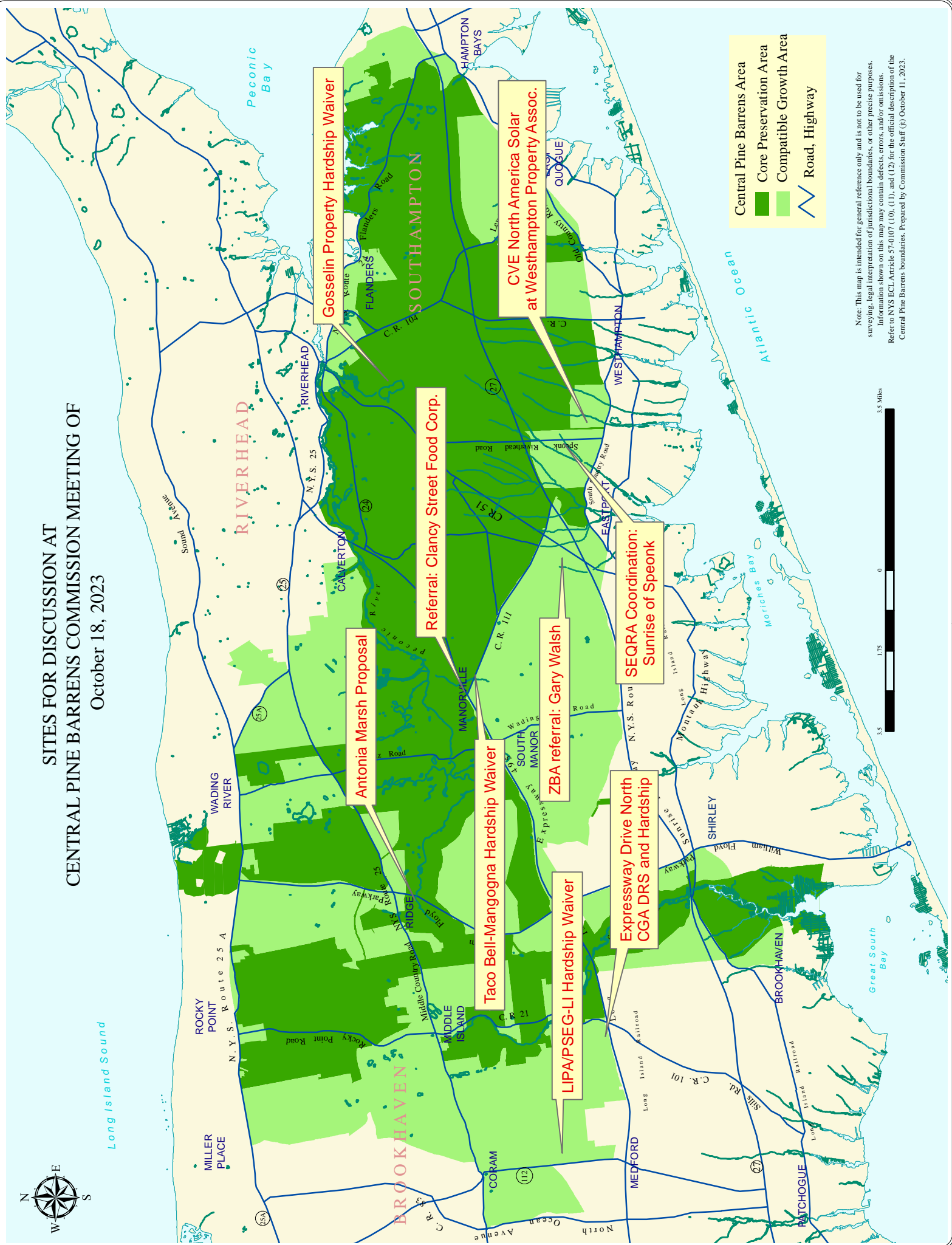
Jay H. Schneiderman
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
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Next Commission Meeting, Wednesday, November 15, 2023 at 2:00 pm
For meeting information visit <https://pb.state.ny.us/>

SITES FOR DISCUSSION AT CENTRAL PINE BARRENS COMMISSION MEETING OF October 18, 2023



Note: This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries, or other precise purposes. Information shown on this map may contain defects, errors, and/or omissions. Refer to NYS ECL Article 57-0107 (10), (11), and (12) for the official description of the Central Pine Barrens boundaries. Prepared by Commission Staff (J) October 11, 2023.



Central Pine Barrens Commission Meeting Summary
Wednesday, September 20, 2023 (Draft)
Riverhead Town Hall
200 Howell Avenue
Riverhead, NY 11901
2:00 pm

Commission members present: Mr. Robert Calarco (New York State Governor's Representative), Ms. DiBrita and Ms. Pines (for Brookhaven), Ms. Aguiar and Ms. Hurley (for Riverhead), Mr. Dale (for Suffolk County), Ms. Scherer and Mr. Shea (for Southampton)

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

Ms. Aguiar led the pledge to the flag and Mr. Calarco noted that all five Commission members present there is a quorum.

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

1. Administrative and Public Comment

a. Public Comment

Summary: No public comments were received.

b. Minutes for 8/16/23 review

*Summary: **The motion was made by Mr. Dale and seconded by Ms. Aguiar to adopt the August 16, 2023 meeting minutes. The motion was approved by 5:0 vote.***

c. Commission-NYSDEC five-year contract agreement: approval

Summary: Ms. Jakobsen discussed the previously sent draft resolution for a revised budget plan for the contract fiscal year. The revision reflects a six-month extension on the previous contract to spend down advanced money that could not be carried over to the new contract.

The motion was made by Mr. Dale and seconded by Ms. Aguiar to approve the revised NYSDEC five-year contract agreement and approve the Executive Director to execute the new five-year contract on behalf of the Commission. The motion was approved by 5:0 vote.

2. Education and Outreach, Science and Stewardship, NYWIMA

a. Education and Outreach Division: update

Summary: Mr. Motz was not present, the Education and Outreach division's activities covered in the previously distributed education and outreach division report.

b. Science and Stewardship Division: update

Ms. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed science and stewardship division report.

c. New York Wildfire and Incident Management Academy: update

Ms. Jakobsen welcomed and introduced Ms. Catherine Drew who was recently hired as a part time Administrative Assistant. Ms. Drew is currently focused on the New York Wildfire and Incident Management Academy and she discussed highlights and updates on current activities covered in the previously distributed NYWIMA report.

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

a. Compliance and Enforcement Division: update

Summary: Mr. Carbone discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report. Mr. Carbone discussed how valuable Mr. Enright was to the Commission. Mr. Enright retired in this month.

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- b. *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.
- c. *Credit Program: update*
Summary: Mr. Tverdy discussed highlights and updates on the Credit Program's activities covered in the previously distributed credit program report.

Compatible Growth Area

- d. *Referral: Brookhaven Town Planning Board: Suffolk Muslim Cemetery / Eastport / 200-684-5-3, 200-685-1-1.1, 200-722-1-1 / demolition of existing Spadaro Airport structures and development of a cemetery on 27 acres in the A1 (86%) and J2 (14%) zoning districts; part of site in CGA, part of site not within the Central Pine Barrens*
Summary: Ms. Hargrave discussed this referral from the Town of Brookhaven Planning Board. It defers lead agency to the town. The project site is about 27 acres part of which is in the Compatible Growth Area. The draft letter indicates that the project is development and the part in the CGA must conform with the Plan standards.

The motion was made by Mr. Dale and seconded by Ms. Scherer approve to send the draft referral letter to the Town of Brookhaven Planning Board. The motion was approved by 5:0 vote.

- e. *Taco Bell-Mangogna Core Preservation Area Hardship Waiver Application / Chapman Boulevard-CR 111, Manorville / 200-462-2-12.2 / development of a 2,624 square foot drive through restaurant where a 7,200 square foot restaurant (Michaelangelo's) is present on a 1.6-acre project site in the J2 Business zoning district /*
Summary: Ms. Hargrave discussed that the SEQRA process is not complete at the town, so an extension is needed on the decision deadline.

The motion was made by Ms. DiBrita and seconded by Ms. Aguiar to adjourn the public hearing to October 18, 2023 and extend the decision deadline to November 15, 2023. The motion was approved by 5:0 vote.

- f. *Venezia Square at Wading River CGA Development of Regional Significance / NYS Route 25A, Wading River / 600-73-1-1.4 and 1.16, 1.17, 1.18 and 1.19 / development of 37,000 square feet of commercial uses on a 6.3-acre project site in the Business CR zoning district*
Summary: **The motion was made by Ms. Scherer and seconded by Mr. Dale to extend the decision deadline to November 15, 2023. The motion was approved by 5:0 vote.**

4. Public Hearing at 3:00 pm

- a. *Taco Bell-Mangogna Core Preservation Area Hardship Waiver Application / Chapman Boulevard-CR 111, Manorville / 200-462-2-12.2 / development of a 2,624 square foot drive through restaurant where a 7,200 square foot restaurant (Michaelangelo's) is present on a 1.6 acre project site in the J2 Business zoning district / adjourned*
- b. *CVE North America, Inc. Core Preservation Area Hardship Waiver Application (former site of Westhampton Property Associates Core hardship, 2012) / east of Speonk Riverhead Road, Speonk / 900-276-3-1 and 2 / develop and lease 25 acres for a 5 MW solar facility on the site of a 91-acre sand mine in the CR 200 zoning district.*

Summary:

A stenographic transcript was prepared for the hearing.

5. Public Comment

Summary: No public comments were received

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

The motion was made by Mr. Dale and seconded by Ms. Scherer to close the public portion of the meeting and to move into an advisory session for the purpose of discussing enforcement matters and obtaining legal advice from Commission counsel the Commission would not return to public session. The motion was approved by a 5:0 vote.

Meeting was adjourned at approximately 4:00 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for August 16, 2023
2. Final Commission meeting summary for August 16, 2023
3. Draft Resolution dated September 13, 2023 to approve the revised Attachment B-1 Budget Plan for State Fiscal Year 2023-2024 and to approve the Commission entering into new 5 Year Agreement (2023 through 2028) with the NYS Department of Environmental Conservation dated June 21, 2023; Attachment B-1 Expenditure Based Budget Summary
4. Final Resolution dated September 13, 2023 to approve the revised Attachment B-1 Budget Plan for State Fiscal Year 2023-2024 and to approve the Commission entering into new 5 Year Agreement (2023 through 2028) with the NYS Department of Environmental Conservation dated June 21, 2023; Attachment B-1 Expenditure Based Budget Summary
5. Environmental Outreach and Communications Division update dated September 2023
6. Science and Stewardship division update dated September 20, 2023
7. New York Wildfire and Incident Management Academy update dated 2023
8. Compliance and Enforcement Division update dated July – August 2023
9. Land Use Division update dated September 20, 2023
10. Credit Program update dated September 20, 2023
11. Draft referral response letter to the Town of Brookhaven dated September 20, 2023; Memo and site plan from the Town of Brookhaven of the Suffolk Muslim Cemetery dated August 22, 2023
12. Final referral response letter to the Town of Brookhaven dated September 20, 2023 on the Suffolk Muslim Cemetery
13. Email from Certilman Balin dated September 13, 2023 proposing signage and requesting adjournment of this item to October 18, 2023
14. Email from J. Lee Snead, Esq dated September 11, 2023 requesting adjournment of the Taco Bell-Mangogna hearing date to October 18, 2023 and extension of the decision deadline accordingly
15. Email from Nelson, Pope Voorhis dated September 13, 2023 requesting an extension of decision deadline on Venezia Square CGA DRS
16. Draft Staff report for the public hearing CVE NY Southampton 243 LLC core hardship dated September 20, 2023



Central Pine Barrens Joint Planning & Policy Commission

Meeting of October 18, 2023

Southampton Town Hall

116 Hampton Rd

Southampton, NY

Draft Resolution for the Central Pine Barrens Joint Planning and Policy Commission to Ratify the Renewal of the Commission's Public Officials Management & Employment Practices Liability Insurance Policy and Payment of Premium

Present: , for NYS Governor's Representative
, for the Suffolk County Executive
, for Brookhaven Town Supervisor
, for Riverhead Town Supervisor
, for Southampton Town Supervisor

Robert Calarco
Chair

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Whereas, pursuant to Article 57 of the New York State Environmental Conservation Law, the Commission is authorized to obtain and maintain insurance to cover its various operations and activities, and

Whereas, the current policy for the Commission's Public Officials Management & Employment Practices Liability Insurance and Umbrella Policy expired on October 9, 2023, which required the executive director to bind the renewal policies prior its expiration and prior to the October 18 Commission meeting to ensure coverage remains in effect, and

Whereas, the policy will be provided through Arthur J. Gallagher Risk Management Services, Inc (insurance broker) for the period 10/9/2023 through 10/9/2024 (13 months) for an estimated quote of \$45,050.04, now therefore be it

Resolved, that the Commission ratifies the renewal of the Public Officials Management & Employment Practices Liability Insurance Policy and Umbrella policy provided through Arthur J. Gallagher and authorizes the Executive Director to the pay the policy premiums.

Motion by:

Second by:

Ayes:

Nays:

Abstentions:

624 Old Riverhead Road
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Fax (631) 288-1367
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**Central Pine Barrens Joint Planning & Policy Commission
Meeting of October 18, 2023
Southampton Town Hall
116 Hampton Road
Southampton, NY**

**Draft Resolution for the Central Pine Barrens Joint Planning and Policy Commission to
Approve the Purchase of Additional Liability Insurance Coverage
for the Commission's Type 6 Fire Truck**

Present:

Robert Calarco
Chair

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

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

Whereas, the Commission entered into a five-year contract with the New York State Department of Environmental Conservation (NYSDEC) to develop, coordinate, and conduct a prescribed fire management program in the Central Pine Barrens to reduce wildfire risk, promote forest and ecological health, and benefit conditions for ecological service provision, recreational use, and cultural aspects of the Central Pine Barrens; and

Whereas, the Commission by prior resolutions approved the purchase of a Type 6 fire engine for use in prescribed fire management operation and related insurance that included \$1,000,000 of liability insurance coverage; and

Whereas, the truck is anticipated to be completed in November, therefore Commission staff recommends the Commission approve the purchase of additional liability insurance through Arthur Gallagher Insurance for an amount not to exceed \$10,000 since the truck will be placed in operational status;

Now therefore be it

Resolved, the Commission approves the purchase of additional \$1,000,000 of liability insurance coverage for the Type 6 fire engine at a cost not to exceed \$10,000 that together with the existing insurance will provide a total of \$2,000,000 liability insurance coverage for the truck and authorizes the executive director to bind and execute all documents.

Motion by:

Second by:

Ayes:

Nays:

Abstentions:

Absent:

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DRAFT



October 18, 2023

Michael Albano
Site Plan Reviewer
Town of Brookhaven
One Independence Hill
Farmingville, NY

RE: Referral: Clancy Street Food Court Site Plan, Manorville, Town Log # 22SP0058
SCTM # 200-462-2-5.1
Central Pine Barrens Core Preservation Area

Dear Mr. Albano:

On September 29, 2023, the Central Pine Barrens Commission received the referenced referral. The project site is in the Central Pine Barrens Core Preservation Area. It is located on the corner of County Route 111 and the LIE Exit 70 eastbound entrance in Manorville, Town of Brookhaven.

According to the Site Plan prepared by Labcrew Engineering P.C. dated June 20, 2023, the project site is 1.167 acres. It is undeveloped and naturally vegetated.

The proposal is to develop a one story, 3,293 square foot restaurant with outdoor seating. Other development includes 30 parking spaces, a cross access driveway to the easterly adjacent property and two curb cuts: one on CR 111 and one on the eastbound LIE entrance.

The proposed activity constitutes development pursuant to the definitions in New York State Environmental Conservation Law Article 57 Section 57-0107(13)(b) and (c). Chapter 4 of the Comprehensive Land Use Plan states development in the Core is prohibited without a hardship waiver. Therefore, the applicant must submit a core hardship waiver application to the Commission, subject to review and decision.

In 1995, a hardship waiver was granted to "Clancy Street Food Corp." to develop a different project on this property. The project has changed and requires a new application.

Please direct the applicant to submit an application to this office. The core hardship application packet can be downloaded from the Commission website under Public Information/document library – subject category "Development Application Forms". A hard copy may be requested if necessary.

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
Policy and Planning Manager

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

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

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Town of Brookhaven Long Island

DATE: 09-29-2023

TO: Central Pine Barrens Joint Planning & Policy Commission

FROM: Michael Albano
Planning Division

RE: Site Plan: CLANCY STREET FOOD COURT , Log Number: 22SP0058 **Revised Submission**
Construction of a proposed 3293 sf take out restaurant w/outdoor seating, no basement, with proposed site improvements, parking with striping, drainage, lighting & curbing. e Side of EASTPORT MANOR RD, ' of , Manorville
Suffolk County Tax Map #: 0200-462.00-02.00-005.001, 1.16 acres.

Please be advised that the Planning Board of the Town of Brookhaven has received a **revised submission** for the above referenced action. For your review and consideration, please find enclosed a copy of the revised site plan.

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

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

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

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

One Independence Hill · Farmingville · NY 11738 · Phone (631) 451-6400 · Fax (631) 451-6419
www.brookhavenny.gov

Labcrew Engineering, P.C.

ENGINEER, PLANNER, SITE DESIGN

RECEIVED

By PLANNING at 12:12 pm, Sep 29, 2023

September 5, 2023

Town of Brookhaven
Planning Department
1 Independence Hill
Farmingville, NY 11738

RE: Clancy Street Food Court
s/e/c LIE service road and County Road 111
Manorville, NY 11949
SCTM No. 0200 46200 0200 005001
Log Number: 22SP0058

To whom it may concern,

The following is in response to the Town's comments in regard to the aforementioned site plan.

Engineering Review – 2/22/2023

1. Scale:
 - A. All drawings are to scale where needed.
2. Grading and Drainage
 - 1) Drainage area #3 was recalculated for a 5" rainfall.
 - 2) Drainage increased, storage area increased.
 - 3) Proposed One-foot grading contours depicted.
 - 4) Spot grade elevations added to all critical points.
 - 5) Finish grades adjacent to building corners and entrances have been added.
 - 6) Top of curb elevations have been added.
 - 7) All entrances and exits to the building with grades added.
 - 8) Grade rates have been added.
 - 9) Minimum clearance from utilities shown.
 - B. 6" roof drain connector pipe depicted.
3.
 - A. Added asphalt pavement detail to DET-1
 - B. 2% slopes added to walkways.
6. Stormwater Pollution Protection Plan, (SWPPP):
 - A. ADA access aisle and parking stalls dimensioned. – Sheet AL-1

460 Hawkins Avenue
Ronkonkoma, New York 11779
Tel: 631-676-4881
Email: labcrew@optonline.net

Planning Department – 1/19/2023

a) Site Plans:

i) Alignment Plans

- (1) Primary Frontage is along County Route 111, Secondary Frontage is along LIE Service Road.
- (2) Building repositioned for front facing along CR 111.
- (3) Town variance chart updated to show that 12 feet requested from property line.
- (4) Signage setback required is 22 feet from property line.
- (5) Outside seating and loudspeakers notes added to plan.

Suffolk County DWP – 1/24/2023

Add specifications for Full depth asphalt pavement, 35' curb radii, monolithic concrete directional island and pedestrian ramps.

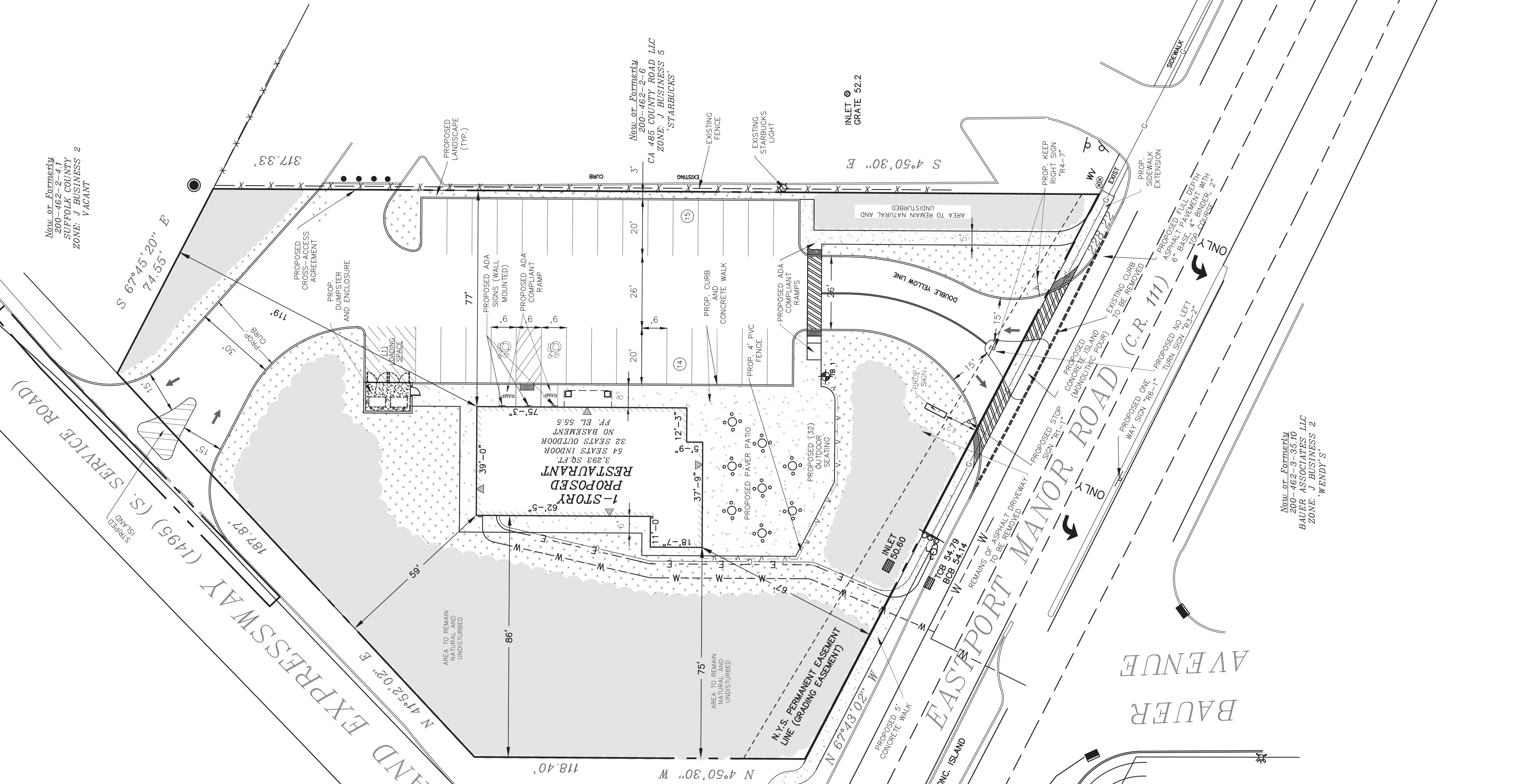
Add proposed concrete sidewalk for entire frontage along CR 111.

Add proposed signage for “One Way”, “Stop”, “No Left Turn” and “Keep Right”.

If you have any questions or need additional information, please do not hesitate to contact me at my office, (631) 676-4881.















Yours Truly,





Christopher Labate, P.E.
Principal











SYMBOL KEY



N.T.S.

 CATCH BASIN
 GAS VALVE
 WATER VALVE
 MANHOLE COVER
 DRAINAGE MANHOLE COVER
 LIGHT POST
 MONUMENT
 STAKE
 PIPE
 DRILL HOLE
 HYDRANT
 WATER METER
 BOLLARD
 PROP. PAVEMENT ELEV.

 EXISTING ELEVATION
 EXISTING TREE TO BE REMOVED
 TOP OF CURB
 BOTTOM OF CURB















SPECIAL LINES





 OVERHEAD WIRES
 TELEPHONE LINE
 WATER MAIN
 UNDER GROUND ELECTRIC
 GAS LINE
 FENCE
 STONE WALL
 SILT FENCE

 EXISTING CONCRETE
 PROPOSED CONCRETE









SYMBOL KEY



N.T.S.

 CATCH BASIN
 GAS VALVE
 WATER VALVE
 MANHOLE COVER
 DRAINAGE MANHOLE COVER
 LIGHT POST
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 STAKE
 PIPE
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SPECIAL LINES





 OVERHEAD WIRES
 TELEPHONE LINE
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 FENCE
 STONE WALL
 SILT FENCE

 EXISTING CONCRETE
 PROPOSED CONCRETE









SYMBOL KEY



N.T.S.

 CATCH BASIN
 GAS VALVE
 WATER VALVE
 MANHOLE COVER
 DRAINAGE MANHOLE COVER
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 HYDRANT
 WATER METER
 BOLLARD
 PROP. PAVEMENT ELEV.

 EXISTING ELEVATION
 EXISTING TREE TO BE REMOVED
 TOP OF CURB
 BOTTOM OF CURB















SPECIAL LINES

 OVERHEAD WIRES
 TELEPHONE LINE
 WATER MAIN
 UNDER GROUND ELECTRIC
 GAS LINE
 FENCE
 STONE WALL
 SILT FENCE

 EXISTING CONCRETE
 PROPOSED CONCRETE

SYMBOL KEY

N.T.S.

 CATCH BASIN
 GAS VALVE
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 DRAINAGE MANHOLE COVER
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 STAKE
 PIPE
 DRILL HOLE
 HYDRANT
 WATER METER
 BOLLARD


KEY MAP

SITE PARCEL

L. I. E. 580' (CR # 111)

MAJOR ROAD (CR # 111)

BAUER AVE

EASTPORT

A WINDING WATER CREEK

SCALE: 1" = 400'

SITE CRITERIA

SITE DATA:

SITE AREA	1.167 ACRES	50,948.9	SQ.FT.
PROPOSED BUILDING AREA		3,293	SQ.FT.
PROP. F.A.R.		6.5	%
PARKING REQUIRED		29	STALLS
PARKING PROVIDED w/LOADING		30	STALLS
DATUM		NAD 1988	
ZONING		J BUSINESS 2	
USE		RESTAURANT WOODCORE SEATING	

J BUSINESS 2 ZONING REQUIREMENTS:

SETBACK	REQUIRED	PROPOSED	
LOT AREA	15,000.00	50,948.9	SQ.FT.
FRONT YARD SETBACK	25.0	67	FEET
SIDE YARD SETBACK	10.0	75	FEET
REAR YARD SETBACK	25.0	59	FEET
MAX BUILDING HEIGHT	38 / 2.5	32	FT. / STY
MAX FLOOR AREA RATIO	35.0	6.5	%
MIN FRONTAGE	100.0	228.2	FEET
MAXIMUM LOT COVERAGE	65	48.5	%

PARKING CALCULATIONS:

RESTAURANT - 66 SEATS / 3 SEATS/STALL	29	STALLS
TOTAL REQUIRED	29	STALLS
LOADING STALLS	1	STALLS
TOTAL PROVIDED w/LOADING STALL	30	STALLS
NADA STALLS	2	STALLS

LANDSCAPE REQUIREMENTS:

	REQ.	PROP.	
MIN NATURAL TREE AREA/ LANDSCAPE (95% OF TOTAL SITE)	17,797.1	18,221.9	SQ.FT.
MIN NATURAL TREES (10% OF TOTAL SITE)	5,084.9	9804.9	SQ.FT.
AREA LANDSCAPE 100% OF TOTAL			% OF SITE
NATIVE GRASS AREA		7,480.7	14.7
NATURAL TREE AREA		18,221.9	35.8
NATURAL TREE AREA AND NATIVE GRASS AREA		25,702.6	50.5

ON SITE QUANTITIES:

	EXIST.	PROP.	
CONCRETE CURB	N/A	888	LIN.FT.
CONCRETE SIDEWALK	N/A	2408	SQ.FT.
CATCH BASINS	N/A	0	UNITS
DRAINAGE POOLS	N/A	11	POOLS
FENCE	N/A	0	LIN.FT.
15' CONNECTOR PIPES	N/A	200	LIN.FT.
6' CONNECTOR PIPES	N/A	105	LIN.FT.
PAVER PATIO	N/A	2085.1	SQ.FT.
PAVED AREA	N/A	15,395.4	SQ.FT.

GENERAL SITE NOTES:

ALL CONCRETE CURBSING, SIDEWALK, AND DRAINAGE STRUCTURE SHALL BE INSTALLED IN ACCORDANCE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION. TOWN OF BROOKHAVEN ENGINEERING INSPECTOR IN THE DEPARTMENT OF PLANNING, ENVIRONMENT AND LAND MANAGEMENT SHALL BE NOTIFIED 48 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION. ALL WORK SHALL BE COMPLETED BY THE HOURS OF 9:00am-4:30pm MONDAY THROUGH FRIDAY. PLEASE SCHEDULE A PRE-CONSTRUCTION MEETING 48 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION AT 631-481-6400 TO DISCUSS THE LOCATION AND GRADES FOR CURBS AND WALKS TO BE VERIFIED WITH THE TOWN OF BROOKHAVEN HIGHWAY DEPARTMENT, SCDOF OR NYSDOT. ALL TRAFFIC CONTROL DEVICES, I.e. SIGNALS, SIGNS, AND PAVEMENT MARKINGS SHALL BE INSTALLED IN CONFORMANCE WITH THE GUIDELINES OF THE NEW YORK STATE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. ALL TRAFFIC CONTROLS SHALL BE MAINTAINED IN ADVANCE OF THE CONTRACTORS PERFORMING ANY AND ALL TRAFFIC CONTROL DEVICES LAYOUT AND INSTALLATION WORK SHALL NOTIFY THE TOWN OF BROOKHAVEN ENGINEERING INSPECTOR IN THE DEPARTMENT OF PLANNING, ENVIRONMENT AND LAND MANAGEMENT 48 HOURS PRIOR TO THE BEGINNING SUCH WORK ALONG A TOWN ROAD. ALL PAVEMENT MARKINGS REQUIRED SHALL BE THERMOPLASTIC SURFLOK STOP LINE SIGN DISTANCE SHALL BE MAINTAINED AT ALL INTERSECTIONS IN ACCORDANCE WITH AASHTO REQUIREMENTS.

SURVEY PREPARED BY:
RUSSELL H. LEWIS COS. LAND SURVEYOR
57 CONKLIN AVENUE, WHEATLEY HEIGHTS, NY 11798
PHONE: (516) 474-3685 DATE: JUNE 22, 2021

[illegible]



October 18, 2023

Southampton Town Planning Board
Jacqui Lofaro, Chairperson
Southampton Town Hall
116 Hampton Road
Southampton, NY 11968

**RE: SEQRA Lead Agency Coordination
Sunrise of Speonk Site Plan; SCTM # 900-301-2-15
Central Pine Barrens Compatible Growth Area**

Dear Chairperson Lofaro:

On October 10, 2023, the Central Pine Barrens Commission office received the SEQRA Coordination for the referenced project. The project site is in the Central Pine Barrens Compatible Growth Area (CGA). The Commission does not object to the Planning Board assuming Lead Agency pursuant to the State Environmental Quality Review Act regulations..

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Existing Conditions and Project Description

The project site is 1.8 acres and in the LI 40 Zoning District. It is located on the west side of Speonk Riverhead Road, south of Sunrise Highway, in Speonk. The property is undeveloped and contains natural pine barrens vegetation.

According to the Site Plan prepared by Fox Land Surveying dated August 9, 2023, the application proposes the development of a 3,000 square foot special trade contractor building and use with outdoor storage, parking and other infrastructure.

Central Pine Barrens Status

The proposal constitutes development activity pursuant to the Long Island Pine Barrens Protection Act (the Act), embodied in New York State Environmental Conservation Law (ECL) Article 57. Therefore, the proposal must conform with the standards for land use in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan) as implemented by the Southampton Town Code. If the project does not conform, the application may be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission, subject to review and action.

Prior to site disturbance, please require the applicant submit a demonstration of conformance with the Plan standards as implemented by the Town Code.

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
Policy and Planning Manager

cc: Judy Jakobsen, Executive Director
John C. Milazzo, Counsel

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

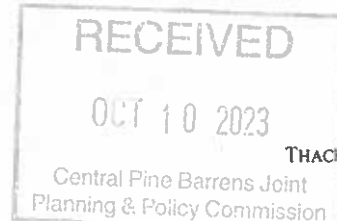
TOWN OF SOUTHAMPTON

Department of Land Management
Planning Division
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-5735
Fax: (631) 287-5706



SUPERVISOR
JAY SCHNEIDERMAN



JACQUI LOFARO

VICE CHAIR
DENNIS FINNERTY

SECRETARY
GLORIAN BERK

BOARD MEMBERS
CRAIG CATALANOTTO
THACKOOR (GEORGE) MOOTOO
THOMAS NEELY
KATE FULLAM

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

FROM: Southampton Town Planning Board

RE: NOTIFICATION OF SEQRA COORDINATION for
Sunrise of Speonk

DATE: October 4, 2023

Enclosed please find a copy of the:

☒ Environmental Assessment Form (EAF) Part 1, prepared by the project sponsor.

Pursuant to 6 NYCRR Part 617.5 (SEQRA), the Southampton Town Planning Board has
preliminarily classified this project as a:

☒ Unlisted Action

Your agency has been identified as an Involved Agency. Pursuant to 6NYCRR 617.6 (SEQRA) a
Lead Agency must be designated and agreed upon **within 30 days** from the date of transmission
of this coordination notification. Please return the attached form to our office **no later than**
November 4, 2023, indicating whether or not your agency wishes to assume Lead Agency status
relative to this action.

Please be aware that the Southampton Town Planning Board:

☒ would like to assume Lead Agency status
☐ does not want to assume Lead Agency status
☐ will assume Lead Agency status if no other agency requests it

The site plan/special exception application is for the construction of a 50x60 sq ft metal building
with an office and two storage bays and outdoor storage on a 1.81-acre parcel, located in the L-40
Zoning District, Aquifer Protection Overlay District, Central Pine Barrens Compatible Growth
Area and situated at 1313 Speonk Riverhead Road, Hamlet of Speonk (SCTM No. 900-301-2-
15);

Even if your agency declines Lead Agency status, please use this opportunity to review the
proposed action, from your agency's standpoint, and advise us of any additions, modification or
concerns, which your agency may have relative to this project and/or the SEQRA process. This is
the only referral that your agency will receive prior to the Planning Board's holding of a
Preliminary Hearing on this project.

Enclosures: EAF, Application, Site Plan

PLEASE COMPLETE THIS FORM

SEQRA COORDINATION RESPONSE

To: Southampton Town Planning Board
Town Hall
116 Hampton Road
Southampton, N.Y. 11968

From:

Re: **SEQRA Lead Agency Coordination**

Date: _____

Project Name: Sunrise of Speonk

Members of the Southampton Town Planning Board

Your Notification for SEQRA Coordination was received by our agency on _____. Please be advised that our agency, the Central Pine Barrens Joint Planning & Policy Commission:

Wants to assume Lead Agency status _____
Does not want to assume Lead Agency status _____
Will assume Lead Agency status if no other agency requests it _____

Very truly yours;

RECEIVED

OCT 10 2023

*Central Pine Barrens
Joint Planning & Policy Commission*

Application Name: Sunrise of Speonk
 SCTM No.: Dist 0900 Sect 301.00 Block 02.00 Lot 015.00
 Property Address: 1313 Speonk Riverhead rd, Speonk NY 11972

I. General Information

- a) Applicant's Name: Sunrise of Speonk
 Address: PO Box 1669 Westhampton Beach, NY 11978
 Phone No.: 631-335-6738
- b) Name of Business (Existing or Proposed): Sunrise Sanitation LLC
 Address: PO Box 1669 Westhampton Beach, NY 11978
- c) If the applicant is a corporation, give the name and title of the responsible Officer:
 Name: Charles Ferrari
 Title: Member LLC
- d) Landowner's Name: Sunrise of Speonk
 Address: P.O. Box 1669 Westhampton Beach, NY 11978
- e) Licensed Architect, Landscape Architect, Civil Engineer or Land Surveyor
 Name: Salvatore Iannone Jr.
 License No: 020421
 Address: PO Box 672 REMSENBURG NY 11960
 Telephone: 631-325-3512
- f) If the applicant does not own the property, prepare the Owner Endorsement Form at the end of this packet establishing authorization of the applicant's proposed subdivision of his land.
- g) All communications with regard to this subdivision shall be addressed to the following person until further notice:
 Name: Sunrise of Speonk
 Address: P.O. Box 1669 Westhampton Beach, NY 11978
 Phone No: 631-335-6738

RECEIVED

OCT 10 2023

Central Pine Barrens
 Joint Planning & Policy Commission

a. Current land use of site (agricultural, commercial, undeveloped)

Undeveloped

b. Current conditions of site (building, brush, etc.)

wooded pine and oak trees

c. Character of surrounding lands (within 200 feet) (residential, commercial, agriculture, wetlands, etc)

Similar pine barren type lots with buildings -
light industrial area.

IV. Nature of Use (i.e. retail, office, warehouse): office/truck repair/parking

IV. Nature of construction:

a. Anticipated construction time: 6 months

b. Will Development be staged? YES: ☒ NO: ☐

V. Impact:

a. Anticipated increase in number of residents, shoppers, employees, etc.

8 EMPLOYEES

VI. Zoning:

a. Has an application been made to the Zoning Board of Appeals for this property? YES: ☐ NO: ☒
If yes, please list the name of application and date of determination.

b. Is a Change of Zone requested at this time? YES: ☐ NO: ☒

IX. Signs

- a. Are there any existing free-standing or attached signs? YES: ☐ NO: ☒
(all signs must be indicated on site plan.)
- b. Have sign permits been obtained for all existing signs? YES: ☐ NO: ☒
- c. Are free-standing or attached signs proposed? YES: ☒ NO: ☐

****Plans indicating location, size, colors and materials of all proposed signs must be submitted with the site plan application. A Sign Permit from the Building Department must be obtained for all signs.**

X. Parking

- a. Number of off-street parking spaces required as calculated using the Schedule of Off-Street Parking Space Requirements for Non-Residential Uses, listed in Section 330-94 of the Town Code: 6
- b. Number of existing parking spaces: 0
- c. Number of handicap parking spaces provided (must be at least 5% of total parking spaces provided.): 2
- d. Number of truck loading spaces: 0
- e. Is a parking waiver requested? YES: ☐ NO: ☒ If yes, for how many spaces? _____

Note: a formal letter requested waiver must be submitted separately along with this application

XI. State Environmental Quality Review Act (SEQR)

(Pursuant to Part 617, NYCRR and Chapter 157 of Town Code)

- a. Do any tidal or freshwater wetlands occur on the subject site? YES: ☐ NO: ☒
- b. Are the wetlands and/or the proposed activity regulated by the following agencies?
 New York State Department of Environmental Conservation: YES: ☐ NO: ☒
 U.S. Army Corps of Engineers: YES: ☐ NO: ☒
 Southampton Town Conservation Board: YES: ☐ NO: ☒
 Southampton Town Trustees: YES: ☐ NO: ☒
- c. Has a permit been obtained from any of the above agencies? YES: ☐ NO: ☒
 If yes, which ones? _____
- d. Is the site located in a designated critical environmental area? YES: ☐ NO: ☒
 If yes, which ones? _____
- e. Is the proposed action a Type I, Type II, or unlisted action? Unlisted

Note: Part I of an Environmental Assessment Long Form must be submitted for all Type I and Unlisted Actions



Open Government Disclosure Form

(Zoning Board of Appeals, Planning Board, Conservation Board, all other Land Management Review)

STATE OF NEW YORK)

ss:

COUNTY OF SUFFOLK)

Charles Ferrari

, being duly sworn, deposes and says:

Print Name

I am the owner and/or applicant for a project that is the subject of a pending application before the Southampton (Check one)
☐ Zoning Board of Appeals, ☐ Planning Board, ☐ Conservation Board ☒ all other Land Management Review. I make this affidavit under penalty and swear to the truth herein. I am aware that this affidavit is required by General Municipal Law §809 and Southampton Town Code Chapter 23 and that I shall be guilty of a misdemeanor should I knowingly or intentionally fail to make all disclosures herein. I am also aware that I may be subject to the penalties in Southampton Town Code §23-14 should I knowingly or intentionally fail to make all disclosures herein.

1. The application name is: Sunrise of Speech
2. I reside at 11 HOME PLCE, SECON NY 11972
3. The officers of the applicant corporation/owner corporation are as follows:
Pres. Charles Ferrari Sec. _____
Vice Pres. Shawn Munding Treas. _____
4. Do any of the following individuals have an interest in the owner or applicant (as defined on page iii, note "A")?

A. Any official of New York State

B. Any elected or appointed official or employee of Southampton Town or Suffolk County

Yes

☐

No

☒☐☒

If the answer to Question 4 is YES, General Municipal Law §809 and Town Code Chapter 23 require that you disclose the name and the nature and event of the interest of said individual(s) in the owner or applicant.

Name

Residence

Nature of Interest

_____	_____	_____
_____	_____	_____
_____	_____	_____

SITE PLAN/SPECIAL EXCEPTION APPLICATION FORM CHECK LIST
THIS FORM TO BE COMPLETED BY APPLICANT

Project Name: Sunrise of Speonk

SCTM No.: Dist. 6900 Sect 301.00 Block 02.00 Lot 015.000

Property Address or Location: 1313 Speonk Ridgehead rd, Speonk, NY 11976

Contact Person: Charles Ferrari

Application submitted by: ☒ **Property Owner** ☐ **Owner's Agent**

Date: _____

SUBMISSION REQUIREMENTS
IS ITEM INCLUDED?
PLEASE CHECK YES OR NO

	YES	NO
Fees:		
Site Plan:		
1. The improved or altered area is 500 SF or less	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. The improved area of the project is greater than 500 SF but does not exceeds 2 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The improved area of the project exceeds 2 acres	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Exception Fee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Fee Waiver Requested	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Plan Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Exception Legal Petition	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Site Plan: Legal Data

Site plan @ 1" = 40' or greater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Key Map @ 1" = 200' or greater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name and Address of Owner of Record	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name and Address of person/firm preparing map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Signed/Stamped	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
North Arrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scale (Graphic or Written)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property Description (error of closure not exceed 1 in 10,000)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location, Names, Ownership of adjacent streets and curblines	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Storage areas for materials, vehicles, equipment, supplies, products

Building Elevations including:

Description of materials, colors

Sign Plans

Proposed location

Design

Landscape Plans

Plant List

Size and Quantity

Cablevision installations, location of water valves, water supply

Outdoor storage areas

(located in side or rear yard and screened or fenced)

Phased development plans (when appropriate)

Compliance with ZBA Variance (if applicable)

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

Additional Materials:

Certificate of Appropriateness (Landmarks & Historic District)

Wetland Permit Application (if applicable)

Sign Permit Application (if applicable)

Owners Endorsement

Disclosure Affidavit

Agriculture Data Statement

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

Additional Comments:

For all information that is not provided state "No".

If the applicant believes these items are not applicable, indicate such and give reasoning.

Other comments about the submission may be provided here.

Charlie Ferraro
Applicant's Name


Applicant's Signature

for each mailing. The return address on the return receipt card must read "SOUTHAMPTON TOWN PLANNING BOARD, 116 HAMPTON ROAD, SOUTHAMPTON, NY 11968"

If you do not believe that you are subject to this requirement, please complete the following and sign below:

I have reviewed the requirements for the submission of an Agricultural Data Statement and find that said statement is not applicable to this application for the following reasons:

Applicant's/ Applicant Agent's Signature

Full Environmental Assessment Form
Part 1 - Project and Setting



Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

Name of Action or Project: Sunrise of Speonk		
Project Location (describe, and attach a general location map): 1313 Speonk-Riverhead Road, 4205.03' northerly of Old Country Road		
Brief Description of Proposed Action (include purpose or need): Proposed site plan for 3000 s.f. industrial building with 22 parking stalls & asphalt parking area		
<div>RECEIVED</div> <div>OCT 10 2023</div> <div>Central Pine Barrens Joint Planning & Policy Commission</div>		
Name of Applicant/Sponsor: Charles Ferrari		Telephone: 631-335-6738
		E-Mail: charlie@sunrisecarting.com
Address: PO Box 1669		
City/PO: Westhampton Beach	State: NY	Zip Code: 11978
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

Central Pine Barrons

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
LI 40 in the Aquifer protection overlay district

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

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

If Yes,

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

C.4. Existing community services.

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

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

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

d. What parks serve the project site?
none

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 1.814 acres

b. Total acreage to be physically disturbed? 0.6585 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0 acres

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

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

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

If Yes,

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

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

iii. Number of lots proposed? _____

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

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

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

ii. If Yes:

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

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

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures _____ 1	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

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

D.2. Project Operations

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

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

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

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☒ No

If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☒ No

If Yes:

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

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

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ 100 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

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

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

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

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If Yes:

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

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

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

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 545 gallons/day

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

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☒ No

If Yes:

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

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☒ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☒ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☒ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
1000 KWH

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Local utility company (LIPA)

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☒ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ n/a
- Saturday: _____ n/a
- Sunday: _____ n/a
- Holidays: _____ n/a

ii. During Operations:

- Monday - Friday: _____ 7-4:30
- Saturday: _____ 7-4:30
- Sunday: _____ n/a
- Holidays: _____ n/a

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

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

• _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0.3214	0.3214
• Forested	1.814	1.1555	0.6585
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0.3371	0.3371
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

c. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☒ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☒ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☒ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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

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

DRAFT



To:
New York State Department of Environmental Conservation
Division of Environmental Permits,
Region One
Sherri Aicher, Regional Permit Administrator
SUNY @ Stony Brook
50 Circle Road
Stony Brook, New York 11790-3409
Southampton Town Planning Board
Jacqui Lofaro, Chairperson
Southampton Town Hall
116 Hampton Road
Southampton, New York 11968

From: Julie Hargrave, Policy and Planning Manager

Date: October 18, 2023

Re: **CVE North America Solar at Westhampton Property Associates
Core Preservation Area Hardship Waiver Application
SCTM #s: 900-276-3-1 and 2**

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Please be advised the Central Pine Barrens Joint Planning and Policy Commission has received a Core Preservation Area Hardship Waiver application for the referenced action. Enclosed please find a copy of the application materials.

The proposed project consists of the development of a 25 acre solar installation on the 91 acre sand mine on the subject property. The project site is located south of Sunrise Highway (State Route 27) and north of CR 71 in Speonk/Remsenburg, east of Speonk Riverhead Road, Town of Southampton. The applicant also seeks to amend a conservation easement granted to the Commission in 2014 and recorded on the property. The easement was a condition of a hardship waiver, granted by the Commission in 2012, to vertically expand the sand mine.

Preliminary review of application indicates the proposed project is a Type I Action, pursuant to SEQRA. Pursuant to the State Environmental Quality Review Act 617.6(b)(3), the Commission is sending this Lead Agency coordination letter to indicate to Involved agencies of its intent to serve as Lead Agency, provided no objection is received from other Involved Agencies. Pursuant to Section 4.5.1.1 of the Comprehensive Land Use Plan, the Commission shall seek lead agency status for development proposed in the Core Preservation Area pursuant to SEQRA.

Please respond in the requisite SEQRA timeframe of 30 days from the date of this transmission letter. If possible, please email a copy of your response to jhargrave@pb.state.ny.us.

The Commission also requests that your agency prepare any comments with respect to your expertise and jurisdiction that will further assist the Commission in the environmental review of this project. If you have any questions or need further information, please contact me at (631) 218-1192.

☐ We have no objection to the Commission assuming Lead Agency
☐ We object to the Commission assuming Lead Agency
☐ We want to assume Lead Agency

Date _____ Signed _____

Agency _____

624 Old Riverhead Road
Westhampton Beach, NY
11978

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



TRANSMITTAL FORM

TO: Julie Hargrave
Central Pine Barrens Commission Office
624 Old Riverhead Road (CR 31)
Westhampton Beach, NY 11978

FROM: Chic Voorhis
DATE: October 4, 2023
PROJECT: CVE US NY Southampton 243 LLC
(Solar Revitalization of
Westhampton Mine)
NPV No.: 11010
REF:

VIA:

☐ Regular Mail ☒ Overnight ☐ Messenger ☒ Email

COPIES	Document	DESCRIPTION
1	Response to Pine Barrens Commission Questions 9/20/2023 Meeting	
1	Conservation Easement Management Letter Greenberg Traurig, LLP 10/4/2023	
1	Project Attributes Summary	Summarizes key project features, alignment with Town and State laws and ordinances, intent of the allowance to amend the Conservation Easement
1	Environmental Benefits Summary	Provides direct responses to questions/concerns raised by the Commissioners, and a summary of Environmental Benefits associated with the Proposed Project.
1	Detailed Site Layout, prepared by E.E. Castillo, dated 5/12/2023	Referenced within the response to Commissioners for review of electrical equipment pads, added utility poles, and underground wire runs, no substation
1	Letter of Support from GGV	
1	Community Solar & CVE Approach Flyer	Provides a description of Community Solar, and how it and CVE help LMI communities.

To Ms. Hargrave,

Please see the enclosed documentation, submitted in support of the pending Core Preservation Area/Compatible Growth Area Hardship Waiver Application, submitted September 20, 2023. Additionally, we are expecting receipt of letters of support from affordable housing and LMI community groups, which will be submitted upon receipt separately.

cc: Judy Jakobsen (CPBJPPC) (via email only)
John Milazzo (CPBJPPC) (via email only)
Steven Engelmann (CVE Group) (via email only)
Brianna Sadoski (NPV) (via email only)

CVE Response to the Pine Barrens Commission Hearing
Westhampton Mine, Solar Revitalization Project

The intent of this document is to compile input from internal teams and our outside legal, land use and environmental engineering partners regarding points and questions raised by the Pine Barrens Commission at our meeting on September 20, 2023. This document provides answers to specific questions, follow up detail on any concerns and is an opener to CVE's response package submitted to the commission. It provides accurate detail, and where appropriate, supporting information to further our case for permission to locate a Community Benefit Solar array at the Westhampton Mine Site.

CVE responses to questions and points raised during the hearing from Commissioners:

1. DEC – Inquired about use of the solar project past the 35-year timeline.
 - ✓ CVE has no plans nor intent to extend the 35-year leased timeframe
 - ✓ CVE agrees that no extension of time will be requested
2. Southampton Town – Inquired about visual impact of utility required system equipment and if there would be a need for an onsite electrical substation.
 - ✓ Detailed system layout – submitted with this response package which clearly shows this system will have very nominal visual impact.
 - ✓ All onsite cabling will be run underground to eliminate any visual impact.
 - ✓ Utility required switchgear:
 - Located 50' back from Speonk-Riverhead Rd., along the existing industrial entrance / roadway.
 - Four concrete pads – each with a length and width of 6'x6' to be installed.
 - Electrical equipment mounted to the top of the pads, not to exceed 6' in height.
 - Addition of two standard utility poles to the existing pole run, identical in height and appearance to all others along Speonk-Riverhead Rd.
 1. These 'riser poles' connect the solar output to the existing grid infrastructure.
 - No addition of overhead cables on the site, other than one section by the road where existing overhead cabling is ubiquitous, referenced in the previous bullet.
 - See Solar Array Site Plan document included.
 - ✓ There will not be a substation built for this project nor one added to this site.
 - ✓ This project will connect to an existing PSEG substation using existing infrastructure

David Gilmartin
Shareholder

Greenberg Traurig, LLP
2317 Montauk Hwy | Bridgehampton, NY 11932
T +1 631.994.2407 | F +1 516.706.9111
David.Gilmartin@gtlaw.com | www.gtlaw.com

October 4, 2023

Central Pine Barrens Joint Planning and Policy Commission
624 Old Riverhead Road
Westhampton Beach, New York 11978

Re: Amendment to Conservation Easement between Westhampton Property Associates and the Central Pine Barrens Joint Planning and Policy Commission

Dear Commission:

At the September 20, 2023 meeting of the Commission, a question was raised as to whether a certain Conservation Easement (“Easement”) dated June 10, 2014 between Westhampton Property Associates and the Central Pine Barrens Joint Planning and Policy Commission allows for the present application to move forward.

In short, it is CVE’s position that the easement itself allows for its amendment and that allowance is not limited in any way within the document and therefore applies to the entire Easement.

By way of background, conservation easements – like the one at issue here – are instruments created by statute. That statute is Article 49 of the Environmental Conservation Law (“ECL”). Creation by statute is significant because it governs the existence of conservation easements as opposed to common law easements which are governed by common law. This is especially important as the ECL provides specific direction for the amendment of conservation easements.

Indeed, ECL 49-0307 provides the procedure for modifying a conservation easement. Relative to the present application, ECL 49-0307 states:

“A conservation easement held by a public body outside the Adirondack Park or Catskill Park, as defined in Section 9-0101 of this Chapter, may only be modified or extinguished: (a) As provided in the instrument creating the easement; or (b) in a proceeding pursuant to section nineteen hundred fifty-one of the real property actions and proceedings law; or (c) upon the exercise of the power of eminent domain; or (d) where land subject to conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to article eight of the public service law, upon the filing of such certificate in a manner prescribed for recording a conveyance of real property pursuant to section two hundred and ninety-one of the real property law or any other applicable provision of law. ” (NY Env Conservation Law §49-0307)

Section 2(a) applies here since the Commission is a public body according to the ECL and an amendment to a conservation easement is permitted in these instances where the amendment is consistent with the easement itself.¹

Turning then to the Easement, the two operative clauses here are Sections #5 and Section #9. Section #5 specifically allows for an amendment to the Easement (See Conservation Easement at #5) Further, Section #5 compellingly states that the parties (to the easement) “recognize that circumstances could arise which would justify the modification of certain of the restrictions contained herein”. (See Conservation Easement at #5) Since the Easement predates the economic feasibility (in New York) of the community solar solution contemplated herein, CVE submits that this application was the exact type of “circumstance” that the Easement envisioned.

¹ In *Argyle Farms and Properties, LLC. v. Watershed Agricultural Council of the New York City Watersheds*, the Appellate Division, Third Department recognized the ECL §49-0307 and the ability of parties to a conservation easement to amend the easement.

Also, Section #9 contains a prohibition against a further application for a hardship to the Commission.

It is CVE's contention that Section #5 controls in this instance since nowhere in the Easement is the right to amend the Easement restricted. In essence the argument is that Section #5 overrides the restrictions in Section #9.

Certainly, CVE recognizes that the Commission in its sole discretion could decline to amend the Easement and therefore the application. However, CVE submits that this application is consistent with the basic purpose of the Easement and is ultimately a benefit to the environment.

As more fully set forth in the Nelson Pope submission, CVE presented evidence that the location of a solar farm will allow for ecological productivity and provide the property the opportunity to further advance environmental health by providing an alternate energy source.

If the Commission should have any further requirements, it should feel free to contact us.

Sincerely,

/s/ David J. Gilmartin
David J. Gilmartin, Jr.

cc: John Milazzo, Esq.

Introducing the Solar Revitalization of the Westhampton Mine: *Unlocking the Potential of an Impacted Mining Site to Power a Sustainable Future.*

The **Solar Revitalization of the Westhampton Mine** (The Project) intends to transform a previously disturbed, long-standing sand mining site into a 5 MW Community Benefit Solar project. The project is located on Speonk-Riverhead Road in Westhampton, NY.

Integrating Renewable Energy within the intent and allowance of the Conservation Easement

The Conservation Easement makes clear the Commission's priority: the safekeeping of the Pine Barrens ecosystem and restricting further mining or industrial development, which is vastly different than this proposed renewable energy project.

- A specific clause was included in the Easement stating: "The Conservation Easement may be modified only upon the written consent of both Westhampton Property and the Commission..."
- It goes on to say, "To this end the Commission and Westhampton Property 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..."

This clause clearly anticipates the allowance of future low impact uses of the site which aligns with the Commission's environmental and societal goals. We firmly believe our solar revitalization project will complement and coexist seamlessly with the Conservation Easement's intent.

This community benefit solar project represents the type of low-impact opportunity the easement clause intended to allow. The renewable project will provide significant benefits to the community, foster diverse habitat for native wildlife and plant species, and places minimal demands on the host Town and the County's municipal resources.

Key Project Features

- 1. Positive Repurposing of a Mining Site:** The Project promotes sustainability through a low-impact strategy.
 - Project is sited on an existing, environmentally distressed mining site. Solar's low impact will prevent disturbing the land and instead, positively repurpose it to benefit the community and the ecosystem.
 - Complies with / specifically sited to meet the host communities' solar energy code and their guidance to positively repurpose sand mining sites within the Pine Barrens for clean energy benefit to be provided to the community.
 - Southampton has placed considerable effort to support solar energy projects on sand mining sites in the Pine Barrens per their Solar Code 330-183 and 330-122 Sect. B subsection 2, dedicated to permitting projects at Sand Mines.
- 2. Promoting Biodiversity:** The Project aims to slightly amend the current Conservation Easement to allow the existing and robust vegetative plan to coexist with the solar project. A vegetation management plan developed and approved in 2017 will continue to be implemented featuring the robust planting of native species within the solar project's footprint, fostering a habitat for local pollinators, native plants and Pine Barrens wildlife species.
- 3. Centering the Needs of Long Island Residents:** The project is proposed under the Community Distributed Generation (CDG) NYSEDA Program, which provides direct financial relief to PSEG-LI customers who subscribe to the project through an established PSEG billing program. CVE will prioritize low-to-moderate income households in our subscription efforts.
 - The Project will deliver consistent, long-term, clean renewable energy benefits to the local community and the PSEG utility grid.

- Critical in the fight against climate change to reduce the use of fossil fuels in the generation of electricity and the associated greenhouse gas emissions.
- Positively impacts air quality and the health of the wider community.
- Saves significant energy costs for area residents and small businesses over its lifespan.
- Contributes substantial PILOT revenue to the host Town and Suffolk County.

4. Preserving the Rural Quality of Suffolk County: The Project is strategically located below ground level within the excavated boundaries of a resource depleted sand mine, completely hidden from public view.

- It will remain obscured even to the closest neighbors in any direction, preserving the town's character and the beauty of the Pine Barrens'
- Additionally, the positive repurposing of this environmentally impacted site as a renewable energy project, inherently avoids generating additional traffic, or use of municipal water, sewage, lighting or other town and county resources.

5. Powering a Sustainable Future:

- This solar project is an essential clean energy project for New York State to meet its mandated clean energy goals under the *Climate Leadership and Community Protection Law (CLCP)*.
- This law was established to set a course for the State to achieve its mandated goals of zero emission electricity sector by 2040 including 70% renewable energy generation by 2030.
- The solar project is projected to generate enough clean renewable energy to sustainably power over 800 Long Island homes.
- Plays a crucial role in the broader energy transition needed to safeguard the Pine Barrens from the numerous challenges posed by climate change.

Environmental and Safety Assurance: Every facet of this Project prioritizes the utmost safety for the environment, individuals, and the existing onsite vegetation. The solar modules employed on-site are entirely encapsulated and devoid of harmful chemicals. As we reach the culmination of the solar project's lifecycle, its decommissioning will be funded through a fully funded bond provided by CVE. Furthermore, the panels and associated equipment can be reused and recycled, ensuring minimal environmental impact.

Guidance from the Host Township and Utility

- Southampton has actively contemplated the future of several sand mine sites within the Town.
- Town Planning and Development Administrator, Janice Scherer, stated "sand mines are a unique opportunity because here you have a situation where we are looking for places for renewable energy, for solar arrays, where we're not trading green for green, not clearing trees."
- This sand mine to solar project revitalization project is in precise alignment with zoning code guidance from the host community, and CVE has meticulously sited the project within the sand mine specifically for this reason.

Another critical site characteristic is proximity to **existing PSEG electrical grid infrastructure**, a fundamental element required for project feasibility. This infrastructure advantage sets this site apart, recognizing that many other locations face daunting cost hurdles and interconnection uncertainties due to grid infrastructure upgrades, which often render projects unviable.

CVE and Our Community Solar Approach

CVE is an Independent Clean Energy Power Producer (IPP) focused on the development and operations of community benefit solar energy projects throughout the northeast. We have deep experience in the development, financing, ownership & long-term operation and maintenance of renewable solar energy assets. CVE strives to execute each project with integrity and transparency, while delivering a positive impact for the local community.

CVE has partnered with the well-respected environmental & ecological engineering firm, Nelson Pope & Voorhis and legal consultants Greenberg Traurig. They have expanded the existing vegetation management plan to ensure the project complies and is consistent with the purpose and intent of the Conservation Easement and the Pine Barrens goals.

Environmental Benefits Summary

In the spirit of environmental stewardship and sustainable land use, CVE North America (CVE NA) presents this Environmental Benefits Summary to the Central Pine Barrens Commission for your consideration. Our aim is for this document to equip you with scientifically supported information to help in your decision to support the project.

Solar Power & Forests: Working Together to Reduce Carbon

The Westhampton Mine – Solar Revitalization Project provides *both* the benefit of carbon avoidance by generating electricity from a fossil free source as well as carbon sequestration from native plants and vegetation.

Generating clean, affordable, and renewable electricity from a solar photovoltaic (PV) project avoids carbon emissions otherwise generated from fossil fuel sources.

- Recent studies reveal that energy generation from solar photovoltaic facilities have a far greater ability to offset CO₂ emissions compared to an equivalent area of untouched forest. ([Source](#))
- Another study found that one acre of solar panels with a capacity of 250,000 watts can be expected to offset more carbon emissions than 6,500 trees ([Source](#)). This proposed project is over 6,000,000 watts, the equivalent of 156,000 trees.
- The combination of the fully vegetated mine site and a solar PV system at this location provides the greatest ability to reduce carbon in our region.

Using the research data noted above and a conservative estimate of 400 trees per acre:

- Nearly 400 acres of mature forest would be needed to sequester the same amount of carbon that the Westhampton Solar Revitalization Project alone avoids in carbon otherwise emitted by fossil fuel generated power plants.
- In fact, a single acre of solar panels offsets at least 16 to 65 times more emissions than a forest of the same size.

While some solar projects sited on forested land must wrestle with the pros and cons of cutting down mature trees to make way for emissions-free energy, the Westhampton Mine Solar project is located on an existing, environmentally distressed mining site.

This allows the project to positively repurpose a brownfield site, providing:

- Clean Energy - carbon avoidance by generating electricity from a fossil free source.
- Carbon Sequestration – from revegetation
- Community savings - equity and justice benefits through reduced residential electricity costs prioritizing low- and moderate-income families.
- Ecosystem Benefits - native revegetation, additional nesting / habitat establishment, restoration of soil health for the pine barrens.

Benefits of the Revegetation Plan: Low-impact Solar

In addition to generating clean, affordable, equitable, emissions-free electricity, the Westhampton Mine Solar Project includes a robust revegetation plan. This plan is a modification of the original plan created by environmental consulting firm Nelson Pope, Voorhis for this site that was approved in 2017.

Highlights of this plan:

- Contribute to habitat restoration, increase long-term soil health, and carbon sequestration.
- Play an important role in reversing degradation processes in areas that have been subject to mining activities.
- Use native grasses and forbs whose deep root systems create the potential for improved soil stabilization and reduced water runoff.
- Establish native plants species which can also increase soil microbial activity and nutrient cycling, allowing for the soil to replenish and sequester carbon.

Community Equity and Affordability Benefits

Community solar is a New York State sponsored energy equity program that allows residents to benefit from clean, affordable energy, produced from an off-site solar installation without the need to install solar panels on their homes.

Annually, as per calculations by the EPA Greenhouse Gas Equivalencies Calculator, this project is anticipated to:

- Power 1,100 homes
- Avoid 6,640 tons of carbon dioxide emissions
- Offset the emissions of 1,340 gasoline-powered passenger vehicles



GEORGICA GREEN VENTURES, LLC

50 Jericho Quadrangle, Suite 118 Jericho, NY 11753

Phone: 516-470-9100 Fax: 516-256-3510

October 4, 2023

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

RE: Matter of the Application of CVE

To Whom It May Concern:

On behalf of Georgica Green Ventures, LLC ("GGV"), we wish to express our full support for the above referenced application to the Central Pine Barrens Joint Planning & Policy Commission.

GGV is a Long Island based real estate development company that specialized in the acquisition, development, construction, and management of affordable housing. Since 2012, our team has developed over 1,500 homes for New York families. GGV was founded on the principles that affordable housing has a place in all communities and that the diversity of income, race, religion, ethnicity, age, and gender makes those communities stronger and smarter.

Our team is actively developing in this region and has current and future projects located in the Town of Brookhaven, Town of Riverhead and the Town of Southampton that may benefit from the Community Energy Credits.

Thank you for your time and consideration.

Sincerely,



Allison Giosa-Ekblom
Vice President of Development
Georgica Green Ventures, LLC
agiosa@georgicagreen.com
516-521-6304



cve.

North
America
Certified



Corporation

Putting people and the planet at the heart of tomorrow's energy

1

WHO WE ARE

CVE North America is a dedicated local solar power producer based in the heart of New York City. Established in 2017, we harmonize the personal touch of a small company with the robust expertise and financial stability of a large group.

2

OUR FOOTPRINT

With 9 solar projects in operation and 13 under construction, our ambitions soar high. We aim to expand to over 450 MW across the United States by 2026, leveraging the global expertise of our B-Corp certified parent company, CVE Group.

3

OUR COMMITMENT

Prioritizing people and the planet, we envision leading the renewable energy frontier, fostering a cleaner and healthier world. Certified with ISO 9001 and ISO 14001, we uphold the highest standards in quality and environmental management.

CONTACT US

Website: www.cvenorthamerica.com

Email: Development.na@cvegroup.com

What is Community Solar?

A New York State sponsored energy equity program that allows residents to benefit from clean, affordable energy, produced from an off-site solar installation without the need to install solar panels on their homes

How it Works:



STEP 1

We BUILD solar installations to generate clean energy, respect the environment and provide benefit to the community.

STEP 2

WE PRODUCE CLEAN ENERGY that is distributed through local electric utilities to power nearby homes.

STEP 3

LMI COMMUNITIES receive solar credits through energy produced by the off-site solar installation.

STEP 4

YOU SAVE! Solar credits are applied to subscribers utility bills, saving residents money and enabling more renewable energy use in the community.

Westhampton Mine - Solar Community Benefit Project

Project Overview:

- Project Size: 5MW AC
- Community Benefits:
 - Community solar subscribers can expect to save 10% on monthly PSEG utility bills
 - Generates enough clean electricity to power over 1,100 homes in the community

Environmental Impact:

- This solar project will provide 8,500,000kWh* of clean energy per year, which is equal to:
 - Avoiding 6,640 tons of carbon emissions annually
 - Planting 9,960 seedling trees annually for 10 years
 - Taking 1,340 gasoline-powered vehicles off the road annually



The numbers above are estimations, made using the Environmental Protection Agency's (EPA) Greenhouse Gas Equivalencies Calculator, Assuming this solar installation produces the projected 8,500,000kWh of energy per year



NELSON POPE VOORHIS

environmental • land use • planning

October 6, 2023

Judy Jakobsen

The Central Pine Barrens Commission Office

624 Old Riverhead Road (CR 31)

Westhampton Beach, NY 11978

**RE: Gosselin Property (49 Old Westhampton Road); Request for Determination and Core Preservation Area (CPA) Hardship Application, dated October 6, 2023
NPV#23247**

Dear Ms. Jakobsen,

Attached, please find application materials related to the above referenced project. This submission includes a request for a determination from the Central Pine Barrens Joint Planning & Policy Commission (CPBC) finding that the proposed project is not considered to be development under New York State Environmental Conservation Law Article 57 as outlined in the attached letter from Wayne Bruyn dated October 5, 2023. If the determination finds that the project is considered to be "Development" under Article 57, then we have included a complete CPA Hardship application.

Please note that the Proposed Project, involves the demolition of seven of eight residential structures, the conversion of the eighth structure into a shed for dry storage, and the construction of a single-family dwelling. The total building footprint of the removed structures is 6,200 square feet (SF), while the footprint of the new structure will be 1,800 SF. Additionally, the structure will be approximately 190' from Wildwood Lake at its closest point and appropriately stepped back from wetland areas. Two of the cottages to be demolished are currently closer to the lake, at 108' and 140', and existing cottages are near or within wetland areas. The modified site that is the subject of this application will result in substantial environmental improvement to the subject site.

Please review this application and if complete, please include this on the October 18th calendar to schedule the hearing on this matter. I can be reached via cell phone at (631) 513-8594 or by email at cvoorhis@nelsonpopevoorhis.com.

Very Truly Yours,

Nelson, Pope & Voorhis, LLC

Charles Voorhis, CEP, AICP, Principal

cc: Julie Hargrave (CPBJPPC) (via email only)
John Milazzo (CPBJPPC) (via email only)
Wayne Bruyn (O'Shea, Marcincuk & Bruyn, LLP) (via email only)
Jason Gosselin (via email only)
Brianna Sadoski (NPV) (via email only)

**CENTRAL PINE BARRENS JOINT PLANNING & POLICY
COMMISSION (CPBJPPC)**

**Core Preservation Area (CPA)
Hardship Application**

**Gosselin Property
49 Old Westhampton Road**

Suffolk County Tax Map Numbers: 0900-164-04-11 and 12
Hamlet of Riverside, Town of Southampton, Suffolk County, New York

Applicant:

Jason P. Gosselin
31 Twin Pines Road
Downingtown, PA 19335
(215) 988-3371

For Submission To:

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

Prepared by:

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

NP&V #23247

October 6, 2023

CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION (CPBJPPC)

Core Preservation Area (CPA) Hardship Application

GOSSELIN PROPERTY 49 Old Westhampton Road

Suffolk County Tax Map Numbers: 0900-164-04-11 and 12
Hamlet of Riverside, Town of Southampton, Suffolk County, New York

Applicants:

Jason P. Gosselin & Nancy Gosselin
31 Twin Pines Road
Downingtown, PA 19335
(215) 988-3371
jason.gosselin@faegredrinker.com

For Submission to:

Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, New York 11978
Contact: Judy Jakobsen; Executive Director
(631) 288-1079
jjakobsen@pb.state.ny.us

Prepared by:

Nelson, Pope & Voorhis, LLC
70 Maxess Road
Melville, New York 11747
Contact: Charles Voorhis, CEP, AICP; Principal
(631) 427-5665
cvoorhis@nelsonpope.com

October 6, 2023

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1. Location Map
2. Aerial Photograph

Appendices

- A. Environmental Assessment Form (EAF), Part 1, NP&V, LLC, *September 8, 2023*
- B. Building Permit Survey, prepared by Howard W. Young, L.S., *revised September 26, 2023*
- C. Site Photographs
- D. Architectural Drawings, prepared by Oyster Bay Drafting and Architecture, P.C., *May 2023*
- E. Historical Aerial Photographs
- F. Commission's Prior Hardship Determinations

SECTION 1.0

DESCRIPTION OF THE PROPOSED PROJECT

1.0 DESCRIPTION OF THE PROPOSED PROJECT

1.1 Introduction

This document has been prepared by Nelson, Pope & Voorhis, LLC (NPV) in support of an application before the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC) for a Hardship Exemption from its standard for development within the Core Preservation Area (CPA) of the Central Pine Barrens zone. This document is intended to provide the required information documenting how the proposed exemption satisfies requirements for such an application, as listed in the New York State (NYS) Environmental Conservation Law (ECL) Article 57-0121(10). **Appendices A** through **F** contain supporting materials. This document provides a description of the features of the proposal that justify the requested exemption, based upon the characteristics of the site and the mitigation measures that will be employed.

The proposed project involves the demolition of seven of eight residential structures located at 49 Old Westhampton Road (the subject site), the conversion of the eighth structure into a shed for dry storage, and the construction of a single-family dwelling. The use, ownership and lease details for the subject property are explained further herein.

The subject site is situated on the tax lots designated District 0900, Section 164, Block 4, Lots 11 and 12. The contiguous parcels comprise approximately 1.73 acres in size, owned by Jason P. Gosselin & Nancy Gosselin ("Applicants") (see **Figure 1**). The entirety of the subject property is situated within the CPA of the Central Pine Barrens, wherein development is strictly limited and discouraged, by the Central Pine Barrens Comprehensive Land Use Plan (CLUP). As a result, the proposed project requires an exemption from these limitations, to be reviewed and decided upon by the CPBJPPC, which has jurisdiction over this request under NYS ECL Article 57 and the CLUP. There are unique circumstances associated with this property that warrant the requested exemption.

The 1.73-acre subject site is located in the Town of Southampton R-15 Residential zoning district. Since the applicants are the current property owners, an Owner's Affidavit was not prepared, and is not required as part of this application. A Part 1 Environmental Assessment Form (EAF) has been prepared for the proposed project, and is presented in **Appendix A**.

1.2 Site History

The property has been in Nancy Gosselin's family for more than eighty years and has served four generations of family members. In the 1930s, Nancy Gosselin's maternal grandparents (Joseph and Sarah Conlan), along with two other couples (Harry and Dorothy Stewart and George and Barbara Cole) purchased the undeveloped property on Wildwood Lake. The three families lived in New York City, and the 1.7± acres of vacant land was intended for seasonal use. The owners held the land as joint tenants by the entirety and soon built cottages for residential use.

Over the years, the owners built at least nine cottages on the property. Dorothy Stewart, Barbara Cole and Sarah Conlan typically spent their entire summers at the property with their children, and on summer weekends their husbands, Applicant's mother, Carol Bisaccia, nee Conlan, spent her first summer at the property in approximately 1940 and every summer thereafter until her death in 2021 at the age of 85. Nancy Gosselin (and other grandchildren of the original owners) also spent their childhood summers at the property.

The Stewarts sold their ownership interest in the property to Carol and Anthony Bisaccia in 1970, and sometime thereafter the Coles also sold their interest. By 2017, the sole owner of the property was a family trust established for the benefit of Carol and Anthony Bisaccia. In 2021, the trust transferred ownership of the property to the Applicants, Nancy Gosselin (granddaughter of original owners Joseph and Sarah Conlan and the daughter Carol and Anthony Bisaccia) and her husband, Jason Gosselin.

Eight cottages remain in use today. Friends and family members use them from late spring through early fall, enjoying Wildwood Lake and access to other East End offerings. Two of the cottages are fully winterized and are used or capable of use on a year-round basis.

No previous applications for Core Preservation Hardship Exemptions have been submitted for this property.

1.3 Description of the Proposed Project

The overall site is a 1.73-acre property on the west side of Old Westhampton Road and bordered to the west by Wildwood Lake, in the Hamlet of Riverside, Town of Southampton, Suffolk County, New York. The subject site is situated on the contiguous tax lots designated District 0900, Section 164, Block 4, Lots 11 and 12. The subject property is presently developed with eight residential cottage structures ranging in size from approximately 375 square feet (SF) to 1,700 SF, which are arranged roughly in a U-shape on the eastern half of the property, with access to the paved Old Westhampton Road (see Property Survey, attached as **Appendix B**, and **Figure 2**).

The proposed project involves the demolition of seven of the eight residential cottage structures. The smallest of the residential structures (approximately 375 SF) will be retained and used for dry storage under the proposed project. Although the cottages served the owners' needs over the years, the cottages are not suitable for the Applicants for at least three reasons:

- Cottages have exceeded natural life spans: the cottages were built more than 80 years ago and were intended for seasonal use. Two of the cottages have been substantially upgraded to allow for year-round use, but the cottages generally do not meet the needs of modern families (e.g., lack of insulation, inefficient heating in winter, insufficient cooling in summer, lack of laundry facilities, small kitchen and bathroom facilities, etc.)

Because the cottages require significant and costly maintenance and have far exceeded their life span, the Applicants prefer to remove them and construct a modern and efficient home that suits their needs.

- Configuration not suitable for single-family use: The Applicants need a residential structure large enough to accommodate six to ten people. Most of the time, the proposed new residence will be occupied solely by Applicants, but they want a house large enough to accommodate visits from their children and eventually their grandchildren. None of the present cottages is large enough for that purpose. Similarly, Applicants are in their 50s and want a home with modern amenities that requires less maintenance. The size and configuration of the eight cottages does not suit these needs.
- Applicants unable to accommodate short-term use: The current configuration of cottages was well-suited for couples and small families seeking a seasonal vacation experience with minimal amenities. Given the age of the cottages, that use requires a constant presence on the property by an owner capable of providing ongoing maintenance. See Photos of Cottages, attached as **Appendix C**. Applicants live in Downingtown, Pennsylvania, and they plan to use the property for occasional weeks or weekends throughout the year. They plan to spend more time at the property once they retire in 10 to 12 years, but they will remain residents of Pennsylvania. They are not able to provide short-term rental opportunities and have no desire to facilitate such use even if they were able to do so.

The proposed project also involves the construction of a two-story, single-family home of approximately 3,600 SF (SF) (see Architectural Drawings, attached as **Appendix D**). The dimensions are 45' X 40', with a total footprint of 1,800 SF, plus the two-story covered deck in the rear. The structure will be approximately 190' from Wildwood Lake at its closest point (two of the cottages to be demolished are currently closer to the lake, at 108' and 140'). The home is designed in traditional style, with exterior cladding of genuine cedar shakes. The look and design are in keeping with East End architecture generally as well as the rural character of Wildwood Lake. The new home will be a substantial improvement from an aesthetic standpoint.

The new home will also be a significant improvement in terms of environmental impact. The total building footprint of the removed structures is 6,200 SF, while the footprint of the new structure will be 1,800 SF. The total square footage of living space of the removed structures is 6,500 SF, while the total living space of the new home will be 3,600 SF. Instead of seven kitchens serving the needs of 15-20 people, there will be one kitchen for single-family use. Similarly, instead of eight toilet facilities and seven showers, there will be five toilet facilities and four showers serving the needs of a single family. The six cesspools and associated drywells that currently serve the eight cottages will be removed entirely. The new home will be serviced by a Fuji CEN 10 Innovative/Alternative (I/A) system. The new home will also meet modern standards of energy efficiency.

Construction of the new home will not require any clearing and will not disturb the existing natural pine barrens vegetation or freshwater wetlands. As set forth on the attached survey, the footprint of the new structure will be well inside the outer perimeter of the demolished cottages. The Applicants intend to plant native trees on the property, particularly in the space created by the removal of the three cottages on the north side of the lot in addition to a space created by the removal of the cottage in the south-central portion of the property.

Table 1 below details the types of surface coverages of the site, in its existing condition and after completion of the proposed project.

Table 1
SITE COVERAGES
Existing Conditions & Proposed Project

Coverage Type	Existing Conditions (Acres)	Proposed Project (Acres)
Impervious (roads, buildings, and other paved surfaces)	0.20±	0.08±
Landscaped	0.20±	0.20±
Non-vegetated (dirt path, gravel)	0.48±	0.47±
Wooded/Natural	0.85±	0.98±
Total	1.73±	1.73±

At the present time, an estimated 51% (0.88 acres) of the overall property is developed (i.e., building footprint, paved or lawn) and/or disturbed (i.e., compacted soil) surfaces, and 49% (0.85 acres) is wooded natural pine barrens vegetation. The proposed project will decrease paved surfaces from approximately 12% under the current condition, to approximately 5% under the proposed condition. Following removal of the seven cottages and accessory structures, these areas will be converted to pervious land, with the potential of restoration to wooded/natural land.

Historical aerial photographs, displaying the subject property condition as unchanged since the establishment of Article 57 and the CLUP for the CPA, are provided as **Appendix E**.

The following changes are proposed as part of the proposed project:

- Removal/demolition of seven of the eight residential structures. The total building footprint of the removed structures is approximately 6,200 SF.
- The eighth structure, situated closest to Wildwood Lake, will be retained and used for dry storage

- Construction of a new two-story, single-family residence with a total building footprint of approximately 1,800 SF.
- Resultant reduction of total square footage of living space from 6,500 SF to 3,600 SF. Additionally, the consolidation to one residence will result in the reduction of six kitchens, three bathrooms, and three showers.
- Removal of six cesspools and associated drywells
- Installation of a Fuji CEN 10 I/A sanitary system for the new residence

SECTION 2.0

DEMONSTRATION OF EXTRAORDINARY HARDSHIP, ECL ARTICLE 57-0121(10)(a)

2.0 DEMONSTRATION OF EXTRAORDINARY HARDSHIP ECL ARTICLE 57-0121 (10) (a)

2.1 Extraordinary Hardship Demonstration

The following assessment outlines Section 57-0121(1) of the New York State ECL and the project's conformance to each of the applicable criteria. It is submitted that the applicants will experience an extraordinary hardship if the proposed redevelopment of the subject site is not permitted. The preclusion of beneficial use of the property stems from the provisions of Article 57 for lands in the CPA, particularly given the fact that the subject site is developed and was developed prior to the adoption of Article 57 as well as other hardships as demonstrated herein. The inability to have a beneficial use results from these unique circumstances particular to the subject property.

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

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

The hardship is based on the physical surroundings of the property that limit the ability to function based on today's use of the cottages. The subject building has operated as a seasonal multi-family residential property since the 1930s, predating the CLUP and Article 57. The CPA was established in the mid-1990s as a result of the Pine Barrens Act. The placement of the CPA boundary including the subject property foreclosed the ability of the current property owners to continue use of the property for their own personal use, which creates a hardship.

Although the cottages served the owners' needs over the years, they are no longer suitable for the applicants, as they have exceeded their natural lifespans, the configuration is not suitable for single-family use, and the applicants are unable to accommodate short-term use. The cottages were built more than 80 years ago and were intended for seasonal use, and generally do not meet the needs of modern families (e.g., lack of insulation, inefficient heating in winter, insufficient cooling in summer, lack of laundry facilities, small kitchen and bathroom facilities, etc.). Because the cottages require significant and costly maintenance and have far exceeded their life span, the Applicants prefer to remove them and construct a modern and efficient home that suits their needs. None of the present cottages are large enough for the purpose of occupancy solely by the Applicants, as the configuration of cottages was well-suited for couples and small families seeking a seasonal vacation experience with minimal amenities. Given the age of the cottages, that use requires a constant presence on the property by an owner capable of providing ongoing maintenance.

The hardship is not a mere inconvenience, it is a necessity to enable the property owners to continue use of the property. The property has been in Applicants' family for more than eighty years. Apart from the sentimental value of an heirloom property, this property is uniquely situated on Wildwood Lake. There are no comparable properties available to Applicants. Denying the application—and thereby forcing applicants to utilize residential structures that have long outlived their natural lifespan and do not meet their current needs—is effectively a prohibition on the continued use of this property.

If Applicants are unable to build their new home, the only other beneficial use for the property would be to replace the existing seven structures utilizing the same footprint. Replacing the cottages in the same footprint would create economic value in the short-term rental market through such platforms as AirBnB and VRBO—perhaps substantial value—but such use does not suit Applicants' needs. Such use would also be expected to have a greater impact as a result of the total square footage occupied, number of occupants and resultant density derived impacts related to sanitary waste, site activity, vehicular use, and other impacts, which would be spread across a larger area of the site. The Applicant seeks to consolidate the activities on-site and the only desire is to use the property for their own personal use, drastically reducing the intensity of use of the property. Because a denial of this application would leave Applicants with no beneficial use other than reconstruction of the structures on their existing footprint, and thus undermines rather than serves the goals of the Act, this Application satisfies Section 57-0121(10)(a).

...and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property which:

- (i) Do not apply to or affect other property in the immediate vicinity;*

The history and current use of the subject property in the CPA is unique and the site's history and current use do not apply to or affect other properties in the immediate vicinity of the site. The property has been in Applicants' family for more than eighty years. Apart from the sentimental value of an heirloom property, this property is uniquely situated on Wildwood Lake. There are no comparable properties available to Applicants.

The property is zoned R-15, which allows for a single-family home on a minimum of 15,000 SF. The lack of a beneficial use in this case—*i.e.*, the property was originally developed with small cottages serving multiple families, generally does not apply to or affect other property in the immediate vicinity. The immediate residential area comprising Old Westhampton Road, Lakeview Avenue, and Topping Drive is fully developed with residential housing stock.

This is an extraordinary hardship as opposed to a mere inconvenience because the property owners have invested funds to maintain the existing buildings on the property. Consolidating the multi-family use to a single-family home will help ensure that the property owners can continue use of the property.

The demolition of the cottages and construction of a single-family residence will not affect the properties in the immediate vicinity, as the proposed action will result in a decrease in intensity of use. The proposed residence will be constructed within the footprint of existing development/disturbance and will not disturb existing vegetation, cause safety concerns or cause any new visual impacts.

The granting of such hardship exemption to this property should be considered in the context of these conditions as outlined herein:

- (a) The property was previously disturbed prior to the establishment of Article 57 and the CLUP for the CPA;
 - (b) The proposed action is merely a continuation of the current use (at significantly decreased intensity)
 - (c) The property is part of a residential community that is fully developed
 - (d) The proposed action is in accordance with the current land use of the subject property, with no disturbance to or removal of the ecological resources of the CPA
 - (e) Granting the Hardship Exemption is consistent with the Commission's prior hardship determinations (see precedent examples below in Section 2.2)
- (ii) *Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or*

The characteristics of the property are described above. The current configuration of cottages, which occupies the site, was originally constructed approximately 60 years prior to the Pine Barrens Act.

The character of the site is that of a multi-family seasonal property that does not meet the needs of a modern family for continued use. As a result, the use is not able to operate effectively on the site that it otherwise would if the proposed action were to occur.

This Hardship application has been prepared for a specific site and the specific conditions of residential cottages thereon; it would not have been practicable for the Applicant to evaluate an alternative site, as there are no comparable properties available to Applicants situated on Wildwood Lake. Denying the application – and thereby forcing applicants to utilize residential structures that have long outlived their natural lifespan and do not meet their current needs – is effectively a prohibition on the continued use of this property, which has been in the Applicants' family for generations.

The proposed project will not clear any of the existing natural vegetation on the subject property. The proposed disturbance is situated well within the footprint of currently disturbed area, which has been disturbed since the 1930s. Additionally, the plan provide habitat improvement in connection with this hardship, as the Applicant proposes the natural revegetation of the northern portion of the subject property following removal of the cottages.

Thus, the hardship would improve the safety and operations of the existing property, including a reduction in intensity of use that has occurred on the property nearly 100 years. The hardship would allow improvement of the environmental condition of the subject site by reducing intensity of use, ensuring that portions of the subject property maintain natural conditions, and safety, visual and environmental conditions would also be beneficially improved.

- (iii) *Are not the result of any action or inaction by the applicant or the owner or his predecessors in title including any transfer of contiguous lands which were in common ownership on or after June 1, 1993.*

The hardship for which an exemption is sought is not the result of any action or inaction on the part of the Applicant (which is also the Owner); the Applicant has not altered the size or configuration of the buildings since prior to 1993 (see historical aerial photographs in **Appendix E**). The hardship is the result of the CPA boundary being placed to include the pre-existing developed site in 1993, nearly 60 years after the site was initially developed. As the subject property is in the CPA, it requires a Hardship approval to allow for the proposed action. As noted, consolidating the

multiple cottages to a single-family residence will address safety, visual and environmental issues associated with the current unsustainable use of the site.

2.2 Commission's Prior Hardship Determinations

Granting of the Hardship Exemption is consistent with the Commission's prior Hardship determinations because (a) it is merely a continuation of the current use (at significantly decreased intensity) and (b) because it is part of a residential community that is already fully developed:

a) Commission Has Previously Determined that Continuation of Prior Use Satisfies Hardship Criteria

The Commission has previously granted hardship exemptions where the proposed development is merely a continuation of a present use and will not materially increase the use or environmental impact. See, e.g., Approved Resolution for Starbucks of Manorville (June 21, 2017), attached as **Appendix F**. In the Starbucks of Manorville matter, the project site was a 2,000 SF building occupied by a coffee shop and a bank. The applicant sought to expand its footprint to include a drive-thru, which triggered a change in zone and classification as a major restaurant. Manorville Starbucks sought a hardship exemption, which was granted by the Commission.

In seeking the exemption, the applicant asserted that §57-0121(10)(a) was satisfied because "the proposed action is merely a continuation of an existing use." The Commission agreed, stating "the Applicant has met the criteria in ECL §57-0121(10)(a) because the characteristics of the property are unique. The property was developed with a restaurant use prior to the Act. The Project will not increase the number of uses or different types of uses than those that already exist nor expand the existing building beyond its current footprint or gross floor area." The Commission went on to note that the "result is no net increase in the number of uses will occur, no net increase in gross floor area, footprint or lot coverage will occur, and the site will continue to be used . . . in accordance with its present land use with no disturbance to or removal of the ecological resources of the Core Preservation Area."

For similar reasons, the Commission also determined Section 57-0121(10)(a)(i)-(iii) were satisfied. Subsection (i) was satisfied because the project "continues the existing use" and "utilizes the developed property" in a similar manner. Subsection (ii) was satisfied because "the Project Site is currently developed [and] no net increase in development is proposed." Finally, the Commission found subsection (iii) was satisfied because "the restaurant use presently, legally exists on the Project Site" and the project achieves a "compact, efficient and orderly development in the Central Pine Barrens."

For the same reasons, the Commission should find that Applicants satisfy §57-0121(10)(a) and subsections (i) through (iii). The property in this case was developed for residential use prior to the Act. Although the Applicants were not the owners when the development took place, they acquired the property through a combination of inheritance and purchase. Nancy Gosselin has utilized the property for residential use for more than five decades, while her husband, Jason Gosselin, has utilized the property for residential use for more than three decades. The proposed project is merely a continuation of that use but in a more environmentally friendly manner and with a significant reduction in the intensity of use of the property.

As with the Manorville Starbucks application, this project also “will not increase the number of uses or different types of uses” than currently. While the footprint of the new home will be different than the footprint of the removed structures, it will be much smaller (approximately one third) than the footprint of the removed structures, and the total usable living space will be reduced by nearly half. In addition, the footprint of the new structure will be well within the current developed area and will not require any clearing of pine barrens vegetation. If a continuation of use (with the same intensity) warrants an exemption, the continuation of use with a drastic decrease in intensity should similarly warrant an exemption.

Moreover, the uniqueness of Applicants’ property cannot be overstated. Numerous options were and remain available for the operation of a coffee shop or restaurant. In this case, the property is situated on Wildwood Lake and has been in Applicants’ family for generations. There are no comparable properties available to Applicants.

b) Commission Has Previously Determined that Development in Fully Developed Community Satisfies Hardship Criteria

The exemption application is also supported by the fact that all other available residential properties in the immediate vicinity are already developed. The Commission has previously granted hardship exemptions in these circumstances. See, e.g., Approved Resolution for 71 Lakeview Drive (July 20, 2016), attached as **Appendix F**. In the Lakeview Drive matter, the property owners sought a Core Preservation Area hardship exemption to construct a single family home on the last remaining undeveloped lot in the residential community. The property at issue in that case is approximately 500 yards from Applicants’ property, and both are part of the same residential community. Much of the Commission’s reasoning for granting the exemption in that case also applies here.

In the Lakeview Drive matter, the Commission determined that §57-0121(10)(a) was satisfied because “the characteristics of the subject property are unique” in that the “property is situated in a developed residential community and is the only remaining undeveloped, unprotected parcel with development on all sides.” For similar reasons, the Commission determined that §57-0121(10)(a)(i)-(iii) was satisfied, noting that the project site “is the only undeveloped property on a road surrounded on three sides by existing residential development and in a developed residential community with 72 dwellings and no other undeveloped, unprotected parcels.” The Commission also noted that the property constituted an infill lot and had no other beneficial use.

Applicants’ property is part of the same residential community as the Lakeview Drive property. See Google Earth Photographs, attached as **Appendix F**. Applicants’ property is situated at the intersection of Old Westhampton Road and Topping Drive. Old Westhampton Road runs in a northerly/southerly direction along the east side of Wildwood Lake. Apart from a public boat launch area, the properties along Old Westhampton Road are developed with residential housing. In particular, excluding Applicants’ eight residential cottages, there are more than twenty existing residential housing units on the 1/3 mile stretch of the road that runs along the east side of the lake. (It is believed that these homes are part of the 72 dwellings noted in the Lakeview Drive exemption approval.) Similar to the Lakeview Drive matter, Applicants’ property has access to an existing, improved paved road and is adjacent to an existing developed property on the south side.

The Lakeview Drive property was bounded on three sides by existing development, while Applicants’ property is bounded on only one side by existing development. Despite this difference, Applicants’ present an equal or greater case for a hardship exemption because they are not seeking to develop **currently undeveloped** land. They seek to continue the same use in a manner that will constitute a net improvement from an environmental and development standpoint.

SECTION 3.0 DEMONSTRATION OF CONFORMANCE TO ADDITIONAL STANDARDS, ECL ARTICLE 57-0121 (10) (C)

3.0 DEMONSTRATION OF CONFORMANCE TO ADDITIONAL STANDARDS ECL ARTICLE 57-0121 (10) (c)

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

- (i) *The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area;*

The proposed project will not be materially detrimental or injurious to other properties or improvements. The property has been used for residential purposes for decades without harming neighboring properties, presenting a risk of fire, endangering public safety, or impairing the resources of the CPA. The continued use of the property for residential purposes similarly will have no materially detrimental impact. The proposed use constitutes a reduction in the intensity of use and, therefore, will have a positive impact on these considerations as compared to the present use.

The proposed project will improve public safety by removing aging residential structures and reducing the number of kitchens, and will improve the resources of the site through restoration of previously disturbed land to natural conditions.

- (ii) *The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or*

The nature and extent of the requested relief is not inconsistent with the purpose, objectives or general intent of Article 57-0121(10)(c), in that the proposed project will provide greater preservation of natural resources and will be more aesthetically pleasing than the current developed use. The proposed project will result in a compact, orderly and efficient pattern of development.

- (iii) *The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need.*

The granting of the hardship exemption is the minimum relief necessary to relieve the hardship. The Applicants seek to continue using the property for residential use, and the construction of a new home to replace the outdated residential structures currently on the property is the only option.

SECTION 4.0

DETERMINATION OF SIGNIFICANCE AND DESIGNATION OF LEAD AGENCY

4.0 DETERMINATION OF SIGNIFICANCE AND DESIGNATION OF LEAD AGENCY

As the Town of Southampton site plan application was recently submitted, no SEQRA review has been completed, so no Determination of Significance is currently available. It is expected that the Town of Southampton Planning Board will assume lead agency for this project. A SEQRA Determination of Significance will be provided to the Commission once it is issued.

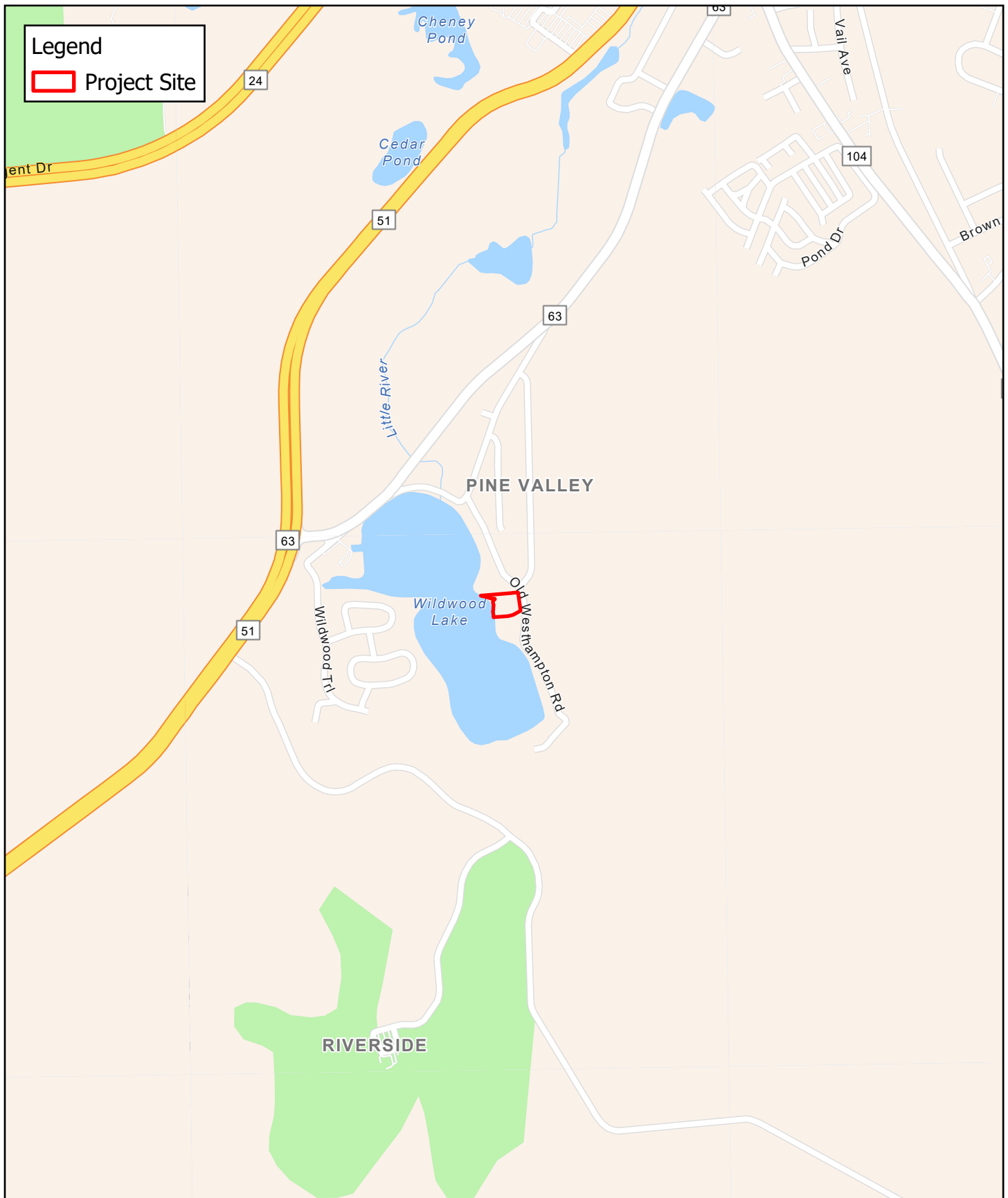
SECTION 5.0

APPROVALS GRANTED

5.0 APPROVALS GRANTED

Other applications for the proposed project are currently pending; however, to date, no other approvals have been granted.

FIGURES

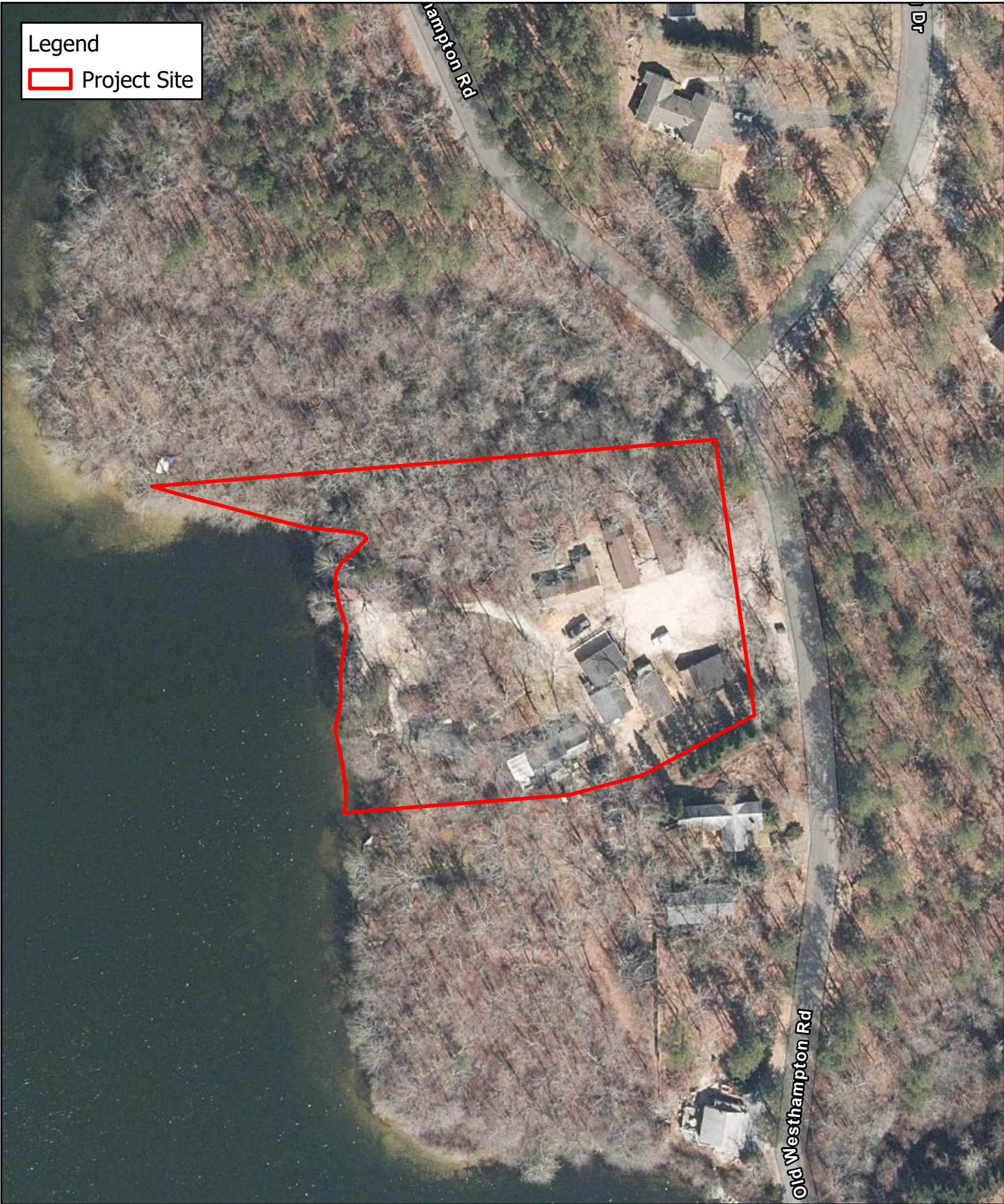


NPV

FIGURE 1 LOCATION MAP

Sources: ESRI WMS; Suffolk County GIS 2016
Scale: 1 inch equals 1,500 feet

Pine Barrens
Hardship
Application/Part I EAF



NPV

**FIGURE 2
AERIAL MAP**

Sources: ESRI WMS; Suffolk County GIS 2016
Scale: 1 inch equals 100 feet

Pine Barrens
Hardship
Application/Part I EAF

APPENDICES

APPENDIX A ENVIRONMENTAL ASSESSMENT FORM (EAF) PART 1

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

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

B. Government Approvals

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

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none">• If Yes, complete sections C, F and G.• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

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

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

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

If Yes,

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

C.4. Existing community services.

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

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

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

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

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

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

b. Total acreage to be physically disturbed? _____ acres

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

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

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

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

If Yes,

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

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

iii. Number of lots proposed? _____

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

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

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

ii. If Yes:

- Total number of phases anticipated _____

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

- Anticipated completion date of final phase _____ month _____ year

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

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

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

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

D.2. Project Operations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

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

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

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

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

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

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

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

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

E. Site and Setting of Proposed Action

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

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

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site </div>	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____	
h. Surface water features. <div style="margin-top: 10px;"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. </div> <div style="margin-top: 5px;"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ </div>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <div style="margin-top: 5px;"> i. Name of aquifer: _____ </div>	

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

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

F. Additional Information

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

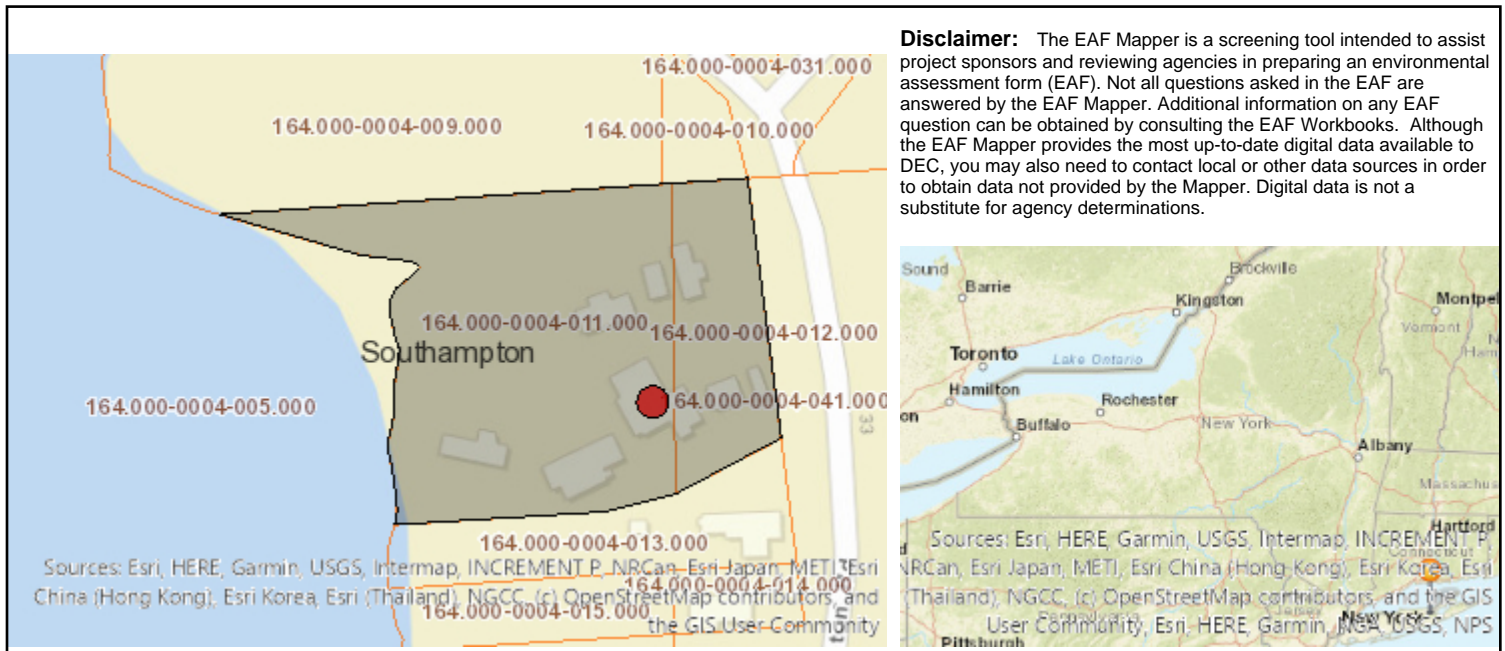
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature Bruno Sadashige _____ Title _____



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):85.0
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	R-10
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No

E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak Forest, Pitch Pine-Oak-Heath Woodland
E.2.n.i [Natural Communities - Acres]	7018.09, 480.21, 2865.59
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Northern Long-eared Bat, Little Bluet
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	SGPA, Central Suffolk Pine Barrens, Aquifer Overlay District
E.3.d.ii [Critical Environmental Area - Reason]	Protect groundwater, Benefit to human health & protect drinking water, Preserve pure water quality
E.3.d.iii [Critical Environmental Area – Date and Agency]	Agency:Long Island Regional Planning, Agency:Suffolk County, Agency:Southampton, Town of, Date:3-19-93, Date:2-10-88, Date:6-20-84
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	Yes
E.3.i.i. [Designated River Corridor - Name]	Peconic River

APPENDIX B PROPERTY SURVEY

APPENDIX C SITE PHOTOS



Photo 1: Cottage to be removed and parking area



Photo 2: Cottage to be removed



Photo 3: Cottage to be removed



Photo 4: Cottage to be removed



Photo 5: Cottage to be removed



Photo 6: Cottage to be removed



Photo 7: Cottage to be removed

APPENDIX E

HISTORICAL AERIAL PHOTOGRAPHS

Gosselin Property, 49 Old Westhampton Road, Ridge
Historical Aerial Photograph Appendix



Aerial Photograph Year: 1994



Aerial Photograph Year: 2001

**Gosselin Property, 49 Old Westhampton Road, Ridge
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2003

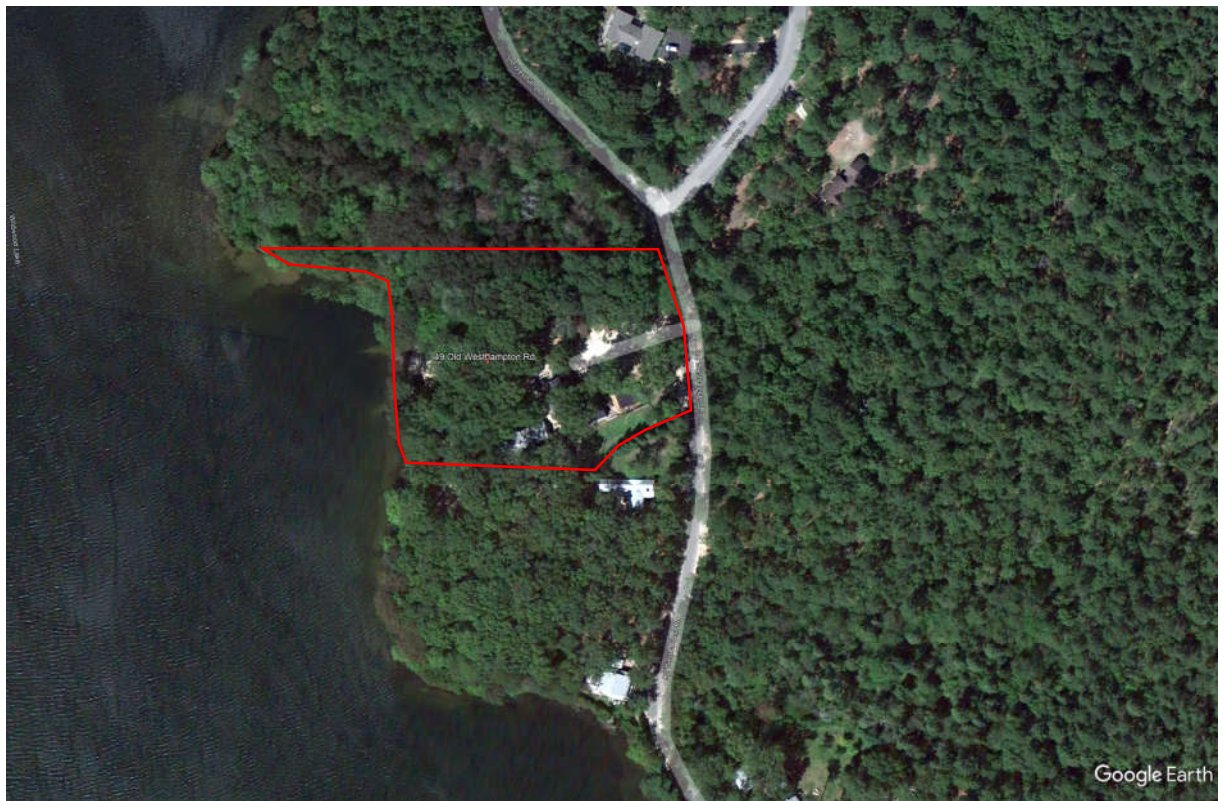


Aerial Photograph Year: 2004

**Gosselin Property, 49 Old Westhampton Road, Ridge
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2007



Aerial Photograph Year: 2010

**Gosselin Property, 49 Old Westhampton Road, Ridge
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2012



Aerial Photograph Year: 2014

Gosselin Property, 49 Old Westhampton Road, Ridge
Historical Aerial Photograph Appendix



Aerial Photograph Year: 2016



Aerial Photograph Year: 2018

**Gosselin Property, 49 Old Westhampton Road, Ridge
Historical Aerial Photograph Appendix**



Aerial Photograph Year: 2021

APPENDIX F COMMISSION'S PRIOR HARDSHIP DETERMINATIONS



**Commission Meeting of June 21, 2017
Riverhead Town Hall**

Present: Ms. Carrie Meek Gallagher (State of New York),
Mr. Andrew Freleng (Suffolk County),
Mr. Edward P. Romaine (Brookhaven), Mr. Sean Walter (Riverhead),
Mr. Jay H. Schneiderman (Southampton)

**Approved Resolution
Starbucks of Manorville (CA 485 County Road LLC), SCTM # 200-462-2-6
Core Preservation Area Hardship Waiver
Manorville, Town of Brookhaven**

I. The Project

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

Whereas, CA 485 County Road LLC (aka Starbucks of Manorville) (the “Applicant”), by its representative, Farrell Fritz Attorneys, P.C., submitted on March 28, 2017 a Core Preservation Area Hardship Waiver Application for a change of zone from J Business 2 to J Business 5 on a 1.25 acre parcel identified as Suffolk County Tax Map Number 200-462-2-6 (the “Project”), located at 485 County Route 111, an existing improved, paved road, in the hamlet of Manorville, in the Core Preservation Area of the Central Pine Barrens, in the Town of Brookhaven (the “Project Site”); and

Whereas, the Project Site is developed with a 2,000 square foot building, occupied by a drive through bank and a Starbucks coffee shop, and a parking lot with 62 spaces; and

Whereas, the Project requests to utilize the existing drive through window presently used by the bank operation. When Starbucks expands into the bank space and utilizes the drive through, it triggers a change of zone and classifies the Starbucks as a major restaurant pursuant to the Town of Brookhaven Zoning Code. The Project will utilize the existing development and reduce parking on site from 62 spaces to 55 spaces; and

Whereas, the Project Site contains no existing natural pine barrens vegetation and no freshwater wetlands.

II. The Act and the Commission

Whereas, the New York State Legislature passed the Long Island Pine Barrens Protection Act (the “Act”) and codified 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 (the “Commission”), to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area; and

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

Whereas, 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 “CLUP”), which was officially adopted on June 28, 1995; and

Whereas, Section §57-0107 of the ECL 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 . . . (a) a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated;” and

Whereas, Section §57-0123 of the ECL 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 CLUP and Environmental Conservation Law Section; and

Whereas, the Project constitutes development as defined in the Act.

III. The Project Site and Materials Submitted to the Commission

Whereas, the Applicant submitted a letter addressing the hardship criteria; an owner’s affidavit; a Full Environmental Assessment Form Part I; a Survey prepared by Michael K. Wicks stamp received March 28, 2017; and a Site Plan prepared by Civil Insites (date illegible); and

Whereas, the Project Site holds a Certificate of Occupancy dated September 17, 1986 for a “fast service restaurant” and a Certificate of Compliance dated July 31, 1987; and

Whereas, the existing developed condition of the Project Site remains the same as it was prior to the Act; and

Whereas, the Applicant purchased the Project Site in 2016 for \$1,550,000.

IV. Public Process

Whereas, on May 17, 2017, the Commission held a public hearing on the Project at which the Commission reviewed the Staff Report and Exhibits prepared for the hearing; heard testimony and received exhibits from the Applicant and heard testimony from the public; subsequently, a transcript of the hearing was distributed to the Commission.

V. The Study Area

Whereas, the Staff Report defined a Study Area which consisted of all of the property within a one-half mile radius of the Project Site; and

Whereas, the dominant land uses in the Study Area are commercial, residential and public open space. Conservation easements are recorded on 60 parcels in the Study Area; and

Whereas, the Project Site is within an area identified as archaeologically sensitive according to the New York State Cultural Resource Information System (CRIS) database; and

Whereas, notwithstanding the Project Site's location in an archaeologically sensitive area, the Commission received a response from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) by letter dated May 9, 2017 which stated "the project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places"; and

Whereas, although the site contains no existing natural pine barrens vegetation, a request for information was submitted to the New York Natural Heritage Program (NHP) responded to the Commission's request for information on rare, threatened or endangered animal and plant species on the Project Site. The NHP letter dated June 12, 2017 stated, "Given the current developed condition of the project site, and that the proposed project does not involve any new construction, ground disturbance, or clearing, we do not expect any impacts to any rare or listed animals or plants in the vicinity of the project, or to the adjacent pitch pine-oak forest"; and

Whereas, the Applicant has not submitted site-specific natural resources surveys on the Project Site.

VI. Other Required Approvals

Whereas, the Project is a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

Whereas, the Project requires permits and/or approvals from other involved agencies including but not limited to the Town of Brookhaven; and

Whereas, the Applicant asserts that Project will generate sanitary wastewater within the allowable limits for the Project Site in Groundwater Management Zone III, and will utilize the existing sanitary system designed for a restaurant use; and

Whereas, the Project will require a change of zone and building permit(s) from the Town of Brookhaven.

VII. Prior Commission Decisions

Whereas, other development projects in the Core Preservation Area in the Study Area that were approved and identified as being similar in nature to the Project and, like the Project Site, fronting on and possessing direct access to an existing improved, paved road, include, but are not limited to, Clancy Street Food Corp and David Kepner, SCTM # 200-462-2-5.1, approved on November 8, 1995, proposed development of a commercial establishment for the retail sale of food on 1.17 acres in the J Business 2 Zoning District, with frontage on and direct access to CR 111 in Manorville; and Michaelangelo's Restaurant, SCTM # 200-462-2-12.2, approved on

August 5, 1998, proposed development including expansion of a restaurant on 1.7 acres in the J Business 2 Zoning District, with frontage on and direct access to CR 111 in Manorville; and

Whereas, the Commission granted Core Hardship Waivers to JCJC Holding Company, SCTM # 9000-204-1-8, on June 15, 2011 and to Westhampton Property Associates, SCTM # 900-276-3-1, on October 17, 2012, two entities, which like the Applicant, purchased their respective properties after the passage of the Pine Barrens Protection Act in 1993.

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

Whereas, pursuant to the Act, in reviewing a Core Preservation Area extraordinary hardship exemption application, the Commission shall consider the criteria set forth in ECL §57-0121(10)(a) and Sections 57-0121(10)(c)(i), (ii), and (iii) to determine whether the Applicant has established the existence of extraordinary hardship as distinguished from a mere inconvenience and whether the requested relief is consistent with the purposes and provisions of the Act and if granted, would not result in a substantial impairment of the resources of the Central Pine Barrens area; and

Whereas, the Commission has considered the application, the Staff Report and Exhibits, transcripts of the hearing, and its prior decisions; and

Whereas, to address the criteria in ECL §57-0121(10)(a), the Applicant alleges, "The proposed action is merely a continuation of an existing use"; and

Whereas, to address the criteria in ECL §57-0121(10)(a)(i), the Applicant alleges, "There is no other property in the Core with the same or even similar circumstances. Likewise, no properties in the immediate vicinity are impacted or affected by these circumstances"; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a) because the characteristics of the subject property are unique. The property was developed with a restaurant use prior to the Act. The Project will not increase the number of uses or different types of uses than those that already exist nor expand the existing building beyond its current footprint or gross floor area. The Applicant is currently one of two tenants that occupy the existing building on the Project Site. The Project will utilize existing space presently occupied by another commercial business. The result is no net increase in the number of uses will occur, no net increase in gross floor area, footprint or lot coverage will occur, and the site will continue to be used by the Applicant, absent the bank, and in accordance with its present land use with no disturbance to or removal of the ecological resources of the Core Preservation Area; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(i), because the Applicant is a commercial land use that currently operates in the existing building on the Project Site, and the Project continues the existing use, utilizes the developed property and the facilities in the existing building including the drive through window; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(ii), because the Project Site is currently developed, no net increase in development is proposed; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(iii), because the inability to have a beneficial use results from unique circumstances peculiar to the Project Site which are not the result of action or inaction by the Applicant since the restaurant use presently, legally exists on the Project Site and the drive-through window exists and will be utilized by the restaurant resulting in a reuse of an existing use and operation and achieving compact, efficient, and orderly development in the Central Pine Barrens; and

Whereas, the Commission granted Core Hardship Waivers to JCJC Holding Company, SCTM # 900-204-1-8, on June 15, 2011 and to Westhampton Property Associates, SCTM # 900-276-3-1, on October 17, 2012, two entities, which like the Applicant, purchased their respective properties after the passage of the Pine Barrens Protection Act in 1993.

IX. Commission's Review of ECL §57-0121(c) Additional Standards

Whereas, an Applicant for a Core Preservation Area Hardship Waiver must also establish it has met the criteria in ECL §57-0121(10)(c) which states as follows: "An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met: (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger public safety or result in substantial impairment of the resources of the core preservation area; (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need;" and

Whereas, to address the criteria in ECL §57-0121(10)(c)(i), the Applicant alleges, "The granting of a hardship permit will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located. Other parcels in the area are developed or protected and do not have the same circumstances as the Project. The parcel is in a developed community and there will be no increase to the danger of fire, will not endanger public safety or result in substantial impairment of the resources of the Core Preservation Area;" and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(i), because 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 and endanger public safety or result in substantial impairment of the resources of the Core Preservation Area due to the development and use of the lot history, developed with a commercial structure and occupied by commercial uses including a restaurant use, and will not diminish or remove existing natural or vegetated lands in the Core Preservation Area; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(ii), and granting of the waiver would not be inconsistent with the purposes, objectives or general spirit and intent of the Act because it accommodates development in a manner consistent with the long term integrity of the Pine Barrens ecosystem and ensures the pattern of development is compact, efficient and orderly; and

Whereas, the Commission finds that due to the Project Site's past development history and current proposal, no net increase in the amount of development in the Core Preservation Area will occur as a result of the Project. The Project reuses a developed site currently occupied by the Applicant and reduces the number of businesses on the Project Site from two to one, conforms to Article 6 of the Sanitary Code for wastewater use on the Project Site due to the use of the site as a restaurant prior to the Act, and results in no clearing or disturbance to ecological resources of the Core Preservation Area. By avoiding the purchase and development of a vacant, natural, privately owned site in the Core, the Project avoids adverse impacts to the groundwater and ecological resources of the Core Preservation Area.

X. Commission Determinations

Resolved, the foregoing recitals are incorporated herein and made a part hereof; and be it further

Resolved, the Commission finds that the Project constitutes development as defined by the Act; and be it further

Resolved, the Commission finds the Applicant has demonstrated an extraordinary hardship for the reasons set forth above; and be it further

Resolved, the Commission finds that the requested waiver will not result in adverse growth inducing impacts in the Study Area and in other similar hamlets in the Core Preservation Area because the Project Site is presently developed and currently partially occupied by the Applicant. The Project Site contains two commercial land uses including the Starbucks and a bank with a drive through window. The Starbucks expansion into the bank space and use of the drive through window results in the decrease in tenants from two to one in the existing building, resulting in no net increase in development, and if approved would not be inconsistent with ECL Article 57, in particular ECL §57-0121(10)(c), and accommodates development that is compact, efficient, and orderly; and be it further

Resolved, the Commission finds the Project will not result in substantial impairment of the resources of the Core Preservation Area since no impacts to groundwater will occur, no disturbance or removal of existing natural vegetation will occur, and the Project maintains the essential character of the region and will not result in an increase in development in the Central Pine Barrens; and be it further

Resolved, the Commission finds that the Project is not inconsistent with the purposes and provisions of the Act, including but not limited to, the goals and objectives to "[p]reserve the

functional integrity of the Pine Barrens ecosystem, protect the quality of surface water and groundwater, discourage piecemeal and scattered development, [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, efficient, and orderly;” and be it further

Resolved, that the Commission hereby determines the hardship waiver 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; and be it further

Resolved, that the Starbucks of Manorville Core Preservation Area Extraordinary Hardship Waiver exemption is approved; and be it further

Resolved, the Hardship Waiver shall be valid for a period of five years from the date of approval; and be it further

Resolved, the Applicant must obtain additional permits and approvals, as required by law, prior to commencement of activity related to the Project; and be it further

Resolved, within six months of completion of the Project and issuance of a Certificate of Occupancy, the Applicant shall submit an As-Built Survey for the Commission’s file record; and be it further

Resolved, pursuant to ECL §57-0121(10)(c), “Any waiver or exemption granted under the provisions of this part shall only be considered an exemption or waiver of the particular standard of this title which the commission waived. It shall not constitute an approval of the entire development proposal. Nor shall it constitute a waiver from any requirements contained within any local, county or state law or ordinance;” and be it further

Resolved, if any changes occur in the Project the Applicant must notify the Commission and submit an amended application, subject to review and approval.

**Starbucks of Manorville (CA 485 County Road LLC) Core Preservation Area Hardship
Manorville, Town of Brookhaven; SCTM # 200-462-2-6**

Record of Motion:

Decision to Approve

Motion by: Mr. Romaine

Seconded by: Mr. Walter

In Favor: 5

Opposed: 0

Abstention: 0



**Commission Meeting of July 20, 2016
Riverhead Town Hall**

Present: Ms. Carrie Meek Gallagher (State of New York),
Ms. Sarah Lansdale (Suffolk County), Mr. Edward P. Romaine (Brookhaven),
Mr. Daniel McCormick (Riverhead), Mr. Jay H. Schneiderman (Southampton)

**Adopted Resolution
71 Lakeview Drive, SCTM #: 900-163-2-27
Core Preservation Area Hardship Waiver
Northampton, Town of Southampton**

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

I. The Project

Whereas, Ralph Vail (the “Applicant”), by his representative, Thomas Cramer, submitted on February 24, 2016 a Core Preservation Area Hardship Waiver Application to develop a single-family residence on a 10,000 square foot parcel identified as Suffolk County Tax Map Number 900-163-2-27 (the “Project”), located at 71 Lakeview Drive, an existing improved, paved road, in the hamlet of Northampton, in the Core Preservation Area of the Central Pine Barrens, in the Town of Southampton (the “Project Site”); and

Whereas, the Project Site is presently wooded with natural pine barrens vegetation and contains no freshwater wetlands; and the Project Site is in the Residence 15 (R-15) Zoning District (in which a minimum lot area of 15,000 square feet is required).

II. The Act and the Commission

Whereas, the New York State Legislature passed the Long Island Pine Barrens Protection Act (the “Act”) and codified 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 (the “Commission”), to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area; and

Whereas, 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 “CLUP”), which was officially adopted on June 28, 1995; and

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Whereas, Section §57-0107 of the ECL 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; . . . (c) commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities;” and

Whereas, Section §57-0123 of the ECL 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 CLUP and Environmental Conservation Law Section; and

Whereas, the Project constitutes development as defined in the Act.

III. The Project Site and Materials Submitted to the Commission

Whereas, the Applicant submitted a letter addressing the hardship criteria; a title report; an owner’s affidavit; a Town of Southampton Letter of Non-Jurisdiction Pursuant to Chapter 325 (Wetlands); A Full Environmental Assessment Form Part I; a Survey prepared by Cramer Consulting Group dated February 3, 2016; and an aerial map of the Project Site in relation to the developed community in which it is situated on the north of Wildwood Lake and seven parcels identified in the vicinity of the Project Site that are listed in the Core Preservation Area residential roadfront exemption list; and

Whereas, the Applicant alleges that the Project Site has been held in single and separate ownership since 1955; and

Whereas, the Applicant purchased the Project Site in 1970 and has owned it continuously since then; and

Whereas, the Applicant has extended the Commission’s hardship application decision deadline to July 20, 2016; and

IV. Public Process

Whereas, on March 16, 2016, the Commission held a public hearing on the Project at which the Commission reviewed the Staff Report and Exhibits prepared for the hearing; heard testimony and received exhibits from the Applicant and heard testimony

from the public; subsequently, a transcript of the hearing was distributed to the Commission.

V. The Study Area

Whereas, the Staff Report defined a Study Area which consisted of all of the property within a one-half mile radius of the Project Site; and

Whereas, within the Study Area are approximately 118 parcels comprising approximately 121 acres; and

Whereas, the dominant land use in the Study Area is residential; on the Project Site's west side is a developed road, Lakeview Drive, and the Project Site is surrounded on all three sides – north, east, and south – by existing residential development; approximately 72 parcels are developed with single-family dwellings in the residential community on the north side of Wildwood Lake in the Study Area; open space is the second most dominant land use in the Study Area including large tracts owned by Suffolk County, New York State, and the Town of Southampton; conservation easements are recorded on at least 14 parcels in the Study Area; and

Whereas, the Project Site is within an area identified as archaeologically sensitive according to the New York State Cultural Resource Information System (CRIS) database; and

Whereas, notwithstanding the Project Site's location in an archaeologically sensitive area, the Commission received a response from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) by letter dated April 13, 2016 which stated the project will have no impact on cultural resources in or eligible for inclusion in the State and National Register of Historic Places; and

Whereas, the New York Natural Heritage Program (NHP) responded to the Commission's request for information on rare, threatened or endangered animal and plant species on the Project Site by letter dated April 29, 2016. The NHP provided a report entitled "Report on State-Listed Animals" and listed Tiger Salamander (*Ambystoma tigrinum*), a State-listed Endangered amphibian, Banded Sunfish (*Enneacanthus obesus*), a State-listed Threatened species, and Little Blue (*Enallagma minusculum*), a State-listed Threatened species. The species are noted as documented near the Project Site, within 0.5 mile. The report states potential onsite and offsite impacts from the project may need to be addressed. The NHP response contained a report entitled, "Report on Rare Animals, Rare Plants and Significant Natural Communities" that listed one species of moth, the coastal barrens buckmoth, a State-listed Special Concern, and four animal species of dragonflies and damselflies with a State listing of "Unlisted;" the report listed significant natural communities including a wetland/aquatic community, specifically a coastal plain poor fen identified as a cranberry bog, and two upland/terrestrial communities identified as pitch pine oak forest and pitch pine oak heath woodland. The report listed four species of vascular plants including two State-listed Endangered species and two State-listed

Threatened species and identified Wildwood Lake and Cranberry Bog as habitats for these species, and such wetland habitats are not present on the Project Site. The NHP provided a separate report entitled “Report on Historical Records of Rare Animals, Rare Plants, and Natural Communities,” and listed one historical record of a species of moth noted as “Unlisted” and 17 State-listed Endangered or Threatened species of vascular plants with 1952 listed as the most recent record of observation of this set of historical species; and

Whereas, the dragonflies and damselflies are noted by NHP as observed in Sweezy Pond, Wildwood Lake, and Cranberry Bog; the Project Site is neither situated in the regulated boundary of pond, lake or bog habitats nor does it contain habitat suitable for the species of moths and dragonflies listed by NHP; and

Whereas, a Letter of Non-Jurisdiction, dated October 7, 2009, was sent by the Town of Southampton to the Applicant and the letter indicated there are no regulated freshwater wetland habitats present on the Project Site; and

Whereas, the Project Site does not contain a cranberry bog or wetland habitat dependent species identified by the NHP; and

Whereas, the Applicant has not submitted site-specific natural resources surveys on the Project Site.

VI. Other Required Approvals

Whereas, the Project is a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

Whereas, the Project requires additional permits and/or approvals from other involved agencies including Suffolk County Department of Health Services, the Town of Southampton, and the New York State Department of Environmental Conservation; and

Whereas, the Project will generate 300 gallons of sewage per day according to the provisions of the Suffolk County Sanitary Code; and the Project will require a permit for the approval of plans and construction for a sewage disposal system for a single-family residence; and

Whereas, the Project Site is within a Recreational River Corridor of the Peconic River as designated by New York and is subject to regulation under Article 15, Title 27 of Environmental Conservation Law regarding Wild, Scenic & Recreational Rivers; and

Whereas, development of the Project Site will require a building permit from the Town of Southampton.

VIII. Prior Commission Decisions

Whereas, other development projects in the Core Preservation Area that were approved and identified as being similar in nature to the Project and, like the Project Site, fronting on and possessing direct access to an existing improved, paved road, and being adjacent to existing development either on two or three sides include, but are not limited to, Roberta Sterk, SCTM #: 200-355-3-16, approved on May 29, 1996, proposed development of a single-family residence on 1 acre in the A5 Residence Zoning District, with frontage on and direct access to Primrose Path in Calverton, owned since 1963; Harold Marshall, SCTM #: 200-481-1-5, approved on October 2, 2002, proposed development of a single-family residence on 3.99 acres in the A5 Zoning District, with frontage on and direct access to East Bartlett Road in Middle Island, owned since 1966; and George Cachimpanis, SCTM #: 200-300-3-28 and 29, approved on May 21, 2003, proposed development of a single-family residence on 0.44 acre in the A5 Residence Zoning District, with frontage on and direct access to Parkway Drive in Calverton, owned since 1965.

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

Whereas, pursuant to the Act, in reviewing a Core Preservation Area extraordinary hardship exemption application, the Commission shall consider the criteria set forth in ECL §57-0121(10)(a) and Sections 57-0121(10)(c)(i), (ii), and (iii) to determine whether the Applicant has established the existence of extraordinary hardship as distinguished from a mere inconvenience and whether the requested relief is consistent with the purposes and provisions of the Act and if granted, would not result in a substantial impairment of the resources of the Central Pine Barrens area; and

Whereas, the Commission has considered the application, the Staff Report and Exhibits, and the transcripts of the hearings and its prior decisions; and

Whereas, to address the criteria in ECL §57-0121(10)(a), the Applicant alleges, "The granting of the hardship would be unique to this parcel. There are no other vacant parcels in this developed community that could seek similar relief; all other parcels have been developed"; and

Whereas, to address the criteria in ECL §57-0121(10)(a)(i), the Applicant alleges, "The benefit sought by this parcel does not apply to or affect other property in the immediate vicinity;" and

Whereas, to address the criteria in ECL §57-0121(10)(a)(iii), the Applicant alleges, “The need for the hardship is not the result of actions or inactions by the applicant/owner;” and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a) because the characteristics of the subject property are unique; the property is situated in a developed residential community and is the only remaining undeveloped, unprotected parcel with development on all sides; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(i), because the Project Site is the only undeveloped property on a road surrounded on three sides by existing residential development and in a developed residential community with 72 dwellings and no other undeveloped, unprotected parcels; and the development of the Project Site would not result in adverse environmental impacts on the resources of the Central Pine Barrens such as fragmentation of the existing habitat and establishment of an adverse precedent in that it may help to induce and promote similar types of development applications to be submitted in the area of the Project Site and in other hamlets in the Core Preservation Area in developed residential communities not contiguous to open space or other undeveloped land; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(ii), because the characteristics of the Project Site categorize it as an infill lot, which was discussed in the public hearing on the Project; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(a)(iii), because the inability to have a beneficial use results from unique circumstances peculiar to the Project Site which are not the result of action or inaction by the Applicant since the privately owned parcels in the immediate vicinity in the Study Area make up a developed residential community, leaving the Project Site the only undeveloped privately owned parcel and it has been owned by the present owner since 1970 and held in single and separate ownership since 1955.

IX. Commission’s Review of ECL §57-0121(c) Additional Standards

Whereas, an Applicant for a Core Preservation Area Hardship Waiver must also establish it has met the criteria in ECL §57-0121(10)(c) which states as follows: “An application for a permit in the core preservation area shall be approved only if it is determined that the following additional standards also are met: (i) The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire, endanger

public safety or result in substantial impairment of the resources of the core preservation area; (ii) The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of this article; or (iii) The waiver is the minimum relief necessary to relieve the extraordinary hardship, which may include the granting of a residential development right to other lands in the compatible growth area that may be transferred or clustered to those lands to satisfy the compelling public need;” and

Whereas, to address the criteria in ECL §57-0121(10)(c)(i), the Applicant alleges, “The granting of a hardship permit will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located. Similar parcels were included on the Non-Development List and were developed with no impact to the surrounding land. The parcels is in a developed community and there will be no increase to the danger of fire, will not endangered public safety or result in substantial impairment of the resources of the Core Preservation area;” and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(i), because 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 and endanger public safety or result in substantial impairment of the resources of the Core Preservation Area due to the infill nature of the lot in a developed residential community, and it is not contiguous to other undeveloped, unprotected or protected and vegetated lands; and

Whereas, the Commission finds the Applicant has met the criteria in ECL §57-0121(10)(c)(ii), and granting of the waiver would not be inconsistent with the purposes, objectives or general spirit and intent of the Act because it accommodates development in a manner consistent with the long term integrity of the Pine Barrens ecosystem and ensures the pattern of development is compact, efficient and orderly; and

Whereas, the Project layout illustrated on a Survey prepared by Cramer Consulting Group dated February 3, 2016 indicates a maximum clearing limit of 70% on the Project Site; and the Commission finds that due to the Project Site’s proximity to Wildwood Lake, to minimize stormwater runoff, allow natural recharge to continue to occur, and to protect a portion of the existing natural vegetation on the Project Site, the Applicant shall be subject to clearing limits on the Project Site in accordance with the clearance standards listed in Figure 5-1 of the Central Pine Barrens Comprehensive Land Use Plan; a Project Site in the R-15 Zoning District is subject to a maximum clearing limit of 70%; therefore, 30% of the Project Site shall remain in its existing natural state.

X. Commission Determinations

Resolved, the foregoing recitals are incorporated herein and made a part hereof; and be it further

Resolved, the Commission finds that the Project constitutes development as defined by the Act; and be it further

Resolved, the Commission finds the Applicant has demonstrated an extraordinary hardship for the reasons set forth above; and be it further

Resolved, the Commission finds that the requested waiver will not result in adverse growth inducing impacts in the Study Area and in other similar hamlets in the Core Preservation Area because the Project Site is the only undeveloped, unprotected lot in the developed residential community on the north side of Wildwood Lake and it is surrounded on all sides by development, and if approved would not be inconsistent with ECL Article 57, in particular ECL §57-0121(10)(c) and accommodates development that is compact, efficient, and orderly; and be it further

Resolved, the Commission finds that the Project is not inconsistent with the purposes and provisions of the Act, including but not limited to, the goals and objectives to “[p]reserve the functional integrity of the Pine Barrens ecosystem, protect the quality of surface water and groundwater, discourage piecemeal and scattered development, [to] accommodate development in a matter consistent with the long-term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient, and orderly;” and be it further

Resolved, that the Commission hereby determines the hardship waiver 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; and be it further

Resolved, that the 71 Lakeview Drive Core Preservation Area Extraordinary Hardship Waiver exemption is approved; and be it further

Resolved, that the Project shall be subject to a maximum clearing limit of 70% or 7,000 square feet, and 30% or 3,000 square feet of the Project Site shall remain in its existing natural state in accordance with the Project layout illustrated on a Survey prepared by Cramer Consulting Group dated February 3, 2016; and be it further

Resolved, prior to the commencement of construction activities on the project site, limits of clearing shall be delineated with stakes to ensure retention of 30 percent of the Project Site in existing natural vegetation; and

Resolved, install a split rail fence along the boundary of the clearing limit to protect the 30% area of the Project Site to remain natural; and be it further

Resolved, the Applicant shall contact the Commission office to inspect the clearing line once staked and at least one week prior to commencement of construction activities, and contact the Commission office to re-inspect the clearing line after the issuance of a Certificate of Occupancy; and be it further

Resolved, the instant conditionally approved Hardship Waiver shall be valid for a period of five years from the date of approval. All work or action required in the conditions, where applicable, shall be completed within three years from the date of approval unless a longer period was approved or the Applicant obtains an extension from the Commission; and be it further

Resolved, pursuant to ECL §57-0121(10)(c), “Any waiver or exemption granted under the provisions of this part shall only be considered an exemption or waiver of the particular standard of this title which the commission waived. It shall not constitute an approval of the entire development proposal. Nor shall it constitute a waiver from any requirements contained within any local, county or state law or ordinance;” and be it further

Resolved, a copy of this resolution shall be filed with the Suffolk County Clerk within one year of the date of approval and indexed against the property.

**71 Lakeview Drive Core Preservation Area Hardship
Northampton, Town of Southampton; SCTM #: 900-163-2-27**

Record of Motion:

Decision to Approve

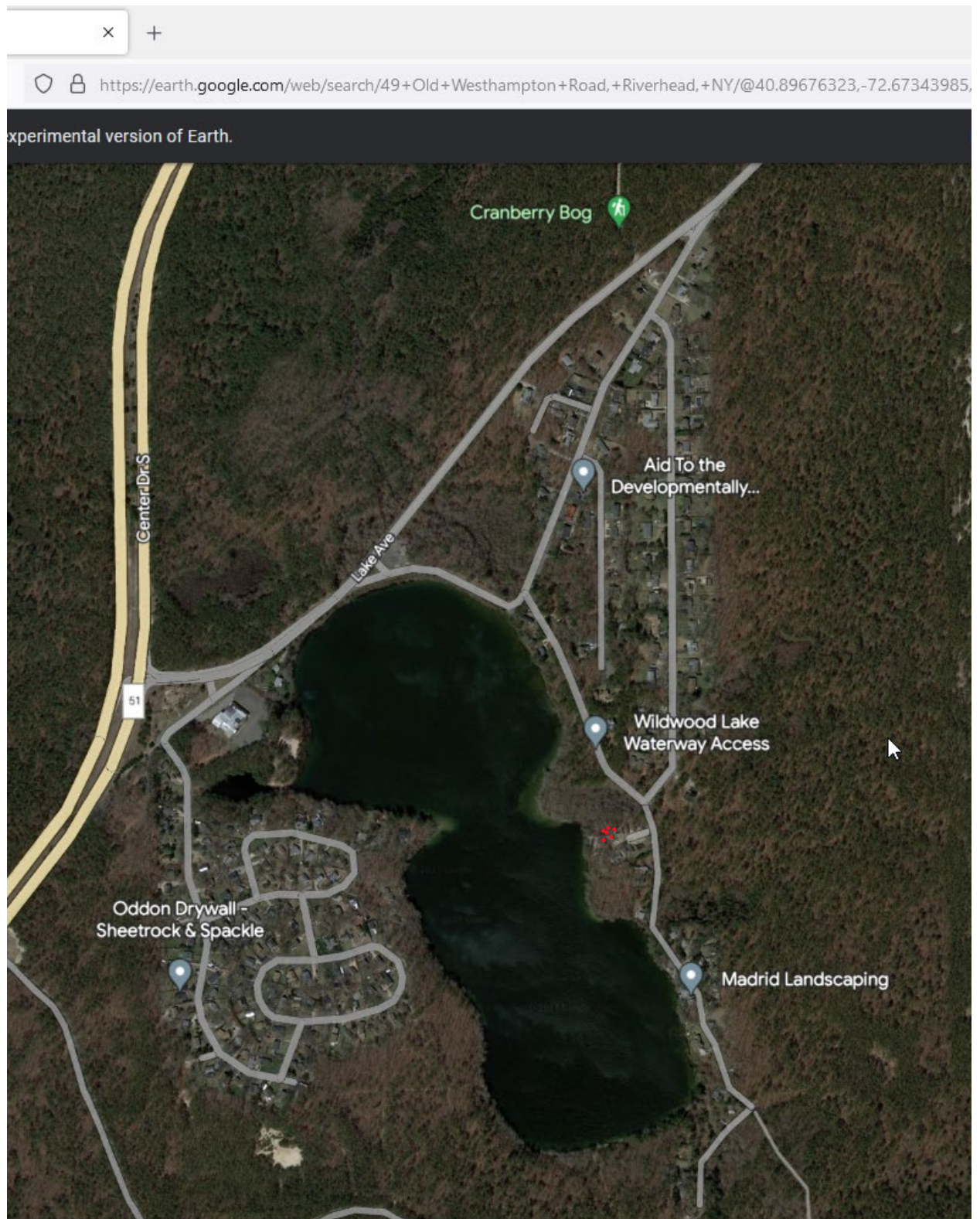
Motion by: Mr. Romaine

Seconded by: Mr. Schneiderman

In Favor: 5

Opposed: 0

Abstention: 0



Google Earth View

Red dots indicate location of property



Google Earth Zoom View

Red dots depict residential structures to be removed

O'SHEA, MARCINCUK & BRUYN, LLP
ATTORNEYS AT LAW

JAMES M. O'SHEA
ROBERT E. MARCINCUK
WAYNE D. BRUYN*

*ALSO ADMITTED IN CONNECTICUT

250 NORTH SEA ROAD
SOUTHAMPTON, NEW YORK 11968

TELEPHONE (631) 283-7007

FACSIMILE (631) 287-9480

October 5, 2023

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

Re: Interpretation Request of Nancy A. Gosselin and Jason P. Gosselin
Premises: 49 Old West Hampton Road, hamlet of Northampton
SCTM# 0900-164.00-04.00-011.000 & 012.000

Dear Commission Members,

Please be advised that our firm represents Nancy A. Gosselin and Jason P. Gosselin (hereinafter referred to as the "Applicants"), who are the owners of the above captioned improved real property located within the Core Preservation Area. The Applicants seek necessary permits and approvals to undertake work on their property to demolish, remove, replace, reconstruct, improve and alter the eight (8) preexisting, nonconforming residential cottages and construct one conforming single family dwelling in their place in accordance with all current laws, ordinances and regulations, thereby reducing the intensity of use and environmental impact of the current uses as further described herein and in the documents submitted herewith (hereinafter referred to the "Project").

Request: Applicants initially request that the Central Pine Barrens Joint Planning & Policy Commission (hereinafter referred to as the "Commission") make an interpretation that the proposed Project does not constitute "development" under the provisions of §57-0107(13) of Long Island Pine Barrens Maritime Reserve Act, (hereinafter referred to as the "Act"). Applicants make this request in light of a letter sent by the Commission to the NYSDEC, dated July 19, 2023, wherein the Commission without notice to the Applicants, advised the NYSDEC that the Project was considered to be development under the Act and to direct the Applicants to make application to the Commission. The Applicants request that they be given an opportunity to present the Project to allow the Commission to consider or reconsider its recommendations to the NYSDEC. If the Commission determines that the Project is considered development, then the Applicants request that the Commission grant a hardship waiver pursuant to §57-0121. In support of this request, the Applicants herewith submit Core Preservation Area (CPA) Hardship Application Gosselin Property, prepared by Nelson, Pope & Voorhis, LLC, dated October 5, 2023.

History and Current Use: The premises, which consists of two tax parcels in the same name and ownership, has been in Applicant Nancy Gosselin's family for more than eighty years and has served four generations of family members. In the 1930s, Nancy Gosselin's maternal grandparents (Joseph and Sarah Conlan), along with two other couples (Harry and Dorothy Stewart and George and Barbara Cole) purchased the undeveloped property on Wildwood Lake. The three families lived in New York City, and the 1.7 acres of vacant land was intended for seasonal use. The owners held the land as joint tenants by the entirety and soon built cottages for residential use. Over the years, the owners built at least nine cottages on the property. Dorothy Stewart, Barbara Cole and Sarah Conlan typically spent their entire summers at the property with their children, and on summer weekends their husbands. The Applicant's mother, Carol Bisaccia, nee Conlan, spent her first summer at the property in approximately 1940 and every summer thereafter until her death in 2021 at the age of 85. Nancy Gosselin (and other grandchildren of the original owners) also spent their childhood summers at the property.

The Stewarts sold their ownership interest in the property to Carol and Anthony Bisaccia in 1970, and sometime thereafter the Coles also sold their interest. By 2017, the sole owner of the property was a family trust established for the benefit of Carol Bisaccia. and Anthony Bisaccia. In 2021, the trust transferred ownership of the property to the Applicants, Nancy Gosselin (granddaughter of original owners Joseph and Sarah Conlan and the daughter Carol and Anthony Bisaccia) and her husband, Jason Gosselin.

The premises benefits from a Certificate of Occupancy ("CO"), No. C13596, dated July 26, 1990 (see attached copy as Exhibit A) wherein the Town of Southampton Building recognizes the uses and structures on the property preexisted the adoption of the Town Zoning Code on October 14, 1957. The CO identifies the following: "SEASONAL C.O. JUNE 1-SEPTEMBER 15, Nine (9) Wood frame seasonal cottages, One shed with bath & sanitary facilities, One storage shed" and a total of eleven (11) buildings (see also copy of survey with the CO and current survey annexed to the Hardship Application).

Eight of the nine cottages remain in residential use today. One cottage has previously been removed. Friends and family members use them from late spring through early fall, enjoying Wildwood Lake and access to other East End offerings. Two of the cottages are fully winterized and are capable of use on a year-round basis.

Proposed Project: Although the cottages served the owners' needs over the years, the cottages in their current condition are no longer suitable for Applicants for at least three reasons.

Cottages Will Soon Exceed Natural Life Spans. The lifespan of a home is generally between 50 and 100 years, depending on weather conditions and the quality of construction, among other things. The cottages were built more than eighty years ago and were intended for seasonal use. Two of the cottages were upgraded to allow for possible year-round use, but the cottages generally do not meet the needs of modern families (e.g., lack of insulation, inefficient heating in winter, insufficient cooling in summer, lack of laundry facilities, small kitchen and bathroom facilities, etc.) Because the cottages require significant and costly maintenance and will soon exceed their life span, the Applicants prefer to remove them and construct a modern and efficient home that suits their needs.

Configuration Not Suitable for Single Family Use. The Applicants need a residential structure large enough to accommodate their family (i.e. six to ten people.) Most of the time, the proposed new residence will be occupied solely by Applicants, but they need a house large enough to accommodate visits from their children and eventually their grandchildren. None of the present cottages are large enough for that purpose. Similarly, Applicants are in their 50s and want a home with modern amenities that requires less maintenance. The size and configuration of the eight cottages does not suit these needs.

Applicants Unable to Accommodate Short-Term Use. The current configuration of cottages was well-suited for couples and small families seeking a seasonal vacation experience with minimal amenities. Given the age of the cottages, that use requires a constant presence on the property by an owner capable of providing ongoing maintenance (see Photos of Cottages). Applicants currently live in Pennsylvania, and they plan to use the property for occasional weeks or weekends throughout the year. They plan to spend more time at the property once they retire in 10 to 12 years.

Seven of the existing residential cottages are arranged roughly in a “U-shape” on the eastern half of the property with access to the paved Old Westhampton Road. Each of these cottages, which range in size from approximately 500 square feet to 1,700 square feet, will be demolished and removed from the premises. The eighth cottage closest to Wildwood Lake consisting of approximately 375 square feet will be converted and remain as dry storage. Replacing the cottages will be one two-story, single-family home of approximately 3,600 square feet (see Survey and Architectural Drawings). The dimensions are 45’ by 40’, with a total footprint of 1,800 square feet, plus the two-story covered deck in the rear. The structure will be approximately 190’ from Wildwood Lake at its closest point. The proposed home is designed in traditional style, with exterior cladding of genuine cedar shakes. The look and design are in keeping with East End architecture generally as well as the rural character of Wildwood Lake. The new home will be a substantial improvement from an aesthetic standpoint.

The new home will also be a significant improvement in terms of environmental impact. For example, the total building footprint of the removed structures is 6,200 square feet, while the footprint of the new structure will be 1,800 square feet. The total square footage of living space of the removed structures is 6,500 square feet, while the total living space of the new home will be 3,600 square feet. Instead of seven kitchens serving the needs of 15-20 people, there will be one kitchen for single family use. Similarly, instead of eight toilet facilities and seven showers, there will be five toilet facilities and four showers serving the needs of a single family. The six cesspools and associated drywells that currently serve the eight cottages will be removed entirely. The new home will be serviced by a Fuji CEN 10 I/A system. The new home will also meet modern standards of energy efficiency.

Construction of the new home will not require any clearing and will not disturb the existing natural pine barrens vegetation or freshwater wetlands. As set forth on the attached survey, the footprint of the new structure will be well inside the outer perimeter of the demolished cottages. The Applicants intend to revegetate and plant native trees and vegetation on the property, particularly in the space created by the removal of the cottages on the northerly side of the premises.

Additional details of the proposed project and description of mitigation measures are described in the Hardship Application.

Request For Jurisdictional Determination:

Applicants submit that the proposed Project does not constitute “development” because it involves the demolition, removal, replacement, reconstruction, improvement and/or alteration of the eight (8) preexisting, nonconforming residential cottages and the construction of one single family dwelling in their place in accordance with all current laws, ordinances and regulations, thereby reducing the intensity of use and environmental impact of the current uses. For the reasons set forth below, Applicants ask the Commission to reconsider its recommendations to the NYSDEC and find that the Project does not constitute “development” as defined in the Act.

Section 57-0107(13) of the Act defines “development” and explicitly identifies types of building activity as nondevelopment, the relevant portions of which set forth as follows:

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

- (a) a change in type of use of a structure or land or, if the ordinance or rule divides uses into classes, a change from one class of use designated in an ordinance or rule to a use in another class so designated;
- (b) a material increase in the intensity of use of land or environmental impacts as a result thereof;
- (c) commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities;
- (d) material alteration of a shore, bank or flood plain of a river, stream, lake, pond, or artificial body of water;
- (e) re-establishment of a use which has been abandoned for one year;
- (f) departure from the normal use for which development permission has been granted, or material failure to comply with the conditions of an ordinance, rule or order granting the development permission under which the development was commenced or is continued.

The following operations or uses do not constitute development for the purposes of this title:

- (iii) work for the maintenance, renewal, ***replacement, reconstruction, improvement, or alteration of any existing structure*** or additions to an existing residence or residential property owned by an association formed for the common interest in real property; (emphasis added)

In the first instance, the Project does not fall within any of the stated activities that constitute development. Subsection (a) does not apply as there is no change in the zoning designation, rather this application would be considered to be a permitted change from a preexisting, nonconforming use to a conforming use.

With respect to subsection (b), the Project should not be considered a building activity that is making of any material change in the use or intensity of use of any structure or land or environmental impacts thereof. As described herein and in the Hardship Application materials, rather than a material increase in the intensity of use or environmental impacts, the Project will significantly decrease the intensity of use and current environmental impacts, bringing the property up to current standards with invaluable environmental mitigation measures that are customarily imposed by the NYSDEC and Town Conservation Board due to the proximity to freshwater wetlands. The proposed project is consistent with the purpose of the Act because it drastically improves the environmental impact compared to the current use. For example,

- Seven (7) of the eight (8) residential cottage structures will be removed.
- The eighth cottage structure, situated closest to Wildwood Lake, will not be removed but will be used for dry storage.
- The total building footprint of the removed structures is 6,200 square feet, while the footprint of the new structure will be 1,800 square feet.
- The total square footage of living space will be reduced from 6,500 square feet to 3,600 square feet.
- Instead of seven kitchens there will be one kitchen.
- Instead of eight toilet facilities and seven showers, there will be five toilet facilities and four showers.
- The six cesspools and associated drywells will be removed, and the new residential structure will be serviced by a Fuji CEN 10I/A system.
- Previously disturbed portions of the Property will be revegetated.

With respect to subsection (c), the Project does not involve any mining, excavation or material alteration of grade or vegetation on a parcel of land and actually includes environmental restoration activities, which are exempted therein.

With respect to subsection (d), the Applicants Project does not involve material alteration of a shore, bank or flood plain of a river, stream, lake, pond, or artificial body of water. At the direction of the NYSDEC and Town Conservation Board, the Applicants will be removing existing structures in Wildwood Lake that may not have a permit and will not undertake any activities involving a material alteration of the lake or its shoreline.

With respect to subsection (e), the Project does not involve re-establishment of a use which has been abandoned for one year. The preexisting, nonconforming use is still in existence. Nonetheless, the Applicant is changing the preexisting, nonconforming use to a conforming use.

With respect to subsection (f), the Project does not involve departure from the normal use for which development permission has been granted, or material failure to comply with the conditions of an ordinance, rule or order granting the development permission under which the development was commenced or is continued. The Applicants have not previously received any approvals nor is the property encumbered with any previous conditions, and the Project will actually result in conformance with existing standards.

Thus, because the Project significantly decreases the intensity of use and current environmental impacts and will bring the property up to current standards with invaluable environmental mitigation measures, the Project does not fall within the statutory conditions that are considered development. Moreover, §57-0107(13) (iii) of the Act states that certain “uses or operations *do not constitute development* for the purposes of this title, including (iii) work for the maintenance, renewal, replacement, reconstruction, improvement, or alteration of any existing structure and subsection (iv) states “the use of any structure or land devoted to dwelling uses for any purposes customarily incidental and otherwise lawful.”

The plain text of the statute indicates that the Project is not development because it involves the demolition, removal, *replacement, reconstruction, improvement and alteration* of the eight (8) preexisting, nonconforming residential cottages to replace and allow the construction of one conforming single-family dwelling with customary accessory uses or structures, all of which will be in accordance with all current laws, ordinances and regulations. The terms replacement, reconstruction, improvement and alteration are not defined in the statute nor the CLUP and are to be construed in their plain meaning. New York courts have “long applied the well-respected plain meaning doctrine in fulfillment of its judicial role in deciding statutory construction appeals.” *Raritan Development Corp. v. Silva*, 689 N.E.2d 1373, 1377 (N.Y. 1997). While courts are obliged to effectuate the intent of the legislature, “where the statutory language is clear and ambiguous, the court should construe it so as to give effect to the plain meaning of the words used.” *Id.* (quoting *Patrolmen’s Benevolent Ass’n v. City of New York*, 359 N.E.2d 1338 (N.Y. 1976)).

“Replace” is defined as “to take the place of,” while “replacement” is defined as “substitution.” Webster’s New Collegiate Dictionary (7th ed. 1969) at 727. Clearly, the new single-family dwelling will *take the place of* the nonconforming residential cottage structures and therefore constitutes a *replacement*. This project is a “replacement” under the plain meaning of the term used in the Act.

The property in this case is zoned Residence R-15 and, as previously noted, contains eight residential cottage structures that are not permitted under the current zoning requirements and are considered nonconforming. The cottages are lawful and permitted to remain as they existed prior to the adoption of zoning in 1957 as described on the Certificate of Occupancy. The Project contemplates the replacement of seven of the nonconforming cottages with a one conforming single-family dwelling and alteration of the one remaining cottage to a conforming accessory structure for dry storage use.

We were verbally advised that the Commission’s recommendations to the NYSDEC may have been based upon an interpretation that “replacement” under the Act requires the replacement and/or reconstruction of a new structure only in the same footprint as the prior structure. Applicants respectfully submit that interpretation is inconsistent with the plain text of the statute as well as the intent and purpose of the Act contemplated by the legislature. There is no such requirement stated in the Act or the CLUP and the same-footprint interpretation undermines rather than promotes the legislative intent of the Act in this case.

The legislative purpose of the Act is to “preserve, protect and enhance the natural recreational, economic and educational values of the region,” Section 57-0103, and to preserve and protect unique landforms, groundwater, and “endangered, threatened and special concern species of plants and animals.” Section 57-0105. In short, the Act serves to protect the environment by prohibiting or regulating development activity. Moreover, the intent of the legislature is to require the Commission’s review and scrutiny of a building activity that involves a material change in the use or intensity of use of any structure or land. As already demonstrated, the Project here does not involve a material change in the use or intensity of use of any structure or land, and actually will significantly decrease the intensity of use and current environmental impacts, bring the property up to current standards with invaluable environmental mitigation measures that are customarily imposed by the Town, NYSDEC and Town Conservation Board. Also, it is submitted that the intent of the legislature in further defining nondevelopment is to encourage the condition that the Project actually contemplates, to wit: the replacement of the preexisting, nonconforming residential cottages with one conforming single-family dwelling with customary accessory uses or structures, all of which will be in accordance with all current laws, ordinances and regulations. On the other hand, the same footprint interpretation would only encourage the replacement of the cottages with like cottages and not the replacement with a conforming single-family dwelling. In this case the proposed dwelling is in the area where some of the existing cottages are located with an increased wetland setback than existing cottages and with the remaining disturbed areas resulting from the removal of the nonconforming cottages to be revegetated.

The same footprint interpretation would only promote a “form over substance” process requiring the Applicants to prove a “hardship” for complying with the law, thereby adding superfluous review, time and expense to the Applicants (which can be an actual hardship to the Applicants). Given the proximity of the Project to Wildwood Lake, the Town, NYSDEC and Town Conservation Board already have jurisdiction to review the environmental compatibility of the replacement of the nonconforming cottages with a conforming single-family dwelling. It is respectfully submitted that additional Commission review under the hardship standards appears unnecessary. Both the Town and NYSDEC have reviewed the Project under their jurisdictional applications and provided positive comments toward the removal of the nonconforming cottages and replacement with a conforming single-family dwelling.

Moreover, the same footprint interpretation is inconsistent with the Commission’s prior resolutions involving the replacement of residential structures. *See, e.g.*, Commission Resolution 9/20/06, attached hereto as Exhibit B. On September 20, 2006, the Commission determined that the replacement and **expansion** of the Bruhn residence in Brookhaven did not constitute development. In that case, David Bruhn “filed a Core Preservation Area Extraordinary Hardship Permit for the total removal, expansion and replacement of a single-family dwelling on a two-acre parcel along with partial clearing of the parcel.” *Id.* At a meeting on August 16, 2006, the Commission reserved decision and instructed staff to review prior non-development determinations for similar proposals within the Core Preservation Area. After reviewing “eight prior similar non-development determinations within the Core Preservation Area,” the Commission determined that “the proposed removal, **expansion** and replacement of a single-family dwelling is deemed non-development pursuant to Article 57-0107(13)(iii)” of the Act. *Id.* (emphasis added).

The Bruhn resolution and the finding of non-development did not depend on whether the new home occupied the same footprint as the prior home. To the contrary, the Commission noted that the project involved the “expansion and replacement” of the existing home.

Here, the Applicants seek to build a clean, modern and environmentally responsible residential structure that dramatically decreases the intensity of use of the property. The current nonconforming residential cottage structures are not suitable for the Applicants’ housing needs and lifestyle. This use is consistent with the goals of the Act and the specific provisions of the Act’s restrictions development. *See* Section 57-0107(13)(b) (stating that “a material increase in the intensity of use of land or environmental impact as a result thereof” involves development). In other words, same footprint interpretation is not supported by the plain text or the spirit of the law.

For the reasons set forth above, the Applicants respectfully request that they be given an opportunity to present the Project to allow the Commission to consider or reconsider its recommendations to the NYSDEC and make a determination that the Project is not considered development. If the Commission determines that the Project is considered development, then the Applicants request that the Commission grant a hardship waiver pursuant to §57-0121. In support of this request, the Applicants hereby submit Core Preservation Area (CPA) Hardship Application Gosselin Property, prepared by Nelson, Pope & Voorhis, LLC, dated October 5, 2023.

Alternative Request for Hardship Exemption:

As noted above, if the Commission determines that the Project is considered development, then the Applicants request that the Commission grant a hardship waiver pursuant to §57-0121. Although the Act prohibits development in the Core Preservation Area, the Act also allows for a hardship exemption. Under §57-0121(10)(a), an exemption is warranted if the “particular physical surroundings, shape or topographical conditions of the property involved would result in an extraordinary hardship . . . if the provisions of the act are literally enforced.” The application must also satisfy §57-0121(10)(c). To the extent the Commission maintains its position that the proposed project constitutes development, a hardship exemption is warranted under §57-0121(10)(a) and is consistent with the Commission’s prior decisions.

In support of such a Hardship Application, the Applicants submit herewith the “Core Preservation Area (CPA) Hardship Application Gosselin Property,” prepared by Nelson, Pope & Voorhis, LLC, dated October 5, 2023.

Please do not hesitate to contact our office should you have any questions or need any further information

Very truly yours,
O'SHEA, MARCINCUK & BRUYN, LLP

By:


Wayne D. Bruyn

WDB/
Enclosures

SCTM# 900-181-6-2.9

TOWN OF SOUTHAMPTON
BUILDING DEPARTMENT

Certificate of Occupancy

BUILDING ZONE ORDINANCE - ARTICLE XXIV, SECTION 1

Date... July 26, 1990....., 198....

No C 13596

Permit No.None.....

Carol Bisaccia, Anthony Bisaccia, Evelyn Gore, Joan Cerrone,
Maureen Poncato

This is to certify that the

New () Altered () Addition () Pre-Existing (XXXX) Building
Located..... E/S #93 Lake Rd., Pine Valley, Town of ..
Southampton, New Yorkhas been COMPLETED substantially according to the approved plans, and the re-
quirements of the above ordinances have been met and permission is hereby granted
for the OCCUPANCY of building for the following purposes:

This certificate supersedes all previously issued certificates.

USE

SEASONAL C.O. JUNE 1 - SEPTEMBER 15

Nine (9) Wood frame seasonal cottages

One shed with bath & sanitary facilities

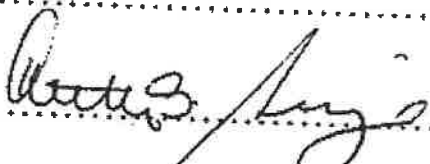
One storage shed

No. of Buildings11(Eleven)...

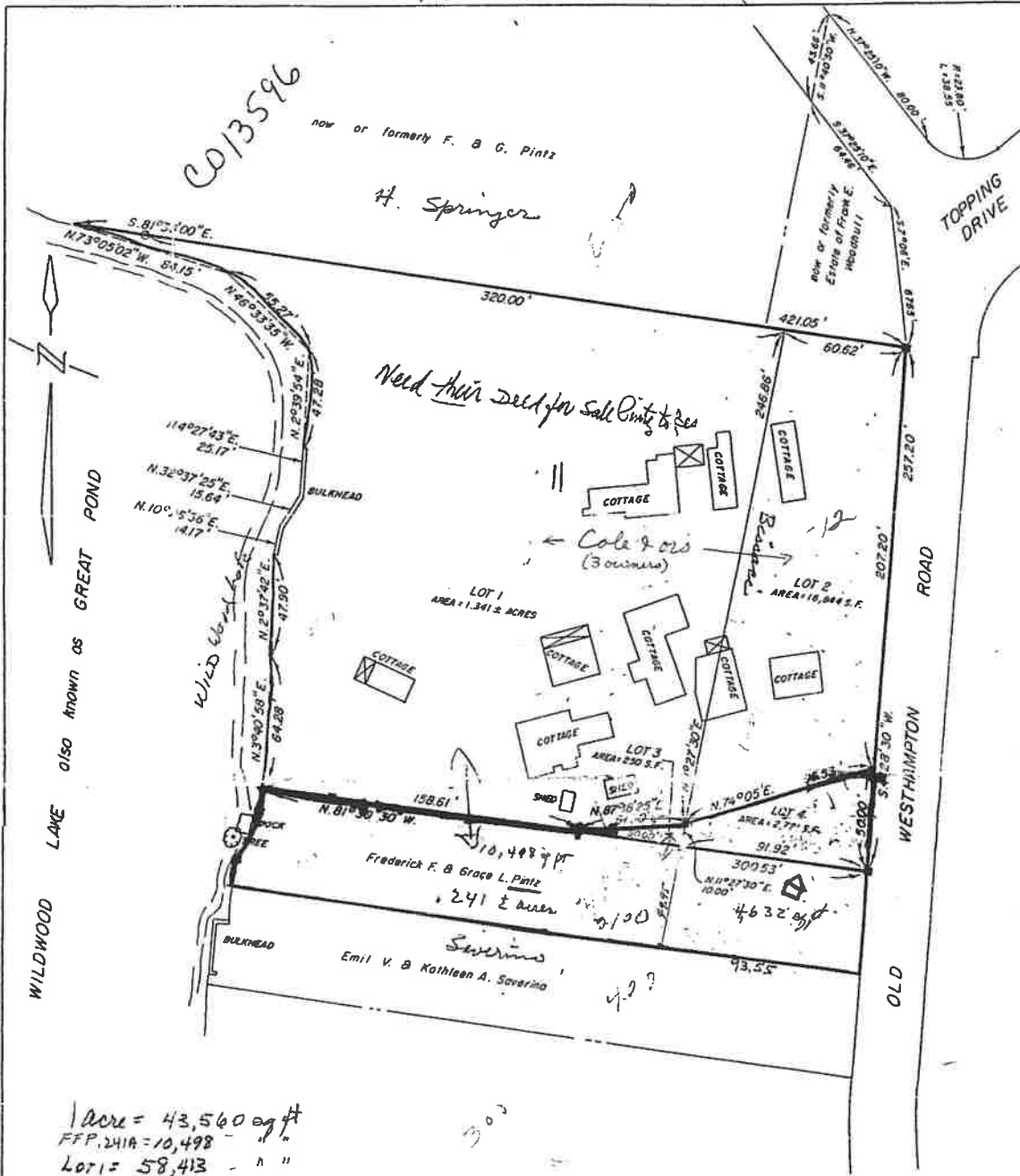
Work Completed..... Prior to October 14, 1957

Arthur B. Siegmann

Chief Building Inspector

Exhibit
A

PINTZ 18AH (or Cole)



1 acre = 43,560 sq ft
 F.F.P. 241A = 10,498
 Lot 1 = 58,413
 Lot 2 = 16,844
 Lot 3 = 250
 Lot 4 = 2,721
 NOTE:
 ■ = MONUMENT
 ○ = PIPE

F.F.P. 46LP = $\frac{18,101}{88,726} = 20.4\%$
 $20.4\% \times 223,326 = 45,449$
 $18,101 + 45,449 = 63,550$

New area including Lot 3 & Lot 4
 = 42 acres @ 50 per Acre

MINOR SUBDIVISION PREPARED FOR:
 FREDERICK F. PINTZ

AT RIVERHEAD
 TOWN OF SOUTHAMPTON
 SUFFOLK COUNTY, NEW YORK

DATE: NOV. 21, 1980
 SCALE: 1" = 50'
 SUFF. NO. 80-89 MS

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.
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 DISTANCES SHOWN HEREON FROM PROPERTY LINES TO EXISTING STRUCTURES ARE FOR A SPECIFIC PURPOSE AND ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES OR FOR THE ERECTION OF FENCES.



YOUNG & YOUNG
 ALDEN W. YOUNG, PROFESSIONAL ENGINEER
 AND LAND SURVEYOR N.Y.S. LICENSE NO. 12945
 HOWARD W. YOUNG, LAND SURVEYOR
 N.Y.S. LICENSE NO. 45893

400 OSTRANDER AVENUE
 RIVERHEAD, NEW YORK

Exhibit
B



**Commission Meeting of September 20, 2006
Riverhead Town Hall, Riverhead, NY**

Present: Mr. Scully (New York State), Mr. Isles (Suffolk County),
(Brookhaven), Mr. Shea (for Southampton), Mr. Cardinale (Rive

**Resolution on the Core Preservation Area Jurisdiction Determination
Application of David Bruhns**

Property located on the east side of Sally Lane (#75), Ridge, Town of Brookhaven
Tax Map #: 0200-383.00-01.00-012.000

Whereas, on May 9, 2006, **David Bruhns c/o Sandra Savage** filed a Core Preservation Area Extraordinary Hardship Permit for the total removal, expansion and replacement of a single family dwelling on a two acre parcel along with partial clearing of the parcel; and

Peter A. Scully
Chair

Whereas, the filing of an application was in response to the staff letter dated January 31, 2006 that indicated possible abandonment of the structure and the need to file a Core Preservation Area Extraordinary Hardship Permit application; and

Phillip J. Cardinale
Member

Whereas, the subject parcel is zoned Residential A-1 District and improved with a now dilapidated single family home that was built prior to July 13, 1993 but is no longer occupied; and

Brian X. Foley
Member

Patrick A. Heaney
Member

Whereas, a public hearing on the request was held by the Commission on July 16, 2006 with any interested party being given an opportunity to be heard; and

Steve A. Levy
Member

Whereas, after the August 16, 2006 public meeting the Commission reserved decision and requested staff to review prior non-development determinations for similar proposals within the Core Preservation Area; and

Whereas, the Commission has subsequently considered materials on file relevant to the request, including eight prior similar non-development determinations within the Core Preservation Area along with the submitted site plan and digital photographs; and

Whereas, the proposal, as a Type II action pursuant to Part 617.5(C)(9), is not subject to the New York State Environmental Quality Review Act; now therefore be it

Resolved, that the Commission hereby determines that the abandonment provision of New York State Environmental Conservation Law Article 57-0107(13)(e) does not apply to this improved residential parcel within an established residential zone; and be it further

Resolved, that the proposal is determined to be consistent with the goals and objectives of NYS ECL Article 57 and the Plan; and be it further

Resolved, that, subject to local zoning and land use regulations, the proposed removal, expansion and replacement of a single family home is deemed non-development pursuant to Article 57-0107(13)(iii) of the Environmental Conservation Law and a Core Preservation Area Extraordinary Hardship Permit is not required.

Record of Motion:

Determination of Non-jurisdiction:

Motion by: Mr. Shea
Yea Votes: Unanimous

Seconded by: Mr. Isles
Nay Votes: None

P.O. Box 587
3525 Sunrise
Highway
2nd Floor
Great River, NY
11739-0587

Phone (631) 224-
2604
Fax (631) 224-7653
www.pb.state.ny.us



October 18, 2023

Antonia and Thomas Marsh
47 Oliver Street
Riverhead, NY 11901

RE: Proposal for barn(s) on SCTM # 200-352-1-19.1
58 Sally Lane, Ridge, Town of Brookhaven
Central Pine Barrens Core Preservation Area
Conservation Easement property

Dear Ms. and Mr. Marsh:

The Central Pine Barrens Commission is in receipt of your letter dated October 4, 2023 with a proposal to build barns on the subject property. The project site is in the Central Pine Barrens Core Preservation Area, located at 58 Sally Lane, Ridge, NY.

According to the survey prepared by Pinnacle Land Surveyors LLP, dated June 1, 2021, the project site is 1.52 acres. It is developed with a single-family residence with two bathrooms, a guest house with a bathroom, a garage and a shed. The rear yard contains a cleared area that is fenced, and outside of the fence the property is naturally vegetated.

Two scenarios were provided showing the construction of buildings in the cleared area of the property, as shown in the illustrations on an aerial photograph, including:

- Scenario #1:
 - a horse barn (a) 32'x34', (b) 12'x36', or (c) 12'x32', and
 - a pole barn (a) 30'x40', (b) 28'x40', or (c) 24'x40'
- Scenario #2:
 - a horse barn (a) 32'x34', (b) 12'x36', or (c) 12'x32', and
 - a garage/storage (a) 30'x40', (b) 28'x40', or (c) 24'x40'

The property is restricted by a conservation easement granted to the Commission and recorded in the Office of the Suffolk County Clerk on November 24, 1998. The grantor received 0.42 Pine Barrens Credits in exchange for the easement.

The Conservation Easement Covenants # 1 states:

"There shall be no construction activity, 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-xv), unless otherwise expressly reserved herein."

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

The Conservation Easement Reserved Rights # 4 states:

“The right to use the Property for operations or uses described in ECL Section 57-0107(13) (i, ii, iii, iv, vi and viii), 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.”

The Long Island Pine Barrens Protection Act of 1993, New York State Environmental Conservation Law Article 57 Section 57-0107(13) (iv) states:

“The following operations or uses do not constitute development for the purposes of this title:

(iv) the use of any structure or land devoted to dwelling uses for any purposes customarily incidental and otherwise lawful;”

Provided no disturbance to natural vegetation occurs and the structure(s) are placed in the rear yard area that is presently cleared of natural vegetation and fenced, the proposal would not conflict with the Reserved Rights section outlined in the easement. No further review from this office is required for this proposal. If the proposal changes, it must be submitted to this office for review prior to site disturbance.

The proposal must conform to Town zoning code requirements without requiring any variances and the Town’s definition of incidental use. The proposal must also conform to all other involved agency jurisdictions and permit requirements in effect on the project site. If the proposal moves forward, please notify this office in writing to update the easement record for continued monitoring on the property.

Thank you for your attention, and if you have any questions, please do not hesitate to contact me at (631) 563-0352.

Sincerely,

Jerry Tverdy
Senior Environmental Analyst

cc: Judith Jakobsen, Executive Director, Central Pine Barrens Commission
John C. Milazzo, Counsel to the Commission
Julie Hargrave, Policy and Planning Manager, Central Pine Barrens Commission
Michelle DiBrita, Deputy Commissioner of Planning, Brookhaven Town



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

October 4, 2023

Antonia & Thomas Marsh
47 Oliver Street
Riverhead, N.Y. 11901
(631) 506-5106
ADGM2211@GMAIL.COM

RE: 58 Sally Lane Ridge N.Y. 11961

Dear Pine Barrens Commission,

We, Antonia and Thomas Marsh are looking to purchase the property listed above .

Before signing the contract, we would like to know if it's possible and if you would consider giving us permission to build a Horse Barn and Garage or Storage Building on the cleared Portion of the property. We would follow your guidelines and Brookhaven Town Codes.

I've already spoken to the Brookhaven Zoning Department regarding this matter and found out what we can and can't do.

The Seller would like us to sign the contract now but, I need to know for sure if the Commission will allow us to build such buildings.

Could you Please let us know as soon as possible before we lose the deal on the property.

Thank You,

Antonia & Thomas Marsh

Antonia Marsh
Thomas Marsh

Sally Ln

#1

HOESE
BARN

WOULD LIKE - ① 32'x34'
② 12'x36'
③ 12'x32'

POLE BARN
AGRICULTURE STYLE
METAL BUILDING

WOULD LIKE - ① 30'x40'
② 28'x40'
③ 24'x40'

Sally Ln

#2

HORSE
BARN

- would like
- ① 30x34' 4 stalls for horses
 - ② 12x36' 2 stalls w/ tack room
 - ③ 12x33' 2 stalls smaller tack rm

GARAGE/STORAGE
POLE BARN STYLE
AGRICULTURE BUILDING

- METAL POLE BARN STYLE
- would like
- ① 30x40'
 - ② 28x40'
 - ③ 24x40'

OWNER'S AFFIDAVIT

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

STATE OF New York

)ss:

COUNTY OF Suffolk

Pablo A. Lopez and Jaime Lopez, being duly sworn, deposes
(Owner's Name(s))

and says that I/we reside at 58 Sally Lane, Ridge, NY 11961
(Owner's Address)

, in the County of Suffolk

State of New York, and that I/we am/are the owner in fee of the

property located at 58 Sally Lane, Ridge, NY 11961
(Property Address)

which is also designated as Suffolk County Tax Map Number(s) Section 352.00

Block: 01.00 Lot: 019.001, and that I/we have been the

owner(s) of this property continuously since March 9, 2022, and that I/we
(Date)

have authorized Antonia Marsh to make a
(Applicant's Name)

permit application to the Central Pine Barrens Joint Planning and Policy Commission for this

property. I/we make this Statement knowing that the Central Pine Barrens Joint Planning and

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

Pablo Lopez
(Owner's Signature)

Jaime Lopez
(2nd Owner's Signature)

Pablo A. Lopez
(Owner's Name - Please Print)

Jaime Lopez
(2nd Owner's Name - Please Print)

10/10/2023
(Date)

10/10/2023
(Date)

Sworn to before me this
10th day of Oct, 200 2023

Edgar E. Reinoso
(Notary Public)

EDGAR E. REINOSO
Notary Public - State of New York
No. 01RE6123881

Qualified in Suffolk County
My Commission Expires March 14, 2025

Sworn to before me this
10th day of Oct, 200 2023

Edgar E. Reinoso
(Notary Public)

EDGAR E. REINOSO
Notary Public - State of New York
No. 01RE6123881

Qualified in Suffolk County
My Commission Expires March 14, 2025

DRAFT STAFF REPORT

October 11, 2023

SCTM #: 200-352-1-19.1

OWNER: Pablo Lopez

SITE LOCATION: 58 Sally Lane, west of William Floyd Parkway, Ridge, Core Preservation Area,
Town of Brookhaven

SITE AREA: 1.52 acres

ZONING DISTRICT: A-1 Residential

EXISTING USE: Residential

VEGETATION: Pitch pine – Oak Forest

SITE VISIT: September 29, 2023

PINE BARRENS CREDIT PROGRAM CONSERVATION EASEMENT:

Recorded: November 24, 1998
Grantee: Frederick Riecker and Theresa Riecker
Grantor: Central Pine Barrens Commission
Credits generated: 0.42

ANTONIA & THOMAS MARSH APPLICATION:

- The subject property is currently on sale.
- On September 29, 2023, as part of the Conservation Easement monitoring procedure, a field inspection of the site was performed by Commission staff.
- The northeast side of the property contains a single-family residence, a guest house, a garage, and a shed. The rear, southwest side of the property, is partially cleared. Photos are attached.
- On October 4, 2023 Antonia and Thomas Marsh submitted a letter (attached) to the Commission. They are looking to purchase the subject property. Before signing the contract, they would like to know if the following structures could be built on the property:
 - Scenario #1:
 - a horse barn (a) 32'x34', (b) 12'x36', or (c) 12'x32', and
 - a pole barn (a) 30'x40', (b) 28'x40', or (c) 24'x40'
 - Scenario #2:
 - a horse barn (a) 32'x34', (b) 12'x36', or (c) 12'x32', and
 - a garage/storage (a) 30'x40', (b) 28'x40', or (c) 24'x40'

CONSERVATION EASEMENT:

The Conservation Easement Covenants # 1 states:

“There shall be no construction activity, 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-xv), unless otherwise expressly reserved herein.”

The Conservation Easement Reserved Rights # 4 states:

“The right to use the Property for operations or uses described in ECL Section 57-0107(13) (i, ii, iii, iv, vi and viii), 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.”

The Long Island Pine Barrens Protection Act of 1993, New York State Environmental Conservation Law Article 57 Section 57-0107(13) (iv) states:

“The following operations or uses do not constitute development for the purposes of this title:

- (iv) the use of any structure or land devoted to dwelling uses for any purposes customarily incidental and otherwise lawful;”*

DISCUSSION ITEMS OF CONCERN:

Provided no disturbance to natural vegetation occurs and the structure(s) are placed in the rear yard area that is presently cleared of natural vegetation and fenced, the proposal would not conflict with the Reserved Rights section outlined in the easement.

The proposal must conform to Town zoning code requirements without requiring any variances and the Town’s definition of incidental use. The proposal must also conform to all other involved agency jurisdictions and permit requirements in effect on the project site.

Photos taken September 29, 2023







2020

200-352-1-19.1

Sally Ln



Conservation Easement

THIS INDENTURE, made this 24 day of November, 1998,

Witnesseth:

WHEREAS, Frederick Riecker and Theresa Riecker his wife, both residing at 58 Sally Lane, Ridge, New York, 11961 hereinafter is called the Grantor that owns 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 described as follows:

See Schedule A annexed hereto

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (the SCTM: "Commission"), with offices at P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, 0200 New York 11739-0587, was created pursuant to the Long Island Pine Barrens Protection Act of 352 1993 (the "Act") codified in New York Environmental Conservation Law Article 57 ("Article 1 57"), is hereinafter described as the "Grantee;" and
1 01

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 Letter of Interpretation issued on July 10, 1998 in the amount of 0.42 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.

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, hiking and activities associated therewith so long as such activities conform to local zoning regulations and do not constitute development as defined in ECL Section 57-0107(13).

3. The right to use the Property for any existing, expanded, or new activity involving agriculture or horticulture if such use does not involve the material alteration of native vegetation; the right to use the Property for the erection of agricultural buildings, including but not limited to barns, greenhouses and farm stands, required for the production of plants or animals as reflected under ECL Section 57-0107(14), if such activity does not involve material alteration of native vegetation.
4. The right to use the Property for operations or uses described in ECL Section 57-0107(13) (i, ii, iii, iv, vi and viii), 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.
5. 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,



October 18, 2023

Christopher Wrede
Board of Zoning Appeals
Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

RE: Zoning Board of Appeals Referral Gary Walsh Land Division
SCTM # 200-593-2-3.2
Central Pine Barrens Compatible Growth Area

Dear Mr. Wrede:

On September 15, 2023, the Central Pine Barrens Commission office received the subject referral. The project site is in the Central Pine Barrens Compatible Growth Area. On October 12, the project expeditor, Jennifer Leeds, submitted an updated map to this office.

Existing Conditions and Project Description

The project site is located on the north side of Eastport Manor Road, 978 feet west of CR 51 in Eastport in the Central Pine Barrens Compatible Growth Area.

The site is 4.67 acres and located in the A2 Residence Zoning District where the minimum lot area is 80,000 square feet (two acres). A one-story residence exists and other structures including a garage, storage containers, barns and other structures for the existing use.

According to the plan prepared by Seccafico Land Surveying dated September 20, 2023 and received on September 25, 2023, the site has a cleared area of 185,179 square feet (4.25 acres) which is 90.9% cleared and the remaining area is naturally vegetated. The updated map, revised on October 2, 2023, states, “no proposed clearing” and removed references to proposed clearing on all three lots.

The project site will be subdivided into three lots including:

- Lot 1: 1.996 acres
- Lot 2: 1.459 acres
- Lot 3: 1.219 acres

Central Pine Barrens Status

The proposal appears to constitute development activity pursuant to the Long Island Pine Barrens Protection Act (the Act), embodied in New York State Environmental Conservation Law (ECL) Article 57. Therefore, the proposal must conform with the standards for land use in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan) as implemented by the Town Code. If the project does not conform, the application may be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission, subject to review and action.

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

DRAFT

Comments

Preliminary comments are made on the limited information provided by the applicant that was referred to this office including a cover letter and map:

- Please have the applicant submit to the Town a review of conformance with the standards outlined in Chapter 5 of the Plan and implemented in the Town Code.
- The map dated October 2 must be submitted to the Town ZBA for review of this application. According to the map, the site clearing is 4.25 acres or 90% which is beyond the allowable limit. The Plan allows a maximum of 35% over the Project Site or 1.63 acres. No additional clearing of existing natural vegetation is permitted without a hardship.

The map should also be revised to add the amount of existing natural vegetation as the converse to the amount of existing cleared area. Lot 1 appears to contain the bulk of existing natural area, approximately 0.42 acres. Recording this area/amount on the map will ensure it is not cleared for this project or another in the future.

- The area to remain natural must be protected in covenants or conservation easements, particularly the area to remain natural on Lot 1.

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
Policy and Planning Manager

cc: Judy Jakobsen, Executive Director
John C. Milazzo, Counsel



Town of Brookhaven Long Island

RECEIVED

SEP 25 2023

Central Pine Barrens
Joint Planning & Policy Commission

OFFICE OF THE BOARD OF ZONING APPEALS
Howard M. Bergson, Chairman

September 21, 2023

Central Pine Barrens Joint Planning
And Policy Commission
624 Old Riverhead
Westhampton Beach, NY 11978
Attn: Julie Hargrave, Principal Environmental Planner

RE: Gary Walsh
Tax Map No.# 0200 593.00 02.00 003.002

Dear Ms. ^{Julie}Hargrave:

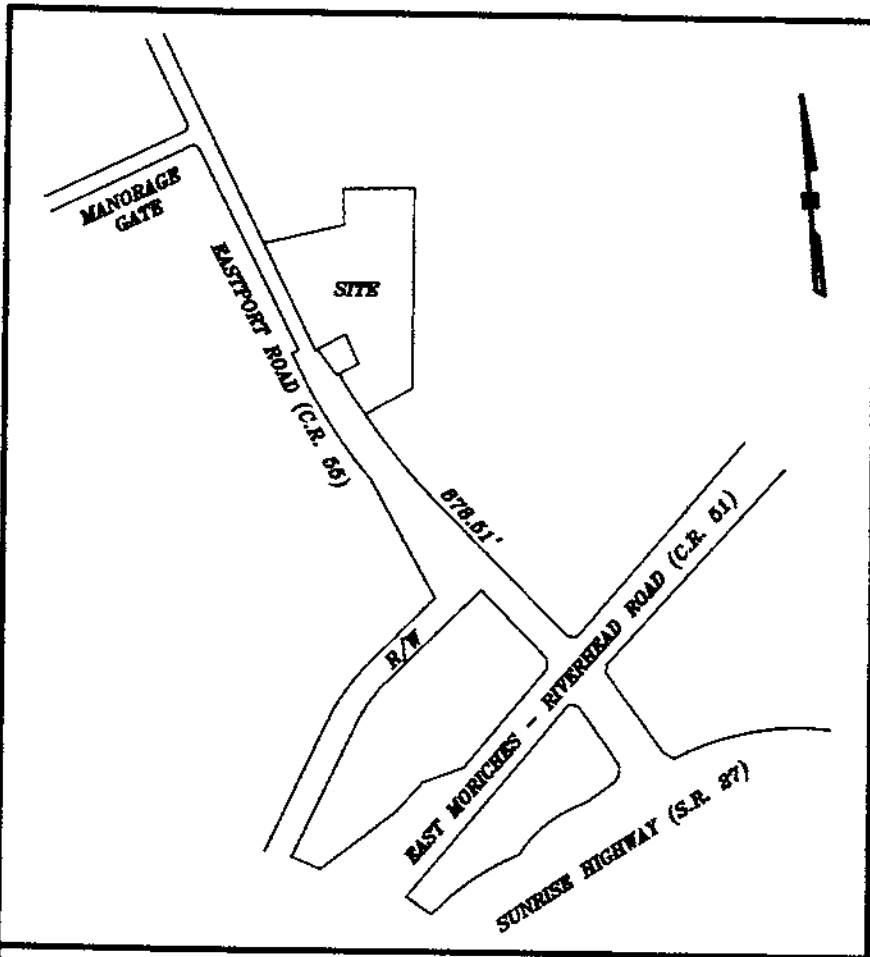
Please note the above referenced parcel subject to a three-lot land division endeavor was heard by the Board of Appeals on September 20, 2023 and was held open, based upon questions whether or not the proposal conforms to Town code and the Central Pine Barrens Land Use Plan.

Testimony at the hearing revealed that because the parcel is within the Central Pine Barrens, the parcel is regulated by the Pine Barrens ordinance, and was classified as "development" pursuant to town code and environmental conservation law article 57. While certain "clearing calculations" are depicted on the land division plan, the Board was unable to determine that the proposal complies with the development standards.

The Board has requested written comment from Commission staff on this matter before a re-hearing of the land division; enclosed is a copy of the land division plan for your purview; if you require additional information, let me know.

Very truly yours,


Christopher Wrede



KEY MAP 1"=600'

RECEIVED
SEP 25 2023
Central Pine Barrens
Joint Planning & Policy Commission

PROPOSED LAND DIVISION
MAP OF GARY WALSH
SITUATE AT MANORVILLE
TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

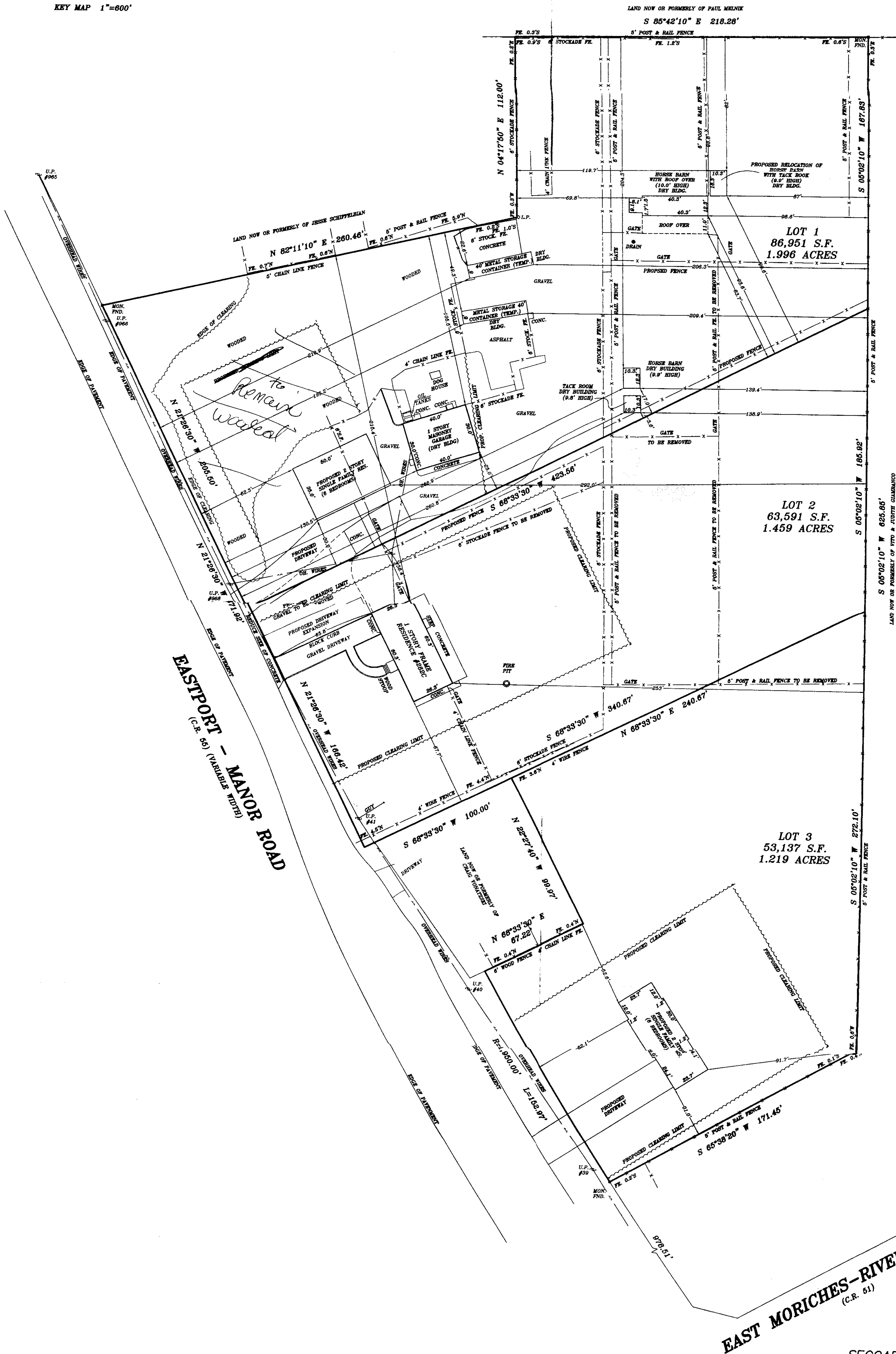
S.C.T.M. No. 200-593-02-3.2
LOT AREA = 203,679 S.F. / 4.67 ACRES
LOT CLEARING = 186,179 S.F. / 90.0%
ZONING DISTRICT, A-2 RESIDENCE

APPLICANT:
GARY WALSH
282C EASTPORT MANOR ROAD
EASTPORT, N.Y. 11941
TELEPHONE 631-294-6171

LOT AREAS:
OVERALL AREA = 203,679 S.F. OR 4.67 ACRES
LOT 1 = 86,951 S.F. OR 1.996 ACRES
LOT 2 = 63,591 S.F. OR 1.459 ACRES
LOT 3 = 53,137 S.F. OR 1.219 ACRES

LOT 1 PROP. CLEARING = 30,433 S.F. / 35%
LOT 2 PROP. CLEARING = 22,257 S.F. / 35%
LOT 3 PROP. CLEARING = 18,598 S.F. / 35%

GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE. UNDERGROUND UTILITIES
EASEMENTS NOT SHOWN AND UTILITY POLE LOCATIONS ARE NOT GUARANTEED.
THE OFFICE DIMENSION SHOWN HEREON FROM THE STRUCTURES TO THE PROPERTY
ARE FOR SPECIFIC PURPOSE AND USE. THEREFORE ARE NOT INTENDED TO GUIDE THE
LOCATION OF FENCES, RETAINING WALLS, POOLS, PAVES, PLANTING AREAS,
ADDITION TO BUILDINGS AND OTHER CONSTRUCTION. THE EXISTENCE OF RIGHT
OF WAY, EASEMENTS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN
ARE NOT GUARANTEED.
UNAUTHORIZED ALTERATION OF ADDITION TO THIS SURVEY IS A VIOLATION OF
SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP
NOT BEING THE LAND SURVEYOR'S SIGNATURE AND RED INK OR EMBOSSED SEAL SHALL
NOT BE CONSIDERED A TRUE AND VALID COPY.
ALL LOCATIONS OF AND DISTANCES TO WELLS AND CESSPOOLS ARE BY LOCATIONS
FROM HOMEOWNERS. FIELD OBSERVATIONS AND/OR INFORMATION OBTAINED FROM
OTHERS. SINCE MOST ARE NOT VISIBLE THESE LOCATIONS AND DIMENSIONS CANNOT
BE CERTIFIED.

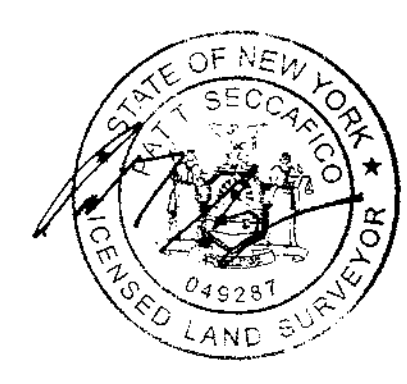


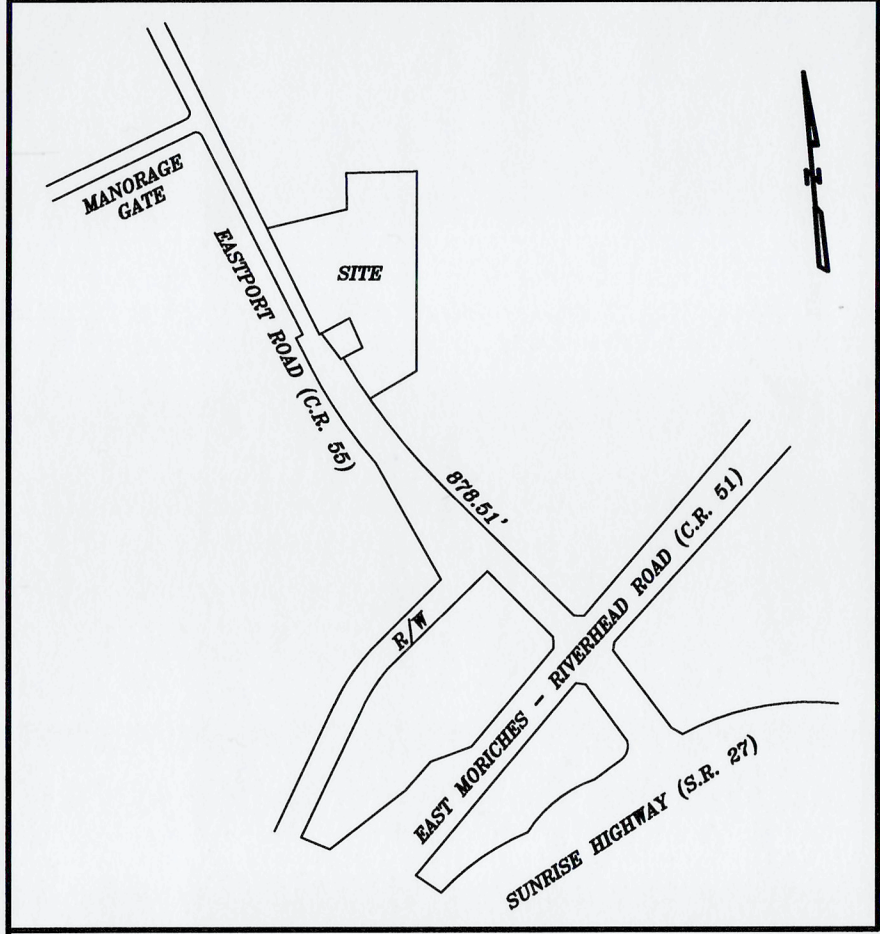
LAND NOW OR FORMERLY OF VITO & JUDITH GILMANCO

Revised
SUBMITTED BY D. M. S.
MADE PART OF RECORD DATE 9-20-23
RE: WALSH
09/20/2023: REVISED DWG ON LOT 1
09/15/2023: PROPOSED CLEARING LIMIT
09/16/2023: REVISED
DATE: 02/09/2022
PROJECT No. 63061-ZBA LD SCALE: 1" = 30'

EASTPORT - MANOR ROAD
(C.R. 56) (VARIABLE WIDTH)
EAST MORICHES-RIVERHEAD ROAD
(C.R. 51)

SECCAFICO LAND SURVEYING PC
500 Montauk Highway
Moriches, New York 11955
Phone: (631) 878-0120 Phone (631) 728-5330
psccafico@optonline.net
Pat C. Seccafico, PLS Pat T. Seccafico, PLS
NYS Lic. No. 051040 NYS Lic. No. 049287
copyright - 2023 Seccafico Land Surveying PC





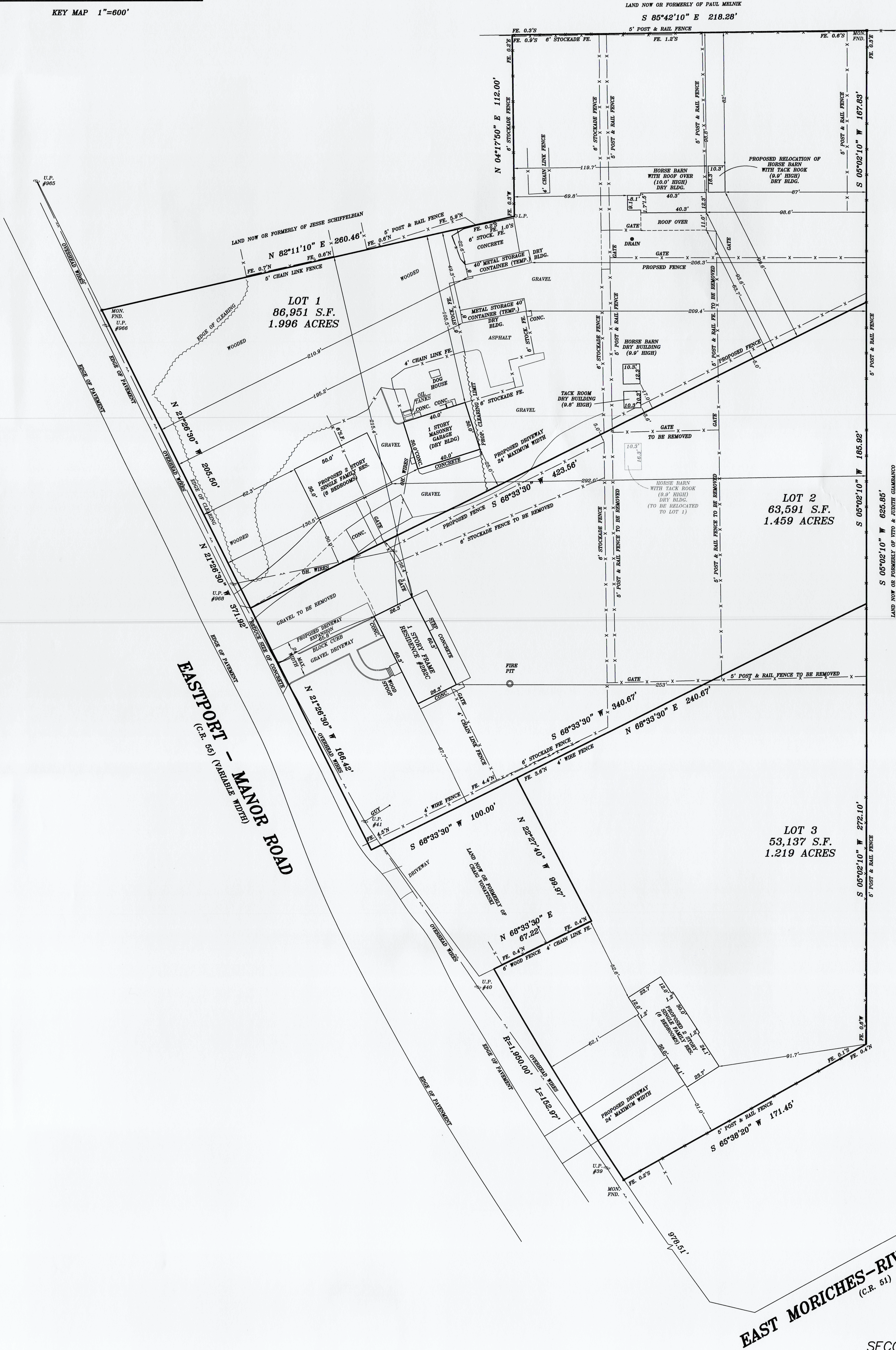
KEY MAP 1"=600'

PROPOSED LAND DIVISION
MAP OF GARY WALSH
SITUATE AT MANORVILLE
TOWN OF BROOKHAVEN
SUFFOLK COUNTY, NEW YORK

S.C.T.M. No. 200-593-02-3.2
LOT AREA = 203,679 S.F. / 4.67 ACRES
LOT CLEARING = 185,179 S.F. / 90.9%
ZONING DISTRICT, A-2 RESIDENCE
NO PROPOSED CLEARING.

APPLICANT:
GARY WALSH
282C EASTPORT MANOR ROAD
EASTPORT, N.Y. 11941
TELEPHONE 631-294-6171
LOT AREAS:
OVERALL AREA = 203,679 S.F. OR 4.67 ACRES
LOT 1 = 86,951 SQ. FT. OR 1.996 ACRES
LOT 2 = 63,591 SQ. FT. OR 1.459 ACRES
LOT 3 = 53,137 SQ. FT. OR 1.219 ACRES

GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE. UNDERGROUND UTILITIES
BASEMENTS NOT SHOWN AND UTILITY POLE LOCATIONS ARE NOT GUARANTEED.
THE OFFSET DIMENSION SHOWN HEREON FROM THE STRUCTURES TO THE PROPERTY LINES
ARE FOR SPECIFIC PURPOSE AND USE, THEREFORE ARE NOT INTENDED TO GUIDE THE
ERECTOR OF FENCES, RETAINING WALLS, POOLS, PATIOS, PLANTING AREAS,
ADDITION TO BUILDINGS AND OTHER CONSTRUCTION. THE EXISTENCE OF RIGHT
OF WAY, WETLANDS AND/OR EASEMENTS OF RECORD, IF ANY, NOT SHOWN
ARE NOT GUARANTEED.
UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 2209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP
NOT BEING THE LAND SURVEYOR'S SIGNATURE AND RED INK OR EMBOSSED SEAL SHALL
NOT BE CONSIDERED A TRUE AND CORRECT COPY.
ALL LOCATIONS OF AND DISTANCES TO WELLS AND CESSPOOLS ARE BY LOCATIONS
FROM HOMEOWNERS, FIELD OBSERVATIONS AND/OR INFORMATION OBTAINED FROM
OTHERS. SINCE MOST ARE NOT VISIBLE THESE LOCATIONS AND DIMENSIONS CANNOT
BE CERTIFIED.



LAND NOW OR FORMERLY OF VITO & JUDITH GUARABANO

EAST MORICHES-RIVERHEAD ROAD
(C.R. 51)

SECCAFICO LAND SURVEYING PC
500 Montauk Highway
Moriches, New York 11955
Phone: (631) 878-0120 Phone (631) 728-5330
pseccafico@optonline.net
Pat C. Seccafico, PLS Pat T. Seccafico, PLS
NYS Lic. No. 051040 NYS Lic. No. 049287
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Commission Meeting of October 18, 2023
Southampton Town Hall

Draft Resolution

Expressway Drive North Compatible Growth Area
Development of Regional Significance and Hardship Waiver
LIE North Service Road, west of Sills Road
Yaphank, Town of Brookhaven
SCTM # 200-662-2-5.16

Present:

__, for the New York State Governor
__, for the Suffolk County Executive
__, Brookhaven Town Supervisor
__, Riverhead Town Supervisor
__, Southampton Town Supervisor

Robert Calarco
Chairman

Yvette Aguiar
Member

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Whereas, on November 16, 2022, the Central Pine Barrens Commission granted approval with conditions (the decision) on the application of Expressway Drive North Compatible Growth Area (CGA) Development of Regional Significance and Hardship Waiver, and

Whereas, condition #4 of the decision accommodated a single monument sign at the site entrance and referred to the sign plan prepared by Signarama and dated October 18, 2022, and no signs on buildings were proposed or approved, and

Whereas, on October 10, 2023, the Applicant submitted a revised sign plan prepared by Gensler and dated October 4, 2023 and explained that the revision was due to utilizing different marketing strategies to attract prospective tenants, and

Whereas, the approved and proposed monument sign dimensions and design are similar in style and continue to be in keeping with the character of the CGA, and

Now therefore be it

Resolved, the revised monument sign is acceptable and in keeping with the character of the CGA, and be it further

Resolved, no signs visible from public roads are permitted on buildings in the project site.

Record of Motion

Motion by:

Seconded by:

Yes:

No:

Abstain:

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

Hargrave, Julie

From: Yuliya Viola <YViola@certilmanbalin.com>
Sent: Tuesday, October 10, 2023 1:41 PM
To: Hargrave, Julie; Milazzo, John; Jakobsen, Judith
Cc: 51520_0002 _ Wildflower Ltd_ LLC _ WF Industrial XII_ LLC LIE Service Road E_Mails
Subject: RE: Wildflower; Brookhaven Logistics Center; 1001 Expressway Drive North, Yaphank - Alternate Ground Signage [IWOV-iManage.FID627068]
Attachments: 10-10-23 C1 site plan.PDF; Signed letter to Judith Jacobsen 10_10_23.PDF; 10-10-23 revised signage drawing.PDF; Previously approved ground sign 10_10_2023.PDF; PBC Decision.PDF

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

Good afternoon Julie:

As discussed earlier, attached please find a copy of the formal request for approval of the alternate monument ground sign design and request of placing this matter on the Pine Barrens Commission's agenda.

Thank you.



Yuliya Viola, Esq.

Certilman Balin Adler & Hyman, LLP

100 Motor Parkway, Suite 560

Hauppauge, NY 11788

Direct 516.296.7841 | Firm 631.979.3000 | Fax 631.979.7070

Email: <mailto:yviola@certilmanbalin.com> | [my profile](#) | www.certilmanbalin.com

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YULIYA VIOLA
Associate
yviola@certilmanbalin.com

October 10, 2023

Via FedEx and Email

Central Pine Barrens Joint Planning and Policy Commission
Attn: Ms. Judith Jakobsen, Executive Director
624 Old Riverhead Road
Westhampton Beach, NY 11978

**Re: Revised Proposed Ground Signage
Expressway Drive North Warehouse Buildings
Applicant: WF Industrial XII LLC
SCTM No.: 0200 - 662.00 - 02.00 - 005.016
Our File: 51520.0002**

Dear Ms. Jakobsen:

As you know, our firm represents WF Industrial XII LLC ("WF") in connection with the above-referenced matter. We are writing to gain the approval of Central Pine Barrens Joint Planning and Policy Commission ("CPBJPPC") for an alternate monument sign for the Brookhaven Logistics Center at 1001 Expressway Drive North in Yaphank.

As you know, the monument sign illustrated on the plan prepared by Signarama, dated October 18, 2022 and stamped on October 19, 2022, was approved by the Pine Barrens Commission on November 16, 2022. Enclosed is a copy of the CPBJPPC's Decision and a copy of the previously approved monument signage.

Although we have utilized different marketing approaches and strategies for the subject property since November of 2022 to secure the tenant(s) for the property, we were not able to sign the lease for any of the three buildings on site. Based upon further evaluation of our marketing approach and the feedback from the interested parties regarding the site including the proposed monument signage, we have retained Gensler, a world-renowned architect, and the architect of record for this project, to develop an alternate monument sign design that will be more consistent with the design of the already constructed warehouse buildings and is in keeping with the Compatible Growth Area character.

We believe that the alternative sign design, which is attached above, is consistent with the Pine Barrens environment characteristics and prior comments made by CPBJPPC with respect to the ground signage on site. Specifically, the alternative proposed signage will have earth tones

Central Pine Barrens Joint Planning and Policy Commission

Attn: Ms. Judith Jakobsen

October 10, 2023

Page 2

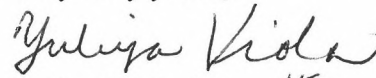
that would blend with the natural surroundings. The proposed illumination will be a dark sky compliant warm down light. The matte dark sign panel will recede while still providing some level of contrast for the building name and address. Please note that the proposed height is the same (i.e. 6 feet or 72 inches), and the length is almost the same (i.e. 96 inches for the proposed sign vs. 94 inches for the approved sign). The alternate proposed ground signage also complies with the Town of Brookhaven Code.

Please note that the alternate ground signage location has changed. It has been moved further away from the property line and west of its original location. Enclosed please find a copy of the site plan (sheet C-1) showing the revised location of the alternate monument sign. Specifically, it was previously approved to be constructed twenty-two (22) feet away from the property line, and it is now proposed to be thirty-five (35) feet away from the property line.

We believe that these design features meet the requests of the CPBJPPC, and this design is a necessary improvement for the success of our project. We respectfully request your approval of this alternate monument sign and are available for any questions or comments.

Your professional courtesies are greatly appreciated.

Very truly yours,



Yuliya Viola, Esq. ^{AK}

cc: John Milazzo and Julie Hargrave (via email)

Gensler

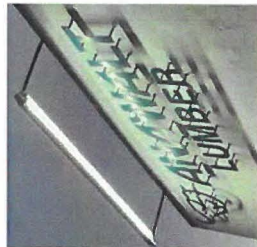
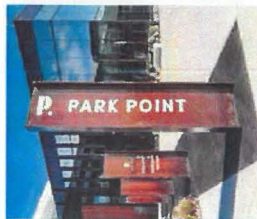
Brookhaven Logistics Center
Monument Sign

1001 Expressway Drive N
Yaphank, NY 11980

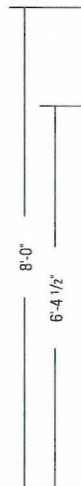
CONCEPT DESIGN DRAWINGS

October 04, 2023

MONUMENT SIGN OPTION 1



1 PLAN VIEW - MONUMENT SIGN
1/2" = 1'-0"



DAYTIME VIEW

2 ELEVATION - MONUMENT SIGN
1/2" = 1'-0"



NIGHT VIEW

A. PAINTED ALUMINUM SIGN CABINET.

B. CORTEN STEEL I-BEAM. VERIFY IF EXTRA BEAMS THAT MAY BE MODIFIED EXIST ON SITE. BEAM MAY ALSO BE FABRICATED FROM STEEL TO SIZE AS SHOWN. ALTERNATE FINISH: POWDERCOATED CORTEN FAUX FINISH.

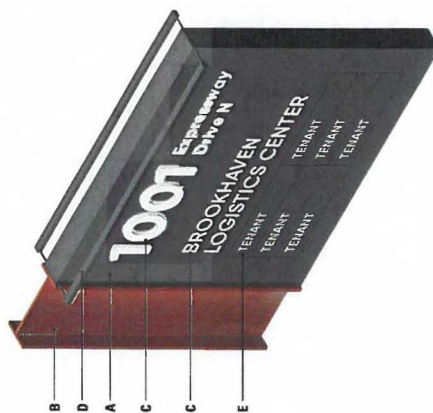
C. METAL DIMENSIONAL LETTERS/ NUMERALS WITH REFLECTIVE VINYL FACES.

D. LIGHT FIXTURE TO DOWN LIGHT BOTH FACES OF SIGN CABINET. HOUSING PAINTED TO MATCH SIGN CABINET.

E. CHANGEABLE TENANT PANELS WITH REFLECTIVE VINYL TENANT NAMES/LOGOS. PANEL TO MATCH FACE OF SIGN CABINET.

BUILDING ADDRESS AND NAME TO BE LOCATED ON BOTH SIDES OF SIGN CABINET.

ALL LIGHTING TO BE DARK SKY COMPLIANT.



**Brookhaven
Logistics Center**
1001 Expressway
Drive N
Yaphank, NY 11980

Gensler

1700 Broadway
Suite 400
New York, New York, 10019

NOTES:

ALL SITE CONDITIONS, LOCATION AND DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR/INSTALLER PRIOR TO FABRICATION.

MATERIAL, FINISH AND COLOR SAMPLES MUST BE PROVIDED FOR GENSLER'S REVIEW AND APPROVAL UPON REQUEST PRIOR TO FABRICATION, UNLESS OTHERWISE SPECIFIED.

SHOP DRAWINGS MUST BE PROVIDED TO GENSLER FOR REVIEW PRIOR TO FABRICATION, UNLESS OTHERWISE SPECIFIED.

Issue	Date & Issue	Description
1	10.04.2023	Concept Design

Design Intent Drawings
Brookhaven Logistics Center
Monument Sign

Job Number
006.3709.700

Sign Type
Refer to drawing

Scale
Refer to drawing

DI.3

MONUMENT SIGN OPTION 2

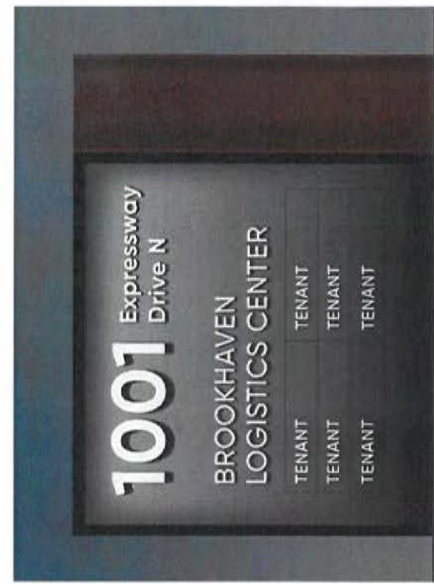
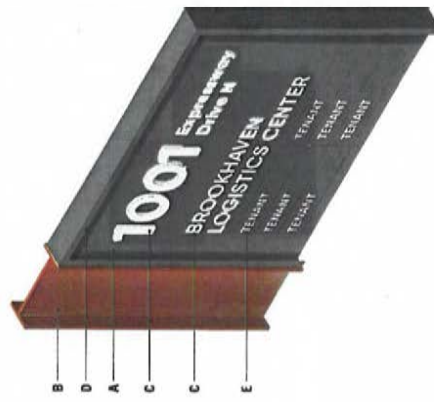


1 PLAN VIEW - MONUMENT SIGN
1/2" = 1'-0"



DAYTIME VIEW

2 ELEVATION - MONUMENT SIGN
1/2" = 1'-0"



NIGHT VIEW

A. PAINTED ALUMINUM SIGN CABINET.

B. CORTEN STEEL I-BEAM. VERIFY IF EXTRA BEAMS THAT MAY BE MODIFIED EXIST ON SITE. BEAM MAY ALSO BE FABRICATED FROM STEEL TO SIZE AS SHOWN. ALTERNATE FINISH: POWDERCOATED CORTEN FAUX FINISH.

C. METAL DIMENSIONAL LETTERS/ NUMERALS WITH REFLECTIVE VINYL FACES.

D. PAINTED METAL FRAME ACROSS TOP AND DOWN VERTICALS OF SIGN CABINET FACE TO CREATE LIGHT COVE & HOUSE LIGHTING COMPONENTS. LIGHT FIXTURE TO DOWN LIGHT LETTERS ON FACE OF SIGN CABINET.

E. CHANGEABLE TENANT PANELS WITH REFLECTIVE VINYL TENANT NAMES/LOGOS. PANEL TO MATCH FACE OF SIGN CABINET.

BUILDING ADDRESS AND NAME TO BE LOCATED ON BOTH SIDES OF SIGN CABINET.

ALL LIGHTING TO BE DARK SKY COMPLIANT.

**Brookhaven
Logistics Center**
1001 Expressway
Drive N
Yaphank, NY 11980

Gensler

1700 Broadway
Suite 400
New York, New York 10019

NOTES:

ALL SITE CONDITIONS, LOCATION AND DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR/INSTALLER PRIOR TO FABRICATION.

MATERIAL FINISH AND COLOR SAMPLES MUST BE PROVIDED FOR GENSLER'S REVIEW AND APPROVAL UPON REQUEST PRIOR TO FABRICATION, UNLESS OTHERWISE SPECIFIED.

SHOP DRAWINGS MUST BE PROVIDED TO GENSLER FOR REVIEW PRIOR TO FABRICATION, UNLESS OTHERWISE SPECIFIED.

Issue	Date & Issue	Description
1	10.04.2023	Concept Design

Design Instant Drawings
Brookhaven Logistics Center
Monument Sign

Job Number
006.3709.700

Sign Type
Refer to drawing

Scale
Refer to drawing

DI.4

Central Pine Barrens Joint Planning and Policy Commission
November 16, 2022
Adopted Decision to Approve
Expressway Drive North
Development of Regional Significance Compatible Growth Area Hardship Waiver
Yaphank, Town of Brookhaven, Suffolk County Tax Map Number 200-662-2-5.16

Present: Mr. Calarco, for the Governor of the State of New York
Mr. Freleng, for the Suffolk County Executive
Mr. Romaine, Brookhaven Town Supervisor
Ms. Aguiar, Riverhead Town Supervisor
Ms. Scherer, for the Southampton Town Supervisor

I. The Project, Application, and Project Site

WF Industrial XII, LLC c/o Wildflower Ltd LLC (the Applicant) owns a 71.45-acre unimproved parcel of land identified on the Suffolk County Tax Map as parcel 200-662-2-5.016 (the Project Site), in the Compatible Growth Area (CGA) of the Central Pine Barrens. The Project Site is located on the north side of the North Service Road of the Long Island Expressway (New York State Route 495, LIE), west of Sills Road, in Yaphank, in the Town of Brookhaven. The Project Site is in the L1 Industrial Zoning District.

The Applicant proposes to clear 41.15 acres (58%) of the Project Site and to develop three, one-story buildings and related amenities, including signage and lighting in the cleared areas. The buildings will contain 549,942 square feet (sf) of commercial/industrial uses in total. Under the proposal Building A will contain 203,548 sf of area, Building B will contain 176,670 sf of area, and Building C will contain 169,742 sf or area. If undertaken, the Applicant, will construct 767 parking spaces and landbank another 608 spaces allocated to be developed as needed to meet the town code parking requirements (the Project). The Slope Analysis Plan last dated October 18, 2022 prepared by Key Civil Engineering shows disturbance to slopes including 0.78 acres of slopes 10 to 15% grade and 0.20 acres of slopes greater than 15% grade. The development is depicted in the plan titled "Overall Site Plan" Drawing C-1 last dated October 14, 2022 prepared by Key Civil Engineering.

Other elements of the Project include lighting, signage, and retaining walls. The Applicant proposed installing 147 fixtures including 83 wall mounted fixtures and 64 poles. There are 60, 20-foot tall light poles and 4, 15-foot tall light poles. If lighting is installed, fixtures will be downward facing, shielded and dark skies compliant. The Applicant proposed installing one street sign on Expressway Drive North. The sign will be 6 feet tall and 7.8 feet wide with natural colors and materials and no interior illumination.

An area of 2,715 linear feet of retaining walls over 3 feet in height will be developed. The Applicant asserts that retaining walls were necessary in the Project as opposed to planted slopes to avoid a greater amount of disturbance, cut and fill.

The Project is a Development of Regional Significance (DRS) as defined Section 4.5.5.1 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan) because it contains more than 300,000 square foot gross floor area for commercial/industrial development. As a DRS, the Applicant must demonstrate that the Project conforms with Standards and Guidelines outlined in Chapter 5 of the Plan.

The Project does not conform with Guideline 5.3.3.8.2 because construction occurs on 0.98 acres of slopes greater than 10% grade.

On September 2, 2022, the Applicant, through their agent, Charles Voorhis, of Nelson Pope & Voorhis and attorney J. Timothy Shea, of Certilman Balin, submitted a Development of Regional Significance (DRS) application and Compatible Growth Area (CGA) Hardship Exemption for the Project. to the Central Pine Barrens Joint Planning and Policy Commission (the Commission)

The Applicant seeks to have the Commission waive strict compliance with Guideline 5.3.3.8.2 to develop and remove 0.98 acres of steep slopes greater than 10% grade. The Guideline states construction “may be approved if technical review shows sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to minimize negative environmental impacts.”

Public water will be supplied to the Project Site by a new water main extension that will be constructed from Sills Road on the North Service Road. The nearest public water supply well field is more than 1,500 feet away.

The Project Site is in Groundwater Management Zone III. An Innovative Alternative Onsite Wastewater Treatment System will be constructed as per the Sanitary Plan drawings dated October 14, 2022, prepared by Key Civil Engineering. A recharge basin will be constructed on the east side of the site to manage stormwater runoff and recharge to groundwater. A Stormwater Pollution Prevention Plan (SWPPP) will be completed prior to disturbance. The SWPPP is a requirement to manage stormwater and implement erosion controls during construction. Reinforcing silt fencing will be installed.

Natural areas on the Project Site will be protected when the Project is completed by split rail fencing or other barrier or installation to hinder access to them.

II. The Long Island Pine Barrens Protection Act of 1993, the Commission, Development and the Central Pine Barrens Comprehensive Land Use Plan

The Commission was created by the Long Island Pine Barrens Protection Act (the “Act”) adopted in 1993 and codified in Article 57 of the Environmental Conservation Law (ECL). The Act empowered the Commission to, among other things, oversee land use activities within the specially designated Central Pine Barrens Area. Section §57-0107(13) of the ECL defines development to be the “performance of any building activity, . . . , the making of any material change in the use or intensity of use of any . . . land and the creation . . . of rights of access.”

ECL Section §57-0123(3)(a) provides that, “[s]ubsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by . . . the [C]ommission . . . unless such approval or grant conforms to the provisions of such land use plan; provided, however, that the [C]ommission by majority vote is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, for an application for development of any person, upon finding that such waiver is necessary to alleviate hardship for proposed development in the core preservation area according to the conditions and finding of extraordinary hardship . . . pursuant to subdivision ten of section 57-0121 of this title, and every application is consistent with the purposes and provisions of this article and would not result in substantial impairment of the resources of the Central Pine Barrens.”

III. The Public Process, Testimony, and Supplemental Materials to the Application

The Application included a review of conformance with the Central Pine Barrens Comprehensive Land Use Plan Standards and Guidelines, copies of permit applications materials on stormwater requirements from the Town of Brookhaven and Cameron Engineering, the Suffolk County Department of Health Services notice, a letter from Control Point Associates on topographic surveying methods, a signage plan by Signarama, a draft conservation easement to protect open space,, a slope analysis, site plan drawings, previous development overlay, Brookhaven Industrial Development Agency tax deferral application, Stipulation of Settlement dated 2014, and hardship waiver petition.

On September 21, 2022, the Commission scheduled a public hearing on the Application. The hearing was held on October 19, 2022. At the hearing, a Commission Staff Report with Exhibits was introduced into the record. The Applicant, under sworn testimony, expressed they would address the concerns in the Staff Report and provide responses. No members of the public commented. The hearing was closed with the written comment period held open for seven days. No written comments were received. A stenographic transcript was made of the hearing and provided to Commission members.

On October 19, the Applicant submitted supplemental and revised materials including revisions that improve the site plan’s conformance with the Plan and support consistency with the character and the preservation of resources of the Central Pine Barrens. The improvements to protect the resource included consolidating the roadside buffer of open space which created a less fragmented natural area; modifying the single monument sign to reduce its size and design it to be consistent with the character of the pine barrens; reducing the extent of mowed grass to 4% of the site, utilizing a native grass seed mix and avoiding fertilizer dependent vegetation; and installing split rail fencing to protect the boundary of open space.

IV. State Environmental Quality Review Act (SEQRA) and Other Agency Jurisdictions

The Town of Brookhaven completed the State Environmental Quality Review Act (SEQRA) process on January 22, 2020 and reaffirmed the Negative Declaration for the Project on June 6, 2022.

The Project requires additional permits or approvals from other involved agencies including the New York State Department of Transportation (NYSDOT), Suffolk County Department of Health Services, New York State Department of Environmental Conservation, and the Town of Brookhaven.

V. History of the Project Site

Development on the Project Site is the result of the Stipulation of Settlement with the Town of Brookhaven in 2015 with the Applicant's predecessor in title, Silver Corporate Park, LLC. As a result of the Stipulation, the Town of Brookhaven acquired as natural open space 120 acres of the original 190 acres of property.

On June 17, 2020, the Commission issued an exemption to authorize a 12-lot subdivision with 12 separate buildings DRS proposed by Silver Corporate Park. This project a . Two buildings were proposed in the area where landbanked parking is currently proposed shown in the Application. Silver Corporate Park required a hardship exemption because its project did not conform with Guideline 5.3.3.8.2. Silver proposed to develop 18,948 square feet (0.43 acre) on steep slopes.

The Applicant's surveyor provided testimony on refinements on the topographical survey refinements that occurred since the Silver project was granted a waiver for construction on steep slopes. Through refining the surveying technique, the Applicant asserts the Project will disturb less area of steep slopes greater than 15% grade. The Application states the Silver project, if developed, would have disturbed 0.32 acres of slopes over 15% grade while the Project disturbs 0.2 acres of slopes over 15% grade. Therefore, the Project will disturb 0.15 acres less area of steep slopes over 15% grade than the Silver Corporate Park proposal.

In March 2022, the Applicant purchased the site from Silver Corporate Park LLC for \$44,000,000.

The Commission issued a Notice of Violation to SCP and WF Industrial XII, LLC on September 21, 2022 for unauthorized clearing. A settlement occurred through an Order on Consent executed on October 5, 2022.

VI. The Project Site and the Study Area

At the Commission's public hearing, the Staff Report described the Project Site and defined a Study Area that extends one half mile from the site in all directions. The Study Area describes the land use pattern in the vicinity of the Project Site.

The natural pine barrens ecosystem on the Project Site is classified as a pitch pine-oak heath woodland ecological community. A maintained overhead electric utility right of way corridor subject to a LIPA Easement cuts through the site. An area of 1.56 acres, the disturbance that resulted in the Notice of Violation, was previously cleared for a road to install test borings.

Historical aerial photography from 1947 reveals the site has not been the subject of large-scale disturbance and presently remains as intact woodland habitat with a healthy dispersion of large pitch pine and oak trees, an understory of heath shrubs (e.g., huckleberry), natural leaf litter, and groundcover including spotted wintergreen and trailing arbutus, except for the present road clearing mentioned.

In the immediate vicinity of the site, the south side borders on the North Service Road of the LIE. The west side adjoins a composting facility, and the northern and eastern boundaries adjoin public land. The LIE bisects the Study Area in half and forms the southern boundary of the Central Pine Barrens in this area. The area south of the LIE is outside of the Central Pine Barrens, although it is in the Study Area, and is therefore out of the Commission's jurisdiction. However, this area contains non-residential uses consistent with the proposed land use.

North of the LIE, on the east side of the Study Area and east of Sills Road, is an area of land that was placed in the Core Preservation Area as a result of the 2014 expansion of the Central Pine Barrens area to further protect the Carmans River and its watershed. The undeveloped, wooded Map of Enchanted Forest west of the Project Site was subsequently protected by conservation easements through the Pine Barrens Credit Program.

The remainder of the Study Area is in the CGA. The north side of the Project Site adjoins natural open space owned by the Town. Residential land use development is located in the northerly portion of the Study Area. Adjoining the site to the west is a large agricultural/composting land use, beyond which are residentially developed communities.

The Project Site is located within one mile of documented non-winter location of Northern long-eared bat (*Myotis septentrionalis*, state and federally listed as threatened). (New York Natural Heritage Program correspondence dated September 28, 2022)

No archaeological and historic resources listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project. (New York State Office of Parks, Recreation and Historic Preservation correspondence dated June 6, 2022).

VII. Development of Regional Significance Review and Plan Conformance

Summary

The Act authorizes the Commission, by majority vote, to waive strict compliance with the Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship. Chapter 4 of the Plan outlines the review process for development that meets the thresholds constituting a DRS. The Commission's review is limited to compliance with the Standards and Guidelines set forth in Volume 1, Chapter 5 of the Plan. The Application demonstrates conformance with Standards and Guidelines except Guideline 5.3.3.8.2 The Applicant proposes to . Because the Project does not conform with this Guideline a hardship exemption is required if the Project is to proceed.

Standards and Guidelines that are Not Applicable

Not all Standards and Guidelines apply to the Project either because the Project does not include a facility or structure that will cause an impact, the resource is not present, or the activity is not occurring. Specifically, no sewage treatment plant is proposed (S5.3.3.1.2); freshwater wetland habitat is not present (S5.3.3.4.1); the site is not within the jurisdiction of the Wild, Scenic and Recreational Rivers Act (S5.3.3.4.3); no ponds are proposed (G5.3.3.5.3); the vegetation clearing limit is met (S5.3.3.6.1); open space is unfragmented to the maximum extent (S5.3.3.6.2); the Project maximizes the clustering technique (G5.3.3.9.2); no land dedications will occur therefore no receiving entity is identified, and covenants or easements will be recorded to protect natural areas (G5.3.3.9.3).

Standards and Guidelines to which the Project Conforms

A summary of the Project's conformance with Standards and Guidelines is provided including details where relevant and applicable to explain the conclusions related to conformity. It is noted where conformance is deferred to other agencies such as the Suffolk County Department of Health Services or NYSDEC who regulates protection of public health, groundwater and other natural resources. Since the proposed land use is commercial/industrial, the regulations that pertain to the management and storage of chemicals and hazardous materials and control of stormwater runoff to minimize water pollution may apply and the applicant would need to obtain the necessary agency permits or seek a hardship waiver(s).

The Project conforms with the Suffolk County Department of Health Standards (S5.3.3.1.1). The allowable flow is 21,435 gallons per day (gpd) and the Applicant proposes 21,997.70 gpd. The excess sanitary flow will be mitigated by the redemption of 1.88 Pine Barrens Credits. An On-Site Alternative Wastewater Treatment System will be installed (S5.3.3.1.1). Activities that require permits to conform with the Sanitary Code Articles 7 and 12 are subject to those regulations and approvals (S5.3.3.2.1).

The Project conforms with the Vegetation Clearance Limit (S 5.3.3.6.1). An area of 41.15 acres (58%) will be cleared where a maximum 65% is permitted in the Standard. The Project protects an additional 5 acres beyond the Plan requirement. An area of 29.83 acres will remain as natural open space (42%).

The Project creates unfragmented open space while simultaneously achieving protection of existing natural steep slope topography (S5.3.3.6.2). The Project will conform with the fertilizer-dependent vegetation limit (S 5.3.3.6.3). An estimated 4% of the site will be planted in a native grass and wildflower seed mix achieving near zero percent fertilizer dependent vegetation. Native plants will be used in landscaping (S 5.3.3.6.4). Restoration of 3,803 square feet of previously cleared area will also occur.

State and Federal listed Threatened species, Northern Long-eared Bat and its habitat will be protected by avoiding clearing from March through October and clearing only during December through February of any given year (S5.3.3.7.1).

In its September 28, 2022 correspondence, the New York Natural Heritage Program reported, “Within one mile of the project site is a documented non-winter location of Northern long-eared bat (*Myotis septentrionalis*, state and federally listed as threatened). The bats may travel 1.5 miles or more from documented locations. An impact of concern for bats is the removal of potential roost trees.” Consistent with DEC guidelines, the Applicant proposes to conduct its clearing activities during the annual clearing window between December 1 and February 28. To protect the NLEB habitat, no regulated clearing will occur on the Project Site from April 1 to October 31 of any given year.

Clustering is used to the maximum extent to connect open space to adjacent public lands to the east and north (G 5.3.3.9.2). Conservation easements will be filed to protect open space prior to site disturbance (G 5.3.3.9.3). No impact will occur on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places (New York State Historic Preservation Office correspondence dated June 6, 2022) (G5.3.3.11.1 and 11.2). Roadside character will be preserved in the 100-foot wide natural buffer on the Project Site except where two curb cuts are proposed to conform with public safety requirements due to the size of the buildings in the Project (G5.3.3.11.2 and 11.3). Signage was redesigned in the Signarama plan dated October 18, 2022 to be in keeping with the character of the Central Pine Barrens (G5.3.3.11.4).

The Project does not conform with Guideline 5.3.3.8.2 due to the development of 0.98 acres of steep slopes greater than 10% grade.

VIII. Commission Review of the Hardship Exemption Request

Pursuant to the Act, in determining whether to grant a CGA hardship exemption for the Project, the Commission must consider, among other things, the criteria set forth in New York State Town Law §267-b(2) and determine whether the Project is consistent with the purposes and provisions of the Act and whether the Project will result in a substantial impairment of the resources of the Central Pine Barrens area.

In considering the criteria set forth in Town Law §267-b(2)(b)(1), the Applicant asserts that the Project is the result of a Stipulation of Settlement between the Town of Brookhaven and the prior owner allowing the use and extent of development of the Project Site.

Reasonable return

The Silver Corporate Park proposal required a hardship to waive conformance with Guideline 5.3.3.8.2 for construction on steep slopes. The Project will disturb less area of steep slopes according to refinements in topography than Silver Corporate Park.

The Applicant asserts that the Project is not economically viable unless it is developed as proposed. The Application contains materials provided information on the need for tax abatements to make the Project feasible.

Uniqueness

In considering the criteria set forth in Town Law §267-b(2)(b)(2), the Commission finds that the hardship is unique due the Project Site's history resulting from the prior Stipulation. These circumstances and history are unique to this Applicant and Project and does not apply to a substantial portion of the neighborhood. The Project will disturb 58% of existing natural vegetation and habitat where 65% is allowed, resulting in less clearing and a greater amount of open space than the Plan requires. When the Project is complete, in addition to the 120 acres acquired by the Town as a result of the stipulation on 190 acres, the Project will preserve 29.83 acres bringing the total open space to 150 acres or 79% of the pre-Stipulation Project Site.

Natural open space connectivity is accomplished by situating open space on the northerly portions of the Project Site to be adjacent to the Town's open space. The layout protects terrestrial ecological communities and succeeds in connecting open space, which add to open space connectivity in the immediate area. Other parcels in the area, that are subject to development do not afford this same opportunity.

The clustering technique is maximized in the open space arrangement and building lot layout. The Application encourages compatible industrial development in the CGA to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual cumulative adverse impacts thereof. The roadside character of the CGA and views from the LIE are protected through the 100-foot wide natural buffer on the North Service Road.

Essential character

In considering the criteria set forth in Town Law §267-b(2)(b)(3), as it relates to character of the neighborhood, the Project is consistent with development in the Study Area. Although the Project Site is currently vacant and wooded, it lies on a major highway, the Long Island Expressway, and it is zoned for industrial use. The presence of the Stipulation and the prior approval of Silver Corporate Park proposal dictate the extent of development allowed on the Project Site.

The Project is consistent with large industrially developed sites in the Study Area that are outside of the Central Pine Barrens. The Project is clustered to the west to adjoin the developed site of a composting facility. The cluster configuration retains the steep slopes on the east side and connects to existing open space.

Where open space is adjacent, the cluster plan connects open space uses. The presence of the overhead utility corridor causes an intrusive developed element in the Project Site. The Project's industrial land use is consistent with the existing zoning district and permitted uses; no Town Board action is needed such as a change of zone that deviates from the Town Code. The Project is consistent with the existing character of the area, uses, and generally conforms to its surroundings and pattern of development and land uses. The Project will provide three warehouse buildings on an industrially zoned parcel that is well situated on a major highway. The Commission finds that the Project will not alter the essential character of the neighborhood.

Self-created

The presence of the Stipulation establishes the use and development of the site. The Applicant purchased the property with the SCP approval in place and the Project is similar in size to SCP. Except for modifications to the number of buildings, it is similar in terms of impact on vegetative clearing and steep slopes. The Applicant seeks to minimize disturbance to steep slopes and clear less than the Plan permits for the Project.

Pursuant to Town Law §267-b(2)(b)(4), the Commission finds that the hardship is not self-created. The Applicant asserts the Project is the result of a process that included the sale of a large portion of the original 192 acre site to the Town to preserve open space, leaving the balance to the Applicant to develop 72 acres and the Applicant's expectation to realize a financially viable Project. The Applicant and Town have achieved protection of 120 acres and reduced the scale of development significantly from the pre-Stipulation development plan to arrive at the Application. The Project is consistent with the current industrial zoning classification in effect since before the Act. Prior proposals required Town Board actions and resulted in greater development in size and scale than the Project.

IX. Conclusion

The Commission determines that the Project as depicted in the Slope Analysis Plan last dated October 18, 2022 prepared by Key Civil Engineering and the Overall Site Plan last dated October 14, 2022 prepared by Key Civil Engineering complies with Standards and Guidelines except for compliance with Guideline 5.3.3.8.2. The Commission finds that the Applicant has established an extraordinary hardship exists and therefore grants an extraordinary hardship exemption for the reasons set forth above. The Commission further imposes the following conditions on the Project.

1. General conditions

- a. 1.88 Pine Barrens Credits must be redeemed prior to site disturbance.
- b. Install an Innovative Alternative Onsite Wastewater Treatment System prior to issuance of Certificate of Occupancy.

2. Protection of natural vegetation and clearing

- a. Open space
 - i. 29.83 acres of natural open space of the Project Site must be protected
 - ii. Protect the 29.83 acres in a conservation easement that is recorded prior to clearing and ground disturbance activities.
 - iii. No disturbance may occur in the open space including staging or storing materials or excavated soil.
 - iv. Commission staff may inspect the open space easement area on an annual basis upon reasonable notice to the Applicant unless an emergency condition prevents the notice.

- v. Install and maintain in perpetuity split rail fencing, or other Commission approved installation, on the clearing limits/open space boundaries, excluding the landbanked parking area until such time as the landbanked parking is to be constructed.
- b. Clearing
 - i. No more than 41.15 acres of current natural area of the Project Site may be cleared.
 - ii. Clearing activities must be coordinated with NYSDEC to comply with Northern Long-eared Bat habitat protection. Clearing may only occur from the period of December 1 to February 28 in Suffolk County, unless otherwise directed by NYSDEC.
 - iii. No clearing shall occur until the Commission office has field inspected the clearing/conservation easement limits and issued written approval to the Applicant. Notify the Commission when all construction is completed on the Project Site.
- c. Conservation Easement
 - i. Prepare a draft conservation easement subject to Commission review and approval to protect 29.83 acres of the natural habitat as open space.
 - ii. No additional density or development may be generated by the open space area.
 - iii. Record instruments prior to ground disturbance activities and no later than within six months after this decision.
 - iv. Submit proof of recording to the Commission prior to ground disturbance activities.
- d. Prior to the commencement of ground disturbance activities on the Project Site, the Applicant must:
 - i. Install and maintain snow fencing along the clearing limits/natural area to protect the area to remain natural during construction.
 - ii. Notify the Commission office one week prior to disturbance to inspect the clearing limits.
- 3. Lighting. Install only dark skies compliant fixtures to minimize excess nighttime lighting and energy consumption.
- 4. Signage. Install the single monument sign illustrated in the plan prepared by Signarama dated October 18, 2022 stamp received on October 19, 2022.
- 5. Landscaping Plan
 - a. Approximately 4% of the site will be planted with a Commission approved native grass and wildflower seed mix and avoid the use of fertilizer dependent vegetation to near zero percentage. If this changes such as an increase in fertilizer dependent

- vegetation up the conforming maximum limit of 15%, the Applicant must submit the request to the Commission for review and consideration of this change.
- b. Landscaping must be composed of native species. Utilize Long Island genotypes where available.
6. Trees with a breast height diameter of 6 inches or greater along the edge of the areas to be cleared are to be maintained to the extent practicable by adjusting the clearing line.
 - a. Recommended landscaping activities that are encouraged but not required:
 - i. Transplanting existing plants including trees and shrubs where possible.
 - ii. Flag existing trees that will remain protected and kept in place during grading and construction.
 - iii. Where a tree intersects the clearing boundary, maneuver around the tree to keep it in place, when possible.
 - iv. Replace the creeping juniper with buttonbush or another native species.
 - v. Incorporate more native oak and other trees in the landscape design and retain existing native, large and flowering trees where possible.
 - vi. Avoid excess clearing and regrading such as on the western boundary and on the east side of the eastern ingress/egress.
 7. Restoration of Unauthorized Cleared Area
 - a. Restore 3,803 square feet of previously disturbed area with native oak and pitch pine trees on the road frontage, as shown in the Overall Site Plan and the Landscape Plan drawings C-10, C-11 and C-12 last dated October 14, 2022 prepared by Key Civil Engineering.
 - b. Landscaping with native plants including shrubs and trees, evergreen and deciduous, will occur within the site. Seeded lawn areas will be planted with an Ernst showy northeast native wildflower and grass seed mix and/or red fescue.
 8. Stormwater Pollution Prevention Plan. Complete requirements for the SWPPP and submit proof of approval or permit prior to ground disturbance activity.
 9. If construction phases are proposed, submit a phasing plan, subject to review and approval.
 10. This approval shall expire five (5) years from the date of this Resolution.
 11. Any changes to the Project, as approved, must be reviewed and approved by the Commission.
 12. Any changes on the Project Site such as an application that changes the use, zone, new ownership that changes the Project or other elements that cause non-ministerial changes are subject to Commission review and decision.

13. Consult with the Commission staff prior to commencing activity on site related to disturbance to any vegetation. Surveying activity that does not require material disturbance to vegetation is excluded from consultation

Failure by the Applicant or its successors or assigns to fully comply with the foregoing conditions will constitute a violation of this decision.

Motion to Approve November 16, 2022
Expressway Drive North Compatible Growth Area Development of Regional Significance and
Hardship Waiver

Date: November 16, 2022

Motion By: Mr. Romaine

Seconded: Mr. Freleng

Vote:

Yes: 5

No: 0

Abstain: 0

Absent: 0

Copies of This Decision Will be Sent To:

New York State Department of Environmental Conservation, Division of Environmental
Permits, Region 1
New York State Department of Transportation
Suffolk County Planning Commission
Suffolk County Department of Health Services
Suffolk County Department of Public Works
Suffolk County Sewer Agency
Suffolk County Water Authority
Town of Brookhaven Supervisor
Town of Brookhaven Town Clerk
Town of Brookhaven Town Board
Town of Brookhaven Board of Zoning Appeals
Town of Brookhaven Planning Environment and Land Management (PELM)
Town of Brookhaven Building Department
Town of Brookhaven Parks and Recreation Department
Applicant/Attorney

Monument Sign

Design Intent



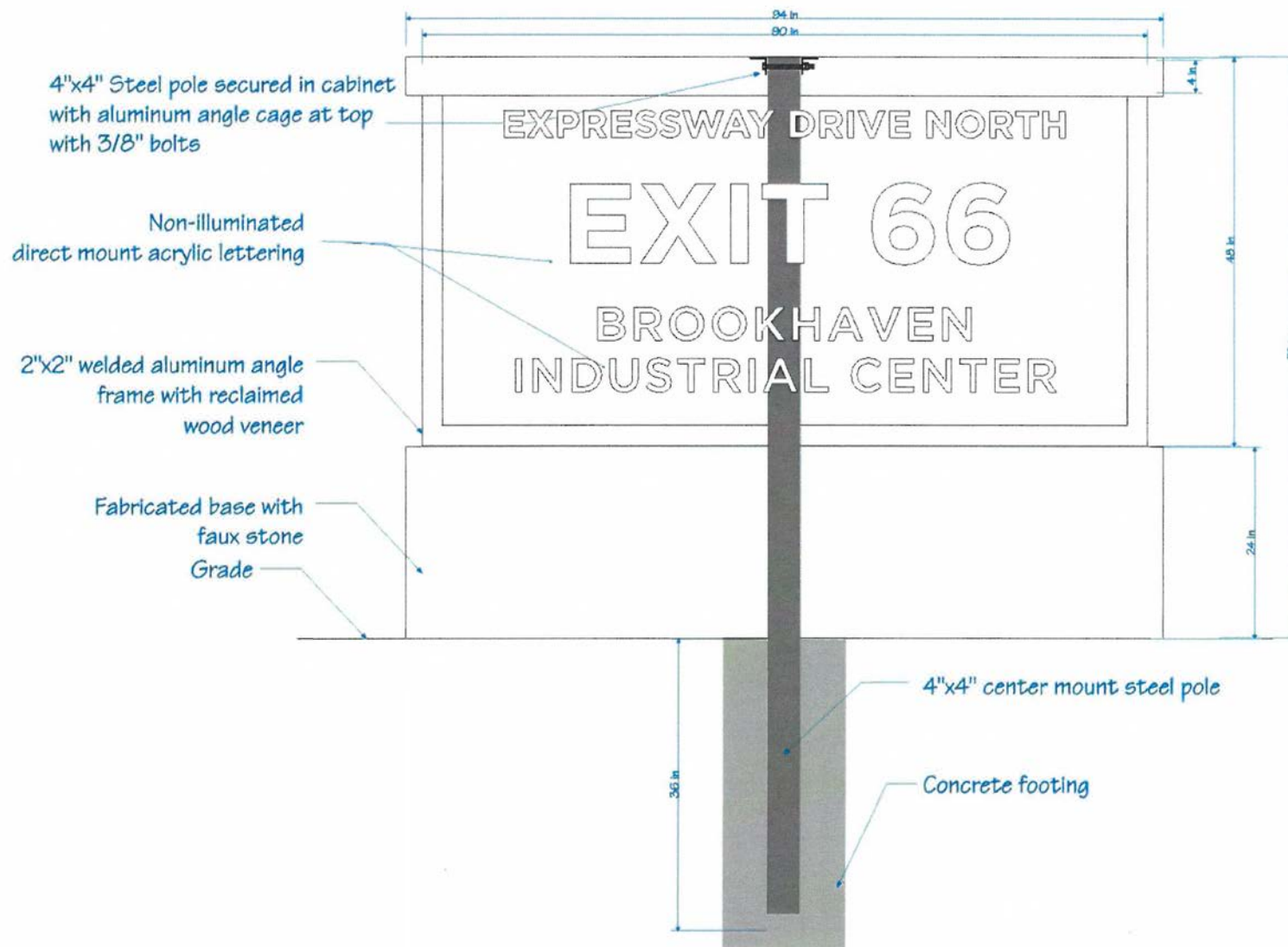
Reclaimed
Wood Veneer



Duronodic bronze
Satin Finish

Monument Sign

Fabrication Detail



Signarama™

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Huntington Station, NY 11746

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BY: _____ DATE: ____/____/____



This sign intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign

Client:	Wildflower		
Site:			
Consultant:			
Designer		Date:	0.18.22
Page: <input type="text"/>	Scale:	<input type="text"/>	
Project:			

Hargrave, Julie

From: Lee Snead <leesnead@optonline.net>
Sent: Thursday, October 5, 2023 3:33 PM
To: Hargrave, Julie
Cc: sspress2000@aol.com; 'Rick Wiedersum'
Subject: Application of Taco Bell Manorville, LLC - Supplemental Submission
Attachments: Densen Letter, 10-2-23.pdf; Supplement to Application.pdf

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

Dear Ms. Hargrave:

Please find herewith for entry into the administrative file a Supplement to the Application of Taco Bell Manorville, LLC for a hardship waiver for the property a 451 County Road 11 (formerly "Michaelangelo's Restaurant"). Provided with the Supplement is a Letter from the Island Associates Realty company (the "Densen Letter") which is referred to in the Supplement.

I am informed that there is an additional fee required in this matter.
Would you please forward me an invoice for the fee and I'll ensure that it is promptly paid.
Please contact me with any questions you may have.

Thank you,
Lee

J. Lee Snead, Esq.
144 South Country Road
Post Office Box 489
Bellport, New York 11713
(631) 286-0488 (office)
(631) 286-2690 (fax)
(516) 768-1801 (mobile)

NOTE: THIS TRANSMISSION AND THE DOCUMENT(S) APPENDED HERETO ARE SUBJECT TO THE ATTORNEY-CLIENT/ATTORNEY-CONSULTANT PRIVILEGE, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ANY REVIEW, RE-TRANSMISSION, DISSEMINATION, COPYING OR OTHER USE OF, OR TAKING OF ANY ACTION IN RELIANCE UPON, THIS COMMUNICATION BY PERSONS OR ENTITIES OTHER THAN THE INTENDED RECIPIENT IS PROHIBITED. SHOULD YOU RECEIVE THIS TRANSMISSION IN ERROR, PLEASE CONTACT THE SENDER BY REPLY E-MAIL AND DELETE THE MESSAGE AND ANY ATTACHMENTS PROVIDED FROM ANY COMPUTER THAT YOU MAY CONTROL, AND DESTROY ANY HARD COPY IN YOUR POSSESSION.



Island Associates Real Estate Inc.

October 3, 2023

Central Pine Barrens
Joint Planning & Policy Commission

Re: 451 Country Rd 111, Town of Brookhaven
Application of Taco Bell, Manorville, LLC

Commissioners:

This office represents the Mangogna family, owners of the property at 451 Country Road 111 in Manorville, for the purposes of marketing their restaurant property either for lease or sale. I have been asked by counsel for Taco Bell to describe the marketing efforts we've undertaken in their behalf in support of the Taco Bell application before you.

Our retention began in 2019, pre-pandemic, and continued until 2021 when the Taco Bell group indicated that they would be interested in the property presuming that they could obtain the necessary permits to begin their operation. During the period we actively marketed the property, we met with between 25 to 30 interested parties, both for lease or purchase, but no party indicated that they wished to purchase the present property and building to pursue a new 200-seat sit-down restaurant/catering facility such had existed. In our opinion, the widening of this stretch of CR 111 has changed its nature to be largely serviced by drive-through or fast food establishments. The area is also not a destination, and as such no new interest in a large capacity restaurant exists, particularly for catering. Indeed, post-covid, the demand for large sit-down dining is diminishing. In our estimation, the present approved use is not economically viable, even at one half the seating capacity, a fact shown by the lack of such interest during our marketing of the property.

We submit this information with the knowledge that the Commission may rely upon the statements made herein.

Sincerely,

Lawrence Densen
Licensed Sales Associate



BEFORE THE SUFFOLK COUNTY
PINE BARRENS COMMISSION

-----X
In the Matter of the Application of:)
)
TACO BELL MANORVILLE, LLC,)
) Supplement to the
For a Permit pursuant to the provisions of) Application for a Hardship Permit
section 57-0121(10)(a) & © of the Environmental)
Conservation Law, for the property located at)
451 County Rd. 111, Manorville, Brookhaven,)
SCTM:0200-462-00-02.00-012.002)
-----X

Members of the Commission:

J. Lee Snead, an attorney licensed to practice before the courts of the state, and pursuant to Rule 2106 of the C.P.L.R., affirms:

That I am the attorney for Taco Bell Manorville, LLC, the Applicant before the Commission. That this Supplement to the Application for a Hardship Permit pursuant to section 57-0121(10) of the Environmental Conservation Law is submitted on behalf of the Applicant's request. The documents provided on this Supplement for consideration by the Commission are the following:

1. Narrative Addendum to the Application, dated October 5, 2023;
2. Letter of Larry Densen, Island Associates Realty - Real Estate Agent for the Owner of the Property, dated October 3, 2023

I look forward to appearing before the Commission in the hearing on this Application presently scheduled for October 18, 2023. Please contact me with any questions you may have.

Respectfully submitted,

Dated: October 5, 2023

J. Lee Snead, Esq.
Attorney for the Applicant
144 South Country Road, P.O. Box 489
Bellport, New York 11713
(631) 286-0488
LeeSnead@optonline.net

NARRATIVE ADDENDUM

to

**The Application of
TACO BELL MANORVILLE, LLC**
(Formerly “Michelangelo’s” Restaurant Property)
451 County Road 111, Manorville, Town of Brookhaven

Members of the Commission:

The following is presented in supplementation of the Application of Taco Bell Manorville, LLC, for a hardship waiver pursuant to the provisions of subdivisions (a) and (c) of section 57-0121(10) of the E.C.L.

Standards:

In order that a hardship waiver be granted for the proposed zone change and redevelopment of this property the Applicant must meet the standards provided for in E.C.L. § 57-0121(10)(a) & (c). For reasons presented below, it is submitted that these standards are met.

A. The Application meets the requirements of E.C.L. § 57-0121(10)(a):

The request for a waiver meets the requirements of section 57-0121(10)(a) because the physical surroundings, shape, and circumstances of the property result in an extraordinary hardship, and because the subject property does not have a beneficial use absent a waiver. In this regard, the lack of beneficial use is unique to the circumstances of the property in that: (1) the property is at the edge of the core preservation area - located along CR 111 which is the boundary line of the CPA; (2) it is fully developed and was formerly used as a traditional sit-down restaurant (“Michelangelo’s”) under a hardship waiver issued in 1998; (3) there has been a general down-turn in traditional restaurant use which caused the restaurant to close and post-covid the restoration of that use is even less desirable and, as a result; (4) over the past 4 years the owner has marketed the restaurant for occupancy and sale but has found no interested buyers, other than for a drive-thru restaurant.

(I) The Lack of Beneficial Use does not Apply or Affect other Properties.

The property is located within the Town of Brookhaven “J Business 2” district. It existed as a restaurant use pursuant to a waiver issued by the Commission in 1998. The property’s location along CR 111 does not support an economic use consistent with J Business 2 zoning, nor do business circumstances support a 200 seat sit-down restaurant/catering facility as is authorized by the 1998 waiver. *See, Densen Letter*. Furthermore, a zone change will be

sought from the Town of Brookhaven to “J Business 4” or “J Business 6” status, with a special permit, if a waiver is granted in order to move forward with the only use for which the owner has been able to find a buyer in the past 4 years.

No other properties in the surrounding area are in a similar situation - a former restaurant use now moribund. Indeed, an extensive area to the north and east of the property is undeveloped CPA owned by the County of Suffolk. Immediately opposite the property, but within the Compatible Growth Area, are a 7-11 and the Manorville Towne Center shopping mall. To the southwest of CR 111 (CGA) is a large agricultural area. Accordingly, few other properties are developed or usable as the property is now authorized, and the waning of traditional restaurant use does not affect such properties.

(ii) The Lack of Beneficial Use is From Circumstances Peculiar to the Property and not to the Applicant.

This developed property’s prior use was as a 200-seat restaurant/catering facility, authorized under a 1998 hardship waiver by the Commission. Accordingly, it is fully developed. The prior disturbance of the property is not due to the Applicant’s actions or the Applicant’s personal situation, the disturbed or developed nature of a property is a “specific characteristic of the parcel,” and the prior development of a site which can no longer be made useful has sufficed in sustaining a finding that the property is “unique and has no beneficial use[.]” *App. of Northern Sites/Nemeth, Findings*, at 4 (4/13/1994).

The owner has extensively marketed the property for 4 years to obtain a buyer or lessee of the property or restaurant facility. Of the 25 to 30 parties who have viewed the property none desired to renew its restaurant use as existed prior to 2019. *See, Densen Letter*. The Applicant here is willing to purchase the property only if a waiver from the Commission and a zone change from the Town are obtained for its use as a fast-food, drive-thru. Accordingly, the property is unique within the neighboring properties, and no potential buyers or lessees are interested in the use it presently is authorized for. Accordingly, no beneficial use other than the proposed construction is available.

(iii) The Lack of Beneficial Use does not Result from the Action of the Applicant, the Owner or Predecessors in Title.

The Applicant, Taco Bell Manorville, LLC, is an entity unrelated to the owner of the property. No corporate tie exists between the Applicant and the owner, the Application here being part of an arm’s length transaction to purchase the property should it be approved for use as a Taco Bell. Accordingly, the hardship here is not due to the Applicant’s

or owner's actions or inactions.

Similarly, neither the Applicant nor the owner have caused the hardship at issue. Here the restaurant existing at the site ceased operations in 2019 because of unprofitability due to a changing hospitality market, and was then marketed by the owner for lease or sale as a sit-down restaurant for two years without success. During that period only fast-food or drive-thru businesses inquired about the property but none moved forward because of the permitting issues attendant in bringing the property into use. *See, Densen Letter*. Moreover, during this period the Covid pandemic occurred, resulting in a severe reduction in the public's use of sit-down restaurants generally, which further deflated the market for creating or re-establishing a sit-down restaurant at this site. This shift in the public's view of sit down restaurants has not rebounded. None of these events are attributable to actions of the Applicant, the owner, or any predecessors in title.

B. The Application Meets the Requirements of E.C.L. § 57-0121(10)(c):

The request for a waiver meets the requirements of section 57-0121(10)(c) for the following reasons:

(I) A grant of the waiver:

- (a) will not be materially detrimental or injurious
to other properties or improvements in the area.

It is noted that the property is along the County Road 111 corridor in Manorville. The Property adjoins a large expanse of County-owned and undeveloped CPA. Opposite the Property, the western side of CR 111 is developed with shopping centers, fast-food restaurants, and gasoline/convenience stores. Inasmuch as the property is both developed and at the edge of the CPA, with County Road 111 being the dividing line between the Core Preservation and the Compatible Growth Areas, granting a waiver will not be materially detrimental or injurious to other properties. Such factors have supported the grant of a hardship waiver. *See, L.I. Pine Barrens Soc'y. v. Amper*, 34 Misc.3d 1215(A)(Sup. Ct., Suffolk Co., 2011); *see, Northern Sites*, Summary (3/9/1994).

- (b) will not increase the danger of fire, or endanger public safety.

The property is presently vacant but with an existing large structure and parking area. The demolition and re-construction proposed includes a reduction in the overall square footage of both the structure (89%) and parking area (66%). The property, in its present configuration, already has access to CR 111 and will continue to do so after the modification of the site, and with the reduction in one access point. Accordingly, public services and emergency

equipment will continue to have access when needed, and no significant increase to traffic is presumed. Moreover, re-development of the site will actually reduce the potential for fire loss from vandalism will be eliminated inasmuch as the vacant building will be returned to active use.

(C) will not substantially impair the resources of the CPA.

The proposed construction will not substantially impair the resources of the CPA inasmuch as the property has already been fully developed. The proposal will result in the ultimate demolition of the existing structure and reduction in parking area. As a result the increase in landscaping will foster the infiltration of rainwater falling in the newly created green-spaces and buffers. The Commission has granted waivers where an expansion of both buildings and parking areas is proposed on properties that had already been the subject of prior waivers (*see, e.g., App. of St's. Peter & Paul Parish Center* (10/21/2015)); or for changes in use (*App. of JCJC Holding Co., Inc.* (12/21/11)); and the grant of a waiver to a property to redevelop it for a use that is less intensive than the prior use is fully consistent with the purpose of the Act because it will not impair existing resources of the CPA. *See, e.g., L.I. Pine Barrens Soc'y. v. Central Pine Barrens Joint Planning Comm'n.*, 113 A.D.3d 853, 858 (2nd Dept., 2014); *App. of Starbucks of Manorville* (6/21/17). The proposal meets this criterion.

(ii) The waiver will not be inconsistent with the purpose or objectives of the Pine Barrens Maritime Reserve Act.

The purpose of the Pine Barrens Act is twofold: First, to protect the groundwater of Long Island's Pine Barrens Maritime Preserve, and; Second, to preserve endangered or threatened species and their habitats. *See*, E.C.L., § 57-0105; *Northern Sites*, Findings (4/13/1994), at 5, para. 2. The subject property is the subject of a prior waiver (4/26/1998); has been completely built out with a 25,566 sq. ft. restaurant building, and the balance of the property (save an existing buffer on the east to remain) has been blacktopped for parking. *See, Application; see also, Application aerals.* The proposed re-construction will be for:

- (1) a substantially smaller 2,824 square foot building (a reduction of approximately 89%) with an accessory drive-thru facility;
- (2) approximately 15,802 square feet of impervious surface will be removed (a reduction of approximately 62%);
- (3) with 25 parking spaces to remain and room for a 12-car queue, and new buffering will be included along the south (Chapman Road), and along the western (CR 111) sides of the property - an overall increase in pervious surface of 53.5% (additional 25,893 sq. ft.).

Finally, a new sewage treatment system (IA) is to be installed with the old cesspool system to be abandoned. In such a situation, there will be no adverse impact on threatened or endangered species,¹ and the impact to the groundwater will be enhanced by elimination of cesspools and by increased natural infiltration over the restored green-spaces. Here, the proposed use:

- (A) will not result in a net increase in the amount of development in the CPA.
- (B) will reuse a developed site and reduce both the size of the structures on the property as well as providing a substantial reduction in the parking area.
- (C) will conform to Article 6 of the Sanitary Code for wastewater use on-site, and by the use of newer IA technology.
- (D) will not result in new clearing or disturbance to ecological resources - indeed, substantial re-vegetation of the property is proposed.
- (E) avoids the purchase or development of a vacant, natural, privately owned site in the Core, avoiding additional adverse impacts to the groundwater and ecological resources of the CPA.

Such modifications have been identified as conditions that support the grant of a waiver for a change in use. *See, App. of Starbucks of Manorville*, Findings, at (6/21/17). Accordingly, the proposal meets this criterion.

(iii) The waiver is the minimum relief necessary.

The waiver in question is to allow the re-development (at a reduced intensity) of a previously waived and constructed parcel (presently under J-2 zoning) as a drive-in use, which will require a re-zoning by the Town of Brookhaven to J-4 or J-6 zoning. Thus, the waiver at issue is for a “development” in the nature of a zoning change and subsequent re-construction. E.C.L. § 57-0107(13)(a) & (e). The waiver is required in order that a drive-thru restaurant may be authorized and no other relief will allow the authorization required. Accordingly, it is the minimum relief necessary and this criterion is met.

Conclusion:

For the foregoing reasons, the Applicant requests that the Commission find that the property meets the requirements of section 57-0121(10)(a) & (c) of the E.C.L. for issuance of a hardship waiver, and that the Commission grant the requested waiver so that the property may be restored to viable use.

1. In fact, no threatened or endangered species or their habitats exist on the developed property.

DRAFT

Central Pine Barrens Joint Planning and Policy Commission
Draft Staff Report for the Public Hearing
October 18, 2023

PROJECT NAME: **LIPA Medford Operations Center**
Compatible Growth Area Hardship Application

APPLICATION TIMELINE:

- 8/11/23 Application received
- 8/16/23 Scheduled public hearing
- 10/18/23 Public hearing
- 12/9/23 Decision deadline

OWNER/APPLICANT: **LIPA / PSEG**
Represented by Nelson Pope & Voorhis

PROJECT SITE LOCATION: 3351 NYS Route 112, east side of Route 112
Medford, Town of Brookhaven

SUFFOLK COUNTY TAX MAP #s: 200-574-2-3.1, 16 and 17.1

PROJECT SITE AREA: 24.26 acres
(lot 3.1 is 1.44 acres; lot 16 is 16.83 acres and lot 17 is 5.99 acres)

PROJECT: operations center

ZONING DISTRICT: J2 Business: 19.61 acres; A1 Residence: 4.64 acres

SEQRA: Type I Action

This staff report is Exhibit A. The staff report relies on the application materials and plans date stamped received on August 11, 2023.

PROPOSED PROJECT AND APPLICANT REQUEST

The Project Site contains 24.26 acres. The proposal is the development of an operations center for PSEG. The project will reuse an existing building containing 10,690 square feet. Two new buildings are proposed including a fleet garage containing 16,000 square feet and a warehouse for utility vehicles and materials containing 21,000 square feet. The total area of the two new buildings is 37,000 square feet. Combined with the existing building, the total building area is 47,690 square feet.

Parking is proposed for 409 vehicles including passenger vehicles and fleet vehicles:

- 252 standard vehicles
- 90 fleet vehicle spaces, 10x20 feet
- 55 fleet vehicle spaces, 15x40 feet
- 112 heavy duty fleet vehicle spaces, 15x80 feet

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The Plan allows the site to be cleared to a limit of 15.21 acres or 63% and the remaining area is expected to remain as natural. This is a combined limit using the acreage of the Project Site in each different zoning district and the amount of clearing permitted by zoning in each area (19.61 acres in J2 subject to 65% or 12.75 acres and 4.64 acres in A1 subject to 53% or 2.46 acres).

Due to the existing use and extent of development on the Project Site, the existing cleared area contains 19.34 acres or 80% and natural vegetation contains 4.92 acres or 20%. Therefore, the Project Site is presently cleared to a limit of 19.34 acres, which is 4.13 acres beyond the Plan limit.

The subject of the waiver is to clear an additional 0.5 acres of natural vegetation. The total area of clearing, existing and proposed, is 19.84 acres or 82%. The total area to remain naturally vegetated is 4.42 acres. The proposal includes revegetation and landscaping containing 6.15 acres:

- Revegetated wooded habitat: 2.76 acres
- Revegetated meadow habitat: 2.97 acres
- Mowed lawn/landscaping: 0.42 acre

EXISTING CONDITIONS

The Project Site is developed with an amusement center including an existing 10,690 square foot building, mini golf course, driving range, landscaping and parking. An area of 4.92 acres is presently naturally vegetated.

Exhibit _ contains an aerial of the Project Site and surrounding area.

Exhibit _ contains the Site Plan

Exhibit _ contains the existing conditions

Exhibit _ contains photographs of the site.

CENTRAL PINE BARRENS STATUS

The Project constitutes development pursuant to New York State Environmental Conservation Law (ECL) §57-0107(13)(b) and (c):

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

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

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

SEQRA, REQUIRED APPROVALS, PERMITS AND REVIEW

- State Environmental Quality Review Act (SEQRA). The project is classified as a Type I Action. PSEG coordinated the application and the commission deferred lead agency on August 16, 2023.

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- No town permits are required.
- New York State Department of Environmental Conservation
 - Stormwater Pollution Prevention Plan permit review and approval.
 - Protect rare, threatened and endangered species and habitats. Adhere to regulations and guidelines including clearing window restrictions to protect the Northern Long-eared Bat, a New York State and Federally listed Endangered species.
- New York State Department of Transportation permit for a second curb cut on Route 112.
- Suffolk County Department of Health Services Article 6 conformance and also article 7 and 12 for the storage of gasoline and diesel fuel (two, 20,000 gallon above ground fuel storage tanks)
- New York State Office of Parks, Recreation and Historic Preservation. SHPO response received concluding no impact to cultural resources.

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: The developed area of the site contains an amusement facility. The Existing Conditions plan identifies facilities on the site including demolition of existing structures.

Vegetation: The Project Site is significantly cleared due to the amusement park use. Large trees exist on the road front that provide natural screening to the road. The Landscape Plan should be revised to add the existing large trees on the road front that should remain in place and supplemented for additional screening.

Rare, Endangered, & Threatened Species and Species of Concern:
Natural Heritage Program letter dated May 4, 2023 listed plants and animals documented in the vicinity of the site that may require additional review or permit conditions.

Two species listed as Endangered in New York State, Tiger salamander and Northern Long-eared Bat, are listed as documented within 0.5 mile and 1.25 miles of the site, respectively.

Other animal and plant species were listed as documented within 0.5 mile of the site. These include a butterfly, White-m Hairstreak, and three plants including Hyssop Hedge Nettle, Veined Thoroughwort and Pine Barrens Sandwort.

New York State Breeding Bird Atlas

The site is likely to be used by locally common and regionally uncommon species. The Breeding Bird Atlas map is unavailable at this time, but listed species and habitat requirements should be considered in the development proposal.

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

Wild, Scenic & Recreational Rivers: Not in the NYSDEC WSRR jurisdiction.

Hydrology: Hydrogeologic Zone III. The Grading and Drainage Plan lists the depth to groundwater is approximately 81 feet below existing grade.

Topography/Elevation: No natural significant topography appears to be present on the site.

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Soils: Soils on site include:

PIA-Plymouth loamy coarse sand, 0 to 3 percent slopes (23.8 acres, 91.7%)

PIB-Plymouth loamy coarse sand, 3 to 8 percent slopes (2.2 acres, 8.3%)

Cultural/Archeological Resources: By letter dated October 3, 2023, the New York State Office of Parks, Recreation, and Historic Preservation indicated no potential impact on archaeological and/or historic resources listed in or eligible for the New York State and National Register of Historic Places.

Scenic Resources: Route 112 is not listed in the Plan as a scenic road.

Land Use and Zoning in the Study Area

This section describes land uses in the immediate vicinity of the Project Site called the Study Area. The Study Area is a one-half mile radius in all directions from the Project Site. The Project Site is in the middle of the Study Area.

The east side of New York State Route 112 is in the CGA. The west side is outside of the Central Pine Barrens.

The northern boundary of the Project Site adjoins a multi-family housing development, Villas at Medford. Cedarhurst Avenue is on the east side of the Project Site. It is developed with commercial/industrial uses including wholesale stone products and auto repair facilities.

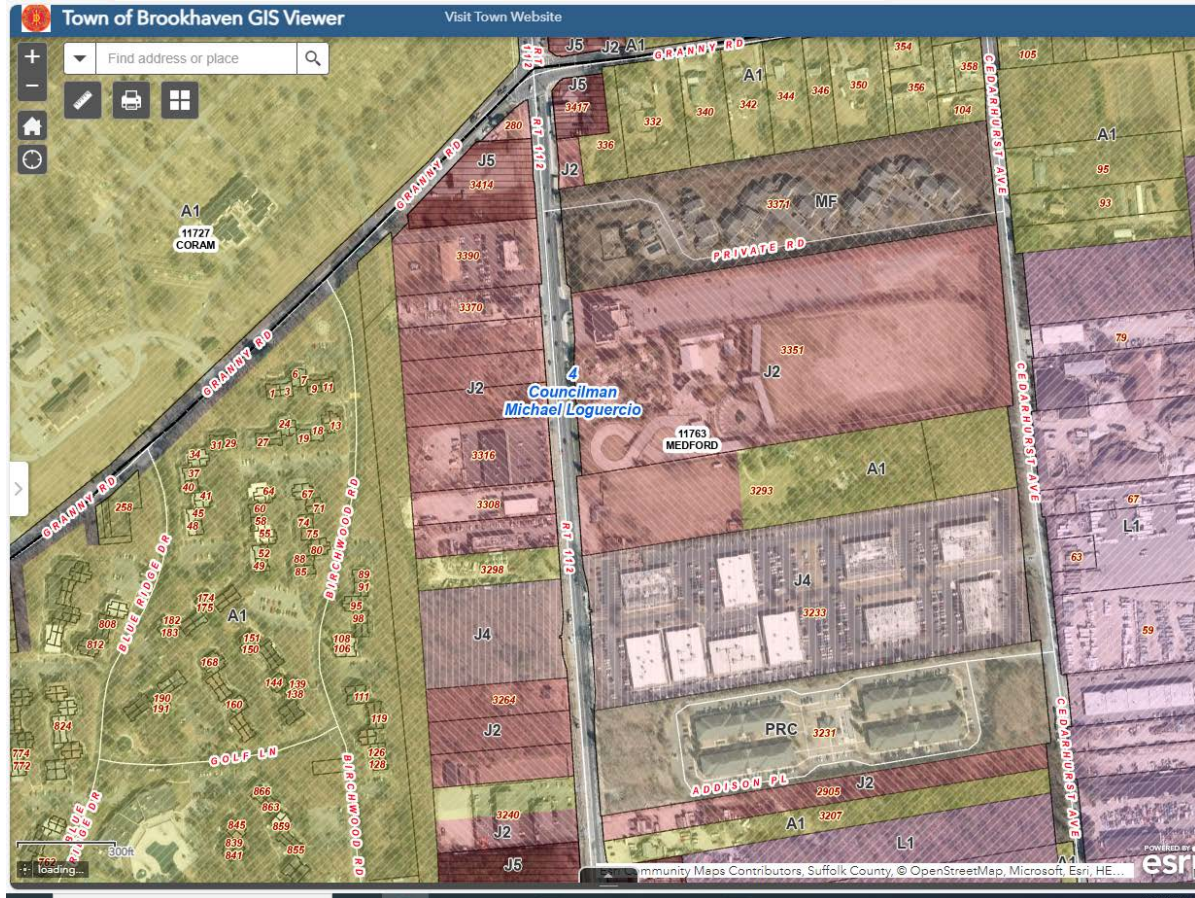
The Project Site is approximately 680 feet south of Granny Road. The NYS 112 corridor is a densely developed roadway with a mix of commercial uses and multi-family housing communities. Commercial uses in the Study Area include gas stations, food and retail shops. A 255 acre cemetery is located in the northwest corner of the Study Area.

Roadside character and landscaping on Route 112 have improved in the last few years when NYSDOT performed road and drainage reconstruction projects and when sites are developed and redevelopment occurs.

Zoning

Zoning districts in the Study Area include densely developed residential housing communities and non-residential zoning districts including: J2 Business, J4 Business, Multifamily (MF), Planned Retirement Community (PRC) and A1 Residence.

Here is a map of the zoning districts in the Study Area.



WATER RESOURCES

The project conforms with Article 6 of the Suffolk County Sanitary Code. The as-of-right sanitary flow is approximately 7,278 gallons per day and the project will generate 2,598 gpd. An Innovative alternative treatment system will be installed.

COMPREHENSIVE LAND USE PLAN REVIEW OF STANDARDS

The Applicant's review is provided in Exhibit G. Review of Standards by Commission Staff for the Application

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Standard (S)/Guideline (G)		Explanation and Document Page Reference (attach additional sheets if necessary)
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	The project demonstrates conformance and does not exceed the as of right flow. An Innovative On Site Alternative Treatment System is proposed.
S 5.3.3.1.2	Sewage treatment plant discharge	No sewage treatment plant is proposed.
S 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance	The project must conform to the Sanitary Code regulations for industrial and commercial uses including requirements to protect resources from the storage of 40,000 gallons of fuel on site. Proposed uses will be required to conform.
S 5.3.3.3.1	Significant discharges and public supply well locations	The site is more than one half mile from the nearest public water supply well field and is outside of the 50 year groundwater contributing area. The application should be referred to SCWA for comment.
S 5.3.3.4.1	Nondisturbance buffers	No wetlands are present
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	N/A
S 5.3.3.4.3	Wild, Scenic and Recreational Rivers Act compliance	N/A – not in jurisdictional boundary
S 5.3.3.5.1	Stormwater recharge	The site is over 1 acre and requires a stormwater pollution prevention plan to be prepared, prior to site disturbance. The plan appears to be designed for a 2 inch rainfall event. Please consider if greater retention is needed due to more frequent and heavy rainfall events in the region. The wet meadow area is intended to mitigate impacts relative to stormwater runoff.
S 5.3.3.6.1	Vegetation Clearance Limits	Allowable clearing limit: 15.21 acres Existing cleared area: 19.34 acres Proposed clearing: 0.5 acres Total clearing limit: 19.84 acres Area of natural open space to remain: 4.41 acres Area of revegetation: 5.75 acres *Landscape Plan lists only 0.5 acre of natural vegetation to remain. Please clarify the correct amount.
S 5.3.3.6.2	Unfragmented open space	Generally conforms. Existing natural open space remains in the southeast corner of the property. Additional natural restoration is planned with the majority occurring in the rear of the property and in a block of area to remain natural.
S 5.3.3.6.3	Fertilizer-dependent vegetation limit	The project demonstrates conformance with 3.63 acres or 15% of landscaping requiring fertilizer. The application refers to including ornamental species. Consider planting only species native to the Central Pine Barrens to protect the pine barrens ecosystem and groundwater resources.

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S 5.3.3.6.4	Native Plantings	Utilize native plants in the proposed restoration and landscaping plan. The plan should contain native oak and pitch pine trees and other native trees and shrubs. Avoid ornamental plantings even in landscaped areas. Approximately 3.63 acres will be landscaped with fertilizer use for the “initial growth stage” including 0.4 acre of mowed grass. Native plants must be utilized in landscaping.
S 5.3.3.7.1	Special species and ecological communities	The project must adhere to habitat and species protection requirements for the Northern Long-eared Bat. Clearing is not permitted from March through October, unless otherwise stipulated by NYSDEC and the information supplied to the Commission. No clearing may occur outside of the November to February timeframe.
S 5.3.3.9.1	Receiving entity for open space dedications	Open space will be protected in covenants granted to the Commission.
S 5.3.3.10.1	Best Management Practices	No agricultural use exists or is proposed.
S 5.3.3.12.1	Commercial and industrial compliance with Suffolk County Sanitary code	Storage of 20,000 gallons of gasoline and 20,000 gallons of diesel fuel must be in conformance with Code requirements including containment and emergency standards to protect groundwater from spills and leaks

SUMMARY OF DISCUSSION ITEMS

Conditions and comments for discussion are summarized below.

The hearing record should remain open until the relevant information is received.

1. Clarify the site ownership, is this a lease or did PSEG acquire the Project Site.
2. Retain the existing large, mature trees including large evergreens for screening and supplement the vegetation in this roadside area rather than removing the large trees and landscaping with small trees as a buffer.
3. Please explain if the site plan could be modified to place the proposed buildings rather than the parking lot in the front area visible from the road.
4. Discuss whether the site plan can be modified to eliminate the need for the additional 0.5 acres that triggers the need for a hardship on this site by building within the existing cleared area.
5. Landscape Plan
 - a. Lists only 28,231 square feet of existing vegetation to remain. Please clarify, other statements in the application refer to approximately 4 acres of existing natural vegetation remaining.
 - b. Add more native oak trees and pitch pine trees to the landscaping plan.
 - c. The proposal includes “understory restoration” in the natural open space area. No understory restoration should occur in the open space.
 - d. All revegetation should be with native trees and shrubs rather than part woods and part meadow. The meadow would need regular maintenance or it would become successional.

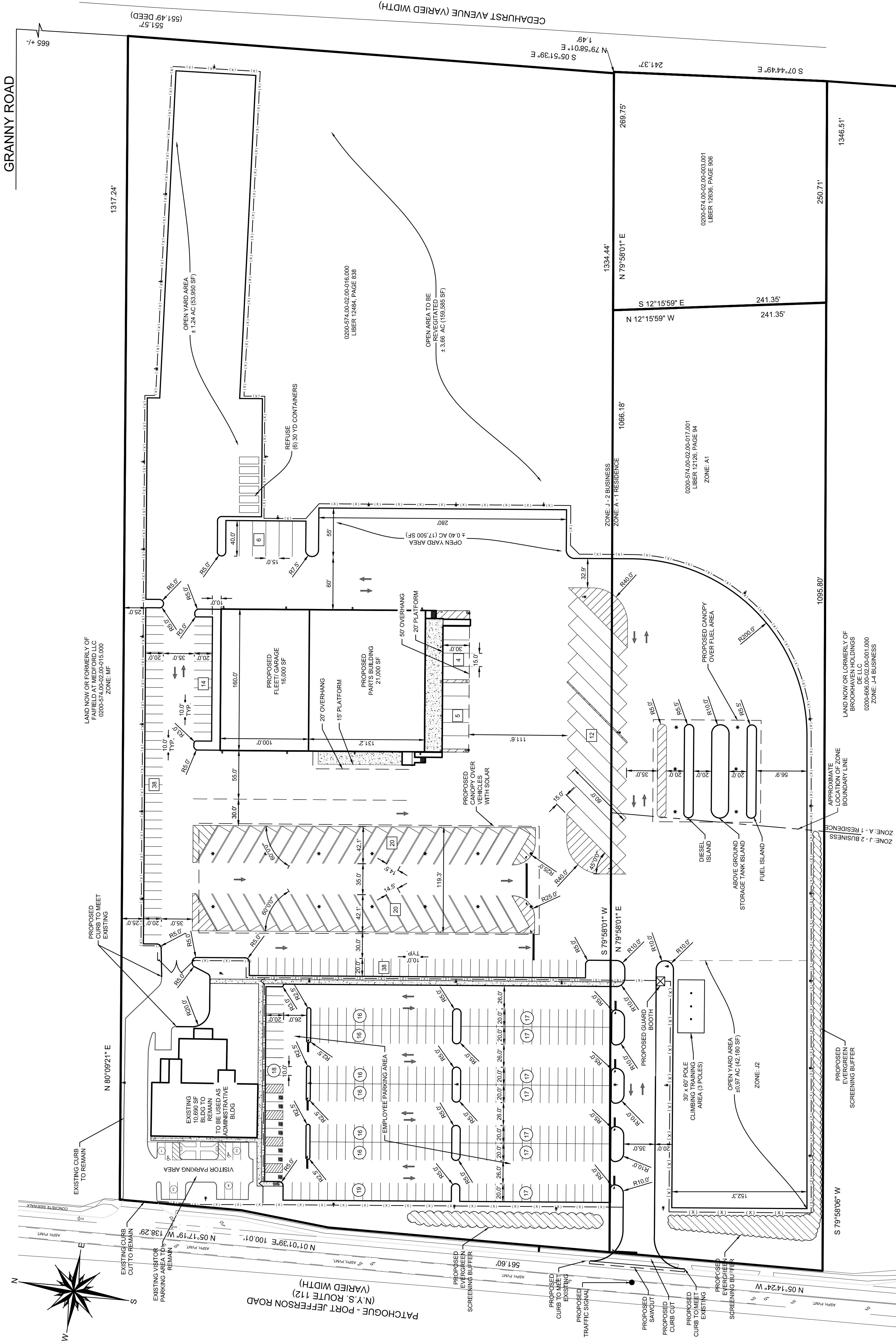
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6. Clearing and grading. Prior to site disturbance:
 - a. Prepare draft covenants to protect open space including the revegetated area, more than 10 acres, and submit for review and approval by the Commission
 - b. Prepare and submit for review draft covenants or easements to protect open space. Once approved, record and submit proof of same to the Commission prior to commencing site disturbance.
 - c. Install snow fencing on clearing limits prior to clearing.
 - d. Coordinate the proposal and clearing with NYSDEC to protect listed species including the Northern Long-eared Bat (Endangered species) and any other listed species.
 - e. Retain the existing large trees/buffer on the roadfront for screening.
7. Submit an As Built plan to monitor the open space in the future.
8. Install dark skies lighting
9. Limit the proliferation of signage to one sign on the roadfront if possible. Submit the sign plan for review and comment prior to installation.
10. Obtain all approvals and permits prior to disturbance, grading excavation and other site work.
11. Additional information may be provided after the public hearing on past precedent matters involving requests to clear natural vegetation in excess of the standard and hardship waivers that have been approved and denied.
12. Additional analyses may be necessary after the public hearing and/or receipt of any additional information. The hearing record may need to remain open to receive and review any additional information for the public record. Keep record open for a minimum of 10 days to receive supplemental information and public comments.

STAFF EXHIBITS

- A. Draft Staff Report
- B. Aerial of the Project Site and Study Area
- C. Existing conditions Survey prepared by Northwind Group LLC, dated June 4, 2008
- D. Photographs of the Project Site
- E. Study Area map
- F. Site Plan Sheet C-3 prepared by Bohler Engineering, last revised February 13, 2023
- G. Applicant's review Standards and Guidelines

GRANNY ROAD



SITE DATA

ADDRESS: 3351 NY-119, MEDFORD, NY 11753
SITING: 200-574-02-3.001, 16 & 17.1
CURRENT USE: AMUSEMENT PARK
PROPOSED USE: LIPA/PS/EGLI OPERATION CENTER
OWNER: J. NELSON + POPE (RESIDENTIAL)
SITE AREA: LOT 3.001: 1.44 AC
LOT 16: 16.83 AC
LOT 17.1: 9.99 AC
BUILDING AREA: 4,050 SF
FIRE DISTRICT: LONGWOOD CSD
WATER DISTRICT: SUFFOLK COUNTY WATER AUTHORITY

PARKING CALCULATION

PROVIDED PARKING: 252 STALLS
STANDARD PARKING: 90 STALLS
10' X 20' FLEET PARKING: 12 STALLS
15' X 30' FLEET PARKING: 12 STALLS
TOTAL PARKING PROVIDED: 408 STALLS

BUILDING LOT COVERAGE

EXISTING (ADMINISTRATIVE): 10,600 SF
PROPOSED FLEET/GARAGE: 16,000 SF
PROPOSED PARTS BUILDING: 21,000 SF
TOTAL COVERAGE: 47,600 SF

LEGEND

- EXISTING PARKING QUANTITY
- PROPOSED FLEET PARKING QUANTITY
- PROPOSED STANDARD PARKING QUANTITY
- PROPOSED GUARD BOOTH
- PROPOSED FENCE
- PROPOSED SIGN
- PROPOSED SIDEWALK
- PROPOSED PAVEMENT MARKING
- PROPOSED PAVEMENT MARKING
- PROPOSED CURB
- PROPOSED CLEARING LIMIT
- PROPOSED EVERGREEN SCREENING BUFFER

EXISTING LOT COVERAGES

BUILDING: 4,774 SF
LANDSCAPE: 595,374 SF
WOODS: 214,348 SF
TOTAL: 1,055,748 SF

PROPOSED LOT COVERAGES

PAVEMENT: 542,239 SF
BUILDING: 47,600 SF
MIXED NATIVE SPECIES: 18,370 SF
NATURAL WOODS: 192,774 SF
MEADOW RE-VEGETATION: 129,445 SF
WOODLAND REVEGETATION: 202,230 SF
TOTAL: 1,055,748 SF

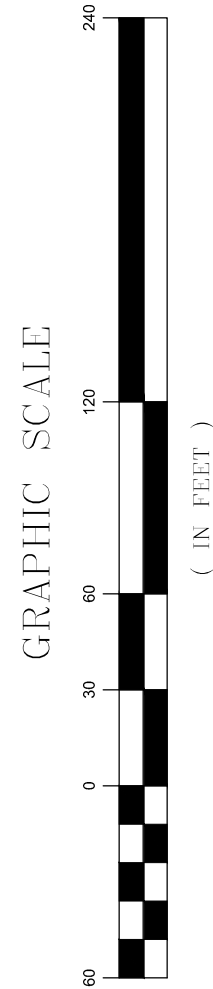
LIMITS OF PROPOSED SITE DEVELOPMENT CALCULATION

Total Area Lot 12	854,308 SF
Allowable Development of 12.65%	555,300 SF
Total Area Lot A1	202,400 SF
Allowable Development of A1.55%	107,293 SF
Limit of Site Development	662,593 SF
Proposed Site Development Area	619,175 SF

BOUNDARY FROM SURVEY PREPARED BY NELSON AND POPE
DATED SEPTEMBER 02, 2022.

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 A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED. THE LICENSED ENGINEER OR LAND SURVEYOR SHALL AFFIX THE SIGNATURE AND THE DATE OF SUCH ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.

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2	ISSUED FOR CRIC SUBMISSION	9-8-2023
1	REVISE LANDSCAPE PLAN AS PER CLIENT COMMENTS	7-27-2023
#	REVISION	DATE

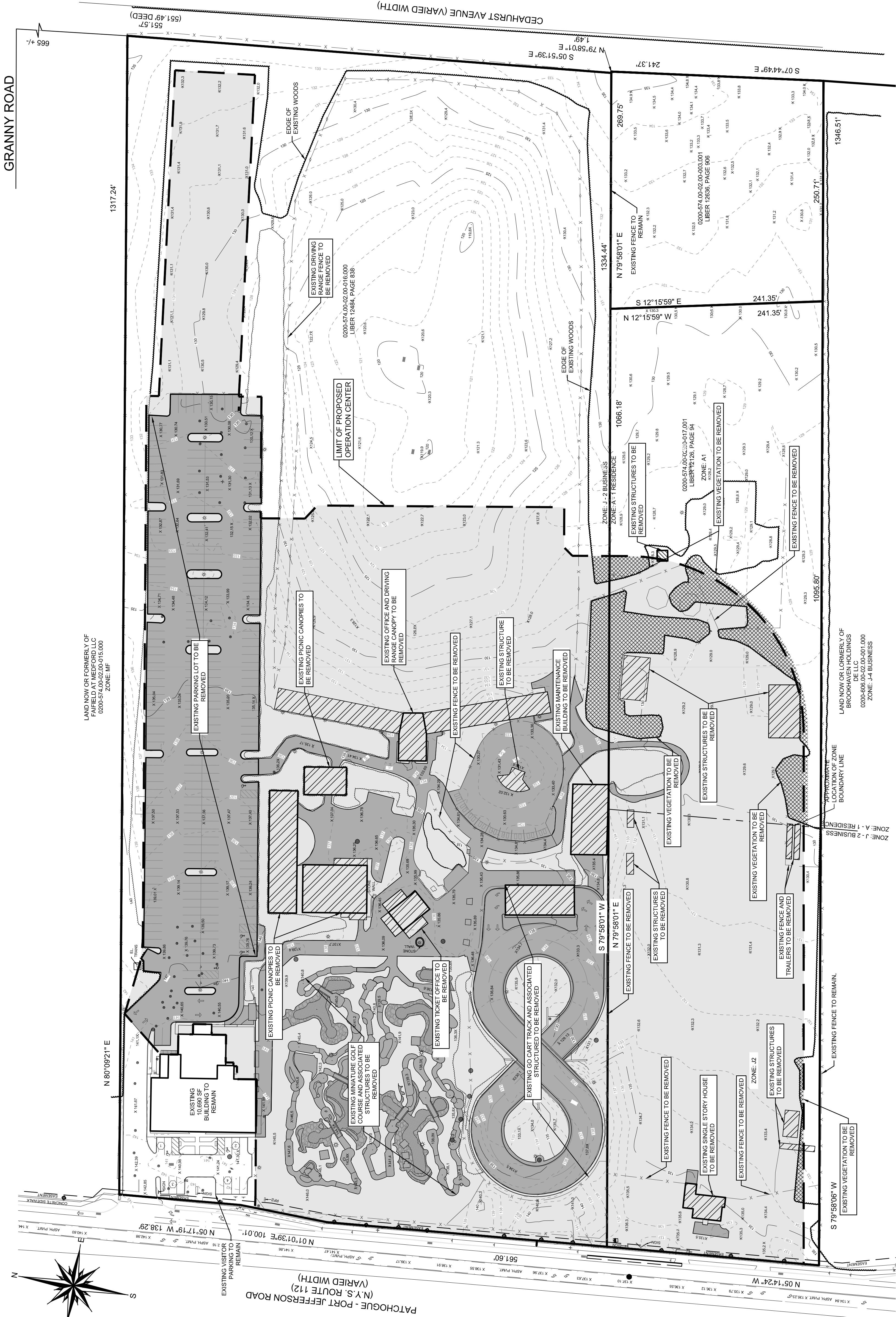
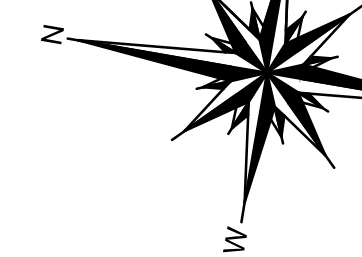
OWNER:
APPLICANT:

OVERALL ALIGNMENT PLAN
PROPOSED LIPA/PS/EGLI OPERATION CENTER
SITUATED AT
MEDFORD
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK
S.C.T.M.: DISTRICT: 200, SECTION: 574, BLOCK: 02, LOT: 3.001, 16 & 17.1

engineers • architects • surveyors
70 Main Street, Medford, NY 11757 • 631.427.5665 • nelsonpoppe.com

DRAWN BY: KK | CADD: 08204-SP-DWG | SCALE: 1" = 60'
CHECKED BY: CCV | FILE NO.:
DATE: JULY 2023 | PROJECT NO.: 08204 | SHEET NO.: 2 OF 11

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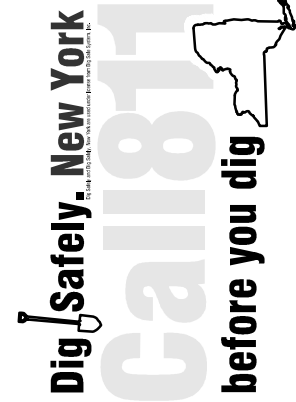


DEMOLITION NOTES:

1. PRIOR TO THE START OF EXCAVATION THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION, SIZE AND DEPTH OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL VERIFY THE LOCATION OF BURIED UTILITIES SHOWN OR LACK THEREOF. THE CONTRACTOR SHALL CONTACT THE UTILITY MARK OUT ONE CALL SERVICE BY CALLING 1-800-272-4460 PRIOR TO THE START OF CONSTRUCTION.
2. ALL DEBRIS, CONCRETE CHUNKS, TREE STUMPS AND OTHER UNSUITABLE MATERIAL, RESULTING FROM THE SITE GRADING AND EXISTING STRUCTURAL DEMOLITION SHALL BE DISPOSED OF AT AND APPROVED DISPOSAL LOCATION. NO UNSUITABLE MATERIALS SHALL BE PERMITTED TO BE BURIED ON SITE.
3. EXISTING UTILITIES, PAVEMENT, CURB, LANDSCAPING, BUILDING, CONCRETE SIDEWALK, LIGHTING FEATURES, ETC. SHALL BE REMOVED, CAPPED, RECONSTRUCTED AND/OR RELOCATED AS NECESSARY IN THE AREAS OF CONSTRUCTION.
4. SITE LIGHTING, UNDERGROUND CONDUIT, WATER, GAS, TELEPHONE, SANITARY SEWER, LATERALS AND STORM DRAINAGE ALL SHOWN IN APPROXIMATE LOCATION. THE CONTRACTOR SHALL VERIFY AND PROTECT ALL UTILITIES IN AREAS OF EXCAVATION.
5. THE CONTRACTOR SHALL NOT REMOVE FROM SERVICE ANY UTILITY WITHOUT VERIFICATION THAT THE SERVICE HAS BEEN REROUTED, CAPPED OR TAKEN OUT OF SERVICE. ROOF LEADERS, SANITARY SEWERS, VENT PIPES, ETC. SHALL BE REMOVED OR RELOCATED AS NECESSARY. ALL REMOVED UTILITIES SHALL REMAIN IN SERVICE AT ALL TIMES DURING CONSTRUCTION.
6. THE CONTRACTOR SHALL BACKFILL ALL DEMOLITION TO SUBGRADE USING SUITABLE MATERIAL AND SHALL PLACE AND COMPACT BACKFILL IN LIFTS TO ASSURE 95% COMPACTION.
7. CONTRACTOR TO PROVIDE EXTERMINATION OF PROPERTY PRIOR TO THE DEMOLITION OF THE EXISTING STRUCTURES TO PREVENT THE MIGRATION OF TERMITES.
8. CONTRACTOR SHALL INSTALL APPROPRIATE SEDIMENT AND EROSION CONTROL AND SITE SECURITY MEASURES PRIOR TO COMMENCEMENT OF DEMOLITION. REFER TO SEPARATE SEDIMENT AND EROSION CONTROL PLANS AND DETAILS.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ALL UTILITIES AND PERMITS. CONTRACTOR SHALL CUT AND CAP ALL UTILITIES AS DIRECTED BY THE INDIVIDUAL UTILITY COMPANY.
10. CONTRACTOR TO BE RESPONSIBLE FOR COORDINATION WITH PSEG/LI FOR THE REMOVAL AND RELOCATION OF THE UNDERGROUND ELECTRIC.
11. ALL EXISTING SIGNS WITHIN THE AREA OF WORK TO BE REMOVED.

EXISTING LOT COVERAGES	
BUILDING	44,745 SF
IMPERVIOUS	212,280 SF
PAVEMENT	1,056,748 SF
WOODS	214,349 SF
TOTAL	1,056,748 SF

- LEGEND**
- EXISTING PARKING QUANTITY
 - EXISTING MAJOR CONTOUR
 - EXISTING MINOR CONTOUR
 - EXISTING SPOT ELEVATION
 - EXISTING DRIVING RANGE FENCE
 - EXISTING CHAIN LINK FENCE
 - EXISTING LIGHT POLE TO BE REMOVED
 - EXISTING INLET
 - EXISTING MANHOLE (MH)
 - EXISTING BUILDING TO BE REMOVED
 - EXISTING CONCRETE / PAVEMENT TO BE REMOVED
 - EXISTING VEGETATION TO BE REMOVED



BOUNDARY FROM SURVEY PREPARED BY NELSON AND POPE
DATED SEPTEMBER 02, 2022.

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2	ISSUED FOR CRIC SUBMISSION	9-8-2023
1	REVISE LANDSCAPE PLAN AS PER CLIENT COMMENTS	7-27-2023
#	REVISION	DATE

OWNER:
APPLICANT:

EXISTING CONDITIONS & DEMOLITION PLAN
PROPOSED LIPA/PSEGLI OPERATION CENTER
SITUATED AT
MEDFORD

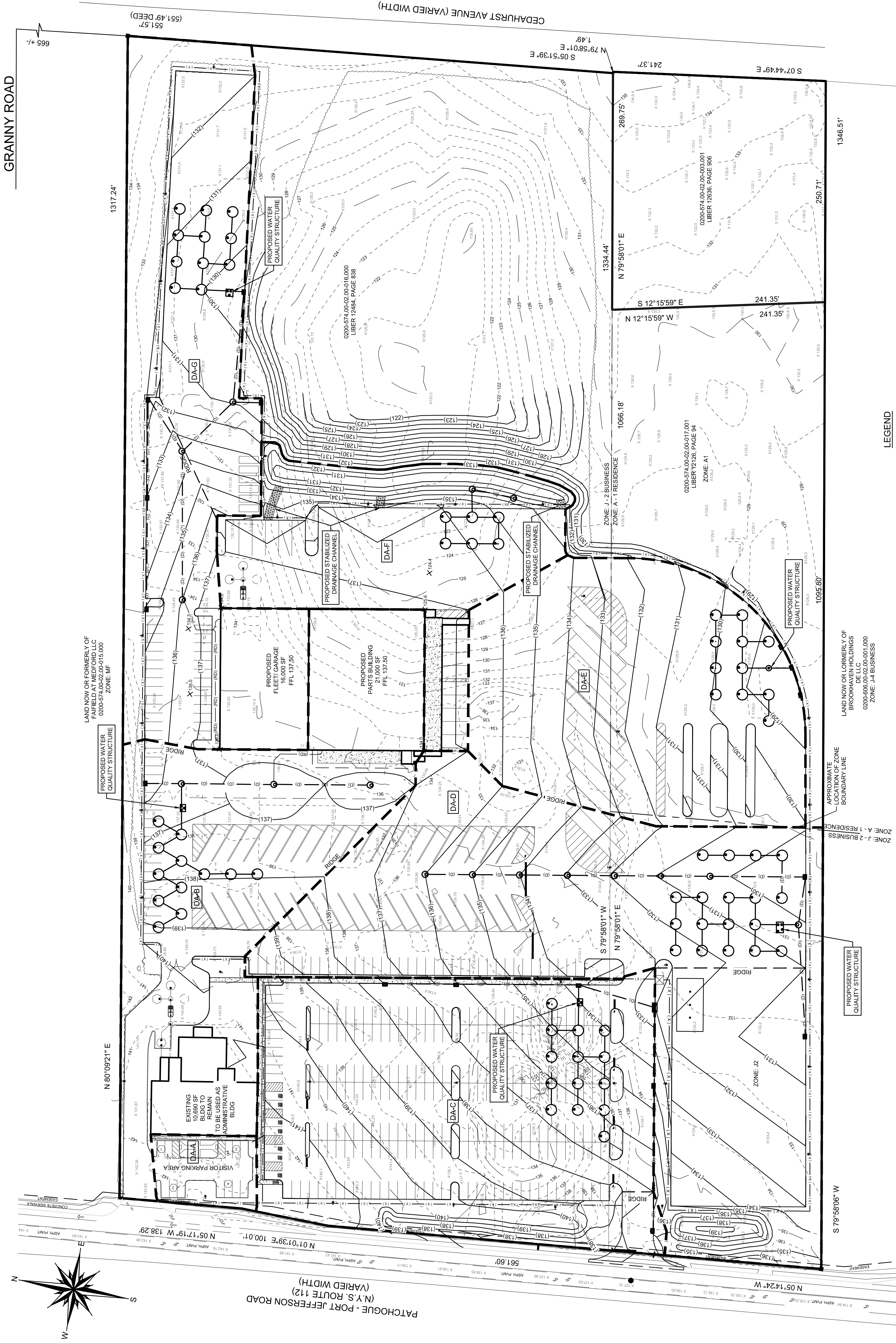
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK
S.C.T.M.: DISTRICT: 200, SECTION: 574, BLOCK: 02, LOT: 3, 001, 16 & 17, 1



NELSON + POPE
engineers • architects • surveyors
70 Maines Road, Melville, NY 11747 • 631.427.5665 • nelsonpoppe.com

DRAWN BY:	KK	CADD:	08204-SP-DWG	SCALE:	1" = 60'
CHECKED BY:	CCV	FILE NO.:			
DATE:	JULY 2023	PROJECT NO.:	08204	SHEET NO.:	3 OF 11

GRAPHIC SCALE
(IN FEET)



Drainage Calculations:

DA-A		9,292 SF	1.0	x	2/12	= 1,005 CF
TOTAL						
IMPERVIOUS :		6,030 SF	x	0.3	x	2/12
PERVIOUS :		3,262 SF	x	0.3	x	2/12
PROVIDED:		REQUIRED STORAGE VOLUME				
EXISTING DRAINAGE TO REMAIN						
DA-B		114,699 SF	1.0	x	2/12	= 5,282 CF
TOTAL						
ROOF:		31,690 SF	x	1.0	x	2/12
IMPERVIOUS:		70,156 SF	x	0.3	x	2/12
PERVIOUS:		12,853 SF	x	0.3	x	2/12
PROVIDED:		REQUIRED STORAGE VOLUME				
(12) 120 LP @ 15' E.D. @ 100.9 CF/VF						
DA-C		132,572 SF	1.0	x	2/12	= 18,204 CF
TOTAL						
IMPERVIOUS:		109,223 SF	x	0.3	x	2/12
PERVIOUS:		23,349 SF	x	0.3	x	2/12
PROVIDED:		REQUIRED STORAGE VOLUME				
(13) 120 LP @ 15' E.D. @ 100.9 CF/VF						
DA-D		174,418 SF	1.0	x	2/12	= 24,556 CF
TOTAL						
IMPERVIOUS:		147,336 SF	x	0.3	x	2/12
PERVIOUS:		27,082 SF	x	0.3	x	2/12
PROVIDED:		REQUIRED STORAGE VOLUME				
(18) 120 LP @ 15' E.D. @ 100.9 CF/VF						
DA-E		98,014 SF	1.0	x	2/12	= 16,336 CF
TOTAL						
IMPERVIOUS:		98,014 SF	x	0.3	x	2/12
PERVIOUS:		0 SF	x	0.3	x	2/12
PROVIDED:		REQUIRED STORAGE VOLUME				
(11) 120 LP @ 15' E.D. @ 100.9 CF/VF						
DA-F		65,924 SF	1.0	x	2/12	= 7,873 CF
TOTAL						
IMPERVIOUS:		47,238 SF	x	0.3	x	2/12
PERVIOUS:		18,686 SF	x	0.3	x	2/12
PROVIDED:		REQUIRED STORAGE VOLUME				
(6) 120 LP @ 15' E.D. @ 100.9 CF/VF						
DA-G		120,484 SF	1.0	x	2/12	= 2,667 CF
TOTAL						
ROOF:		16,000 SF	x	1.0	x	2/12
IMPERVIOUS:		70,242 SF	x	0.3	x	2/12
PERVIOUS:		34,242 SF	x	0.3	x	2/12
PROVIDED:		REQUIRED STORAGE VOLUME				
(11) 120 LP @ 15' E.D. @ 100.9 CF/VF						

NOTE: DEPTH TO GROUND WATER +/- 81 FT BELOW EXISTING GRADE

Water Quality Calculations

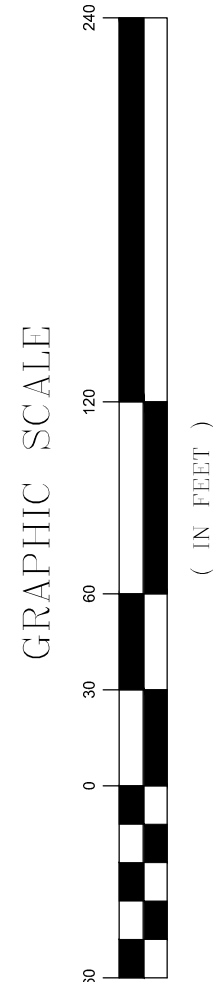
WQV, STORMWATER TREATMENT (DA-E)
REQUIRED
WQV = (P) x (R) x (A)
P = 1.5
R = 12
A = 1.513 AC (65,624 SF)
WQV = 1.5 x 12 x 1.513 AC = 27.243 CF
PROVIDED = 27,243 CF (14,000 CF @ 2 FT DEPTH
14,000 CF @ 5,728 CF REQUIRED

Drainage Notes

- ALL BUILDING DRAINAGE AND ROOF LEADER MANHOLE SHALL BE PLUS 0.00 AS OR SMOOTH INTERIOR OPERATED POOL VENTILATION PIPE (CPI) SLOPED @ 2.0% MIN AT A DIAMETER OF 12" MINIMUM AND PIPED TO THE STORM WATER SYSTEM AS SHOWN ON THE APPROVED PLANS
- TRANSITION BETWEEN DIFFERING PIPE TYPES SHALL BE WATERTIGHT AND IN ACCORDANCE WITH THE PIPE CONTRACTOR SHALL COORDINATE BUILDING DRAINAGE AND LEADER LOCATIONS WITH THE ARCHITECTURAL/JUMP PLANS
- ALL DRYWELL LEACHING POOL-TO-DRYWELL LEACHING POOL INTERCONNECTING PIPES SHALL BE 15" SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE (CPI) OR REINFORCED CONCRETE PIPE (RCP) CLASS IV, SLOPED @ 1.0% MIN. UNLESS SHOWN OR SPECIFIED OTHERWISE
- CHINA MANHOLE DRAINAGE SYSTEMS INC. ADS N-12 (SMOOTH INTERIOR) OR 14NCOR, INC. (H-Q SMOOTH INTERIOR) OR APPROVED EQUAL
- ALL STORMWATER LEACHING/OPEN BOTTOM STRUCTURES SHALL MAINTAIN A MINIMUM OF 18" SEPARATION BETWEEN ADJACENT POOLS
- ADJACENT DISTANCES BETWEEN DRAINAGE, WATER AND SANITARY FACILITIES SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE JURISDICTIONAL ENTITY
- EXISTING DRAINAGE STRUCTURES PROPOSED FOR REUSE SHALL BE CLEANED OF SILT AND DEBRIS, SCARIFIED AND INSPECTED FOR STRUCTURAL INTEGRITY BY THE ENGINEER OR HIS REPRESENTATIVE BEFORE BEING APPROVED FOR REUSE
- A MINIMUM OF 15" VERTICAL CROSSING CLEARANCE SHALL BE MAINTAINED AT CROSSING BETWEEN DRAINAGE AND UTILITY, WATER AND SANITARY IN ACCORDANCE WITH THE REQUIREMENTS OF THE JURISDICTIONAL ENTITIES
- A MINIMUM OF 15" VERTICAL CROSSING CLEARANCE SHALL BE MAINTAINED AT CROSSING BETWEEN WATER AND UTILITY, UTILITY, WATER AND SANITARY IN ACCORDANCE WITH THE REQUIREMENTS OF THE JURISDICTIONAL ENTITIES
- A MINIMUM OF 15" VERTICAL CROSSING CLEARANCE SHALL BE MAINTAINED AT CROSSING BETWEEN SANITARY AND UTILITY, WATER AND DRAINAGE IN ACCORDANCE WITH THE REQUIREMENTS OF THE JURISDICTIONAL ENTITIES
- VERIFY IN FIELD ALL EXISTING PIPE INVERTS AND NOTIFY ENGINEER OF ANY CONFLICTING INFORMATION PRIOR TO CONSTRUCTION
- ALL DRAINAGE PIPING SHALL BE PROVIDED WITH A MINIMUM 2.0% COVER UNLESS APPROVED OTHERWISE BY THE DESIGN ENGINEER AND THE JURISDICTIONAL ENTITY

Legend

- PROPOSED LP W/ SOLID COVER
- PROPOSED DRAINAGE MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED DOUBLE CATCH BASIN
- PROPOSED DRAINAGE PIPE
- DRAINAGE BOUNDARY
- PROPOSED DRAINAGE AREA
- PROPOSED CONTOUR
- EXISTING SPOT ELEVATION
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED SANITARY PIPE
- PROPOSED SANITARY MANHOLE
- PROPOSED SANITARY LEACHING POOL
- PROPOSED SANITARY EXPANSION POOL
- PROPOSED SANITARY A.I. SYSTEM
- PROPOSED RIDGE
- PROPOSED ROOF DRAINAGE



BOUNDARY FROM SURVEY PREPARED BY NELSON AND POPE DATED SEPTEMBER 02, 2022.
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 A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED. THE ENGINEER OR LAND SURVEYOR SHALL AFFIX HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.



NELSON + POPE
engineers • architects • surveyors
70 Main Street, Melville, NY 11747 • 631.427.5565 • nelsonpoppe.com

DRAWN BY:	KK	CADD:	08294-GR.DWG	SCALE:	1" = 60'
CHECKED BY:	CCV	FILE NO.:			
DATE:	JULY 2023	PROJECT NO.:	08294	SHEET NO.:	4 OF 11

OVERALL GRADING AND DRAINAGE PLAN
PROPOSED LIPA/PSEGLI OPERATION CENTER
SITUATED AT
MEDFORD

TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK
S.C.T.M.: DISTRICT: 200; SECTION: 574; BLOCK: 02; LOT: 3.001, 16 & 17.1