



Central Pine Barrens Commission Meeting Agenda
Wednesday, September 16, 2026 at 2:00 pm
Wertheim National Wildlife Refuge, 340 Smith Road, Shirley

1. Administrative and Public Comment

- a. Public Comment
- b. Minutes for Commission Meeting of 07/15/26 review (*approve*)
- c. Renewal of Commission insurance policies
- d. Commission-USGS agreement renewal to continue water resources monitoring from 2027 to 2029 in the amount of \$316,000
- e. Bird friendly standard implementation guidance / *draft resolution*
- f. Commission Committee and Council Meetings: next Advisory Committee Meeting 10/6/26 at Brookhaven Town Hall; Law Enforcement Council Meeting 9/17/26 at Southaven County Park; Protected Lands Council Meeting 9/22/26 at Wertheim; and Wildfire Task Force Meeting 9/23/26 location TBD

2. Commission Division Activity Reports

- a. Compliance and Enforcement Division: update (*Mr. Callagy*)
- b. Education, Outreach and Communications Division: update (*Mr. Motz*)
- c. Land Use Division: update (*Ms. Murphy*)
- d. Wildfire Task Force, New York Wildfire and Incident Management Academy: update (*Ms. Drew*)
- e. Pine Barrens Credit Program: update (*Mr. Tverdyy*)
- f. Science and Stewardship Division: update (*Mr. Smith*)

3. Invoices

- a. Invoice #2025-255 for Colorado Wildland Fire and Incident Management Academy dated 6/30/26 for \$4,713.65
- b. Authorization to pay instructors for the NYWIMA Academy November 14 to 20 at Suffolk County Community College Eastern Campus and for the NYWIMA Academy December 5 to 11 at Brookhaven National Laboratory, not expected to exceed a total of approximately \$35,000 for up to 12 instructors at each Academy
- c. Invoices for SWCA Consultant for the Southampton Community Wildfire Protection Plan: Invoice #248722 dated 6/30/26 for the period of 5/24/26 to 6/20/26 in the amount of \$7,577.95 and Invoice # 253306 dated 8/21/26 for the period of 6/21/26 to 8/15/26 in the amount of \$10,393.26
- d. Invoice for Judy Jakobsen, Consultant: Invoice numbers 25 to 30 for the period of 6/25/26 to 9/4/26 in the amount of \$2,804.00

4. Planning and Land Use

Core Preservation Area

- a. Compliance Conference: 4 Old Country Road/76 Summit Boulevard, Westhampton / *update*
- b. Clancy Street Food Court / CR 111, Manorville / 200-462-2-5.1 / request for Limited Phase II Subsurface Investigation Work Plan to install five borings to collect water and soil vapor samples on the site of a core hardship waiver for a restaurant / *draft response*

Compatible Growth Area

- c. Request for Determination of Jurisdiction: Hegeman's Farm / South Street, Manorville / 200-507-4-9 / request to clear for an agricultural use on 15.63 acres in the A Residence 2 zoning district / *draft response*
- d. Oakcrest Compatible Growth Area Hardship Waiver Application / 49 and 63 Oakcrest Avenue, Middle Island / 200-343-6-20.1 / construction of a 3,350 sf building and 43 parking spaces for an existing 32,000 sf nursing facility in two, three-story buildings, parking and a sewage treatment plant on 4.4 acres in the NH-H zoning district / decision deadline 10/01/26 / *decision*
- e. The Hills at Southampton Mixed Use Planned Development District Local Law / Lewis Road, East Quogue / residential development and golf course, STP and amenities / *draft response*
- f. Referral: Northwell Eastport Development / Old Country Road, Eastport / 900-325-1-2.1, 2.2 / residential subdivision on 44.1 acres in CR 60 and CR 200 zoning districts / *draft response*

5. Public Comment

6. Closed Advisory Session (if necessary)

Next Commission Meeting, Wednesday, October 21, 2026 at 2:00 pm
Southampton Town Hall, 116 Hampton Road, Southampton
For more information visit <https://pb.state.ny.us/>

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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SITES FOR DISCUSSION AT
CENTRAL PINE BARRENS COMMISSION MEETING OF
September 9, 2026



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

Prepared by Commission Staff JT on 9/9/26.



Central Pine Barrens Commission Meeting Summary
Wednesday, July 15, 2026 (DRAFT)
Riverhead Town Hall
4 West Second Street, Riverhead, NY
2:00 pm

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

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

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

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

a. Public Comment

Summary: Mr. Gazza discussed that he believes there is development occurring at the sandpit at 4 Old Country Road, LLC and provided information for the Commission to review. Mr. Gazza discussed that the Commission filed a Notice of Violation for development to the 4 Old Country Road owners on April 15, 2026 and would like to know why the lead agency DEC has not taken any action against this company. Mr. McGarry discussed that after discussion with DEC's Enforcement Team and Management Team a Notice of Violation was issued earlier this year. Also, since the last meeting an inspection by DEC has taken place and at that time there were no violations as per the Order of Consent.

Mr. Gazza discussed a concern about seeing tangible wildfire mitigation happening on the ground, especially around his 12 buildings, the School and Hospice building in Westhampton. Despite more than a year passing since the previous wildfire, he has not seen visible firebreaks, prescribed burns, or clearing in the area. The Commission responded that a wildfire protection plan is being developed, including identifying locations for firebreaks, clearing, and other mitigation measures. The DEC is reportedly conducting forest-load reduction and wildfire mitigation work in the Core and surrounding region. The Wildfire Task Force is also working with the county, fire departments, and other levels of government on a coordinated approach.

Mr. Armentano, Farrell Fritz representative of 4 Old Country Road discussed that 4 Old Country Road LLC purchased the property and is currently operating pursuant to a DEC remediation plan/consent order. Mr. Armentano provided the Commission with a handout containing information regarding the property, including historic aerial photographs documenting the extensive activities that previously occurred at the site and information concerning the remediation and removal of contaminated materials following the client's purchase. Mr. Armentano explained that the former Part 360 permit-related activities have been concluded and that there is no current Part 360 permit matter pending before DEC. He further stated that the current activities at the property are being conducted as part of the DEC-authorized remediation process. Mr. Panico discussed that there is a distinction between the current remediation activities and any future development proposal. It was noted that the property is privately owned and that the owner has incurred significant expenses associated with the cleanup and remediation of the property. Mr. Armentano acknowledged that an economically viable future use would be necessary to sustain the property.

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- b. *Minutes for Commission Meeting of 06/17/26 review*
Summary: The motion was made by Ms. Moore and seconded by Mr. Halpin to adopt June 17, 2026 meeting minutes. The motion was approved by 5:0 vote.
- c. *Consider canceling the August 19, 2026 Commission meeting*
Summary: The motion to cancel the August 19, 2026 Commission meeting was made by Mr. Sweeney and seconded by Mr. Panico as there were no pressing matters requiring the Commission's consideration. The motion was approved by 5:0 vote.

2. Invoices

- a. *Invoices for Judy Jakobsen, Consultant: Invoice #s 18 to 22 for the period of 6/8/26 to 6/26/26 in the amount of \$1,096.00*
Summary: The motion was made by Ms. Moore and seconded by Mr. Sweeney authorization to pay invoices for Judy Jakobsen, Consultant from June 8, 2026 to June 26, 2026. The motion was approved by 5:0 vote.

3. Planning and Land Use

Core Preservation Area

- a. *Suffolk County Correction Officers Association, Inc. Core Preservation Area Hardship Waiver Application / 1001 Middle Country Road, Ridge / 200-295-1-5.1, 5.2, 5.3 / construction of a second-story that measures 2,200 square feet (sf) on an existing building that measures 2,100 sf and construction of an attached garage that measures 1,225 sf on 2.77 acres in the J4 zoning district*
Summary: The motion was made by Mr. Panico and seconded by Mr. Halpin to adopt the decision to approve the core hardship of Suffolk County Correction Officers Association, Inc. The motion was approved by 5:0 vote.
- b. *Elite Towers at Peconic River Sportsman's Club / 1 Connecticut Avenue, Manorville / 200-298-1-1 / request to amend a conservation easement in the Pine Barrens Credit Program to submit a core hardship application to construct a 150 foot tall communications tower and equipment compound on 60 acres in the A5 Residence zoning district*
Summary: Mr. Milazzo discussed the Commission received a letter to withdraw any and all applications for the Elite Towers at Peconic River Sportsman's Club, with no pending matters for the Commission to consider. Mr. John Armentano, representing Elite Towers, agreed.
- c. *PSEG-LI Calverton / request to replace 12 timber utility poles in the road right of way*
Summary: The motion was made by Mr. Panico and seconded by Mr. Sweeney to send the draft response regarding PSEGLI to replace utility poles. The motion was approved by 5:0 vote.

Compatible Growth Area

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

Summary: The motion was made by Mr. Panico and seconded by Mr. Halpin to send the draft response regarding Colonial Woods Condominiums request to cut down ten hazardous dead Southern Pine Beetle infested trees. The motion was approved by 5:0 vote.

4. Public Hearings at 2:30 pm

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

The motion was made by Mr. Sweeney and seconded by Mr. Panico to adopt the Enforcement Process and Procedure with changes. The motion was approved by 5:0 vote

Summary: A stenographic transcript was prepared for the hearings

5. Public Comment

Summary: No public comments were received

6. Closed Advisory Session

A motion was made by Mr. Sweeney and seconded by Ms. Moore to close the public portion of the meeting and to move into an advisory session for the purpose of discussing existing litigation and attorney client communication obtaining legal advice from Commission counsel. The Commission would not return to public session. The motion was approved by a 5:0 vote.

The meeting was adjourned at approximately 4:00pm.

Attachments (in order of discussion)

1. Draft Commission meeting summary for June 17, 2026
2. Final Commission meeting summary for June 17, 2026
3. Authorization to pay invoice #s 2026-22 to 24 for Judith Jakobsen, Consulting Services dated June 8 to May 1, 2026 dated June 8 – June 26, 2026
4. Draft resolution to approve the Suffolk County Correction Officer Association Core Preservation Area Hardship Waiver dated July 15, 2026
5. Final resolution to approve the Suffolk County Correction Officer Association Core Preservation Area Hardship Waiver dated July 15, 2026
6. Withdrawal of the Pending Application Letter for Elite Towers at Peconic River Sportsman's Club from Farrell Fritz dated July 15, 2026; Draft response letter and attachments from Staff dated July 15, 2026
7. Draft response to PSEG LI FEMA Pole Replacements Project and attachments dated July 15, 2026; Letter from PSEGLI to add poles to the original request dated July 14, 2026
8. Final response to PSEG LI FEMA Pole Replacements Project dated July 15, 2026
9. Draft response to Colonial Woods Condominiums dated July 15, 2026; Letter and attachments from Colonial Woods Condominium dated June 11, 2026
10. Final response to Colonial Woods Condominiums dated July 15, 2026
11. Staff report for 49 and 63 Oakcrest Avenue Middle Island Compatible Growth Area Hardship Application Public Hearing dated July 15, 2026; Nelson Pope Voorhis 49 and 63 Oakcrest Avenue Middle Island dated July 15, 2026
12. Draft Resolution Enforcement Violation Determination and Remedies dated July 15, 2026

Central Pine Barrens Joint Policy & Planning Commission
Property/Casualty Insurance Cost Comparison
Policy Years 2025-26 to 2026-27
EFFECTIVE DATE: OCTOBER 9, 2026

Prepared September 2026

	2025-26	2026-27	Increase/ Decrease	
Coverage - Philadelphia Indemnity Ins Co Package A++				
Property-				
\$50,000 2025-26; \$75,000 2026-27 Blanket Limit, Deductible \$1,000 subject to sub-limits Includes Inland Marine Coverage - Property: Contents, Computer Equipment, ATV's, UTV's, Scanning Equipment. Deductible \$500, Limit: 2025-26 \$205,047, 2026-27 \$238,026	\$2,587		-\$2,587	-100%
General Liability				
GL Limit \$1Mil/\$2Mil Primary Coverage, Deductible \$0	\$3,312		-\$3,312	-100%
Sexual Abuse and Molestation	\$542			
Business Auto Coverage	\$17,199			
Auto Liability - Six Vehicles at Inception Includes Collision, Comprehensive and Full Glass - \$1,000 Except Full Glass				
Umbrella Liability - Philadelphia Indemnity Insurance Company A++	\$5,900	(a)	-\$5,900	-100%
Limit \$5Million				
Subtotal	\$26,953	\$0	-\$9,212	-34%
Public Officials Liability - Greenwich Insurance Company	\$10,522	\$9,751	-\$771	-7%
Limit: \$3 Million Directors & Officers and Employment Practices Liability Self Insured Retention: \$75,000				
Unmanned Aircraft Cover (Drone)	N/A	\$14,385	\$14,385	100%
Includes Liability and Physical Damage, Liability \$0 Deductible, Physical Damage Deductible 10% of Equipment Value				
Total Cost of Property/Casualty Program	\$37,475	\$24,136	-\$13,339	-36%
Workers Compensation				
State Insurance Fund	\$19,072	\$11,044	-\$8,028	-42%
Total Workers Compensation Premiums and Service Fees	\$19,072	\$11,044	(\$8,028)	
TOTAL COST	\$56,547	\$35,180	(\$21,367)	
Additional Coverages Required During the Policy Year Are Subject to Additional Charges				
Notes:				
(a) Estimated				



**Central Pine Barrens Commission
Meeting of September 16, 2026
Wertheim National Wildlife Refuge, Shirley**

**Draft Resolution Authorizing an Agreement with the
U.S. Geological Survey to Undertake a
Two-Year Water Resources Monitoring Program in the Central Pine Barrens**

Present:

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

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

Whereas, the Long Island Pine Barrens Protection Act, as specified in Article 57 of the New York State Environmental Conservation Law (ECL Article 57), states that the hydrologic integrity of the Central Pine Barrens should be protected and that through its Comprehensive Land Use Plan the Commission should seek to protect the quality of surface water and groundwater within the Central Pine Barrens, and

Whereas, Chapter 8 of the Central Pine Barrens Comprehensive Land Use Plan (Plan), entitled “Water Resources and Hydrology,” recommended that additional hydrological research and data collection efforts be undertaken in the Central Pine Barrens to better understand its hydrological resources and means of protecting them, and

Whereas, the United States Geological Survey (USGS) continues to be a longtime cooperating agency involved with the protection and management of the Central Pine Barrens through its ground water and surface water research initiatives, and

Whereas, in 2023, USGS completed a five year contract with the Commission for a water resources study from 2017 to 2023, and

Whereas, monitoring continued in a second agreement from 2024 to 2026, and

Whereas, at the request of Commission staff, the USGS has prepared a proposal, that was received by the Commission on August 17, 2026, USGS Joint Funding Agreement 24LKJFA24570031, to continue water resources monitoring on the Carmans and Peconic Rivers for two years, commencing on September 30, 2026 until September 30, 2029, that was provided to the Commission for their review and consideration, and

Whereas, the Commission finds that the current proposal to continue work from 2027 to 2029 will provide invaluable water resource data which will greatly benefit the Central Pine Barrens region and will aid in managing, protecting and preserving the groundwater, surface water and ecological resources of the Central Pine Barrens, and

Whereas, ECL Article 57 authorizes the Commission to contract for

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professional and technical assistance and advice,

Now therefore be it

Resolved, that the Commission hereby authorizes the preparation and execution of an agreement with the USGS to undertake and implement the Proposal, subject to review by Commission Counsel, and authorizes the Executive Director to sign and execute the agreement on behalf of the Commission.

Motion by:

Second by:

Ayes:

Nays:

Abstentions:

Absent:

Hargrave, Julie

From: Bristol, Tracy A <tbristol@usgs.gov>
Sent: Monday, August 17, 2026 4:17 PM
To: Hargrave, Julie
Cc: Simonson, Amy; Krsnak, Emily R; Waite, Andrew M; Scavotto, Natasha A; Rivers, Kimberly B; Bristol, Tracy A
Subject: USGS Amendment #1 to Central Pine Barrens
Attachments: CPB_Amend 1.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,

Please see the attached Amendment to the USGS Joint Funding Agreement 24LKJFA24570031. This amendment is to add funding contributed by Central Pine Barrens and to extend the end date. Please note that USGS must receive a signed copy before the expiration date of the original agreement (September 30, 2026). Field offices lose access to the financial system on September 21, so a signed copy prior to that would be optimal. Please let me know if you have any questions.

Thank you, Tracy

Tracy Bristol, Administrative Officer
US Geological Survey
New York Water Science Center
425 Jordan Road
Troy, NY 12180
tbristol@usgs.gov
518-285-5600 x626



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
New York Water Science Center
425 Jordan Rd
Troy, NY 12180

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

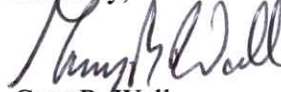
Dear Ms. Hargrave,

Enclosed is a signed copy of Amendment 1 to the Joint Funding Agreement dated June 1, 2024. This amendment is to add funding contributed by Central Pine Barrens Joint Planning and Policy Commission in the amount of \$316,300 and to extend the end date from September 30, 2026 to September 30, 2029. All else remains the same

We are required to have a signed amendment prior to continuing project activity, therefore, it is imperative that the amendment be signed and one copy returned to us as soon as possible. Please forward the signed copy to 425 Jordan Road, Troy, New York 12180 or email to tbristol@usgs.gov. If you need a longer lead time, please contact Tracy Bristol, Administrative Officer, at (518) 285-5600 x 626 to arrange a schedule.

Work performed with funds from this agreement will be conducted on a fixed-price basis. You will be billed for this agreement quarterly. Any party may terminate this agreement by providing 60 days written notice to the other party. Results of all work performed under this agreement will be available for publication by the U.S. Geological Survey.

Sincerely,


Gary R. Wall
Acting Director

Enclosure

**UNITED STATES DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
JOINT FUNDING AGREEMENT
FOR
WATER RESOURCES INVESTIGATIONS
AMENDMENT NO. 1**

6000006100
24LKJFA24570031
TIN 11-3286761
Sales Order 142113

This amendment is for the agreement dated June 1, 2024 between the U.S. Geological Survey and the Central Pine Barrens Joint Planning and Policy Commission. Paragraph 2a and 2b of the agreement is hereby modified to read as follows:

(a) \$0.00 by the party of the first part during the period
June 1, 2024 to September 30, 2029

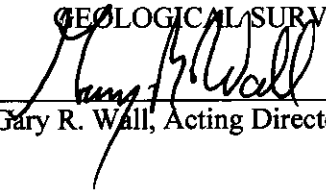
(b) \$530,200 by the party of the second part during the period
June 1, 2024 to September 30, 2029

This amendment is to add funding contributed by Central Pine Barrens Joint Planning and Policy Commission in the amount of \$316,300 and to extend the end date from September 30, 2026 to September 30, 2029. All else remains the same.

Billing for this agreement will be rendered quarterly. Payments of bills are due within 60 days after billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30-day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.

UNITED STATES
DEPARTMENT OF THE INTERIOR
COMMISSION
GEOLOGICAL SURVEY

BY



Gary R. Wall, Acting Director

CENTRAL PINE BARRRENS
JOINT PLANNING AND POLICY

BY

(Signature)

(Name)

(Title)

(Date)

Surface water-quality and groundwater level monitoring in the Central Pine Barrens Region, Suffolk County, NY – 2027 FY to 2029 FY amendment

NOTE: This is the continuation of a project that runs through September 30, 2026, with only minor changes to the prior funding agreement. Project costs are in Table 1. The USGS database name has changed (“NWIS” National Water Information System, is now Water Data for the Nation “WDFN”).

Water-quality sampling locations will remain unchanged from FY2024–2026 and will include two sites on the Peconic River (01304440 Connecticut Ave and 01304500 Peconic River at Gage) and four sites on the Carmans River (01304990 Bartlett, 01304995 Upper Lake, 01305000 Gage, and 01305040 Sunrise Highway). Water quality sampling constituents will continue to include spring and fall collection of field water-quality measurements (pH, dissolved oxygen, water temperature, specific conductance, and turbidity), as well as laboratory analyses for nutrients, major ions, and trace elements for all six sites. Monitoring of organic contaminants (pesticides and pharmaceuticals) will also continue under the existing sampling design. These constituents will be collected on an alternating seasonal schedule (spring or fall) at the same three monitoring locations: 01305000 Carmans River at Gage, 01304440 Connecticut Avenue, and 01304500 Peconic River at Gage. Data will undergo Quality assured and quality control (QA/QC).

The locations of the groundwater wells have not changed, with the exception of the equipment in the groundwater wells: one will continue being telemetered (S 6413), and one will continue as a recorder (S 46542) due to poor cellular signal in the area. The four wells measured annually remain (S 40853, S 6441, S 46546, S 9129).

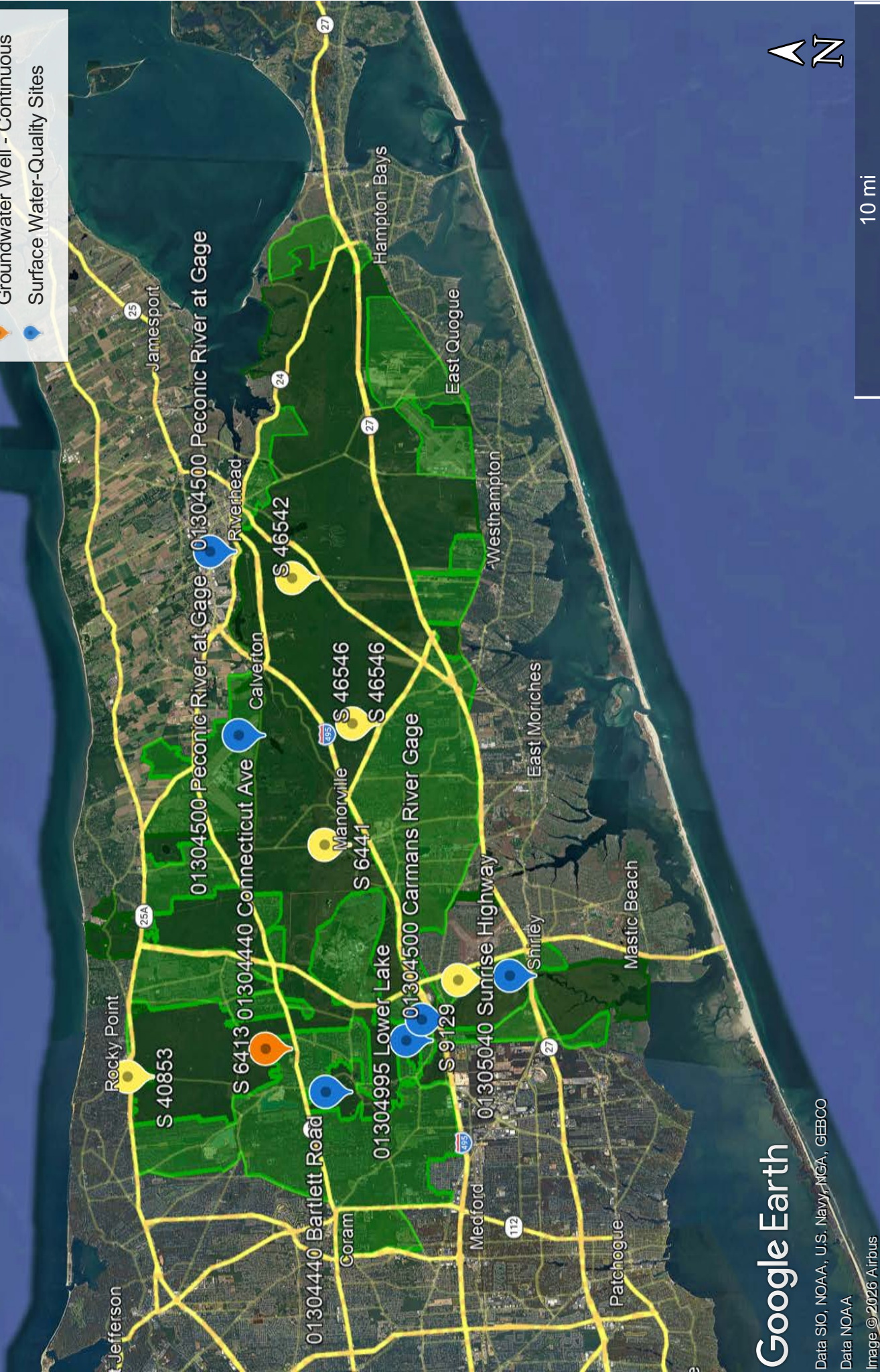
The agreement includes funding for one internal meeting every year with a basic PowerPoint (FY 2027-29), and then one public PowerPoint with preliminary summary of results presented to the Central Pine Barrens Commission Meeting (FY 2029). Water-quality and groundwater level data will be made publicly available through USGS [Water Data for the Nation](#).

TABLE 1. BUDGET	FY 2027	FY 2028	FY 2029
Water Quality (WQ) Sample Streams -- Spring/Fall:			
Carmans River (Bartlett, Upper, Gage, Sunrise) &	82,900	86,300	90,000
Groundwater (GW) levels			
1 telemetry, 1 recorder, 4 annual	14,100	14,500	14,800
Meetings -- one formal internal each year, one public FY29			
	2,900	3,100	7,700
CPBC funding per FY	99,900	103,900	112,500

USGS Water Monitoring in CPB Locations

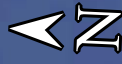
Legend

- CGA
- COR
- Groundwater Well - Annual
- Groundwater Well - Continuous
- Surface Water-Quality Sites



Google Earth

Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Data NOAA
Image © 2026 Airbus



10 mi



Central Pine Barrens Commission
September 16, 2026
Technical Guidance on Implementation of the
Central Pine Barrens Comprehensive Land Use Plan
Standard 5.3.3.7.2 Bird Conservation and Protection

Present:

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

Whereas, the Long Island Pine Barrens Protection Act of 1993 (the Act) declared the Central Pine Barrens as a major resource area of statewide significance where the hydrological and ecological integrity is endangered. In order to protect unique features of the area, the Act required the preparation and implementation of a State supported regional comprehensive plan, and

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

Whereas, implementation of the Plan may occur by agencies other than the Central Pine Barrens Commission, pursuant to Article 57 of the Environmental Conservation Law §57-0123(3)(a), which states:

“Subsequent to the adoption of the land use plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan”...

Whereas, on July 19, 2024, the Central Pine Barrens Commission adopted amendments to the Comprehensive Land Use Plan, and

Whereas, Plan Section 5.3.3.7 Protection and conservation of species and communities, states:

“The pine barrens ecosystem hosts several species of rare, endangered or threatened animals and plants, as well as species of special concern. The State of New York has identified such species and has enacted laws to protect their number and habitat. The New York State Natural Heritage Program has also identified unique natural communities and habitats of special concern.”

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“The U.S. Fish and Wildlife Service estimates that bird strikes with buildings, windows and other structures account for up to several million bird deaths per year. Bird collisions occur because birds perceive glass and reflections of vegetation, landscapes or sky to be real and they attempt to reach habitat, open spaces or other attractive features visible through either glass surfaces or free-standing glass. Many of these collisions are preventable with appropriate building design.”

Whereas, Plan Standard 5.3.3.7.2 Bird conservation and protection, states:

“Development projects shall incorporate bird friendly structures, design and site planning elements to reduce bird strikes and mortality to the greatest extent feasible. Seek guidance provided in the American Bird Conservancy et al publication “Bird Friendly Building Design,” available from their website.”

Whereas, current research reveals an alarming estimate that bird collisions with buildings kill more than one billion birds annually in the United States, and

Whereas, for the purposes of succinctness and ease of reading, access and implementation, the Plan omits the supporting rationale and background on this standard, and

Whereas, agencies need clarity to implement Standard 5.3.3.7.2, and

Whereas, the Commission seeks to provide clarity to other agencies that review development projects and implement the Plan to reduce bird mortality when applying the Standard, and

Whereas, the American Bird Conservancy (ABC) developed a Threat Factor (TF) to identify the level of risks and to reduce bird strikes on window surfaces, and

Whereas, the TF is a score that provides a relative measure of how well materials with patterns of visual markers cause avoidance by birds. The ABC report states, “Threat Factors are an index, measuring the relative response to different patterns and different glass builds by songbirds flown in the tunnel. However, where monitoring data on tunnel-tested products are available, they confirm that products with lower threat factors yield fewer collisions. **ABC defines “bird-friendly” materials as having a threat factor ≤ 30 , corresponding to a conservative estimated reduction of collisions of at least 50% under real world conditions.**”

Whereas, development projects in the Central Pine Barrens shall utilize the ABC guidance on TFs that do not exceed a rating of 30.

Now therefore be it

Resolved, the Commission and agencies in the Central Pine Barrens continue to implement the goals and objectives of the Act and the Plan, pursuant to ECL §57-0123(3)(a), and be it further

Resolved, the Commission directs agencies implementing Standard 5.3.3.7.2 Bird conservation and protection to utilize materials having a Threat Factor of 30 or less.

Record of Motion

MOTION BY:

SECONDED:

VOTE:

YES:

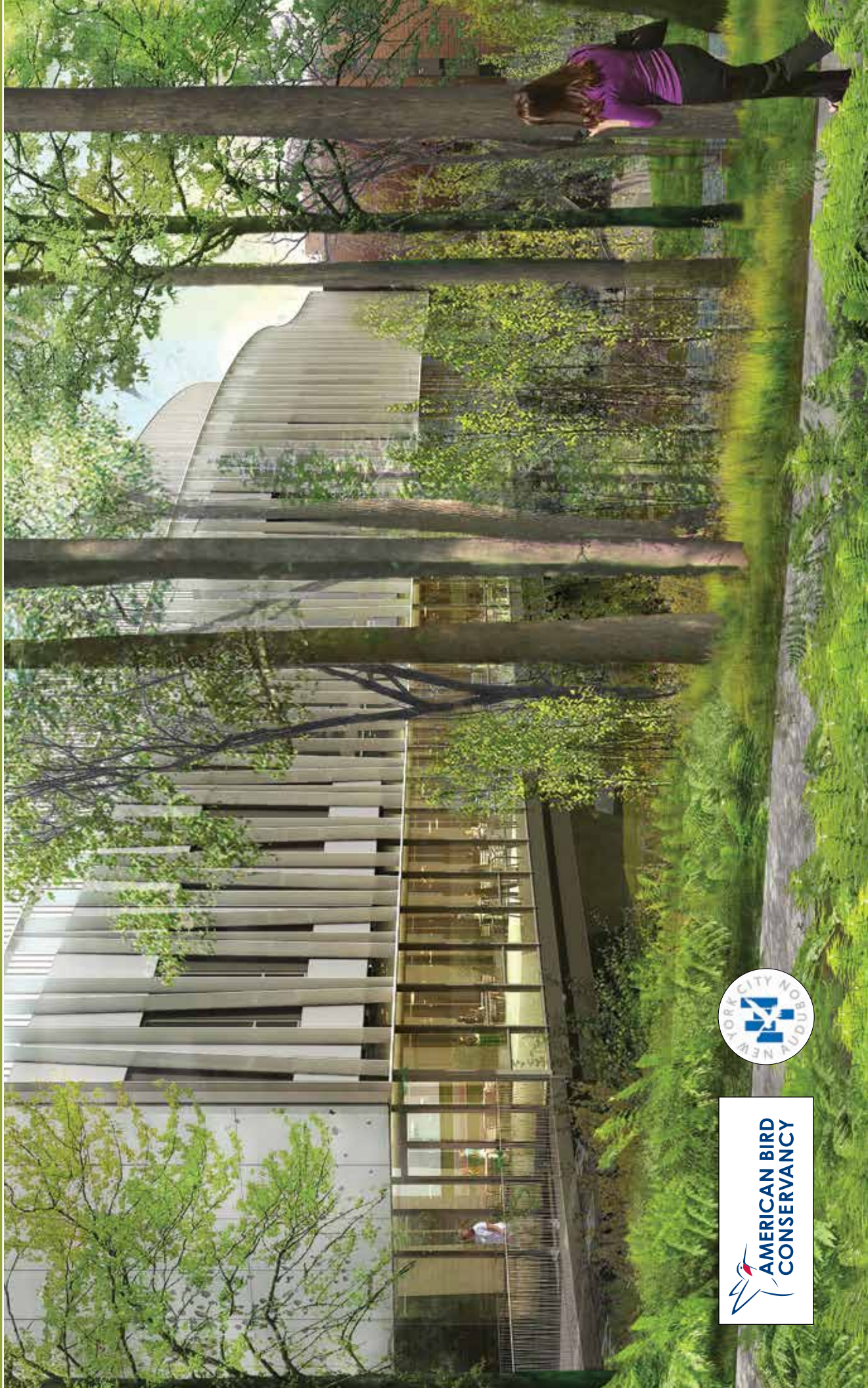
NO:

ABSTAIN:

ABSENT:

DATE: September 16, 2026

Bird-Friendly Building Design



The Science of Bird Collisions



Hundreds of species of birds are killed by collisions. These birds were collected by monitors with FLAP in Toronto, Canada. Photo by Kenneth Herdy

American Bird Conservancy's Bird-Friendly Building Standard

Briefly, a bird-friendly building is one where:

- At least 90% of the material in the exposed façade from ground level to 40 feet (the primary bird collision zone) has a threat score of 30 or less, derived from controlled experiments.
- At least 60% of material in the exposed façade above the collision zone meets the above standard.
- All glass surrounding atria or courtyards meets the above standard.
- There are no "see through" passageways or corners.
- Outside lighting is appropriately shielded and directed to minimize attraction to night migrating or nocturnal birds.
- Interior lighting is turned off at night if not in use and designed to minimize light escaping through windows during night operation.
- Landscaping is designed without features known to increase collisions.
- Actual bird mortality is monitored and compensated for (for example, in the form of habitat preserved or created elsewhere, mortality from other sources reduced, etc.).



The Burj Qatar, designed by Jean Nouvel, was named Best Tall Building Worldwide in 2012. The façade, created with multi-layered screens, expresses local culture while providing protection from high temperatures and sand. Photo by Marc Desbordes

*Printing costs for this publication have been
kindly covered by an anonymous donor*

Properties of Glass

Glass, as a structural material, can range in appearance from transparent to mirrored to opaque. Its surface can completely reflect light or let virtually 100% of light pass through. A particular piece of glass will change appearance depending on environmental factors, including position relative to the sun, the difference between exterior and interior light levels, what may be reflected, and the angle at which it is viewed. Combinations of these factors can cause glass to look like a mirror or a dark passageway, or be completely invisible. Humans do not actually “see” clear glass, but are cued by context such as



The glass-walled towers of the Time Warner Center in New York City appear to birds as just another piece of the sky. Photo by Christine Sheppard, ABC

mullions, dirt, or window frames. Birds, however, do not perceive right angles and other architectural signals as indicators of obstacles or artificial environments: they take what they see literally. While local birds may become familiar with individual pieces of glass, they do not ever grasp the concept “glass.”

Reflection

Under the right conditions, even transparent glass on buildings can form a mirror, reflecting sky, clouds, or nearby habitat attractive to birds. When birds try to fly to the reflected habitat, they hit the glass. Reflected vegetation is the most dangerous, but birds also attempt to fly past reflected buildings or through reflected passageways, with fatal results.

Transparency

Birds strike transparent windows as they attempt to access potential perches, plants, food or water sources, or other lures seen through the glass, whether inside or outside. Large planted atria are frequent problems, as are glass balcony railings and “skywalks” joining buildings. The increasing trend toward glass used in landscapes, as walls around roof gardens, as handrails or walkway dividers and even gazebos is dangerous because birds perceive an unobstructed route through them to habitat beyond.

Black Hole or Passage Effect

Birds often fly through small gaps, such as spaces between leaves or branches, into nest cavities, or through other small openings that they encounter. In some light, the space behind glass can appear black, creating the appearance of just such a cavity or “passage” with unobstructed access through which birds try to fly.



Transparent handrails are a dangerous trend for birds, especially when they front vegetation. Photo by Christine Sheppard, ABC

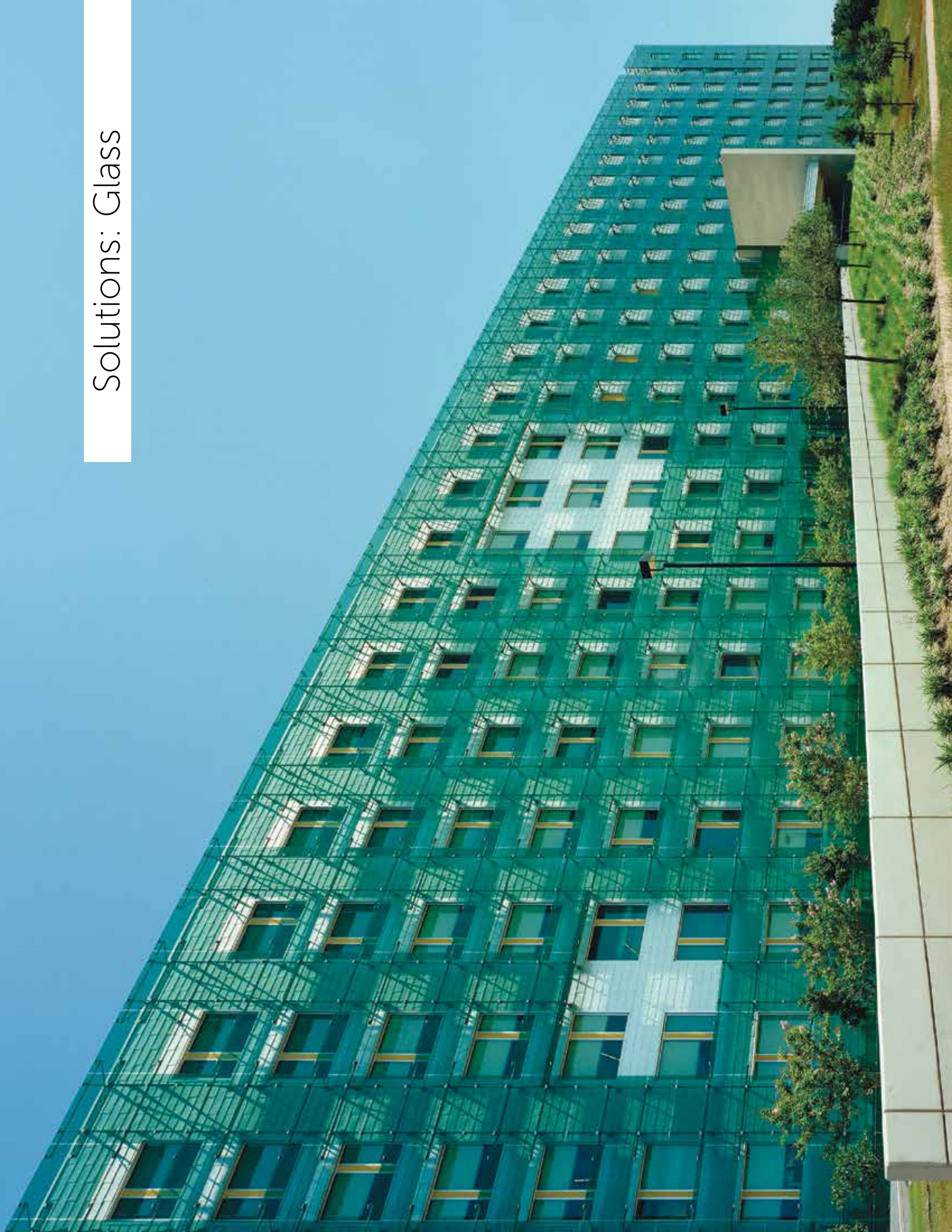


Large facing panes of glass can appear to be a clear pathway. Photo by Christine Sheppard, ABC



Mirrored glass is dangerous at all times of day, whether it reflects vegetation, sky, or simply open space through which a bird might try to fly. Photo by Christine Sheppard, ABC

Solutions: Glass



It is possible to design buildings that can reasonably be expected to kill few or no birds. Numerous examples already exist, not necessarily designed with birds in mind but simply to be functional and attractive. These buildings may have many windows, but their screens, latticework, louvers, and other devices outside, or patterns integrated into the glass, warn birds before they collide. Finding glass treatments that can eliminate or greatly reduce bird mortality, while minimally obscuring the glass itself, has been the goal of several researchers, including Martin Rössler, Daniel Klem, and Christine Sheppard. Their work, discussed in more detail in the Science chapter, has focused primarily on the spacing, length, width, opacity, color, and orientation of elements marked on glass, and has shown that patterns covering as little as 5% of the total glass surface can deter most strikes under experimental conditions. They have shown that as a general rule, most songbirds will not attempt to fly through horizontal spaces less than 2 inches high or through vertical spaces 4 inches wide or less. We refer to this as the 2 x 4 rule, and it is clearly related to the size and shape of birds in flight. (See chart on page 47).

Designing a new structure to be bird-friendly does not require restricting the imagination or adding to the cost of construction. Architects around the globe have created fascinating and important structures that incorporate little or no dangerous glass. In some cases, inspiration has been borne out of functional needs, such as shading in hot climates; in others, from aesthetics. Being bird-friendly usually has been incidental. Now, however, buildings are being designed with birds in mind, and materials designed for this purpose are multiplying. Until recently, retrofitting existing buildings has been more

(Opposite) The external glass screen on the GSA Regional Field Office in Houston, Texas, designed by Page Southerland Page, helps control heat but also reduces the likelihood of collisions. Photo by Timothy Hursley

difficult and costly than it is today. However, new materials are appearing and costs can be controlled by targeting problem areas rather than entire buildings.

Bird-friendly materials and design features often overlap in function with materials to control heat and light, security measures, and decorative design details. Bird-friendly building-design strategies also fall into three general categories, although all three could be combined in a single structure. These are:

1. Using minimal glass (Bronx Call Center, U.S. Mission to the United Nations)
2. Placing glass behind some type of screening (de Young Museum, Cooper Union)
3. Using glass with inherent properties that reduce collisions (Brooklyn Botanic Garden Visitors Center; Student Center at Ryerson University, Toronto; and Cathedral of Christ the Light)

Awnings and Overhangs (Not Recommended)

Overhangs have been frequently recommended to reduce collisions. However, there are many situations in which overhangs do not eliminate reflections and only block glass from the view of birds flying above. They are thus of limited effectiveness as a general strategy. Overhangs work best when glass is shadowed from all sides. Functional elements such as balconies and balustrades can block the view of glass, protecting birds while providing an amenity for residents.

Angled Glass (Not Recommended)

In a study (Klem et al., 2004) comparing bird collisions with vertical panes of glass to those tilted 20 or 40 degrees, the angled glass resulted in less mortality. Klem speculated that this was because the glass reflected the



The Brooklyn Botanic Garden's Visitors Center, designed by Weiss/Manfredi, was intended to be bird-friendly from its inception—a challenge, as it makes extensive use of glass. Photo @ Alber Vecerka, ESTO



Glass walls and doors at the Brooklyn Botanic Garden's Visitors Center include a custom fritting pattern that meets bird-friendly criteria. Monitoring for collisions after the building opened indicates that the design was successful. Photo by Christine Sheppard, ABC



Overhangs block viewing of glass from some angles, but do not necessarily eliminate reflections. Photo by Christine Sheppard, ABC



Reflections in this angled facade can be seen clearly over a long distance, and birds can approach the glass from any angle. Photo by Christine Sheppard, ABC

ground, not vegetation. Using angled glass has become a common recommendation as a bird-friendly feature. However, while angled glass may be useful in special circumstances, the birds in the study were flying parallel to the ground from nearby feeders, hitting the glass at acute angles, with less force than a perpendicular strike. In most situations, however, birds may approach glass from any angle.

Netting, Screens, Grilles, Shutters, Exterior Shades

There are many ways to combine the benefits of glass with bird-friendly design by incorporating elements that preclude collisions while providing light and views. Some architects have designed decorative façades that wrap entire structures. Decorative grilles are also part of many architectural traditions. Exterior, motorized solar screens and shades are effective at controlling heat and light, increase security, and can be adjusted to maximize view or bird and sun protection at different times. Netting, grilles, and shutters are common elements that can make glass safe for birds on buildings of any scale. They can be used in retrofit or be an integral part of an original design and can significantly reduce bird mortality.

Before the current age of unopenable windows, screens protected birds in addition to serving their primary purpose of keeping bugs out. Screens are still among the most cost-effective methods for protecting birds, and, if insects are not an issue, nearly invisible netting can often be installed. Screens and netting should be installed at some remove from the window so that the impact of a strike does not carry birds into the glass.

Several companies sell screens that can be attached with suction cups or eye hooks for small areas of glass. Others specialize in much larger installations. (Find sources at collisions.abcbirds.org).

Patterns on Glass

Ceramic dots, other types of “frits,” and other materials can be screened, printed, or otherwise applied to glass surfaces. This is often done to reduce the transmission of light and heat and can also provide design detail. In some cases, frit patterns are hardly visible, but when designed according to the 2 x 4 rule (see p. 47), patterns on glass can also prevent bird strikes. Patterns on the outside surface of glass deter collisions most effectively because they are always visible, even with strong reflections. This type of design, useful primarily for new construction, is currently more common in Europe and



A custom frit pattern was designed by Ennead Architects for Vassar College's Bridge for Laboratory Sciences building. Elements of the pattern occur on two separate surfaces, increasing visibility to birds in flight, who will see a constantly changing pattern that may appear to move. Photo by Christine Sheppard, ABC

Frit patterns behind highly reflective glass may not always be visible. However, in buildings like Skidmore Owings Merrill's Cathedral of Christ the Light, the frit pattern is always visible and the pattern should appear as a virtual barrier, deterring birds from flying into it. Photo by Christine Sheppard, ABC



American Bird Conservancy Model Bird-Friendly Building Guidelines

March 2025

If you are developing a new ordinance, ABC will gladly help you design it so that it meets your objectives and saves birds. Please contact us at collisions@abcbirds.org.

These model guidelines are intended to be a starting point for cities, towns, villages, counties, states, universities, businesses, and any other entity interested in regulating or guiding building construction to reduce bird collisions with glass. They describe a truly bird-friendly building.

Summarized simply, these guidelines are based on a 100/100/100 framework: 100% of all glass and other building materials should be bird friendly in the first 100 feet of 100% of buildings. The guidelines also specifically include making bird friendly all hazardous features and materials that cause collisions no matter where they are found.

Any group that adopts these guidelines as written will be at the leading edge of creating a bird-friendly built environment. However, many groups considering such guidelines will be interested in softening the language to exempt certain types of buildings or to reduce the amount of bird-friendly materials required. In anticipation of this, American Bird Conservancy (ABC) has created a discussion of the issues to be considered when revising this model (see [ABC's Legislation, Ordinances, and Codes](#)).

This model will be most commonly adopted as an ordinance to modify municipal building codes and is therefore written in that format. However, the text can be easily adapted to fit other building guidance formats.

ABC will revise these guidelines as new science, materials, techniques, and technologies become available, so please make sure that you have the most current version before you begin the process of creating your own guidelines. The most recent version can be found on ABC's website (see [ABC's Legislation, Ordinances, and Codes](#)).

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Marshall, VA 20115**

PROPOSAL NUMBER:

PROPOSAL NAME: Bird-Friendly Building Design Requirements

SPONSOR(S):

PURPOSE: This building ordinance has been created to address the role of the (*MUNICIPALITY*)’s built environment in the annual loss of up to 1 billion birds due to glass collisions in the United States.

WHEREAS, birds provide valuable and important ecological services,

WHEREAS, (*MUNICIPALITY*) has recorded (*XXX*) species of resident and migratory bird species,

WHEREAS, birding is a hobby enjoyed by 46 million Americans with an annual \$107 billion total industry output in the United States,

WHEREAS, as many as 1 billion birds may be killed by collisions with windows every year in the United States,

WHEREAS, new buildings can be designed to reduce bird deaths from collisions without significant additional cost,

WHEREAS there exist strategies to mitigate collisions on existing buildings,

WHEREAS witnessing a collision is an upsetting, sad event,

WHEREAS no person wants to live or work in a building that kills wildlife,

WHEREAS façades with more than 30% glass usually increase costs and CO2 emissions from heating and cooling,

WHEREAS, bird-friendly practices can go hand-in-hand with energy efficiency improvements,

And **WHEREAS** (*ANY ADDITIONS SPECIFIC TO THE MUNICIPALITY*),

NOW, THEREFORE, the (*LEGISLATIVE BODY*) of the (*MUNICIPALITY*) does hereby ordain as follows:

1. Section (*XX.XXX*) of the (*MUNICIPALITY*)’s General Ordinances is created to read as follows:
 - a. **DEFINITIONS**
 - i. Glass: All glass, including spandrel glass.
 - ii. Reflective and/or Transparent Non-Glass Materials: Any non-glass materials that are transparent or highly reflective, including but not limited to plexiglass and polished metal.
 - iii. Bird Activity Zone: The zone between 0 and 100 feet above grade.
 - iv. Auxiliary Structures: Structures that pose significant collision risks to birds wherever they are found, including but not limited to:
 1. Transparent or highly-reflective:
 - a. Railings, including balconies
 - b. Noise barriers



- c. Wind barriers (including in parking structures)
 - d. Transportation or weather shelters, including both private and public bus and train stops
 - 2. Small, stand-alone buildings that present conditions that can be both transparent and reflective:
 - a. Gazebos
 - b. External ticket booths
 - c. Any other free-standing glass, plexiglass, or other clear, transparent, or highly-reflective free-standing structure
- v. High-Risk Building Features:
 - 1. Skyways/skywalks
 - 2. All floors of building connectors
 - 3. All outside corners where a bird can see in one side of the building and out the other (“fly-through conditions”) within 30 feet of the corner
 - 4. All interior corners within 30 feet of the corner
 - 5. Glazing adjacent to courtyards
 - 6. Atria, open and enclosed
 - 7. Three floors of glazing adjacent to any green roof or partial green roof
- vi. Major Renovations and Additions Involving Glass: Any renovation in the Bird Activity Zone that:
 - 1. Replaces at least 25% of a structure’s existing glass or other transparent or reflective materials, or
 - 2. Adds any new glass or transparent or reflective materials
- vii. Bird-Friendly Glass: Glass or materials that meet any of the following conditions:
 - 1. Any product with an American Bird Conservancy Material Threat Factor Rating ≤ 30 . Visit birdsmartglass.org to view the continuously-updated database
 - 2. Any product that follows [American Bird Conservancy’s Prescriptive Rating Criteria \(abcthreatfactor.org\)](http://abcthreatfactor.org)
 - 3. Glass with exterior surface (surface 1) obstructed and effectively covered by building-integrated structures that do not have gaps larger than 12” in any dimension, including non-glass double-skin facades, metal screens, fixed solar shading, exterior insect or solar screens, and other features as determined by the (BUILDING DEPARTMENT OR SIMILAR) that meet these conditions.
 - 4. Continuous-surface materials, including spandrel glass and polished or brushed metals, whose surface 1 gloss reading follows the [ABC Prescriptive Rating Criteria \(abcthreatfactor.org\)](http://abcthreatfactor.org) to ensure that they do not produce strong reflections).

b. REQUIREMENTS

- i. 100% of the glazing for all building types must be Bird-Friendly Glass for the following projects:



1. All new construction in the Bird Activity Zone.
2. Major Renovations and Additions Involving Glass and Reflective and/or Transparent Materials in the Bird Activity Zone.
3. All Auxiliary Structures regardless of whether the rest of the building or project triggers these bird-friendly building requirements.
4. All High-Risk Building Features regardless of whether the rest of the building or project triggers these bird-friendly building requirements.



About the ABC Rating System

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What is a Threat Factor?

It is difficult to objectively define what makes glass “bird-friendly.” Although used frequently, the term ‘bird-friendly’ itself provides no specific guidance. Architects interested in designing a building that does not kill birds can select products for their insulation value, breaking strength, or a host of other characteristics, but until recently there was no system for specifying bird-friendly materials. Making analysis more difficult, the quality of being bird-friendly is more complex than a quality like insulation value because birds respond to the appearance of glass and this can vary dramatically for a single product as seen in the changing light of day, as well as under artificial light at night. Additional complexities such as IGU build, façade or freestanding installation, differing reflected environments and other factors make each situation unique. Contributing factors vary so much that an absolute measurement cannot be provided.

In 2010, experts from American Bird Conservancy and a team of architects interested in advancing the field of bird-friendly design developed the concept of Threat Factor (TF). This is a way to assign scores that provide a relative measure of how well materials with patterns of visual markers cause avoidance by birds in a standard, controlled test environment. These scores allow architects to use collision deterrence as a factor when designing buildings. The system also permits evaluation of products that can be applied to existing glass (retrofits). TFs also made it possible to create a credit for reducing bird collisions in the [LEED rating system](#) and have now begun to be included in legislation, like New York City’s Local Law 15 of 2020.

Where Do Threat Factors Come From?

Ideally, Threat Factors could be derived from monitoring collisions on glass at a collection of diverse, existing buildings, replacing that glass with a product under review, continuing to

monitor to see whether collisions are reduced and calculating the reduction. Unfortunately, this type of data is very rare and this type of test would be very costly. It would also take years to acquire enough monitoring data to reliably detect a trend for a single product and, importantly, it would kill birds. ABC realized the need to create practical ways to evaluate glass. Initially, TFs were derived only from a *tunnel test (described below)*. More recently, data from field trials and other types of testing have been factored in.

Assigning Threat Factors Using Tunnel Testing

In 2003, Martin Rössler and Thomas Zuna-Kratky (2004) created the first “tunnel” at the Hohenau-Ringelsdorf Biological Station (Austria), to test proposed solutions to bird collisions on freestanding noise barriers. ABC's tunnels, using a second-generation design (Rössler et al., 2007), followed in 2009 and 2021. Tunnel testing is a non-injurious, standardized binomial choice technique that uses wild songbirds to determine the relative effectiveness of different patterns of visual markers at deterring bird collisions. In the U.S., tunnel testing takes place at American Bird Conservancy's tunnel at either the [Carnegie Museum of Natural History's Powdermill Avian Research Center](#) or at [Washington College's Foreman's Branch Bird Observatory](#).

In a test flight, a bird flies down a completely dark space, the ‘tunnel’ (Figure 1), toward light at the far end, where side-by-side panels of glass appear to offer exit routes (Figure 2). One of these panes of glass is clear, unmarked glass (the control, invisible to the bird) and the other has the pattern of visual markers under evaluation (the test pane). A net ensures that the bird is safely stopped before it can hit the glass. After one trial, the bird is immediately released. When few birds fly to the patterned glass, we believe that they see and are avoiding the visual markers. For a detailed description of the Powdermill and Hohenau tunnels, see Sheppard (2019) and Rössler et al. (2007).



Figure 1. Test Tunnel at Foreman's Branch



Figure 2. View of glass samples

Specimen Performance Index (SPI) of a material is calculated by flying at least 80 individual birds down the tunnel and recording the percent that fly toward the test pane. For example, suppose 80 birds flew down the tunnel, with 20 flying toward the test pattern and 60 toward the control.

25% (20/80) of the birds flew toward the test pattern and it would have SPI of 25. If there is no additional information, for example, from a field trial, then the TF is equal to the SPI.

Important considerations

- SPIs and TFs *do not* warranty the actual percent reduction in collisions to be expected when a product is installed on a building. In fact, the same product may perform better or worse due to facade orientation in the same building, façade detail creating traps or channels, habitat reflected, whether the glass is free-standing and other variables. Threat Factors are an index, measuring the relative response to different patterns and different glass builds by songbirds flown in the tunnel. However, where monitoring data on tunnel-tested products are available, they confirm that products with lower threat factors yield fewer collisions. **ABC defines “bird-friendly” materials as having a threat factor ≤ 30 , corresponding to a conservative estimated reduction of collisions of at least 50% under real world conditions.**
- The lower the, the more effective the tested material will be at reducing collisions. This has been confirmed when data is available. However, the relationship between TF score and effectiveness does not appear to be linear, so one cannot say that a pattern with TF=15 is twice as effective as a pattern with TF=30.
- Strong reflections can reduce pattern effectiveness by obscuring the visual markers during part or all of the day, if the pattern is on an inside surface of the glass. Reflections vary with insolation and with the angle of view, from the strongest reflections at acute angles to the weakest reflections when glass is viewed head on (Figure 3)

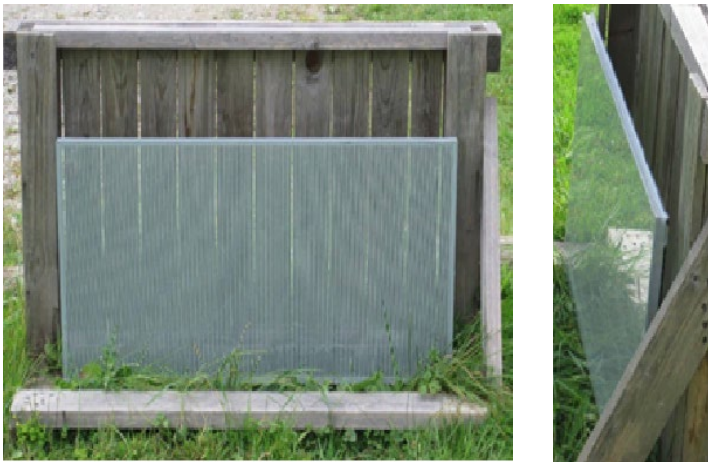


Figure 3: A single piece of glass with frit on surface 2, viewed head on (left) and from the side (right): The reflection is much stronger at an acute angle than it is head on. This glass has a surface reflectivity < 14%. However, for a bird to view this glass at an angle where there is a dangerous reflection, it would be flying almost parallel to the glass surface, where a collision would be unlikely to cause injury.

- ABC's tunnel test cannot replicate the range of possible reflections on a glass sample, so our tests model situations where a pattern is visible against a competing view. In the tunnel, birds see visual markers against a complex background (seen in figure 2), modeling situations where either the glass has only a moderate reflection or when birds can see through the glass to a landscape beyond. While it might seem at first that “reflection” and “see-through” conditions are quite different, in this context they are similar. In figure 4a, below, we cannot determine whether the image is a photo of a tree, a tree seen through a window, or the reflection of a tree. With the information in 4b, showing mullions, a crack, and right angles, we know glass is involved, but only with the information in figure 4c can we confirm that the image is a reflection and that we are not looking out the window at trees.



Figure 4a.



4b.



4c.

- ABC does not test materials with greater than 15% reflection (VLR) at the exterior surface of the glass, unless the visual markers are on the outside surface, or our BirdVis app (see appendix II) shows that there is sufficient contrast for markers to show through reflections.
- Because reflections on glass are both site and product specific, reflections should be considered early in the design process. Recommended design phase analysis ideally involves samples of glass viewed on the project site from a variety of angles, at different times of day, and with all potential site-specific reflections taken into consideration.

Spacing of Visual Markers

Where early recommendations, based on research by Klem (1990) and Rössler et al. (2007), showed that horizontal lines spaced 2" (5cm) apart and vertical lines spaced 4" (10cm) apart significantly reduced collisions, subsequent monitoring showed that the 4" spacing does not stop collisions by the smallest birds, especially hummingbirds. The spacing guideline for the Prescriptive Rating Option assigns a lower score when there is 2" (5 cm) spacing between the pattern's visual markers vertically and horizontally and a higher score for patterns with 4" (10 cm) horizontal spacing. Two inch (5 cm) spacing for two-dimensional patterns on glass or window film is now typically recommended in Canada (Canadian Standard A460) and increasingly in the United States. Thus, what was once the '2x4 rule' is now the '2x2 rule'. However, 2x4" spacing has been demonstrated to reduce collisions significantly and materials based on that guideline can still receive a 'bird-friendly' TF rating.

Visual Acuity

For a pattern of visual markers on glass or other materials to successfully deter bird collisions, birds must be able to perceive it in time to change course. The pattern of visual markers must be of an appropriate size and spacing and must be distinguishable from the both glass and any reflections or the view through the glass (e.g., habitat, sky, water, a potential flight path, etc.). We have adopted 9'-9' ½" (3 meters) as the standard viewing distance from which birds must be able to detect the pattern, following Ros et al. (2017).

Our instinct is to use human vision as a proxy for what birds can see. However, birds can see more colors and even perceive the earth's magnetic field, while humans have much better visual acuity. 'Visual acuity', the ability to resolve spatial features depends on the size of the eye and the number of photoreceptors in the retina. Songbird eyes are much smaller than human eyes. Because of this, birds, particularly small birds like songbirds, have very poor visual acuity in comparison to humans. Therefore, a pattern that appears quite visible to us may not be apparent at all to birds (Caves, Brandley and Johnsen, 2018).

Ultraviolet Patterns

Products with UV patterns should be considered carefully for some applications: Materials with ultra-violet patterns will vary in effectiveness with the amount of UV light present. This means that when the UV index is low – under low light conditions in early morning or evening or if the glass is shaded, or when it is overcast – UV patterns will be less visible to birds. In addition, not all types of birds can see UV. For example, songbirds can see UV, raptors and pigeons cannot.

Assigning Threat Factors Without a Tunnel Test

Not all materials need to be tunnel tested, specifically materials that are similar to others previously tested. ABC partners with the Bird-Safe Buildings Alliance (BSBA), a group of architects experienced in bird-friendly design, conservation biologists, and others with collisions expertise, to provide TFs for materials similar to those already rated. These ratings are very conservative: the rating assigned is the maximum expected TF; lower ratings might be obtainable through actual tunnel testing.

TFs can be assigned by review, instead of by tunnel test, to products that: a) were tested using other, peer-reviewed protocols that ABC and BSBA have determined to be equivalent or translatable to tunnel testing scores, b) were studied by scientists or experienced building collision monitors with a documented reduction in collisions of at least 50%, or c) comply with ABC's Prescriptive Rating Option (Appendix III). The Prescriptive Rating Option describes only a subset of materials that can be rated by other methods.

Appendix I. Definitions

Acid Etch: the use of hydrofluoric acid on glass to create translucent visual markers with texture and a 'frosted' appearance.

Exterior Visible Light Reflection (VLR): Net Exterior (measured at surface 1) reflection of complete glass build, including any coatings, (for the purpose of the prescriptive rating option, the VLR excludes visual markers)

Gloss reading of markers (60°): Please see ASTM D523 Standard Test Method for Specular Gloss

Opaque: Visible Light Transmission (VLT) = 0

Pattern: Spatial arrangement and dimensions of visual markers on glass.

Visual Contrast: A difference in visual appearance of two surfaces sufficient for birds to distinguish between the two surfaces.



Compliance and Enforcement Division Report June-September 2026

Prepared by CAED Enforcement Officer John Callagy

- As of September 7th, we have 151 complaints for 2026. Twenty-three of them are currently open and being investigated by various law enforcement and town agencies, such as BEAST, DEC, Southampton and Brookhaven.
- Our dumping cases have dramatically increased this summer, particularly around North Street in Manorville, so we've increased our daily patrol time to cover more ground and stay on top of documenting cases. We've also installed additional surveillance cameras throughout new hot-spot areas of the Pine Barrens.
- We've been working on a clean-up initiative and have been in contact with multiple town, county and state agencies to clean up abandoned materials left in the woods, on hiking, hunting and powerline trails throughout the Pine Barrens. We've also removed 11 truckloads of abandoned materials ourselves during daily patrols.
- We've received multiple dumping, clearing and encroachment tips from residents calling to report their neighbors. DEC and townships have been working closely together to resolve these issues.

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

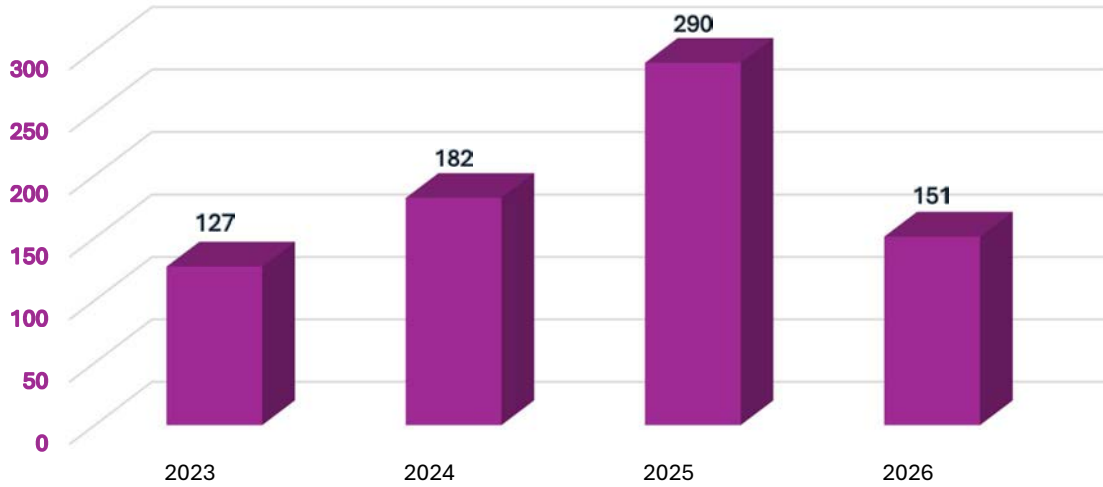
Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
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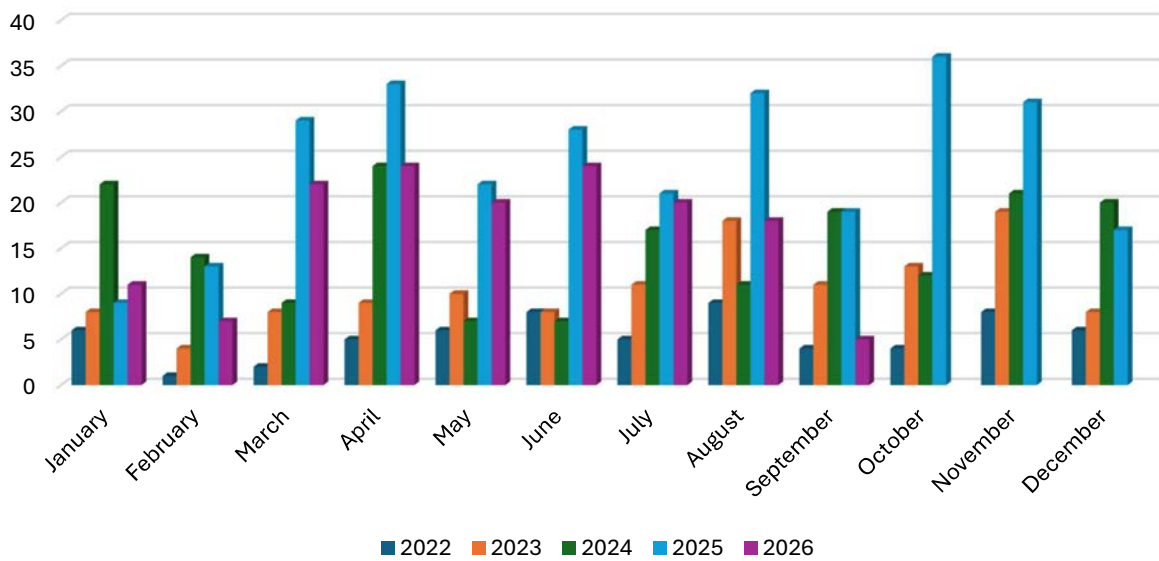
Phone (631) 288-1079
www.pb.state.ny.us

Incident Statistics - Reporting Period 2023 - 2026				
Year	2023	2024	2025	2026
Intake				
Sent by Agency to Commission	17	9	4	3
Discovered by Commission Staff	104	163	280	143
Called in by Individual to Commission	6	10	6	5
Total Incidents Reported	127	182	290	151
Location of Incident				
Brookhaven	69	102	187	111
Southampton	50	75	93	36
Riverhead	8	5	10	4
Occurring on Public Land	79	158	268	101
Occurring on Private Land	23	22	22	50
Occurring on Public & Private Land	25	0	1	
Core	78	140	213	112
Compatible Growth Area (CGA)	39	30	62	37
Core & CGA	1	0	1	1
Outside CPBA	9	10	14	1
Nature of Incident*				
Clearing/Encroachment	20	21	32	12
Structures	2	1	0	
Dumping	103	153	254	137
Mining	0	1	0	
Hunting	1	0	0	
ATV	0	0	0	
Other	1	2	4	2
Referrals*				
Sent to Town	6	4	22	7
Sent to County	36	31	32	28
Sent to State	33	17	18	10
Commission	8	1	0	106
Sent to AG	0	0	0	
Other	37	16	14	
Status				
Founded	125	179	288	151
Unfounded	2	1	2	
Open	52	51	77	48
Closed	75	131	213	103
Inspections				
Conservation Easement Inspections	0	0	6	5
Development Project Inspections	0	0	5	9

Complaints by Year
as of September 2026



Complaints Month/Year





**Office furniture dumped off
North Street in Manorville**



**Refrigerator dumped off
Whiskey Road in Rocky Point**



**Livingroom furniture set dumped off
Weeks Avenue in Manorville**



**Furniture and garbage dumped off
North Street in Manorville**



**Carpets and construction debris dumped off
Mill Road in Manorville**



**Couch and CO2 tanks dumped off
North Street in Manorville**



**RV abandoned on
Lane Road in Manorville**



**Mattresses dumped off
Mill Road in Manorville**

Educational Outreach and Communications Division Update

September 2026

Submitted by Tim Motz, Educational Outreach and Communications Coordinator

Barrens to Bay Summer Camp

- **The 2026 camp was a big success, with 120 campers (full capacity) attending six sessions between June 30 and August 14.**
- **This year, we added a number of new activities in keeping with our goal of making the camp as fun and educational as possible. We are constantly seeking new ways to engage our campers about the wonders of the Central Pine Barrens. New activities this summer included:**
 1. **Creation of Educational Videos.** We engaged all campers in each session in a short video focusing on the opossum, giving campers roles in talking about various attributes of the marsupial. The video will be distributed via social media this fall.
 2. **Plant Karaoke.** Animals tend to take center stage at camp, so this activity, in which campers create lyrics to a popular song with words devoted to the attributes their favorite Central Pine Barrens flora, helps to focus attention on plant life. The students, in small groups, then performed their work for the full group.
 3. **Recycle Lottery.** Campers picked ping pong balls with the names of various art forms—poem, song, one-act play, etc.—from a drum and then created and performed a routine in their chosen medium focusing on the importance of reduce, reuse and recycle.
 4. **Nature Scrapbooking.** One of several new crafts added had the campers artistically create a scrapbook page out of patterned construction paper and then collect plant life samples at the refuge and arrange them artfully on their paper.

Central Pine Barrens Discovery Day

- **We're thrilled this year to be bringing back to the calendar a former Central Pine Barrens Commission institution, Pine Barrens Discovery Day (now called Central Pine Barrens Discovery Day), which stopped during the Covid years. The event will be held on September 12 at Wertheim National Wildlife Refuge and already has well over 200 RSVPs as of this writing and will feature many of the exciting, nature-oriented activities of the past (birds of prey, fish from the aquarium, nature walks,**

creating your own bonsai pitch pine tree, etc.) We hope this edition will be better than ever and serve as a building block for putting this event back on the annual schedule.

A Day in the Life Program

- **A Day in the Life will begin on Friday, September 25 and the division is hard at work on setting up all logistics, including assisting the dozens of participating schools with their sites, lining up their experts, seeking permit waivers from municipalities, arranging to loan them equipment and other tasks.**
- **The program in late August held an in-person training event at Wertheim National Wildlife Refuge at which teachers and assisting experts learned hands-on all tasks in the ADITL workout and junior workbook.**
- **Additionally, we will host on Thursday, September 17 our third annual online forum to go over with teachers this year's schedule and logistics; go over the workbook and data collection procedures; have some of our more seasoned teachers discuss how they incorporate ADITL work and data into their curricula; and answer any questions teachers may have.**
- **This year's ADITL program will be held at 14 sites over seven fall Fridays. More than three dozen schools are participating along with approximately 100 teachers and 2,000 students. We are pleased to welcome Girl Scouts Troop 2411 to our Nissequogue River event and have tentatively scheduled the Elwood school district for that event as well, pending administration approval.**

A few Barrens to Bay Summer Camp photos...





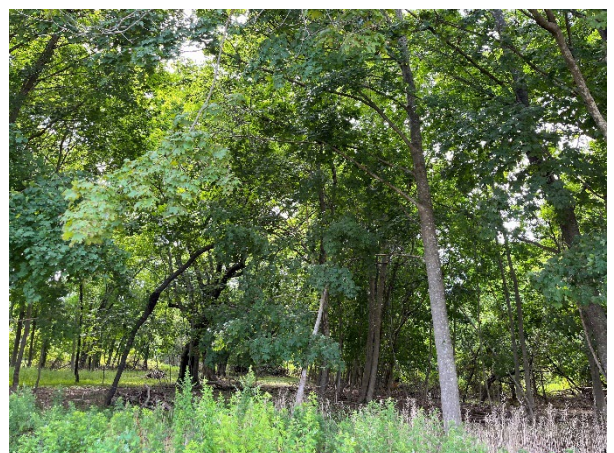


Central Pine Barrens Joint Planning and Policy Commission
Land Use Division Bi-Monthly Update for the Meeting of Wednesday, September 16, 2026

Action	Central Pine Barrens Location		
Municipality	Brookhaven Town	Riverhead Town	Southampton Town
Pending Applications, Requests for Determination of Jurisdiction, SEQRA Coordination, inquiries, proposals, items and other activities	• CGA Hardship: Oakcrest, Middle Island. Expansion of nursing facility and parking. Decision deadline 10/1/26. • Determination: Hegeman's Farm, Manorville, CGA. • Inquiry: Dairy Queen, Coram, CGA. • Inquiry: Clancy Street Food Corp soil borings, CR 111, Manorville, Core.	None	The Hills at Southampton Mixed Use Planned Development District Local Law and Southern Pine Beetle monitoring report
Commission, Boards, Councils and Committees, Coordination Division Activity, Regional Projects	• Review and analysis of land use development project applications for Core Preservation Area and Compatible Growth Area Hardship waivers, SEQRA Coordination, interagency referrals, information requests, property inquiries, requests for determination of jurisdiction and conformance reviews. Development projects include residential and commercial, industrial, mixed uses, zone changes, site plans, subdivisions, Developments of Regional Significance, Assertions of Jurisdiction, Critical Resource Areas and other development activities. • Monitor sites for compliance with decisions and conditions of approval. • Perform site inspections and land use surveys for applications. • Provide technical support on FOIL requests, compliance and enforcement violations, consent orders, Credit Program items, communications on land use matters, unauthorized development, clearing activities and protected land encroachments. • Renew USGS-Commission water resources monitoring contract for period of 2027 to 2029. • Distribute outreach materials to partners at the Pine Barrens Information Center at Southaven County Park, Yaphank and the Raymond P. Corwin Trail Center, Manorville. • Commission website updates including land use and planning items and seasonal changes.		



Oakcrest, Middle Island



Hegeman's Farm, Manorville



New York Wildfire & Incident Management Academy (NYWIMA)

2026 Academy Update

Planning for the 2026 New York Wildfire & Incident Management Academy (NYWIMA) is underway, with two training sessions scheduled for November and December.

Fall Academy – November 14–20, 2026

The Fall Academy will be held at Suffolk County Community College's Eastern Campus in Riverhead. This new partnership provides NYWIMA with classroom, meeting, and field-training space to support a variety of wildfire, emergency management, and incident management courses.

The 2026 Fall Academy is scheduled to offer the following courses:

- **FI-210_Wildland Fire Origin & Cause Determination**
- **RX-310_Introduction to Fire Effects**
- **S-130/190_Introduction to Wildland Fire Behavior (Field Day Only)**
- **S-131_Firefighter Type 1**
- **S-200_Initial Attack Incident Commander**
- **S-215_Fire Operations in the Wildland/Urban Interface**
- **S-219_Firing Operations**
- **S-230_Crew Boss (Blended)**
- **S-290_Intermediate Wildland Fire Behavior (Blended)**
- **S-359_Medical Unit Leader**
- **RX-410_Smoke Management Techniques**
- Additional incident management and specialized training opportunities as scheduling and instructor availability are finalized.

NYWIMA is continuing to work with federal, state, county, local, and other partner organizations to finalize instructors and course logistics.

December Academy – December 5–11, 2026

A second Academy session is scheduled for **December 5–11, 2026, at Brookhaven National Laboratory (BNL).**

The December session will focus on courses that are particularly well suited to BNL's facilities and field-training opportunities. Current plans include:

- **S-112_Wildland Fire Chainsaws**
- **S-244_Field Observer**
- **S-130/190_Introduction to Wildland Fire Behavior (Field Day Only)**
- **S-236_Heavy Equipment Boss (Single Resource)**
- Additional courses may be added based on instructor availability and partner-agency needs.

Program Update

NYWIMA continues to expand training opportunities for firefighters, emergency responders, incident management personnel, and natural resource professionals throughout New York State and beyond. The Academy remains focused on providing nationally recognized wildfire and incident management training while strengthening partnerships among the agencies and organizations responsible for emergency preparedness and wildfire response.

Planning for both 2026 sessions is ongoing, and course offerings remain subject to final instructor and facility availability. Registration information and the final course schedule will be distributed as they become available.

NYWIMA Financial Update

As part of the Academy update, the current balances of the NYWIMA banking accounts are as follows:

Checking Account: \$42,066.96

Savings Account: \$12,870.83

These funds support Academy operations, including instructor expenses (travel, per diem), course materials, equipment, and other expenses associated with delivering NYWIMA training programs.

Wildfire Task Force

The Central Pine Barrens Wildfire Task Force held its quarterly meeting on June 24, 2026, at the Hampton Bays Fire Department. The meeting provided an opportunity for representatives from local, county, state, and federal agencies and the fire service to discuss current wildfire preparedness and ongoing initiatives within the Central Pine Barrens.

Updates and discussion included the current fire weather and seasonal wildfire outlook, as well as ongoing coordination among Task Force agencies regarding wildfire preparedness and response.

The Task Force also received updates on the Southampton Community Wildfire Protection Plan (CWPP). Work continues on the development of the plan, which is intended to identify wildfire risks, community priorities, and mitigation strategies within the project area.

Additional discussion included an update on wildfire detection camera technology and its potential role in providing earlier identification and monitoring of wildfire incidents. Members also discussed ongoing air-to-ground wildfire training and coordination, with an emphasis on strengthening communication and operational readiness among responding agencies.

The meeting continued the Task Force's focus on interagency coordination, training, preparedness, and improving wildfire response capabilities throughout the Central Pine Barrens.

The next Wildfire Task Force meeting is scheduled for September 23, 2026.

Item 2.e. Pine Barrens Credit Program Report for September 16, 2026:

Activities in the Credit Program for 2026 included review of applications for Letters of Interpretation, Conservation Easements, Credit Program and FOIL requests management. Some specific work items include:

- Letters of Interpretation: Seven LOIs were issued and two parcels were inspected. Staff is following up on past LOIs for interest in the Program.
- Conservation Easements: Review and Monitoring
 - Four easements have been recorded, which generated 5.6 credits.
 - Eight easements are currently in progress.
 - 51 easement properties with road access were inspected.



- Pine Barrens Credits
 - Redeemed: 19.3 Credits have been redeemed for commercial and residential projects.
 - Conveyed: 16.71 Credits have been sold in the Town of Brookhaven, Riverhead and Southampton.
 - The average price is \$125,575 per credit.
- Credit Clearinghouse Program Fund Account
 - Balance: \$3,286,312.
 - The Clearinghouse owns 2.29 Credits.

- The Pine Barrens Credit Program is administered by a five-member Credit Clearinghouse Board of Advisors. Currently there are three active members:
 - o James T.B. Tripp, Esq., Chairman
 - o Mitchell H. Pally, Esq., Member
 - o Robert Anrig, Member
- The last Credit Clearinghouse Board of Advisors meeting took place on March 1, 2023.

Pine Barrens Credit Program Statistics Table: represents figures for the total and annual summary of 2026.

Easement Protected Lands and Pine Barrens Credits As of September 9, 2026								
	Brookhaven	2026	Riverhead	2026	Southampton	2026	Total	2026
Parcels	535	3	37	1	471	-	1043	4
Acreage	841.04	7.37	516.78	0.14	889.51	-	2247.33	7.51
Average parcel size	1.57	2.46	13.97	0.14	1.89	-	2.15	2.60
Credits generated	554.89	4.63	174.39	1	340.26	-	1069.54	5.63
Credits redeemed	435.41	6.64	147.53	2.40	204.12	10.26	787.06	19.3
Credits not redeemed	119.48	-2.01	26.86	-1.4	136.14	-	282.48	-13.67
Credits sold		9.75		1.90		5.06		16.71
Total value of PBC transactions		\$1,390,150		\$187,000		\$521,200		\$2,098,350
Average Credits value		\$142,579		\$98,421		\$103,004		\$125,575
Credits owned by the Clearinghouse	2.29		-		-		2.29	
# of Inspected CE Parcels		37		1.00		14	-	52
# of Installed CE Signs	144	3	15	-	91	-	250	3



CENTRAL PINE BARRENS COMMISSION

Science And Stewardship Program

Bimonthly Report

September 16, 2026

SUNY ESF Interns: Air Curtain Burner Research

The SUNY ESF interns ended their season at the end of July. It was a successful partnership with staff from ESF, the CPBC, DEC, and BNL working together to accomplish their research goals for the year. In total, 135 plots were surveyed for basal area, percent canopy, fuel loading, herbaceous cover, and seedling and sapling counts. Surveys were conducted at Rocky Point, Sarnoff, and at BNL. The interns also assisted the DEC in marking trees for future management actions that will occur during the winter months, in keeping with the Northern Long-eared Bat cutting restrictions in Suffolk County.

Southampton CWPP

The Southampton CWPP has continued to progress. SWCA staff and I reviewed all the recommendations that had been made throughout the various public, core, and internal discussions and have addressed all comments on said recommendations. The recommendations are arguably one of the most important aspects of the CWPP. SWCA is currently reformatting this section and will be sharing it with the core team by the end of September 2026.

Additionally, SWCA provided the Commission with the first draft of Chapter 4 of the CWPP, which describes the methodology and modeling of the environmental variables that are informing the CWPP analysis of the Southampton area of the Central Pine Barrens. Comments were provided to SWCA on this chapter which should be revised also by the end of September 2026.

A second public meeting has been scheduled for October 29, 2026, from 6-8PM at the Westhampton Beach Fire Department. Representatives from SWCA will be joining Commission staff in hosting the event. Go-bags will be provided to all attendees and efforts are underway to get the word out to improve upon the attendance from the first public session.

Conservation Management Action Plan

The Conservation Management Action Plan has continued to be developed, and the initial draft narrative is nearing completion. The narrative is currently 70 pages in length, without pictures, diagrams, or graphs. The last sections to be written are the environmental recommendations for estuarine habitats that interact at the edge of the Pine Barrens which will discuss issues like diadromous fish and barrier mitigation, Diamondback Terrapin nesting, and



CENTRAL PINE BARRENS COMMISSION

Science And Stewardship Program

Bimonthly Report

September 16, 2026

tidal wetland migration as it relates to sea level rise. These recommendations will be followed up by brief discussions and recommendations on land use and policy, such as land acquisition for conservation and bird-friendly glass techniques, and education and outreach efforts that can supplement environmental conservation efforts. The last section focuses on funding and the benefits of working in partnerships.

Draft versions of the initial plan's narrative should be ready to begin the review, comment, and editing phase by the end of the year. During this time visual references (ex. pictures, graphs, tables, etc.) will be identified, appendix sections will be developed, and the initial formatting of the entire document will begin.

Remote Sensing Equipment

All equipment purchases of the remote sensing equipment have been completed. The initial cost estimate was \$125,000. The final total was under budget at \$121,973.41.

The bioacoustic equipment has already been deployed (see below) and the first LiDAR scans are coming soon. UAS equipment use is awaiting approval of the insurance for operational safety. UAS sensor training and initial data collection flights will begin shortly thereafter and continue into the fall as time and the weather allows.

Bioacoustic Deployment

On August 17, 2026, bioacoustic recorders and trail cameras were placed at four locations around the Dwarf Pine Plains. Placement locations include areas impacted by the 1995, 2014, and 2025 wildfires. Sound recordings start one hour before sunrise and end one hour after, then begin again during the one hour before and after sunset. Recorder locations are identified in GPS and sync to satellites to maintain accurate timing of the recording periods. The recorders will be deployed until October 19, 2026, with data collected for the majority of the fall migration.

After the first week, memory cards were swapped out so the first recordings could be used in conjunction with the analysis software while the rest of the survey continued. Initial results have been very positive with species of interest (i.e. Eastern Whip-poor-will) already identified in the recordings (see Figures 1 and 2). Songs and calls found in the initial recordings can be used to find similar calls from future recordings thereby expediting analysis of the entire data set.



CENTRAL PINE BARRENS COMMISSION

Science And Stewardship Program

Bimonthly Report

September 16, 2026

Currently, all recording stations are operational and collecting both audible and ultrasonic data. Field checks of each deployment location are being conducted weekly. Ultrasonic recordings will be used to document seasonal bat activity while the audible recordings are being analyzed for bird occurrence during the migration.

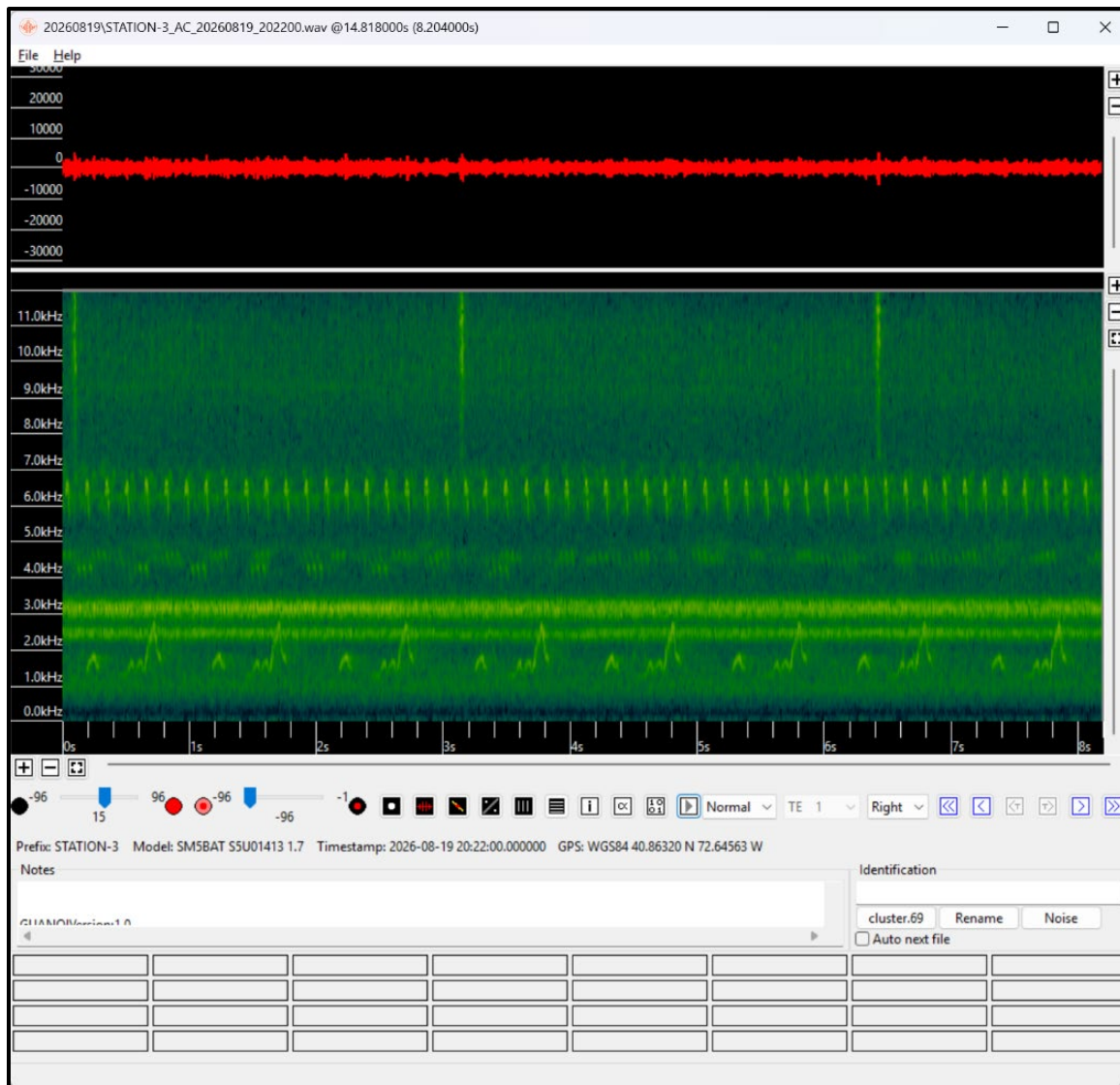


Figure 1: Spectrograph (green section) and audio wavelength (red section) of a bioacoustic recording of Eastern Whip-poor-will and various other auditory features.



CENTRAL PINE BARRENS COMMISSION
Science And Stewardship Program
Bimonthly Report

September 16, 2026

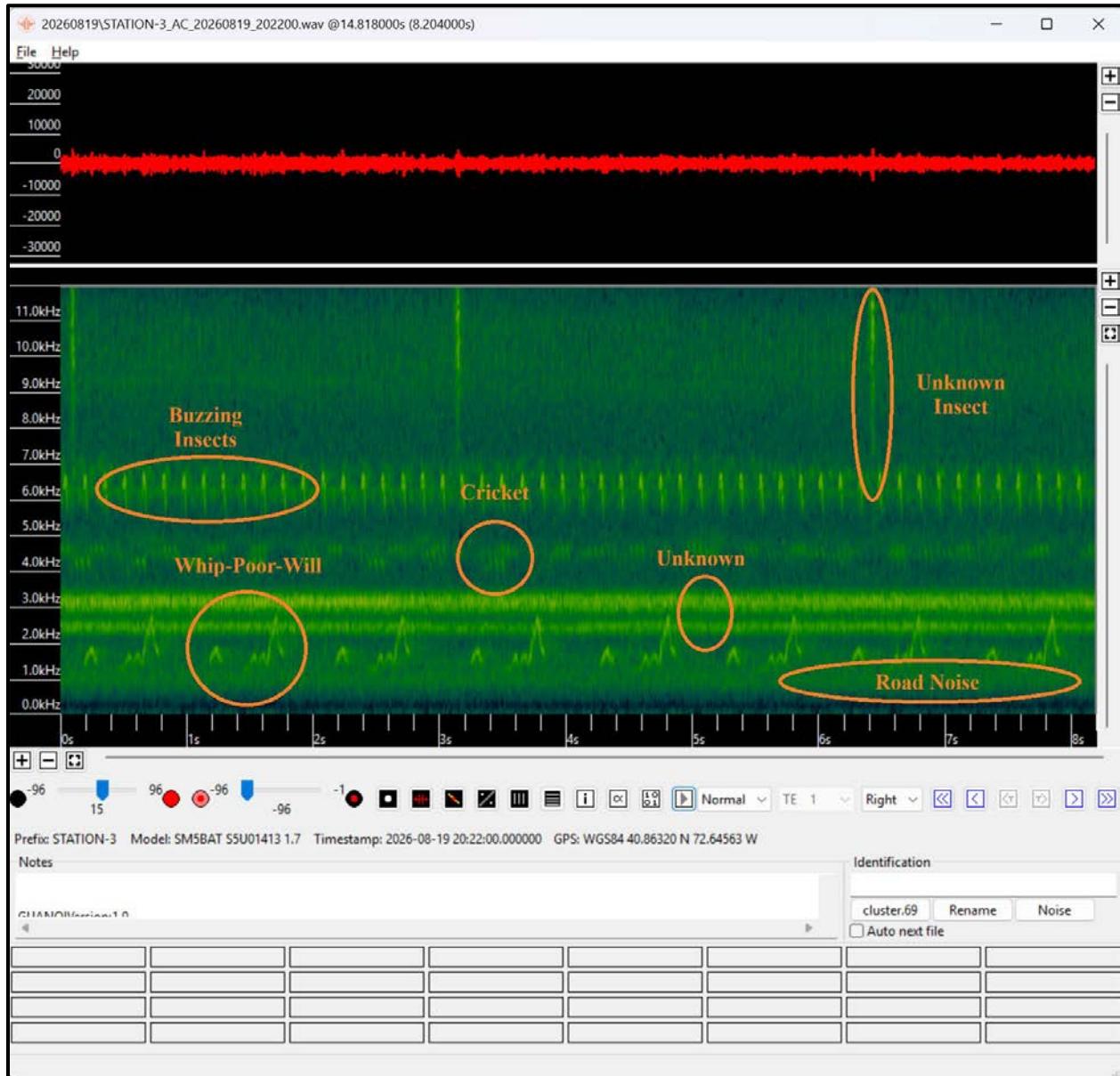


Figure 2: The same image as Figure 1 with the auditory features of the spectrograph labeled. The pattern for the Eastern Whip-poor-will can be used to search for more occurrences of the same auditory features to find similar calls in future recordings.

UAVWF

Invoice

OK TO PAY
CENTRAL PINE BARRENS
G/L NUMBER 590013
COST CENTER NUMBER 70000
ORDER NUMBER 101107



**WILDLAND FIRE &
INCIDENT MANAGEMENT ACADEMY**

Bill To:

NYWIMA
Central Pine Barrens Commission
Attn: Judy Jacobsen
624 Old Riverhead Rd
Westhampton Beach, NY 11978

Invoice #: 2025-255
Invoice Date: 6/30/26
Customer ID: NYWIMA

Quantity	Name	Description	Unit Price	Total
		2025 NYWIMA – October & December 2025		
1	2025 Registration	Support and set-up for 2025 NYWIMA	51.75 hrs x \$45.00	\$2,328.75
		See attached spreadsheet for breakdown of time		
1	Reg Software	Events Air User for registration platform	\$2,160.00	\$2,160.00
		Current User Fee \$4,166 – discounted		
30	NFES 1077	Incident Response Pocket Guides	\$6.00 each	\$180.00
1	Directnic	NYWIMA.com domain – 2-year renewal	\$44.90	\$44.90
		DNC Holdings – 6/3/25 expires June 2027		
			Subtotal	\$4,713.65
			Tax	NA
			Miscellaneous	NA
			Balance Due	\$4,713.65

PO Box 1777 Phone: 719-589-1400
Alamosa, CO 81101 Fax: 719-589-1401
Email: wfischer@cwfima.org
Website: www.cwfima.org

Routing # 071922777 | Account # 7811583501 | Payable to: SWCA, Incorporated | Business Checking Account: First American Bank
Notification: payment@swca.com | Physical Remittance: P.O. Box 7217, Carol Stream, IL 60197- 7217 | EIN: #86-0483317

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

June 30, 2026

Invoice No: 248722
Project Manager: Ari Porter
Project No: 00099294-000-AMH

Invoice Total \$7,577.95

Central Pine Barrens Joint Planning and Policy Commission CWPP
RFP NO. 1659

Professional Services from May 24, 2026 through June 20, 2026

Phase 01 Community Wildfire Protection Plan Content

Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist V	5.00	110.70	553.50	
Environmental Resources-Specialist X	3.00	170.10	510.30	
Totals	8.00		1,063.80	
Total Professional Services				1,063.80
			Total this Phase	\$1,063.80

Phase 03 Community Background Information, Fire History, and Fire Occurrence Data Collection

Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist X	.50	170.10	85.05	
GIS/CADD-Specialist V	2.50	110.70	276.75	
Totals	3.00		361.80	
Total Professional Services				361.80
			Total this Phase	\$361.80

Phase 04 Conduct Hazard and Risk Analysis

Professional Services

	Hours	Rate	Amount	
Accounting/Finance-Specialist III	.25	93.60	23.40	
Environmental Resources-Specialist V	.50	110.70	55.35	
Environmental Resources-Specialist X	1.00	170.10	170.10	
Totals	1.75		248.85	
Total Professional Services				248.85

Reimbursable Expenses

Meals			141.48	
Total Reimbursable Expenses	1.1 times	141.48		155.63
			Total this Phase	\$404.48

Phase 05 Develop Strategies and Recommendations

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and	Invoice	248722
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Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist XI	3.75	186.30	698.63	
GIS/CADD-Specialist V	2.00	110.70	221.40	
Planning-Specialist II	33.75	81.90	2,764.13	
Totals	39.50		3,684.16	
Total Professional Services				3,684.16
			Total this Phase	\$3,684.16

Phase 06 Develop Action Plan and Monitoring and Evaluation Strategy

Professional Services

	Hours	Rate	Amount	
Accounting/Finance-Specialist III	.25	93.60	23.40	
Environmental Resources-Specialist X	2.50	170.10	425.25	
Totals	2.75		448.65	
Total Professional Services				448.65
			Total this Phase	\$448.65

Phase 07 Develop the Draft Community Wildfire Protection Plan

Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist V	.25	110.70	27.68	
GIS/CADD-Specialist V	.75	110.70	83.03	
Planning-Specialist II	15.00	81.90	1,228.50	
Planning-Specialist VI	1.00	123.30	123.30	
Totals	17.00		1,462.51	
Total Professional Services				1,462.51
			Total this Phase	\$1,462.51

Phase 10 Design and Facilitate Public Outreach and Awareness

Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist XII	.75	203.40	152.55	
Totals	.75		152.55	
Total Professional Services				152.55
			Total this Phase	\$152.55

Contract Limits	Current	Prior	To-Date
Total Billings	7,577.95	51,030.70	58,608.65
Limit			174,955.50
Remaining			116,346.85

PLEASE PAY THIS AMOUNT =====> \$7,577.95

For any questions regarding this invoice please contact Tamara Mathew
Phone: 602.274.3831 Email: tamara.mathew@swca.com

Billing Backup

Tuesday, June 30, 2026

SWCA, Incorporated

Invoice 248722 Dated 6/30/2026

10:12:40 AM

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and Policy Commission CWPP
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Phase	01	Community Wildfire Protection Plan Content
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Professional Services

			Hours	Rate	Amount	
Environmental Resources-Specialist V						
Hughes, Adriana	6/8/2026		.50	110.70	55.34	
client communication						
Hughes, Adriana	6/9/2026		.25	110.70	27.68	
team communication						
Hughes, Adriana	6/15/2026		.75	110.70	83.03	
team communication, agenda, follow up on action items						
Hughes, Adriana	6/16/2026		1.50	110.70	166.05	
team communication, prep for Thursday's meeting						
Hughes, Adriana	6/17/2026		1.00	110.70	110.70	
check in with Ari, prep agenda						
Hughes, Adriana	6/18/2026		1.00	110.70	110.70	
monthly admin meeting						
Environmental Resources-Specialist X						
Porter, Ari	6/1/2026		.25	170.10	42.53	
progress report						
Porter, Ari	6/2/2026		.25	170.10	42.53	
PM						
Porter, Ari	6/17/2026		1.00	170.10	170.09	
PM						
Porter, Ari	6/18/2026		1.50	170.10	255.15	
admin meeting						
Totals			8.00		1,063.80	
Total Professional Services						1,063.80
Total this Phase						\$1,063.80

Phase	03	Community Background Information, Fire History, and Fire Occurrence Data Collection
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Professional Services

			Hours	Rate	Amount	
Environmental Resources-Specialist X						
Porter, Ari	5/28/2026		.25	170.10	42.52	
data collection						
Porter, Ari	5/29/2026		.25	170.10	42.53	
PM						
GIS/CADD-Specialist V						
Jansen, Erica	5/28/2026		1.25	110.70	138.37	
GIS Support and Coordination						
Jansen, Erica	6/18/2026		1.25	110.70	138.38	
GIS Coordination and Support						
Totals			3.00		361.80	
Total Professional Services						361.80

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and	Invoice	248722		
Total this Phase				\$361.80		
Phase	04	Conduct Hazard and Risk Analysis				
Professional Services						
			Hours	Rate	Amount	
Accounting/Finance-Specialist III						
Mathew, Tamara	5/29/2026		.25	93.60	23.40	
Pulling receipts and compiling receipt file						
Environmental Resources-Specialist V						
Hughes, Adriana	6/10/2026		.50	110.70	55.35	
check in on field data						
Environmental Resources-Specialist X						
Porter, Ari	6/8/2026		.50	170.10	85.05	
AOC map						
Porter, Ari	6/12/2026		.50	170.10	85.05	
AOC map						
Totals			1.75		248.85	
Total Professional Services					248.85	
Reimbursable Expenses						
Meals						
EX 0000270974	5/7/2026	Porter, Ari / 2-TST*EDGEWATER RESTAURANT			141.48	
Total Reimbursable Expenses				1.1 times	141.48	155.63
Total this Phase					\$404.48	
Phase	05	Develop Strategies and Recommendations				
Professional Services						
			Hours	Rate	Amount	
Environmental Resources-Specialist XI						
Gibson, Carly	5/26/2026		.75	186.30	139.73	
Task delegation						
Gibson, Carly	6/2/2026		3.00	186.30	558.90	
SME recommendations tables						
GIS/CADD-Specialist V						
Jansen, Erica	6/8/2026		2.00	110.70	221.40	
GIS Coordination and Support						
Planning-Specialist II						
Dominic, Grace	5/26/2026		4.50	81.90	368.55	
Handwritten Rekommedation + Checkin w/ Ari + Call w/ Carly						
Dominic, Grace	5/27/2026		5.00	81.90	409.50	
Plymouth to Southampton Recommendation + Handwritten Recommendation						
Dominic, Grace	5/28/2026		3.00	81.90	245.70	
RMC to Southampton Recommendation						
Dominic, Grace	5/29/2026		2.50	81.90	204.75	
Recommendation						
Dominic, Grace	6/1/2026		4.00	81.90	327.60	
Recommendation Matrics						
Dominic, Grace	6/2/2026		3.50	81.90	286.65	
Recommendation						
Dominic, Grace	6/9/2026		1.00	81.90	81.90	
Review						

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and			Invoice	248722
Dominic, Grace		6/15/2026	.25	81.90	20.48	
Comments						
Dominic, Grace		6/16/2026	6.00	81.90	491.40	
Comments						
Dominic, Grace		6/17/2026	4.00	81.90	327.60	
Comments						
Totals			39.50		3,684.16	
Total Professional Services						3,684.16
Total this Phase						\$3,684.16

Phase 06 Develop Action Plan and Monitoring and Evaluation Strategy

Professional Services

			Hours	Rate	Amount	
Accounting/Finance-Specialist III						
Mathew, Tamara		5/29/2026	.25	93.60	23.40	
Pulling receipts and compiling receipt file						
Environmental Resources-Specialist X						
Porter, Ari		5/26/2026	.50	170.10	85.05	
recommendation materices						
Porter, Ari		6/12/2026	2.00	170.10	340.20	
matrices review						
Totals			2.75		448.65	
Total Professional Services						448.65
Total this Phase						\$448.65

Phase 07 Develop the Draft Community Wildfire Protection Plan

Professional Services

			Hours	Rate	Amount	
Environmental Resources-Specialist V						
Hughes, Adriana		5/28/2026	.25	110.70	27.68	
Meeting with SWCA team and DEC						
GIS/CADD-Specialist V						
Jansen, Erica		6/15/2026	.50	110.70	55.35	
GIS Coordination						
Jansen, Erica		6/16/2026	.25	110.70	27.68	
GIS Coordination						
Planning-Specialist II						
Dominic, Grace		5/27/2026	1.00	81.90	81.89	
Title photo Selection						
Dominic, Grace		5/28/2026	.25	81.90	20.48	
Picture Upload						
Dominic, Grace		5/29/2026	.25	81.90	20.48	
Meeting w/ Emmi						
Dominic, Grace		6/5/2026	5.00	81.90	409.50	
Field Survey Result						
Dominic, Grace		6/8/2026	4.00	81.90	327.60	
Field Assessment						

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and			Invoice	248722
Dominic, Grace		6/9/2026	1.00	81.90	81.90	
	Field Aessment result					
Dominic, Grace		6/10/2026	1.50	81.90	122.85	
	Checkin w/ Adriana + Comment review					
Dominic, Grace		6/17/2026	2.00	81.90	163.80	
	Comments					
Planning-Specialist VI						
Berski, Emmi		5/26/2026	.25	123.30	30.82	
	Fieldwork results apx					
Berski, Emmi		5/28/2026	.50	123.30	61.65	
	Fieldwork results apx					
Berski, Emmi		5/29/2026	.25	123.30	30.83	
	Fieldwork results apx					
	Totals		17.00		1,462.51	
Total Professional Services						1,462.51
					Total this Phase	\$1,462.51

Phase	10	Design and Facilitate Public Outreach and Awareness				
Professional Services						
			Hours	Rate	Amount	
Environmental Resources-Specialist XII						
Amato, Victoria		5/26/2026	.25	203.40	50.85	
	coordination					
Amato, Victoria		6/2/2026	.25	203.40	50.85	
	coordination					
Amato, Victoria		6/9/2026	.25	203.40	50.85	
	coordination					
	Totals		.75		152.55	
Total Professional Services						152.55
					Total this Phase	\$152.55
					Total this Project	\$7,577.95
					Total this Report	\$7,577.95

Edgewater Restaurant
295 East Montauk Highway
Hampton Bays, NY 11946

Server: Tina S
Check #42 Table 20
Guest Count: 2
Ordered: 5/7/26 7:42 PM

1 Forever Summer Rose	\$16.00
1 Crossings Sav Blanc	\$15.00
1 Fried Calamari	\$18.00
1 Roasted Corn Salad	\$14.00
1 Herb Chicken Marsala	\$29.00
1 Roasted Branzino	\$39.00

Subtotal	\$131.00
Tax	\$11.48
Total	\$142.48

Input Type	C (EMV Chip Read)
VISA CREDIT	xxxxxxxx4630
Time	8:50 PM
Transaction Type	Sale
Authorization	Approved
Approval Code	041470
Payment ID	FcRCRx9NqXYs
Application ID	A0000000031010
Application Label	VISA CREDIT
Device ID	
Card Reader	BBPOS

Amount	\$142.48
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+ Tip:	30.00
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= Total:	172.48
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X 
VISA CARDHOLDER

Suggested Tip:

18%: (Tip \$23.58 Total \$166.06)

20%: (Tip \$26.20 Total \$168.68)

25%: (Tip \$32.75 Total \$175.23)

Tip percentages are based on the check price
before taxes.

Merchant Copy

Porter
\$141.48

Routing # 071922777 | Account # 7811583501 | Payable to: SWCA, Incorporated | Business Checking Account: First American Bank
Notification: payment@swca.com | Physical Remittance: P.O. Box 7217, Carol Stream, IL 60197- 7217 | EIN: #86-0483317

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

August 21, 2026
Invoice No: 253306
Project Manager: Ari Porter
Project No: 00099294-000-AMH

Invoice Total	\$10,393.26
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Central Pine Barrens Joint Planning and Policy Commission CWPP
RFP NO. 1659

Professional Services from June 21, 2026 through August 15, 2026

Phase 01 Community Wildfire Protection Plan Content

Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist V	1.50	110.70	166.05	
Environmental Resources-Specialist X	4.50	170.10	765.45	
GIS/CADD-Specialist V	.50	110.70	55.36	
Totals	6.50		986.86	
Total Professional Services				986.86
Total this Phase				\$986.86

Phase 02 Establish Community Base Maps

Professional Services

	Hours	Rate	Amount	
GIS/CADD-Specialist V	2.00	110.70	221.40	
GIS/CADD-Specialist VIII	.50	142.20	71.10	
Totals	2.50		292.50	
Total Professional Services				292.50
Total this Phase				\$292.50

Phase 03 Community Background Information, Fire History, and Fire Occurrence Data Collection

Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist X	.25	170.10	42.53	
Totals	.25		42.53	
Total Professional Services				42.53
Total this Phase				\$42.53

Phase 04 Conduct Hazard and Risk Analysis

Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist X	1.00	170.10	170.10	
Environmental Resources-Specialist XI	2.75	186.30	512.33	
GIS/CADD-Specialist V	3.50	110.70	387.45	

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and	Invoice	253306
Planning-Specialist VIII		3.00	142.20	426.60
Totals		10.25		1,496.48
Total Professional Services				1,496.48
Total this Phase				\$1,496.48
Phase	05	Develop Strategies and Recommendations		
Professional Services				
		Hours	Rate	Amount
Environmental Resources-Specialist V		2.25	110.70	249.08
Environmental Resources-Specialist XI		2.00	186.30	372.60
Planning-Specialist II		5.00	81.90	409.50
Totals		9.25		1,031.18
Total Professional Services				1,031.18
Total this Phase				\$1,031.18
Phase	06	Develop Action Plan and Monitoring and Evaluation Strategy		
Professional Services				
		Hours	Rate	Amount
Environmental Resources-Specialist V		.75	110.70	83.03
Planning-Specialist II		2.50	81.90	204.75
Totals		3.25		287.78
Total Professional Services				287.78
Total this Phase				\$287.78
Phase	07	Develop the Draft Community Wildfire Protection Plan		
Professional Services				
		Hours	Rate	Amount
Environmental Resources-Specialist V		3.75	110.70	415.13
Environmental Resources-Specialist X		2.50	170.10	425.25
Environmental Resources-Specialist XI		3.50	186.30	652.05
GIS/CADD-Specialist V		.25	110.70	27.68
Planning-Specialist II		20.75	81.90	1,699.43
Planning-Specialist VIII		13.50	142.20	1,919.70
Technical Writing/Editing-Specialist VII		1.50	132.30	198.45
Totals		45.75		5,337.69
Total Professional Services				5,337.69
Total this Phase				\$5,337.69
Phase	09	Develop Interactive GIS Hub, Story Map, and Project Tracking Tool		
Professional Services				
		Hours	Rate	Amount
Environmental Resources-Specialist X		1.25	170.10	212.63
GIS/CADD-Specialist V		2.00	110.70	221.40
GIS/CADD-Specialist VIII		1.50	142.20	213.30
Planning-Specialist II		1.75	81.90	143.33
Totals		6.50		790.66
Total Professional Services				790.66
Total this Phase				\$790.66

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and	Invoice	253306
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Phase	10	Design and Facilitate Public Outreach and Awareness
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Professional Services

	Hours	Rate	Amount	
Environmental Resources-Specialist X	.75	170.10	127.58	
Totals	.75		127.58	
Total Professional Services				127.58
			Total this Phase	\$127.58

Contract Limits	Current	Prior	To-Date
Total Billings	10,393.26	58,608.65	69,001.91
Limit			174,955.50
Remaining			105,953.59

PLEASE PAY THIS AMOUNT =====>	\$10,393.26
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For any questions regarding this invoice please contact Tamara Mathew
 Phone: 602.274.3831 Email: tamara.mathew@swca.com

Billing Backup

Friday, August 21, 2026

SWCA, Incorporated

Invoice 253306 Dated 8/21/2026

9:03:19 AM

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and Policy Commission CWPP
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Phase	01	Community Wildfire Protection Plan Content
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Professional Services

			Hours	Rate	Amount
Environmental Resources-Specialist V					
Hughes, Adriana	7/23/2026		1.50	110.70	166.05
	admin meeting, clean up notes and team communication on action items				
Environmental Resources-Specialist X					
Porter, Ari	6/22/2026		.25	170.10	42.50
	PM				
Porter, Ari	6/25/2026		.50	170.10	85.05
	PM				
Porter, Ari	6/30/2026		.25	170.10	42.53
	Progress report				
Porter, Ari	7/1/2026		.25	170.10	42.53
	PM				
Porter, Ari	7/2/2026		.25	170.10	42.53
	meeting coordination				
Porter, Ari	8/3/2026		.25	170.10	42.53
	monthly progress report				
Porter, Ari	8/4/2026		.25	170.10	42.53
	PM				
Porter, Ari	8/5/2026		.50	170.10	85.05
	PM				
Porter, Ari	8/11/2026		.50	170.10	85.05
	PM				
Porter, Ari	8/13/2026		1.50	170.10	255.15
	meeting prep and PM				
GIS/CADD-Specialist V					
Jansen, Erica	8/5/2026		.25	110.70	27.68
	Coordination				
Walters, Savannah	8/5/2026		.25	110.70	27.68
	Internal coordination meeting				
	Totals		6.50		986.86
	Total Professional Services				986.86
				Total this Phase	\$986.86

Phase	02	Establish Community Base Maps
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Professional Services

			Hours	Rate	Amount
GIS/CADD-Specialist V					
Jansen, Erica	8/13/2026		2.00	110.70	221.40
	GIS Support				
GIS/CADD-Specialist VIII					
Hitzfelder, Liz	8/3/2026		.25	142.20	35.55

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and			Invoice	253306
	GIS					
Hitzfelder, Liz		8/4/2026	.25	142.20	35.55	
	GIS					
	Totals		2.50		292.50	
	Total Professional Services					292.50
	Total this Phase					\$292.50

Phase	03	Community Background Information, Fire History, and Fire Occurrence Data Collection				
Professional Services						
			Hours	Rate	Amount	
Environmental Resources-Specialist X						
Porter, Ari		6/29/2026	.25	170.10	42.53	
	community background					
	Totals		.25		42.53	
	Total Professional Services					42.53
	Total this Phase					\$42.53

Phase	04	Conduct Hazard and Risk Analysis				
Professional Services						
			Hours	Rate	Amount	
Environmental Resources-Specialist X						
Porter, Ari		8/12/2026	1.00	170.10	170.10	
	appendix reviews					
Environmental Resources-Specialist XI						
Gibson, Carly		8/4/2026	2.00	186.30	372.60	
	SME & revision					
Gibson, Carly		8/7/2026	.75	186.30	139.73	
	initial draft chapter 4 finalization & send to client					
GIS/CADD-Specialist V						
Jansen, Erica		6/25/2026	2.00	110.70	221.40	
	GIS Coordination and Support					
Walters, Savannah		6/23/2026	1.00	110.70	110.70	
	Community risk assessment mapping					
Walters, Savannah		6/24/2026	.50	110.70	55.35	
	Community risk assessment mapping					
Planning-Specialist VIII						
Saggese, Ryan		7/20/2026	3.00	142.20	426.60	
	Risk Assessment					
	Totals		10.25		1,496.48	
	Total Professional Services					1,496.48
	Total this Phase					\$1,496.48

Phase	05	Develop Strategies and Recommendations				

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and	Invoice	253306
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Professional Services

		Hours	Rate	Amount	
Environmental Resources-Specialist V					
Hughes, Adriana	7/20/2026	.25	110.70	27.67	
action items					
Hughes, Adriana	7/21/2026	1.00	110.70	110.70	
recommendation matrices action items					
Hughes, Adriana	7/22/2026	.25	110.70	27.68	
action items					
Hughes, Adriana	7/23/2026	.50	110.70	55.35	
internal meeting and prep					
Hughes, Adriana	7/24/2026	.25	110.70	27.68	
team communication on Action Items					
Environmental Resources-Specialist XI					
Gibson, Carly	8/10/2026	.50	186.30	93.15	
misc coordination					
Gibson, Carly	8/14/2026	1.50	186.30	279.45	
recommendations review					
Planning-Specialist II					
Dominic, Grace	7/22/2026	2.50	81.90	204.75	
Comment Review					
Dominic, Grace	7/23/2026	.50	81.90	40.95	
Appendix c					
Dominic, Grace	7/24/2026	2.00	81.90	163.80	
recommendations					
Totals		9.25		1,031.18	
Total Professional Services					1,031.18
				Total this Phase	\$1,031.18

Phase 06 Develop Action Plan and Monitoring and Evaluation Strategy

Professional Services

		Hours	Rate	Amount	
Environmental Resources-Specialist V					
Hughes, Adriana	6/29/2026	.50	110.70	55.35	
June progress report					
Hughes, Adriana	7/1/2026	.25	110.70	27.68	
coordination					
Planning-Specialist II					
Dominic, Grace	6/30/2026	2.50	81.90	204.75	
Public Meeting Feedback					
Totals		3.25		287.78	
Total Professional Services					287.78
				Total this Phase	\$287.78

Phase 07 Develop the Draft Community Wildfire Protection Plan

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and	Invoice	253306
Professional Services				
		Hours	Rate	Amount
Environmental Resources-Specialist V				
Hughes, Adriana	6/22/2026	.50	110.70	55.35
action items				
Hughes, Adriana	6/25/2026	.50	110.70	55.35
action items				
Hughes, Adriana	7/7/2026	2.00	110.70	221.40
CWPP support action items				
Hughes, Adriana	7/9/2026	.25	110.70	27.68
team communication				
Hughes, Adriana	8/12/2026	.50	110.70	55.35
project management				
Environmental Resources-Specialist X				
Porter, Ari	7/20/2026	.25	170.10	42.52
PM				
Porter, Ari	7/23/2026	2.00	170.10	340.20
PM				
Porter, Ari	7/27/2026	.25	170.10	42.53
CWPP				
Environmental Resources-Specialist XI				
Gibson, Carly	7/7/2026	.75	186.30	139.73
authorship coordination ch 2 & 3				
Gibson, Carly	7/10/2026	.50	186.30	93.15
recommendations - review client comments				
Gibson, Carly	7/15/2026	.50	186.30	93.14
chapter 3 coordination				
Gibson, Carly	7/21/2026	1.25	186.30	232.88
J&J recommendations memo; chapter 4 template review & plan				
Gibson, Carly	7/23/2026	.50	186.30	93.15
team check-in				
GIS/CADD-Specialist V				
Jansen, Erica	7/23/2026	.25	110.70	27.68
GIS Coordination				
Planning-Specialist II				
Dominic, Grace	6/22/2026	1.50	81.90	122.85
Comment Review				
Dominic, Grace	7/7/2026	.50	81.90	40.95
coordination				
Dominic, Grace	7/10/2026	7.00	81.90	573.30
Appendix C + Past Plans				
Dominic, Grace	7/13/2026	3.00	81.90	245.70
Past Plan				
Dominic, Grace	7/23/2026	.50	81.90	40.95
coordination				
Dominic, Grace	7/27/2026	1.00	81.90	81.90
Recommendation matrices				
Dominic, Grace	7/28/2026	3.00	81.90	245.70
Action Plan				
Dominic, Grace	8/5/2026	.50	81.90	40.95
CWPP Team Meeting				

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and			Invoice	253306
Dominic, Grace		8/12/2026	1.00	81.90	81.90	
	Comment Review					
Dominic, Grace		8/13/2026	2.75	81.90	225.23	
	T.E request + Feedback Summary + CT survey Summary					
	Planning-Specialist VIII					
Saggese, Ryan		6/22/2026	2.00	142.20	284.40	
	Draft Chapter 3					
Saggese, Ryan		6/23/2026	4.00	142.20	568.80	
	Draft Chapter 3/App D					
Saggese, Ryan		6/24/2026	.50	142.20	71.10	
	Draft Chapter 3/App D					
Saggese, Ryan		6/25/2026	2.00	142.20	284.40	
	Draft Chapter 3/App D					
Saggese, Ryan		6/26/2026	3.00	142.20	426.60	
	Draft Chapter 3/App D					
Saggese, Ryan		8/5/2026	2.00	142.20	284.40	
	Chapter 4					
	Technical Writing/Editing-Specialist VII					
Martin, Marley		8/6/2026	1.00	132.30	132.30	
	Technical editing and formatting					
Martin, Marley		8/7/2026	.50	132.30	66.15	
	Technical editing					
	Totals		45.75		5,337.69	
	Total Professional Services					5,337.69
					Total this Phase	\$5,337.69

Phase 09 Develop Interactive GIS Hub, Story Map, and Project Tracking Tool

Professional Services

			Hours	Rate	Amount
Environmental Resources-Specialist X					
Porter, Ari	6/23/2026	1.00	170.10	170.10	
	hub site				
Porter, Ari	6/24/2026	.25	170.10	42.53	
	hub site				
GIS/CADD-Specialist V					
Jansen, Erica	6/29/2026	.50	110.70	55.35	
	GIS Support				
Walters, Savannah	6/29/2026	.75	110.70	83.02	
	Hub site updates				
Walters, Savannah	7/23/2026	.75	110.70	83.03	
	Check-in meeting, link problem on hub site				
GIS/CADD-Specialist VIII					
Hitzfelder, Liz	8/4/2026	1.00	142.20	142.20	
	GIS				
Hitzfelder, Liz	8/5/2026	.25	142.20	35.55	
	GIS				
Hitzfelder, Liz	8/7/2026	.25	142.20	35.55	
	GIS				
Planning-Specialist II					
Dominic, Grace	6/23/2026	.50	81.90	40.95	

Project	00099294-000-AMH	Central Pine Barrens Joint Planning and			Invoice	253306
	Hub Site Task assignment					
Dominic, Grace	6/24/2026	1.25	81.90	102.38		
	Hub site Edit + GIS request					
	Totals	6.50		790.66		
	Total Professional Services					790.66
Total this Phase						\$790.66

Phase	10	Design and Facilitate Public Outreach and Awareness				
Professional Services						
			Hours	Rate	Amount	
Environmental Resources-Specialist X						
Porter, Ari	7/17/2026	.25	170.10	42.53		
	public outreach					
Porter, Ari	8/10/2026	.50	170.10	85.05		
	public meeting logistics					
	Totals	.75		127.58		
	Total Professional Services					127.58
Total this Phase						\$127.58
Total this Project						\$10,393.26
Total this Report						\$10,393.26

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #25

FOR

**Consultation
Services
Central Pine
Barrens Work**

Details

Work performed 6/25/2026 - 7/3/2026	Hours
6/29/2026 Ready Set Go materials for CWPP outreach	2
CWPP recommendations tables review	
7/1/2026 NYS EPF and Bond Act funding research	3.15
7/3/2026 Reviewed CWPP recommendation tables - drafted comments	2.5
7/6/2026 Review and comment on CWPP tables. Review CWPP financial report and reimbursement form	4.15
7/7/2026 CWPP recommendation tables - comments and virtual meeting	2.5
TOTAL HOURS	11.8
	\$944.00

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

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #26

FOR

Consultation Services Central Pine Barrens Work

Details

Work performed	7/20/2026 - 7/24/2026	Hours
CWPP meeting with SWCA		1
TOTAL HOURS		1
		\$80.00

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

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date _____

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #27

FOR

Consultation Services Central Pine Barrens Work

Details

Work performed	8/3/2026 - 8/7/2026	Hours
8/6/2026 Nature center research		2
TOTAL HOURS		2
		\$160.00

Make all checks payable to Judith Jakobsen

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

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

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #28

FOR

Consultation Services Central Pine Barrens Work

Details

Work performed	8/10/2026 - 8/14/2026	Hours
8/11/2026 CWPP review chapter 4 and other information		4.25
Write up DASNY and NYSOGS information		
	TOTAL HOURS	4.25
		\$340.00

Make all checks payable to Judith Jakobsen

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

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

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #29

FOR

**Consultation
Services
Central Pine
Barrens Work**

Details

Work performed 8/15/2026 - 8/21/2026	Hours
8/17/2026 Review and write up NYSOGS information	2.5
8/18/2026 CWPP October meeting planning and continue write up on OGS and DASNY	
8/20/2026 CWPP Zoom meeting with consultant to discuss progress, draft chapters and schedule for completion and planning for October public meeting.	2.5
Meeting with J. Hargrave - update on projects and discussed nature center outreach and next steps - grant sources writeup	
Nature Center OGS and DASNY writeup	
Nature Center questions for OGS and DASNY	3.5
CWPP brochure review and comments	
	8.5
	\$680.00

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

Judith Jakobsen
42 Mooney Pond Road, Selden, NY 11784
Date _____

BILL TO

Suffolk County Water Authority
PO BOX 38, Oakdale NY 11769
INVOICE #30

FOR

Consultation Services Central Pine Barrens Work

Details

Work performed	8/31/2026 - 9/4/2026	Hours
9/3/2026 Nature Center project management sources		4
9/4/2026 Grants, NYSOGS phone call meeting		3.5
	TOTAL HOURS	7.5
		\$600.00

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



September 16, 2026

Yuliya Viola, Esq.
Certilman Balin Adler & Hyman, LLP
100 Motor Parkway, Suite 560
Hauppauge, NY 11788

RE: Clancy Street Food Court, CR 111, Manorville
SCTM Number 200-462-2-5.1
Central Pine Barrens Core Preservation Area

Dear Ms. Viola:

On September 8, 2026, the Central Pine Barrens Commission received your request to install five borings to determine the current groundwater and soil vapor quality on the subject property. The property is in the Core Preservation Area of the Central Pine Barrens.

Ryan P. McGarry
Chairman

Clancy Street Food Court was granted a Core Preservation Area Hardship Waiver with conditions on June 26, 2024.

Jerome Halpin
Member

A Phase 1 Environmental Site Assessment was conducted and based on the findings, the purchaser of the property would like to conduct the Limited Phase II Subsurface Investigation Work Plan to determine the current groundwater and soil vapor quality. Phase 1 findings noted a potential vapor encroachment condition to the subject property due to the close proximity and shallow depth to groundwater at the subject property, an adjoining gasoline station to the south with 72 reported spills and a nearby site with contaminants of concern.

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

The work includes the installation of five borings. Two borings, one temporary groundwater well and one soil gas well, will be installed on-site in areas deemed to be cleared for approved development. Three borings will be installed off-site for temporary groundwater wells. There is no additional clearing associated. Location details are depicted in the Alignment Plan prepared by Labcrew Engineering, P.C., last dated August 2022.

Please continue to adhere to the conditions of approval. Please avoid areas to remain natural and conduct this activity in areas of the project site that were planned to be cleared or disturbed for the project, as per the Site Plan referenced in the Commission decision.

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

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

Thank you for your attention, and if you have any questions, please contact me at 631-563-0307.

DRAFT

Thank you for your attention.

Sincerely,

Tara Murphy, Environmental Planner

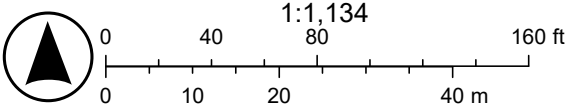
cc: Julie Hargrave, Interim Executive Director
John Milazzo, Counsel

Clancy Street Food Court, Manorville (SCTM #: 200-462-2-5.1)



9/8/2026, 3:20:55 PM

- Street Labels
- Pine Barren Core
- Tax Parcels



Nearmap

YULIYA VIOLA

Partner

yviola@certilmanbalin.com

September 4, 2026

Via FedEx and Email: judy.jakobsen@scwa.com

Central Pine Barrens Joint Planning and Policy Commission
Attn: Ms. Judith Jakobsen, Executive Director
624 Old Riverhead Road
Westhampton Beach, NY 11978

**Re: Clancy Street Corp. – Request to Perform Testing
Eastport Manor Road, Manorville, NY 11949
SCTM No.: 0200 - 462.00 - 02.00 - 005.001
Our File: 17287.0007**

Dear Ms. Jakobsen:

As you know, our firm represents Clancy Street Corp. in connection with the above-referenced request. The subject property is a vacant land and is in the Core Preservation Area. On June 26, 2024, the Central Pine Barrens Commission adopted Resolution approving the Core preservation Area Hardship Waiver authorizing the development of a proposed 3,293-square foot restaurant on the subject site with conditions. In 2025, the Town of Brookhaven approved the site plan application for the proposed restaurant with conditions as well.

Clancy Street Corp., the property owner of the subject site, is currently under contract to sell the subject property to John Laliotis, the purchaser. As a result of the findings of the Phase 1 Environmental Site Assessment for the subject site, the purchaser would like to conduct the Limited Phase II Subsurface Investigation Work Plan to determine the current groundwater and soil vapor quality (the “Work Plan”). I have enclosed such Work Plan prepared by EnviroTrac on September 3, 2026 describing the locations and methods for such testing. I have also included a marked-up site plan with the proposed locations for testing.

As it is outlined in the Work Plan, EnviroTrac is proposing five (5) borings to be installed at the site for the collection of groundwater and soil vapor samples. Two (2) borings will be installed on the north-central portion of the site for the installation of one temporary groundwater well and one soil gas well. The other three (3) borings will be installed off-site in the Suffolk County Department of Public Works Right-of-Way. Pursuant to our communications with the Suffolk County Department of Public Works, we would need a permit to perform these three (3) borings in the Suffolk County Department of Public Works Right-of-Way from the Suffolk County Department of Public Works. These locations are depicted on the marked up site plan provided

Central Pine Barrens Joint Planning and Policy Commission
Attn: Ms. Judith Jakobsen, Executive Director
624 Old Riverhead Road
Westhampton Beach, NY 11978
September 4, 2026
Page 2

herein and described in the Work Plan.

It is important to note that the locations for two (2) borings on the subject property are proposed in the area to be cleared in connection with the proposed development and not in the area to remain natural. Additionally, as per the EnviroTrac Work Plan, no clearing of brush or trees is required to install the two (2) borings on site. Pursuant to the Work Plan, “[t]he north-central borings will be installed using a remote Geoprobe Drill Rig to eliminate any need to clear brush or trees . . . The use of the remote Geoprobe Drill Rig can be moved using a dolly to the proposed locations . . . No vegetation removal is expected for any of the proposed borings. The north-central borings will be accessed by walking onto the site through the brush and trees to approximately 150 feet on-site. The final boring locations will be chosen once 150 feet from the center of the property has been reached and in an area that is already clear enough to use the equipment.” Lastly, the areas of the two (2) proposed borings on site will not interfere with the existing large pussy willow on the southwest corner of the site near the proposed ingress/egress on CR 111.

In light of the above, we respectfully request the Central Pine Barrens Commission’s confirmation that the two (2) test borings may be performed on the subject property.

Your professional courtesies are greatly appreciated.

Very truly yours,

Yuliya Viola

Yuliya Viola, Esq.

cc: John Milazzo (via email: john.milazzo@scwa.com)
Julie Hargrave (via email: julie.hargrave@scwa.com)



September 3, 2026

Mr. John Laliotis
DFJL Holdings LLC
30 Glen Head Road
Glen Head, NY 11545

Re: **Limited Phase II Subsurface Investigation Work Plan
Vacant Property
Manorville, New York
SCTM # 0200-462.00-02.00-005.001**

Dear Mr. Laliotis,

EnviroTrac LLC (EnviroTrac) proposes to conduct the Limited Phase II Subsurface Investigation Work Plan at the above-referenced site to determine the current groundwater and soil vapor quality. The following includes the proposed scope of work:

Proposed Scope of Work

The attached figure shows the proposed boring locations. A total of five (5) borings will be installed at the site for the collection of groundwater and soil vapor samples. Two (2) borings will be installed on the north-central portion of the site for the installation of one (1) temporary groundwater well and one (1) soil gas well. One (1) boring will be installed off-site, near the southeast corner of the site in the Suffolk County Department of Public Works Right-of-Way for the installation of one (1) temporary groundwater well. One (1) boring will be installed off-site, near the south-central perimeter of the site in the Suffolk County Department of Public Works Right-of-Way for the installation of one (1) temporary groundwater well. One (1) boring will be installed at the southwest corner of the site in the Suffolk County Department of Public Works Right-of-Way for the installation of one (1) temporary groundwater well.

The north-central borings will be installed using a remote Geoprobe Drill Rig to eliminate any need to clear brush or trees since the site is located within the Long Island Pine Barrens and also a protected area for potential habitats for the Northern Long Eared Bat (New York State Endangered Species). The use of the remote Geoprobe Drill Rig can be moved using a dolly to the proposed locations. The southern borings will be installed off-site, immediately adjoining to the southern site perimeter, in the area of the proposed sidewalk, using a track-mounted Geoprobe Drill Rig. No vegetation removal is expected for any of the proposed borings.

The north-central borings will be accessed by walking onto the site through the brush and trees to approximately 150 feet on-site. The final boring locations will be chosen once 150 feet from the center of the property has been reached and in an area that is already clear enough to use the equipment.

Prior to the installation of borings, a geophysical survey, including the use of ground penetrating radar (GPR) will be utilized to clear the boring locations. The first five (5) feet of each borehole will be cleared using soft dig hand tools. 1.5-inch diameter Geoprobe rods will be hammered down into place from five (5) feet below grade to the proposed final depths to create the boreholes. The temporary groundwater well screens or soil gas well will be inserted through the rods to the proposed depths. The rods will be removed while allowing the wells to remain in-place.

The proposed temporary groundwater wells will consist of one (1) inch diameter 0.020-inch slotted schedule 40 PVC pipe. The proposed length of the wells will range from 23 to 36 feet. Groundwater ranges from 13 to 26 feet below grade at the site. Approximately five (5) feet of the screened PVC pipe will be placed below the water table and the PVC pipe will be cut five (5) feet above grade to allow for surveying.

The proposed soil gas well will consist of ¼-inch diameter polyethylene tubing in line with a six (6) inch long stainless steel screen. The screen will be placed approximately five (5) feet above the water table through the Geoprobe rods and approximately two (2) to three (3) feet of tubing will be present above grade.

Following installation, all well locations will be surveyed. Next, groundwater will be purged from the temporary groundwater wells using a peristaltic pump and air will be purged from the soil gas well using a Gilair pump or similar equipment. The soil gas well will also be screened with a calibrated photoionization detector (PID). Purged groundwater will be discharged directly to the ground. Groundwater samples will be collected from each well for laboratory analysis of volatile and semi-volatile organic compounds and metals. The soil gas well will be collected by connecting the polyethylene tubing to a 6 Liter Summa Canister equipped with a two (2) hour flow controller. The Summa Canister will be laboratory analyzed for volatile organic compounds. An additional ambient air sample will also be collected over the same time period as the soil gas well sample and analyzed for the same compounds.

The results will be summarized in a report. Should no impacts to groundwater or soil gas be shown, then the wells will be removed from the site during redevelopment.

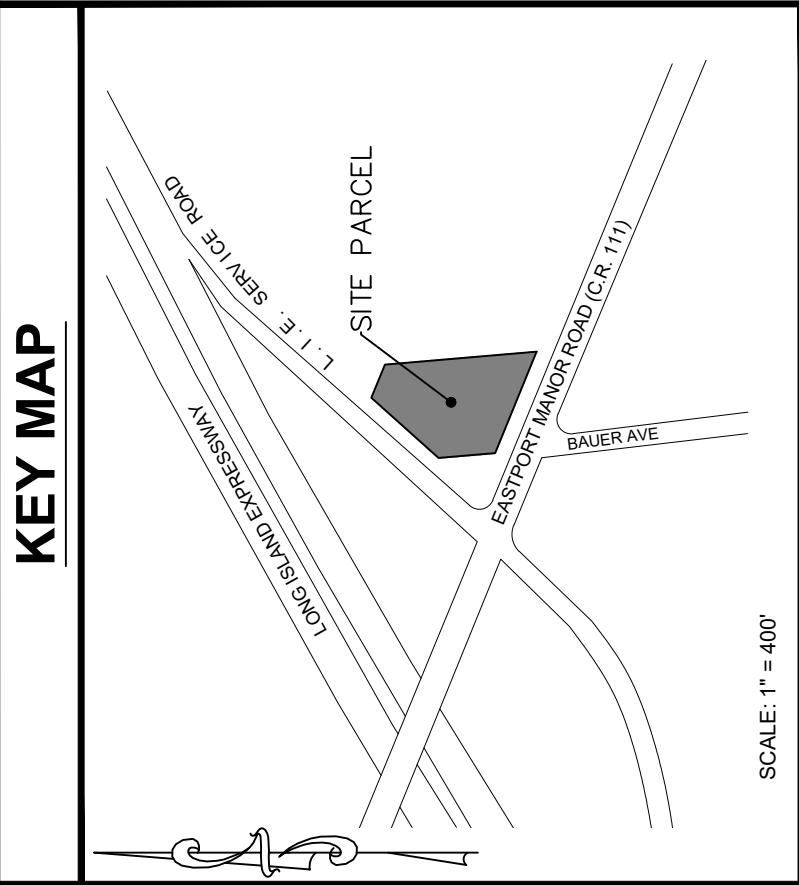
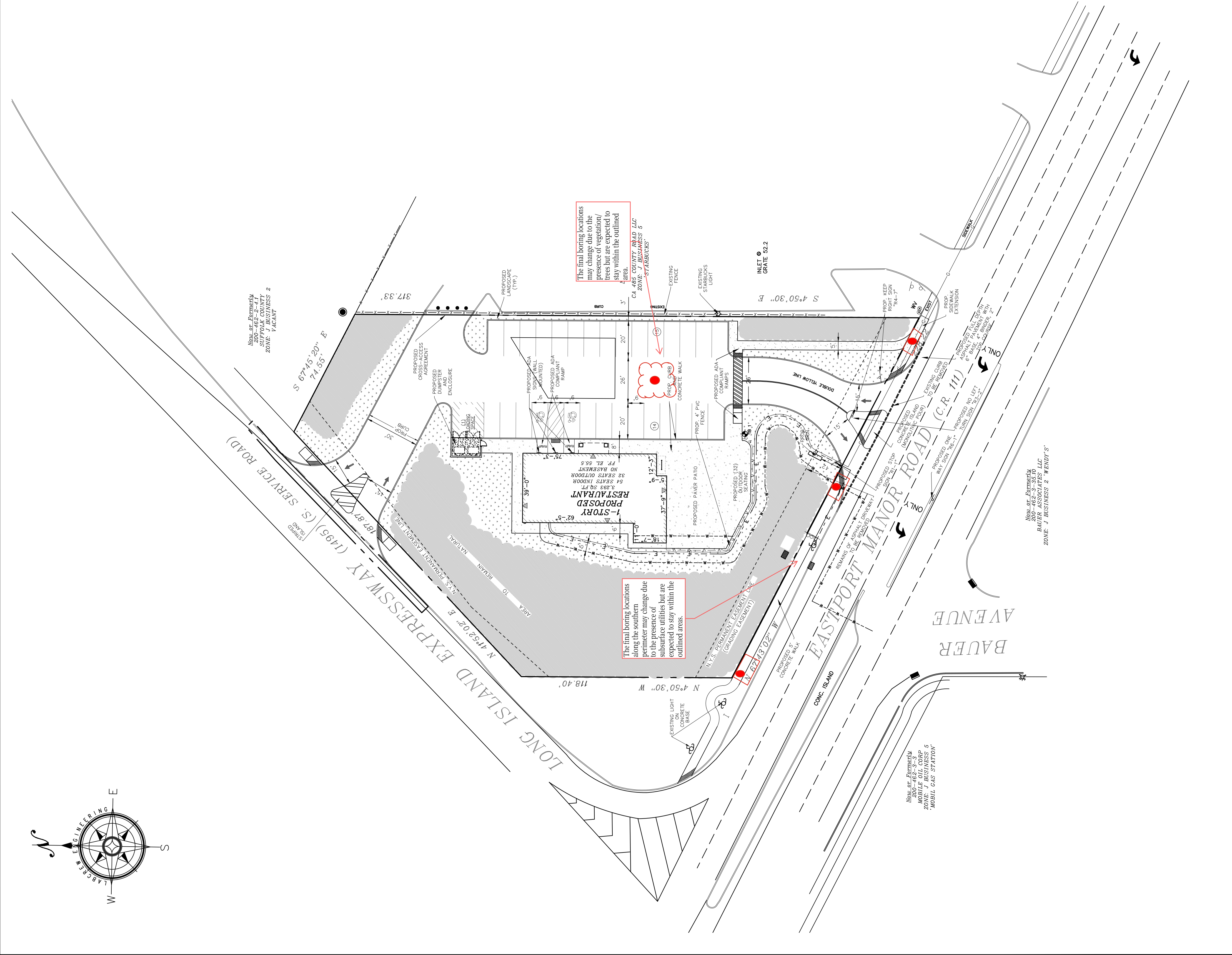
If you have any questions or require additional information, please do not hesitate to call us at (631) 924-3001.

Sincerely,
EnviroTrac LLC

A handwritten signature in cursive script that reads "Tracy Garthwaite".

Tracy Garthwaite, PG
Senior Project Manager

enclosures



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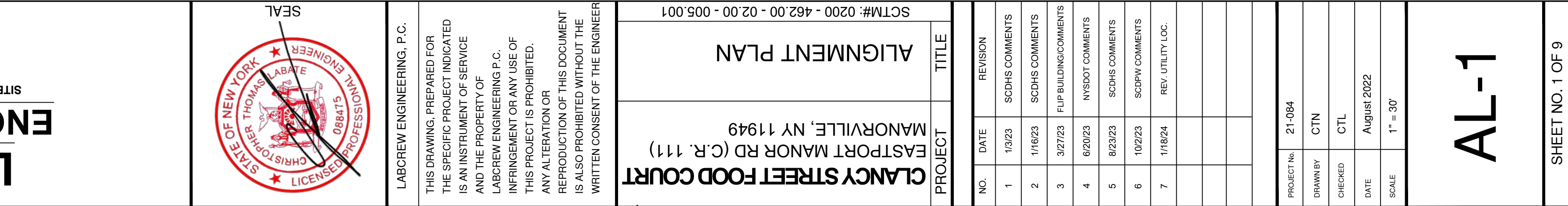
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September 16, 2026

John Armentano
Partner
Farrell Fritz
100 Motor Parkway, Suite 300
Hauppauge, NY 11788
email: jcarmentano@farrellfritz.com

RE: Request for Determination of Jurisdiction
Hegemans Farm Inc. and JH Youngs Farm Inc.
South Street, Manorville, Town of Brookhaven
SCTM Number 200-507-4-9
Compatible Growth Area of the Central Pine Barrens

Dear Mr. Armentano:

Ryan P. McGarry
Chairman

On June 30, 2026, the Central Pine Barrens Commission office received the above referenced submission concerning the subject property. On July 20 and August 3, the Commission received supplemental information on the matter.

Jerome Halpin
Member

Your firm represents the owner. The property is in the Compatible Growth Area of the Central Pine Barrens area as designated by the Long Island Pine Barrens Preservation Act (the Act).

Maria Z. Moore
Member

Existing Conditions and the Proposed Project

Daniel J. Panico
Member

The property contains 15.63 acres and it is in the A Residence 2 zoning district in Manorville in the Town of Brookhaven and located in the Compatible Growth Area of the Central Pine Barrens. It is located between the Long Island Expressway on its north side and accessible from South Street.

Edward P. Romaine
Member

The property is in a naturally vegetated condition. A freshwater wetland is present in the central western portion of the property. The letter states the property was “previously cleared and used for farming by a prior owner.” Based on historical aerial photography and the current natural condition of the site, it appears the property is not actively used.

Your client proposes to commence farming operations on the property. According to the Site Plan prepared by Nelson and Pope dated February 2026, structures proposed on the project site include:

- A gravel parking lot for 39 vehicles
- Four greenhouses, 25 feet x 60 feet (1,500 sf each), for a total of 6,000 square feet
- A farmstand, 30 feet x 50 feet (1,500 sf)
- Gravel tuck access
- Barn 40 feet x 60 feet (2,400 sf)
- Seven leaching pools

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

The Commission offers the following comments concerning this proposal.

Central Pine Barrens

The proposal constitutes development activity pursuant to the definitions in the New York State Environmental Conservation Law (ECL) Article 57 §57-0107(13). Therefore, it must conform with the standards of the Central Pine Barrens Comprehensive Land Use Plan (the Plan). If the proposal does not conform, it must be revised to conform, or the applicant must seek a hardship waiver.

Precedent in the Compatible Growth Area

The Commission has held that proposals to materially clear native vegetation, including successional native vegetation, constitutes development. These types of determinations were made in applications for land located in the Compatible Growth Area including East End Flower Farm (EEFF) (2025) and Metz Farm (2005) in Brookhaven Town and Shwonik/Guyder Farm (Fink's Farm) (2017) in Riverhead Town that were proposed for farm uses.

Other information

You indicate that the property use is restricted by an easement granted to the Town of Brookhaven. You further indicate that the easement authorizes the uses proposed by your client. Please note that the grant does not compel the Commission to waive application of the Act or the Plan to the owner's proposal.

Conclusion

Absent, a hardship exemption, your client's proposal must conform with the Plan. The project site is in the A Residence 2 zoning district. The maximum clearing limit is 35% and the minimum open space requirement is 65%.

If you have any questions, please do not hesitate to contact me at (631) 218-1192.

Sincerely,

Julie Hargrave
Interim Executive Director

cc: John C. Milazzo, Counsel to the Commission

Hegemans



9/10/2026, 1:35:25 PM

Street Labels

2023

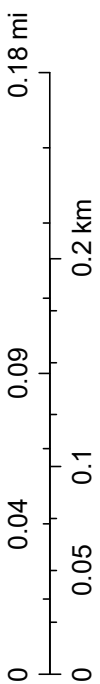
Green: Green

Red: Red

Blue: Blue

Tax Parcels

1:4,804





John C. Armentano
Partner

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

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

Our File No.
42087-100

June 30, 2026

BY ELECTRONIC MAIL (@JULIE.HARGRAVE@SCWA.COM)

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

**Re: APPLICATION FOR DESIGNATION OF NON-DEVELOPMENT
Hegemans Farm Inc & JH Youngs Farm Inc.
0 South Street, Manorville, NY 11949
SCTM No.: 0200-507.00-04.00-009.000**

Dear Ms. Hargrave:

Our office represents Hegemans Farm Inc, the owner of a 15.63-acre parcel at 0 South Street, Manorville and also designated on the Suffolk County Tax Map as District 0200, Section 507.00, Block 04.00, Lot 009.000 (the "Property"). We are planning on formally applying for a designation of non-development as our client seeks to utilize the Property, which is in the Compatible Growth Area, as a new farm operation under the name "JH Youngs Farm Inc." Based on historical satellite images, the Property was previously cleared and used for farming by a prior owner. After a prolonged period of inactivity, the site is now in need of restoration.

As additional background, on November 10, 2010, the prior owner signed a Deed of Development Rights to the Town of Brookhaven that restricts the potential use of the property to agricultural production and open space preservation. A copy of the Deed of Development has been annexed hereto as **Exhibit 1**. As noted in the Conservation Easement recorded with the Suffolk County Clerk's Office, an approximately 13.63-acre area of the site (referred to as the "Protected Property") was conserved for the express purpose of assuring "the sustained, natural capacity of the Protected Property and its soils to support agricultural uses, and allow, but not require, agricultural uses and limit adverse aesthetic and ecological impacts." A copy of the Conservation Easement has been annexed hereto as **Exhibit 2**.

Pursuant to the terms of the Conservation Easement, "The Protected Property shall be used only for agriculture, conservation, or passive outdoor recreation..." In accordance with the Conservation Easement, our client has the right to "produce crops, livestock and livestock products and conduct farm operations as defined under Section 301 of the New York State Agriculture and Markets Law..."

Central Pine Barrens

Page 2

Accordingly, the Property has been expressly conserved by the Town of Brookhaven for the precise type of farming activities contemplated by our client.

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

Respectfully submitted,

John Armentano

John C. Armentano

HAM
Enclosures

cc: John C. Milazzo, Special Counsel to the Central Pine Barrens Commission

[illegible]

East Coast
Geoservices, LLC

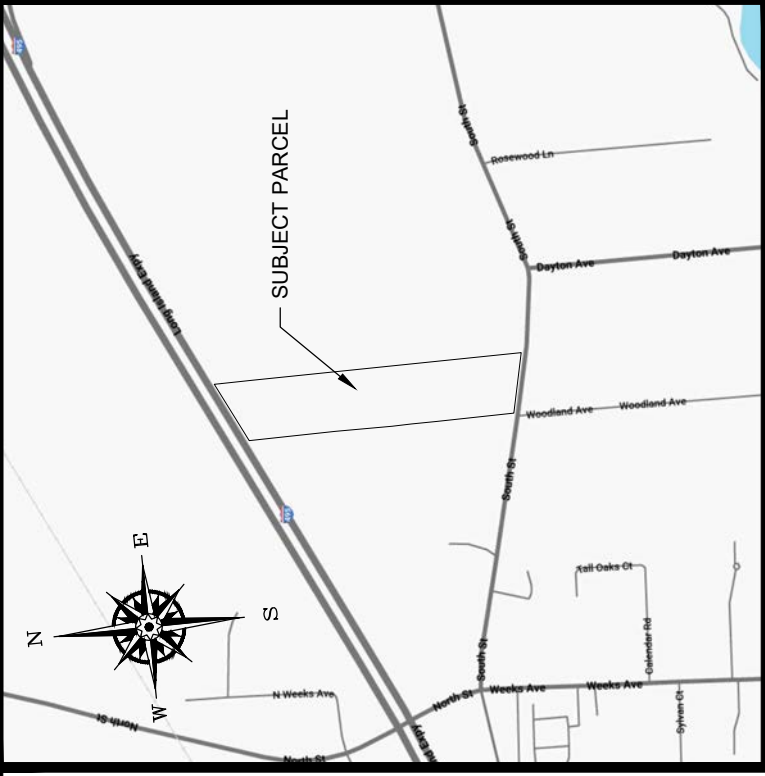
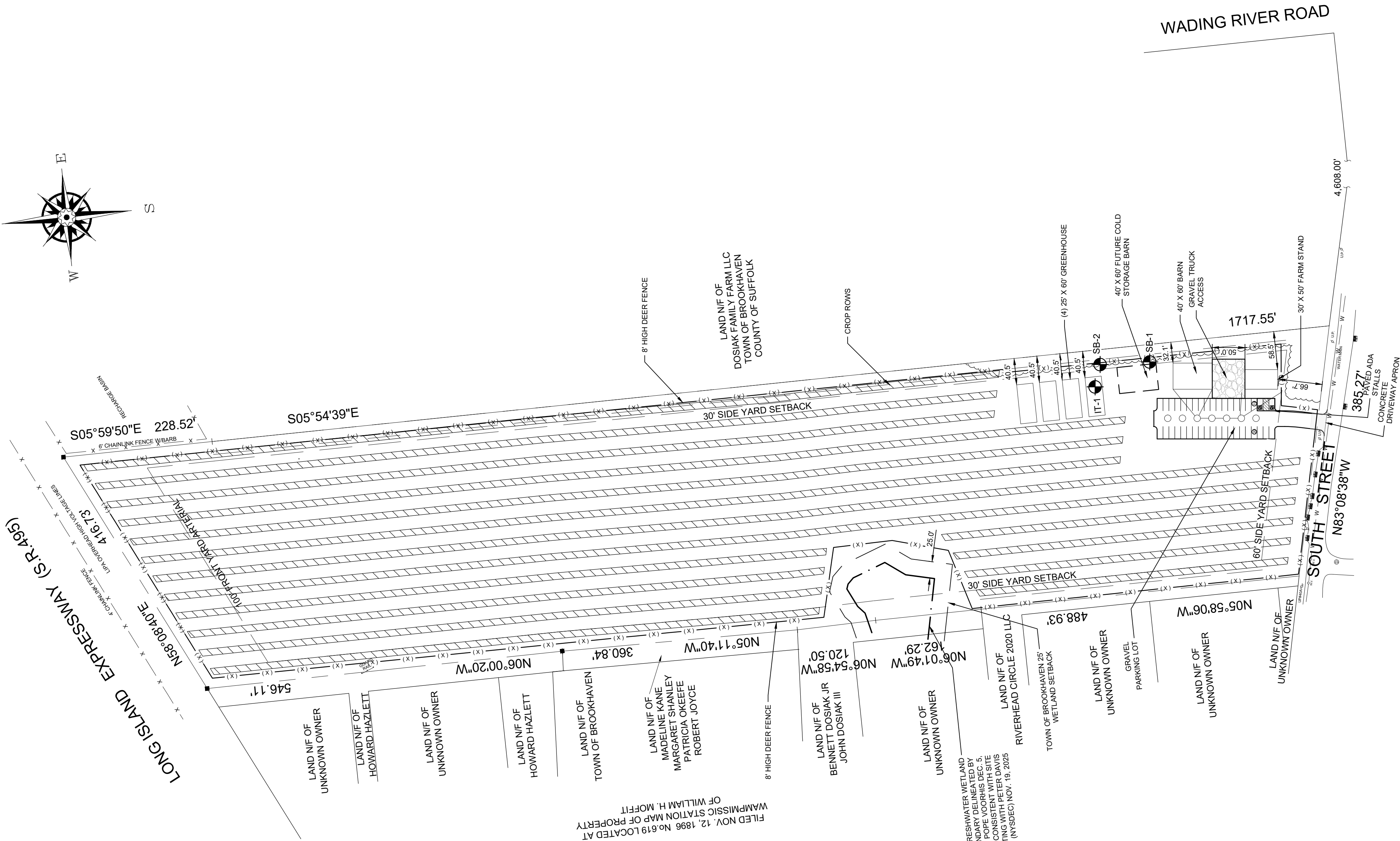
East Coast Geoservices, LLC
70 Maxess Road
Melville, New York 11747
Phone: (631) 513-8595
www.info@eastcoastgeoservices.com

[illegible]

Dig Safely. New York
Protect Yourself. Protect Others. Protect the Environment.
Call 811
before you dig

SURVEY NOTE:
BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM - SURVEY PERFORMED BY
KENNETH M. WOYCHUK L.S. LAND SURVEYING ON 01/20/2026. ELEVATIONS ARE BASED IN THE
NAYD88 DATUM.

NYS EDUCATION LAW: 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 ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.



KEY MAP
SCALE: 1" = 400'

SITE DATA

LOT AREA: 680,997 SF (15.63 ACRES)
SCHOOL DISTRICT: EASTPORT-SOUTH MANOR CSD
FIRE DISTRICT: MANORVILLE FIRE
WATER DISTRICT: SCWA
POST OFFICE: 11949
ZONING: A2-RESIDENCE
EXISTING USE: VACANT
PROPOSED USE: AGRICULTURAL

ZONING REQUIREMENTS: A RESIDENCE 2 §85-177

REQUIRED	PROVIDED
BULD. HEIGHT (FT./STY)	< 35' / 1 STY
35' / 2.5 STY	
LOT AREA	680,977 SF (15.63 AC)
MIN. LOT AREA	20,000 SF
% LOT COVERED	100%
ROAD FRONTAGE	892' (33,527 SOUTH ST. AND 116.73' UE)
FRONT YARD	66.7' TO FARM STAND
FRONT YARD ARTERIAL	> 100'
FRONT YARD	> 100'
REAR YARD	316.6'
REAR YARD	75'
REAR YARD	N/A
	GREENHOUSES, 32.1' TO BARN, 58.5' FARM STAND

PARKING CALCULATIONS

AGRICULTURAL USE : 5 STALLS MIN. =	5 STALLS
PARKING REQUIRED:	5 STALLS
TOTAL PARKING REQUIRED:	5 STALLS (INCL. 1 HANDICAP)
TOTAL PARKING PROVIDED:	39 STALLS (INCL. 2 HANDICAP)

DRAINAGE CALCULATIONS

REQUIRED FARM STAND ROOF	1,500 SF		
BARN ROOF	2,400 SF		
	3,900 SF	$1.0 \times 0.5(12) =$	1,625.0 CF
GRAVEL PARKING	12,500 SF	$0.6 \times 0.6(512) =$	3,207.5 CF
			4,832.5 CF
PROVIDE			4,832.5 CF / 66.42 = 70.6 VF REQUIRED
(7) 10'9" X 11' ED LEACHING POOLS, 77 VF OR 268.3 CF			

[illegible]



John C. Armentano
Partner

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

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

Our File No.
42087-100

July 20, 2026

BY ELECTRONIC MAIL (@JULIE.HARGRAVE@SCWA.COM)

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

**Re: APPLICATION FOR DESIGNATION OF NON-DEVELOPMENT
Hegemans Farm Inc & JH Youngs Farm Inc.
0 South Street, Manorville, NY 11949
SCTM No.: 0200-507.00-04.00-009.000**

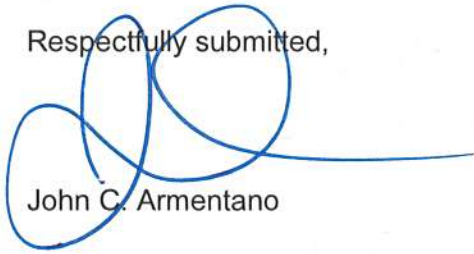
Dear Ms. Hargrave:

In response to your email dated July 1, 2026, a copy of historical aerials of the subject property have been annexed hereto as **Exhibit 1**. Annexed hereto as **Exhibit 2** are photographs of the subject property in its current condition.

In response to our office's FOIL request, the Town of Brookhaven confirmed that no Certificates of Occupancy have been issued for the subject property. According to the Town's Division of Land Management, the prior owner largely grew things in hoop houses. Unfortunately, the Town does not have a record of when farming occurred.

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

Respectfully submitted,


John C. Armentano

HAM
Enclosures

cc: John C. Milazzo, Special Counsel to the Central Pine Barrens Commission



John C. Armentano
Partner

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

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

Our File No.
42087-100

August 3, 2026

BY FEDERAL EXPRESS AND ELECTRONIC MAIL (JULIE.HARGRAVE@SCWA.COM)

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

**Re: APPLICATION FOR DESIGNATION OF NON-DEVELOPMENT
Hegemans Farm Inc & JH Youngs Farm Inc.
0 South Street, Manorville, NY 11949
SCTM No.: 0200-507.00-04.00-009.000**

Dear Ms. Hargrave:

As you know, our office represents Hegemans Farm Inc (the "Applicant"), owner of the vacant property located at 0 South Street, Manorville, NY 11949, also designated on the Suffolk County Tax Map as District 0200, Section 507.00, Block 04.00, and Lot 009.000 (the "Property"). The Applicant intends to utilize the Property for agricultural production (the "Proposed Use"), which, for the reasons set forth in detail below, constitutes non-development pursuant to N.Y. Environmental Conservation Law § 57-0107(13)(v). Accordingly, we respectfully request that the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") issue a determination designating the Proposed Use as non-development.

I. Proposed Farm Operation at the Property

The Property is a 15.63-acre parcel in the Compatible Growth Area on the north side of South Street in the hamlet of Manorville. Based on historical satellite images of the site, the Property was previously cleared and used for farming by a prior owner. See, **Exhibit 1**. According to the Town of Brookhaven, the prior owner grew crops in hoop houses without the benefit of a Certificate of Occupancy. The Town's Division of Land Management confirmed that the Property has not been used for agricultural production for at least 15 years. After such a prolonged period of inactivity, the site is now in need of restoration. Photographs of the Property in its existing condition are annexed hereto as **Exhibit 2**. The Applicant intends to convert the Property into suitable farm land in order to convert the site into a quaint, community-friendly farm.

The Applicant endeavors to be a local sustainable farm that provides organically-grown vegetables and fruits to the community and greater Long Island. In addition to selling fresh

produce, other foods such as jams, soups, and pies will also be made available for purchase. As depicted on the Alignment Plan prepared by Nelson and Pope dated February 2026, which has been annexed hereto as **Exhibit 3**, the Applicant intends to use approximately 13-acres of the Property to grow crops including tomatoes, eggplants, peppers, potatoes, beets, carrots, peas, beans, squash, cucumbers, onions, lettuce, radish, spinach, kale, basil, cabbage, broccoli, cauliflower, and micro greens. In addition to the crops, the Property will also be used to grow flowers, such as sunflowers, zinnia, geraniums, etc., as well as a fruit, including strawberries, raspberries, blackberries, etc.

The remaining portion of the Property will be improved with a farm stand, gravel parking lot, barns, and greenhouses. The proposed structures will be located near the Property's frontage along South Street.

II. The Property Has Been Conserved for Future Agricultural Use

On November 9, 2010, the prior owner of the Property signed a Deed of Development Rights to the Town of Brookhaven that restricts the potential use of the Property to agricultural production and open space preservation. A copy of the Deed of Development Rights has been annexed hereto as **Exhibit 4**.

As noted in the recorded Conservation Easement, an approximately 13.63-acre area of the Property (referred to in the Conservation Easement as the "Protected Property") was conserved for the express purpose of assuring "the sustained, natural capacity of the Protected Property and its soils to support **agricultural uses**, and allow, but not require, **agricultural uses** and limit adverse aesthetic and ecological impacts (emphasis added)."

Pursuant to the terms of the Conservation Easement, "The Protected Property shall be used only for agriculture, conservation, or passive outdoor recreation..." In accordance with the Conservation Easement, the Applicant has the right to "produce crops, livestock and livestock products and conduct farm operations as defined under Section 301 of the New York State Agriculture and Markets Law..." A copy of the Deed of Development Rights has been annexed hereto as **Exhibit 5**.

Accordingly, the Property has been expressly conserved by the Town of Brookhaven for the precise type of farming activities contemplated by the Applicant.

III. The Proposed Use Does Not Constitute Development under the ECL

Pursuant to ECL § 57-0107(13), the term "development" is defined as "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." Under ECL § 57-0107(13)(v), this definition of "development" excludes the "use of any land for the purpose of **agriculture** or **horticulture** (emphasis added)."

The terms "agriculture" and "horticulture" are defined under the ECL as follows:

"any production of plants or animals useful to man, including but not limited to: forage or sod crops; grains and feed crops; dairy animals and dairy products;

poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds including wineries; vegetables; nursery, floral, ornamental and greenhouse products and farmstands for selling products raised or produced on site and other associated structures required for their production."

ECL § 57-0107(14).

Given the Applicant's intended use of the Property to grow crops, flowers, and fruits, we submit that the Proposed Use falls precisely within the statute's broad definition of "agriculture." In accordance with ECL § 57-0107(13)(v), the proposed improvements to the Property, in connection with the Proposed Use, does not constitute development.

IV. The Proposed Use is Consistent with the Goals of the Comprehensive Land Use Plan

In further support of the instant application, ECL § 57-0121(4) provides that the goals for the Compatible Growth Area under the Central Pine Barrens Comprehensive Land Use Plan ("Land Use Plan") include encouraging "appropriate patterns of compatible...**agricultural**...development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the individual and cumulative adverse impacts thereof." Accordingly, agricultural development, such as that proposed by the Applicant, is expressly listed as a favored use of land in the Compatible Growth Area.

In addition, ECL § 57-0121(6)(g) requires that the Land Use Plan include "identification of land suitable for **agricultural use** and necessary and appropriate strategies to **protect land capable of agricultural production** (emphasis added)."

Based on the express language of the ECL and the stated goals of the Land Use Plan, we submit that the Proposed Use of the Property is consistent with the goals and objectives for the Compatible Growth Area.

Conclusion

Based on the foregoing, we submit that the Proposed Use does not constitute development under the applicable provisions of the ECL. Pursuant to ECL § 57-0107(13)(v), the use of the Property for agricultural production is exempt from the prohibition against development within the Central Pine Barrens.

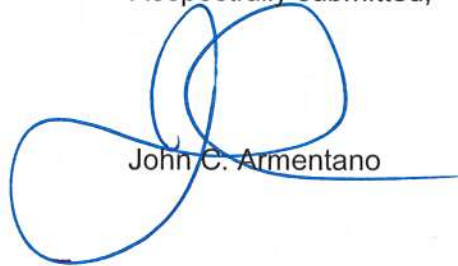
We kindly request that this matter be placed on the Commission's agenda for the next available meeting.

Central Pine Barrens

Page 4

Please contact our office if you have any questions or require additional information.

Respectfully submitted,

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

John C. Armentano

HAM
Enclosures

cc: John C. Milazzo, Special Counsel to the Central Pine Barrens Commission

**DEED OF DEVELOPMENT RIGHTS
AS RECORDED IN
LIBER 12645 PAGE 207**

Number of pages 4

This document will be public record. Please remove all Social Security Numbers prior to recording.

RECORDED
2010 Dec 07 09:23:21 AM
JUDITH A. PASCALE
CLERK OF
SUFFOLK COUNTY
L 000012645
P 207
DT# 10-09602

Deed / Mortgage Instrument	Deed / Mortgage Tax Stamp	Recording / Filing Stamps
----------------------------	---------------------------	---------------------------

3	FEES	
---	------	--

Page / Filing Fee 20
Handling 20.00
TP-584 5
Notation 5
EA-52 17 (County) 5
EA-5217 (State) 250
R.P.T.S.A. 30-
Comm. of Ed. 5.00
Affidavit _____
Certified Copy _____
NYS Surcharge 15.00
Other _____

Sub Total _____



Sub Total _____
Grand Total 350

2. Mortgage Amt. _____
1. Basic Tax _____
2. Additional Tax _____
Sub Total _____
Spec./Assit. _____
or _____
Spec./Add. _____
TOT. MTG. TAX _____
Dual Town _____ Dual County _____
Held for Appointment _____
Transfer Tax 2
Mansion Tax _____
The property covered by this mortgage or will be improved by a one or two family dwelling only.
YES _____ or NO _____
If NO, see appropriate tax clause on page # _____ of this instrument.

4	Dist. 0200	Section 507.00	Block 04.00	Lot 1/009.000	5	Community Preservation Fund
---	------------	----------------	-------------	---------------	---	-----------------------------

Real Property
Tax Service
Agency
Verification



10025866 0200 50700 0400 009000 P/O

Consideration Amount \$ _____

CPF Tax Due \$ _____

6 Satisfac _____ Press

RECORD & RETURN TO:

Town of Brookhaven
1 Independence Hill
Farmingville, NY 11738
Attn: Annette Eaderesto, Special Counsel

Improved _____
Vacant Land _____
TD _____
TD _____
TD _____

Mail to: Judith A. Pascale, Suffolk County Clerk
310 Center Drive, Riverhead, NY 11901
www.suffolkcountyny.gov/clerk

7 Title Company Information
Co. Name Chase Title
Title # 3508-00507

8 **Suffolk County Recording & Endorsement Page**

This page forms part of the attached Deed of Development Rights ma
by: (SPECIFY TYPE OF INSTRUMENT)

The Sideris Family Company LLC

The premises herein is situated in
SUFFOLK COUNTY, NEW YORK

TO

In the TOWN of Brookhaven

Town of Brookhaven

In the VILLAGE

or HAMLET of Manorville

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

(0v)

T.T.
0-

Title # 3808
00507

DEED OF DEVELOPMENT RIGHTS

THIS INDENTURE, made the ^{9th} day of November, 2010, **THE SIDERIS FAMILY COMPANY LLC**, with offices at c/o Larry Davis, Esq., 175 Oak Street, Patchogue, New York 11772, Grantor(s), and the **TOWN OF BROOKHAVEN**, a municipal corporation with offices at One Independence Hill, Farmingville, New York 11738, Grantee,

WITNESSETH that in accordance with the Bond Resolution of the Town of Brookhaven adopted August 26, 2004 and approved by the voters on November 2, 2004 entitled "Clean Water Open Space Bond Act of 2004" and Resolution No. 65A of the Town Board Meeting dated July 25, 2006;

That the **GRANTOR(S)**, in consideration of **ONE MILLION TWO HUNDRED NINETY-FOUR THOUSAND EIGHT HUNDRED FIFTY (\$1,294,850.00) DOLLARS** and other good and valuable consideration paid by the **GRANTEE**, **DO HEREBY GRANT AND RELEASE** unto the **GRANTEE**, the successors and assigns of the **GRANTEE**, **FOREVER, THE DEVELOPMENT RIGHTS**, by which is meant the permanent legal interest and right, as authorized by §247 of the New York State General Municipal Law, as amended, to permit, require or restrict the use of the premises exclusively for agricultural production and open space preservation as that term is defined in the Conservation Easement signed by Grantor and the Town of Brookhaven dated November 9, 2010, to the property described as follows:

That piece or parcel of land, situated in the Town of Brookhaven, County of Suffolk, and State of New York, more particularly bounded and described as follows: (see description annexed hereto and made a part hereof as Schedule A and known by SCTM #0200-507.00-04.00-009.000

BEING AND INTENDED to be part of the same premises conveyed to Grantor by deed dated 10/12/02, and recorded in the office of the Clerk of the County of Suffolk on 7/7/04 in Liber 12329 at Page 154.

TO HAVE AND TO HOLD the said **DEVELOPMENT RIGHTS** in the premises herein granted unto the **GRANTEE**, its successors and assigns, forever;

AND the **GRANTOR(S)** covenant that the **GRANTOR(S)** has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. The **GRANTOR(S)**, as a covenant running with the land in perpetuity, further covenants and agree for the **GRANTOR(S)**, and the heirs, legal representatives, successors and assigns of the **GRANTOR(S)**, to use of the premises subject to the further terms and conditions as set forth in the Conservation Easement between the **PARTIES** hereto dated November 9, 2010, as the same is recorded in the office of the Suffolk County Clerk simultaneously herewith which will survive the delivery of this instrument of conveyance.

IN WITNESS WHEREOF, the **GRANTOR(S)** has duly executed this deed the day and year first above written.

THE SIDERIS FAMILY COMPANY LLC

By: John Sideris Manager

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

On the day of November, in the year 2010, before me, the undersigned, personally appeared John Sideris, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

DENISE F. BUFINS
Notary Public, State of New York
No. 4006260
Qualified in Suffolk County
Commission Expires September 28, 2014


Notary Public

Record and Return to:
Annette Eaderesto, Special Counsel
Town of Brookhaven
Department of Law
One Independence Hill
Farmingville, NY 11738

SCHEDULE A
CHICAGO TITLE INSURANCE COMPANY

Title No.: 3808-00507

LEGAL DESCRIPTION

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

BEGINNING AT A POINT WHICH IS THE SOUTHEASTERLY CORNER OF THE PREMISES TO BE CONVEYED HEREUNDER AND WHICH SAID POINT OF BEGINNING IS LOCATED ON THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SOUTH STREET) DISTANT 4808.00 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF WADING RIVER ROAD WITH THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SANTA STREET);

RUNNING THENCE NORTH 83 DEGREES 08 MINUTES 38 SECONDS WEST ALONG THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SOUTH STREET) 185.27 FEET TO LAND SHOWN ON THE MAP OF WILLIAM H. MOFFITT NO. 619;

THENCE NORTH 5 DEGREES 58 MINUTES 06 SECONDS WEST ALONG LAST MENTIONED LAND 488.93 FEET TO A FIELDSTONE AND THE SOUTH EAST CORNER OF LOT 204 ON "MAP OF WILLIAM H. MOFFITT AT WAMPHESSIC STATION" AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF SUFFOLK AS MAP NUMBER 619;

THENCE NORTHERLY ALONG THE EASTERLY SIDE OF LAST MENTIONED LOT AND ALONG THE EASTERLY SIDE OF LOTS 202, 203 AND 204 AS SHOWN ON THE ABOVEMENTIONED MAP THE FOLLOWING 4 COURSES AND DISTANCES:

- 1) NORTH 6 DEGREES 01 MINUTES 49 SECONDS WEST 162.29 FEET TO A MONUMENT;
- 2) NORTH 6 DEGREES 54 MINUTES 58 SECONDS WEST 120.50 FEET TO A MONUMENT;
- 3) NORTH 5 DEGREES 11 MINUTES 40 SECONDS WEST 360.84 FEET TO A MONUMENT;
- 4) NORTH 6 DEGREES 00 MINUTES 20 SECONDS WEST 546.11 FEET TO THE SOUTHEASTERLY SIDE OF LONG ISLAND EXPRESSWAY;

THENCE NORTH 58 DEGREES 08 MINUTES 40 SECONDS EAST ALONG THE SOUTHERLY SIDE OF LONG ISLAND EXPRESSWAY 416.73 FEET TO A MONUMENT AND LAND NOW OR FORMERLY OF NEW YORK STATE;

THENCE SOUTH 5 DEGREES 59 MINUTES 50 SECONDS EAST ALONG LAST MENTIONED LAND 228.52 FEET TO A MONUMENT AND LAND NOW OR FORMERLY OF JOHN DOSIAK;

THENCE SOUTH 5 DEGREES 54 MINUTES 39 SECONDS EAST ALONG LAST MENTIONED LAND 1248.81 FEET;

THENCE SOUTH 84 DEGREES 05 MINUTES 21 SECONDS WEST 195.05 FEET;

THENCE SOUTH 05 DEGREES 54 MINUTES 39 SECONDS EAST, 424.56 FEET TO THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SOUTH STREET) AT THE POINT OR PLACE OF BEGINNING.

FOR INFORMATION ONLY: DISTRICT 0200 SECTION 507.00 BLOCK 04.00 LOT 009.000

CONSERVATION EASEMENT

AS RECORDED IN

LIBER 12645 PAGE 208

Number of pages 16

This document will be public record. Please remove all Social Security Numbers prior to recording.

RECORDED
2010 Dec 07 09:23:21 AM
JUDITH A. PASCALE
CLERK OF
SUFFOLK COUNTY
L 000012645
P 208
DT# 10-09603

Deed / Mortgage Instrument	Deed / Mortgage Tax Stamp	Recording / Filing Stamps
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3	FEEs
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Page / Filing Fee 80
Handling 20.00
TP-584 5
Notation _____
EA-52 17 (County) _____
EA-5217 (State) _____
R.P.T.S.A. 20-
Comm. of Ed. 5.00
Affidavit _____
Certified Copy _____
NYS Surcharge 15.00
Other _____

Sub Total 105



Sub Total 50

Grand Total 155

Mortgage Amt. _____
1. Basic Tax _____
2. Additional Tax _____
Sub Total _____
Spec./Assit. _____
or _____
Spec./Add. _____
TOT. MTG. TAX _____
Dual Town _____ Dual County _____
Held for Appointment _____
Transfer Tax _____
Mansion Tax _____
The property covered by this mortgage or will be improved by a one or t family dwelling only.
YES _____ or NO _____
If NO, see appropriate tax clause on page # _____ of this instrument.

4	Dist. 0200	Section 507.00	Block 04.00	Lot 0009.000	5	Community Preservation Fund
---	------------	----------------	-------------	--------------	---	-----------------------------

Real Property
Tax Service
Agency
Verification



Consideration Amount \$ _____

CPF Tax Due \$ _____

6 Satisfactory _____ Address _____

RECORD & RETURN TO:

Town of Brookhaven
1 Independence Hill
Farmingville, NY 11738
Attn: Annette Eaderesto, Special Counsel

Improved _____
Vacant Land _____
TD _____
TD _____
TD _____

Mail to: Judith A. Pascale, Suffolk County Clerk
310 Center Drive, Riverhead, NY 11901
www.suffolkcountyny.gov/clerk

7	Title Company Information
Co. Name	<u>Chicago Title</u>
Title #	<u>3808-80507</u>

8 Suffolk County Recording & Endorsement Page

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

The Sideris Family Company LLC

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

TO

Town of Brookhaven

In the TOWN of Brookhaven

In the VILLAGE

or HAMLET of Manorville

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

(ov)

TNlet# 380F 00507

Conservation Easement

**The Sideris Family Company LLC, Grantor
To
Town of Brookhaven, Grantee**

- I. **THIS AGREEMENT** by and between The Sideris Family Company LLC with offices at c/o Larry Davis, Esq., 175 Oak Street, Patchogue, New York 11772 (hereinafter collectively referred to as "Grantor") and the TOWN OF BROOKHAVEN, a municipal corporation of the State of New York with offices at One Independence Hill, Farmingville, New York 11738 (hereinafter referred to as the "Grantee");
- II. Grantor is the owner of one parcel of land lying and being on South Street, in the hamlet of Manorville, in the Town of Brookhaven, County of Suffolk and State of New York, hereinafter identified as Suffolk County Tax Map No. 0200-507.00-04.00-009.000, more particularly bounded and described in Exhibit "A" attached hereto and made a part hereof by reference;
- III. Grantor for full and fair consideration hereby grants to the Grantee, the Development Rights and the following described Conservation Easement over an approximately 13.63 ± acre area, more particularly bounded and described in Exhibit "A" and depicted on the survey referenced in Exhibit "B," both attached hereto and made a part hereof by reference (hereinafter referred to as the "Protected Property");
- IV. Such conveyance shall be consistent with the Town of Brookhaven, New York Bond Resolution adopted and approved by the voters on November 2, 2004 entitled the "Clean Water Open Space Bond Act of 2004", and Resolution No. 67A of the Town Board Meeting dated July 25, 2006, and Resolution No. 2010-79 of January 26, 2010, for conservation purposes as follows:
- V. The purpose of this Conservation Easement is to forever conserve the Protected Property for the following conservation purposes:

To assure the sustained, natural capacity of the Protected Property and its soils to support agricultural uses, and allow, but not require, agricultural uses and limit adverse aesthetic and ecological impacts; and

To protect the scenic vista visible from South Street, Manorville, over and across the Protected Property; and

Grantor and Grantee intend that this Conservation Easement will confine the use of the Protected Property to activities that are consistent with the Purposes of this Conservation Easement and will prohibit and prevent any use of the Protected Property that will materially impair or interfere with the Protected Conservation Values of the Protected Property.
- VI. The Protected Conservation Values of the Protected Property and the Purposes hereof are more particularly described in the following recitals, incorporated herein:

WHEREAS, the Grantor is the sole owner of certain real property, the Protected Property, consisting of 13,63± acres of substantially undeveloped land, and

WHEREAS, the property possesses open-space values of great importance to Grantors and the people of the Town of Brookhaven; and

WHEREAS, Grantee is a municipal corporation and has the authority pursuant to Section 247 of the General Municipal Law and Article 49, Title 3 of the New York Environmental Conservation Law (the "ECL") to acquire development rights and hold conservation easements. Development Rights mean the permanent legal interest and right to prohibit or restrict the use of the Protected Property and the right to preserve open space as that term is defined in §247 of the General Municipal Law, as amended; and

WHEREAS, Article 14, Section 4 of the New York State Constitution states that "the policy of this state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products"; and

WHEREAS, In Section 49-0301 of the ECL, the Legislature of the State of New York found and declared that "in order to implement the state policy of conserving, preserving and protecting its environmental assets and natural and man-made resources, the preservation of open spaces, and the preservation, development and improvement of agricultural and forest lands..., is fundamental to the maintenance, enhancement and improvement of...balanced economic growth and the quality of life in all areas of the state;"; and

WHEREAS, Article 25AA of the New York State Agriculture and Markets Law, Section 300 states: "It is hereby found and declared that many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited resources results...It is therefore the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products...It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance;"; and

WHEREAS, Article 25-AAA, Section 321 of the Agriculture and Markets Law states that "It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and the environmental and landscape preservation values associated with agriculture..." the Commissioner is authorized to administer programs to assist counties in developing agricultural and farmland protection plans and to assist both county and municipal governments in the implementation of such plans. The Commissioner gives priority to projects that will preserve viable agricultural land, are located in areas facing significant development pressure and serve as a buffer for a significant natural public resource containing important ecosystem or habitat characteristics; and

WHEREAS, the Protected Property is located within Suffolk County, which has adopted an Agricultural and Farmland Protection Program. The Plan recommends preserving at least 20,000 acres of farmland countywide, and implementing public policy that will protect, encourage, promote, and sustain agriculture as an industry for future generations; and

WHEREAS, the Town of Brookhaven is authorized to purchase development rights pursuant to the "Clean Water Open Space Bond Act of 2004" which was enacted on November 2, 2004 through a referendum by the people of the Town of Brookhaven for the purpose of protecting open space, including farmland, in the Town through the acquisition of land or development rights to land; and

WHEREAS, the Town Board of the Town of Brookhaven authorized the purchase of the development rights to the subject property in Resolution No. 67A, at regularly scheduled Town Board Meetings on July 25, 2006, January 26, 2010; and

VII. NOW THEREFORE, in consideration of the foregoing purposes and recitals and for the benefit of the general public, the Grantor and Grantee have established this Conservation Easement on, over, and across the Protected Property consisting of the foregoing purposes and recitals and the following terms, covenants, restrictions, and affirmative rights granted to the Grantee, which shall run with and bind the Protected Property in perpetuity:

VIII. Restrictions and Reserved Rights:

1. LAND USE

- A. The Protected Property shall be used only for agriculture, conservation, or passive outdoor recreation, and for uses specifically reserved hereinbelow by Grantor. No industrial, mining, or commercial activities (other than the agricultural uses), and no residential or other development are permitted on the Protected Property.
- B. Grantor has the right to produce crops, livestock and livestock products and conduct farm operations as defined under Section 301 of the New York State Agriculture and Markets Law ("Agriculture and Markets Law"), or such successor law as is later promulgated, which includes but is not limited to the right to establish, maintain, and use cultivated fields, orchards, pastures and woodlands, the right to raise and board horses, and the right to raise wool-bearing animals including alpacas and llamas. Said farming practices shall be carried out in accordance with Sound Agricultural Practices as defined herein and subject to the limitations set forth in this Easement.

The term "Sound Agricultural Practices" is defined as those practices necessary for on-farm production, preparation and marketing of agricultural commodities, provided such practices are legal, necessary, do not cause bodily harm or property damage off the farm, and achieve the intended results in a reasonable and supportable way. If necessary, to determine if a practice is "sound," Grantee or Grantor may request the New York State Department of Agriculture and Markets to

initiate a sound agricultural practice review pursuant to Section 308 of the New York State Agriculture and Markets Law, or any successor statute.

- C. Without limiting the generality of the foregoing, the following are strictly prohibited on the Protected Property: housing, utility corridors, through-roads or rights-of-way, commercial recreation, campgrounds, racetracks, motocross or all-terrain vehicle courses, golf courses, skate parks, condominiums, high-intensity lighting, motels or hotels, billboards, towers, commercial power generation or transmission facilities, antennas or equipment for telecommunication and/or radar, and use of the Protected Property as an aircraft or helicopter landing site except in an emergency.

2. SUBDIVISION

A. Division Limitation

No division, partition, subdivision, or other legal or *de facto* creation of lots or parcels is permitted.

B. Exceptions

Notwithstanding the foregoing, Grantor may enter into boundary line agreements to resolve bona fide boundary disputes with the prior written consent of Grantee, which shall not be unreasonably withheld, provided that the total acreage of land protected under this Conservation Easement shall not materially be reduced thereby.

C. Extinguishment of Development Rights

All rights to develop or use the Property that are prohibited by or inconsistent with this Easement are extinguished, and cannot be used to transfer development rights to other land, or to permit increased development density, or to achieve other regulatory mitigation credits for discharge of pollutants, or other similar accommodation on land not subject to this Conservation Easement.

3. STRUCTURES

As of the date of this grant, there is a small barn and fences on the Protected Property as documented in the Baseline Documentation (Exhibit C) and depicted on the survey (Exhibit B).

No additional structures of any kind, temporary or permanent, may be constructed, located, placed, or installed on the Protected Property without the prior written consent of Grantee; except, however, the Grantor reserves the following rights:

A. Structures for Agricultural Use

Grantor reserves the right to construct farm structures as defined herein only with the prior written consent of the Director of the Town of Brookhaven Division of Land Management (or its successor agency), and in compliance with the Town of Brookhaven Code, and also provided that all structures, existing and proposed; cumulatively cover no more than ten (10) percent of the Protected Property.

Structure -- Anything constructed or erected which requires location in, on or under the ground or attachment to something having a location in, on or under the ground, pavement, and excluding minor structures as described below.

B. Exception for Minor Structures

Grantor reserves the right to install, maintain and/or relocate boundary markers and minor, small-scale structures as necessary for the management of the property and not detrimental to the conservation values of the Protected Property, including but not limited to gates, barriers, or fences to contain livestock, control unauthorized use, prevent access by motor vehicles, or protect fragile areas.

4. SURFACE ALTERATIONS

As of the date of this grant, there are no surface alterations on the Protected Property;

No additional filling, dumping, excavation, or other alteration may be made to the surface or subsurface of the Protected Property or to its surface waters or wetlands; except that the Grantor reserves the following rights, provided that in every case the disturbed surrounding area must be restored as soon as reasonably possible to a state consistent with the conservation values to be protected by this Conservation Easement.

A. Generally:

Grantor reserves the right to alter the surface to the minimum extent necessary to exercise the rights reserved in Paragraph 3 herein.

B. Cultivation and Grazing:

Grantor reserves the right to cultivate the surface of the Protected Property in order to conduct permitted agriculture as defined in Paragraph 1.B. herein, and the right to graze animals in sufficiently limited numbers as to prevent overgrazing and the risk of soil erosion.

C. Utility Services and Septic Systems:

Wires, lines, pipes, cables or other facilities providing electrical, gas, water, sewer, communications, or other utility services to the improvements permitted in this Easement may be installed, maintained, repaired, removed, relocated and replaced, and Grantor may grant easements over and under the Property for such purposes. Septic or other underground sanitary systems serving the improvements permitted herein may be installed, maintained, repaired or improved. Services are limited to structures permitted on the Property pursuant to Section 3.

D. Driveways and Roads:

Grantor reserves the right to construct farm roads for access to farm structures and other farm-related uses, provided to the greatest extent practicable, soil compaction is minimized and the surface of the road remains permeable.

E. Trails and Footpaths:

Grantor reserves the right to establish and maintain unpaved footpaths and recreational trails, provided they are located and designed in a manner to prevent soil erosion.

F. Archaeological and Scientific Study:

Grantor reserves the right, subject to prior written approval by Grantee to permit limited excavation of the surface of the Protected Property for ecological, education, scientific research, and archaeological investigation conducted under then current generally accepted professional standards and without adverse impact to the conservation values protected by this easement.

5. WASTE DISPOSAL AND USE OF CHEMICALS

A. WASTE DISPOSAL

Discharge of septic waste or wastewater into surface waters on or about the Protected Property is prohibited. It is forbidden to dispose of or store rubbish, garbage, building debris, unserviceable vehicles and equipment or parts thereof, hazardous or other waste, hazardous or toxic substances, or other unsightly or offensive waste material on the Protected Property, except that organic matter, and compost may be used, stored, or disposed of in a manner not detrimental to the conservation values of the Protected Property, and other waste generated by permitted uses on the Protected Property may be stored temporarily in appropriate containment for removal at reasonable intervals, all in accordance with applicable state, local, and federal laws and regulations. This should not be construed to permit the use of sludge or other potentially toxic waste by-products on the Protected Property. Notwithstanding the foregoing, the storage and treatment of sewage associated with agricultural uses permitted on the Property, is permitted by this Easement.

6. PUBLIC ACCESS

A. Access:

Nothing contained herein should be construed as affording the general public physical access to any portion of the Protected Property. Nothing in this Easement should be construed to preclude Grantor's right to permit passive recreational use of the Protected Property, provided that such use does not conflict with the conservation values of the Protected Property.

B. Liability:

Notwithstanding any public use of the Protected Property and any insurance coverage therefore, neither the Grantor nor the Grantee assumes any obligation to the public to maintain the Protected Property for public use. Any permission to enter the Protected Property by Grantor shall not be construed as an invitation or license, and neither the Grantor nor the Grantee assumes any liability to the general public for accidents, injuries, acts, or omissions beyond that defined by the standard of care owed by landowners under all the laws of the State of New York.

7. DEFINITIONS

A. Recreation

- 1) Passive Outdoor Recreation

'Passive outdoor recreation' is defined as dispersed, non-commercial, and non-motorized recreational activities that do not generally rely on buildings or spectator facilities and have minimal impact on renewable natural resources. Such uses include: hunting, fishing, trapping, hiking, nature observation, picnicking, cross-country skiing, snowshoeing, horseback riding, swimming, primitive noncommercial camping, and outdoor education and nature study, including scientific and archaeological research and observation, and enjoyment of open space.

2) Commercial Outdoor Recreation

By prohibiting more than a *de minimis* use of the Protected Property for commercial outdoor recreation, it is the intent of the parties to prevent the Protected Property from becoming the site of a commercial recreational enterprise, such as a commercial campground, a golf course, a commercial ski area, a commercial site for an all-terrain vehicle track, a paintball site, or other similar intensive or predominantly commercial use, but this restriction shall not be construed to mean the occasional use of or access to the Protected Property by individuals or groups who pay a fee to an educator or guide to supervise outdoor recreational activities.

VII. Administrative Provisions

8. GRANTEE'S AFFIRMATIVE RIGHTS

A. Entry and Inspection

Grantee is hereby granted the right to reasonable entry and access to the Protected Property for inspection and monitoring purposes and for enforcement of the terms of this easement. Grantee will make reasonable efforts to notify Grantor prior to entry onto any area of the Protected Property.

B. Enforcement

Grantee has the right to enforce this Conservation Easement by proceedings at law and in equity, including without limitation the right to require the restoration of the Protected Property to a condition in compliance herewith.

C. Boundaries

It is the Grantor's obligation to locate and clearly mark the boundaries of the Protected Property, and any Land Use Areas identified in Paragraph 1, before undertaking any actions that are restricted by this Conservation Easement in the vicinity of such boundary; absent which, Grantee has the right to require a survey of the Protected Property of the relevant portion thereof, which shall be at Grantor's cost to the extent necessary to determine if a land use activity is in compliance with the terms of this grant.

9. NOTICES TO GRANTEE

A. Means of Notice

Any notices to Grantee required by this Conservation Easement shall be sent by registered or certified mail, or other courier providing reliable proof of delivery, to the following person and address, or such other person or address as may be hereafter specified by notice in writing to, Director, Division of Land Management,

Town of Brookhaven, 1 Independence Hill, Farmingville, NY 11738. All other communication shall be made by reasonable means under the circumstances, provided that facsimile and other electronic communication will not be deemed received unless accompanied by delivery by one of the foregoing methods.

B. Content of Notice

The purpose of requiring the Grantor to notify Grantee prior to undertaking certain permitted activities, as provided in Paragraphs 2 and 3 above, is to afford Grantee an adequate opportunity to monitor the activities in question to ensure that they are designed and carried out in a manner consistent with the terms and Purpose of this Conservation Easement. Such notices to Grantee or requests for Grantee's consent, required or contemplated hereunder, must include, at a minimum, sufficient information, including the nature, scope, design, location, timetable, and any other material aspect of the proposed activity, in sufficient detail to enable Grantee to determine whether proposed plans are consistent with the requirements of this Conservation Easement and the purposes hereof.

C. Process of Notice and Approval

Whenever notice to Grantee is required, Grantor shall notify Grantee in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the requirements and purpose of this Easement. Where Grantee's approval is required, as in Paragraph 5, Grantee shall grant or withhold its approval in writing within forty-five (45) days of receipt of Grantor's written request thereof.

D. Failure to Respond

If Grantee approval is required under the terms of this Conservation Easement prior to the exercise of a reserved right that is the subject of the notification and request for approval, failure of Grantee to respond within forty-five (45) days shall be deemed to be approval of any activity specifically prohibited or not inconsistent with the limitations on such activities in this Conservation Easement.

E. Transfers of Ownership

Grantor further agrees to give written notice to Grantee of the transfer of any interest in the Protected Property, including but not limited to any sale, gift, or long-term lease, at least thirty (30) days prior to the date of such transfer.

10. NOTICES TO GRANTOR

A. Means of Notice

Any notices to Grantor required by this Conservation Easement shall be sent by registered or certified mail, or other courier providing reliable proof of delivery, to the Grantor's designee at the following address, or to such other person or address as may be hereafter specified by notice in writing to Larry Davis, Esq., 175 Oak Street, Patchogue, New York 11772. All other communication shall be made by reasonable means under the circumstances.

B. Grantor's Designee

In the event that the Protected Property is owned by a trust, business entity, or any common or jointly held ownership, the Grantor or Grantors shall provide Grantee with written notice of a designated representative, who shall be responsible for the

receipt of notices on behalf of Grantor hereunder. The approval of, or notice to, the designated representative shall be deemed the approval of, or notice to, the entity or all owners, as the case may be.

11. COSTS, TAXES, LIABILITY

A. Taxes and Liens

Grantor shall pay and discharge when due all property taxes and assessments imposed upon the Protected Property and any uses thereof, and shall avoid the imposition of any liens that may effect Grantee's rights hereunder. Grantor shall keep the Protected Property free of any liens or encumbrances, including without limitation those arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantee may, at its discretion, pay any outstanding taxes or assessments and shall then be entitled to reimbursement by Grantor

B. Hold Harmless

Grantor acknowledges that Grantee has neither possessory rights in the Protected Property, nor responsibility or right to control, maintain, or keep up the Protected Property. Grantor shall retain all responsibilities and shall bear all costs and liabilities of any nature related to the ownership, operation, upkeep, improvement, and maintenance of the Protected Property. Grantor shall indemnify, defend, and hold Grantee harmless from and against any and all liabilities, costs, damages, or expenses of any kind that Grantee may suffer or incur as a result of or arising out of the activities of Grantor or any other person on the protected property, other than those caused by the negligent acts or acts of misconduct of Grantee, and except those arising out of Grantee's workers' compensation obligations.

C. Permits and Applicability of Other Laws

Grantor is solely responsible for obtaining any applicable governmental permits for construction or any other activities permitted hereunder. Nothing herein shall be construed to supersede or exempt the Protected Property from the application of laws and regulations affecting land uses on the Protected Property, or to permit any activity otherwise prohibited by existing or future laws and regulations imposed by any federal, state, or local government or governmental agency having jurisdiction over the Protected Property, or to prohibit the imposition of further land use restrictions by Grantor or by operation of law.

12. CONSERVATION EASEMENT REQUIREMENTS UNDER STATE AND LOCAL LAW

Conservation Purposes – Applicable Law

This Conservation Easement is established in perpetuity exclusively for conservation purposes consistent with the provisions of New York State General Municipal Law §247, and the Town of Brookhaven Clean Water Open Space Bond Act of 2004.

13. GENERAL PROVISIONS

A. Baseline Documentation

To establish the present condition of the Protected Property and its conservation values protected by this Conservation Easement to be able to properly monitor future uses of the Property and assure compliance with the terms hereof, Grantee and Grantor have prepared an inventory of the Property's relevant features and conditions (the "Baseline Documentation"), have certified the same as an accurate representation of the condition of the Protected Property as of the date of this grant. The Baseline Documentation is incorporated by reference herein.

B. Liens Subordinated

Grantor represents that as of the date of this grant, there are no liens or mortgages outstanding against the Protected Property, except any listed in Exhibit A that are subordinated to Grantee's rights under this Deed of Development Rights and Conservation Easement. Grantor has the right to use the Protected Property as collateral to secure the repayment of debt, provided that any lien or mortgage or other rights granted for such purpose, regardless of date, are subordinate to Grantee's rights under this Deed of Development Rights and Conservation Easement. Under no circumstances may Grantee's rights be extinguished or otherwise affected by the recording, foreclosure, or any other action taken concerning any subsequent lien or other interest in the Protected Property.

C. Termination and Proceeds

This Conservation Easement constitutes a property right owned by the Grantee. Notwithstanding that this Conservation Easement is an obligation, and not a financial asset, should it be extinguished, which may be accomplished only by judicial proceedings, or should any interest in the Protected Property be taken by the exercise of the power of eminent domain or acquired by purchase in lieu of condemnation subject to the prior written consent of Grantee, Grantee is entitled to a share of the proceeds of any sale, exchange, or involuntary conversion of the property formerly subject to this easement, according to Grantee's proportional interest in the Protected Property. Grantee's proportional interest in the Protected Property is determined as of the date of this grant and will not include value attributable to authorized improvements to the Protected Property made after the date of this grant, except as to improvements that are made by or at the expense of Grantee. Grantee will use such proceeds for its conservation purposes.

D. Controlling Law and Interpretation

This Conservation Easement is created pursuant to New York State General Municipal Law §247. The interpretation and performance of this Instrument shall be governed by the laws of the State of New York. Any general rule of construction to the contrary notwithstanding, this Instrument shall be liberally construed in favor of the grant to effect the conservation purposes of this Easement and the policy and purpose of General Municipal Law §247. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

E. Merger

Grantors and Grantee agree that the terms of this Easement shall survive any merger of the fee and easement interests in the Protected Property.

F. Owner's Responsibility – Joint Obligation

A person's obligation hereunder as Grantor, or successor owner of the Protected Property, shall be joint and several, and will cease, if and when such person or entity ceases to have any present, partial, contingent, collateral, or future interest in the Protected Property (or pertinent portion thereof), but only to the extent that the Protected Property (or relevant portion thereof) is then in compliance herewith. Responsibility of owners for breaches of this Deed of Development Rights and Conservation Easement that occur prior to transfer of title will survive such transfer, provided the new owner shall also be responsible for bringing the Protected Property into compliance.

G. Subsequent Deeds and Transfers

Grantors agree to incorporate the terms of this Conservation Easement by reference in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Protected Property, including, without limitation, a leasehold or mortgage interest. The failure of Grantors to perform any act required by this paragraph shall not impair the validity of this Instrument or limit its enforceability in any way.

H. Compliance/Estoppel Certificates

Grantee will provide certificates to Grantor or third parties, indicating the extent to which, to Grantee's knowledge after due inquiry, the Protected Property is in compliance with the terms of this grant, after an inspection by Grantee made at Grantor's cost within a reasonable time after Grantor's written request.

I. Amendment and Discretionary Consents

Grantor and Grantee recognize that circumstances could arise which justify amendment of certain of the terms, covenants, or restrictions contained in this Conservation Easement, and that some activities may require the discretionary consent of Grantee. To this end, Grantor and Grantee have the right to agree to amendments and discretionary consents to this Instrument without prior notice to any other party, provided that in the sole and exclusive judgment of the Grantee, such amendment or discretionary consent furthers or is not inconsistent with the purpose of this grant. Amendments will become effective upon recording.

Notwithstanding the foregoing, the Grantee and Grantor have no right or power to consent to any action or agree to any amendment that allows development other than structures for agricultural use and minor structures already allowed in this document, or that would result in the substantial alteration to or destruction of important agricultural and natural resources, or limit the term or result in termination of this Conservation Easement, or adversely affect the qualification of this Instrument or the status of Grantee under applicable laws including New York State General Municipal Law § 247 and Town of Brookhaven Clean Water Open Space Bond Act of 2004, successor provisions thereof, and regulations issued pursuant thereto.

J. Economic Hardship

In making this grant, Grantors have considered the possibility that uses prohibited by the terms of this Instrument may become more economically valuable than permitted uses, and that nearby properties may in the future be put entirely to such prohibited uses. It is the intent of both Grantors and Grantee that any such changes

shall not be deemed to be circumstances justifying the termination or extinguishments of this Conservation Easement pursuant to Paragraph 14.C. In addition, the inability of Grantors, or their heirs, successors, or assigns, to conduct or implement any or all of the uses permitted under the terms of this Conservation Easement, or the unprofitability of doing so, shall not impair the validity of this Instrument or be considered grounds for its termination or extinguishments.

K. Waiver of Certain Defenses

The failure or delay of the Grantee, for any reason whatsoever, to discover a violation or initiate an action to enforce this Conservation Easement shall not constitute a waiver or estoppel of its rights to do so at a later time.

L. Severability – Entire Agreement – No Forfeiture

If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person, or in any other circumstance, shall remain valid. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement, all of which are merged herein. Nothing contained herein will result in a forfeiture of this Conservation Easement or reversion to Grantor of any rights conveyed hereby.

M. Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

IN WITNESS WHEREOF, this agreement has been duly executed by the parties hereto this 9th day of November, 2010.

THE SIDERIS FAMILY COMPANY LLC

By: John Sideris, Manager

TOWN OF BROOKHAVEN

By: Kathleen Walsh
Kathleen Walsh, Deputy Supervisor

List of Exhibits and Attachments

- Exhibit A** Legal Description of the Protected Property
- Exhibit B** Survey prepared by Kenneth M. Woychuk L.S.
- Exhibit C** Critical Baseline Information – prepared by the Town of Brookhaven Planning Division and acknowledged by the Grantors at closing, and is on file at the office of the Town of Brookhaven Division of Land Management

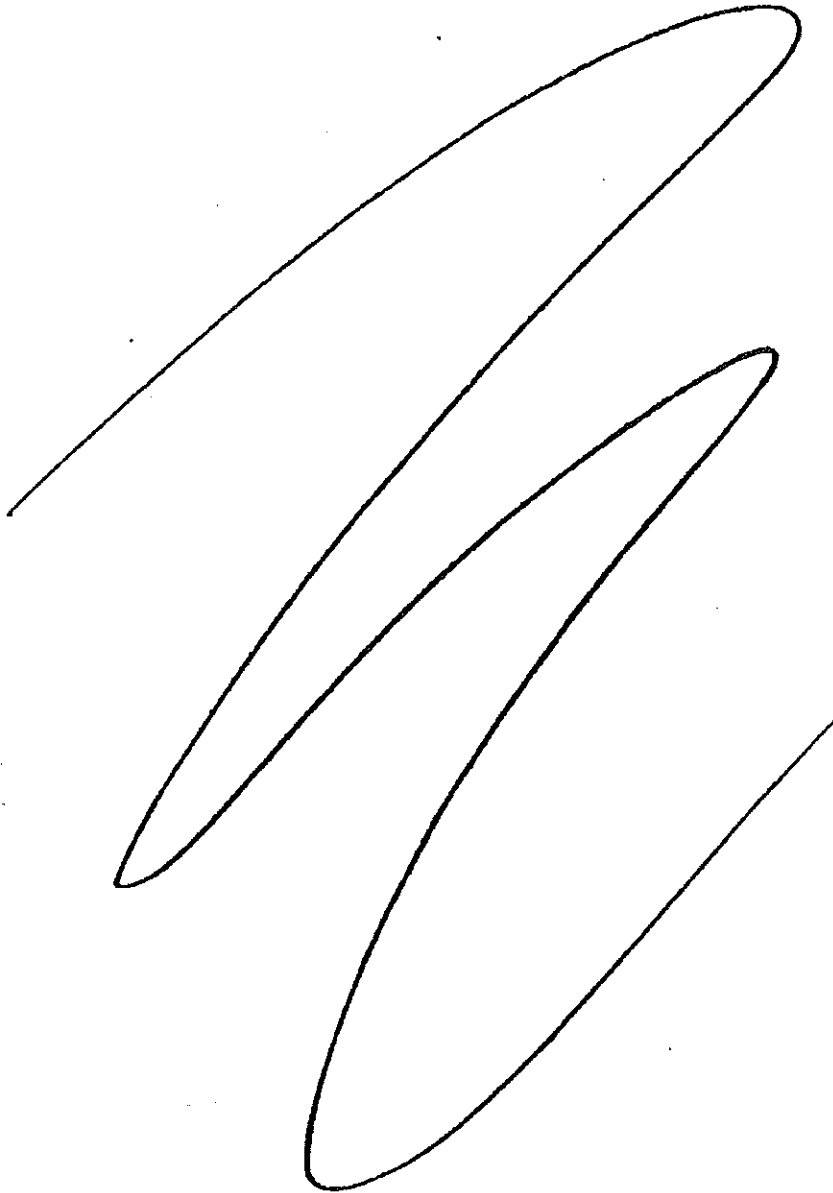


EXHIBIT A

CHICAGO TITLE INSURANCE COMPANY

Title No.: 3808-00507

LEGAL DESCRIPTION

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

BEGINNING AT A POINT WHICH IS THE SOUTHEASTERLY CORNER OF THE PREMISES TO BE CONVEYED HEREBUNDER AND WHICH SAID POINT OF BEGINNING IS LOCATED ON THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SOUTH STREET) DISTANT 4808.00 FEET WESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY SIDE OF WADING RIVER ROAD WITH THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SANTA STREET);

RUNNING THENCE NORTH 83 DEGREES 08 MINUTES 38 SECONDS WEST ALONG THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SOUTH STREET) 185.27 FEET TO LAND SHOWN ON THE MAP OF WILLIAM H. MOFFITT NO. 619;

THENCE NORTH 5 DEGREES 58 MINUTES 06 SECONDS WEST ALONG LAST MENTIONED LAND 488.93 FEET TO A FIELDSTONE AND THE SOUTH EAST CORNER OF LOT 204 ON "MAP OF WILLIAM H. MOFFITT AT WAMPMISSIC STATION" AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF SUFFOLK AS MAP NUMBER 619;

THENCE NORTHERLY ALONG THE EASTERLY SIDE OF LAST MENTIONED LOT AND ALONG THE EASTERLY SIDE OF LOTS 202, 203 AND 204 AS SHOWN ON THE ABOVEMENTIONED MAP THE FOLLOWING 4 COURSES AND DISTANCES:

- 1) NORTH 6 DEGREES 01 MINUTES 49 SECONDS WEST 162.29 FEET TO A MONUMENT;
- 2) NORTH 6 DEGREES 54 MINUTES 58 SECONDS WEST 120.50 FEET TO A MONUMENT;
- 3) NORTH 5 DEGREES 11 MINUTES 40 SECONDS WEST 360.84 FEET TO A MONUMENT;
- 4) NORTH 6 DEGREES 00 MINUTES 20 SECONDS WEST 546.11 FEET TO THE SOUTHEASTERLY SIDE OF LONG ISLAND EXPRESSWAY;

THENCE NORTH 58 DEGREES 08 MINUTES 40 SECONDS EAST ALONG THE SOUTHERLY SIDE OF LONG ISLAND EXPRESSWAY 416.73 FEET TO A MONUMENT AND LAND NOW OR FORMERLY OF NEW YORK STATE;

THENCE SOUTH 5 DEGREES 59 MINUTES 50 SECONDS EAST ALONG LAST MENTIONED LAND 228.52 FEET TO A MONUMENT AND LAND NOW OR FORMERLY OF JOHN DOSIAK;

THENCE SOUTH 5 DEGREES 54 MINUTES 39 SECONDS EAST ALONG LAST MENTIONED LAND 1248.81 FEET;

THENCE SOUTH 84 DEGREES 05 MINUTES 21 SECONDS WEST 195.05 FEET;

THENCE SOUTH 05 DEGREES 54 MINUTES 39 SECONDS EAST, 424.56 FEET TO THE NORTHERLY SIDE OF SOUTH MANOR ROAD (SOUTH STREET) AT THE POINT OR PLACE OF BEGINNING.

FOR INFORMATION ONLY: DISTRICT 0200 SECTION 507.00 BLOCK 04.00 LOT 009.000

South Street Farm
South Street (aka South Manor Road) Manorville, NY
Historical Aerial Photograph Appendix

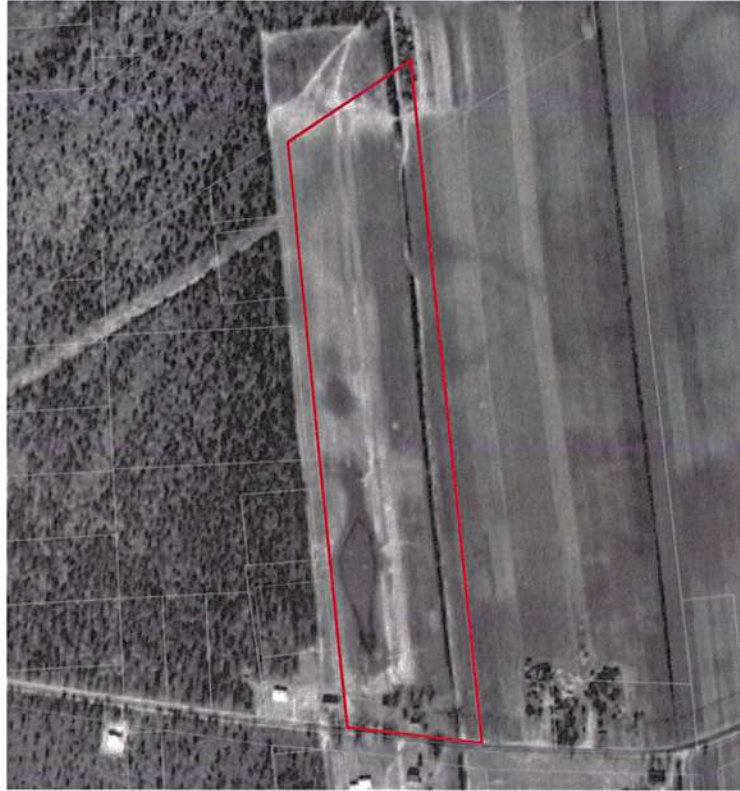


Aerial Photograph Year: 1938



Aerial Photograph Year: 1947

South Street Farm
South Street (aka South Manor Road) Manorville, NY
Historical Aerial Photograph Appendix



Aerial Photograph Year: 1962

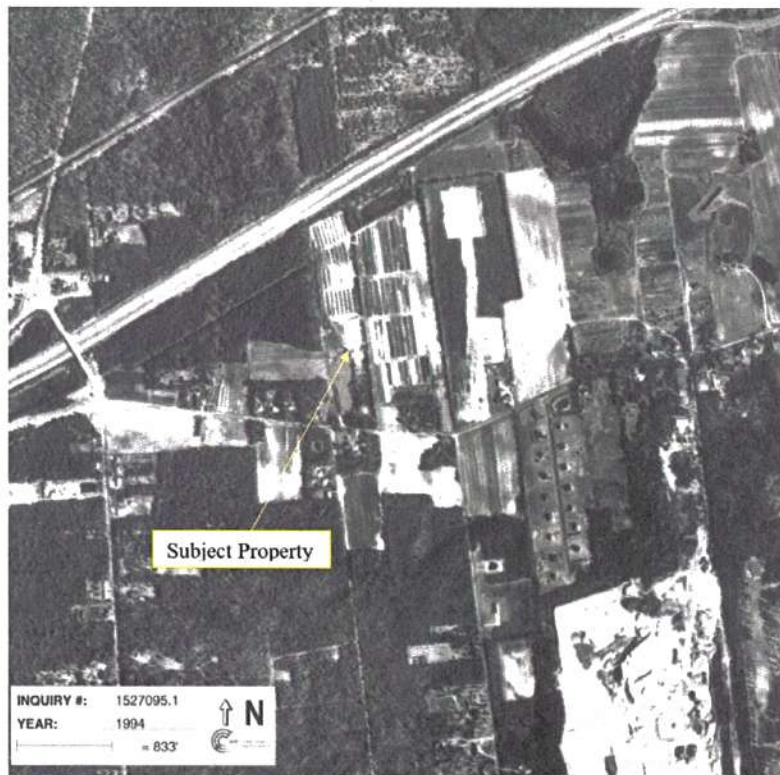


Aerial Photograph Year: 1978

South Street Farm
South Street (aka South Manor Road) Manorville, NY
Historical Aerial Photograph Appendix



Aerial Photograph Year: 1984



Aerial Photograph Year: 1994

South Street Farm
South Street (aka South Manor Road) Manorville, NY
Historical Aerial Photograph Appendix



Aerial Photograph Year: 2001



Aerial Photograph Year: 2007

South Street Farm
South Street (aka South Manor Road) Manorville, NY
Historical Aerial Photograph Appendix



Aerial Photograph Year: 2010



Aerial Photograph Year: 2013

South Street Farm
South Street (aka South Manor Road) Manorville, NY
Historical Aerial Photograph Appendix



Aerial Photograph Year: 2020



Aerial Photograph Year: 2023















**Central Pine Barrens Joint Planning and Policy Commission
Commission Meeting of September 16, 2026**

DRAFT Resolution

49 and 63 Oakcrest Avenue, Middle Island, Town of Brookhaven
Compatible Growth Area Hardship Waiver Application
Suffolk County Tax Map Number 200-343-6-20.1

Present:

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

I. The Project, Application and Project Site

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

Oakcrest Avenue Realty LLC, the Applicant, owns the 4.4-acre property located at 49 and 63 Oakcrest Avenue in Middle Island, Town of Brookhaven, in the Compatible Growth Area (CGA) of the Central Pine Barrens. The property is in the Nursing Home Zoning District. The Applicant is represented by Michael Brusseau of Nelson and Pope and Keith Brown of Brown Altman LLP.

The Project Site, identified as SCTM Number 200-343-6-20.1, is developed with an estimated 32,020 square feet in two three-story nursing home buildings: Surge Nursing and Rehabilitation, 18,050 square feet, and Quantum Nursing and Rehabilitation, 13,970 square feet. The buildings were developed in 1972, prior to the Long Island Pine Barrens Protection Act (the Act) and the adoption of the Central Pine Barrens Comprehensive Land Use Plan (the Plan). The site is currently cleared of natural vegetation except for a limited number of native and non-native trees on the perimeter and other natural vegetation in landscaped areas.

The Applicant requests a CGA Hardship Waiver of three standards in the Plan: vegetation clearance limit, natural open space and fertilizer-dependent vegetation limit. The waiver would allow for additional development on the Project Site, including construction of a 3,350-square-foot building addition and construction of 43 additional parking spaces, regrading, drainage and other infrastructure improvements. The Applicant seeks relief from the vegetation clearance limit standard (5.3.3.6.1), open space standard requirement, unfragmented open space and habitat standard (5.3.3.6.2) and fertilizer-dependent vegetation limit, described in the Plan.

The standard permits a clearing limit of 60% (2.64 acres) and a minimum open space requirement of 40% (1.76 acres). The maximum fertilizer dependent vegetation limit is 15% (0.66 acres). The Project includes planting trees and vegetation in landscaping and constructing a rain garden for stormwater control. An area of 0.42 acres will be planted with native species. The area to remain natural is not considered open space. No natural open space in conformance with the intent or quantity of open space required in this standard is provided. Fertilizer-dependent vegetation will be reduced from its current extent of 32% to 22.1%; therefore, it will continue to exceed the 15% maximum limit. The Site Plan dated

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

June 2024, last dated September 2, 2026, prepared by Nelson and Pope depicts the Project.

The Project Site lot coverages on 4.4 acres include: 2.26 acres of impervious surfaces, 1.3 acres of landscaping and 0.84 acres of building area.

The Applicant requires the Commission's approval because the Project is in the CGA of the Central Pine Barrens and the activity constitutes development, as defined in Article 57 of the New York State Environmental Conservation Law. The Project does not conform with the Vegetation Clearance Limit Standard, 5.3.3.6.1, and Open Space Standard, 5.3.3.6.2, and 5.3.3.6.3 Fertilizer-dependent Vegetation Limit, outlined in the Plan and implemented in the Town Code, therefore a CGA hardship waiver is required.

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. The Commission has jurisdiction over development in the Central Pine Barrens area as such term is defined in the Act. Development includes excavation or the material alteration of grade or vegetation. In 1995, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the Plan), last revised April 19, 2023. In the Plan are Standards and Guidelines to govern development in the Central Pine Barrens.

III. The Application and Materials Submitted to the Commission

On June 4, 2026, the Applicant submitted to the Central Pine Barrens Joint Planning and Policy Commission a CGA Hardship Waiver Application for the Project. The Application contained items including a project description, a review of Standards of the Comprehensive Land Use Plan, a review of Town Law Section 267-b, an existing conditions survey and site plan package dated September 2, 2026 prepared by Nelson and Pope, a notarized owner's affidavit, Full Environmental Assessment Form Part 1 and aerial photographs.

IV. Public Process

On June 17, 2026, the Commission scheduled a public hearing for July 15, 2026. At the public hearing, a Commission Staff Report with eight items, Exhibits A through H, were introduced into the record. The Staff Report was made available to the Applicant prior to the meeting.

At the July 15 Hearing, the Commission received sworn testimony from the Applicant's representatives, who also provided a PowerPoint presentation. A stenographic transcript was made of the hearing. A one- week written comment period was provided. One member of the public representing the Middle Island Civic Association submitted written comments dated July 15, 2026. The comments discussed focused on consideration for facility improvements related to signage, runoff, lighting traffic and architectural elements.

On September 2, the Applicant submitted a revised Landscape Plan last dated September 2, 2026 prepared by Nelson and Pope and information regarding additional plantings and a reduced area of fertilizer dependent vegetation. The Landscape Plan was revised in response to feedback in the staff report. Native plant coverage was expanded by 3,744 square feet for a total of 0.42 acres. The extent of fertilizer dependent vegetation was reduced by 3,744 sf to 22.1%, continuing to exceed the maximum limit of 15% on the Project Site. The sanitary leaching system and other utilities are present underneath the large lawn area requiring it to remain free of tree roots and other plants that could cause access and other obstructions.

V. The Study Area

The Staff Report defined a Study Area which analyzed, in general, the land use, ownership, and zoning categories within a one-half-mile radius of the Project Site. To analyze the Project in relation to its environs, a Study Area was defined, and the land use therein analyzed. The Study Area is defined to be all the land within a one-half-mile radius around the Project Site.

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

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

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

Compatible Growth Area Hardship Waiver applications similar in nature include:

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

VI. State Environmental Quality Review Act (SEQRA) and Other Agency Jurisdictions

The Commission classified the Project as an Unlisted Action and performed an uncoordinated review. The Commission prepared Environmental Assessment Form Parts 2 and 3. No significant adverse environmental impacts were identified.

The Commission requested information from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on whether the Project would impact State listed historic or prehistoric resources. OPRHP replied on July 16, 2026 that no properties, including archaeological and/or historical resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project.

The Application refers to a letter dated July 19, 2023 from the New York Natural Heritage Program. It identified listed species including the threatened Bald Eagle and endangered Northern Long-

Eared Bat (NLEB) as documented within one mile and 2.5 miles, respectively. The Applicant concluded that the location of bald eagles is just below the one mile threshold within an area containing significant wooded habitat, homes and other development between the project site and the nesting location. No tree cutting activity will occur in the NLEB protective window of March 1 to November 30 to protect this species and its habitat.

The Project requires additional permits or approvals from other involved agencies including the Town of Brookhaven and Suffolk County Department of Health Services (SCDHS) Articles 6, 7 and 12.

VII. Conformance Review of Project with Plan Standards and Impact on Goals of the Plan

Commission review of the Application requires a Project to demonstrate conformance with the Standards set forth in Volume 1, Chapter 5 of the Plan. If the Project does not conform with one or more provisions, and is not modified to conform, 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. Standards that do not apply to the Project are noted in the review. This review identifies where conformance is deferred to other agencies that regulate uses and activities to protect public health, water and natural resources. The Applicant must adhere to applicable regulations and permit requirements of other agencies.

The following sections evaluate the potential impacts of the Project based on the complete information submitted by the Applicant and conformity with the Plan's Standards. Conformance requires that any and all applicable approvals and permits will be obtained by the Applicant.

A. Water Resources

The Plan's Standards related to water resources are identified below. Also included is a discussion of the Project's potential impacts to water resources, mitigating measures and conformance.

1. Sanitary waste, nitrate-nitrogen and other chemicals of concern

a. Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

The Project must continue to conform with Article 6. It is expected that the Applicant will satisfy the procedural requirements of the SCDHS. Conformance of the Project with this standard is conditioned on the Applicant obtaining SCDHS approval of Article 6 compliance.

b. Standard 5.3.3.1.2 Sewage treatment plant discharge – An existing sewage treatment plant accommodates sanitary wastewater. No additional flow is proposed. This standard is not applicable since no change will occur that affects conformance.

c. Standard 5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance

The Project must satisfy the requirements of the Suffolk County Sanitary Code as per this standard. Conformance of the Project with this standard is conditioned on the Applicant satisfying SCDHS compliance with the Sanitary Code.

d. Standard 5.3.3.1.4 Commercial and industrial compliance with Suffolk County Sanitary Code

The Project must satisfy the requirements of the Suffolk County Sanitary Code as per this standard. Conformance of the Project with this standard is conditioned on the Applicant satisfying

SCDHS compliance with the Sanitary Code.

2. Wellhead and groundwater protection

a. Standard 5.3.3.3.1 Significant discharges and public supply well locations

No significant discharges are proposed in groundwater contributing areas of existing public water supply well field locations. The Project conforms with Standard 5.3.3.3.1.

3. Wetlands and surface waters

The Project Site is not within the jurisdictional limits of freshwater or tidal wetland regulations; therefore, this section is not applicable.

a. Standard 5.3.3.4.1 Nondisturbance buffers – Not applicable

b. Standard 5.3.3.4.2 Buffer delineations, covenants, and conservation easements – Not applicable

c. Standard 5.3.3.4.3 Wild, Scenic and Recreational Rivers Act compliance – Not applicable

4. Stormwater runoff

a. Standard 5.3.3.5.1 Stormwater recharge

Stormwater runoff must be retained on the Project Site based on stringent retention and design standards. The Project's drainage system is subject to the review and approval of the Town engineer and planning staff. The drainage system will be upgraded. Stormwater recharge will be improved through upgrades to the drainage system. The project involves ground disturbance of 1.67 acres and is subject to the State Pollutant Discharge Elimination System (SPDES) General Permit for construction activity requirements. The Project conforms with Standard 5.3.3.5.1.

b. Standard 5.3.3.5.2 Natural recharge and drainage

The Project includes regrading and alteration of the drainage system including construction of a 2,660-square-foot rain garden and 2,338 square feet of "new seeded area and dogwood trees and foundation plantings." This aids in improving natural recharge on-site, demonstrating conformance with Standard 5.3.3.5.2.

c. Standard 5.3.3.5.3 Ponds – The Project does not include ponds; therefore, this standard is not applicable.

d. Standard 5.3.3.5.4 Natural topography in lieu of recharge basins – The Project does not include excavated recharge basins; therefore, this standard is not applicable.

e. Standard 5.3.3.5.5 Soil erosion and stormwater runoff control during construction - The Project involves ground disturbance of 1.67 acres and is subject to the requirements of a Stormwater Pollution Prevention Plan and SPDES General Permit for stormwater discharges from construction activity. The Applicant will apply for and obtain the required permits prior to site disturbance to conform with this standard.

B. Land Use and Ecology

The Plan's standards related to natural vegetation and plant habitat are identified below. Also included is a discussion of the Project's potential impacts to natural vegetation and plant habitat, mitigating measures and conformance.

1. Natural Vegetation and Plant Habitat

a. Standard 5.3.3.6.1 Vegetation clearance limits

The maximum clearing limit is 60% (2.64 acres) of the Project Site. The clearing limit is based on the non-residential zoning category in Figure 5-1 of the Plan.

The Project is designed to clear the limited area of existing natural vegetation including native trees on the perimeter, leaving only landscaped areas to contain trees and other vegetation. One exception is the large existing oak tree that will remain in place on the southwest corner of the Project Site, where Oakcrest and Church intersect. Therefore, the Applicant is seeking relief from conformance with this standard or a waiver of the maximum limit of 60%.

The building and parking lot expansions will increase footprint and impervious. The site does not contain non-contiguous parcels, split zoning, residential overlay districts, areas of environmental restoration pursuant to ECL §57-0107(13)(c) and is not split between the Core Preservation Area and CGA. Therefore, Standards 5.3.3.6.1.1, 5.3.3.6.1.2, 5.3.3.6.1.3, 5.3.3.6.1.4, and 5.3.3.6.1.6 do not apply. Standard 5.3.3.6.1.5 includes the filing of the CGA Hardship Waiver Application which was received June 4, 2026.

b. Standard 5.3.3.6.2 Open space standard requirement, unfragmented open space and habitat

The minimum open space requirement is 40% (1.76 acres) of the Project Site. The minimum is based on the non-residential zoning category in Figure 5-1 of the Plan.

The Project Site was developed to its current extent approximately 54 years ago. No areas of natural open space are present and none are available on the Project Site to set aside to conform with this standard. The Project utilizes the existing cleared areas for development to expand and upgrade facilities.

With an extremely limited amount of existing natural vegetation on the Project Site, no open space is present either. Therefore, the Applicant is seeking relief from the minimum open space requirement of 40%. No mitigation is proposed. The Landscape Plan last dated September 2, 2026 prepared by Nelson and Pope depicts landscaping including native plant species. Planting native species in landscaping does not constitute open space or restoration. Plantings in the Project will not be protected as open space in a covenant or easement.

The rain garden is a constructed system, albeit a green infrastructure alternative stormwater collection and treatment system, that is designed for drainage and not intended to achieve conformance with the open space standard and it does not achieve the intent of this Standard. Although it includes the installation of native plants, it does not constitute open space or a restoration area. No area of open space on or off site that meets the intent of this standard is provided due to 1) extent of pre-existing development on the Project Site and 2) the fact that the Applicant does not own contiguous or non-contiguous property that is offered to be set aside as natural open space. Therefore, the Project requires

a waiver from the minimum 40% open space requirement.

c. Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit

The maximum fertilizer-dependent vegetation limit is 15% (0.66 acres) of the Project Site. The Landscape Plan last dated September 2, 2026 depicts a reduction in fertilizer-dependent vegetation from 32% (1.4 acres or 61,500 square feet) to 22.1% (0.974 acres or 42,429.6 sf). The Project Site continues to exceed the limit and does not conform with Standard 5.3.3.6.3.

d. Standard 5.3.3.6.4 Native Plantings

The Landscape Plan depicts the use of native species of trees, shrubs and groundcovers to be planted in the parking lot for a rain garden to collect stormwater and in landscaping including the easternmost corners on the Project Site. Native plantings are included in parking lot islands, existing lawn areas and adjacent to the buildings. The Project conforms with Standard 5.3.3.6.4.

e. Standard 5.3.3.6.5 Receiving entity and protection for open space areas

Not applicable. Landscaping and stormwater drainage or rain gardens with planted areas do not constitute natural open space in this Project and therefore will not be protected.

2. Species and Communities of Special Concern

a. Standard 5.3.3.7.1 Special species and ecological communities

The Project Site is within one mile of threatened nesting bald eagles and 2.5 miles from endangered Northern long-eared bats. The Applicant will seek any permits or approvals necessary from other agencies such as USFWS and NYSDEC for the Project and adhere to protection requirements for species and their habitats to conform with this Standard.

b. Standard 5.3.3.7.2 Bird conservation and protection

The Applicant will utilize bird friendly decals or other measures in the Project where feasible. The Project conforms with Standard 5.3.3.7.2.

C. Other Resources

The following Standards apply to projects not subject to local municipal review. Therefore, this section is not applicable.

1. Dark sky compliance

a. Standard 5.3.3.9.1 Light pollution prevention – The Project will utilize dark skies compliant fixtures as per town code regulations. The Project conforms with Standard 5.3.3.9.1.

2. Scenic, historic and cultural resources

b. Standard 5.3.3.11.1 Tall structures and scenic resources – Not applicable

VIII. The Commission Review of the Act's Extraordinary Hardship Criteria and Findings

The Commission has considered all materials submitted in connection with the Application including the transcript of the public hearing.

The Commission finds the Applicant has established the existence of a hardship pursuant the criteria set forth in New York State Town Law §267-b.

The site is zoned for a health care facility and it has been developed and used for this purpose since 1972, or 54 years, and preceded the Act by 21 years. The Project seeks to construct or reconstruct areas to achieve essential improvements and upgrades that will help to provide the best possible nursing and rehabilitation services while remaining a competitive and viable health care facility. The Project activities that cause the hardship accommodate residents, patients, visitors and staff of the facility.

The hardship is not just financial or a matter of inconvenience; it is a hardship to users of the facility. The upgrades seek to modernize the facility and are essential to resident and patient long-term physical and cognitive well-being, recovery and long-term sustainability. Adaptive reuse of the developed site can provide opportunity for a reasonable return to the Applicant.

The Project is unique and does not apply to a substantial portion of the district or neighborhood. The site contains a pre-existing facility constructed prior to the Act and the Project will continue to allow the use of the facility that is integral to its patients and staff with updates to infrastructure to improve conditions for the community and the facility. To accommodate the Project the Applicant seeks to clear the limited amount of natural vegetation left on a developed site in a densely developed single-family residential neighborhood. Native plantings and infrastructure upgrades as well as meeting room space and parking additions will improve conditions on the Project Site and in the neighborhood.

The Project will not negatively alter the essential character of the neighborhood; in fact, the Project is anticipated to improve the neighborhood character, site conditions and use. It will help to address neighbor and community concerns regarding on street parking, noise and public safety, while also accommodating changes needed to the facility itself.

The Project reduces the extent of fertilizer-dependent vegetation, including lawn and ornamental plants and invasive species and replaces these with native species to reduce the extent to maintained vegetation and nitrogen loading. The Application explains that seed mixes will be applied to reduce fertilizer use, however the existing area of grass is where the onsite STP subsurface leaching system is located to support natural recharge. Extensive root systems could grow and adversely affect the subsurface leaching system and its maintenance therefore the lawn cover over the sanitary leaching field is necessary. Native landscaping will be installed, however it is not scaled to contribute at a meaningful scale to conform with the open space standard, therefore it will not be considered natural open space and it will not be protected in a covenant or easement.

According to testimony in the public hearing, the community is concerned about parking on and around the Project Site. The Applicant seeks to alleviate these concerns through the Project improvements and upgrades.

The Commission finds that the Project Site was significantly developed prior to the Act with buildings, parking lots and septic system installations. The pre-existing developed area coverages leave limited undeveloped area on the project site except on the perimeter. It determines that upgrades to reconfigure parking and allot more parking spaces to accommodate the use on the project site, a facility and use constructed prior to the Act, are necessary and improve environmental conditions including traffic circulation,

neighborhood character and quality of life in the community. The Project will not alter the essential character of the neighborhood. It continues to operate as a nursing care facility consistent with the existing use. Planting native vegetation where feasible in undeveloped sections of the project site will support and improve natural recharge, drainage conditions and aesthetic features.

The Commission determines that the Applicant has demonstrated that the alleged hardship has not been self-created because the Project Site was developed prior to the adoption of the Act and the Project including upgrades to the parking lot, stormwater and interior space for residents and visitors aim to meet current nursing industry standards for this type of facility, while not adding beds or wastewater in the use. Only necessary elements are proposed for the use to remain viable on the Project Site and to provide quality care for users of this facility.

The Project is not inconsistent with the purposes and provisions of ECL §57-0123(3)(b) and would not result in substantial impairment of the resources of the Central Pine Barrens area. The Project supports the continued use of a previously cleared and developed property within the CGA while also providing improvements to accommodate the use on the Project Site. There is no increase in the number of beds or patient rooms; improvements to services, infrastructure and the community are necessary to remain in conformance with modern standards, needs and requirements for this type of land use.

The Applicant explained that the Project is needed to accommodate and update conditions in existing nursing facilities. The Application explains:

“The proposed Surge building addition and previously disturbed outdoor amenity space will be used by patients and residents as places to enjoy time with their family and friends. These types of spaces help to create a comfortable homestyle atmosphere that is essential to physical, mental, and emotional health and well-being. Such spaces help patients combat loneliness and isolation and provide opportunities to meet new people and create long lasting friendships, enabling human interaction and new social connections with other similarly situated individuals. Social interaction has been shown to reduce patient/resident anxiety, provide mental stimulation which may help slow the pace of cognitive decline and instill a more positive outlook on the future. In addition, such amenities provide a neutral space and change of scenery outside of patient rooms, where social engagement, passive physical activities, special events, games, and other group activities can occur. The proposed indoor and outdoor amenity spaces will not only improve the quality of life and overall experience of residents at these facilities but is essential to Surge and Quantum’s future success and long-term sustainability. This is because improvements to patient care, convenience, and patient health, helps these rehabilitation and nursing facilities to remain competitive with larger modern facilities, at a time when such services are in great demand as overall population increases and the Baby Boomer generation ages.”

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

The Applicant maintains that the Project will not increase the capacity of uses on the Project Site such as beds, kitchens or other uses that generate septage. Although the Project does not conform with the Plan, the Commission determines that the inability to conform is based on the pre-existing development on the Project Site and requiring a site developed to this extent to conform with current Plan’s vegetation and open space limits would be unreasonable. The Commission determines that continuing to use a site that is developed is preferable to developing a wooded or “green” site and potentially granting a waiver to exceed standards on an

undisturbed site. The Application indicates the Applicant does not own other property contiguous or non-contiguous that could be protected to achieve greater conformance with the Plan and requiring acquisition is not feasible or reasonable.

The Applicant intends to develop a Project that will modernize and improve existing facilities to make them safer, healthier and more enjoyable as well as improve the quality of life on the Project Site and in the community. The Project aims to achieve a greater level of economic competitiveness and sustainability.

The Applicant seeks to “maintain and improve facilities to remain competitive and provide a better workplace for staff, minimize impacts on neighbors and improve health and safety of the facility’s clientele. Relocating to another location after 54 years serving the community is not an option.”

IX. Conclusion

The Commission determines that the Project as depicted in the Site Plan package last dated September 2, 2026 prepared by Nelson and Pope, complies with Standards outlined in the Plan, except for compliance with three Plan Standards: Standard 5.3.3.6.1, 5.3.3.6.2 and 5.3.3.6.3. The Commission finds that the Applicant has established that an extraordinary hardship exists and, therefore, grants an extraordinary hardship exemption for the reasons set forth above. The Commission issues a Negative Declaration for the Project pursuant to the SEQRA regulations.

The Commission further imposes the following conditions on the Project:

Other agency approvals and permit requirements

The Project requires satisfaction with the requirements of other agencies including the Town of Brookhaven and Suffolk County Department of Health Services. The Applicant must seek and obtain other agency review and permit approvals, including but not limited to:

1. NYSDEC Stormwater Pollution Prevention Plan
2. Suffolk County Department of Health Services approval for Article 6
3. Suffolk County Department of Health Services for Articles 7 and 12
4. Town of Brookhaven site plan approval and any other approvals

Conditions

1. No disturbance on the Project Site unless and until all permits and approvals have been received.
2. This decision grants three waivers of Plan Standards due to the pre-existing developed condition of the Project Site and continued use of the Project Site including:
 - a. 5.3.3.6.1 Vegetation Clearance limit to a limit from 54% to zero.
 - b. 5.3.3.6.2 Open Space to a limit from 40% to zero
 - c. 5.3.3.6.3 Fertilizer-dependent vegetation limit to a maximum limit of 22.1%.
3. Implement the Landscape Plan last dated September 2, 2026 prepared by Nelson and Pope. Notify the Commission office when landscaping is complete to perform an inspection with 30 days of completion.
4. This hardship is valid only for the Project under review in this application. Any substantive changes require a new application including expansion of the project or substantial redesign is subject to

Commission review discretion.

5. The Commission's approval is valid for five (5) years from the Commission's date of approval.
6. Record a copy of this document including an 8.5"x11" black and white copy of the Site Plan in the Office of the Suffolk County Clerk and distribute to involved agencies.

Motion to Approve: 49 and 63 Oakcrest Compatible Growth Area Hardship Waiver

49 and 63 Oakcrest Avenue, Middle Island, Town of Brookhaven

Project Site Suffolk County Tax Map Number 200-343-6-20.1

MOTION BY:

SECONDED:

VOTE:

YES:

NO:

ABSTAIN:

ABSENT:

DATE: September 16, 2026

cc:

NYSDEC Region 1 Permits

Suffolk County Department of Health Services

Town of Brookhaven Supervisor

Town of Brookhaven Town Clerk

Town of Brookhaven Planning Environment and Land Management

Applicant

Oakcrest CGA Hardship



9/10/2026, 2:37:23 PM

Street Labels 2023

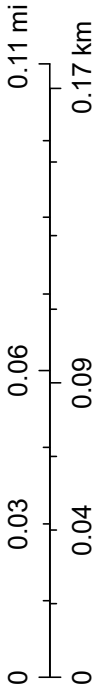
Green: Green

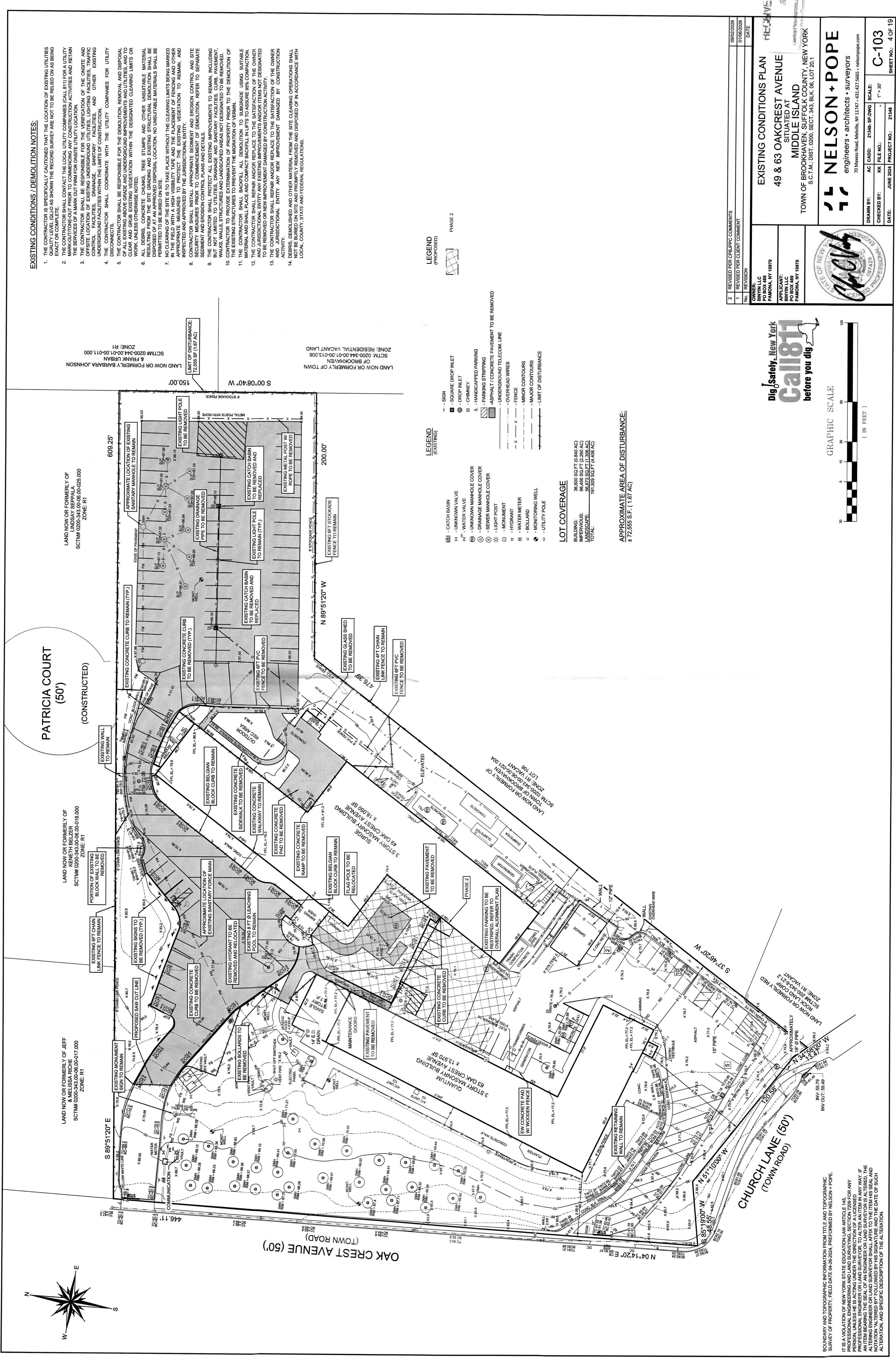
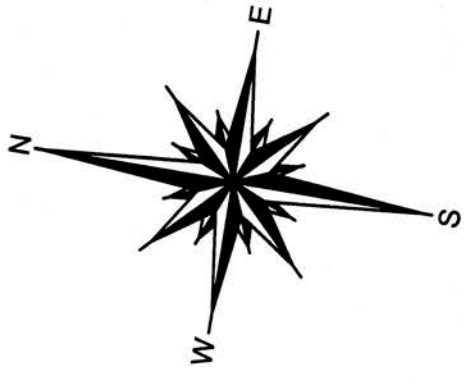
Red: Red

Blue: Blue

Tax Parcels

1:2,882





EXISTING CONDITIONS / DEMOLITION NOTES:

1. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF EXISTING UTILITIES QUALITY LEVEL (Q.L.) AS SHOWN THE RECORD SURVEY ARE NOT TO BE RELED ON AS BEING EXACT OR COMPLETE.
2. THE CONTRACTOR SHALL CONTACT THE LOCAL UTILITY COMPANIES (CALL 811) FOR A UTILITY LOCATIONS AND DEPT. OF PUBLIC WORKS FOR ANY OTHER UTILITIES LOCATIONS AND THE SERVICES OF A MARK-OUT FIRM FOR ON-SITE UTILITY LOCATION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE ON-SITE AND OFF-SITE LOCATION OF EXISTING UNDERGROUND UTILITIES, LIGHTING FACILITIES, TRAFFIC SIGNALS, AND OTHER EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE LOCATION OF EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION.
4. THE CONTRACTOR SHALL COORDINATE WITH THE UTILITY COMPANIES FOR UTILITY DISCONNECTS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DEMOLITION, REMOVAL AND DISPOSAL OF ALL EXISTING ABOVE GRADE AND UNDERGROUND IMPROVEMENTS AND UTILITIES, AND TO THE EXTENT POSSIBLE, TO MAINTAIN THE EXISTING UTILITIES WITHIN THE DESIGNATED CLEANING LIMITS OR WORK UNLESS OTHERWISE NOTED.
6. ALL DEBRIS, CONCRETE CHUNKS, TREE STUMPS AND OTHER UNSUITABLE MATERIAL RESULTING FROM THE SITE GRADING AND EXISTING STRUCTURAL DEMOLITION SHALL BE PERMITTED TO BE SURFACED AND REMOVED FROM THE SITE. NO UNSUITABLE MATERIALS SHALL BE PERMITTED TO BE SURFACED AND REMOVED FROM THE SITE.
7. NO CLEARING OF THE SITE IS TO TAKE PLACE WITHOUT THE CLEARING LIMITS BEING MARKED APPROPRIATE MEASURES TO PROTECT THE EXISTING VEGETATION TO REMAIN, AND INSPECTED AND APPROVED BY THE JURISDICTIONAL ENTITY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DEMOLITION, REMOVAL AND DISPOSAL OF ALL EXISTING ABOVE GRADE AND UNDERGROUND IMPROVEMENTS AND UTILITIES, AND TO THE EXTENT POSSIBLE, TO MAINTAIN THE EXISTING UTILITIES WITHIN THE DESIGNATED CLEANING LIMITS OR WORK UNLESS OTHERWISE NOTED.
9. THE CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS TO REMAIN, INCLUDING BUT NOT LIMITED TO UTILITIES, DRAINAGE AND SANITARY FACILITIES, CURB, PAVEMENT, AND OTHER EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EXTERMINATION OF PROPERTY PRIOR TO THE DEMOLITION OF THE EXISTING STRUCTURES TO PREVENT THE MIGRATION OF VERMIN.
10. THE CONTRACTOR SHALL BACKFILL ALL DEMOLITION TO SUBGRADE USING SUITABLE MATERIAL AND SHALL PLACE AND COMPACT BACKFILL IN LIFTS TO ASSURE 95% COMPACTION.
11. THE CONTRACTOR SHALL REPAIR AND/OR REPLACE TO THE SATISFACTION OF THE OWNER ALL EXISTING IMPROVEMENTS TO REMAIN, INCLUDING BUT NOT LIMITED TO UTILITIES, DRAINAGE AND SANITARY FACILITIES, CURB, PAVEMENT, AND OTHER EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EXTERMINATION OF PROPERTY PRIOR TO THE DEMOLITION OF THE EXISTING STRUCTURES TO PREVENT THE MIGRATION OF VERMIN.
12. THE CONTRACTOR SHALL REPAIR AND/OR REPLACE TO THE SATISFACTION OF THE OWNER ALL EXISTING IMPROVEMENTS TO REMAIN, INCLUDING BUT NOT LIMITED TO UTILITIES, DRAINAGE AND SANITARY FACILITIES, CURB, PAVEMENT, AND OTHER EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EXTERMINATION OF PROPERTY PRIOR TO THE DEMOLITION OF THE EXISTING STRUCTURES TO PREVENT THE MIGRATION OF VERMIN.
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LEGEND (PROPOSED)



LEGEND (EXISTING)

- SIGN
- SQUARE DROP INLET
- DRAINAGE MANHOLE COVER
- LIGHT POST
- MONUMENT
- HYDRANT
- WATER METER
- BOLLARD
- MONITORING WELL
- UTILITY POLE
- CATCH BASIN
- UNKNOWN VALVE
- WATER VALVE
- DRAINAGE MANHOLE COVER
- SEWER MANHOLE COVER
- LIGHT POST
- MONUMENT
- HYDRANT
- WATER METER
- BOLLARD
- MONITORING WELL
- UTILITY POLE
- SIGN
- SQUARE DROP INLET
- DRAINAGE MANHOLE COVER
- LIGHT POST
- MONUMENT
- HYDRANT
- WATER METER
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- BOLLARD
- MONITORING WELL
- UTILITY POLE

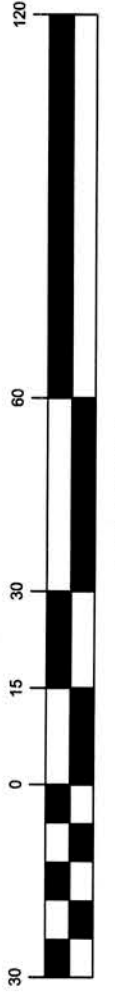
LOT COVERAGE

BUILDING	38,600 SQ.FT. (0.840 AC)
IMPERVIOUS	98,458 SQ.FT. (2.260 AC)
LANDSCAPE	59,873 SQ.FT. (1.369 AC)
TOTAL	197,929 SQ.FT. (4.469 AC)

APPROXIMATE AREA OF DISTURBANCE:
17,555 SF. (1.07 AC)

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GRAPHIC SCALE



BOUNDARY AND TOPOGRAPHIC INFORMATION FROM TITLE AND TOPOGRAPHIC SURVEY OF PROPERTY, FIELD DATE 04-26-2024, PREPARED BY NELSON + POPE.

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, SECTION 145.1, 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 THE ALTERATION OF THE ITEM BEGINS OR LAND SURVEYOR'S OR LAND SURVEYOR'S ALTERED, THE NOTATION ALTERED BY FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.

2	REVISED PER CUPPP COMMENTS	09/02/2026
1	REVISED PER CLIENT COMMENT	01/06/2026
NO.	REVISION	DATE

EXISTING CONDITIONS PLAN
49 & 63 OAKCREST AVENUE
SITUATED AT
MIDDLE ISLAND
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK
S.C.T.M.; DIST. 0200, SECT. 345, B.LK. 06, LOT 20.1

OWNER:
BROOKHAVEN LLC
PO BOX 489
PAMONA, NY 10970

APPLICANT:
BINYIN LLC
PO BOX 489
PAMONA, NY 10970

NELSON + POPE
engineers • architects • surveyors
70 Nassau Road, Melville, NY 11747 • 631.427.5605 • nelsonpopc.com

DRAWN BY: AC CADDD: 21348-SP.DWG SCALE: 1" = 30'

CHECKED BY: KK FILE NO.: 21348

DATE: JUNE 2024 PROJECT NO.: 21348 SHEET NO.: 4 OF 19



September 16, 2026

Honorable Supervisor Maria Moore
Southampton Town Board
Town Hall
116 Hampton Road
Southampton, NY 11968

RE: Lewis Road Planned Residential Development (PRD), East Quogue
The Hills at Southampton Mixed Use Planned Development District

Dear Supervisor Moore:

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

On July 20, 2026, the Central Pine Barrens Commission received the Town of Southampton Local Law Amendment to Town Code Section 330-248W for the Hills at Southampton Mixed Use Planned Development District (HSMUPDD). A SEQRA Technical Memorandum dated June 5, 2026 prepared by Nelson Pope and Voorhis was provided to the Commission office on August 28.

The Hills at Southampton, which is made subject to HSMUPDD through a stipulation of settlement between the Town and the entities controlling The Hills project. The Hills project is located in the hamlet of East Quogue and contains land in the Compatible Growth Area, the Core Preservation Area and a Critical Resource Area of the Central Pine Barrens. The Commission is not a party of the stipulation or the underlying action(s) it purports to resolve. The Hills is subject to the Commission jurisdiction.

The Commission on June 20, 2021 issued an Assertion of Jurisdiction application determination for the project which was amended by the Commission on December 7, 2022. At the time, the project was known as the Lewis Road Planned Residential Development (Lewis Road PRD or Lewis Road). The SEQRA record for Lewis Road includes a Findings Statement issued by the Commission as an Involved Agency.

The Hills seeks through the Stipulation to change golf course membership structure by increasing the number of members and opening it to the public and to create a public access parking lot to publicly owned lands on property The Hills group recently acquired.

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

These changes are not substantive changes that would result in significant adverse impacts pursuant to the SEQRA regulations and to the Central Pine Barrens Comprehensive Land Use Plan (the Plan) requiring changes to the Commission's Findings Statement. The impacts anticipated from them conform to the impacts analyzed during the Commission SEQRA review.

Notwithstanding, in order to ensure the Commission has an accurate record of the activities The Hills group proposes please supply to the Commission a copy of the “Spinney Road South map” identified in the Technical Memo.

Additionally, the Memo refers to a parcel SCTM # 900-250-3-22 with a residence that was demolished in the CR 200 zoning district that was purchased to accommodate four parking spaces. Please correct the clearing limits and calculations for development activity on this parcel that reflect the Plan standard or the Town’s standard if stricter and to utilize existing cleared area before undertaking additional clearing of natural vegetation for the proposed use. These restrictions should be incorporated into a covenant and restriction filed with the Suffolk County clerk to memorialize what is permitted on the lot.

Please feel free to contact me at 631-218-1192 if you have any questions.

Thank you for your attention.

Sincerely,

Julie Hargrave
Interim Executive Director

cc: John Milazzo, Counsel

SEQRA

TECHNICAL MEMORANDUM

The Hills at Southampton

Southampton, New York

NPV No. 05105

Prepared for:

East Quogue Partners, LLC
14605 N. 73rd Street
Scottsdale, AZ 85260

Prepared by:



NELSON POPE VOORHIS
environmental • land use • planning

70 Maxess Road
Melville, New York 11747
Contact: Charles J. Voorhis, CEP, AICP
o: 631.427.5665 | cvoorhis@nelsonpope.com

June 5, 2026

Introduction

This Technical Memorandum analyzes the governmental discretionary actions (the “Discretionary Actions”) specified in a proposed Stipulation and Order dated June __, 2026 (the “Stipulation”) that would be undertaken to settle pending litigation by and between DLV Quogue, LLC, DLV Parlato Parcel 1, LLC, DLV Parlato Parcel 2, LLC, DLV Parlato Parcel 3, LLC, DLV Parlato Parcel 4, LLC, DLV Parlato Parcel 5, LLC, DLV Quogue Owner, LLC and The Hills Homeowners Association, Inc. (collectively, the “DLV Parties”), the Town of Southampton (the “Town”), the Town Board of the Town of Southampton (the “Town Board”), the Town Highway Department (the “Town Highway Department”), and Charles McArdle in his official capacity as the Town Highway Superintendent (the “Highway Superintendent”). This Technical Memorandum analyzes those Discretionary Actions to ascertain if any individually or in combination would have the potential to generate any new significant adverse environmental impacts not previously analyzed.

The following are the lawsuits that are the subject of the Stipulation (collectively, the “Litigations”):

1. *DLV Quogue, LLC v. The Town of Southampton*, Suffolk County Index No. 606443/2018, the appeal of which has been docketed as Docket Nos. 2024-03859 and 2024-04842 in the Appellate Division, Second Department the “Zoning Litigation”);
2. *DLV Quogue, LLC v. The Town of Southampton*, Suffolk County Index No. 608808/2025 (the “Spinney Litigation”); and
3. *Town of Southampton v. DLV Quogue, LLC*, Suffolk County Index No. 601426/2026 (the “Quiet Title Litigation”).

The Zoning Litigation is DLV’s challenge to the failure of the Town Board to approve the Mixed Use Planned Development District rezoning (the “MUPDD Rezoning”) for DLV’s resort residential development and private commercial membership golf club, which project is known as “The Hills.” Following commencement of the Zoning Litigation, DLV obtained subdivision approval for the entirety of its project except for the commercial private membership golf club, which project is known as the “Lewis Road Planned Residential Development” or “Lewis Road PRD.”

The Spinney Litigation was commenced by DLV to adjudicate whether the Spinney right-of-way traversing DLV’s property (the “Project Site”) was abandoned by operation of law. The Spinney Litigation was pled against the Town, and subsequently the Highway Superintendent joined the Spinney Litigation as an intervenor.

The Quiet Title Litigation was commenced by the Highway Superintendent in the name of the Town claiming that a strip of land crossing the Project Site from the end of the publicly paved and

open portion of Serenity Place to Town-owned land at the eastern border of the Project Site was acquired by the Town by eminent domain and is Town property.

The Stipulation identifies the various Discretionary Actions that would be undertaken to settle the Litigations. To be conservative this Memorandum assumes that all the Discretionary Actions identified in the Stipulation would be undertaken. This Technical Memorandum analyzes whether those Discretionary Actions, individually and collectively, would have the potential to generate any new significant adverse environmental impacts not previously identified in the environmental review of The Hills and the Lewis Road PRD and whether preparation of a supplemental environmental impact statement (“SEIS”) is required under the New York State Environmental Quality Review Act (“SEQRA”).

Previously, in connection with the then-proposed MUPDD Rezoning for The Hills, the Town Board as lead agency under SEQRA, mandated preparation of an environmental impact statement (the “Hills EIS”). The Hills EIS analyzed the following proposed development on the Project Site’s 591+ acres: 118 residential lots/units, a championship 18-hole golf course, a commercial private membership golf club (the “Commercial Golf Club”), various recreational amenities, and associated required infrastructure including a sewage treatment plant. Including the owners of the residential lots/units, the Commercial Golf Club would have had a maximum total of 250 members. Following acceptance of the Hills final EIS (the “Hills FEIS”), the Town Board adopted a SEQRA findings statement (the “Hills Findings Statement”) in which the Town Board concluded that The Hills would not have the potential to generate any significant adverse environmental impacts.

Following the failure of the MUPDD Rezoning to receive the required Town Board supermajority vote, and following the commencement of the Zoning Litigation, DLV sought and obtained subdivision and site plan approval from the Southampton Planning Board (the “Planning Board”) of all of The Hills proposed development with the exception of the Commercial Golf Club. The non-commercial residential subdivision approved by the Planning Board is referred to as the Lewis Road Planned Residential Development (the “Lewis Road PRD”), which is on 607.87 acres. Prior to issuing subdivision and site plan approval of the Lewis Road PRD, the Planning Board concluded that, as a lesser included subset of the Hills, the Lewis Road PRD would not have the potential to generate any new significant adverse environmental impacts.

Since the approval of the Lewis Road PRD, the golf course has been constructed as an amenity for the residential lot owners and their nonpaying guests, multiple residential lots have been sold, residences have been constructed or are under construction, and various other buildings and recreational amenities have been constructed or are under construction. The sewage treatment plant has been completed. Land donations and land preservation required as conditions of the Lewis Road PRD approvals have been completed.

Contemplated Discretionary Actions

The following are the Discretionary Actions to implement the Stipulation:

Enactment by the Town Board of a local law rezoning the Project Site to authorize the Commercial Golf Club (the “Rezoning”)

The Rezoning would authorize a maximum total Commercial Golf Club membership, inclusive of residential lot/unit owners, of 295 members. The Commercial Golf Club analyzed in the Hills FEIS had a maximum of 250 members and the Hills Findings Statement concluded that the 250-member Commercial Golf Club would not have the potential to generate any significant adverse environmental impacts.

Except for the increase in the maximum number of members of the Commercial Golf Club from 250 to 295, the Commercial Golf Club would be identical to that which was analyzed in the Hills FEIS and addressed in the Hills Findings Statement. The Rezoning would not authorize any new construction or alteration of any improvements included in the Lewis Road PRD.

The Rezoning would require that the golf course be made available for four charitable golf outings annually, with at least one such charitable golf outing benefiting the East Quogue Fire District and at least one benefiting the East Quogue Union Free School District. The hosting of these four charitable golf outings annually was analyzed in the Hills FEIS, and the Hills Findings Statement concluded that they would not have the potential to generate any significant adverse environmental impacts.

Acceptance by the Town Board of the deed transferring the Parlato Property

The Stipulation would require DLV to deed to the Town the 33±-acre “Parlato” property located south of the Long Island Railroad (“LIRR”) tracks about one mile to the east of the Project Site designated as SCTM# 0900-316.00-01.00-030.00 (the “Parlato Property”). The Parlato Property is improved with a dwelling with an office and a farmstand and is located in close proximity to wetlands and the headwaters of Weesuck Creek. This dedication was previously offered as a community benefit in the original MUPDD Rezoning, was analyzed in the Hills FEIS, and was found in the Hills Finding Statement to not have the potential to generate any significant adverse environmental impacts. The deed of the Parlato Property, with or without the retention of the improved portion by DLV, would not cause any physical alteration to the Project Site or any of the elements of the Lewis Road PRD.

Acceptance by the Town Board of the Pedestrian Easement; acceptance by the Town Board of the Parking Easement; the formal abandonment and discontinuance of the Spinney North Segment as a highway pursuant to Section 205[1] of the New York State Highway Law; the adoption of the Spinney Local Law restricting use of the Spinney South Segment; and the removal of the existing crash gate at the intersection of Spinney Road and Redan Trail and the installation of Reciprocal Gates

The Stipulation would require DLV to grant to the Town, in perpetuity, a permanent 15-foot-wide easement (the “Pedestrian Easement”) that would include a 10-foot wide walking/bicycling path to allow the public and emergency vehicles to access and use the northern segment of the Spinney right-of-way that is owned in fee by the DLV Parties, which is described in more particular detail as “Parcel M” in the bargain and sale deed, dated March 26, 2013, which was recorded in the Suffolk County Clerk’s Office on April 9, 2013, wherein East Quogue Partners, LLC conveyed real property within the Town to DLV Quogue Owner, LLC (the “Spinney North Segment”). The Pedestrian Easement includes a Connector Segment, in which the DLV Parties shall grant the Town, in perpetuity, a permanent 15-foot-wide easement that would include a 10-foot wide walking/bicycling path to allow the public and emergency vehicles to access and utilize Town-owned property as identified as current Suffolk County Tax Map Lot Number 0900-250.00-04.00-001.000. The DLV Parties are to maintain the Pedestrian Easement in a condition appropriate to the uses permitted by the Pedestrian Easement. There is no requirement that any portion of the Spinney North Segment or the Connector Segment be paved.

The Stipulation provides that the grant of the Pedestrian Easement would be effective only upon the Town’s formal abandonment and discontinuance of the entirety of the Spinney North Segment as a highway pursuant to section 205[1] of the New York State Highway Law.

The Stipulation would require the DLV Parties to grant the Town an easement, in perpetuity, to allow the public to use, from dawn to dusk, four (4) designated parking spaces on a portion of the land owned by an affiliate of the DLV Parties with the street address 67 Spinney Road and identified as Suffolk County Tax Map Lot Number 0900-250.00-03.00-022.000 (the “Parking Easement”). The purpose of the Parking Easement is to provide the public with parking so that the public can easily access the Pedestrian Easement via the Spinney South Segment. There is no requirement that the parking area or driveway in connection with the Parking Easement be paved.

The Stipulation also provides that the Town Board would adopt a local law (the “Spinney Local Law”) pursuant to section 1660(a)(12) of the New York State Vehicle and Traffic Law, prohibiting, restricting and regulating the operation of vehicles along the Spinney South Segment, which is located between the southerly end of the Spinney North Segment and the northerly side of Redan Trail. The Spinney Local Law would allow the public to have full access and use of the Spinney South Segment for hiking, dog-walking, bicycling (not including motor or electric bikes) and walking, but will restrict vehicular traffic – including golf carts and motorized landscaping equipment – from accessing the Spinney South Segment. The Spinney Local Law would limit vehicular access to out-parcel owners where the property abuts Spinney Road, emergency vehicles, and Town Highway Department vehicles. The Spinney South Segment would not be paved and would be maintained in a manner suitable for its use as a hiking/bicycling trail and for emergency vehicle access without the unnecessary removal of trees.

The Stipulation calls for removal of the existing crash gate at the intersection of Spinney Road and Redan Trail, and the installation of a reciprocal gate system on the north side of Redan Trail where it intersects with the Spinney South Segment, and on the south side of Redan Trail where it intersects with Spinney Road. The purpose of the reciprocal gates system is to ensure that the DLV Parties and the public have the same access to the Spinney South Segment. The reciprocal gate system is to be designed to ensure that vehicular traffic is restricted while at the same time allowing for pedestrians, hikers, bikers, emergency vehicle access, and vehicular access to any out-parcel owners.

Based on the foregoing provisions of the Stipulation, the following are the contemplated Discretionary Actions: (1) the adoption of resolutions by the Town Board accepting the Pedestrian and Parking Easements; (2) the actions required to formally abandon and discontinue the entirety of the Spinney North Segment as a highway; (3) the adoption by the Town Board of the Spinney Local Law; and (4) the actions required to authorize removal of the existing crash gate and the installation of the reciprocal gate system.

Adoption of Town Board resolutions authorizing issuance of the QT Parcel Deeds and the Outparcel Deed

The Stipulation calls for the land that is the subject of the Quiet Title Litigation (the “QT Parcel”) to be deeded to the DLV Parties (the “QT Parcel Deeds”). The Stipulation also calls for the Town to convey its interest in an outparcel numbered 900-250-3-15.1 that adjoins the Spinney South Segment (the “Outparcel Deed”) to the DLV Parties. The Stipulation provides that the purchase price to be paid is for the conveyance of the QT Parcel Deeds and the Outparcel Deed.

Prior Environmental Review

As noted above, all the potential environmental impacts of The Hills were analyzed in the Hills FEIS and culminated in the Town Board’s adoption of the Hills Findings Statement on November 27, 2017. The Hills Findings Statement outlined the review process and conformance with SEQRA and provided technical information on each resource category as analyzed in the Hills EIS. The Findings Statement concluded that The Hills would not have the potential to generate any unmitigated significant adverse environmental impacts. This included the Commercial Golf Club with a maximum of 250 total members.

In connection with the subsequently proposed Lewis Road PRD, Nelson, Pope & Voorhis, LLC (“NPV”), on behalf of DLV, submitted a SEQRA Compliance Analysis to the Planning Board, dated December 2018, which demonstrated that the Lewis Road PRD was a lesser included version of The Hills and that, therefore, the Lewis Road PRD would not have the potential to generate any new significant adverse environmental impacts not previously analyzed in the Hills EIS. Accordingly, the Planning Board, as an involved agency, determined that the Lewis Road PRD did not require the preparation of a SEIS.

Thereafter, the Planning Board on October 24, 2019, adopted resolutions issuing its own SEQRA Findings Statement confirming no significant adverse environmental impacts and granting preliminary approval for the Lewis Road PRD subject to certain conditions including the requirement that other agency approvals be obtained from the Central Pine Barrens Joint Planning & Policy Commission (“CPBC”), the Suffolk County Department of Health Services (“SCDHS”) and New York State Department of Environmental Conservation (“NYSDEC”). Thereafter, the Lewis Road PRD was reviewed by the CPBC, which after several public hearings recommended modifications to the Project, including the relocation of some of the residential lots from an area of steeper slopes and relocation of the STP to the southwesterly portion of the Property. On January 20, 2021, the CPBC, as an Involved Agency, adopted its own SEQRA Findings Statement concluding that the Lewis Road PRD would not have the potential to generate any significant adverse environmental impacts and thereupon approved the Lewis Road PRD.

On February 8, 2021, the Suffolk County Sewer Agency (“SCSA”) granted its approval of the use of a privately owned STP for the Project. On May 11, 2022, the SCDHS approved the Lewis Road PRD.

The final Lewis Road PRD application with the aforementioned modifications was analyzed in an updated SEQRA Compliance Analysis, dated December 2021. Among the proposed changes were an increase in preserved open space, and relocation of golf holes southward to avoid steep slopes and expand contiguous open space. The SEQRA Compliance Analysis confirmed that the proposed changes would not have the potential to generate any new significant adverse environmental impacts not previously analyzed in the Hills EIS. Following this determination of non-significance, the Lewis Road PRD final subdivision and site plan approvals were granted by the Planning Board on December 8, 2022. Based upon certain changes made by the Planning Board, the Lewis Road PRD was reviewed again by the CPBC which issued its own statement of findings and decision of approval on December 7, 2022.

Nelson + Pope (“N+P”) conducted a traffic assessment in March of 2025 to determine the potential traffic impacts associated with increasing the golf membership from 250 members to 300 members for the Lewis Road/Hills project. To conduct this assessment, the trip generation analyses prepared for the 250 memberships in the original traffic impact study were reviewed.

The following is a summary of the trip generation analyses conducted in the original traffic impact study:

- The residential component comprised of 118 residential units that will be second, third and fourth homes used exclusively for vacations and “getaways” by the owners. The trip generation estimate for the residential portion was based on trip generation data for Recreation Homes contained within the Institute of Transportation Engineers’ publication, *Trip Generation, Ninth Edition*. The residential portion of the project was projected to generate 19 trips (13 entering, 6 existing) during the weekday AM peak hour,

31 trips (13 entering, 18 exiting) during the weekday PM peak hour and 42 trip (20 entering, 22 exiting) during the Saturday midday peak hour.

- The project also includes a private 18-hole golf course and clubhouse to be used as an on-site recreational amenity for the on-site residents. In addition to the project's residents, the golf course will provide approximately 132 additional memberships to golfers that chose to join but do not live in The Hills community making a total of 250 members. Trip generation estimated for the golf course was based on anticipated maximum golf rounds as outlined below:
 - Membership to the Golf Club is open to owners of the 118 recreation homes and in addition to membership for 132 outside members. Each member has the ability to bring three (3) guests to an outing. Tee times are anticipated to occur from 7AM to 2PM, at 8 minute intervals. With 8 minute intervals, a maximum of 8 groups can tee off in an hour resulting in a total of 32 golfers per hour. Assuming these 32 golfers arrived within the hour before their scheduled tee time in separate vehicles, a total of 32 vehicles could arrive at the golf course within the peak hour. Since no golf game is anticipated to end during the morning peak periods, little or no golf traffic is expected to leave the golf course during the morning peak periods. However, to perform conservative analyses it was assumed that 8 vehicles will exit the golf course during the weekday morning peak period. Furthermore, to account for the possibility that some golfers may arrive earlier than one hour from their scheduled tee times, the peak hour trips were increased from 32 to 36. Based on these analyses, the golf course is anticipated to generate 44 trips during the AM peak hour (36 entering, 8 exiting), 72 trips during the weekday PM peak hour (36 entering, 36 exiting) and 72 trips during the Saturday midday peak hour (36 entering, 36 exiting).
 - Based on golf course data found under Land Use Code 430-Golf Course within the Institute of Transportation Engineers' publication, *Trip Generation, Ninth Edition*, it is estimated that an 18-hole golf course will 32 trips during the weekday AM peak hour (25 entering, 7 exiting), 52 trips during the weekday PM peak hour (28 entering, 24 exiting) and 55 trips during the Saturday midday peak hour (27 entering, 28 exiting). From the review of this trip generation analyses, it can be seen that the estimated trips from the maximum rounds are higher than the estimated trips from ITE for an 18-hole golf course.
- In order to perform a conservative analysis, the trip generation estimate for the Golf Course portion of the project was based on trips estimated from the maximum golf rounds.

The traffic analyses conducted at the study intersections during the weekday AM, weekday PM and Saturday midday peak hours were based on the trip generation estimates for the residential portion of the project and the maximum golf rounds articulated above. The results of the traffic

analyses showed that the proposed project will not create a significant adverse traffic impact on the surrounding roadways and intersections.

N+P concluded that the increase in the golf membership from 250 members to 300 members (an increase in 50 members) should not have any impact on the maximum number of golf rounds at the golf course hence will not change the trip generation of the golf course estimated in the original traffic study. It should also be noted that the trip generation estimated was higher than the ITE trip generation estimate for an 18-hole golf course. It is therefore the professional opinion of N+P that the increase in the golf membership will not change the results of the traffic analyses presented in the original traffic study.

Traffic Operations Assessment – Outside Golf Member Access

The Hills at Southampton was originally approved based on a private membership model in which the golf course and clubhouse amenities were intended for owners of the 118 residential units within the project and 132 outside golf club members. The environmental review and traffic analyses completed as part of the Draft Environmental Impact Statement (“DEIS”) and subsequent Findings Statement evaluated the traffic impacts associated with the proposed development program and concluded that the project would not result in any significant adverse traffic impacts, including on the surrounding roadway network or study area intersections.

The approved traffic study prepared by Nelson + Pope dated August 2016 (DEIS Appendix H) conservatively estimated peak-hour trip generation at 63 trips during the weekday AM peak hour, 103 trips during the weekday PM peak hour, and 125 trips during the Saturday midday peak hour. These estimates included golf course traffic based on maximum anticipated golf rounds per hour rather than standard ITE golf course trip generation rates, thereby providing a conservative assessment of potential traffic impacts.

The DEIS traffic analysis demonstrated that the study intersections would continue to operate at acceptable Levels of Service (LOS) following project completion. While a few movements experienced slight increases in delay, these changes were determined to be minor and not significant. For example, at the Quogue Riverhead Road/Lewis Road intersection, the westbound left-turn movement experienced delay increases of only approximately 3 to 4 seconds per vehicle, which the traffic study concluded did not constitute a significant traffic impact. Similarly, at the Old Country Road/Box Tree Road and Lewis Road intersection, increases in delay of approximately 4 seconds resulted in isolated LOS changes but were likewise determined to not generate a significant adverse traffic impact. The Town Board adopted a Findings Statement dated November 27, 2017 which confirmed that the proposed project would not generate any significant adverse traffic impacts.

Subsequent traffic analysis performed by N+P in March 2025 evaluated an increase in golf club membership from 250 to 300 members and concluded that the increase would not affect the maximum number of golf rounds, would not change the trip generation assumptions used in the

original traffic study, and therefore would not alter the conclusions of the approved traffic analysis. The analysis specifically states that the original traffic study was based on a conservative assessment using maximum golf rounds and that the project would continue to operate without significant traffic impacts.

Accordingly, even if, contrary to the assumption of the approved DEIS traffic analysis, outside golf members may occasionally travel to the project to access the clubhouse for ancillary activities such as dining, swimming, or other recreational uses, the resulting increase in vehicle trips would represent only a modest increase over the traffic volumes already analyzed. Even a conservative increase of approximately 10 to 15 percent of trips attributable to these ancillary uses would result in traffic volumes that would remain within the range of the conservative assumptions used in the approved traffic study. Given that the original analyses demonstrated only minor changes in delay and Level of Service at the study intersections, such an incremental increase would not materially alter intersection operations or change the overall findings of the approved traffic study.

Environmental Analysis of the Discretionary Actions

This Technical Memorandum is prepared in accordance with SEQRA requirements to evaluate whether the Discretionary Actions would have the potential to generate any new significant adverse environmental impacts not previously analyzed in the Hills EIS or the environmental review of the Lewis Road PRD and, on that basis, whether a SEIS is required before the Discretionary Actions can be undertaken. This Technical Memorandum has been prepared for submission to the Town Board as lead agency under SEQRA, as well as any other involved agency (i.e., CPBC). Essentially, this Technical Memorandum contains all the information needed by the Town Board and any involved agency to take a “hard look” at the Discretionary Actions and make a reasoned elaboration of their potential to generate any new significant adverse environmental impacts.

A. Adoption of the Rezoning.

As noted previously, the Hills FEIS and Hills Findings Statement determined that the Commercial Golf Club would not have the potential to generate any significant adverse environmental impacts with a maximum of 250 memberships. The adoption of the Rezoning would increase the maximum number of Commercial Golf Club memberships by 45 to 295. Accordingly, this Technical Memorandum analyzes whether the increase of 45 memberships would have the potential to generate any new significant adverse environmental impacts.

Initially, it is noted that adoption of the Rezoning and the additional memberships will not cause any physical alterations to the Project Site or any change to the facilities approved as part of the Lewis Road PRD.

The potential traffic impacts from 250 Commercial Golf Club memberships were analyzed in the Hills FEIS and in the environmental analysis of the Lewis Road PRD. The Traffic Impact Study (“TIS”) that included this analysis dated August 2016 was prepared by N+P and included as Appendix H in the Town Board accepted NPV Draft EIS for the Hills (the “Hills DEIS”) dated September 2016. Trip generation analysis was included at pages 27-30 of the TIS, and the traffic impact analysis of all trip generation was summarized from detailed highway capacity analysis using recognized industry standards for analysis, at pages 40-42 (and appendices) of the TIS. As noted, the TIS was reviewed by Town experts prior to acceptance of the Hills DEIS and was subject to the full SEQRA EIS environmental review process as part of the Hills EIS review.

These analyses evaluated the potential for significant adverse traffic impacts associated with the Commercial Golf Club by estimating the maximum number of golf rounds that could be played daily as a function of the maximum number of tee times that could be accommodated daily. Thus, the methodology to evaluate potential traffic impacts accepted in the Hills EIS and applied in the environmental review of the Lewis Road PRD was to correlate the number of tee times as the factor controlling the number of Commercial Golf Club members golfing and therefore, the vehicle trips generated and the potential for traffic impacts. A factor that reduces trip generation estimates and therefore traffic impacts is that those Commercial Golf Club members who are also residential lot owners would not contribute to the anticipated vehicle trips generated for the golf course and associated traffic impacts.

With these assumptions, it was possible to estimate the number of players that would be expected from the Commercial Golf Club members who are not residential lot owners. Thus, the traffic analyses in the Hills EIS and for the Lewis Road PRD analyzed the greatest number of Commercial Golf Club related trips expected and provided a conservative analysis of the potential traffic impacts of the Commercial Golf Club. That analysis confirmed that the trips associated with nonresidential lot owner Commercial Golf Club members traveling to and from the Project Site would not, in conjunction with other Lewis Road PRD traffic, have the potential to generate any significant adverse traffic impacts.

It is noted that there have not been any changes to the organization of golf play at the golf course which has since been developed on the Project Site. Golf play is controlled by reservations with specific assignment of tee times, exactly as was analyzed in the Hills EIS and the accompanying Traffic Impact Study. Thus, even with an increase in the maximum number of Commercial Golf Club members, there would not be a significant adverse impact on traffic or road operations in the vicinity of the Project Site. This is because golf play is scheduled and reserved ahead of time, and there are a limited number of reservations that can be made based on tee times that can be accommodated on a daily basis.

The increase of 45 Commercial Golf Club memberships would not have the potential to generate any new significant adverse traffic impacts because the number of vehicle trips to and from the golf club depends on the availability of tee times and therefore would not change. While it is

possible that some tee times that are not as popular might have additional golfers, because the overall number of tee times per hour is set and the maximum golf course usage does not produce any significant adverse traffic impacts, there is no basis to conclude that the increase in 45 memberships would have the potential to generate any new significant adverse traffic impacts.

There would be no incentive for the Non-Lot Owner Members to travel to the site if they were not assured of a tee time at which to play. DLV confirms that golf play is the reason that Non-Lot Owner Members travel to the site; specifically, while there are other amenities available to such members, golf play is the attraction that dictates travel to the site. Thus, the increase in Non-Lot Owner Members or total golf club memberships would not generate any significant additional traffic because there would be no additional tee times at which golfers could play. As noted above, even if, contrary to the assumption of the approved DEIS traffic analysis, outside golf members may occasionally travel to the project to access the clubhouse for ancillary activities such as dining, swimming, or other recreational uses, the resulting increase in vehicle trips would represent only a modest increase over the traffic volumes already analyzed and would not change the conclusion that the project will not result in significant adverse traffic impacts.

Included in the Rezoning would be a requirement that four charitable golf outings would be hosted at the Commercial Membership Golf Club annually, with at least one golf outing to benefit the East Quogue Fire District and at least one golf outing to benefit the East Quogue Union Free School District. The hosting of charitable golf outings was previously analyzed in the Hills FEIS and the Hills Findings Statement concluded that such outings would not generate any significant adverse environmental impacts. That conclusion was reached with respect to hosting five (5) charitable golf outings, plus one public golf outing, totaling six (6) such events. The N+P Traffic Impact Study dated August 2016 was included as Appendix H in the Hills DEIS and analyzed the six (6) golf outings as part of the trip generation and capacity analysis of The Hills and did not identify any significant adverse environmental impacts. Specifically, it was determined that charitable golf outings would not occur during peak hour traffic on area roads. That would still be true. Finally, significant adverse traffic-related impacts would not be generated by charitable events because: 1) a larger number of such outings was analyzed in the Hills DEIS; 2) the outings are intermittent and finite in number and would only occur four (4) times during the year; 3) the outings would attract only a limited number of golfers; 4) on-site parking will be available for the limited number of private automobiles brought by the golfers; 5) outing-related traffic would be limited to daylight hours; and, 6) the local roadways would maintain their capacity to accommodate the traffic generated by the charitable outing golfers.

B. Acceptance of Donation of the Parlato Property.

As noted, the Parlato Property is zoned residential and improved with a dwelling with an office and a farmstand. The Parlato Property is predominately wooded and contains wetlands associated with the headwaters of Weesuck Creek. This donation was previously included as a community benefit associated with the original proposed MUPDD rezoning and its potential environmental impacts were analyzed in the Hills FEIS. The Hills Findings Statement concluded

that the acceptance of the donation of the Parlato Property would not have the potential to generate any significant adverse environmental impacts. This conclusion was reached regardless of whether DLV would or would not retain the improved portion. The acceptance of the donation of the Parlato Property would not cause any physical alteration to the Project Site or any element of the Lewis Road PRD. As previously discussed in the Hills EIS, and the Hills Findings Statement, the dedication of the Parlato Property for park, recreation, open space and other public purposes will preserve land, reduce water resource impacts and reduce development potential in close proximity to wetlands and the headwaters of Weesuck Creek. In addition, as also noted in the Hills Findings Statement, the acceptance of the donation and the preservation of the Parlato Property would reduce density in the East Quogue Hamlet by at least 32 homes and reduce nitrogen loading by a corresponding amount. For these reasons, acceptance of donation of the Parlato Property would not have the potential to generate any significant adverse environmental impacts, and conversely, said donation would result in environmental benefits as outlined herein.

C. Acceptance by the Town Board of the Pedestrian Easement; acceptance by the Town Board of the Parking Easement; the formal abandonment and discontinuance of the Spinney North Segment as a highway pursuant to Section 205[1] of the New York State Highway Law; the adoption of the Spinney Local Law restricting use of the Spinney South Segment; and the removal of the existing crash gate at the intersection of Spinney Road and Redan Trail and the installation of Reciprocal Gates.

The formal abandonment and discontinuance of the Spinney North Segment as a highway, and the acceptance of the Pedestrian Easement by the Town Board would not have the potential to cause any significant adverse environmental impacts. Use of the Spinney North Segment for hiking, dog walking, and non-motorized bicycling are the types of recreational uses encouraged in the Town of Southampton as the Town publishes trail maps and routinely secures access to public and private lands for such activity. Similarly, the Central Pine Barrens Comprehensive Land Use Plan contemplates open space for uses associated with low-intensity recreational activities. Such activities do not overburden the land due to their passive nature. No significant adverse environmental impacts would be generated by these uses, as well as the creation of an interconnection to trails on Town lands because: 1) no significant removal of vegetation would be required nor would occur; 2) the Spinney North Segment already exists as a trail; 3) public access would be enabled by the establishment of a small parking area and the grant and acceptance of the Parking Easement (discussed below); and 4) passive recreational use is encouraged for environmental awareness and appreciation.

As noted, the Stipulation calls for DLV to grant and the Town Board to accept, the Parking Easement which would provide four (4) parking spaces on land under DLV's control at the northerly end of paved Spinney Road for dawn-to-dusk parking. The Parking Easement would be located on land that was the site of a single-family home at the time of preparation of the Hills DEIS. Since that time, DLV purchased the lot and the single-family home no longer exists. This acquisition reduced the density of development on the paved portion of Spinney Road by one (1) unit therefore reducing traffic and activity related to the single-family unit. Now, in place of this

home, three regular spaces and one (1) space for handicapped drivers are planned and the footprint of the small unpaved parking area will remain primarily within the area of pre-existing clearing for the prior single-family home. The very limited potential change in traffic from the previously existing single-family home to four parking spaces used only during daylight hours would not generate any significant additional vehicle trips and therefore no significant adverse traffic impacts.

The address of this parking area is 67 Spinney Road (Suffolk County Tax Map Numbers 0900-250-3-22), and is 0.78 acres (33,989 square feet, "SF") in size. It is located in the Town's Aquifer Protection Overlay District ("APOD"), wherein clearing for development may not exceed 50 percent. This means that, at most, clearing for these parking spaces may not exceed 16,995 SF. As an estimated 5,233 SF of this site are presently cleared, additional clearing for these parking spaces may not exceed 11,762 SF. DLV would locate the parking spaces in those areas of this parcel that have previously been cleared to limit new clearing to 3,105 SF and thereby conform to APOD requirements. Accordingly, the establishment and acceptance of the Parking Easement would not have the potential to generate any significant adverse impacts.

The adoption of the Spinney Local Law restricting the use of the Spinney South Segment would not have the potential to generate any significant adverse impacts because the uses to be allowed are not significantly different than those that were analyzed in the Hills EIS and in the environmental review of the Lewis Road PRD. In both, no significant adverse environmental impact was identified in connection with the use of the Spinney South Segment. Enabling motor vehicle access to and from outparcels via the Spinney South Segment was part of both The Hills and the Lewis Road PRD and would be authorized in the Spinney Local Law. Because there is no change in this regard, there is no possibility of any significant adverse environmental impact. The same is true of emergency vehicle access. Both The Hills and the Lewis Road PRD authorized emergency vehicle access to the Project Site from Spinney Road through the crash gate. That emergency vehicle access would be maintained, with the only modification being the use of two reciprocal gates, instead of single crash gate. Since the emergency vehicle access itself would not be changed, there would be no possibility of a significant adverse environmental impact.

Allowing hikers, dog walkers, and non-motorized cyclists to use the Spinney South Segment to connect from the Parking Easement area to the Spinney North Segment would not have the potential to generate any significant adverse environmental impacts for the same reasons as articulated above regarding the such use of the Spinney North Segment. Similarly, the replacement of the crash gate with two reciprocal gates would not alter in any significant way the use of the Spinney South Segment. Rather, such reciprocal gates would facilitate use of the Spinney South Segment for hiking, dog-walking, and non-motorized cycling during daylight hours which would be a benefit to the public.

The use of the Spinney South and North Segments as a public walking and non-motorized cycling trail, as well as the substitution of the reciprocal gates for the crash gate, would not cause any

substantial physical alteration to the Project Site or the facilities approved under the Lewis Road PRD. For all of the foregoing reasons, the acceptance of the Pedestrian Easement, the acceptance of the Parking Easement, the abandonment and discontinuance of the Spinney North Segment as a highway, the adoption of the Spinney Local Law, and the substitution of the reciprocal gates for the crash gate would not have the potential to generate any significant adverse environmental impacts.

D. Adoption of Town Board resolutions authorizing issuance of the QT Parcel Deeds and the Outparcel Deed.

As noted, the Stipulation calls for the Town Board to authorize conveyance to DLV of the QT Parcels and the Town's interests in the Outparcel. The purpose of these conveyances is to enable the status quo to be maintained. These properties are within the Project Site's golf course. Their conveyance to DLV would not cause any change to the use or physical configuration of the Project Site. Since the conveyances of title would be to maintain the status quo, there is no possible significant adverse environmental impact that would arise from such conveyances.

Additional Actions Related to the Settlement – Trail Connections

Through negotiations, the Town Board and DLV have established a basis to fulfill further advancement of passive recreational enjoyment for Town residents, through hiking trail access and linkages. The Town envisions establishing a trailhead on Town/County property immediately south of The Hills Homeowner's Association, Inc. land, east of Lewis Road and north of the LIRR. This trailhead would provide access to an "accessible" trail loop, which would facilitate trail extensions to the Spinney North Segment and other off-site existing and future trail locations including Paumonok Path.

The basis for trail connections is established in The Hills EIS. Specifically, comments on The Hills Draft EIS stated: *"How will public access be provided for within the open space areas? Indicate on a map where public access may be provided within the open space, include any existing local and regional trail networks, and how the access will be maintained."*

In response, The Hills FEIS stated the following (The Hills FEIS. Section 1.6.10, p 1-16):

Response:

As discussed in the **Introduction**, since the preparation of the Draft EIS, additional consideration has been given to trail connections and supporting the existing Town trail system through integration with the proposed project. Discussions with the Town resulted in a concept whereby, a trailhead would be provided on the southern part of The Hills South Parcel/Town property (both are adjacent to each other) off of Lewis Road just north of the LIRR crossing, and this would lead to a north-south trail in the on-site natural open space on The Hills South Parcel east of the golf course and on the Town's adjacent property as the trail meanders, which would run north to connect to existing off-site trails east of the subject property. The existing trail system traverses approximately 1,000 acres of open space in the area east of The Hills, and includes another potential trailhead near Central Avenue and Old Country Road. The eastern trails will be able to access the 15+ acres of former farmland on the Parlato Property (to be dedicated as part of The Hills project). The existing trail system also connects to the northeast then east toward Sears-Bellows County Park and the existing Paumanok Trail. This concept allows for parking and a logical access location to the existing trail network in the area. The applicant will continue the discussion to provide trail opportunities between The Hills property and the surrounding area. It is further noted that the Parlato Property east of the site, and The Hills North Parcel will both be dedicated to the Town of Southampton to continue to expand the open space and public access continuum in the area. In addition, the 33-acre Parlato Property that the applicant is proposing as an additional off-site benefit to reduce density/development in the area will also be dedicated to the Town. This parcel provides further connections between the Parlato Property and the Town's preserved land south of Montauk Highway on Shinnecock Bay. The public trail system should be maintained by the Southampton Parks Department in partnership with the Southampton Trail Society which is the common practice for public trails in the Town of Southampton (see **Updated PDD Landscape Concept Plan**).

The Updated PDD Landscape Concept Plan depicted a "trailhead" at the south end of the property in the vicinity of the project and Town/County land.

The Town Board Findings Statement for The Hills dated November 27, 2017 included language that affirms the intent for additional coordination to create trail access and linkages so that Town residents can enjoy the recreational resource of the golf course. Specifically, in Section 5, Land Use, Zoning and Comprehensive Plans, p. 11 of the Town Board Findings Statement references an "open space and trail system" to be dedicated to the Town.

The Planning Board issued findings on the Lewis Road PRD subdivision/site plan in their Findings Statement dated October 28, 2019, at p. 23, which states:

With respect to open space and public access, under existing conditions, the site is currently private property and provides no public access. The Applicant is proposing 427.58 acres of preserved land, of which 188.83¹ would be offered to the Town for dedication as public open space, and is also proposing to implement a public access and

¹ The final resolution for the Lewis Road PRD shows 436 acres of preserved land, 203 acres dedicated to the Town as public open space, and 4 acres dedicated to the Suffolk County Water Authority for public water infrastructure support.

a public trails plan that may utilize portions of the Project site where there are existing trails and adjoining public lands. It is proposed by the Applicant that this trails plan be further advanced in coordination with the Town's Trails Advisory Board. The Applicant will also coordinate with the Town on the maintenance of the public trail system on the project site. The Planning Board finds that providing public access and a trails system as part of this application is a necessary and important component of the project in terms of providing public benefits.

Therefore, the establishment of a trailhead, an accessible trail loop, and trail connections on Town/County land south of land of The Hills development was contemplated in the SEQRA record, specifically the Town Board FEIS, Town Board Findings Statement and Planning Board Findings Statement. Providing such recreational access was a critical finding associated with the Proposed Project that was found to be necessary to minimize adverse environmental impacts to the maximum extent practicable. The Planning Board found that public access and a trails system was a "necessary and important component of the project in terms of providing public benefits." The Town/County land south of The Hills includes cleared areas and existing trails within the parcel so that establishing a trailhead would require minimum disturbance for limited parking. Establishment of trails involves meandering through woods and aligning with existing paths/trails within Town lands such that any disturbance is minimized. The accessible trail contemplates a 6-foot wide path with a wheelchair friendly surface that would also involve minimal disturbance using existing open areas and flatter topography to allow access. Trailheads are established throughout the Town and typically involve periodic use by Town residents to access passive recreational activity sites. Vehicle activity would be sporadic and only during daytime hours, with expected low utilization that would not in any way burden local roadways. Given the Town's commitment to providing recreational access for trails and hiking opportunities, the benefit to Town residents and the importance of such access for educational and health benefits, no significant adverse environmental impacts are expected. Further, working with the Town on trail connections is a benefit of the Proposed Project that advances Town land use goals and recreational opportunities. As noted, the establishment of such trails was envisioned in The Hills FEIS and is recognized in both the Town Board and Planning Board Findings Statements. In sum, no significant adverse environmental impacts are anticipated in connection with providing a trailhead, establishing an accessible trail loop, enhancing trails within the Town land and connecting to other existing or future trails within the area of the subject site.

Conclusions

For all of the reasons stated above, the Discretionary Actions called for in the Stipulation do not require the preparation of an SEIS because they would not have the potential to generate any significant adverse environmental impacts, including:

- traffic;
- land clearing;

- graded area;
- soil disturbed;
- soil to be removed from the Project Site;
- potential habitat lost;
- surface water bodies;
- surface runoff flow or quality;
- groundwater quality;
- groundwater recharge quantity;
- local roadway and/or intersection operations;
- community character;
- visual resources;
- cultural resources;
- land use;
- zoning; and
- land use plans.

Main Office

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Town of Southampton



**OFFICE OF TOWN CLERK
SUNDY A. SCHERMEYER**

Town Clerk Annex

Phone: (631) 723-2712
Fax: (631) 723-3080

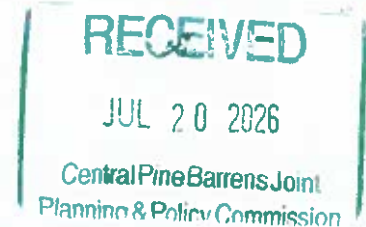
Website:
www.southamptontownny.gov

July 16, 2026

SENT VIA EMAIL AND STANDARD MAIL

info@pb.state.n.y.us

Central Pine Barrens Joint Planning & Policy Commission
Ryan P. McGarry, Chairman
624 Old Riverhead Road
Westhampton Beach, NY 11978



Dear Chairman McGarry:

Attached for the Commissions information, please find the following Southampton Town Board resolution(s) considered at their meeting held on July 14, 2026:

Town Board Resolution

Town Board Resolution RES-2026-1098:

Notice of Public Hearing for the Consideration of a LOCAL LAW Amending Chapter 330 (Zoning) of the Southampton Town Code to Add a New Section §330-248W entitled "The Hills Southampton Mixed Use Planned Development District (HSMUPDD)" to Allow a Limited Number of Golf Club Memberships Available to Non- Residents of the Lewis Road PRD, with Several Public Benefits, Including the Dedication of Over 32 Acres to the Town and Establishing Perpetual Public Easements on Certain Areas of Private Land for a Public Recreational Trail and Public Parking

Responding to this letter will serve as an acknowledgement of receipt of the above listed resolution(s). Please sign below and return to the Southampton Town Clerk's Office:

By Mail: Southampton Town Clerk
116 Hampton Road
Southampton, NY 11968

By Email: Scan and email to townclerk@southamptontownny.gov

By Fax: 631-283-5606.

Signature: _____ Date: _____

Sincerely Yours,

Sundry A Schermeyer
Southampton Town Clerk, RMC

Enclosure(s): Town Board Resolution 2026-1098

Meeting: July 14, 2026
Department: Town Attorney
Prepared By: Kathleen Murray
Category: Public Hearing
Sponsors: Maria Moore, Michael Iaselli, Cyndi McNamara, Tom Neely, Bill Pell



SOUTHAMPTON TOWN BOARD

116 Hampton Road
Southampton, NY 11968

RECEIVED

JUL 20 2026

Central Pine Barrens Joint
Planning & Policy Commission

ADOPTED

RES-2026-1098 Notice of Public Hearing for the Consideration of a LOCAL LAW Amending Chapter 330 (Zoning) of the Southampton Town Code to Add a New Section §330-248W entitled "The Hills Southampton Mixed Use Planned Development District (HSMUPDD)" to Allow a Limited Number of Golf Club Memberships Available to Non-Residents of the Lewis Road PRD, with Several Public Benefits, Including the Dedication of Over 32 Acres to the Town and Establishing Perpetual Public Easements on Certain Areas of Private Land for a Public Recreational Trail and Public Parking

WHEREAS, by Resolution No. 2008-1552, adopted November 25, 2008, the Town Board of the Town of Southampton adopted the recommended plan of the 2008 East Quogue Generic Environmental Impact Statement ("GEIS") as a component of the Town's Comprehensive Plan; and

WHEREAS, the Recommended Plan in the 2008 East Quogue GEIS for Area 7, including Subarea 7A and 7B, contemplated the possibility of a future application for a Planned Development District to allow the area known as the Hills of Southampton to accommodate a mix of uses, including a clustered residential subdivision and a private golf club and golf course, noting that "the Hills property is compatible for private golf development," that a "private golf course would provide the opportunity of staging a limited amount of public events and charitable functions during the year as a public benefit," and an "additional public benefit to the plan is the development of a trail system that provides public access;" and

WHEREAS, on January 14, 2014, the Town Board of the Town of Southampton adopted Resolution No. 2014-120, electing to consider and resolving that DLV Quogue, LLC ("Applicant") may submit a formal Mixed Use Planned Development District ("MUPDD") application for the project known as "The Hills at Southampton"; and

WHEREAS, on January 12, 2015, the Town Board of the Town of Southampton received a formal application to establish a MUPDD on several properties in East Quogue for the project entitled: "The Hills at Southampton" from the Applicant, DLV Quogue, LLC; and

WHEREAS, the MUPDD Application sought to change the zoning of four separate land holdings located in the Hamlet of East Quogue, from Country Residential 200 (CR200) to a Mixed-Use Planned Development District ("MUPDD"); and

WHEREAS, the largest parcel sought to be rezoned, known as the Hills Property, consists of 340.91 acres south of Sunrise Highway and 86.92 acres north of Sunrise Highway, for a total of 427.83 acres; with contiguous property to the west known as the Kracke property which consists of 61.26 acres, and noncontiguous property to the east known as the Parlato property which consists of 101.91, for a total of 591 acres; and

WHEREAS, after establishing itself as the lead agency under the State Environmental Quality Review Act ("SEQRA") and completing the jointly held zone change and SEQRA public hearings for the MUPDD application, by Resolution 2017-875, the Town Board, as Lead Agency, unanimously accepted and filed a Notice of Completion for its Final Environmental Impact Statement ("FEIS") that was responsive to all comments; and

WHEREAS, on December 5, 2017, by Resolution No. 2017-906, the Town Board, as Lead Agency, accepted and adopted the Findings Statement pursuant to SEQRA and Chapter 157 of the Town Code; and

WHEREAS, also on December 5, 2017, Resolution No. 2017-1123, entitled "a Local Law amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton to add a new subsection "W" to Section 330-248" was voted upon but did not receive the supermajority votes required to establish the MUPDD and was not adopted; and

WHEREAS, the Applicant thereafter filed an application with the Town of Southampton Planning Board for approval of a clustered planned residential development known as the Lewis Road Planned Residential Development (the "Lewis Road PRD") that included all of the development that had been proposed in the Hills MUPDD Application except for the private commercial membership golf club; and

WHEREAS, the Planning Board requested an interpretation of the Town's zoning code as to whether the Lewis Road PRD could include as an accessory use the proposed golf course whose use would be limited to residential lot owners and their nonpaying guests; and

WHEREAS, on November 15, 2018, the Zoning Board of Appeals of the Town of Southampton issued an interpretive decision - Decision No. D018150 - that, *inter alia*, "the proposed 18-hole, 91 acre, private golf course, available only to the owners of the subdivision parcels and not to the public-at-large" along with certain related buildings "are accessories to the 118-home residential subdivision located on 591 acres"; and

WHEREAS, on December 8, 2022, by Resolution No. 2022-347, the Planning Board approved the Lewis Road PRD subdivision comprising 177+/- assembled tax parcels totaling 607.87 acres situated in the CR-200 Zoning District, the Central Pine Barrens Overlay District (Core and Compatible Growth Areas) and the Aquifer Protection Overlay District; and

WHEREAS, also on December 8, 2022, by Resolution No. 2022-349, the Planning Board approved a site plan for the Lewis Road PRD, which included a mix of accessory recreational uses that includes an 18-hole golf course and related pro-shop, three (3) comfort stations, a gatehouse, a field/pond house, golf cart storage, a turf care building, an environmental center and pump house, a clubhouse with dining facilities, a spa/fitness center, offices, eight (8) second-story residential condominiums with underground parking, and other recreational amenities including swimming pools/pool bar, recreational fields and sports courts; as well as twelve (12) year-round workforce housing units pursuant to the Long Island Workforce Housing Act and Chapter 216 of the Southampton Town Code; and

WHEREAS, the approved Lewis Road PRD subdivision plat filed in the Office of the Suffolk County Clerk on September 20, 2023, as Map File No. 12291, consists of 118 residential units as follows: eighteen (18) club cottage lots, forty (40) village lots, eight (8) condominium units clustered in the clubhouse, twenty (20) village estate lots, thirty-two (32) woodland estate lots; as well as twelve (12) workforce housing units; and

WHEREAS, the Lewis Road PRD subdivision also created individual tax lots for an 18-hole golf course, clubhouse and other recreational amenities to be located thereon; and

WHEREAS, as part of the Lewis Road PRD, 433.7 acres of the property (65.46%) have been set aside as "Open Space" in separate reserve areas, and 436 acres (75%) of the Property were required to remain in its natural vegetated state; and

WHEREAS, in addition, the Lewis Road PRD subdivision allowed for the transfer of development rights from sending parcels in old filed maps in the immediate vicinity, and included the donation of a 4-acre parcel to the Suffolk County Water Authority ("SCWA") for future well-field purposes, which has already occurred; and

WHEREAS, DLV Quogue LLC and affiliated entities commenced an action in the Suffolk County Supreme Court, entitled *DLV Quogue, LLC, et al. v. The Town of Southampton and the Town Board of the Town of Southampton*, Index No. 606443/2018 ("DLV Zoning Litigation"), challenging the denial of Town Board Resolution No. 2017-1123 and seeking monetary damages; and

WHEREAS, the Suffolk County Supreme Court issued a Decision and Order on September 14, 2023, and a Corrected Decision and Order, entered on January 30, 2024, "requiring the Town Board to enact the Project

Local Law or another local law approving the project," and scheduling an inquest for monetary damages and attorney's fees; and

WHEREAS, the Town of Southampton has appealed the September 14, 2023, and January 30, 2024, Orders in the DLV Zoning Litigation, and said appeals are pending before the Appellate Division, Second Department, under Docket Nos. 2024-03859 and 2024-04842; and

WHEREAS, in addition to the DLV Zoning Litigation, the Applicant and related entities filed an action in the Supreme Court of the State of New York, County of Suffolk, against the Town of Southampton, in which the Town Highway Department and Highway Superintendent have intervened as defendants and counterclaimants, captioned *DLV Quogue, LLC, et al. v. The Town of Southampton, et al.*, Suffolk County Index No. 608808/2025 ("Spinney Road Litigation"), seeking to declare that a portion of the unpaved roadway known as Spinney Road was never established or opened as a public highway or, to the extent it was a public highway, it has been abandoned as such and is no longer a public highway; and

WHEREAS, the Town and Highway Superintendent filed an action in the Supreme Court of the State of New York, County of Suffolk, against certain of the DLV Parties captioned *Town of Southampton, et al. v. DLV Quogue, LLC, et al.*, Suffolk County Index No. 601426/2026 (the "Quiet Title Litigation"), alleging that the Town of Southampton was the fee owner of certain real property referenced in the Complaint in the Quiet Title Litigation as the "Subject Property" (including Parcel 1, Parcel 2, Parcel 3, Parcel 4, Parcel 5, Parcel 6, Parcel 7, Parcel 8, Parcel 9 and Parcel 10 as referenced in the Complaint), which includes portions of certain parcels within the Lewis Road PRD; and

WHEREAS, a stipulation of settlement (the "Settlement Stipulation") has been negotiated to resolve the DLV Zoning Litigation, Spinney Road Litigation, and Quiet Title Litigation, conditioned upon, among other things, passage of this Local Law following a public hearing on the zoning amendment set forth therein and a decision of the Town Board as to whether to enact the zoning amendment after consideration of the public hearing record; and

WHEREAS, the zoning amendment described below, subject to the limitations set forth therein, authorizes a limited number of persons who do not own a residential property within the Lewis Road PRD to join the golf club facilities constructed pursuant to the Lewis Road PRD, and does not authorize physical changes to the improvements authorized by the Lewis Road PRD; and

WHEREAS, the SEQRA Findings Statement adopted by Resolution No. 2017-906 considered, among other things, the potential environmental impacts of establishing a mixed use planned development district to allow a limited number of private memberships for non-residents of what is now known as the Lewis Road PRD subdivision, and the Applicant has submitted a technical memorandum from Nelson Pope Voorhis, dated June 6, 2026, evaluating the extent of new or different environmental impacts that may result from the Local Law described herein, including a traffic analysis considering the impact of non-resident members using the golf course and related facilities; now therefore be it

RESOLVED that the Town Board hereby directs that a public hearing shall be held on **Tuesday, August 11, 2026 at 1:00 p.m.**, both in-person, at Southampton Town Hall, 116 Hampton Road, Southampton, New York, and via videoconferencing, to hear any and all persons either for or against a local law entitled: "A LOCAL LAW amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton by adding a new Section §330-248W entitled 'The Hills Southampton Mixed Use Planned Development District (HSMUPDD)' to create a mixed use planned development district that would allow for, among other things, a limited number of golf club memberships available to non-residents of the Lewis Road PRD, with several public benefits, including the dedication of over 32 acres of land to the Town and establishing perpetual public easements on certain areas of private land for a public recreational trail and public parking," which provides as follows:

LOCAL LAW NO. OF 2026

A local law amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton by adding a new Section, §330-248W.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The Hills at Southampton Mixed Use Planned Development District will provide public benefits to the Town of Southampton that are not otherwise available under current zoning, and will also resolve protracted litigation in a manner that is in the best interests of the Town of Southampton and its residents by facilitating settlement of three pending litigations under Suffolk County Supreme Court Index Numbers 615048/2017, 608808/2025, and 601426/2026 pursuant to a Stipulation of Settlement (the "Settlement Stipulation").

SECTION 2. Amendment to Establish Planned Development District.

Section 248 (Specific planned development districts) of Chapter 330 (Zoning) of the Southampton Town Code is hereby amended by adding Subsection W with the underlined words as follows:

W. The Hills at Southampton Mixed Use Planned Development District (HSMUPDD).

- (1) **Purpose and Objectives.** The Hills at Southampton Mixed Use Planned Development District supports implementation of the Town's Comprehensive Plan, Central Pine Barrens Comprehensive Land Use Plan (CLUP), the Town's East Quogue Land Use Plan (EQLUP), and the 2008 East Quogue Generic Environmental Impact Statement (GEIS), by providing for natural resource protection and environmentally sensitive planning and design while fostering economic development and allowing for a mix of public and private recreational uses in a manner that was not achievable by the current CR 200 zoning. The Lewis Road PRD approved by the Planning Board on December 8, 2022, includes 118 residential units, an 18-hole golf course, golf clubhouse and other recreational amenities as an accessory residential use, the preservation of open space and dedication of certain land to the Town, and other specified improvements. The purpose of the HSMUPDD is to allow a limited number of persons who do not own a residential property within the Lewis Road PRD to join a golf club utilizing the golf course, golf clubhouse and other recreational amenities approved by the Planning Board on December 8, 2022, subject to the terms and conditions set forth herein.
- (2) **District Boundary.** The Hills Mixed Use Planned Development District shall consist of the area now known as the Lewis Road PRD, the associated golf course and recreational facilities, and the area south of Sunrise Highway (NY-27), now or formerly owned by the Hills Homeowners Association, Inc., more specifically bounded described as follows:

BEGINNING AT A MONUMENT SET ON THE NORTHEASTERLY SIDE OF LEWIS ROAD DISTANT

429.73 FEET NORTHWESTERLY AS MEASURED ALONG THE NORTHEASTERLY SIDE OF LEWIS ROAD FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHEASTERLY SIDE OF LEWIS ROAD WITH THE NORTHWESTERLY SIDE OF LONG ISLAND RAILROAD;

RUNNING THENCE NORTH 03 DEGREES 07 MINUTES 01 SECONDS WEST ALONG LAND NOW OR FORMERLY OF BAILEY AND LAND NOW OR FORMERLY OF BERNY 413.88 FEET TO A _____ MONUMENT AND LAND NOW OR FORMERLY OF FEENEY;

THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG LAND NOW OR FORMERLY OF FEENEY:

1. NORTH 86 DEGREES 35 MINUTES 09 SECONDS EAST 26.59 FEET TO A MONUMENT;

2. SOUTH 03 DEGREES 24 MINUTES 51 SECONDS EAST 80.72 FEET;

3. NORTH 86 DEGREES 43 MINUTES 09 SECONDS EAST 104.35 FEET TO A MONUMENT;

THENCE NORTH 03 DEGREES 27 MINUTES 11 SECONDS WEST ALONG LAND NOW OR FORMERLY OF FEENEY AND ALONG LANDS OF OTHERS 4349.98 FEET TO A POINT ON THE SOUTHEASTERLY SIDE OF SPINNEY ROAD;

THENCE NORTHERLY ALONG THE SOUTHEASTERLY SIDE OF SPINNEY ROAD THE FOLLOWING 2 COURSES AND DISTANCES:

1. NORTH 32 DEGREES 31 MINUTES 30 SECONDS EAST 227.83 FEET;

2. NORTH 15 DEGREES 02 MINUTES 50 SECONDS EAST 430.52 FEET TO A MONUMENT AND MAP OF QUOGUE ESTATES, FILED MARCH 6, 1930 AS MAP NUMBER 698;

THENCE NORTH 86 DEGREES 32 MINUTES 49 SECONDS EAST ALONG SAID MAP 129.52 FEET TO

A POINT IN THE CENTER LINE OF SMITH AVENUE AS SHOWN ON THE ABOVE MENTIONED MAP;

THENCE NORTH 03 DEGREES 27 MINUTES 11 SECONDS WEST ALONG SAID CENTER LINE OF SMITH AVENUE 420.00 FEET TO A POINT;

THENCE NORTH 86 DEGREES 32 MINUTES 49 SECONDS EAST ACROSS SMITH AVENUE AND ALONG THE DIVISION LINE BETWEEN LOTS 202 AND 203 IN BLOCK 3, 138.10 FEET;

THENCE NORTH 03 DEGREES 27 MINUTES 11 SECONDS WEST ALONG SAID MAP AND ALONG LAND OF OTHERS 485.33 FEET TO A POINT ON THE SOUTHEASTERLY SIDE OF SPINNEY ROAD;

THENCE NORTHWESTERLY NORTH 70 DEGREES 47 MINUTES 50 SECONDS WEST 49.50 FEET THENCE;

THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY SIDE OF SPINNEY ROAD:

1. SOUTH 19 DEGREES 12 MINUTES 10 SECONDS WEST 257 FEET;

2. SOUTH 11 DEGREES 15 MINUTES 10 SECONDS WEST 154.77 FEET;

3. SOUTH 86 DEGREES 32 MINUTES 49 SECONDS WEST 101.86 FEET;

4. SOUTH 3 DEGREES 27 MINUTES 11 SECONDS EAST 388.12 FEET;

5. SOUTH 22 DEGREES 15 MINUTES 10 SECONDS WEST 178.92 FEET;

6. SOUTH 15 DEGREES 02 MINUTES 50 SECONDS WEST 426.19 FEET;

7. SOUTH 32 DEGREES 31 MINUTES 30 SECONDS WEST 345.15 FEET;

8. SOUTH 23 DEGREES 31 MINUTES 30 SECONDS WEST 424.11 FEET;

THEN ACROSS THE NORTHERN PROPERTY LINE OF THE SCWA PARCEL

SOUTH 86 DEGREES 34 MINUTES 34 SECONDS WEST 442.78 FEET;

THENCE SOUTH 3 DEGREES 22 MINUTES 46 SECONDS EAST 906.97 FEET TO THE NORTHWESTERN CORNER OF THE SCWA PARCEL

SOUTH 3 DEGREES 26 MINUTES 44 SECONDS EAST 1449.81 FEET;

THENCE ALONG THE TOP OF THE KRACKE PROPERTY NEAR CEMETERY ROAD

SOUTH 86 DEGREES 47 MINUTES 33 SECONDS WEST 370.93 FEET;

THENCE NORTH 3 DEGREES 21 MINUTES 27 SECONDS WEST 2799.75 FEET;

THENCE SOUTH 74 DEGREES 27 MINUTES 11 SECONDS WEST 354.62 FEET;

THENCE SOUTH 74 DEGREES 31 MINUTES 52 SECONDS WEST 432.21 FEET;

THENCE NORTH 3 DEGREES 23 MINUTES 11 SECONDS 2024.23 FEET;

THENCE NORTH 83 DEGREES 19 MINUTES 03 SECONDS EAST 1015.75 FEET;

THENCE NORTH 3 DEGREES 222 MINUTES 46 SECONDS WEST 3416.23 FEET;

THENCE NORTH 87 DEGREES 48 MINUTES 47 SECONDS EAST 1651.62 FEET;

E TOWN OF SOUTHAMPTON AND ALONG LAND NOW OR FORMERLY OF WILLIAM H. SWAN
8992.66 FEET TO A POINT AND LAND NOW OR FORMERLY OF NAM ASSOCIATES INC.;

THENCE SOUTHWESTERLY ALONG LANDS NOW OR FORMERLY OF NAM ASSOCIATES INC. THE
FOLLOWING 7 COURSES AND DISTANCES:

1. SOUTH 48 DEGREES 59 MINUTES 19 SECONDS WEST 229.16 FEET;

2. SOUTH 48 DEGREES 42 MINUTES 59 SECONDS WEST 381.14 FEET TO A MONUMENT;

3. SOUTH 86 DEGREES 34 MINUTES 29 SECONDS WEST 165.47 FEET;

4. SOUTH 02 DEGREES 57 MINUTES 21 SECONDS EAST 136.85 FEET;

5. SOUTHWESTERLY ALONG THE ARC OF A CURVE BEARING TO THE RIGHT HAVING A
RADIUS OF 309.84 FEET A DISTANCE OF 265.07 FEET;

6. SOUTH 46 DEGREES 03 MINUTES 38 SECONDS WEST 478.05 FEET;

7. SOUTHWESTERLY ALONG THE ARC OF A CURVE BEARING TO THE LEFT HAVING A
RADIUS OF 20.00 FEET A DISTANCE OF 31.42 FEET TO THE NORTHEASTERLY SIDE OF
LEWIS ROAD AND;

THENCE NORTH 43 DEGREES 56 MINUTES 21 SECONDS WEST ALONG THE NORTHEASTERLY
SIDE OF LEWIS ROAD 133.56 FEET TO THE POINT OR PLACE OF BEGINNING.

(3) **Permitted Uses within the HSMUPDD.** Only the following uses shall be permitted in the HSMUPDD, subject to compliance with the standards and conditions set forth in this section, and all other applicable laws, rules and regulations:

(a) Clustered residential subdivision, currently known as the Lewis Road PRD, as approved by Planning Board Resolution Numbers 2022-347 and 2022-349, and set forth on the plat filed in the Office of the Suffolk County Clerk on September 20, 2023, as Map File No. 12291, and as set forth on approved site plans, including 118 residential units, inclusive of eight (8) condominium units located in the second story of the clubhouse, plus twelve (12) units of on-site year-round workforce housing subject to Chapter 216 of the Southampton Town Code, as set forth on the approved site plans as of the date hereof;

(b) Private membership golf club, with memberships available to the owners of the 118 residential units within the Lewis Road Subdivision, as well as up to 177 memberships available to non-owners, for a maximum of 295 total private memberships;

(c) Eighteen (18)-hole championship length golf course with three (3) comfort stations, driving range, practice areas, pro-shop, golf cart storage, and similar ancillary uses related to the golf course, as set forth on approved site plans as of the date hereof;

(d) Playgrounds and trails, as set forth on approved site plans as of the date hereof;

- (e) On parcels that are owned by a municipal entity, including the Suffolk County Water Authority, a well field, water supply facility, sewage treatment plant, or similar municipal uses, as well as accessory uses related thereto; and
- (f) Accessory uses for the residential development and private membership golf club and course, as set forth in the approved site plans as of the date hereof, including:
 - i. Clubhouse with dining facilities, kitchens and food preparation/storage, offices, underground parking areas, and eight (8) residential condominium dwelling units within the second story, as set forth on approved site plans.
 - ii. Maintenance buildings with management offices, laboratory, and equipment repair facility, sewage treatment facilities, storage areas for maintenance equipment and supplies, fuel and fuel storage facilities, irrigation facilities, including manmade ponds, pump houses, monitoring wells, weather stations, etc. as necessary for the golf course operation and set forth on approved site plans.
 - iii. Health and wellness spa facilities and/or other indoor exercise facilities associated with the clubhouse and swimming pool, as set forth on approved site plans.
 - iv. Tennis, handball, padel, pickleball, racquetball, basketball or similar sports courts, as set forth on approved site plans.
 - v. Field house with swimming pools, kitchen/food service, poolside bar and other indoor recreational amenities, as set forth on approved site plans.
 - vi. Residential swimming pools and other customarily incidental and subordinate residential accessory uses associated with those residential properties, i.e. sheds.

(4) Dimensional and Architectural Regulations and Development Standards.

- (a) Except as provided for in sections 4(b) and 4(c) below, the locations and dimensional bulk and area zoning requirements, including lot area, lot frontage, lot width, setbacks, lot coverage, height, minimum/maximum floor area and pyramid law, for all buildings and structures within the HSMUPDD shall be consistent with the approvals previously granted by the Planning Board prior to the date of the enactment of the HSMUPDD zoning.
- (b) The Town Planning and Development Administrator may, with consent of the Superintendent of Highways, administratively approve a further amendment to the Site Plan to incorporate the changes to roads and trails within the HSMUPDD described in the Stipulation of Settlement.
- (c) The Town Planning and Development Administrator shall have authority for minor administrative site plan amendments as provided for in Southampton Town Code 330-183.1(A)(1), on a per lot basis. Any other proposed site plan amendment must be approved by the Town Board.

(5) Conditions. The operation of the private membership golf club with memberships available to non-owners as set forth in section 3(b) above is conditioned upon the following:

- (a) Within ten days of the effective date hereof, the Applicant shall transfer or cause to be transferred to the Town, via a bargain and sale deed, the approximately 32.4 acre parcel at 436 Montauk Highway, East Quogue, tax map number 900-316-01-030, which shall be transferred free and clear of all liens, encumbrances, mortgages, and security interests, except for easements and restrictions of record.

- (b) The Applicant shall pay or cause to be paid to the Town of Southampton certain monetary payments as provided for in the Settlement Stipulation, as follows:
- (i) By the date specified in the Settlement Stipulation, the Applicant shall pay or cause to be paid to the Town of Southampton the sum of one million five hundred thousand dollars (\$1,500,000.00); and
 - (ii) In addition, as provided for in the Settlement Stipulation and Town Board Resolution No. 2026-1097, the Applicant shall pay an additional sum of \$10 Million to the Town of Southampton as and for consideration for the purchase of certain properties described in the Settlement Stipulation, consisting of properties at issue in Quiet Title Litigation, as well as the parcel located at 900-250-3-15.1.
- (c) The golf course and club building shall be made available at least once per calendar year for a fundraising event for the East Quogue fire department, once per calendar year for a fundraising event for the East Quogue school district, and for at least two other events each calendar year to benefit local charitable organizations. In connection with these events, the fire department, school district, and other charitable organizations shall not be responsible to pay or remit from the proceeds a rental fee for use of the golf course, or clubhouse, but the Applicant or its successors or assigns may impose reasonable charges for caddy fees, food and beverage expenses, and other customary catering and out-of-pocket costs for such charitable events.
- (d) Within 90 days of the effective date hereof, the Applicant shall, in consultation with the Trails Advisory Committee, submit a plan for the creation, updating, and maintenance of a public trail system on the Town-owned land as identified by current Suffolk County Tax Map Lot Numbers 0900-250.00-04.00-001.000, 0900-314.00-02.00-020.004, 0900-289.00-01.00-001.000, and 0900-314.00-02.00-048.000, which shall include public parking and a trailhead, with a portion of the trail system to be wheelchair and ADA accessible. Within eighteen (18) months of the Town approving the proposed Public Trail System Plan, unless otherwise extended by the Town and subject to the receipt of all required approvals, which the Town Planning Department and Applicant shall diligently pursue, the Applicant shall substantially complete all construction, development, and installation of the Public Trail System, at its sole cost and expense.
- (e) The Applicant shall grant or cause to be granted to the Town of Southampton, in perpetuity, a permanent 15-foot-wide easement over a portion of Spinney Road, which shall include a 10-foot wide walking/bicycling path to allow for emergency vehicle access, as well as dawn-to-dusk public recreational use of hiking, walking, dog-walking, cross-country skiing, and bicycling (not to include motor or electric bikes) (the "Northern Spinney Hiking Trail"). The Northern Spinney Hiking Trail easement granted by the Applicant to the Town of Southampton, and accepted by the Town of Southampton, is more particularly bounded and described as follows:

All that certain plot, piece or parcel of land situate, lying and being in East Quogue, County of Suffolk and State of New York, being more particularly bounded and described as follows:

Beginning at a point within Spinney Road, said point being the following sixteen courses and distances from the corner formed by the intersection of the easterly line of Spinney Road and the southerly line of Redan Trail:

1. South 32° 31' 30" West for a distance of 16.55 feet to a point;
2. North 57° 28' 30" West for a distance of 31.65 feet to a point;
3. North 29° 09' 05" East for a distance of 94.54 feet to a point;
4. North 15° 31' 59" East for a distance of 150.78 feet to a point;
5. North 19° 56' 56" East for a distance of 93.08 feet to a point;
6. North 05° 32' 49" East for a distance of 31.58 feet to a point;
7. North 08° 59' 06" East for a distance of 43.89 feet to a point;

8. North 15° 04' 06" East for a distance of 159.41 feet to a point;
9. North 11° 44' 57" East for a distance of 204.12 feet to a point;
10. North 10° 44' 15" East for a distance of 251.33 feet to a point;
11. North 08° 43' 17" East for a distance of 101.21 feet to a point;
12. North 05° 25' 26" East for a distance of 48.55 feet to a point;
13. North 14° 47' 58" East for a distance of 47.31 feet to a point;
14. North 22° 00' 10" East for a distance of 123.52 feet to a point;
15. North 25° 08' 00" East for a distance of 85.33 feet to a point;
16. North 13° 44' 40" East for a distance of 22.38 feet to the point of beginning;

Running thence from said point of beginning, within the bounds of Spinney Road the following sixty-five courses and distances:

1. North 13° 44' 40" East for a distance of 11.17 feet to a point;
2. North 05° 17' 40" East for a distance of 57.60 feet to a point;
3. North 02° 00' 01" West for a distance of 83.17 feet to a point;
4. North 07° 38' 55" West for a distance of 310.09 feet to a point;
5. North 07° 28' 05" West for a distance of 71.81 feet to a point;
6. North 03° 32' 35" West for a distance of 219.23 feet to a point;
7. North 10° 50' 57" East for a distance of 67.21 feet to a point;
8. North 14° 50' 20" East for a distance of 165.66 feet to a point;
9. North 27° 28' 40" East for a distance of 93.00 feet to a point;
10. North 23° 58' 03" East for a distance of 78.62 feet to a point;
11. North 23° 08' 04" East for a distance of 135.21 feet to a point;
12. North 14° 09' 55" East for a distance of 127.31 feet to a point;
13. North 08° 02' 39" East for a distance of 155.95 feet to a point;
14. North 05° 06' 34" East for a distance of 97.08 feet to a point;
15. North 10° 24' 43" West for a distance of 77.55 feet to a point;
16. North 20° 40' 17" West for a distance of 53.09 feet to a point;
17. North 27° 53' 12" West for a distance of 66.36 feet to a point;
18. North 33° 18' 37" West for a distance of 131.15 feet to a point;
19. North 22° 21' 37" West for a distance of 93.92 feet to a point;
20. North 14° 07' 36" West for a distance of 205.35 feet to a point;
21. North 02° 33' 50" East for a distance of 145.23 feet to a point;
22. North 06° 45' 52" East for a distance of 336.24 feet to a point;
23. North 21° 38' 13" East for a distance of 119.69 feet to a point;
24. North 27° 55' 26" East for a distance of 112.58 feet to a point;
25. North 31° 36' 46" East for a distance of 285.88 feet to a point;
26. North 22° 44' 21" East for a distance of 116.14 feet to a point;
27. North 03° 47' 03" East for a distance of 110.07 feet to a point;
28. 267.27 feet generally northwest along the arc of a curve bearing to the left having a radius of 280.45 feet to a point;
29. North 50° 49' 10" West for a distance of 141.75 feet to a point;
30. 141.39 feet generally northwest along the arc of a curve bearing to the right having a radius of 248.03 feet to a point;
31. North 87° 48' 47" East for a distance of 15.64 feet to a point;
32. 128.53 feet generally southeast along the arc of a curve bearing to the left having a radius of 233.03 feet to a point;
33. South 50° 49' 10" East for a distance of 141.75 feet to a point;
34. 27.04 feet generally southeast along the arc of a curve bearing to the right having a radius of 295.45 feet to a point;
35. South 46° 12' 23" East for a distance of 121.70 feet to a point;
36. South 37° 10' 07" East for a distance of 41.66 feet to a point;
37. South 03° 27' 41" East for a distance of 144.36 feet to a point;
38. South 26° 51' 20" West for a distance of 91.13 feet to a point;
39. South 22° 44' 21" West for a distance of 119.81 feet to a point;
40. South 31° 36' 46" West for a distance of 286.56 feet to a point;
41. South 27° 55' 26" West for a distance of 111.28 feet to a point;
42. South 21° 38' 13" West for a distance of 116.91 feet to a point;

43. South 06° 45' 52" West for a distance of 333.73 feet to a point;
44. South 02° 33' 50" West for a distance of 142.48 feet to a point;
45. South 14° 07' 36" East for a distance of 202.07 feet to a point;
46. South 22° 21' 37" East for a distance of 91.40 feet to a point;
47. South 33° 18' 37" East for a distance of 130.43 feet to a point;
48. South 27° 53' 12" East for a distance of 68.02 feet to a point;
49. South 20° 40' 17" East for a distance of 55.38 feet to a point;
50. South 10° 24' 43" East for a distance of 80.94 feet to a point;
51. South 05° 06' 34" West for a distance of 99.51 feet to a point;
52. South 08° 02' 39" West for a distance of 157.14 feet to a point;
53. South 14° 09' 55" West for a distance of 129.29 feet to a point;
54. South 23° 08' 04" West for a distance of 136.50 feet to a point;
55. South 23° 58' 03" West for a distance of 79.19 feet to a point;
56. South 27° 28' 40" West for a distance of 91.80 feet to a point;
57. South 14° 50' 20" West for a distance of 163.48 feet to a point;
58. South 10° 50' 57" West for a distance of 64.80 feet to a point;
59. South 03° 32' 35" East for a distance of 216.82 feet to a point;
60. South 07° 28' 05" East for a distance of 71.27 feet to a point;
61. South 07° 38' 55" East for a distance of 310.81 feet to a point;
62. South 02° 00' 01" East for a distance of 84.87 feet to a point;
63. South 05° 17' 40" West for a distance of 59.66 feet to a point;
64. South 13° 44' 40" West for a distance of 13.71 feet to a point.
65. North 70° 47' 50" West for a distance of 15.07 feet to the point of beginning.

Containing 69,275 sq.ft. (1.590 acres)

And,

The easement(s) granted by the Applicant or its affiliates to the Town for public access shall include a connector segment allowing public access between the land owned by the Applicant or its affiliates at Suffolk County Tax Map Lot Number 0900-288.00-01.00-171.000, and the Town-owned land current at Suffolk County Tax Map Lot Number 0900-250.00-04.00-001.000, which is more particularly bounded and described as follows:

All that certain plot, piece or parcel of land situate, lying and being in East Quogue, County of Suffolk and State of New York, being more particularly bounded and described as follows:

Beginning at a point within Spinney Road, said point being the following twenty-one courses and distances from the corner formed by the intersection of the northwest corner of the land now or formerly of Town of Southampton (Suffolk County Tax Map # 900-250-004-01) and the Southerly line of Montauk Highway (State Route 27);

1. South 87° 48' 47" West for a distance of 295.51 feet to a point;
2. 128.53 feet generally southeast along the arc of a curve bearing to the left having a radius of 233.03 feet to a point;
3. South 50° 49' 10" East for a distance of 141.75 feet to a point;
4. 27.04 feet generally southeast along the arc of a curve bearing to the right having a radius of 295.45 feet to a point;
5. South 46° 12' 23" East for a distance of 121.70 feet to a point;
6. South 37° 10' 07" East for a distance of 41.66 feet to a point;
7. South 03° 27' 41" East for a distance of 144.36 feet to a point;
8. South 26° 51' 20" West for a distance of 91.13 feet to a point;
9. South 22° 44' 21" West for a distance of 119.81 feet to a point;
10. South 31° 36' 46" West for a distance of 286.56 feet to a point;
11. South 27° 55' 26" West for a distance of 111.28 feet to a point;
12. South 21° 38' 13" West for a distance of 116.91 feet to a point;
13. South 06° 45' 52" West for a distance of 333.73 feet to a point;
14. South 02° 33' 50" West for a distance of 142.48 feet to a point;
15. South 14° 07' 36" East for a distance of 202.07 feet to a point;

16. South 22° 21' 37" East for a distance of 91.40 feet to a point
17. South 33° 18' 37" East for a distance of 130.43 feet to a point;
18. South 27° 53' 12" East for a distance of 68.02 feet to a point;
19. South 20° 40' 17" East for a distance of 55.38 feet to a point;
20. South 10° 24' 43" East for a distance of 80.94 feet to a point;
21. South 05° 06' 34" West for a distance of 69.73 feet to the point of beginning;

Running thence from said point of beginning, through Spinney Road and Open Space 2 of Filed Map #12291 the following fourteen courses and distances:

1. North 70° 38' 56" East for a distance of 67.19 feet to a point;
2. North 42° 00' 43" East for a distance of 34.13 feet to a point;
3. North 63° 46' 04" East for a distance of 75.81 feet to a point;
4. North 79° 20' 55" East for a distance of 62.14 feet to a point;
5. North 86° 16' 41" East for a distance of 21.00 feet to a point;
6. North 30° 59' 24" East for a distance of 49.46 feet to a point;
7. South 03° 27' 41" East for a distance of 26.52 feet to a point;
8. South 30° 59' 24" West for a distance of 35.45 feet to a point;
9. South 86° 16' 41" West for a distance of 27.94 feet to a point;
10. South 79° 20' 55" West for a distance of 59.17 feet to a point;
11. South 63° 46' 04" West for a distance of 70.88 feet to a point;
12. South 42° 00' 43" West for a distance of 35.07 feet to a point;
13. South 70° 38' 56" West for a distance of 77.84 feet to a point;
14. North 05° 06' 34" East for a distance of 16.48 feet to the point of beginning.

Containing 4,621 sq ft (0.106 acres)

The Town of Southampton's acceptance of the easement(s) referenced in this paragraph is conditioned upon the subsequent abandonment of, pursuant to Section 205(1) of the New York State Highway Law, the portion of Spinney Road covered by and contiguous with the Northern Spinney Hiking Trail easement.

- (f) The Applicant shall grant or cause to be granted to the Town of Southampton an easement in perpetuity, to allow the public to use, from dawn to dusk, four (4) designated parking spaces on a portion of the land owned by an affiliate of the Applicant, known as 67 Spinney Road and identified as Suffolk County Tax Map Lot Number 0900-250.00-03.00-022.000. The easement as referenced in this paragraph shall provide that the four (4) public parking spaces are to be accessed from a driveway on Spinney Road, and is more particularly bounded and described as follows:

All that certain plot, piece or parcel of land situate, lying and being in East Quogue, County of Suffolk and State of New York, being more particularly bounded and described as follows:

Beginning at a point on the easterly side of Spinney Road, said point being the following two courses and distances from the Northerly terminus of a curve having a radius of 25.00 feet and a length of 39.27 feet formed by the intersection of the easterly line of Spinney Road and the northerly line of Serenity Place:

1. North 03° 24' 41" West for a distance of 264.36 feet to a point;
2. North 23° 48' 09" East for a distance of 200.13 feet to the point of beginning;

Running thence from said point of beginning the following six courses and distances:

1. North 23° 48' 09" East for a distance of 20.00 feet to a point;
2. South 66° 11' 51" East for a distance of 10.00 feet to a point;
3. North 23° 48' 09" East for a distance of 63.00 feet to a point;
4. South 66° 11' 51" East for a distance of 44.00 feet to a point;
5. South 23° 48' 09" West for a distance of 83.00 feet to a point;
6. North 66° 11' 51" West for a distance of 54.00 feet to the point of beginning.

Containing 3,852 sq ft (0.088 acres)

The Applicant shall improve or cause to be improved the driveway and parking easement as referenced in this paragraph in a manner suitable for such public use, to be approved by the Superintendent of Highways, but shall not be required to pave the driveway or parking easement area.

(6) Further conditions. All conditions and requirements set forth in the subdivision and site plan approvals for the Lewis Road PRD issued by the Planning Board and/or the Central Pine Barrens Joint Planning and Policy Commission remain in full force and effect, including but not limited to:

- (a) Ground Water Monitoring Plan and ongoing protocols and payments for sampling as per the agreements with the Town; and
- (b) Integrated Turf Health Maintenance Plan ("ITHMP") and Natural Resources Management Plan ("NRMP") setting forth the procedures for implementation of the golf course routing plan and organic protocol as set forth in the FEIS, including the construction schedule, the clearing and grading procedures, soil testing, restrictions on pesticide and fertilizer application, revegetation and native plant restoration.
- (c) Revegetation and native plant/species restoration plans for any disturbed areas. The Planning Board may require a maintenance bond to assure the survival of any required plantings. In formulating such plans, vegetative surveys shall be conducted at proper times of the year. Field survey forms and accompanying maps shall be submitted for referral to the Land Management Environment Division for review and recommendation. Opportunities for salvage and transplant of existing native vegetation, and well as use of seed and plants of local origin shall be evaluated and utilized to the maximum extent practicable.
- (d) Compliance with nitrogen standards for golf courses as per the SCDHS, or such greater standards as required by the Planning Board or the Central Pine Barrens Joint Planning and Policy Commission.

SECTION 3. Authority.

The local law is enacted pursuant to Section 10 of the Municipal Home Rule Law, Sections 64, 261 and 261-c of the New York State Town Law, and in furtherance of a settlement approved pursuant to Section 68 of the New York State Town Law. The HSMUPDD is exempt from the provisions of Local Law No. 16 of 2017, adopted on July 20, 2017, as it arises from a pre-existing application.

SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall forward a copy of this local law to the Suffolk County Planning Commission, as well as the Southampton Town Planning Board and the Central Pine Barrens Joint Planning and Policy Commission, for their review and recommendations;

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Southampton hereby directs that a public hearing shall be held on **Tuesday, August 11, 2026, at 1:00 p.m.**, both in-person, at Southampton Town Hall, 116 Hampton Road, Southampton, New York, and via videoconferencing, to hear any and all persons either for or against a proposed local law entitled, "A LOCAL LAW amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton by adding a new Section §330-248W entitled 'The Hills Southampton Mixed Use Planned Development District (HSMUPDD)' to create a mixed use planned development district that would allow for, among other things, a limited number of golf club memberships available to non-residents of the Lewis Road PRD, with several public benefits, including the dedication of over 32 acres of land to the Town and establishing perpetual public easements on certain areas of private land for a public recreational trail and public parking," and take

FURTHER NOTICE that, pursuant to Local Law No. 14 of 2022, the public will have an opportunity to see and hear the meeting live both in-person as well as via videoconferencing, and to provide comments in either format, with a transcript provided upon request.

If participating via videoconferencing, the public can watch the live meeting online from either the Town of Southampton website on the Town Clerk's Meeting Portal or through the Zoom App. If any interested members of the public would like to provide comments on the public hearing, comments can be called in during the meeting via telephone or the Zoom App. Comments can also be emailed up until one hour before the start of the meeting to the Town Clerk at: towndclerk@southamptontownny.gov.

Please continue to check the Town Clerk's website and Meeting Portal as the hearing date approaches for any updated information, including the specific meeting Zoom link, and/or more detailed instructions on how to access the meeting virtually.

Summary of Proposed Law

The Hills MUPDD will allow for a private membership golf club and golf course at what is now known as the Lewis Road PRD, with a limited number of memberships available to non-residents of the Lewis Road PRD, with several public benefits, including the dedication of over 32 acres to the Town of Southampton, establishing a perpetual public easement on certain areas of private land for a public trail and public parking, facilitating the improvement of other public trails, and providing for monetary payments to the Town of Southampton.

Copies of the proposed local law, sponsored by the full Town Board, are on file and available for review in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHAMPTON, NEW YORK
SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact

None

Main Office

116 Hampton Road
Southampton, NY 11968

Phone: (631) 287-5740
Fax: (631) 283-5606

Town of Southampton



**OFFICE OF TOWN CLERK
SUNDY A. SCHERMEYER**

Town Clerk Annex

Phone: (631) 723-2712
Fax: (631) 723-3080

Website:
www.southamptontownny.gov

July 16, 2026

SENT VIA EMAIL AND STANDARD MAIL

info@pb.state.n.y.us

Central Pine Barrens Joint Planning & Policy Commission
Ryan P. McGarry, Chairman
624 Old Riverhead Road
Westhampton Beach, NY 11978



Dear Chairman McGarry:

Attached for the Commissions information, please find the following Southampton Town Board resolution(s) considered at their meeting held on July 14, 2026:

Town Board Resolution

Town Board Resolution RES-2026-1098:

Notice of Public Hearing for the Consideration of a LOCAL LAW Amending Chapter 330 (Zoning) of the Southampton Town Code to Add a New Section §330-248W entitled "The Hills Southampton Mixed Use Planned Development District (HSMUPDD)" to Allow a Limited Number of Golf Club Memberships Available to Non- Residents of the Lewis Road PRD, with Several Public Benefits, Including the Dedication of Over 32 Acres to the Town and Establishing Perpetual Public Easements on Certain Areas of Private Land for a Public Recreational Trail and Public Parking

Responding to this letter will serve as an acknowledgement of receipt of the above listed resolution(s). Please sign below and return to the Southampton Town Clerk's Office:

By Mail: Southampton Town Clerk
116 Hampton Road
Southampton, NY 11968

By Email: Scan and email to townclerk@southamptontownny.gov

By Fax: 631-283-5606.

Signature: _____ Date: _____

Sincerely Yours,

Sundry A Schermeyer
Southampton Town Clerk, RMC

Enclosure(s): Town Board Resolution 2026-1098

Meeting: July 14, 2026
Department: Town Attorney
Prepared By: Kathleen Murray
Category: Public Hearing
Sponsors: Maria Moore, Michael Iaselli, Cyndi McNamara, Tom Neely, Bill Pell



SOUTHAMPTON TOWN BOARD

116 Hampton Road
Southampton, NY 11968

RECEIVED

JUL 20 2026

Central Pine Barrens Joint
Planning & Policy Commission

ADOPTED

RES-2026-1098 Notice of Public Hearing for the Consideration of a LOCAL LAW Amending Chapter 330 (Zoning) of the Southampton Town Code to Add a New Section §330-248W entitled "The Hills Southampton Mixed Use Planned Development District (HSMUPDD)" to Allow a Limited Number of Golf Club Memberships Available to Non-Residents of the Lewis Road PRD, with Several Public Benefits, Including the Dedication of Over 32 Acres to the Town and Establishing Perpetual Public Easements on Certain Areas of Private Land for a Public Recreational Trail and Public Parking

WHEREAS, by Resolution No. 2008-1552, adopted November 25, 2008, the Town Board of the Town of Southampton adopted the recommended plan of the 2008 East Quogue Generic Environmental Impact Statement ("GEIS") as a component of the Town's Comprehensive Plan; and

WHEREAS, the Recommended Plan in the 2008 East Quogue GEIS for Area 7, including Subarea 7A and 7B, contemplated the possibility of a future application for a Planned Development District to allow the area known as the Hills of Southampton to accommodate a mix of uses, including a clustered residential subdivision and a private golf club and golf course, noting that "the Hills property is compatible for private golf development," that a "private golf course would provide the opportunity of staging a limited amount of public events and charitable functions during the year as a public benefit," and an "additional public benefit to the plan is the development of a trail system that provides public access;" and

WHEREAS, on January 14, 2014, the Town Board of the Town of Southampton adopted Resolution No. 2014-120, electing to consider and resolving that DLV Quogue, LLC ("Applicant") may submit a formal Mixed Use Planned Development District ("MUPDD") application for the project known as "The Hills at Southampton"; and

WHEREAS, on January 12, 2015, the Town Board of the Town of Southampton received a formal application to establish a MUPDD on several properties in East Quogue for the project entitled: "The Hills at Southampton" from the Applicant, DLV Quogue, LLC; and

WHEREAS, the MUPDD Application sought to change the zoning of four separate land holdings located in the Hamlet of East Quogue, from Country Residential 200 (CR200) to a Mixed-Use Planned Development District ("MUPDD"); and

WHEREAS, the largest parcel sought to be rezoned, known as the Hills Property, consists of 340.91 acres south of Sunrise Highway and 86.92 acres north of Sunrise Highway, for a total of 427.83 acres; with contiguous property to the west known as the Kracke property which consists of 61.26 acres, and noncontiguous property to the east known as the Parlato property which consists of 101.91, for a total of 591 acres; and

WHEREAS, after establishing itself as the lead agency under the State Environmental Quality Review Act ("SEQRA") and completing the jointly held zone change and SEQRA public hearings for the MUPDD application, by Resolution 2017-875, the Town Board, as Lead Agency, unanimously accepted and filed a Notice of Completion for its Final Environmental Impact Statement ("FEIS") that was responsive to all comments; and

WHEREAS, on December 5, 2017, by Resolution No. 2017-906, the Town Board, as Lead Agency, accepted and adopted the Findings Statement pursuant to SEQRA and Chapter 157 of the Town Code; and

WHEREAS, also on December 5, 2017, Resolution No. 2017-1123, entitled "a Local Law amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton to add a new subsection "W" to Section 330-248" was voted upon but did not receive the supermajority votes required to establish the MUPDD and was not adopted; and

WHEREAS, the Applicant thereafter filed an application with the Town of Southampton Planning Board for approval of a clustered planned residential development known as the Lewis Road Planned Residential Development (the "Lewis Road PRD") that included all of the development that had been proposed in the Hills MUPDD Application except for the private commercial membership golf club; and

WHEREAS, the Planning Board requested an interpretation of the Town's zoning code as to whether the Lewis Road PRD could include as an accessory use the proposed golf course whose use would be limited to residential lot owners and their nonpaying guests; and

WHEREAS, on November 15, 2018, the Zoning Board of Appeals of the Town of Southampton issued an interpretive decision - Decision No. D018150 - that, *inter alia*, "the proposed 18-hole, 91 acre, private golf course, available only to the owners of the subdivision parcels and not to the public-at-large" along with certain related buildings "are accessories to the 118-home residential subdivision located on 591 acres"; and

WHEREAS, on December 8, 2022, by Resolution No. 2022-347, the Planning Board approved the Lewis Road PRD subdivision comprising 177+/- assembled tax parcels totaling 607.87 acres situated in the CR-200 Zoning District, the Central Pine Barrens Overlay District (Core and Compatible Growth Areas) and the Aquifer Protection Overlay District; and

WHEREAS, also on December 8, 2022, by Resolution No. 2022-349, the Planning Board approved a site plan for the Lewis Road PRD, which included a mix of accessory recreational uses that includes an 18-hole golf course and related pro-shop, three (3) comfort stations, a gatehouse, a field/pond house, golf cart storage, a turf care building, an environmental center and pump house, a clubhouse with dining facilities, a spa/fitness center, offices, eight (8) second-story residential condominiums with underground parking, and other recreational amenities including swimming pools/pool bar, recreational fields and sports courts; as well as twelve (12) year-round workforce housing units pursuant to the Long Island Workforce Housing Act and Chapter 216 of the Southampton Town Code; and

WHEREAS, the approved Lewis Road PRD subdivision plat filed in the Office of the Suffolk County Clerk on September 20, 2023, as Map File No. 12291, consists of 118 residential units as follows: eighteen (18) club cottage lots, forty (40) village lots, eight (8) condominium units clustered in the clubhouse, twenty (20) village estate lots, thirty-two (32) woodland estate lots; as well as twelve (12) workforce housing units; and

WHEREAS, the Lewis Road PRD subdivision also created individual tax lots for an 18-hole golf course, clubhouse and other recreational amenities to be located thereon; and

WHEREAS, as part of the Lewis Road PRD, 433.7 acres of the property (65.46%) have been set aside as "Open Space" in separate reserve areas, and 436 acres (75%) of the Property were required to remain in its natural vegetated state; and

WHEREAS, in addition, the Lewis Road PRD subdivision allowed for the transfer of development rights from sending parcels in old filed maps in the immediate vicinity, and included the donation of a 4-acre parcel to the Suffolk County Water Authority ("SCWA") for future well-field purposes, which has already occurred; and

WHEREAS, DLV Quogue LLC and affiliated entities commenced an action in the Suffolk County Supreme Court, entitled *DLV Quogue, LLC, et al. v. The Town of Southampton and the Town Board of the Town of Southampton*, Index No. 606443/2018 ("DLV Zoning Litigation"), challenging the denial of Town Board Resolution No. 2017-1123 and seeking monetary damages; and

WHEREAS, the Suffolk County Supreme Court issued a Decision and Order on September 14, 2023, and a Corrected Decision and Order, entered on January 30, 2024, "requiring the Town Board to enact the Project

Local Law or another local law approving the project,” and scheduling an inquest for monetary damages and attorney’s fees; and

WHEREAS, the Town of Southampton has appealed the September 14, 2023, and January 30, 2024, Orders in the DLV Zoning Litigation, and said appeals are pending before the Appellate Division, Second Department, under Docket Nos. 2024-03859 and 2024-04842; and

WHEREAS, in addition to the DLV Zoning Litigation, the Applicant and related entities filed an action in the Supreme Court of the State of New York, County of Suffolk, against the Town of Southampton, in which the Town Highway Department and Highway Superintendent have intervened as defendants and counterclaimants, captioned *DLV Quogue, LLC, et al. v. The Town of Southampton, et al.*, Suffolk County Index No. 608808/2025 (“Spinney Road Litigation”), seeking to declare that a portion of the unpaved roadway known as Spinney Road was never established or opened as a public highway or, to the extent it was a public highway, it has been abandoned as such and is no longer a public highway; and

WHEREAS, the Town and Highway Superintendent filed an action in the Supreme Court of the State of New York, County of Suffolk, against certain of the DLV Parties captioned *Town of Southampton, et al. v. DLV Quogue, LLC, et al.*, Suffolk County Index No. 601426/2026 (the “Quiet Title Litigation”), alleging that the Town of Southampton was the fee owner of certain real property referenced in the Complaint in the Quiet Title Litigation as the “Subject Property” (including Parcel 1, Parcel 2, Parcel 3, Parcel 4, Parcel 5, Parcel 6, Parcel 7, Parcel 8, Parcel 9 and Parcel 10 as referenced in the Complaint), which includes portions of certain parcels within the Lewis Road PRD; and

WHEREAS, a stipulation of settlement (the “Settlement Stipulation”) has been negotiated to resolve the DLV Zoning Litigation, Spinney Road Litigation, and Quiet Title Litigation, conditioned upon, among other things, passage of this Local Law following a public hearing on the zoning amendment set forth therein and a decision of the Town Board as to whether to enact the zoning amendment after consideration of the public hearing record; and

WHEREAS, the zoning amendment described below, subject to the limitations set forth therein, authorizes a limited number of persons who do not own a residential property within the Lewis Road PRD to join the golf club facilities constructed pursuant to the Lewis Road PRD, and does not authorize physical changes to the improvements authorized by the Lewis Road PRD; and

WHEREAS, the SEQRA Findings Statement adopted by Resolution No. 2017-906 considered, among other things, the potential environmental impacts of establishing a mixed use planned development district to allow a limited number of private memberships for non-residents of what is now known as the Lewis Road PRD subdivision, and the Applicant has submitted a technical memorandum from Nelson Pope Voorhis, dated June 6, 2026, evaluating the extent of new or different environmental impacts that may result from the Local Law described herein, including a traffic analysis considering the impact of non-resident members using the golf course and related facilities; now therefore be it

RESOLVED that the Town Board hereby directs that a public hearing shall be held on **Tuesday, August 11, 2026 at 1:00 p.m.**, both in-person, at Southampton Town Hall, 116 Hampton Road, Southampton, New York, and via videoconferencing, to hear any and all persons either for or against a local law entitled: “A LOCAL LAW amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton by adding a new Section §330-248W entitled ‘The Hills Southampton Mixed Use Planned Development District (HSMUPDD)’ to create a mixed use planned development district that would allow for, among other things, a limited number of golf club memberships available to non-residents of the Lewis Road PRD, with several public benefits, including the dedication of over 32 acres of land to the Town and establishing perpetual public easements on certain areas of private land for a public recreational trail and public parking,” which provides as follows:

LOCAL LAW NO. OF 2026

A local law amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton by adding a new Section, §330-248W.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Legislative Intent.

The Hills at Southampton Mixed Use Planned Development District will provide public benefits to the Town of Southampton that are not otherwise available under current zoning, and will also resolve protracted litigation in a manner that is in the best interests of the Town of Southampton and its residents by facilitating settlement of three pending litigations under Suffolk County Supreme Court Index Numbers 615048/2017, 608808/2025, and 601426/2026 pursuant to a Stipulation of Settlement (the "Settlement Stipulation").

SECTION 2. Amendment to Establish Planned Development District.

Section 248 (Specific planned development districts) of Chapter 330 (Zoning) of the Southampton Town Code is hereby amended by adding Subsection W with the underlined words as follows:

W. The Hills at Southampton Mixed Use Planned Development District (HSMUPDD).

- (1) **Purpose and Objectives.** The Hills at Southampton Mixed Use Planned Development District supports implementation of the Town's Comprehensive Plan, Central Pine Barrens Comprehensive Land Use Plan (CLUP), the Town's East Quogue Land Use Plan (EQLUP), and the 2008 East Quogue Generic Environmental Impact Statement (GEIS), by providing for natural resource protection and environmentally sensitive planning and design while fostering economic development and allowing for a mix of public and private recreational uses in a manner that was not achievable by the current CR 200 zoning. The Lewis Road PRD approved by the Planning Board on December 8, 2022, includes 118 residential units, an 18-hole golf course, golf clubhouse and other recreational amenities as an accessory residential use, the preservation of open space and dedication of certain land to the Town, and other specified improvements. The purpose of the HSMUPDD is to allow a limited number of persons who do not own a residential property within the Lewis Road PRD to join a golf club utilizing the golf course, golf clubhouse and other recreational amenities approved by the Planning Board on December 8, 2022, subject to the terms and conditions set forth herein.
- (2) **District Boundary.** The Hills Mixed Use Planned Development District shall consist of the area now known as the Lewis Road PRD, the associated golf course and recreational facilities, and the area south of Sunrise Highway (NY-27), now or formerly owned by the Hills Homeowners Association, Inc., more specifically bounded described as follows:

BEGINNING AT A MONUMENT SET ON THE NORTHEASTERLY SIDE OF LEWIS ROAD DISTANT

429.73 FEET NORTHWESTERLY AS MEASURED ALONG THE NORTHEASTERLY SIDE OF LEWIS ROAD FROM THE CORNER FORMED BY THE INTERSECTION OF THE NORTHEASTERLY SIDE OF LEWIS ROAD WITH THE NORTHWESTERLY SIDE OF LONG ISLAND RAILROAD;

RUNNING THENCE NORTH 03 DEGREES 07 MINUTES 01 SECONDS WEST ALONG LAND NOW OR FORMERLY OF BAILEY AND LAND NOW OR FORMERLY OF BERNY 413.88 FEET TO A _____ MONUMENT AND LAND NOW OR FORMERLY OF FEENEY;

THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG LAND NOW OR FORMERLY OF FEENEY:

1. NORTH 86 DEGREES 35 MINUTES 09 SECONDS EAST 26.59 FEET TO A MONUMENT;

2. SOUTH 03 DEGREES 24 MINUTES 51 SECONDS EAST 80.72 FEET;

3. NORTH 86 DEGREES 43 MINUTES 09 SECONDS EAST 104.35 FEET TO A MONUMENT;

THENCE NORTH 03 DEGREES 27 MINUTES 11 SECONDS WEST ALONG LAND NOW OR FORMERLY OF FEENEY AND ALONG LANDS OF OTHERS 4349.98 FEET TO A POINT ON THE SOUTHEASTERLY SIDE OF SPINNEY ROAD;

THENCE NORTHERLY ALONG THE SOUTHEASTERLY SIDE OF SPINNEY ROAD THE FOLLOWING 2 COURSES AND DISTANCES:

1. NORTH 32 DEGREES 31 MINUTES 30 SECONDS EAST 227.83 FEET;

2. NORTH 15 DEGREES 02 MINUTES 50 SECONDS EAST 430.52 FEET TO A MONUMENT AND MAP OF QUOGUE ESTATES, FILED MARCH 6, 1930 AS MAP NUMBER 698;

THENCE NORTH 86 DEGREES 32 MINUTES 49 SECONDS EAST ALONG SAID MAP 129.52 FEET TO

A POINT IN THE CENTER LINE OF SMITH AVENUE AS SHOWN ON THE ABOVE MENTIONED MAP;

THENCE NORTH 03 DEGREES 27 MINUTES 11 SECONDS WEST ALONG SAID CENTER LINE OF SMITH AVENUE 420.00 FEET TO A POINT;

THENCE NORTH 86 DEGREES 32 MINUTES 49 SECONDS EAST ACROSS SMITH AVENUE AND ALONG THE DIVISION LINE BETWEEN LOTS 202 AND 203 IN BLOCK 3, 138.10 FEET;

THENCE NORTH 03 DEGREES 27 MINUTES 11 SECONDS WEST ALONG SAID MAP AND ALONG LAND OF OTHERS 485.33 FEET TO A POINT ON THE SOUTHEASTERLY SIDE OF SPINNEY ROAD;

THENCE NORTHWESTERLY NORTH 70 DEGREES 47 MINUTES 50 SECONDS WEST 49.50 FEET THENCE;

THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY SIDE OF SPINNEY ROAD:

1. SOUTH 19 DEGREES 12 MINUTES 10 SECONDS WEST 257 FEET;

2. SOUTH 11 DEGREES 15 MINUTES 10 SECONDS WEST 154.77 FEET;

3. SOUTH 86 DEGREES 32 MINUTES 49 SECONDS WEST 101.86 FEET;

4. SOUTH 3 DEGREES 27 MINUTES 11 SECONDS EAST 388.12 FEET;

5. SOUTH 22 DEGREES 15 MINUTES 10 SECONDS WEST 178.92 FEET;

6. SOUTH 15 DEGREES 02 MINUTES 50 SECONDS WEST 426.19 FEET;

7. SOUTH 32 DEGREES 31 MINUTES 30 SECONDS WEST 345.15 FEET;

8. SOUTH 23 DEGREES 31 MINUTES 30 SECONDS WEST 424.11 FEET;

THEN ACROSS THE NORTHERN PROPERTY LINE OF THE SCWA PARCEL

SOUTH 86 DEGREES 34 MINUTES 34 SECONDS WEST 442.78 FEET;

THENCE SOUTH 3 DEGREES 22 MINUTES 46 SECONDS EAST 906.97 FEET TO THE NORTHWESTERN CORNER OF THE SCWA PARCEL

SOUTH 3 DEGREES 26 MINUTES 44 SECONDS EAST 1449.81 FEET;

THENCE ALONG THE TOP OF THE KRACKE PROPERTY NEAR CEMETERY ROAD

SOUTH 86 DEGREES 47 MINUTES 33 SECONDS WEST 370.93 FEET;

THENCE NORTH 3 DEGREES 21 MINUTES 27 SECONDS WEST 2799.75 FEET;

THENCE SOUTH 74 DEGREES 27 MINUTES 11 SECONDS WEST 354.62 FEET;

THENCE SOUTH 74 DEGREES 31 MINUTES 52 SECONDS WEST 432.21 FEET;

THENCE NORTH 3 DEGREES 23 MINUTES 11 SECONDS 2024.23 FEET;

THENCE NORTH 83 DEGREES 19 MINUTES 03 SECONDS EAST 1015.75 FEET;

THENCE NORTH 3 DEGREES 222 MINUTES 46 SECONDS WEST 3416.23 FEET;

THENCE NORTH 87 DEGREES 48 MINUTES 47 SECONDS EAST 1651.62 FEET;

E TOWN OF SOUTHAMPTON AND ALONG LAND NOW OR FORMERLY OF WILLIAM H. SWAN
8992.66 FEET TO A POINT AND LAND NOW OR FORMERLY OF NAM ASSOCIATES INC.;

THENCE SOUTHWESTERLY ALONG LANDS NOW OR FORMERLY OF NAM ASSOCIATES INC. THE
FOLLOWING 7 COURSES AND DISTANCES:

1. SOUTH 48 DEGREES 59 MINUTES 19 SECONDS WEST 229.16 FEET;

2. SOUTH 48 DEGREES 42 MINUTES 59 SECONDS WEST 381.14 FEET TO A MONUMENT;

3. SOUTH 86 DEGREES 34 MINUTES 29 SECONDS WEST 165.47 FEET;

4. SOUTH 02 DEGREES 57 MINUTES 21 SECONDS EAST 136.85 FEET;

5. SOUTHWESTERLY ALONG THE ARC OF A CURVE BEARING TO THE RIGHT HAVING A
RADIUS OF 309.84 FEET A DISTANCE OF 265.07 FEET;

6. SOUTH 46 DEGREES 03 MINUTES 38 SECONDS WEST 478.05 FEET;

7. SOUTHWESTERLY ALONG THE ARC OF A CURVE BEARING TO THE LEFT HAVING A
RADIUS OF 20.00 FEET A DISTANCE OF 31.42 FEET TO THE NORTHEASTERLY SIDE OF
LEWIS ROAD AND;

THENCE NORTH 43 DEGREES 56 MINUTES 21 SECONDS WEST ALONG THE NORTHEASTERLY
SIDE OF LEWIS ROAD 133.56 FEET TO THE POINT OR PLACE OF BEGINNING.

- (3) **Permitted Uses within the HSMUPDD.** Only the following uses shall be permitted in the HSMUPDD, subject to compliance with the standards and conditions set forth in this section, and all other applicable laws, rules and regulations:
- (a) Clustered residential subdivision, currently known as the Lewis Road PRD, as approved by Planning Board Resolution Numbers 2022-347 and 2022-349, and set forth on the plat filed in the Office of the Suffolk County Clerk on September 20, 2023, as Map File No. 12291, and as set forth on approved site plans, including 118 residential units, inclusive of eight (8) condominium units located in the second story of the clubhouse, plus twelve (12) units of on-site year-round workforce housing subject to Chapter 216 of the Southampton Town Code, as set forth on the approved site plans as of the date hereof;
 - (b) Private membership golf club, with memberships available to the owners of the 118 residential units within the Lewis Road Subdivision, as well as up to 177 memberships available to non-owners, for a maximum of 295 total private memberships;
 - (c) Eighteen (18)-hole championship length golf course with three (3) comfort stations, driving range, practice areas, pro-shop, golf cart storage, and similar ancillary uses related to the golf course, as set forth on approved site plans as of the date hereof;
 - (d) Playgrounds and trails, as set forth on approved site plans as of the date hereof;

- (e) On parcels that are owned by a municipal entity, including the Suffolk County Water Authority, a well field, water supply facility, sewage treatment plant, or similar municipal uses, as well as accessory uses related thereto; and
- (f) Accessory uses for the residential development and private membership golf club and course, as set forth in the approved site plans as of the date hereof, including:
 - i. Clubhouse with dining facilities, kitchens and food preparation/storage, offices, underground parking areas, and eight (8) residential condominium dwelling units within the second story, as set forth on approved site plans.
 - ii. Maintenance buildings with management offices, laboratory, and equipment repair facility, sewage treatment facilities, storage areas for maintenance equipment and supplies, fuel and fuel storage facilities, irrigation facilities, including manmade ponds, pump houses, monitoring wells, weather stations, etc. as necessary for the golf course operation and set forth on approved site plans.
 - iii. Health and wellness spa facilities and/or other indoor exercise facilities associated with the clubhouse and swimming pool, as set forth on approved site plans.
 - iv. Tennis, handball, padel, pickleball, racquetball, basketball or similar sports courts, as set forth on approved site plans.
 - v. Field house with swimming pools, kitchen/food service, poolside bar and other indoor recreational amenities, as set forth on approved site plans.
 - vi. Residential swimming pools and other customarily incidental and subordinate residential accessory uses associated with those residential properties, i.e. sheds.

(4) Dimensional and Architectural Regulations and Development Standards.

- (a) Except as provided for in sections 4(b) and 4(c) below, the locations and dimensional bulk and area zoning requirements, including lot area, lot frontage, lot width, setbacks, lot coverage, height, minimum/maximum floor area and pyramid law, for all buildings and structures within the HSMUPDD shall be consistent with the approvals previously granted by the Planning Board prior to the date of the enactment of the HSMUPDD zoning.
- (b) The Town Planning and Development Administrator may, with consent of the Superintendent of Highways, administratively approve a further amendment to the Site Plan to incorporate the changes to roads and trails within the HSMUPDD described in the Stipulation of Settlement.
- (c) The Town Planning and Development Administrator shall have authority for minor administrative site plan amendments as provided for in Southampton Town Code 330-183.1(A)(1), on a per lot basis. Any other proposed site plan amendment must be approved by the Town Board.

(5) Conditions. The operation of the private membership golf club with memberships available to non-owners as set forth in section 3(b) above is conditioned upon the following:

- (a) Within ten days of the effective date hereof, the Applicant shall transfer or cause to be transferred to the Town, via a bargain and sale deed, the approximately 32.4 acre parcel at 436 Montauk Highway, East Quogue, tax map number 900-316-01-030, which shall be transferred free and clear of all liens, encumbrances, mortgages, and security interests, except for easements and restrictions of record.

- (b) The Applicant shall pay or cause to be paid to the Town of Southampton certain monetary payments as provided for in the Settlement Stipulation, as follows:
- (i) By the date specified in the Settlement Stipulation, the Applicant shall pay or cause to be paid to the Town of Southampton the sum of one million five hundred thousand dollars (\$1,500,000.00); and
 - (ii) In addition, as provided for in the Settlement Stipulation and Town Board Resolution No. 2026-1097, the Applicant shall pay an additional sum of \$10 Million to the Town of Southampton as and for consideration for the purchase of certain properties described in the Settlement Stipulation, consisting of properties at issue in Quiet Title Litigation, as well as the parcel located at 900-250-3-15.1.
- (c) The golf course and club building shall be made available at least once per calendar year for a fundraising event for the East Quogue fire department, once per calendar year for a fundraising event for the East Quogue school district, and for at least two other events each calendar year to benefit local charitable organizations. In connection with these events, the fire department, school district, and other charitable organizations shall not be responsible to pay or remit from the proceeds a rental fee for use of the golf course, or clubhouse, but the Applicant or its successors or assigns may impose reasonable charges for caddy fees, food and beverage expenses, and other customary catering and out-of-pocket costs for such charitable events.
- (d) Within 90 days of the effective date hereof, the Applicant shall, in consultation with the Trails Advisory Committee, submit a plan for the creation, updating, and maintenance of a public trail system on the Town-owned land as identified by current Suffolk County Tax Map Lot Numbers 0900-250.00-04.00-001.000, 0900-314.00-02.00-020.004, 0900-289.00-01.00-001.000, and 0900-314.00-02.00-048.000, which shall include public parking and a trailhead, with a portion of the trail system to be wheelchair and ADA accessible. Within eighteen (18) months of the Town approving the proposed Public Trail System Plan, unless otherwise extended by the Town and subject to the receipt of all required approvals, which the Town Planning Department and Applicant shall diligently pursue, the Applicant shall substantially complete all construction, development, and installation of the Public Trail System, at its sole cost and expense.
- (e) The Applicant shall grant or cause to be granted to the Town of Southampton, in perpetuity, a permanent 15-foot-wide easement over a portion of Spinney Road, which shall include a 10-foot wide walking/bicycling path to allow for emergency vehicle access, as well as dawn-to-dusk public recreational use of hiking, walking, dog-walking, cross-country skiing, and bicycling (not to include motor or electric bikes) (the "Northern Spinney Hiking Trail"). The Northern Spinney Hiking Trail easement granted by the Applicant to the Town of Southampton, and accepted by the Town of Southampton, is more particularly bounded and described as follows:

All that certain plot, piece or parcel of land situate, lying and being in East Quogue, County of Suffolk and State of New York, being more particularly bounded and described as follows:

Beginning at a point within Spinney Road, said point being the following sixteen courses and distances from the corner formed by the intersection of the easterly line of Spinney Road and the southerly line of Redan Trail:

1. South 32° 31' 30" West for a distance of 16.55 feet to a point;
2. North 57° 28' 30" West for a distance of 31.65 feet to a point;
3. North 29° 09' 05" East for a distance of 94.54 feet to a point;
4. North 15° 31' 59" East for a distance of 150.78 feet to a point;
5. North 19° 56' 56" East for a distance of 93.08 feet to a point;
6. North 05° 32' 49" East for a distance of 31.58 feet to a point;
7. North 08° 59' 06" East for a distance of 43.89 feet to a point;

8. North 15° 04' 06" East for a distance of 159.41 feet to a point;
9. North 11° 44' 57" East for a distance of 204.12 feet to a point;
10. North 10° 44' 15" East for a distance of 251.33 feet to a point;
11. North 08° 43' 17" East for a distance of 101.21 feet to a point;
12. North 05° 25' 26" East for a distance of 48.55 feet to a point;
13. North 14° 47' 58" East for a distance of 47.31 feet to a point;
14. North 22° 00' 10" East for a distance of 123.52 feet to a point;
15. North 25° 08' 00" East for a distance of 85.33 feet to a point;
16. North 13° 44' 40" East for a distance of 22.38 feet to the point of beginning;

Running thence from said point of beginning, within the bounds of Spinney Road the following sixty-five courses and distances:

1. North 13° 44' 40" East for a distance of 11.17 feet to a point;
2. North 05° 17' 40" East for a distance of 57.60 feet to a point;
3. North 02° 00' 01" West for a distance of 83.17 feet to a point;
4. North 07° 38' 55" West for a distance of 310.09 feet to a point;
5. North 07° 28' 05" West for a distance of 71.81 feet to a point;
6. North 03° 32' 35" West for a distance of 219.23 feet to a point;
7. North 10° 50' 57" East for a distance of 67.21 feet to a point;
8. North 14° 50' 20" East for a distance of 165.66 feet to a point;
9. North 27° 28' 40" East for a distance of 93.00 feet to a point;
10. North 23° 58' 03" East for a distance of 78.62 feet to a point;
11. North 23° 08' 04" East for a distance of 135.21 feet to a point;
12. North 14° 09' 55" East for a distance of 127.31 feet to a point;
13. North 08° 02' 39" East for a distance of 155.95 feet to a point;
14. North 05° 06' 34" East for a distance of 97.08 feet to a point;
15. North 10° 24' 43" West for a distance of 77.55 feet to a point;
16. North 20° 40' 17" West for a distance of 53.09 feet to a point;
17. North 27° 53' 12" West for a distance of 66.36 feet to a point;
18. North 33° 18' 37" West for a distance of 131.15 feet to a point;
19. North 22° 21' 37" West for a distance of 93.92 feet to a point;
20. North 14° 07' 36" West for a distance of 205.35 feet to a point;
21. North 02° 33' 50" East for a distance of 145.23 feet to a point;
22. North 06° 45' 52" East for a distance of 336.24 feet to a point;
23. North 21° 38' 13" East for a distance of 119.69 feet to a point;
24. North 27° 55' 26" East for a distance of 112.58 feet to a point;
25. North 31° 36' 46" East for a distance of 285.88 feet to a point;
26. North 22° 44' 21" East for a distance of 116.14 feet to a point;
27. North 03° 47' 03" East for a distance of 110.07 feet to a point;
28. 267.27 feet generally northwest along the arc of a curve bearing to the left having a radius of 280.45 feet to a point;
29. North 50° 49' 10" West for a distance of 141.75 feet to a point;
30. 141.39 feet generally northwest along the arc of a curve bearing to the right having a radius of 248.03 feet to a point;
31. North 87° 48' 47" East for a distance of 15.64 feet to a point;
32. 128.53 feet generally southeast along the arc of a curve bearing to the left having a radius of 233.03 feet to a point;
33. South 50° 49' 10" East for a distance of 141.75 feet to a point;
34. 27.04 feet generally southeast along the arc of a curve bearing to the right having a radius of 295.45 feet to a point;
35. South 46° 12' 23" East for a distance of 121.70 feet to a point;
36. South 37° 10' 07" East for a distance of 41.66 feet to a point;
37. South 03° 27' 41" East for a distance of 144.36 feet to a point;
38. South 26° 51' 20" West for a distance of 91.13 feet to a point;
39. South 22° 44' 21" West for a distance of 119.81 feet to a point;
40. South 31° 36' 46" West for a distance of 286.56 feet to a point;
41. South 27° 55' 26" West for a distance of 111.28 feet to a point;
42. South 21° 38' 13" West for a distance of 116.91 feet to a point;

43. South 06° 45' 52" West for a distance of 333.73 feet to a point;
44. South 02° 33' 50" West for a distance of 142.48 feet to a point;
45. South 14° 07' 36" East for a distance of 202.07 feet to a point;
46. South 22° 21' 37" East for a distance of 91.40 feet to a point;
47. South 33° 18' 37" East for a distance of 130.43 feet to a point;
48. South 27° 53' 12" East for a distance of 68.02 feet to a point;
49. South 20° 40' 17" East for a distance of 55.38 feet to a point;
50. South 10° 24' 43" East for a distance of 80.94 feet to a point;
51. South 05° 06' 34" West for a distance of 99.51 feet to a point;
52. South 08° 02' 39" West for a distance of 157.14 feet to a point;
53. South 14° 09' 55" West for a distance of 129.29 feet to a point;
54. South 23° 08' 04" West for a distance of 136.50 feet to a point;
55. South 23° 58' 03" West for a distance of 79.19 feet to a point;
56. South 27° 28' 40" West for a distance of 91.80 feet to a point;
57. South 14° 50' 20" West for a distance of 163.48 feet to a point;
58. South 10° 50' 57" West for a distance of 64.80 feet to a point;
59. South 03° 32' 35" East for a distance of 216.82 feet to a point;
60. South 07° 28' 05" East for a distance of 71.27 feet to a point;
61. South 07° 38' 55" East for a distance of 310.81 feet to a point;
62. South 02° 00' 01" East for a distance of 84.87 feet to a point;
63. South 05° 17' 40" West for a distance of 59.66 feet to a point;
64. South 13° 44' 40" West for a distance of 13.71 feet to a point.
65. North 70° 47' 50" West for a distance of 15.07 feet to the point of beginning.

Containing 69,275 sq.ft. (1.590 acres)

And,

The easement(s) granted by the Applicant or its affiliates to the Town for public access shall include a connector segment allowing public access between the land owned by the Applicant or its affiliates at Suffolk County Tax Map Lot Number 0900-288.00-01.00-171.000, and the Town-owned land current at Suffolk County Tax Map Lot Number 0900-250.00-04.00-001.000, which is more particularly bounded and described as follows:

All that certain plot, piece or parcel of land situate, lying and being in East Quogue, County of Suffolk and State of New York, being more particularly bounded and described as follows:

Beginning at a point within Spinney Road, said point being the following twenty-one courses and distances from the corner formed by the intersection of the northwest corner of the land now or formerly of Town of Southampton (Suffolk County Tax Map # 900-250-004-01) and the Southerly line of Montauk Highway (State Route 27);

1. South 87° 48' 47" West for a distance of 295.51 feet to a point;
2. 128.53 feet generally southeast along the arc of a curve bearing to the left having a radius of 233.03 feet to a point;
3. South 50° 49' 10" East for a distance of 141.75 feet to a point;
4. 27.04 feet generally southeast along the arc of a curve bearing to the right having a radius of 295.45 feet to a point;
5. South 46° 12' 23" East for a distance of 121.70 feet to a point;
6. South 37° 10' 07" East for a distance of 41.66 feet to a point;
7. South 03° 27' 41" East for a distance of 144.36 feet to a point;
8. South 26° 51' 20" West for a distance of 91.13 feet to a point;
9. South 22° 44' 21" West for a distance of 119.81 feet to a point;
10. South 31° 36' 46" West for a distance of 286.56 feet to a point;
11. South 27° 55' 26" West for a distance of 111.28 feet to a point;
12. South 21° 38' 13" West for a distance of 116.91 feet to a point;
13. South 06° 45' 52" West for a distance of 333.73 feet to a point;
14. South 02° 33' 50" West for a distance of 142.48 feet to a point;
15. South 14° 07' 36" East for a distance of 202.07 feet to a point;

16. South 22° 21' 37" East for a distance of 91.40 feet to a point
17. South 33° 18' 37" East for a distance of 130.43 feet to a point;
18. South 27° 53' 12" East for a distance of 68.02 feet to a point;
19. South 20° 40' 17" East for a distance of 55.38 feet to a point;
20. South 10° 24' 43" East for a distance of 80.94 feet to a point;
21. South 05° 06' 34" West for a distance of 69.73 feet to the point of beginning;

Running thence from said point of beginning, through Spinney Road and Open Space 2 of Filed Map #12291 the following fourteen courses and distances:

1. North 70° 38' 56" East for a distance of 67.19 feet to a point;
2. North 42° 00' 43" East for a distance of 34.13 feet to a point;
3. North 63° 46' 04" East for a distance of 75.81 feet to a point;
4. North 79° 20' 55" East for a distance of 62.14 feet to a point;
5. North 86° 16' 41" East for a distance of 21.00 feet to a point;
6. North 30° 59' 24" East for a distance of 49.46 feet to a point;
7. South 03° 27' 41" East for a distance of 26.52 feet to a point;
8. South 30° 59' 24" West for a distance of 35.45 feet to a point;
9. South 86° 16' 41" West for a distance of 27.94 feet to a point;
10. South 79° 20' 55" West for a distance of 59.17 feet to a point;
11. South 63° 46' 04" West for a distance of 70.88 feet to a point;
12. South 42° 00' 43" West for a distance of 35.07 feet to a point;
13. South 70° 38' 56" West for a distance of 77.84 feet to a point;
14. North 05° 06' 34" East for a distance of 16.48 feet to the point of beginning.

Containing 4,621 sq ft (0.106 acres)

The Town of Southampton's acceptance of the easement(s) referenced in this paragraph is conditioned upon the subsequent abandonment of, pursuant to Section 205(1) of the New York State Highway Law, the portion of Spinney Road covered by and contiguous with the Northern Spinney Hiking Trail easement.

- (f) The Applicant shall grant or cause to be granted to the Town of Southampton an easement in perpetuity, to allow the public to use, from dawn to dusk, four (4) designated parking spaces on a portion of the land owned by an affiliate of the Applicant, known as 67 Spinney Road and identified as Suffolk County Tax Map Lot Number 0900-250.00-03.00-022.000. The easement as referenced in this paragraph shall provide that the four (4) public parking spaces are to be accessed from a driveway on Spinney Road, and is more particularly bounded and described as follows:

All that certain plot, piece or parcel of land situate, lying and being in East Quogue, County of Suffolk and State of New York, being more particularly bounded and described as follows:

Beginning at a point on the easterly side of Spinney Road, said point being the following two courses and distances from the Northerly terminus of a curve having a radius of 25.00 feet and a length of 39.27 feet formed by the intersection of the easterly line of Spinney Road and the northerly line of Serenity Place:

1. North 03° 24' 41" West for a distance of 264.36 feet to a point;
2. North 23° 48' 09" East for a distance of 200.13 feet to the point of beginning;

Running thence from said point of beginning the following six courses and distances:

1. North 23° 48' 09" East for a distance of 20.00 feet to a point;
2. South 66° 11' 51" East for a distance of 10.00 feet to a point;
3. North 23° 48' 09" East for a distance of 63.00 feet to a point;
4. South 66° 11' 51" East for a distance of 44.00 feet to a point;
5. South 23° 48' 09" West for a distance of 83.00 feet to a point;
6. North 66° 11' 51" West for a distance of 54.00 feet to the point of beginning.

Containing 3,852 sq ft (0.088 acres)

The Applicant shall improve or cause to be improved the driveway and parking easement as referenced in this paragraph in a manner suitable for such public use, to be approved by the Superintendent of Highways, but shall not be required to pave the driveway or parking easement area.

(6) Further conditions. All conditions and requirements set forth in the subdivision and site plan approvals for the Lewis Road PRD issued by the Planning Board and/or the Central Pine Barrens Joint Planning and Policy Commission remain in full force and effect, including but not limited to:

- (a) Ground Water Monitoring Plan and ongoing protocols and payments for sampling as per the agreements with the Town; and
- (b) Integrated Turf Health Maintenance Plan ("ITHMP") and Natural Resources Management Plan ("NRMP") setting forth the procedures for implementation of the golf course routing plan and organic protocol as set forth in the FEIS, including the construction schedule, the clearing and grading procedures, soil testing, restrictions on pesticide and fertilizer application, revegetation and native plant restoration.
- (c) Revegetation and native plant/species restoration plans for any disturbed areas. The Planning Board may require a maintenance bond to assure the survival of any required plantings. In formulating such plans, vegetative surveys shall be conducted at proper times of the year. Field survey forms and accompanying maps shall be submitted for referral to the Land Management Environment Division for review and recommendation. Opportunities for salvage and transplant of existing native vegetation, and well as use of seed and plants of local origin shall be evaluated and utilized to the maximum extent practicable.
- (d) Compliance with nitrogen standards for golf courses as per the SCDHS, or such greater standards as required by the Planning Board or the Central Pine Barrens Joint Planning and Policy Commission.

SECTION 3. Authority.

The local law is enacted pursuant to Section 10 of the Municipal Home Rule Law, Sections 64, 261 and 261-c of the New York State Town Law, and in furtherance of a settlement approved pursuant to Section 68 of the New York State Town Law. The HSMUPDD is exempt from the provisions of Local Law No. 16 of 2017, adopted on July 20, 2017, as it arises from a pre-existing application.

SECTION 4. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provisions so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall forward a copy of this local law to the Suffolk County Planning Commission, as well as the Southampton Town Planning Board and the Central Pine Barrens Joint Planning and Policy Commission, for their review and recommendations;

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish the following Notice of Public Hearing:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Southampton hereby directs that a public hearing shall be held on **Tuesday, August 11, 2026, at 1:00 p.m.**, both in-person, at Southampton Town Hall, 116 Hampton Road, Southampton, New York, and via videoconferencing, to hear any and all persons either for or against a proposed local law entitled, "A LOCAL LAW amending Chapter 330 (Zoning) of the Town Code of the Town of Southampton by adding a new Section §330-248W entitled 'The Hills Southampton Mixed Use Planned Development District (HSMUPDD)' to create a mixed use planned development district that would allow for, among other things, a limited number of golf club memberships available to non-residents of the Lewis Road PRD, with several public benefits, including the dedication of over 32 acres of land to the Town and establishing perpetual public easements on certain areas of private land for a public recreational trail and public parking," and take

FURTHER NOTICE that, pursuant to Local Law No. 14 of 2022, the public will have an opportunity to see and hear the meeting live both in-person as well as via videoconferencing, and to provide comments in either format, with a transcript provided upon request.

If participating via videoconferencing, the public can watch the live meeting online from either the Town of Southampton website on the Town Clerk's Meeting Portal or through the Zoom App. If any interested members of the public would like to provide comments on the public hearing, comments can be called in during the meeting via telephone or the Zoom App. Comments can also be emailed up until one hour before the start of the meeting to the Town Clerk at: towndclerk@southamptontownny.gov.

Please continue to check the Town Clerk's website and Meeting Portal as the hearing date approaches for any updated information, including the specific meeting Zoom link, and/or more detailed instructions on how to access the meeting virtually.

Summary of Proposed Law

The Hills MUPDD will allow for a private membership golf club and golf course at what is now known as the Lewis Road PRD, with a limited number of memberships available to non-residents of the Lewis Road PRD, with several public benefits, including the dedication of over 32 acres to the Town of Southampton, establishing a perpetual public easement on certain areas of private land for a public trail and public parking, facilitating the improvement of other public trails, and providing for monetary payments to the Town of Southampton.

Copies of the proposed local law, sponsored by the full Town Board, are on file and available for review in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHAMPTON, NEW YORK
SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact

None

SEQRA

TECHNICAL MEMORANDUM

The Hills at Southampton

Southampton, New York

NPV No. 05105

Prepared for:

East Quogue Partners, LLC
14605 N. 73rd Street
Scottsdale, AZ 85260

Prepared by:



NELSON POPE VOORHIS
environmental • land use • planning

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Melville, New York 11747
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June 5, 2026

Introduction

This Technical Memorandum analyzes the governmental discretionary actions (the “Discretionary Actions”) specified in a proposed Stipulation and Order dated June __, 2026 (the “Stipulation”) that would be undertaken to settle pending litigation by and between DLV Quogue, LLC, DLV Parlato Parcel 1, LLC, DLV Parlato Parcel 2, LLC, DLV Parlato Parcel 3, LLC, DLV Parlato Parcel 4, LLC, DLV Parlato Parcel 5, LLC, DLV Quogue Owner, LLC and The Hills Homeowners Association, Inc. (collectively, the “DLV Parties”), the Town of Southampton (the “Town”), the Town Board of the Town of Southampton (the “Town Board”), the Town Highway Department (the “Town Highway Department”), and Charles McArdle in his official capacity as the Town Highway Superintendent (the “Highway Superintendent”). This Technical Memorandum analyzes those Discretionary Actions to ascertain if any individually or in combination would have the potential to generate any new significant adverse environmental impacts not previously analyzed.

The following are the lawsuits that are the subject of the Stipulation (collectively, the “Litigations”):

1. *DLV Quogue, LLC v. The Town of Southampton*, Suffolk County Index No. 606443/2018, the appeal of which has been docketed as Docket Nos. 2024-03859 and 2024-04842 in the Appellate Division, Second Department the “Zoning Litigation”);
2. *DLV Quogue, LLC v. The Town of Southampton*, Suffolk County Index No. 608808/2025 (the “Spinney Litigation”); and
3. *Town of Southampton v. DLV Quogue, LLC*, Suffolk County Index No. 601426/2026 (the “Quiet Title Litigation”).

The Zoning Litigation is DLV’s challenge to the failure of the Town Board to approve the Mixed Use Planned Development District rezoning (the “MUPDD Rezoning”) for DLV’s resort residential development and private commercial membership golf club, which project is known as “The Hills.” Following commencement of the Zoning Litigation, DLV obtained subdivision approval for the entirety of its project except for the commercial private membership golf club, which project is known as the “Lewis Road Planned Residential Development” or “Lewis Road PRD.”

The Spinney Litigation was commenced by DLV to adjudicate whether the Spinney right-of-way traversing DLV’s property (the “Project Site”) was abandoned by operation of law. The Spinney Litigation was pled against the Town, and subsequently the Highway Superintendent joined the Spinney Litigation as an intervenor.

The Quiet Title Litigation was commenced by the Highway Superintendent in the name of the Town claiming that a strip of land crossing the Project Site from the end of the publicly paved and

open portion of Serenity Place to Town-owned land at the eastern border of the Project Site was acquired by the Town by eminent domain and is Town property.

The Stipulation identifies the various Discretionary Actions that would be undertaken to settle the Litigations. To be conservative this Memorandum assumes that all the Discretionary Actions identified in the Stipulation would be undertaken. This Technical Memorandum analyzes whether those Discretionary Actions, individually and collectively, would have the potential to generate any new significant adverse environmental impacts not previously identified in the environmental review of The Hills and the Lewis Road PRD and whether preparation of a supplemental environmental impact statement (“SEIS”) is required under the New York State Environmental Quality Review Act (“SEQRA”).

Previously, in connection with the then-proposed MUPDD Rezoning for The Hills, the Town Board as lead agency under SEQRA, mandated preparation of an environmental impact statement (the “Hills EIS”). The Hills EIS analyzed the following proposed development on the Project Site’s 591+ acres: 118 residential lots/units, a championship 18-hole golf course, a commercial private membership golf club (the “Commercial Golf Club”), various recreational amenities, and associated required infrastructure including a sewage treatment plant. Including the owners of the residential lots/units, the Commercial Golf Club would have had a maximum total of 250 members. Following acceptance of the Hills final EIS (the “Hills FEIS”), the Town Board adopted a SEQRA findings statement (the “Hills Findings Statement”) in which the Town Board concluded that The Hills would not have the potential to generate any significant adverse environmental impacts.

Following the failure of the MUPDD Rezoning to receive the required Town Board supermajority vote, and following the commencement of the Zoning Litigation, DLV sought and obtained subdivision and site plan approval from the Southampton Planning Board (the “Planning Board”) of all of The Hills proposed development with the exception of the Commercial Golf Club. The non-commercial residential subdivision approved by the Planning Board is referred to as the Lewis Road Planned Residential Development (the “Lewis Road PRD”), which is on 607.87 acres. Prior to issuing subdivision and site plan approval of the Lewis Road PRD, the Planning Board concluded that, as a lesser included subset of the Hills, the Lewis Road PRD would not have the potential to generate any new significant adverse environmental impacts.

Since the approval of the Lewis Road PRD, the golf course has been constructed as an amenity for the residential lot owners and their nonpaying guests, multiple residential lots have been sold, residences have been constructed or are under construction, and various other buildings and recreational amenities have been constructed or are under construction. The sewage treatment plant has been completed. Land donations and land preservation required as conditions of the Lewis Road PRD approvals have been completed.

Contemplated Discretionary Actions

The following are the Discretionary Actions to implement the Stipulation:

Enactment by the Town Board of a local law rezoning the Project Site to authorize the Commercial Golf Club (the “Rezoning”)

The Rezoning would authorize a maximum total Commercial Golf Club membership, inclusive of residential lot/unit owners, of 295 members. The Commercial Golf Club analyzed in the Hills FEIS had a maximum of 250 members and the Hills Findings Statement concluded that the 250-member Commercial Golf Club would not have the potential to generate any significant adverse environmental impacts.

Except for the increase in the maximum number of members of the Commercial Golf Club from 250 to 295, the Commercial Golf Club would be identical to that which was analyzed in the Hills FEIS and addressed in the Hills Findings Statement. The Rezoning would not authorize any new construction or alteration of any improvements included in the Lewis Road PRD.

The Rezoning would require that the golf course be made available for four charitable golf outings annually, with at least one such charitable golf outing benefiting the East Quogue Fire District and at least one benefiting the East Quogue Union Free School District. The hosting of these four charitable golf outings annually was analyzed in the Hills FEIS, and the Hills Findings Statement concluded that they would not have the potential to generate any significant adverse environmental impacts.

Acceptance by the Town Board of the deed transferring the Parlato Property

The Stipulation would require DLV to deed to the Town the 33±-acre “Parlato” property located south of the Long Island Railroad (“LIRR”) tracks about one mile to the east of the Project Site designated as SCTM# 0900-316.00-01.00-030.00 (the “Parlato Property”). The Parlato Property is improved with a dwelling with an office and a farmstand and is located in close proximity to wetlands and the headwaters of Weesuck Creek. This dedication was previously offered as a community benefit in the original MUPDD Rezoning, was analyzed in the Hills FEIS, and was found in the Hills Finding Statement to not have the potential to generate any significant adverse environmental impacts. The deed of the Parlato Property, with or without the retention of the improved portion by DLV, would not cause any physical alteration to the Project Site or any of the elements of the Lewis Road PRD.

Acceptance by the Town Board of the Pedestrian Easement; acceptance by the Town Board of the Parking Easement; the formal abandonment and discontinuance of the Spinney North Segment as a highway pursuant to Section 205[1] of the New York State Highway Law; the adoption of the Spinney Local Law restricting use of the Spinney South Segment; and the removal of the existing crash gate at the intersection of Spinney Road and Redan Trail and the installation of Reciprocal Gates

The Stipulation would require DLV to grant to the Town, in perpetuity, a permanent 15-foot-wide easement (the “Pedestrian Easement”) that would include a 10-foot wide walking/bicycling path to allow the public and emergency vehicles to access and use the northern segment of the Spinney right-of-way that is owned in fee by the DLV Parties, which is described in more particular detail as “Parcel M” in the bargain and sale deed, dated March 26, 2013, which was recorded in the Suffolk County Clerk’s Office on April 9, 2013, wherein East Quogue Partners, LLC conveyed real property within the Town to DLV Quogue Owner, LLC (the “Spinney North Segment”). The Pedestrian Easement includes a Connector Segment, in which the DLV Parties shall grant the Town, in perpetuity, a permanent 15-foot-wide easement that would include a 10-foot wide walking/bicycling path to allow the public and emergency vehicles to access and utilize Town-owned property as identified as current Suffolk County Tax Map Lot Number 0900-250.00-04.00-001.000. The DLV Parties are to maintain the Pedestrian Easement in a condition appropriate to the uses permitted by the Pedestrian Easement. There is no requirement that any portion of the Spinney North Segment or the Connector Segment be paved.

The Stipulation provides that the grant of the Pedestrian Easement would be effective only upon the Town’s formal abandonment and discontinuance of the entirety of the Spinney North Segment as a highway pursuant to section 205[1] of the New York State Highway Law.

The Stipulation would require the DLV Parties to grant the Town an easement, in perpetuity, to allow the public to use, from dawn to dusk, four (4) designated parking spaces on a portion of the land owned by an affiliate of the DLV Parties with the street address 67 Spinney Road and identified as Suffolk County Tax Map Lot Number 0900-250.00-03.00-022.000 (the “Parking Easement”). The purpose of the Parking Easement is to provide the public with parking so that the public can easily access the Pedestrian Easement via the Spinney South Segment. There is no requirement that the parking area or driveway in connection with the Parking Easement be paved.

The Stipulation also provides that the Town Board would adopt a local law (the “Spinney Local Law”) pursuant to section 1660(a)(12) of the New York State Vehicle and Traffic Law, prohibiting, restricting and regulating the operation of vehicles along the Spinney South Segment, which is located between the southerly end of the Spinney North Segment and the northerly side of Redan Trail. The Spinney Local Law would allow the public to have full access and use of the Spinney South Segment for hiking, dog-walking, bicycling (not including motor or electric bikes) and walking, but will restrict vehicular traffic – including golf carts and motorized landscaping equipment – from accessing the Spinney South Segment. The Spinney Local Law would limit vehicular access to out-parcel owners where the property abuts Spinney Road, emergency vehicles, and Town Highway Department vehicles. The Spinney South Segment would not be paved and would be maintained in a manner suitable for its use as a hiking/bicycling trail and for emergency vehicle access without the unnecessary removal of trees.

The Stipulation calls for removal of the existing crash gate at the intersection of Spinney Road and Redan Trail, and the installation of a reciprocal gate system on the north side of Redan Trail where it intersects with the Spinney South Segment, and on the south side of Redan Trail where it intersects with Spinney Road. The purpose of the reciprocal gates system is to ensure that the DLV Parties and the public have the same access to the Spinney South Segment. The reciprocal gate system is to be designed to ensure that vehicular traffic is restricted while at the same time allowing for pedestrians, hikers, bikers, emergency vehicle access, and vehicular access to any out-parcel owners.

Based on the foregoing provisions of the Stipulation, the following are the contemplated Discretionary Actions: (1) the adoption of resolutions by the Town Board accepting the Pedestrian and Parking Easements; (2) the actions required to formally abandon and discontinue the entirety of the Spinney North Segment as a highway; (3) the adoption by the Town Board of the Spinney Local Law; and (4) the actions required to authorize removal of the existing crash gate and the installation of the reciprocal gate system.

Adoption of Town Board resolutions authorizing issuance of the QT Parcel Deeds and the Outparcel Deed

The Stipulation calls for the land that is the subject of the Quiet Title Litigation (the “QT Parcel”) to be deeded to the DLV Parties (the “QT Parcel Deeds”). The Stipulation also calls for the Town to convey its interest in an outparcel numbered 900-250-3-15.1 that adjoins the Spinney South Segment (the “Outparcel Deed”) to the DLV Parties. The Stipulation provides that the purchase price to be paid is for the conveyance of the QT Parcel Deeds and the Outparcel Deed.

Prior Environmental Review

As noted above, all the potential environmental impacts of The Hills were analyzed in the Hills FEIS and culminated in the Town Board’s adoption of the Hills Findings Statement on November 27, 2017. The Hills Findings Statement outlined the review process and conformance with SEQRA and provided technical information on each resource category as analyzed in the Hills EIS. The Findings Statement concluded that The Hills would not have the potential to generate any unmitigated significant adverse environmental impacts. This included the Commercial Golf Club with a maximum of 250 total members.

In connection with the subsequently proposed Lewis Road PRD, Nelson, Pope & Voorhis, LLC (“NPV”), on behalf of DLV, submitted a SEQRA Compliance Analysis to the Planning Board, dated December 2018, which demonstrated that the Lewis Road PRD was a lesser included version of The Hills and that, therefore, the Lewis Road PRD would not have the potential to generate any new significant adverse environmental impacts not previously analyzed in the Hills EIS. Accordingly, the Planning Board, as an involved agency, determined that the Lewis Road PRD did not require the preparation of a SEIS.

Thereafter, the Planning Board on October 24, 2019, adopted resolutions issuing its own SEQRA Findings Statement confirming no significant adverse environmental impacts and granting preliminary approval for the Lewis Road PRD subject to certain conditions including the requirement that other agency approvals be obtained from the Central Pine Barrens Joint Planning & Policy Commission (“CPBC”), the Suffolk County Department of Health Services (“SCDHS”) and New York State Department of Environmental Conservation (“NYSDEC”). Thereafter, the Lewis Road PRD was reviewed by the CPBC, which after several public hearings recommended modifications to the Project, including the relocation of some of the residential lots from an area of steeper slopes and relocation of the STP to the southwesterly portion of the Property. On January 20, 2021, the CPBC, as an Involved Agency, adopted its own SEQRA Findings Statement concluding that the Lewis Road PRD would not have the potential to generate any significant adverse environmental impacts and thereupon approved the Lewis Road PRD.

On February 8, 2021, the Suffolk County Sewer Agency (“SCSA”) granted its approval of the use of a privately owned STP for the Project. On May 11, 2022, the SCDHS approved the Lewis Road PRD.

The final Lewis Road PRD application with the aforementioned modifications was analyzed in an updated SEQRA Compliance Analysis, dated December 2021. Among the proposed changes were an increase in preserved open space, and relocation of golf holes southward to avoid steep slopes and expand contiguous open space. The SEQRA Compliance Analysis confirmed that the proposed changes would not have the potential to generate any new significant adverse environmental impacts not previously analyzed in the Hills EIS. Following this determination of non-significance, the Lewis Road PRD final subdivision and site plan approvals were granted by the Planning Board on December 8, 2022. Based upon certain changes made by the Planning Board, the Lewis Road PRD was reviewed again by the CPBC which issued its own statement of findings and decision of approval on December 7, 2022.

Nelson + Pope (“N+P”) conducted a traffic assessment in March of 2025 to determine the potential traffic impacts associated with increasing the golf membership from 250 members to 300 members for the Lewis Road/Hills project. To conduct this assessment, the trip generation analyses prepared for the 250 memberships in the original traffic impact study were reviewed.

The following is a summary of the trip generation analyses conducted in the original traffic impact study:

- The residential component comprised of 118 residential units that will be second, third and fourth homes used exclusively for vacations and “getaways” by the owners. The trip generation estimate for the residential portion was based on trip generation data for Recreation Homes contained within the Institute of Transportation Engineers’ publication, *Trip Generation, Ninth Edition*. The residential portion of the project was projected to generate 19 trips (13 entering, 6 existing) during the weekday AM peak hour,

31 trips (13 entering, 18 exiting) during the weekday PM peak hour and 42 trip (20 entering, 22 exiting) during the Saturday midday peak hour.

- The project also includes a private 18-hole golf course and clubhouse to be used as an on-site recreational amenity for the on-site residents. In addition to the project's residents, the golf course will provide approximately 132 additional memberships to golfers that chose to join but do not live in The Hills community making a total of 250 members. Trip generation estimated for the golf course was based on anticipated maximum golf rounds as outlined below:
 - Membership to the Golf Club is open to owners of the 118 recreation homes and in addition to membership for 132 outside members. Each member has the ability to bring three (3) guests to an outing. Tee times are anticipated to occur from 7AM to 2PM, at 8 minute intervals. With 8 minute intervals, a maximum of 8 groups can tee off in an hour resulting in a total of 32 golfers per hour. Assuming these 32 golfers arrived within the hour before their scheduled tee time in separate vehicles, a total of 32 vehicles could arrive at the golf course within the peak hour. Since no golf game is anticipated to end during the morning peak periods, little or no golf traffic is expected to leave the golf course during the morning peak periods. However, to perform conservative analyses it was assumed that 8 vehicles will exit the golf course during the weekday morning peak period. Furthermore, to account for the possibility that some golfers may arrive earlier than one hour from their scheduled tee times, the peak hour trips were increased from 32 to 36. Based on these analyses, the golf course is anticipated to generate 44 trips during the AM peak hour (36 entering, 8 exiting), 72 trips during the weekday PM peak hour (36 entering, 36 exiting) and 72 trips during the Saturday midday peak hour (36 entering, 36 exiting).
 - Based on golf course data found under Land Use Code 430-Golf Course within the Institute of Transportation Engineers' publication, *Trip Generation, Ninth Edition*, it is estimated that an 18-hole golf course will 32 trips during the weekday AM peak hour (25 entering, 7 exiting), 52 trips during the weekday PM peak hour (28 entering, 24 exiting) and 55 trips during the Saturday midday peak hour (27 entering, 28 exiting). From the review of this trip generation analyses, it can be seen that the estimated trips from the maximum rounds are higher than the estimated trips from ITE for an 18-hole golf course.
- In order to perform a conservative analysis, the trip generation estimate for the Golf Course portion of the project was based on trips estimated from the maximum golf rounds.

The traffic analyses conducted at the study intersections during the weekday AM, weekday PM and Saturday midday peak hours were based on the trip generation estimates for the residential portion of the project and the maximum golf rounds articulated above. The results of the traffic

analyses showed that the proposed project will not create a significant adverse traffic impact on the surrounding roadways and intersections.

N+P concluded that the increase in the golf membership from 250 members to 300 members (an increase in 50 members) should not have any impact on the maximum number of golf rounds at the golf course hence will not change the trip generation of the golf course estimated in the original traffic study. It should also be noted that the trip generation estimated was higher than the ITE trip generation estimate for an 18-hole golf course. It is therefore the professional opinion of N+P that the increase in the golf membership will not change the results of the traffic analyses presented in the original traffic study.

Traffic Operations Assessment – Outside Golf Member Access

The Hills at Southampton was originally approved based on a private membership model in which the golf course and clubhouse amenities were intended for owners of the 118 residential units within the project and 132 outside golf club members. The environmental review and traffic analyses completed as part of the Draft Environmental Impact Statement (“DEIS”) and subsequent Findings Statement evaluated the traffic impacts associated with the proposed development program and concluded that the project would not result in any significant adverse traffic impacts, including on the surrounding roadway network or study area intersections.

The approved traffic study prepared by Nelson + Pope dated August 2016 (DEIS Appendix H) conservatively estimated peak-hour trip generation at 63 trips during the weekday AM peak hour, 103 trips during the weekday PM peak hour, and 125 trips during the Saturday midday peak hour. These estimates included golf course traffic based on maximum anticipated golf rounds per hour rather than standard ITE golf course trip generation rates, thereby providing a conservative assessment of potential traffic impacts.

The DEIS traffic analysis demonstrated that the study intersections would continue to operate at acceptable Levels of Service (LOS) following project completion. While a few movements experienced slight increases in delay, these changes were determined to be minor and not significant. For example, at the Quogue Riverhead Road/Lewis Road intersection, the westbound left-turn movement experienced delay increases of only approximately 3 to 4 seconds per vehicle, which the traffic study concluded did not constitute a significant traffic impact. Similarly, at the Old Country Road/Box Tree Road and Lewis Road intersection, increases in delay of approximately 4 seconds resulted in isolated LOS changes but were likewise determined to not generate a significant adverse traffic impact. The Town Board adopted a Findings Statement dated November 27, 2017 which confirmed that the proposed project would not generate any significant adverse traffic impacts.

Subsequent traffic analysis performed by N+P in March 2025 evaluated an increase in golf club membership from 250 to 300 members and concluded that the increase would not affect the maximum number of golf rounds, would not change the trip generation assumptions used in the

original traffic study, and therefore would not alter the conclusions of the approved traffic analysis. The analysis specifically states that the original traffic study was based on a conservative assessment using maximum golf rounds and that the project would continue to operate without significant traffic impacts.

Accordingly, even if, contrary to the assumption of the approved DEIS traffic analysis, outside golf members may occasionally travel to the project to access the clubhouse for ancillary activities such as dining, swimming, or other recreational uses, the resulting increase in vehicle trips would represent only a modest increase over the traffic volumes already analyzed. Even a conservative increase of approximately 10 to 15 percent of trips attributable to these ancillary uses would result in traffic volumes that would remain within the range of the conservative assumptions used in the approved traffic study. Given that the original analyses demonstrated only minor changes in delay and Level of Service at the study intersections, such an incremental increase would not materially alter intersection operations or change the overall findings of the approved traffic study.

Environmental Analysis of the Discretionary Actions

This Technical Memorandum is prepared in accordance with SEQRA requirements to evaluate whether the Discretionary Actions would have the potential to generate any new significant adverse environmental impacts not previously analyzed in the Hills EIS or the environmental review of the Lewis Road PRD and, on that basis, whether a SEIS is required before the Discretionary Actions can be undertaken. This Technical Memorandum has been prepared for submission to the Town Board as lead agency under SEQRA, as well as any other involved agency (i.e., CPBC). Essentially, this Technical Memorandum contains all the information needed by the Town Board and any involved agency to take a “hard look” at the Discretionary Actions and make a reasoned elaboration of their potential to generate any new significant adverse environmental impacts.

A. Adoption of the Rezoning.

As noted previously, the Hills FEIS and Hills Findings Statement determined that the Commercial Golf Club would not have the potential to generate any significant adverse environmental impacts with a maximum of 250 memberships. The adoption of the Rezoning would increase the maximum number of Commercial Golf Club memberships by 45 to 295. Accordingly, this Technical Memorandum analyzes whether the increase of 45 memberships would have the potential to generate any new significant adverse environmental impacts.

Initially, it is noted that adoption of the Rezoning and the additional memberships will not cause any physical alterations to the Project Site or any change to the facilities approved as part of the Lewis Road PRD.

The potential traffic impacts from 250 Commercial Golf Club memberships were analyzed in the Hills FEIS and in the environmental analysis of the Lewis Road PRD. The Traffic Impact Study (“TIS”) that included this analysis dated August 2016 was prepared by N+P and included as Appendix H in the Town Board accepted NPV Draft EIS for the Hills (the “Hills DEIS”) dated September 2016. Trip generation analysis was included at pages 27-30 of the TIS, and the traffic impact analysis of all trip generation was summarized from detailed highway capacity analysis using recognized industry standards for analysis, at pages 40-42 (and appendices) of the TIS. As noted, the TIS was reviewed by Town experts prior to acceptance of the Hills DEIS and was subject to the full SEQRA EIS environmental review process as part of the Hills EIS review.

These analyses evaluated the potential for significant adverse traffic impacts associated with the Commercial Golf Club by estimating the maximum number of golf rounds that could be played daily as a function of the maximum number of tee times that could be accommodated daily. Thus, the methodology to evaluate potential traffic impacts accepted in the Hills EIS and applied in the environmental review of the Lewis Road PRD was to correlate the number of tee times as the factor controlling the number of Commercial Golf Club members golfing and therefore, the vehicle trips generated and the potential for traffic impacts. A factor that reduces trip generation estimates and therefore traffic impacts is that those Commercial Golf Club members who are also residential lot owners would not contribute to the anticipated vehicle trips generated for the golf course and associated traffic impacts.

With these assumptions, it was possible to estimate the number of players that would be expected from the Commercial Golf Club members who are not residential lot owners. Thus, the traffic analyses in the Hills EIS and for the Lewis Road PRD analyzed the greatest number of Commercial Golf Club related trips expected and provided a conservative analysis of the potential traffic impacts of the Commercial Golf Club. That analysis confirmed that the trips associated with nonresidential lot owner Commercial Golf Club members traveling to and from the Project Site would not, in conjunction with other Lewis Road PRD traffic, have the potential to generate any significant adverse traffic impacts.

It is noted that there have not been any changes to the organization of golf play at the golf course which has since been developed on the Project Site. Golf play is controlled by reservations with specific assignment of tee times, exactly as was analyzed in the Hills EIS and the accompanying Traffic Impact Study. Thus, even with an increase in the maximum number of Commercial Golf Club members, there would not be a significant adverse impact on traffic or road operations in the vicinity of the Project Site. This is because golf play is scheduled and reserved ahead of time, and there are a limited number of reservations that can be made based on tee times that can be accommodated on a daily basis.

The increase of 45 Commercial Golf Club memberships would not have the potential to generate any new significant adverse traffic impacts because the number of vehicle trips to and from the golf club depends on the availability of tee times and therefore would not change. While it is

possible that some tee times that are not as popular might have additional golfers, because the overall number of tee times per hour is set and the maximum golf course usage does not produce any significant adverse traffic impacts, there is no basis to conclude that the increase in 45 memberships would have the potential to generate any new significant adverse traffic impacts.

There would be no incentive for the Non-Lot Owner Members to travel to the site if they were not assured of a tee time at which to play. DLV confirms that golf play is the reason that Non-Lot Owner Members travel to the site; specifically, while there are other amenities available to such members, golf play is the attraction that dictates travel to the site. Thus, the increase in Non-Lot Owner Members or total golf club memberships would not generate any significant additional traffic because there would be no additional tee times at which golfers could play. As noted above, even if, contrary to the assumption of the approved DEIS traffic analysis, outside golf members may occasionally travel to the project to access the clubhouse for ancillary activities such as dining, swimming, or other recreational uses, the resulting increase in vehicle trips would represent only a modest increase over the traffic volumes already analyzed and would not change the conclusion that the project will not result in significant adverse traffic impacts.

Included in the Rezoning would be a requirement that four charitable golf outings would be hosted at the Commercial Membership Golf Club annually, with at least one golf outing to benefit the East Quogue Fire District and at least one golf outing to benefit the East Quogue Union Free School District. The hosting of charitable golf outings was previously analyzed in the Hills FEIS and the Hills Findings Statement concluded that such outings would not generate any significant adverse environmental impacts. That conclusion was reached with respect to hosting five (5) charitable golf outings, plus one public golf outing, totaling six (6) such events. The N+P Traffic Impact Study dated August 2016 was included as Appendix H in the Hills DEIS and analyzed the six (6) golf outings as part of the trip generation and capacity analysis of The Hills and did not identify any significant adverse environmental impacts. Specifically, it was determined that charitable golf outings would not occur during peak hour traffic on area roads. That would still be true. Finally, significant adverse traffic-related impacts would not be generated by charitable events because: 1) a larger number of such outings was analyzed in the Hills DEIS; 2) the outings are intermittent and finite in number and would only occur four (4) times during the year; 3) the outings would attract only a limited number of golfers; 4) on-site parking will be available for the limited number of private automobiles brought by the golfers; 5) outing-related traffic would be limited to daylight hours; and, 6) the local roadways would maintain their capacity to accommodate the traffic generated by the charitable outing golfers.

B. Acceptance of Donation of the Parlato Property.

As noted, the Parlato Property is zoned residential and improved with a dwelling with an office and a farmstand. The Parlato Property is predominately wooded and contains wetlands associated with the headwaters of Weesuck Creek. This donation was previously included as a community benefit associated with the original proposed MUPDD rezoning and its potential environmental impacts were analyzed in the Hills FEIS. The Hills Findings Statement concluded

that the acceptance of the donation of the Parlato Property would not have the potential to generate any significant adverse environmental impacts. This conclusion was reached regardless of whether DLV would or would not retain the improved portion. The acceptance of the donation of the Parlato Property would not cause any physical alteration to the Project Site or any element of the Lewis Road PRD. As previously discussed in the Hills EIS, and the Hills Findings Statement, the dedication of the Parlato Property for park, recreation, open space and other public purposes will preserve land, reduce water resource impacts and reduce development potential in close proximity to wetlands and the headwaters of Weesuck Creek. In addition, as also noted in the Hills Findings Statement, the acceptance of the donation and the preservation of the Parlato Property would reduce density in the East Quogue Hamlet by at least 32 homes and reduce nitrogen loading by a corresponding amount. For these reasons, acceptance of donation of the Parlato Property would not have the potential to generate any significant adverse environmental impacts, and conversely, said donation would result in environmental benefits as outlined herein.

C. Acceptance by the Town Board of the Pedestrian Easement; acceptance by the Town Board of the Parking Easement; the formal abandonment and discontinuance of the Spinney North Segment as a highway pursuant to Section 205[1] of the New York State Highway Law; the adoption of the Spinney Local Law restricting use of the Spinney South Segment; and the removal of the existing crash gate at the intersection of Spinney Road and Redan Trail and the installation of Reciprocal Gates.

The formal abandonment and discontinuance of the Spinney North Segment as a highway, and the acceptance of the Pedestrian Easement by the Town Board would not have the potential to cause any significant adverse environmental impacts. Use of the Spinney North Segment for hiking, dog walking, and non-motorized bicycling are the types of recreational uses encouraged in the Town of Southampton as the Town publishes trail maps and routinely secures access to public and private lands for such activity. Similarly, the Central Pine Barrens Comprehensive Land Use Plan contemplates open space for uses associated with low-intensity recreational activities. Such activities do not overburden the land due to their passive nature. No significant adverse environmental impacts would be generated by these uses, as well as the creation of an interconnection to trails on Town lands because: 1) no significant removal of vegetation would be required nor would occur; 2) the Spinney North Segment already exists as a trail; 3) public access would be enabled by the establishment of a small parking area and the grant and acceptance of the Parking Easement (discussed below); and 4) passive recreational use is encouraged for environmental awareness and appreciation.

As noted, the Stipulation calls for DLV to grant and the Town Board to accept, the Parking Easement which would provide four (4) parking spaces on land under DLV's control at the northerly end of paved Spinney Road for dawn-to-dusk parking. The Parking Easement would be located on land that was the site of a single-family home at the time of preparation of the Hills DEIS. Since that time, DLV purchased the lot and the single-family home no longer exists. This acquisition reduced the density of development on the paved portion of Spinney Road by one (1) unit therefore reducing traffic and activity related to the single-family unit. Now, in place of this

home, three regular spaces and one (1) space for handicapped drivers are planned and the footprint of the small unpaved parking area will remain primarily within the area of pre-existing clearing for the prior single-family home. The very limited potential change in traffic from the previously existing single-family home to four parking spaces used only during daylight hours would not generate any significant additional vehicle trips and therefore no significant adverse traffic impacts.

The address of this parking area is 67 Spinney Road (Suffolk County Tax Map Numbers 0900-250-3-22), and is 0.78 acres (33,989 square feet, "SF") in size. It is located in the Town's Aquifer Protection Overlay District ("APOD"), wherein clearing for development may not exceed 50 percent. This means that, at most, clearing for these parking spaces may not exceed 16,995 SF. As an estimated 5,233 SF of this site are presently cleared, additional clearing for these parking spaces may not exceed 11,762 SF. DLV would locate the parking spaces in those areas of this parcel that have previously been cleared to limit new clearing to 3,105 SF and thereby conform to APOD requirements. Accordingly, the establishment and acceptance of the Parking Easement would not have the potential to generate any significant adverse impacts.

The adoption of the Spinney Local Law restricting the use of the Spinney South Segment would not have the potential to generate any significant adverse impacts because the uses to be allowed are not significantly different than those that were analyzed in the Hills EIS and in the environmental review of the Lewis Road PRD. In both, no significant adverse environmental impact was identified in connection with the use of the Spinney South Segment. Enabling motor vehicle access to and from outparcels via the Spinney South Segment was part of both The Hills and the Lewis Road PRD and would be authorized in the Spinney Local Law. Because there is no change in this regard, there is no possibility of any significant adverse environmental impact. The same is true of emergency vehicle access. Both The Hills and the Lewis Road PRD authorized emergency vehicle access to the Project Site from Spinney Road through the crash gate. That emergency vehicle access would be maintained, with the only modification being the use of two reciprocal gates, instead of single crash gate. Since the emergency vehicle access itself would not be changed, there would be no possibility of a significant adverse environmental impact.

Allowing hikers, dog walkers, and non-motorized cyclists to use the Spinney South Segment to connect from the Parking Easement area to the Spinney North Segment would not have the potential to generate any significant adverse environmental impacts for the same reasons as articulated above regarding the such use of the Spinney North Segment. Similarly, the replacement of the crash gate with two reciprocal gates would not alter in any significant way the use of the Spinney South Segment. Rather, such reciprocal gates would facilitate use of the Spinney South Segment for hiking, dog-walking, and non-motorized cycling during daylight hours which would be a benefit to the public.

The use of the Spinney South and North Segments as a public walking and non-motorized cycling trail, as well as the substitution of the reciprocal gates for the crash gate, would not cause any

substantial physical alteration to the Project Site or the facilities approved under the Lewis Road PRD. For all of the foregoing reasons, the acceptance of the Pedestrian Easement, the acceptance of the Parking Easement, the abandonment and discontinuance of the Spinney North Segment as a highway, the adoption of the Spinney Local Law, and the substitution of the reciprocal gates for the crash gate would not have the potential to generate any significant adverse environmental impacts.

D. Adoption of Town Board resolutions authorizing issuance of the QT Parcel Deeds and the Outparcel Deed.

As noted, the Stipulation calls for the Town Board to authorize conveyance to DLV of the QT Parcels and the Town's interests in the Outparcel. The purpose of these conveyances is to enable the status quo to be maintained. These properties are within the Project Site's golf course. Their conveyance to DLV would not cause any change to the use or physical configuration of the Project Site. Since the conveyances of title would be to maintain the status quo, there is no possible significant adverse environmental impact that would arise from such conveyances.

Additional Actions Related to the Settlement – Trail Connections

Through negotiations, the Town Board and DLV have established a basis to fulfill further advancement of passive recreational enjoyment for Town residents, through hiking trail access and linkages. The Town envisions establishing a trailhead on Town/County property immediately south of The Hills Homeowner's Association, Inc. land, east of Lewis Road and north of the LIRR. This trailhead would provide access to an "accessible" trail loop, which would facilitate trail extensions to the Spinney North Segment and other off-site existing and future trail locations including Paumonok Path.

The basis for trail connections is established in The Hills EIS. Specifically, comments on The Hills Draft EIS stated: *"How will public access be provided for within the open space areas? Indicate on a map where public access may be provided within the open space, include any existing local and regional trail networks, and how the access will be maintained."*

In response, The Hills FEIS stated the following (The Hills FEIS. Section 1.6.10, p 1-16):

Response:

As discussed in the **Introduction**, since the preparation of the Draft EIS, additional consideration has been given to trail connections and supporting the existing Town trail system through integration with the proposed project. Discussions with the Town resulted in a concept whereby, a trailhead would be provided on the southern part of The Hills South Parcel/Town property (both are adjacent to each other) off of Lewis Road just north of the LIRR crossing, and this would lead to a north-south trail in the on-site natural open space on The Hills South Parcel east of the golf course and on the Town's adjacent property as the trail meanders, which would run north to connect to existing off-site trails east of the subject property. The existing trail system traverses approximately 1,000 acres of open space in the area east of The Hills, and includes another potential trailhead near Central Avenue and Old Country Road. The eastern trails will be able to access the 15+ acres of former farmland on the Parlato Property (to be dedicated as part of The Hills project). The existing trail system also connects to the northeast then east toward Sears-Bellows County Park and the existing Paumanok Trail. This concept allows for parking and a logical access location to the existing trail network in the area. The applicant will continue the discussion to provide trail opportunities between The Hills property and the surrounding area. It is further noted that the Parlato Property east of the site, and The Hills North Parcel will both be dedicated to the Town of Southampton to continue to expand the open space and public access continuum in the area. In addition, the 33-acre Parlato Property that the applicant is proposing as an additional off-site benefit to reduce density/development in the area will also be dedicated to the Town. This parcel provides further connections between the Parlato Property and the Town's preserved land south of Montauk Highway on Shinnecock Bay. The public trail system should be maintained by the Southampton Parks Department in partnership with the Southampton Trail Society which is the common practice for public trails in the Town of Southampton (see **Updated PDD Landscape Concept Plan**).

The Updated PDD Landscape Concept Plan depicted a "trailhead" at the south end of the property in the vicinity of the project and Town/County land.

The Town Board Findings Statement for The Hills dated November 27, 2017 included language that affirms the intent for additional coordination to create trail access and linkages so that Town residents can enjoy the recreational resource of the golf course. Specifically, in Section 5, Land Use, Zoning and Comprehensive Plans, p. 11 of the Town Board Findings Statement references an "open space and trail system" to be dedicated to the Town.

The Planning Board issued findings on the Lewis Road PRD subdivision/site plan in their Findings Statement dated October 28, 2019, at p. 23, which states:

With respect to open space and public access, under existing conditions, the site is currently private property and provides no public access. The Applicant is proposing 427.58 acres of preserved land, of which 188.83¹ would be offered to the Town for dedication as public open space, and is also proposing to implement a public access and

¹ The final resolution for the Lewis Road PRD shows 436 acres of preserved land, 203 acres dedicated to the Town as public open space, and 4 acres dedicated to the Suffolk County Water Authority for public water infrastructure support.

a public trails plan that may utilize portions of the Project site where there are existing trails and adjoining public lands. It is proposed by the Applicant that this trails plan be further advanced in coordination with the Town's Trails Advisory Board. The Applicant will also coordinate with the Town on the maintenance of the public trail system on the project site. The Planning Board finds that providing public access and a trails system as part of this application is a necessary and important component of the project in terms of providing public benefits.

Therefore, the establishment of a trailhead, an accessible trail loop, and trail connections on Town/County land south of land of The Hills development was contemplated in the SEQRA record, specifically the Town Board FEIS, Town Board Findings Statement and Planning Board Findings Statement. Providing such recreational access was a critical finding associated with the Proposed Project that was found to be necessary to minimize adverse environmental impacts to the maximum extent practicable. The Planning Board found that public access and a trails system was a "necessary and important component of the project in terms of providing public benefits." The Town/County land south of The Hills includes cleared areas and existing trails within the parcel so that establishing a trailhead would require minimum disturbance for limited parking. Establishment of trails involves meandering through woods and aligning with existing paths/trails within Town lands such that any disturbance is minimized. The accessible trail contemplates a 6-foot wide path with a wheelchair friendly surface that would also involve minimal disturbance using existing open areas and flatter topography to allow access. Trailheads are established throughout the Town and typically involve periodic use by Town residents to access passive recreational activity sites. Vehicle activity would be sporadic and only during daytime hours, with expected low utilization that would not in any way burden local roadways. Given the Town's commitment to providing recreational access for trails and hiking opportunities, the benefit to Town residents and the importance of such access for educational and health benefits, no significant adverse environmental impacts are expected. Further, working with the Town on trail connections is a benefit of the Proposed Project that advances Town land use goals and recreational opportunities. As noted, the establishment of such trails was envisioned in The Hills FEIS and is recognized in both the Town Board and Planning Board Findings Statements. In sum, no significant adverse environmental impacts are anticipated in connection with providing a trailhead, establishing an accessible trail loop, enhancing trails within the Town land and connecting to other existing or future trails within the area of the subject site.

Conclusions

For all of the reasons stated above, the Discretionary Actions called for in the Stipulation do not require the preparation of an SEIS because they would not have the potential to generate any significant adverse environmental impacts, including:

- traffic;
- land clearing;

- graded area;
- soil disturbed;
- soil to be removed from the Project Site;
- potential habitat lost;
- surface water bodies;
- surface runoff flow or quality;
- groundwater quality;
- groundwater recharge quantity;
- local roadway and/or intersection operations;
- community character;
- visual resources;
- cultural resources;
- land use;
- zoning; and
- land use plans.

DRAFT



September 16, 2026

Clare Shea
Assistant Town Planning Director
Southampton Town Planning Board
116 Hampton Road
Southampton, NY 11968

RE: Referral: Northwell Eastport Development Pre-Application
Old Country Road, Eastport, SCTM Numbers 900-325-1-2.1 and 2.2
Central Pine Barrens Compatible Growth Area

Dear Ms. Shea:

On August 31, 2026, the Central Pine Barrens Commission office received a referral of the subject proposal. The project site is in the Central Pine Barrens Compatible Growth Area. Comments on the proposal were sent previously on February 18, 2026.

Ryan P. McGarry
Chairman

Jerome Halpin
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

Existing Conditions and the Proposed Project

The project site contains 44.1 acres of property in two parcels situated on the north side of Old Country Road in Eastport. The referral included a map titled "CR-40/R-40 RRAD Proposed Subdivision Map (Lot 2.1 Open Space Cluster)," dated April 24, 2026, prepared VHB and by Angelo V. Laino, P.E. The map shows 26 lots and 10.3 acres of open space, a 2.69 acre recharge basin and a road.

- Lot 2.1 is 17.3 acres (753,588 sf) and is in the CR 200 zoning district.
- Lot 2.2 is 26.8 acres (1,167,387 sf). It is split zoned in CR 60 and CR 200.
 - o An area of 4.7 acres (204,556 sf) is in CR 60
 - o An area of 22.1 acres (962,831 sf) is in CR 200
- A total area of 39.4 acres (1,716,264 sf) is in CR 200

Central Pine Barrens

The proposal constitutes development activity pursuant to the definitions in the New York State Environmental Conservation Law Article 57 §57-0107(13). Therefore, it must conform with the standards of the Central Pine Barrens Comprehensive Land Use Plan (the Plan). If the proposal does not conform, it must be revised to conform, or the applicant must seek a hardship waiver.

Please submit a demonstration of conformance with the Plan and ensure conformance prior to implementation, pursuant to ECL §57-0123.3(a) of the Environmental Conservation Law, which states:

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

No application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan.

Comments

- Please direct the applicant to provide a demonstration of conformance with the standards outlined in the Plan as implemented in the Town Code. Until the review of conformance is provided or confirmed, it cannot be determined if the proposal conforms with the Plan. Conformance could not be confirmed in the February referral either.
- Standard Yield: Please have the applicant prepare or forward a copy of the standard yield map for the residential subdivision.
 - The area in the project site in CR 200 is 1,716,264 sf. It appears that this area would not yield more than eight lots, each with a minimum lot area of 200,000 square feet.
 - The area in the project site in CR 60 is 204,556 sf. It appears that this area would not yield more than three lots, each with a minimum lot area of 60,000 sf.
 - It appears that the project site's yield would be no more than 11 lots.
- Please explain the origin of 26 lots. A cluster plan typically shows the standard yield with clustered open space and no increase in density. Once the Applicant establishes the standard yield, other plans including a cluster plan and a receiving area plan can be reviewed for conformance.
- It is not clear if the proposal is classified as an Unlisted Action or Type I under the State Environmental Quality Review Act. The Commission reserves the right to comment on the project when the SEQRA process is initiated.

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

Sincerely,

Julie Hargrave
Interim Executive Director

cc: John C. Milazzo, Commission Counsel

TOWN OF SOUTHAMPTON

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

Phone: (631) 287-5735
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DAVID GLAZER
LESLIE SCHULTZ

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

RECEIVED

AUG 31 2026

Central Pine Barrens Joint
Planning & Policy Commission

8/21/2026

RE: Northwell Health Eastport, Subdivision – Pre-Application

Dear Ms. Jacobsen:

Please find enclosed the following with reference to the above application on the property located at 242 Old Country Rd, Eastport, Town of Southampton, SCTM#(s) 900 - 325 - 1 - 2.1 & 2.2, which is presently being considered by the Planning Board. The project is for a subdivision yield plan of 10 lots and proposed Residential Receiving Area District (RRAD) of 46 lots on two parcels totaling 44.1-acres located in the CR-60 & CR-200 Zoning District.

Material Enclosed:
Revised Subdivision Map

Please review and provide your comments and recommendations on proposed activity, so that the Planning Board may take them consideration in their review of the subject application.

Please notify the planner named below if you have special concerns regarding this project, or if you will not be able to submit a response in a timely manner.

In addition to mailing a hard copy, we respectfully request that you e-mail a copy of your response to the planner named below. This will be greatly appreciated.

Your prompt attention to this matter would be greatly appreciated.

Very Truly Yours,

Clare Shea, Assistant Town Planning Director
cshea@southamptontownny.gov

