



Central Pine Barrens Commission Meeting Agenda
Wednesday, April 17, 2024 at 2:00 pm
Southampton Town Hall
116 Hampton Road, Southampton, NY 11968

1. **Administrative and Public Comment**
 - a. Public Comment
 - b. Minutes for 3/20/24 review (*approve*)
2. **Education and Science and Stewardship**
 - a. Draft resolution to approve financial support from FOREST for seasonal fire crew housing (*Ms. Jakobsen*)
3. **Planning, Land Use and the Pine Barrens Credit Program**

Core Preservation Area and Compatible Growth Area

- a. **Lewis Road Planned Residential Development** Invasive Species Management Plan / invasive species management in conservation easement areas / *draft response* (*Ms. Hargrave*)
- b. **Request for Determination of Jurisdiction:** PSEGLI Utility Pole Replacements / 220 poles in the CGA and Core / Lake Panamoka, Ridge, 36 poles in the CGA; NYS Route 25, Calverton, 8 poles in the CGA, 23 poles in the Core; NYS Route 25A and Radio Ave in Rocky Point and Sound Beach, 32 poles in the CGA; Coram, Middle Island, Miller Place, Ridge, Rocky Point, 114 poles in the CGA, 7 poles in the Core / *determination* (*Ms. Hargrave*)

Compatible Growth Area

- c. **Riverside Sewage Treatment Plant** Compatible Growth Area Hardship Waiver Application / Riverside / 900-141-1-9.14, 9.17, 9.25, 9.29, 9.30, 9.31 and 9.32 / two-phased development of a sewage treatment plant with 800,000 gallon per day capacity on 11.45 acres in the LI 40 zoning district in the Southampton Enterprise Zone Subdivision to serve the hamlet of Riverside existing and future development / *decision deadline 5/2/24 / extension of decision deadline* (*Ms. Hargrave*)
- d. **Brookhaven Town Board Referral:** Ross Electric Change of Zone and Site Plan Application / 200-431-3-26.3 / Route 25, Middle Island / development including a zone change from J Business 2 and A residence 1 districts to L Industrial 1 and construction of a 4,700 square foot warehouse on a 1.16 acre site with an existing 4,000 square foot commercial building, parking and related infrastructure / *draft response* (*Ms. Hargrave*)

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

- a. **CVE US NY Westhampton 243 LLC** at Westhampton Property Associates Core Preservation Area Hardship Waiver Application / east of Speonk-Riverhead Road, south of Sunrise Highway, Westhampton / 900-276-3-1 and 2 / development of a 50 acre solar facility on a 91 acre sand mine and proposed amendment of a conservation easement in the Country Residence 200 zoning district / *decision deadline 6/26/24* (*Ms. Hargrave*)
- b. **Clancy Street Food Court** Core Preservation Area Hardship Waiver Application / CR 111, Manorville / 200-462-2-5.1 / development of a 3,293 square foot (sf) restaurant on 1.17 acres in the J Business 2 zoning district on a site with a core hardship in 1995 for a 5,915 sf restaurant / *decision deadline 6/11/24* (*Ms. Hargrave*)

5. **Public Comment**

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

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Next Commission Meeting, Wednesday, May 15, 2024 at 2:00 pm at
Wertheim National Wildlife Refuge
For meeting information visit <https://pb.state.ny.us/>



Central Pine Barrens Commission Meeting Summary
Wednesday, March 20, 2024 (Draft)
Brookhaven Town Hall
One Independence Hill
Farmingville, NY
2:00 pm

Commission members present: *Mr. Robert Calarco (New York State Governor's Representative), Mr. Panico (for Brookhaven), Mr. Hubbard and Mr. Charters (for Riverhead), Ms. Moore, Ms. Scherer and Mr. Shea (for Southampton), Ms. Juengst (for Suffolk County Executive).*

Others present: *Commission and other agency staff members included Ms. Jakobsen, Mr. Milazzo, Ms. Hargrave, Mr. Carbone, Ms. Lawston, Mr. Steiger, Mr. Tverdyy, Mr. Motz and Ms. Brown-Walton.*

Mr. Panico led the pledge to the flag. Mr. Calarco noted that all five Commission members present, there is a quorum.

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

1. Administrative and Public Comment

a. Public Comment

Summary: No public comments were received

b. Minutes for 2/21/24 review

*Summary: **The motion was made by Ms. Moore and seconded by Mr. Panico to adopt the February 21, 2024 meeting minutes. The motion was approved by 5:0 vote.***

2. Education and Science and Stewardship

a. Education and Outreach Division: update

Summary: Mr. Motz discussed highlights and updates on the Education and Outreach division's activities covered in the previously distributed education and outreach division report. Mr. Motz also gave a presentation on the Central Pine Barrens 2023 Annual Report.

b. Science and Stewardship Division: update

Summary: Ms. Weigand was not present. The Science and Stewardship division's activities were covered in the previously distributed Science and Stewardship division report. Ms. Moore and Mr. Panico asked for more information about the Southern Pine Beetle infestation and the suppression efforts. Ms. Jakobsen requested that Ms. Weigand give an update on Southern Pine Beetle activity and status at the April 17, 2024 Commission meeting.

c. Draft resolution to authorize USGS-Commission two-year water resources monitoring contract

Summary: Ms. Jakobson discussed the USGS has prepared a proposal to continue water resource monitoring on the Carmans and Peconic River for two years, commencing in October 2024 until the end of September 2026. The Commission find that the proposal 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.

The motion was made by Ms. Juengst and seconded by Mr. Panico to approve the draft resolution and authorize the Executive Director to sign the USGS-Commission

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two-year water resources monitoring contract. The motion was approved by 5:0 vote.

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

a. *Compliance and Enforcement Division: update*

Summary: Mr. Carbone introduced the new Central Pine Barrens Enforcement Officer, Alena Lawston and discussed highlights and updates on the Compliance and Enforcement division's activities covered in the previously distributed compliance and enforcement division report.

b. *Land Use Division: update*

Summary: Ms. Hargrave discussed highlights and updates on the Plan Use division's activities covered in the previously distributed Land Use division report.

i. *Comprehensive Land Use Plan Amendments update*

Summary: Ms. Jakobson discussed after meeting with some of the towns a request for additional time was needed to modify their codes to incorporate the Plan Amendments. The Plan Amendments effective date has changed to July 19, 2024. Also in the draft resolution it notes an application shall be reviewed against the Plan provision in effect on the date of the applications submission to the State, County, the Towns or Villages in the event of different submission dates, the first submission date prevails.

The motion was made by Mr. Panico and seconded by Ms. Moore to approve to the draft resolution of the Comprehensive Land use Plan Amendments Conformance. The motion was approved by 5:0 vote.

c. *Credit Program: update*

Summary: Mr. Tverdyi discussed highlights and updates on the Credit Program's activities covered in the previously distributed Credit Program division report.

Core Preservation Area

d. *CVE North America Inc. at Westhampton Property Associates Core Preservation Area Hardship Waiver Application / east of Speonk-Riverhead Road, south of Sunrise Highway, Westhampton / 900-276-3-1 and 2 / development of a 25 acre solar facility on a 91 acre sand mine in the Country Residence 200 zoning district and amendment of a conservation easement / decision deadline 6/26/24 / SEQRA Coordination and schedule public hearing*
Summary: The motion was made by Ms. Juengst and seconded by Mr. Panico to schedule a public hearing on April 17, 2024 for the CVE North America Core Hardship and to commence SEQRA. The motion was approved by 5:0 vote.

e. *Clancy Street Food Court / CR 111, Manorville / 200-462-2-5.1 / development of a 3,293 square foot (sf) restaurant on 1.17 acres in the J Business 2 zoning district on a site with a core hardship from 1995 for a 5,915 sf restaurant / decision deadline 6/11/24 / schedule public hearing*
Summary: The motion was made by Ms. Juengst and seconded by Mr. Panico to schedule a public hearing on April 17, 2024 for Clancy Street Food Court Core Hardship. The motion was approved by 5:0 vote.

Compatible Growth Area

f. *Riverside STP Compatible Growth Area Hardship Waiver Application / Riverside / 900-141-1-9.14, 9.17, 9.25, 9.29, 9.30, 9.31, 9.32 / two-phased development of a sewage treatment plant with 800,000 gallon per day capacity on 11.45 acres in the LI 40 zoning district in the Southampton Enterprise Zone Subdivision to serve the hamlet of Riverside existing and future development / decision deadline 5/2/24*

Summary: Ms. Hargrave discussed the request to approve the draft sense resolution. The resolution does not constitute the Commission's formal determination that the project merits a hardship exemption and the Town is required to submit the complete SEQRA record so that the Commission may make such a determination, and absent such submission within one year of the date of this sense resolution, the sense resolution will cease and self-expire and be of no further force and effect all without need of any further Commission action.

The motion was made by Ms. Moore and seconded by Mr. Panico to approve the draft sense resolution. The motion was approved by 4:1 vote with objection by Mr. Hubbard.

g. Quogue Village Planning Board referrals:

- i. 8 Midhampton Avenue / 902-2-1-7.1 / development of three buildings totaling 239,000 square feet for industrial/warehouse use and storage on 19.22 acres in the Light Industrial 2 (LI-2) zoning district

Summary: Ms. Hargrave discussed the proposal is the development of three buildings totaling 239,00 square feet for industrial and commercial use. The proposal appears to constitute development activity therefore the proposal must conform. If the project does not conform, the application can be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission.

The motion was made by Ms. Juengst and seconded by Mr. Hubbard to approve sending the draft referral letter to the Village of Quogue. The motion was approved by 5:0 vote.

- ii. 8 Industrial Drive / 902-1-1-21.7 / development of a 18,060 sf building for an indoor sports facility on 1.58 acres in the LI-2 zoning district

Summary: Ms. Hargrave discussed the proposal is the development of a two-story indoor sports facility with parking for 48 vehicles, an innovative alternative on-site wastewater treatment system and stormwater drainage. The facility will contain 15,000 square feet of indoor turf field, two bathrooms, a meeting room, office and closet. An area of 27,872.51 square feet or 0.64 acre on the south side will be revegetated. A 50-foot-wide scenic easement buffer is provide on County Road 104. The project site is entirely cleared except for the natural buffer.

The motion was made by Mr. Hubbard and seconded by Mr. Panico to approve sending the draft referral letter to the Village of Quogue. The motion was approved by 5:0 vote.

4. **Public Comment**

Summary: No public comments were received

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

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

Meeting was adjourned at approximately 2:45 pm

Attachments (in order of discussion)

1. Draft Commission meeting summary for February 21, 2024
2. Final Commission meeting summary for February 21, 2024
3. Education Outreach and Communication Division update dated March 2024
4. Science and Stewardship Division update dated March 20, 2023 (report should be March 20, 2024)
5. Draft resolution authorizing an agreement with U.S. Geological Survey to Undertake a Two-Year Water Resources Monitoring Program in the Centra Pine Barrens dated March 20, 2024; USGS Surface water-quality and groundwater level monitoring in the Central Pine Barrens Region, Suffolk County, New York Proposal
6. Final resolution authorizing an agreement with U.S. Geological Survey to Undertake a Two-Year Water Resources Monitoring Program in the Centra Pine Barrens dated March 20, 2024
7. Compliance and Enforcement Division update dated January – February 2024
8. Land Use Division update dated March 20, 2024
9. Draft resolution Conformance with the Comprehensive Land Use Plan Amendments dated March 20, 2024
10. Final resolution Conformance with the Comprehensive Land Use Plan Amendments dated March 20, 2024
11. Credit Program update dated March 20, 2024
12. Supplemental Hardship Justification and Environmental and Public Benefit Program Summary and attachments for CVE US NY Westhampton 243 LLX (Solar Repurposing of Westhampton Mine) dated March 7, 2024
13. Core Preservation Ara Hardship Application and attachments for Clancy Street Food Court dated February 9, 2024
14. Draft sense resolution for the Riverside Sewage Treatment Plant dated March 20, 2024; Letter and attachments from the Town of Southampton regarding Conformance to Hardship Waiver Criteria of ECL 57-0123(2)(b) Riverside Sewage Treatment Plant dated February 23, 2024
15. Final sense resolution for the Riverside Sewage Treatment Plant dated March 20, 2024
16. Draft response referral letter and attachments regarding Village Planning Board Referral: 8 Midhampton Avenue dated March 20, 2024 Letter and application for a site plan review from the Village of Quogue dated February 20, 2024
17. Final response referral letter regarding the Village Planning Board Referral: 8 Midhampton Avenue dated Marrch 20, 2024
18. Draft response referral letter regarding Village Planning Board Referral: 8 Industrial Drive dated March 20, 2024; Letter and application for a site plan review from the Village of Quogue dated February 21, 2024
19. Final response referral letter regarding Village Planning Board Referral: 8 Industrial Drive dated March 20, 2024



Central Pine Barrens Joint Planning and Policy Commission Meeting
Wednesday, April 17, 2024
Southampton Town Hall
116 Hampton Road, Southampton, NY

**Draft resolution Commission to accept FOREST financial assistance
for seasonal prescribed fire crew housing costs**

Present: , the NYS Governor
, Suffolk County Executive
, Brookhaven Town Supervisor
, Riverhead Town Supervisor
, Southampton Town Supervisor

Whereas, the Commission has a contract with the NYS Department of Environmental Conservation that provides funding of \$250,000 per fiscal year for the Commission to conduct a prescribed fire management program in the Central Pine Barrens; and

Robert T. Calarco
Chairman

Whereas, the Central Pine Barrens Commission has hired a seasonal prescribed fire crew to provide the necessary staffing level to conduct prescribed burns this spring from March 1, 2024 through the end of May 2024 which includes crew members that do not live local and therefore require housing; and

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Whereas, the seasonal prescribed fire crew is currently housed at the Smithers Complex in Hubbard County Park in Flanders at no cost to the Commission, which is graciously provided by Suffolk County Parks until the end of April, therefore alternative housing accommodations are necessary for the crew for the month of May; and

Daniel J. Panico
Member

Whereas, Foundation for Research and Stewardship in the Long Island Pine Barrens Maritime Reserve (FOREST) is a charitable, non-governmental organization formed under Section 402 of the Not-For-Profit Corporation Law that is dedicated to generating support and fostering strategic partnerships to conserve, manage and enhance unique natural, agricultural, historical, cultural and recreational resources within the Long Island Pine Barrens Maritime Reserve and beyond for the benefit of current and future Long Island residents; and

Edward P. Romaine
Member

Whereas, on April 3, 2024, FOREST approved by resolution to pay up to \$3,000 for housing costs for the Commission's seasonal prescribed fire crew to be housed at Brookhaven National Laboratory for the month of May with FOREST providing payment directly to BNL Housing; and

Whereas, as per ECL Article 57-119.6 The commission shall have the power:
(i) To contract for and to accept any assistance, including but not limited to gifts, grants or loans of funds or of property from the federal government or any agency or instrumentality thereof, or from any agency or instrumentality of the state, or from any other public or private source and to comply, subject to the provisions of this title, with the terms and conditions thereof;

now therefore be it

Resolved, the Commission, with grateful appreciation, accepts FOREST's financial assistance to pay up to \$3,000 directly to BNL housing to house the Commission's seasonal prescribed fire crew for the month of May. The Commission will provide documentation in the form of photographs, video or similar material of the work conducted by the fire crew as a result, in part of, this housing grant for FOREST to use on its website and to document the activities it supports, and

Be it further resolved, the liability for any damages to BNL housing shall be the responsibility of the individual Commission prescribed fire crew member who registers, signs for and utilizes said housing.

Motion by:

Second by:

Ayes:

Nays:

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Abstentions:



**FOUNDATION FOR RESEARCH AND STEWARDSHIP IN THE
LONG ISLAND PINE BARRENS MARITIME RESERVE**

P.O. Box 161, Yaphank, NY 11980-0161

Members Present:

Timothy Green, Chair
Jade Blennau, Treasurer
Henry Bokunewicz, Vice Chair
Thomas Malanga, Member
Jay Miller, Secretary
Edward Schneyer, Member

**Final Adopted Resolution to Approve and Provide Funding for
Central Pine Barrens Commission Seasonal Prescribed Fire Housing**

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (hereinafter “Commission”) operates a prescribed fire program which is vital for maintaining and improving the ecological health of the Central Pine Barrens region as well as helping to ensure public safety by reducing the risk of wildfires, and

WHEREAS, the Commission has requested funding from the Foundation for Research and Stewardship in the Long Island Pine Barrens Maritime Reserve (hereinafter “FOREST”) to provide funding for four qualified and experienced seasonal staff members who do not live locally and who serve as the Commission’s seasonal prescribed fire crew for the month of May 2024, and

WHEREAS, by providing the aforementioned housing funding FOREST will help the Commission to continue its successful and important prescribed fire program during 2024, now, therefore, be it

RESOLVED, FOREST hereby approves this resolution to provide, to the Commission or its designee, financial assistance for the purpose of housing for its seasonal prescribed fire personnel for its prescribed fire program during the month of May 2024, in an amount not to exceed Three Thousand Dollars (\$3,000), and be it further

RESOLVED, as requested by the Commission, FOREST will render the housing funding directly to the Brookhaven National Laboratory (hereinafter “BNL”) housing/lodging entity as this method is the most expedient means of procuring the required seasonal housing, and, be it further

RESOLVED, the Commission staff will provide notice to the Commission of this funding grant at the Commission’s April 17th meeting, and be it further

RESOLVED, liability for any damages to BNL housing shall be the responsibility of the individual Commission prescribed fire crew member who registers and signs for, accepts and utilizes said housing, and be it further

RESOLVED, FOREST requests the Commission provide it with photographs, video and similar materials as needed to document the work conducted by the Commission seasonal prescribed fire crew as a result of FOREST’s housing grant which FOREST shall utilize on its website and other programs as documentation of the activities it supports.

Adopted Wednesday, April 3, 2024

Motion by: Henry Bokunewicz

Seconded by: Jay Miller

Ayes: Timothy Green, Jade Blennau, Henry Bokunewicz, Thomas Malanga, Jay Miller, Edward Schneyer

Abstentions: None

Nays: None

Absent: Robert Anrig

DRAFT



April 17, 2024

Jessica Insalaco
Discovery Land Company c/o DLV Quogue, LLC
14065 N 73 Street
Scottsdale, Arizona 85260

RE: Lewis Road PRD, East Quogue
Invasive Species Management Plan
Central Pine Barrens

Dear Ms. Insalaco:

On March 6, 2024, the Central Pine Barrens Commission office received the subject material and a report titled "Invasive Species Management and Revegetation Report Lewis Road PRD," dated March 5, 2024. Also submitted were Revegetation Plan Sheets 1 through 7 prepared by Nelson and Pope, LP-101, dated February 7, 2024. The material discusses a proposal for management of invasive species in 23 areas of natural open space areas totaling 7.57 acres.

The Commission has also received a Conservation Management Plan (CMP) that was submitted in July 2023. Commission responded on August 23 with questions concerning the CMP.

Under the Declaration of Covenants and Restrictions recorded on the property in February 2023, the Commission must approve the CMP before any invasives species management can occur on the property.

The Commission has not approved the CMP since additional information was requested in August. Once this additional information is received, the CMP will be reviewed to determine whether it can be implemented within the conservation easement areas which in turn will affect the review of the proposed Invasive Species Management Plan.

Thank you for your attention.

Sincerely,

Julie Hargrave
Policy and Planning Manager

cc: Judy Jakobsen, Executive Director
John C. Milazzo, Counsel
Charles J. Voorhis, Principal, Nelson Pope and Voorhis

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

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INVASIVE SPECIES MANAGEMENT AND REVEGETATION REPORT

LEWIS ROAD PRD

Lewis Road, East Quogue, NY

Suffolk County, NY

NPV# 05105

Prepared by: Nelson Pope Voorhis
70 Maxess Road
Melville, NY 11747

Prepared for: Discovery Land Company c/o DLV Quogue, LLC
14065 N 73rd Street
Scottsdale, AZ 85260
Contact: Mark Hissey, Executive VP

Date: March 5, 2024

1.0 Overview and Summary Project Description

Nelson, Pope & Voorhis, LLC (NPV) has been retained by Discovery Land Company (DLC) to prepare a revegetation plan for twenty-three (23) unique revegetation units (RV) within the Lewis Road PRD property (“subject property”). Twenty-one (21) revegetation areas (RVs) throughout the subject property that do not contain invasive species and were damaged by all-terrain vehicles (ATVs). These areas will be monitored for growth of native species, utilizing the Central Pine Barrens Commission (CPBC) “self-heal” methodology, and will be monitored for the establishment of invasive species. If revegetation within these 21 areas does not occur naturally, or if invasive species become established, active revegetation with native species will be required. Two (2) revegetation areas (RV-09, and RV-10) will require invasive species removal and management followed by active revegetation. The Town of Southampton Planning Board has approved the proposed revegetation plans, contingent upon approval by the CPBC. Provided herein is a detailed description of invasive species that have been found on the subject property, proposed management techniques for the removal and management of identified invasive species, methodology for revegetation, and monitoring requirements for all 23 revegetation units on the subject property.

2.0 Invasive Species Removal

Within RV-09, ±16,951 SF of the ±33,638 SF area will require invasive species removal and active revegetation. The entirety of the ±15,517 SF RV-10 site will require invasive species removal followed by active revegetation. Provided below is a list of all invasive species identified by NPV staff within RV-09 and RV-10, and specific removal methodology for each species. Note, this list is not intended to be comprehensive, but provides a clear list of all identified invasive species and recommended removal techniques.

- Asiatic Bittersweet (*Celastrus orbiculatus*) – The recommended (most effective) removal method includes cutting the vine close to ground level and applying (by hand via the wiping method) an herbicide (triclopyr) on the cut stump. Once cut, the hanging vines can be pulled from trees and disposed of at licensed off-site facility. An alternative removal method, which does not use herbicides requires the continuous periodic cutting of the plant at ground level until the stump does not resprout. The alternative approach is laborious, costly, and not as effective as the recommended method.
- Chinese Bush Clover (*Lespedeza cuneata*) – The recommended (most effective) method for eliminating this species requires the hand application of an herbicide (triclopyr) by hand on each stem. An alternative removal method, which does not use herbicides, requires cutting the plant close to ground level and smothering the cut stems with a tarp. The alternative approach is laborious, costly, and not as effective as the recommended method.
- Chinese Silvergrass (*Miscanthus sacchariflorus*) – The recommended (most effective) removal method includes removing the entire plant, including its root system, with either a mini-excavator or by hand.
- Chinese Wisteria (*Wisteria sinensis*) – The recommended (most effective) removal method requires the cutting of the vine near ground level followed by the hand application of an herbicide (triclopyr) on the cut stem. Once the treated plant is dead, the vine is removed from the tree and taken to a licensed off-site disposal facility. The alternative removal method, which requires continuous periodic cutting of the plant until the stump does not resprout, is laborious, costly, and not as effective as the recommended method.
- Common Yucca (*Yucca filamentosa*): The recommended (most effective) removal method requires the removal of the entire plant, including the root system, from the ground by hand or with a mini-excavator or a honeysuckle popper (or similar device).
- English Ivy (*Hedera helix*) – The recommended (most effective) removal method requires the extraction of the entire plant, including its root system, from the ground with a “Pulaski” or other hand tool.
- Golden Bamboo (*Phyllostachys aurea*) – The recommended (most effective) removal method requires extraction of the entire plant, including its root system, from the ground with a mini-excavator or by hand with a honeysuckle popper or similar device.
- Japanese Holly (*Ilex crenata*) – The recommended (most effective) removal method requires the extraction of the entire plant, including its root system, with either a mini-excavator, or by hand with a honeysuckle popper or similar device.
- Japanese Honeysuckle (*Lonicera japonica*) – The recommended (most effective) removal method requires the extraction of the entire plant, including its root system, from the ground with a mini-excavator or by hand with a honeysuckle popper or similar device.

- Japanese Knotweed (*Fallopia japonica*) – The recommended (most effective) removal method requires the injection of an herbicide (triclopyr) into each stem with a stem injector since the roots of this plant are too deep to remove mechanically or by hand. An alternative method requires the cutting of the plant at ground level smothering the remaining stems with a tarp. The alternative removal method is laborious, costly, and not as effective as the recommended method.
- Lawn grass – The recommended (most effective) removal method requires smothering the grass with a tarp or cutting and rolling the grass for disposal at a licensed off-site facility.
- Multiflora Rose (*Rosa multiflora*) – The recommended (most effective) removal method requires the removal of the entire plant, including the root system, from the ground by hand or with a mini-excavator or a honeysuckle popper (or similar device).
- Winged Euonymus (*Euonymus alatus*) – The recommended (most effective) removal method requires the removal of the entire plant, including the root system, from the ground by hand or with a mini-excavator or a honeysuckle popper (or similar device).

The initial effort towards invasive species removal from the project areas must be completed prior to revegetation efforts. The invasive species management (careful hand removal) will be continued periodically throughout the growing season within the same year. As described in the approved Revegetation Plan prepared by NPV dated January 31, 2024, all existing invasive vegetation within RV-09 and RV-10 will be removed mechanically or by hand with standard handheld landscaping tools (such as a spade, shovel, honeysuckle popper, etc.) prior to the installation of native species in accordance with the approved plan. Any observed emerging invasive species growing near native vegetation will be removed by hand. The existing native vegetation within all 23 RV will not be destroyed during the execution of the invasive species management projects.

3.0 Revegetation Methodology

The two (2) RV units requiring invasive species removal (RV-09 and RV-10), and any areas of the remaining 21 RVs that may require active revegetation will be revegetated with seed collected on site and contract grown, followed by plants by purchased plants from Warrens Nursery and the Long Island Native Plant Initiative (LINPI), who are able to provide Long Island ecotypic native species for installation. Native seed collected from the subject property by NPV in 2022 and 2023 is currently being contract grown by Warren's Nursery in Southampton, NY. Provided below is a list of all native plants from which seed was collected from throughout the subject property:

- Bushy Bush Clover (*Lespedeza frutescens*)
- Butterfly Weed (*Asclepias tuberosa*)
- Early Goldenrod (*Solidago juncea*)
- Goat's Rue (*Tephrosia virginiana*)
- Hairy Lespedeza (*Lespedeza hirta*)
- Huckleberry (*Vaccinium spp.*)
- Hyssop-leaved Thoroughwort (*Eupatorium hyssopifolium*)
- Little Bluestem (*Schizachyrium scoparium*)

- Maryland Goldenaster (*Chrysopsis mariana*)
- Milkweed (*Asclepias spp.*)
- Narrowleaf Whitetop Aster (*Sericocarpus linifolius*)
- Northern Bayberry (*Rubus ursinus*)
- Partridge Pea (*Chamaecrista fasciculata*)
- Purple Lovegrass (*Eragrostis pectinacea*)
- Sassafras (*Sassafras albidium*)
- Sickle-leaved Goldenaster (*Pityopsis falcata*)
- Striped Wintergreen (*Chimaphila maculata*)
- Stuve's Bush Clover (*Lespedeza stuvei*)
- Switchgrass (*Panicum virginianum*)
- Violet Lespedeza (*Lespedeza violacea*)
- Virginia Creeper (*Parthenocissus quinquefolia*)
- Wild Indigo (*Baptisia tintoria*)
- Winged Sumac (*Rhus copallinum*)
- Wrinkle-leaf Goldenrod (*Solidago spp.*)

Warren's Nursery will be providing both Long Island ecotypic species, and species that are hyper-local to the subject property. Plants grown from collected seed will be the primary plant species used on site, followed by plants provided by LINPI that are from Long Island. Warren's Nursery and NPV staff are unable to guarantee the germination or propagation rate of all seeds and plants collected from the project site, so we are unable to provide the number of plants grown from seed until they are ready to plant. Plants grown from the seed stock that was hand-collected from the subject property will be prioritized during revegetation efforts. Additional plants will be sourced as necessary from other Long Island ecotype sources. All revegetation work will commence in the fall of 2024, when growing conditions will be optimal for plant establishment and survival and a greater number of native plants being grown from seed stock will be ready for installation.

NPV recommends the installation of deer fence around the perimeter of the revegetation units prior to revegetation activities. Deer fence should only be removed after the full establishment of installed species. Deer repellents, such as organic odor and taste repellents, should be applied in the early spring along the perimeter of all planting areas. Chicken wire, plastic tree guards or mesh tree guards can be installed around the base of newly installed shrubs and trees to protect them from grazing herbivores. Temporary irrigation measures may be utilized to assist newly installed native plants to establish in the soil. Refer to the approved Revegetation Plan prepared by NPV dated January 31, 2024, which describes all maintenance practices for the 23 revegetation units.

4.0 Monitoring and Maintenance

A qualified ecologist will complete annual monitoring of all 23 RVs. The monitoring will commence the date that plants are installed within the first RV. This will continue for three (3) years to guarantee an 85% survival rate for all installed plants within the RVs. Any plant material that is determined to be dead, unsightly, unhealthy, or diseased within any of the RVs shall be removed and replaced in-kind within the 3-year period. Annual reports will be generated by a qualified ecologist to demonstrate success rates and will be sent to the CPBC.

For the invasive species areas (RV-09 and RV-10) maintenance and monitoring, the contractor will be required to revisit the site monthly within the first growing season to observe and manage invasive species that are attempting to become re-established (either growing from seeds, sprouting from cut plants, or plants that were inadvertently missed during the initial removal period). Most invasive species can continue to be removed by hand (Section 2.0). Within the second and third years of monitoring, the contractor will continue to monitor and manage invasive species as observed bi-monthly throughout the growing season. At the conclusion of year three, the qualified ecologist will determine if continued invasive species monitoring and management will be required, as well as guaranteeing at least 85% survivability of all installed native plants.

5.0 Conclusion

NPV has prepared a Revegetation Plan for the native habitat restoration of 23 disturbed areas within the subject property. Of the 23 revegetation units, 2 units (RV-09 and RV-10) will require hand-removal of invasive species, followed by revegetation with native species. Native plantings will be provided by Warrens Nursery, grown from seed collected on site in 2022 and 2023 by NPV staff. Additional plants will be purchased from Warrens Nursery and LINPI. The remaining 21 RVs will be monitored for “self-heal”. If these areas fail to heal naturally, or if invasive species become established, active revegetation will be required. All native plantings will be monitored for a 3-year period to ensure at least 85% survival of the revegetation units and ensure invasive species do not become re-established on the subject property.

If you have any questions or would like to discuss this project in more detail, please do not hesitate to contact me.

Very truly yours,

Nelson, Pope & Voorhis, LLC



Rusty Schmidt
Landscape Ecologist



ADOPTED

PLANNING BOARD RESOLUTION (ID # 45652)

DOC ID: 45652

Lewis Road Site Plan (formerly The Hills at Southampton)

WHEREAS, the Site Plan/Subdivision Application of Lewis Road PRD was conditionally approved by the Planning Board on December 8, 2022;

WHEREAS, the Site Plan application which is for the golf course, clubhouse, eight (8) condo units, pro-shop, pool bar, gatehouse, two (2) halfway houses, field house, tennis house, pond house, twelve (12) work force housing units, admin/operations building, turf care building, environmental center, soils bins, the pump house structure and recreational fields including tennis courts (2), pickle ball courts (4) basketball court and combination soccer/baseball field on ten lots described in the December 8, 2022 Site Plan Staff Report (SCTM Nos. 900-250-250-3-1 et al);

WHEREAS, Condition 6. of the PRD approval stated:

- 6) Submission and approval of a re-vegetation plan of the existing disturbed areas in the open space.

WHEREAS, the applicant submitted a revegetation plan prepared by Nelson Pope dated March 30, 2023 and last revised February 7, 2024 (7 sheets) for the twenty one (21) areas for a total of 5.85 acres located in the open space to be revegetated with native trees, shrubs, groundcover and grasses; and

WHEREAS, two of the areas, RV – 9 and RV – 10, will be revegetated due to invasive species removal (0.75-acres)

WHEREAS, the Planning Board reviewed the plan at the February 8, 2024 meeting and finds the proposed revegetation plan is acceptable subject to the mulch being noted to be natural leaf litter or pine needles and to the Central Pine Barrens reviewing and approving the revegetation plan; now, therefore

BE IT RESOLVED, the Planning Board hereby approves the re-vegetation plan of the existing disturbed areas in the open space for the Lewis Road Site Plan/Subdivision as shown on the revegetation plan prepared by Nelson Pope dated March 30, 2023 and last revised February 7, 2024 (7 sheets), subject to the following conditions:

1. Mulch noted on the plans to be natural leaf litter or pine needles.
2. Plan shall be reviewed and approved by the Central Pine Barrens Commission prior to commencement of planting.
3. Prior to issuance of a Certificate of Occupancy, a maintenance bond having a term of two (2) years shall be submitted to guarantee the survival of the landscaping prior to the issuance of a Certificate of Occupancy. The Planning Division upon completion of the work and acceptance of the landscaping as shown on the approved plan shall set the amount of this bond. The applicant shall submit a cost estimate of the approved landscaping for review and approval in conjunction with setting this bond
4. Submission of six (6) sets of plans for signature.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Kate Fullam, Board Member |
| SECONDER: | Glorian Berk, Secretary |
| AYES: | Lofaro, Finnerty, Berk, Catalanotto, Mootoo, Neely, Fullam |



Photo 1 – Portion of the subject property requiring the removal of invasive species, including Multiflora Rose and Asiatic Bittersweet.



Photo 2 – Invasive species found in this area include Yucca, Asiatic Bittersweet, and lawn grasses.



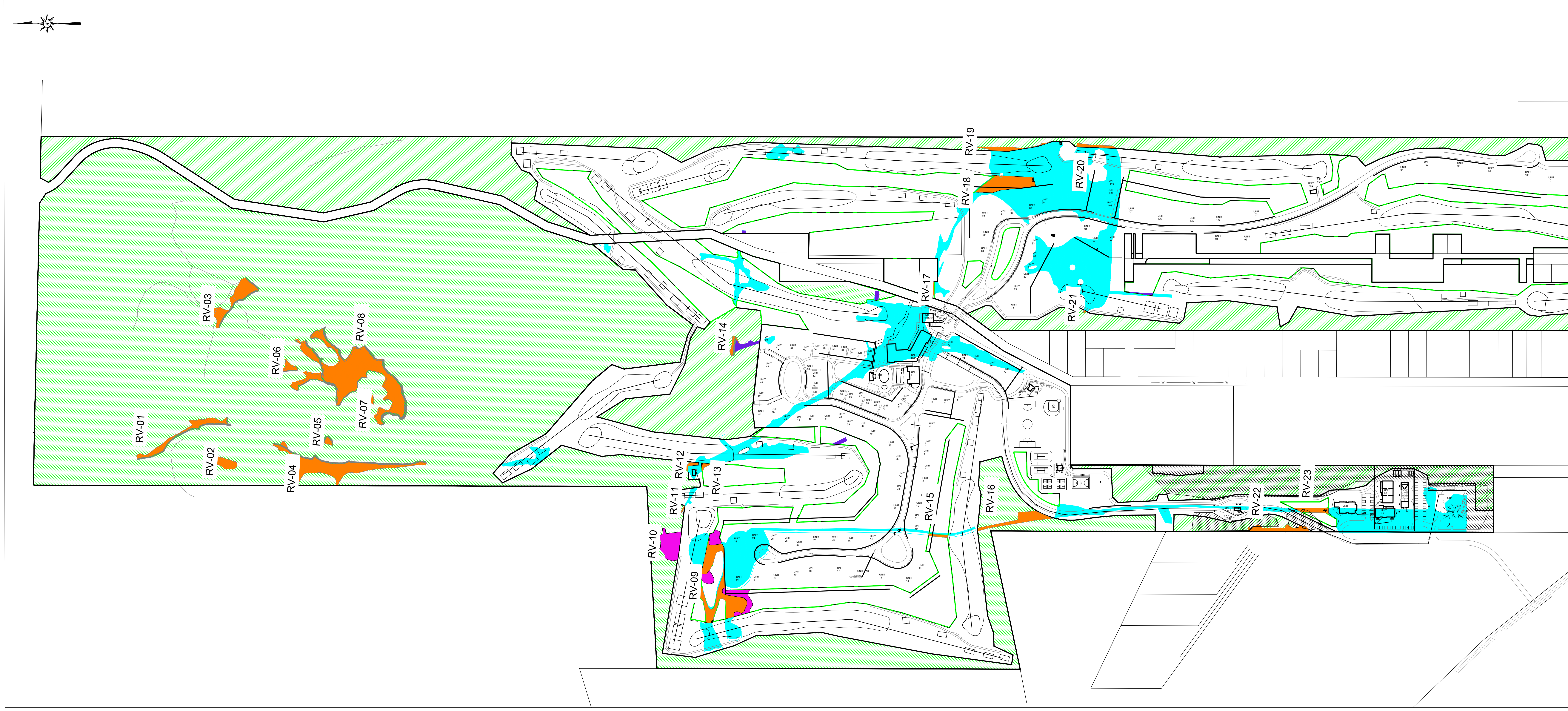
Photo 3 – View of area requiring invasive species removal and management, including Japanese Barberry and Multiflora Rose.



Photo 4 – View of portion of the subject property heavily invaded by Golden Bamboo, requiring removal with a mini-excavator or by hand with a honeysuckle popper or similar device.



Photo 5 – View of Chinese Silvergrass and Multiflora Rose requiring removal with either a mini-excavator, removal by hand, or with a honeysuckle popper or similar device.



SITE PLAN
SCALE: 1" = 200'

GENERAL LANDSCAPE NOTES

1. ALL PRECAUTIONS SHALL BE TAKEN IN CARTING, STORING, AND PLANTING OF MATERIALS.
2. PLANTS SHALL BE TRUE TO SPECIES, LONG ISLAND ECO-TYPE, WHEN AVAILABLE, AND NURSERY-GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES. UNLESS SPECIFICALLY NOTED, ALL PLANTS SHALL BE OF SPECIMEN QUALITY, EXCEPTIONAL HEAVY, SYMMETRICAL, FREE OF DISEASE AND INSECT EGGS OR LARVAE, AND SHALL HAVE HEALTHY WELL DEVELOPED ROOT SYSTEMS. THE OWNER OR HIS REPRESENTATIVE RESERVES THE RIGHT TO TAG, INSPECT AND APPROVE ALL PLANT MATERIALS AND REJECT ANY PLANTS FOUND TO BE UNACCEPTABLE AT THE NURSERY, AT THE SITE UPON DELIVERY, OR UPON INSTALLATION.
3. ALL PLANTS SHALL BE LABELED BY PLANT NAME, LABELS SHALL BE ATTACHED SECURELY TO ALL PLANTS, BUNDLES AND CONTAINERS WHEN DELIVERED.
4. SUBSTITUTIONS OF PLANT MATERIALS WILL NOT BE PERMITTED UNLESS AUTHORIZED IN WRITING BY THE LANDSCAPE ECOLOGIST/ARCHITECT.
5. IF THERE IS A DISCREPANCY BETWEEN THE PLANT LIST AND THE PLANTING PLAN, THE PLAN GOVERNS.
6. WIRE MESH SALTATION FENCING SHALL BE INSTALLED AROUND THE PERIMETER OF THE RESTORATION AREA UNTIL PLANTS ARE INSTALLED.
7. REMOVE ALL TWINE, ROPE, WIRE, CONTAINER LABELS AND FLAGGING ON PLANTS BEFORE COMPLETION. DISPOSE OF ALL DEBRIS APPROPRIATELY AND SWEEP ALL SURROUNDING PAVEMENTS, IF APPLICABLE.
8. ALL FENCE, SILT FENCE AND HARDSCAPE INSTALLATIONS SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF ANY LANDSCAPE PLANTING OR SEEDING.
9. PLANT INSTALLATIONS:
 - 9.1. CONTAINER PLANTS SHALL HAVE THE CONTAINER AND TAGS REMOVED BEFORE INSTALLATION. ROOTS SHALL BE CUT THROUGH THE SURFACE IN AN "X" FORMATION AT BASE OF BALL AND CUT ALONG ALONG THE SIDES OF THE BALL AT LEAST SIX TIMES TO FREE ROOTS AND INCREASE NEW GROWTH, ESPECIALLY IF IT IS ROOT BOUND. FINE ROOTS OF SMALLER CONTAINER PLANTS SHOULD BE TEASED DELICATELY BY HAND OR WITH A HAND CULTIVATOR.
 - 9.2. PLUGS SHALL HAVE TAGS REMOVED BEFORE INSTALLATION, IF HEAVILY ROOT BOUND, DELICATELY LOOSEN ROOTS BY HAND OR HAND CULTIVATOR, TAKING CARE TO NOT BREAK SOIL TO ROOT CONTACT. SPACE PLANTS EQUALLY ON TRIANGULAR OR GRID SPACING.
 - 9.3. NO FERTILIZER APPLICATION SHALL BE USED DURING OR AFTER PLANT INSTALLATION.
10. IRRIGATION:
 - 10.1. TEMPORARY IRRIGATION IS RECOMMENDED FOR ONE GROWING SEASON OR UNTIL ESTABLISHED. NO PERMANENT IRRIGATION IS REQUIRED FOR NATIVE TREE, SHRUB, OR PERENNIAL PLANTINGS.
 - 10.2. GENERAL IRRIGATION FOR NEW PLANTS ONLY NEED 1" OF WATER PER WEEK. SHRUBS AND TREES REQUIRE 3 GALLONS PER WEEK. REFER TO LANDSCAPE ARCHITECT FOR SPECIFIC WATER REQUIREMENTS FOR PLANTS THAT DO NOT FALL UNDER NORMAL WATERING CONDITIONS.
11. PLANTING SHALL HAVE A 85% SURVIVAL RATE OVER THE FIRST THREE YEARS.
12. REMOVAL METHODOLOGY:
 - 12.1. INVASIVE SPECIES INCLUDING BUT NOT LIMITED TO MISCANTHUS, ENGLISH IVY, EUCALYPTUS, LEX CREMATA, JAPANESE HONEYUCKLE, JAPANESE MONARDRA, AND ASH-BITTERSWEET CURRENTLY PRESENT WITHIN THE RESTORATION AREA SHALL BE COMPLETED AS SPECIFIED. EXISTING INVASIVE UNDERSTORY AND VINE SPECIES WITHIN THE PLANTING AREA WILL BE REMOVED BY HAND OR AS DIRECTED IN INVASIVE MANAGEMENT REPORT.
13. REVEGETATION MAINTENANCE:
 - 13.1. REVEGETATION TO BE MONITORED BY OWNER FOR INVASIVE SPECIES.
 - 13.2. ALL EMERGING INVASIVE SPECIES ARE TO BE REMOVED BY HAND AROUND EXISTING NATIVE VEGETATION.
 - 13.3. A QUALIFIED PROFESSIONAL IS TO PERFORM A FIELD INSPECTION ONCE A YEAR FOR THE INITIAL THREE-YEAR PERIOD, TO VERIFY AND ENSURE THE VIABILITY OF ALL NEW PLANTS UPON INSTALLATION.
14. DEER PROTECTION:
 - 14.1. USE NATURAL AND ORGANIC SPRAYS THAT INCORPORATE ODOOR AND TASTE REPELLENT IN ONE.
 - 14.1.1. APPLY REPELLENTS EARLY IN SPRING ON THE PERIMETER OF THE PLANTING AREAS AND CORNERS. RE-APPLY SPRAYS AFTER HEAVY RAINFALL.
 - 14.1.2. SLOWLY WEAN OFF SPRAY APPLICATION SEASONALLY, AND ONLY APPLY OCCASIONALLY REMINDER APPLICATIONS FOR THE REST OF THE YEAR. RESULTS VARY DEPENDING ON DEER POPULATION AND FOOD AVAILABILITY IN AREA.
 - 14.2. USE SOLAR POWERED OR MOTION SENSOR DEVICES OR SCAREDEVICES TO EMIT A BRIGHT LIGHT AND/OR SPRINKLER WHEN DEER APPROACH A "PROTECTED AREA."
 - 14.3. USE PLASTIC OR MESH TREE GUARDS, OR CHICKEN WIRE FOR NEWLY PLANTED TREES.
 - 14.3.1. REMOVE GUARDSHIELD IN WINTER AFTER RUSTING SEASON HAS PASSED.
 - 14.3.2. RE-INSTALL IN FALL IF PROBLEM PERSISTS.

MAINTENANCE NOTES

1. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK AND PARTS THEREOF TO FINAL ACCEPTANCE.
2. THE CONTRACTOR SHALL REPLACE ALL PLANT MATERIAL THAT ARE DEAD, IN UNBRIGHTLY CONDITION, UNHEALTHY, WITHIN THE THREE-YEAR PERIOD FROM THE COMPLETION AND FINAL ACCEPTANCE OF THE COMPLETE CONTRACT. THE WARRANTY PERIOD SHALL BE 3 YEAR FROM DATE OF FINAL ACCEPTANCE OF WORK TO A SURVIVAL RATE OF 80%.
3. SHOULD IRRIGATION BE NEEDED WITHIN THE THREE YEAR PERIOD FROM COMPLETION, A WATER TRUCK WILL BE UTILIZED TO IRRIGATE THE PLANTING AREAS.

PLANTING NOTES

1. ALL PLANT MATERIAL SUPPLIED AND INSTALLED SHALL BE IN ACCORDANCE WITH CURRENT A.A.N. (AMERICAN ASSOCIATION OF NURSERYMEN), AND ACCEPTED INDUSTRY STANDARDS. NO SUBSTITUTION OF MATERIAL SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ECOLOGIST/ARCHITECT.
2. CULTIVATE AND RAKE OVER FINISHED PLANTING AREA AND LEAVE IN AN ORDERLY CONDITION.
3. FORM A SHALLOW BASIN AROUND EACH PLANT SO AS TO HOLD WATER.
4. PLANT MATERIAL WILL BE PRIMARILY SOURCED FROM WARRENS NURSERY AND LONG ISLAND NATIVE PLANT INITIATIVE (LINPI) WHO CAN PROVIDE ECOTYPIC SPECIES. LIST WILL BE SUPPLEMENTED BY GLOVER PERENNIALS, PINELANDS NURSERY, COUNTRY GARDENS AND ON-SITE TRANSPLANT SPECIES.
5. TEMPORARY DEER FENCE OR STAKING SHOULD BE INSTALLED PRIOR TO INSTALLATION TO DELINEATE THE BOUNDARY OF THE REVEGETATION AREA. IT IS RECOMMENDED THAT THE DEER FENCE REMAIN IN PLACE UNTIL FULL ESTABLISHMENT OF SPECIES.

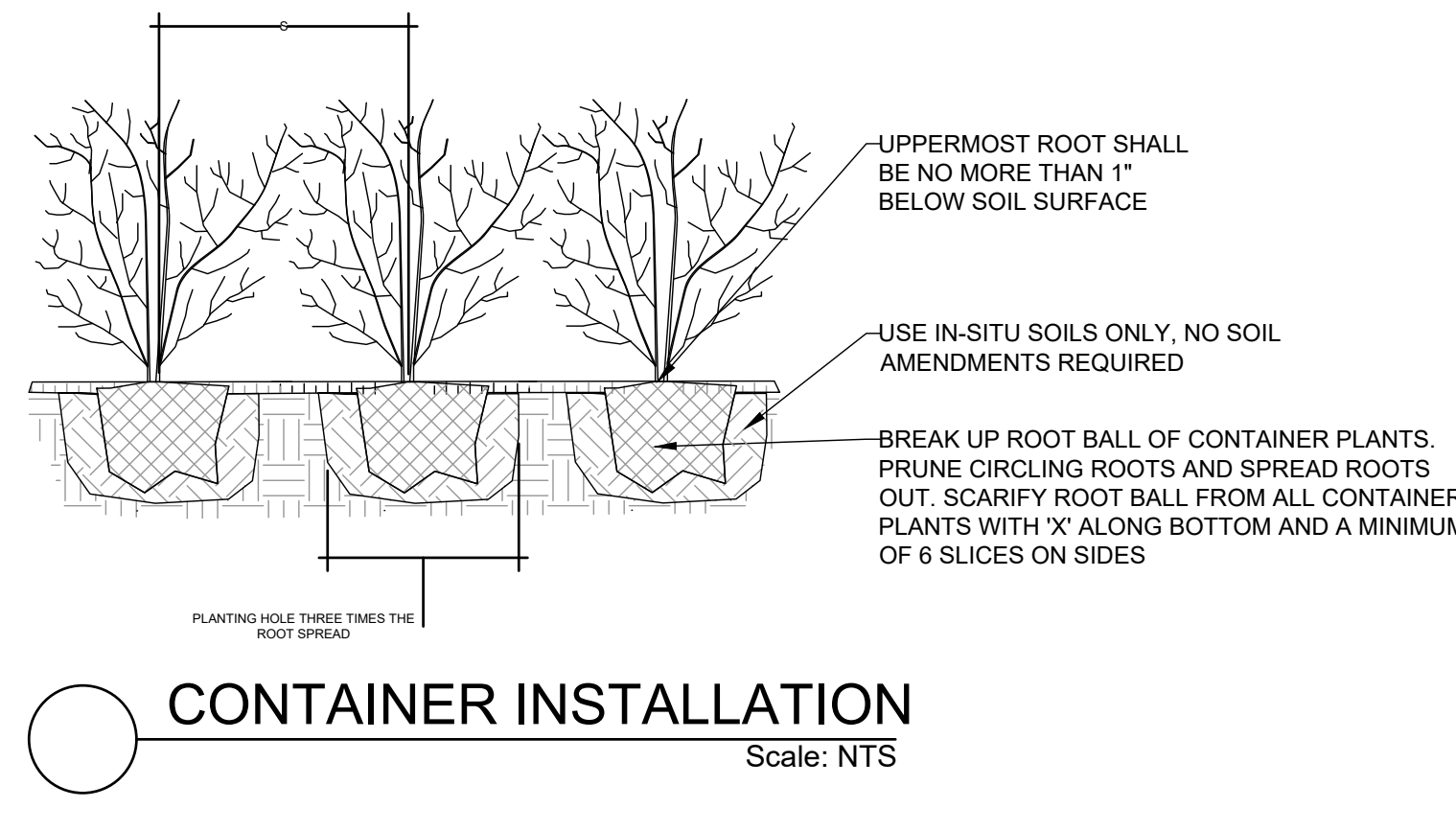
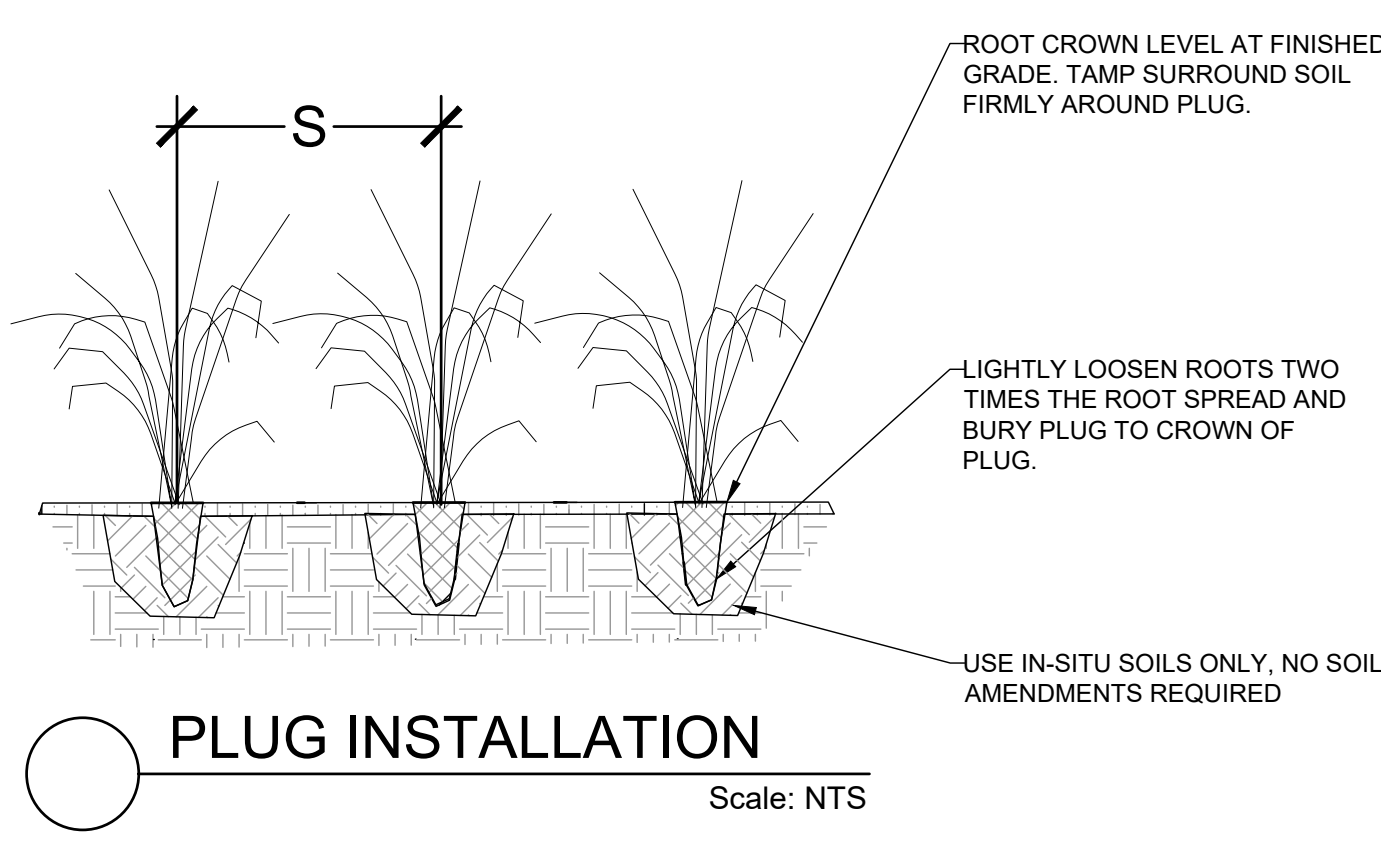
REVEGETATION AREAS

TOTAL: 254,787 SF (5.85 AC)

LEGEND

- NATURAL VEGETATION TO REMAIN (OUTSIDE DEVELOPMENT)
- NATURAL VEGETATION TO REMAIN (INSIDE DEVELOPMENT)
- EXISTING ROAD CLEARING ON FARLATO PROPERTY
- EXISTING CLEARED AREA (INSIDE DEVELOPMENT)
- AREA TO BE REVEGETATED (5.85 AC)
- AN ADDITIONAL AREA TO BE REVEGETATED DUE TO INVASIVE SPECIES REMOVAL (0.75 AC)
- AREA REVEGETATED BY CPB ORDER ON CONSENT (0.16 AC)

NOTE: BOUNDARY AND EXISTING CLEARING LIMITS FROM "SURVEY OF EXISTING CLEARING LIMITS" PREPARED BY NELSON AND POPE DATED JULY 6, 2022.

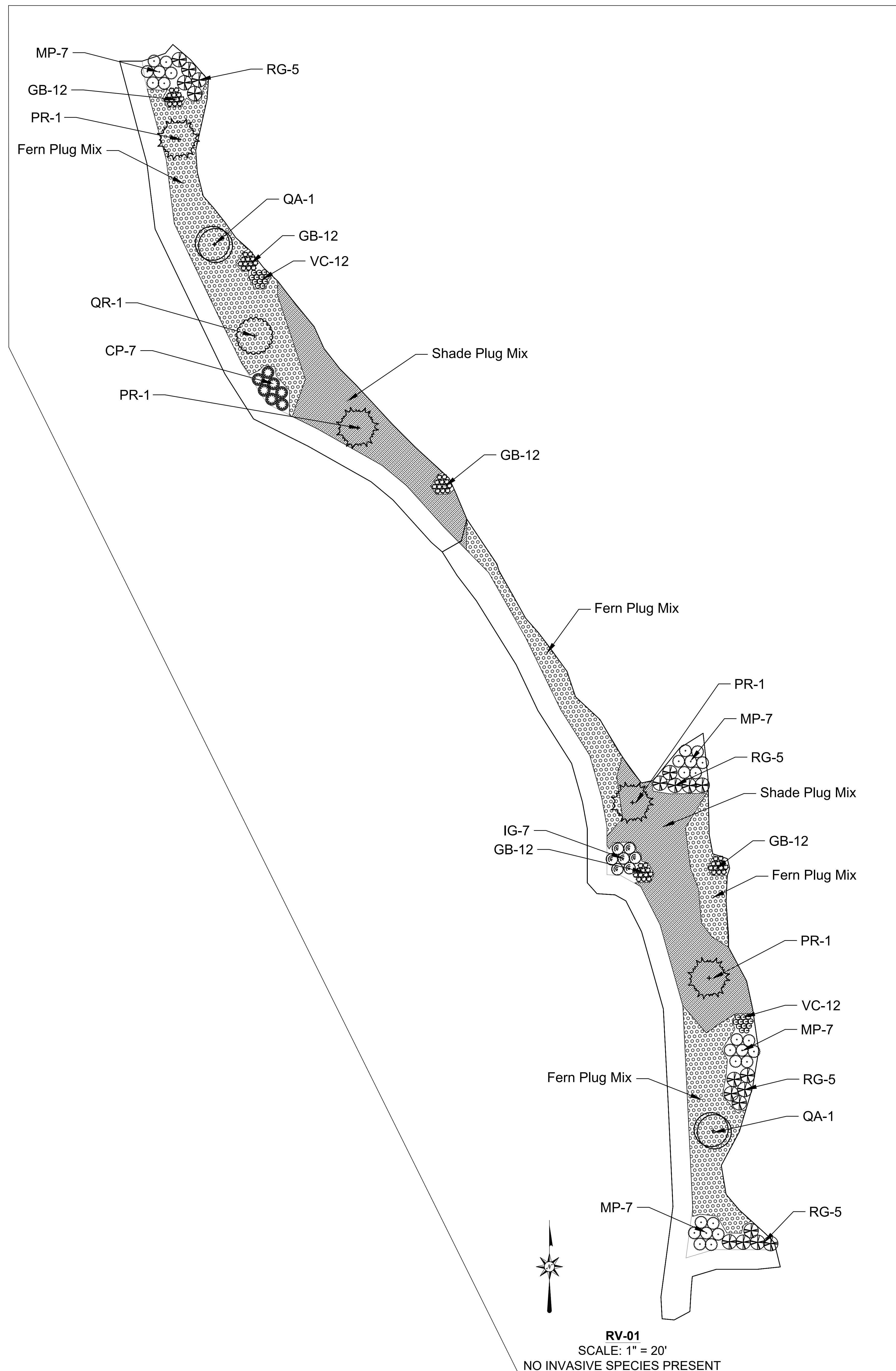
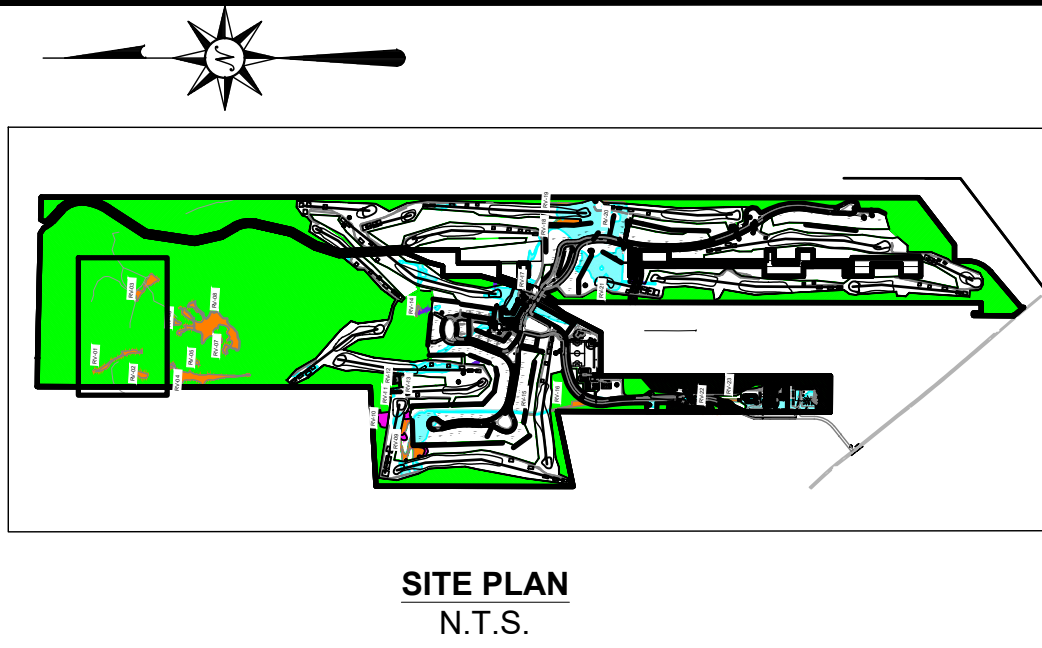


SCALE: 1" = 200'

APPLICANT:
DLV QUOQUE, LLC
1400 N. 27th STREET
SCOTTSDALE AZ 85260

| NO. | DATE | REVISIONS | BY |
|-----|----------|-----------------------------------|-------|
| 2 | 2/7/2024 | REVEGETATION MANAGEMENT REVISIONS | SR/RB |
| 1 | 4/7/2023 | PLANT LIST REVISIONS | SR/RB |

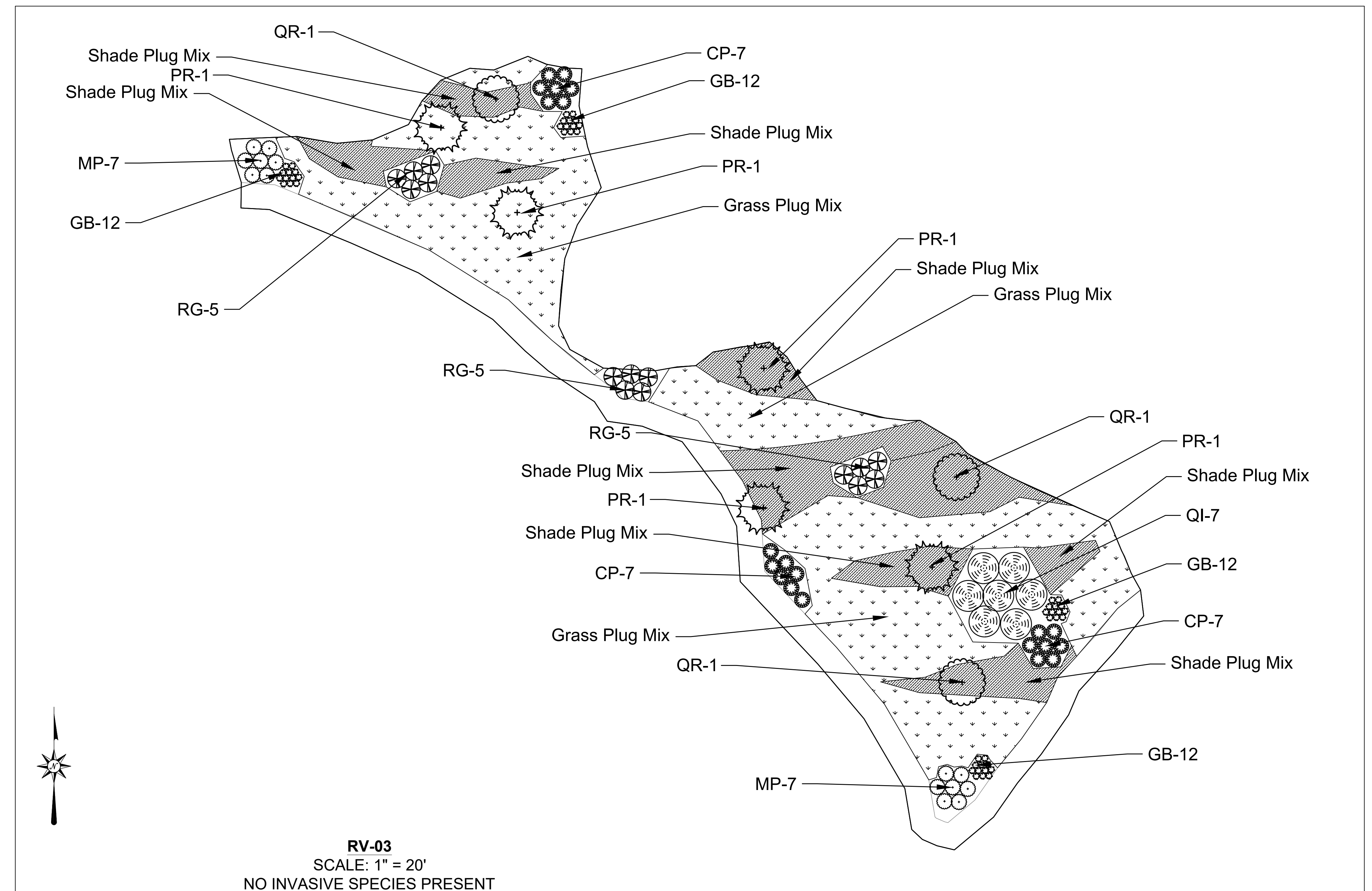
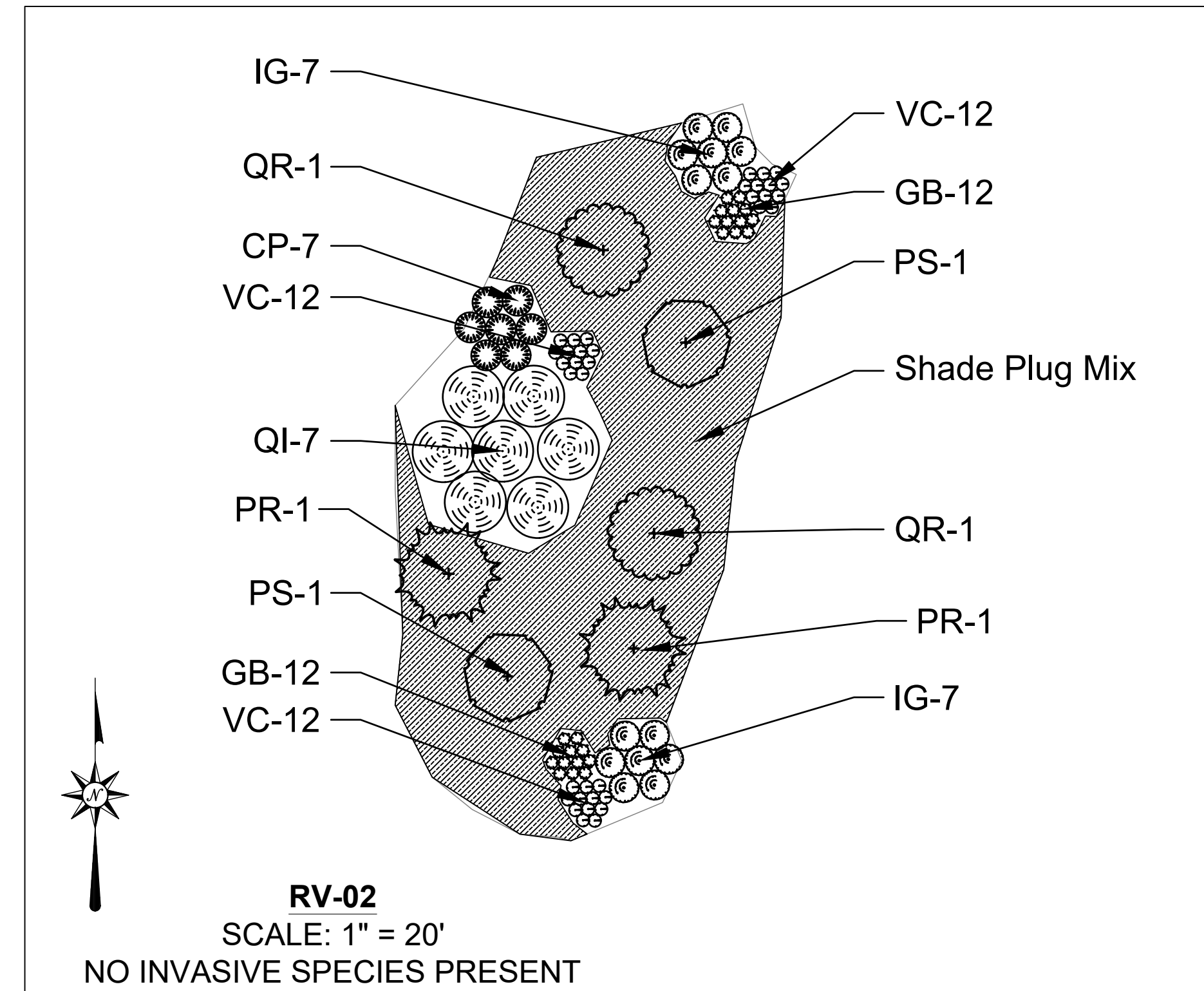
| | | |
|--|--|---|
| TOWN REVEGETATION PLAN LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT (PRD) SITUATED AT EAST QUOQUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK | | PROJECT NO.: 05105 DRAWN BY: JS/CC CHECKED BY: ACC/RS/CV DATE: 2-7-24 SCALE: AS NOTED FILE NO.: SHEET NO.: 05105 |
| NELSON & POPE engineers, architects, scientists | | DRAWING NO.: LP-101 SHEET NO.: 1 OF 7 |



PLANT LIST - (RV-01)

| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING |
|--------|----------|-------|--|------------------------|-------|----------|
| SHADE | [Symbol] | 1,890 | <i>Eurybia divaricata</i> | White Wood Aster | PLUG | 18" O.C. |
| | | | <i>Solidago bicolor</i> | Silver Goldenrod | PLUG | 18" O.C. |
| | | | <i>Solidago caesia</i> | Blue-stemmed goldenrod | PLUG | 18" O.C. |
| | | | <i>Symphoricarum cordifolium</i> | Blue Wood Aster | PLUG | 18" O.C. |
| | | | <i>Parthenocissus quinquefolia</i> | Virginia Creeper | PLUG | 18" O.C. |
| FERNS | [Symbol] | 2,376 | 50% <i>Carex pennsylvanica</i> | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | 12.5% <i>Dennstaedtia punctilobula</i> | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | 12.5% <i>Schizachyrium scoparium</i> | Little Bluestem | PLUG | 18" O.C. |
| | | | 25% <i>Pteridium aculeatum</i> | Bracken Fern | 3 QT | 18" O.C. |
| SHRUBS | [Symbol] | CP 7 | <i>Comptonia peregrina</i> | Sweetfern | 1 GAL | 60" O.C. |
| | | GB 60 | <i>Gaylussacia baccata</i> | Huckleberry | 1 GAL | 24" O.C. |
| | | MP 28 | <i>Morales carolinensis</i> | Bayberry | 3 GAL | 60" O.C. |
| | | RG 20 | <i>Rhus copallinum</i> | Winged Sumac | 2 GAL | 18" O.C. |
| | | VC 24 | <i>Vaccinium angustifolium</i> | Lowbush Blueberry | 1 GAL | 24" O.C. |
| | | PR 4 | <i>Pinus rigida</i> | Pitch Pine | 3 GAL | 15" O.C. |
| TREES | [Symbol] | QA 2 | <i>Quercus alba</i> | White Oak | 3 GAL | 15" O.C. |
| | | QR 1 | <i>Quercus rubra</i> | Red Oak | 3 GAL | 15" O.C. |

AREA IS 11,686 SF



PLANT LIST - (RV-02)

| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING |
|--------|----------|-------|------------------------------------|------------------------|-------|----------|
| SHADE | [Symbol] | 1,682 | <i>Eurybia divaricata</i> | White Wood Aster | PLUG | 18" O.C. |
| | | | <i>Solidago bicolor</i> | Silver Goldenrod | PLUG | 18" O.C. |
| | | | <i>Solidago caesia</i> | Blue-stemmed goldenrod | PLUG | 18" O.C. |
| | | | <i>Symphoricarum cordifolium</i> | Blue Wood Aster | PLUG | 18" O.C. |
| | | | <i>Parthenocissus quinquefolia</i> | Virginia Creeper | PLUG | 18" O.C. |
| SHRUBS | [Symbol] | CP 7 | <i>Comptonia peregrina</i> | Sweetfern | 1 GAL | 60" O.C. |
| | | GB 24 | <i>Gaylussacia baccata</i> | Huckleberry | 1 GAL | 24" O.C. |
| | | IG 14 | <i>Ilex glabra</i> | Inkberry Holly | 2 GAL | 60" O.C. |
| | | VI 7 | <i>Quercus ilicifolia</i> | Scrub oak | 2 GAL | 6" O.C. |
| TREE | [Symbol] | VC 36 | <i>Vaccinium angustifolium</i> | Lowbush Blueberry | 1 GAL | 24" O.C. |
| | | PS 2 | <i>Prunus serotina</i> | Black Cherry | 3 GAL | 15" O.C. |
| TREE | [Symbol] | PR 2 | <i>Pinus rigida</i> | Pitch Pine | 3 GAL | 15" O.C. |
| | | QR 2 | <i>Quercus rubra</i> | Red Oak | 3 GAL | 15" O.C. |

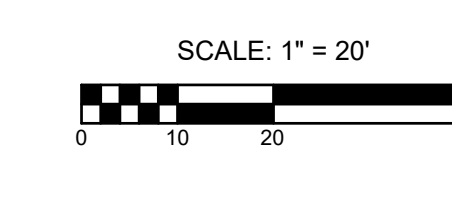
AREA IS 5,346 SF

PLANT LIST - (RV-03)

| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING |
|--------|----------|-------|------------------------------------|------------------------|-------|----------|
| SHADE | [Symbol] | 1,893 | <i>Eurybia divaricata</i> | White Wood Aster | PLUG | 18" O.C. |
| | | | <i>Solidago bicolor</i> | Silver Goldenrod | PLUG | 18" O.C. |
| | | | <i>Solidago caesia</i> | Blue-stemmed goldenrod | PLUG | 18" O.C. |
| | | | <i>Symphoricarum cordifolium</i> | Blue Wood Aster | PLUG | 18" O.C. |
| | | | <i>Parthenocissus quinquefolia</i> | Virginia Creeper | PLUG | 18" O.C. |
| GRASS | [Symbol] | 3,949 | <i>Andropogon gerardii</i> | Big Bluestem | PLUG | 18" O.C. |
| | | | <i>Andropogon virginicus</i> | Broomsedge | PLUG | 18" O.C. |
| | | | <i>Eragrostis spectabilis</i> | Purple Lovegrass | PLUG | 18" O.C. |
| | | | <i>Schizachyrium scoparium</i> | Little Bluestem | PLUG | 18" O.C. |
| SHRUBS | [Symbol] | CP 21 | <i>Comptonia peregrina</i> | Sweetfern | 1 GAL | 60" O.C. |
| | | GB 48 | <i>Gaylussacia baccata</i> | Huckleberry | 1 GAL | 24" O.C. |
| | | MP 14 | <i>Morales carolinensis</i> | Bayberry | 2 GAL | 60" O.C. |
| | | QR 7 | <i>Quercus ilicifolia</i> | Scrub oak | 2 GAL | 6" O.C. |
| | | RG 15 | <i>Rhus copallinum</i> | Winged Sumac | 2 GAL | 18" O.C. |
| | | PR 3 | <i>Quercus rubra</i> | Red Oak | 3 GAL | 15" O.C. |
| TREE | [Symbol] | PR 5 | <i>Pinus rigida</i> | Pitch Pine | 3 GAL | 15" O.C. |

AREA IS 15,532 SF

NOTE:
BOUNDARY AND EXISTING CLEARING LIMITS FROM
"SURVEY OF EXISTING CLEARING LIMITS" PREPARED
BY NELSON AND POPE DATED JULY 6, 2022.



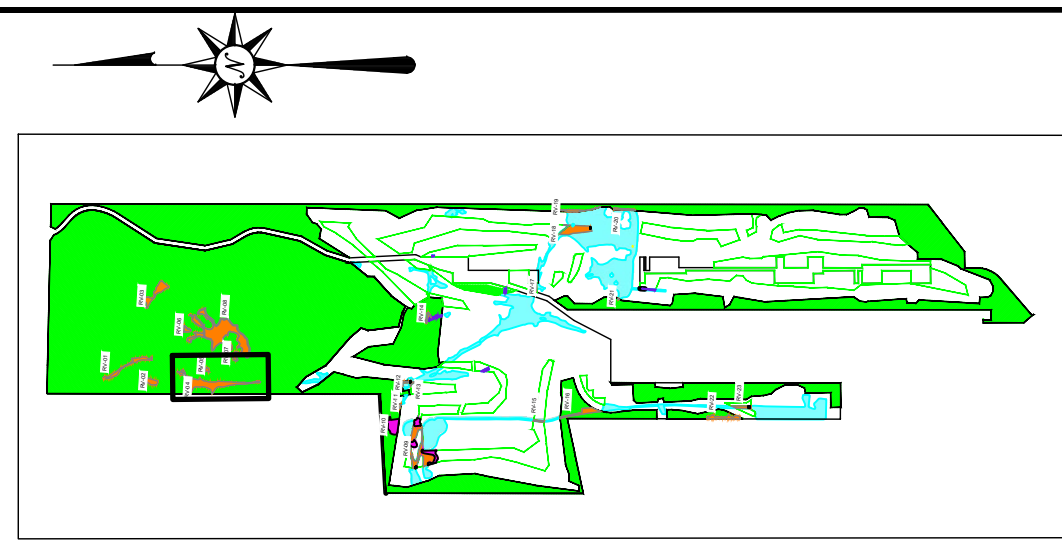
APPLICANT:
DEV QUOGUE, LLC
1000 N. 7th STREET
SCOTTSDALE, AZ 85260

| NO. | DATE | REVISIONS | BY |
|-----|----------|-----------------------------------|--------|
| 2 | 2/7/2024 | REVEGETATION MANAGEMENT REVISIONS | SRV/RS |
| 1 | 4/7/2023 | PLANT LIST REVISIONS | SRV/RS |

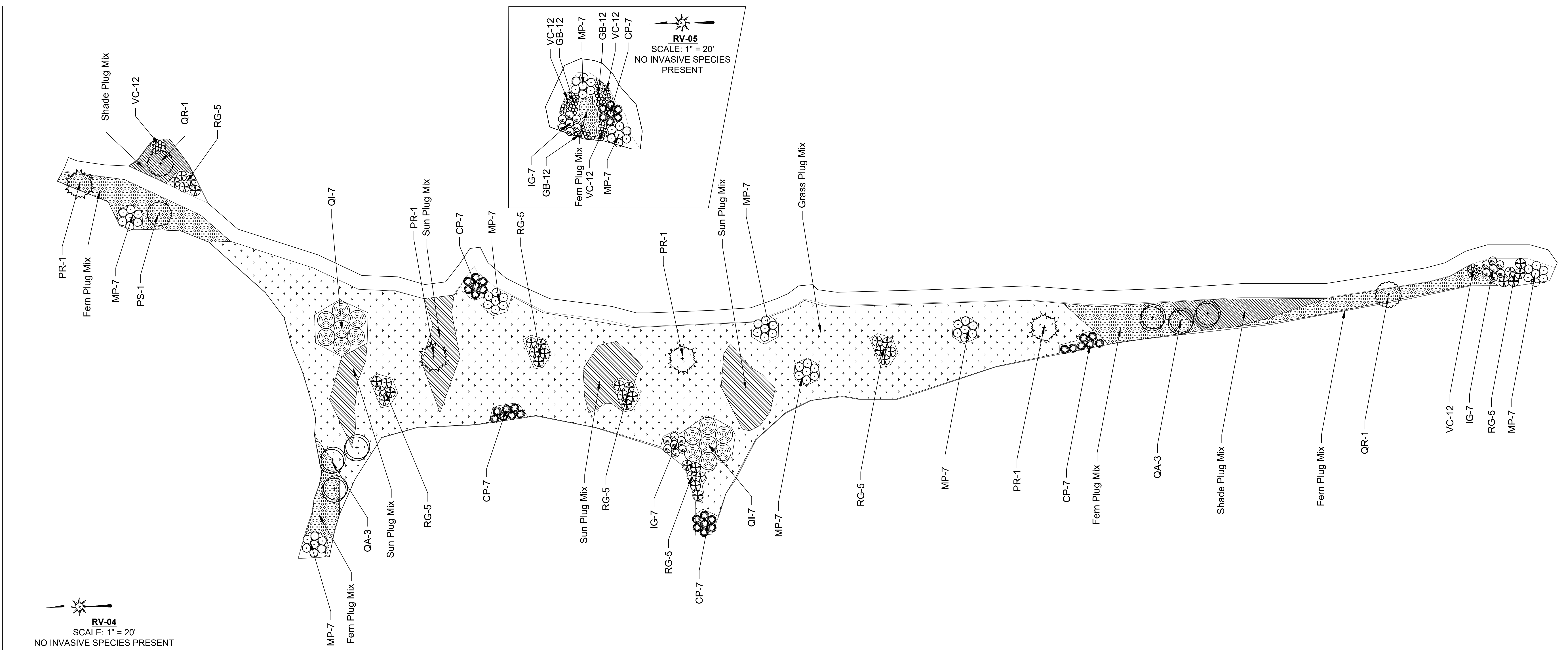
TOWN REVEGETATION PLAN
LEWIS ROAD PLANNED RESIDENTIAL
DEVELOPMENT (PRD)
EAST QUOGUE
TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK

PROJECT NO.: 05105
DRAWN BY: JS/CC
CHECKED BY: ACC/RS/VC
DATE: 1-31-24
SCALE: AS NOTED
FILE NO.:
DRAWING NO.: LP-101
SHEET NO.: 2 OF 7

NELSON & POPE
engineers • architects • landscape architects
NELSON POPE VOORHIS
70 Main Road, Middlefield, NY 11767 • 631-427-5665 • nelsonpopo.com



SITE PLAN
N.T.S.



RV-05
SCALE: 1" = 20'
NO INVASIVE SPECIES
PRESENT

RV-04
SCALE: 1" = 20'
NO INVASIVE SPECIES
PRESENT

PLANT LIST - (RV-04)

| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING | | | |
|---------|----------|-------------------------|---------------------------------|---------------------------|-------------------------|--------------------|--------------|-------------------------|-------------------|
| SUN | [Symbol] | 1,476 | Baptisia tinctoria | Yellow Wild Indigo | PLUG | 18" O.C. | | | |
| | | | Chrysopsis mariana | Maryland Goldenaster | PLUG | 18" O.C. | | | |
| | | | Eupatorium hyssopifolium | Hyssopleaf thoroughwort | PLUG | 18" O.C. | | | |
| | | | Euthamia graminifolia | Flat-top golden aster | PLUG | 18" O.C. | | | |
| | | | Pycnanthemum tenuifolium | Narrow leaf mountain mint | PLUG | 18" O.C. | | | |
| | | | Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | | | |
| | | | Eurybia divaricata | White Wood Aster | PLUG | 18" O.C. | | | |
| | | | Solidago bicolor | Silver Goldenrod | PLUG | 18" O.C. | | | |
| | | | Solidago caesia | Blue-stemmed goldenrod | PLUG | 18" O.C. | | | |
| | | | Symphoricarpos cordifolius | Blue Wood Aster | PLUG | 18" O.C. | | | |
| SHADE | [Symbol] | 624 | Parthenocissus quinquefolia | Virginia Creeper | PLUG | 18" O.C. | | | |
| | | | Andropogon gerardii | Big Bluestem | PLUG | 18" O.C. | | | |
| | | | Andropogon virginicus | Broomsedge | PLUG | 18" O.C. | | | |
| | | | Eragrostis spectabilis | Purple Lovegrass | PLUG | 18" O.C. | | | |
| | | | Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. | | | |
| | | | Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | | | |
| | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. | | | |
| | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. | | | |
| | | | 25% Pteridium acullinum | Bracken Fern | 3 QT | 18" O.C. | | | |
| | | | CP | 28 | Comptonia peregrina | Sweetfern | 1 GAL | 60" O.C. | |
| GRASSES | [Symbol] | 10,692 | Andropogon virginicus | Broomsedge | PLUG | 18" O.C. | | | |
| | | | Eragrostis spectabilis | Purple Lovegrass | PLUG | 18" O.C. | | | |
| | | | Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. | | | |
| | | | Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | | | |
| | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. | | | |
| | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. | | | |
| | | | 25% Pteridium acullinum | Bracken Fern | 3 QT | 18" O.C. | | | |
| | | | CP | 28 | Comptonia peregrina | Sweetfern | 1 GAL | 60" O.C. | |
| | | | GB | 14 | Ilex glabra | Inkberry Holly | 2 GAL | 60" O.C. | |
| | | | MP | 49 | Morella carolinensis | Bayberry | 2 GAL | 60" O.C. | |
| FERNS | [Symbol] | 1,808 | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. | | | |
| | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. | | | |
| | | | 25% Pteridium acullinum | Bracken Fern | 3 QT | 18" O.C. | | | |
| | | | CP | 7 | Comptonia peregrina | Sweetfern | 1 GAL | 60" O.C. | |
| | | | GB | 36 | Gaylussacia baccata | Huckleberry | 1 GAL | 24" O.C. | |
| | | | IG | 7 | Ilex glabra | Inkberry Holly | 2 GAL | 60" O.C. | |
| | | | MP | 14 | Morella carolinensis | Bayberry | 2 GAL | 60" O.C. | |
| | | | VC | 36 | Vaccinium angustifolium | Lowbush Blueberry | 1 GAL | 24" O.C. | |
| | | | SHRUBS | [Symbol] | 14 | Quercus ilicifolia | Scrub oak | 2 GAL | 6" O.C. |
| | | | | | | Rhus copallinum | Winged Sumac | 2 GAL | 10" O.C. |
| VC | 24 | Vaccinium angustifolium | | | | Lowbush Blueberry | 1 GAL | 24" O.C. | |
| PS | 1 | Prunus serotina | | | | Black Cherry | 3 GAL | 15" O.C. | |
| PR | 4 | Pinus rigida | | | | Pitch Pine | 3 GAL | 15" O.C. | |
| QA | 6 | Quercus alba | | | | White Oak | 3 GAL | 15" O.C. | |
| QR | 2 | Quercus rubra | | | | Red Oak | 3 GAL | 15" O.C. | |
| TREES | [Symbol] | 14 | | | | Quercus ilicifolia | Scrub oak | 2 GAL | 6" O.C. |
| | | | | | | Rhus copallinum | Winged Sumac | 2 GAL | 10" O.C. |
| | | | | | | VC | 24 | Vaccinium angustifolium | Lowbush Blueberry |
| | | | PS | 1 | Prunus serotina | Black Cherry | 3 GAL | 15" O.C. | |
| | | | PR | 4 | Pinus rigida | Pitch Pine | 3 GAL | 15" O.C. | |
| | | | QA | 6 | Quercus alba | White Oak | 3 GAL | 15" O.C. | |
| | | | QR | 2 | Quercus rubra | Red Oak | 3 GAL | 15" O.C. | |

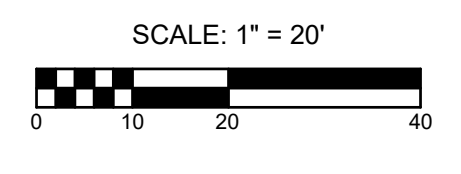
AREA IS 37,675 SF

PLANT LIST - (RV-05)

| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING | | |
|--------|----------|-------------------------|---------------------------------|--------------------|----------------------|----------------|-------|----------|
| FERNS | [Symbol] | 71 | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | | |
| | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. | | |
| | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. | | |
| | | | 25% Pteridium acullinum | Bracken Fern | 3 QT | 18" O.C. | | |
| SHRUBS | [Symbol] | 71 | CP | 7 | Comptonia peregrina | Sweetfern | 1 GAL | 60" O.C. |
| | | | GB | 36 | Gaylussacia baccata | Huckleberry | 1 GAL | 24" O.C. |
| | | | IG | 7 | Ilex glabra | Inkberry Holly | 2 GAL | 60" O.C. |
| | | | MP | 14 | Morella carolinensis | Bayberry | 2 GAL | 60" O.C. |
| VC | 36 | Vaccinium angustifolium | Lowbush Blueberry | 1 GAL | 24" O.C. | | | |

AREA IS 1,212 SF

NOTE:
BOUNDARY AND EXISTING CLEARING LIMITS FROM
"SURVEY OF EXISTING CLEARING LIMITS" PREPARED
BY NELSON AND POPE DATED JULY 6, 2022.



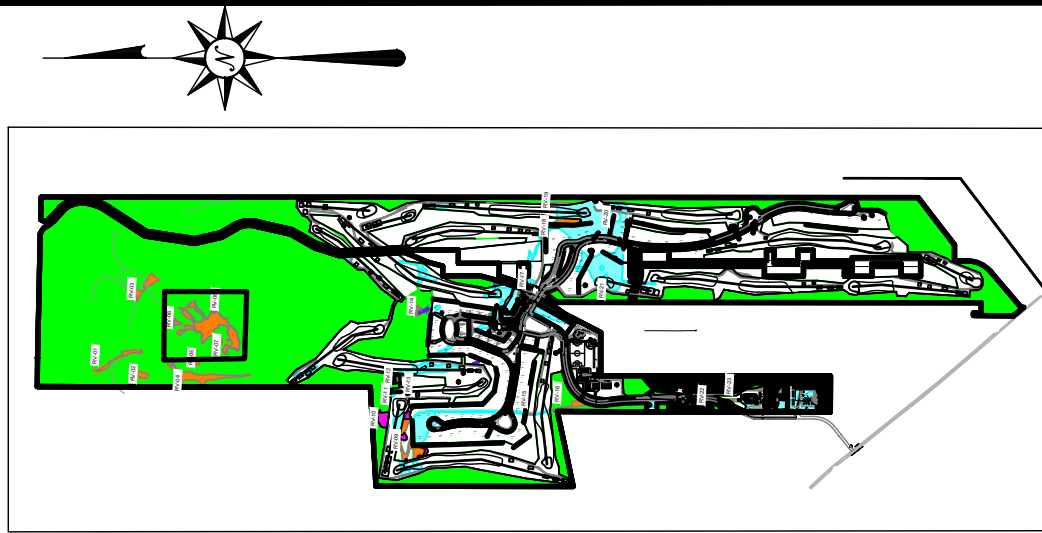
APPLICANT:
B.V. QUOGUE, LLC
1400 N. 7th STREET
SCOTTSDALE AZ 85260

| | | | |
|-----------------------|----------|-----------------------------------|-------|
| NO. | DATE | REVISIONS | BY |
| 2 | 2/7/2024 | REVEGETATION MANAGEMENT REVISIONS | SR/RS |
| 1 | 4/7/2023 | PLANT LIST REVISIONS | SR/RS |
| PROJECT NO: 05105 | | | |
| DRAWN BY: JS/C | | | |
| CHECKED BY: ACC/RS/CV | | | |
| DATE: 1-31-24 | | | |
| SCALE: AS NOTED | | | |
| FILE NO: . | | | |
| DRAWING NO: LP-101 | | | |
| SHEET NO: 3 OF 7 | | | |

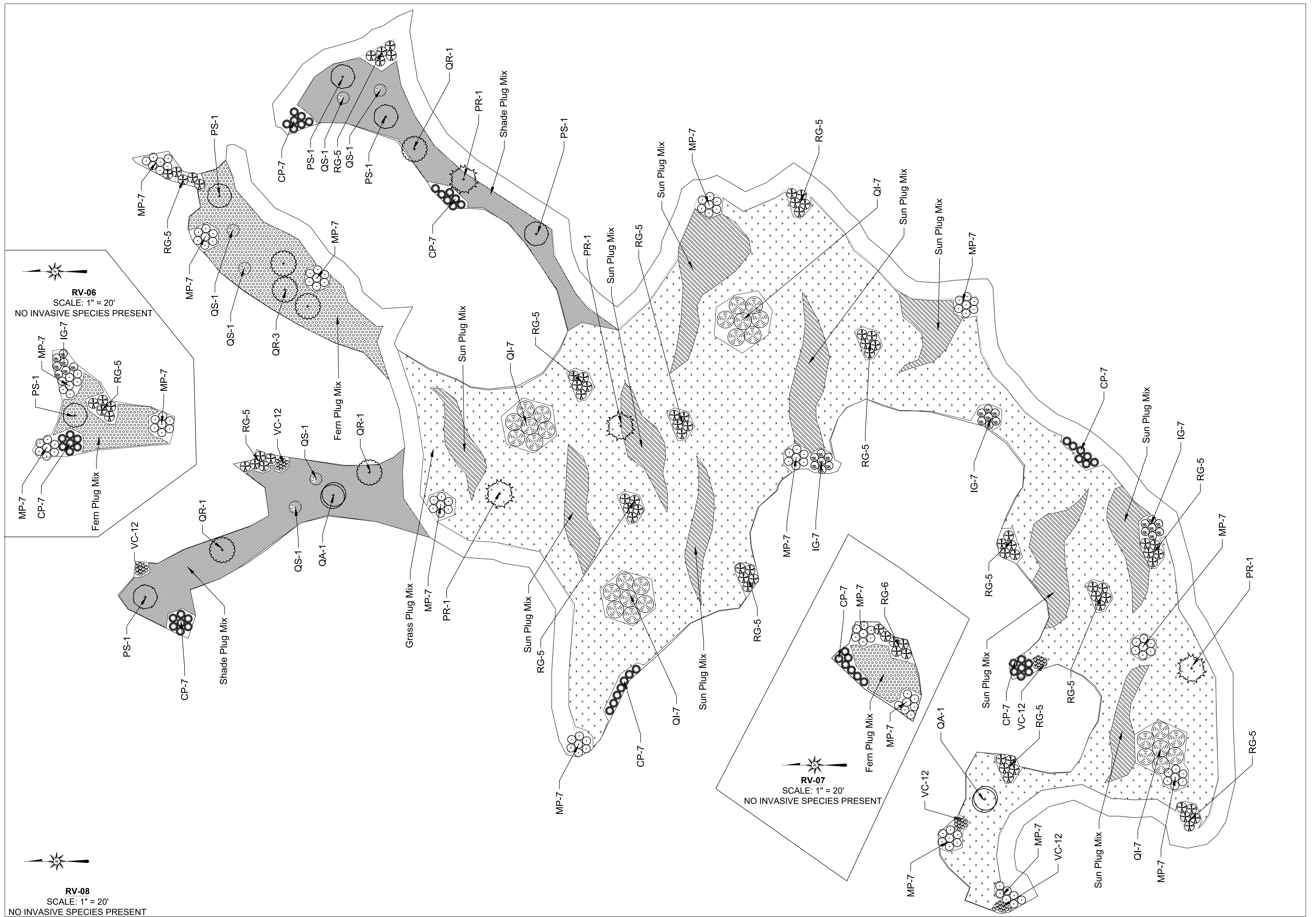
TOWN REVEGETATION PLAN
LEWIS ROAD PLANNED RESIDENTIAL
DEVELOPMENT (PRD)
EAST QUOGUE
TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK

NELSON & POPE
engineers, architects, landscape architects

NELSON POPE VOORHIS
70 Main Road, Middlefield, NY 12547 • 631-427-5665 • nelsonpopovo.com



SITE PLAN
N.T.S.



RV-06
SCALE: 1" = 20'
NO INVASIVE SPECIES PRESENT

RV-07
SCALE: 1" = 20'
NO INVASIVE SPECIES PRESENT

RV-08
SCALE: 1" = 20'
NO INVASIVE SPECIES PRESENT

| PLANT LIST - (RV-06) | | | | | | |
|----------------------|----------|-----|---------------------------------|--------------------|-------|----------|
| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING |
| FERNS | [Symbol] | 566 | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| SHRUBS | [Symbol] | 7 | Comptonia peregrina | Sweetfern | 1 GAL | 60" O.C. |
| | | 7 | Ilex glabra | Inkberry Holly | 2 GAL | 60" O.C. |
| | | 21 | Morella carolinensis | Bayberry | 2 GAL | 60" O.C. |
| | | 5 | Rhus copallinum | Winged Sumac | 2 GAL | 10' O.C. |
| TREE | [Symbol] | 1 | Prunus serotina | Black Cherry | 3 GAL | 15' O.C. |

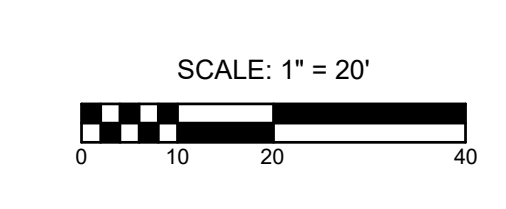
| PLANT LIST - (RV-07) | | | | | | |
|----------------------|----------|-----|---------------------------------|--------------------|-------|----------|
| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING |
| FERNS | [Symbol] | 365 | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| SHRUBS | [Symbol] | 7 | Comptonia peregrina | Sweetfern | 1 GAL | 60" O.C. |
| | | 14 | Morella carolinensis | Bayberry | 2 GAL | 60" O.C. |
| | | 6 | Rhus copallinum | Winged Sumac | 2 GAL | 10' O.C. |
| | | | | | | |

AREA IS 1,699 SF

| PLANT LIST - (RV-08) | | | | | | | |
|----------------------|----------|--------|-------------------------|---------------------------------|--------------------|----------|----------|
| TYPE | SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | SPACING | |
| SUN | [Symbol] | 4,515 | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| SHADE | [Symbol] | 4,237 | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| GRASS | [Symbol] | 22,543 | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| SHRUBS | [Symbol] | 1,957 | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. | |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 12.5% Schizachyrium scoparium | Little Bluestem | PLUG | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| | | | | 50% Carex pennsylvanica | Pennsylvania Sedge | PLUG | 18" O.C. |
| | | | | 12.5% Dennstaedtia punctilobula | Hay Scented Fern | 3 QT | 18" O.C. |
| | | | | 25% Pteridium acutilinum | Bracken Fern | 3 QT | 18" O.C. |
| TREE | [Symbol] | 42 | Comptonia peregrina | Sweetfern | 1 GAL | 60" O.C. | |
| | | | Ilex glabra | Inkberry Holly | 2 GAL | 60" O.C. | |
| | | | Morella carolinensis | Bayberry | 2 GAL | 60" O.C. | |
| | | | Morella carolinensis | Bayberry | 2 GAL | 60" O.C. | |
| | | | Rhus glabra | Scrub oak | 2 GAL | 6' O.C. | |
| | | | Rhus copallinum | Winged Sumac | 2 GAL | 10' O.C. | |
| | | | Rhus copallinum | Winged Sumac | 2 GAL | 10' O.C. | |
| | | | Vaccinium angustifolium | Lowbush Blueberry | 1 GAL | 24" O.C. | |
| | | | Prunus serotina | Black Cherry | 3 GAL | 15' O.C. | |
| | | | Pinus rigida | Pitch Pine | 3 GAL | 15' O.C. | |
| TRANS | [Symbol] | 4 | Quercus alba | White Oak | 3 GAL | 15' O.C. | |
| | | | Quercus rubra | Red Oak | 3 GAL | 15' O.C. | |
| T-4C5 | [Symbol] | 6 | Quercus sp. | Oaks | Transplant | 15' O.C. | |

AREA IS 84,901 SF

NOTE: BOUNDARY AND EXISTING CLEARING LIMITS FROM "SURVEY OF EXISTING CLEARING LIMITS" PREPARED BY NELSON AND POPE DATED JULY 6, 2022.



APPLICANT:
B.V. QUOGUE, LLC
1800 N. 7th STREET
SCOTTSDALE, AZ 85260

| | | | |
|--|----------|-----------------------------------|--|
| 2 | 2/7/2024 | REVEGETATION MANAGEMENT REVISIONS | SRV/RS |
| 1 | 4/7/2023 | PLANT LIST REVISIONS | SRV/RS |
| REVISIONS: | | | |
| NO. | DATE: | REVISIONS: | BY: |
| TOWN REVEGETATION PLAN LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT (PRD) EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK | | | PROJECT NO.: 05105 DRAWN BY: JSKC CHECKED BY: ACCRS/CV DATE: 1-31-24 SCALE: AS NOTED FILE NO.: 05105 |
| NELSON AND POPE ENGINEERS ARCHITECTS LANDSCAPERS NELSON POPE VOORHIS 70 MARKET ROAD, MALDEN, NJ 07110 • 908-427-5665 • nelsonpopovo.com | | | DRAWING NO.: LP-101 SHEET NO.: 4 OF 7 |



April 17, 2024

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

RE: PSEGLI Transmission Pole Replacements
Central Pine Barrens Compatible Growth Area and Core Preservation Area

Dear Ms. Risotto:

On March 28, 2024, the Central Pine Barrens Commission received materials on the referenced proposal. The submission included a letter, maps and photographs of pole replacement locations in Ridge, Calverton, Rocky Point, Sound Beach, Middle Island and Miller Place.

The Proposed Action involves the replacement of a total of 220 utility poles including 190 in the CGA and 30 in the Core Preservation Area.

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

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

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

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

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

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

Sincerely,
Julie Hargrave
Policy and Planning Manager

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

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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



March 26, 2024

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

RE: Request for No-Development Determination
PSEG Long Island | Power-On Pole Replacements Project

Dear Ms. Hargrave:

Land Use Ecological Services, Inc., on behalf of PSEG Long Island, as agent for Long Island Lighting Company d/b/a LIPA, a wholly owned subsidiary of Long Island Power Authority, is requesting confirmation that work proposed within the Compatible Growth Area (CGA) and the Core Preservation Area (CPA) of the Pine Barrens does not constitute “development” as per NYS ECL Article §57-0107(13). PSEG is proposing the in place replacement of existing utility poles in four (4) project areas, as follows:

- Circuit 8DR-426 (43283) – 36 poles to be replaced along Lakeside Trail, Manhasset Trail, and Oakview Trail on the east side of Lake Panamoka, Ridge. All 36 poles are within the CGA. [Map R-1]
- Circuit 8DR-426 (47344) – 31 poles to be replaced along NY Route 25 (Middle Country Road) in Calverton. There are 8 poles in the CGA and 23 poles in the CPA. [Map C-1]
- Circuit 8M-7P2 – 32 poles to be replaced along NY Route 25A and Radio Avenue in Rocky Point and Sound Beach. All 32 poles are within the CGA. [Map SB-1]
- Circuit 8XR-645 – 121 poles to be replaced along Whiskey Road, Miller Place-Yaphank Road, Jonah Road, Radio Avenue, and Coram-Sweezytown Road in Coram, Middle Island, Miller Place, Ridge, and Rocky Point. There are 114 poles in the CGA and 7 poles in the CPA. [Map MI-1]

Poles to be replaced are located within mowed/maintained strips along each of the road right-of-ways. Representative photos for each circuit are enclosed. Existing and new poles are timber; new poles will be southern yellow pine. Existing poles are 30-50 feet in height; new poles are 40-50 feet in height. For all poles, height will not increase by more than 10 feet with replacement. For example, 30 foot poles will be replaced with 40 foot poles; 35 foot poles will be replaced with 40-45 foot poles; and poles 40-50 feet in

height will be replaced with 50 foot poles. New poles will be the same/similar class/diameter, with a maximum increase of 2-3 inches in diameter versus existing.

All equipment will remain on the paved roadways during pole replacement, with some setup and outriggers to be placed on the mowed/maintained strips along each of the circuits. There will be no disturbance to naturally vegetated areas, or to trees or woody vegetation. Areas of disturbance will be reseeded per NYSDOT and/or Suffolk County specifications, utilizing native grass mix where appropriate.

Please note that these pole replacements are part of the Power On Storm Hardening Program, and is maintenance of existing overhead electric lines. Undergrounding these circuits, or portions thereof (such as portions within the CPA), is not feasible due to cost and logistics, as well as the potential to disturb more of the CPA than the proposed pole replacements depending on the method of undergrounding. The Power On program has funding specified for pole replacements, with no funding available for undergrounding. PSEG poles are utilized by other utilities, which themselves do not have the resources or requirement to underground, so logistically undergrounding is not feasible.

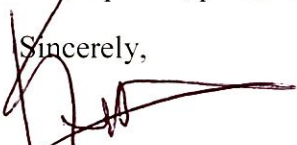
In accordance with ECL § 57-0107 (13), the project as described is classified as one or more of the following, and therefore, does not constitute development:

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

Based on the information provided, I respectfully request that the Commission confirm in writing that the project is classified as “non-development” at the next meeting scheduled for April 17, 2024. In support of this request for a non-development determination, I have enclosed circuit maps showing the poles to be replaced, as well as representative photographs of the poles/circuits.

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

Sincerely,

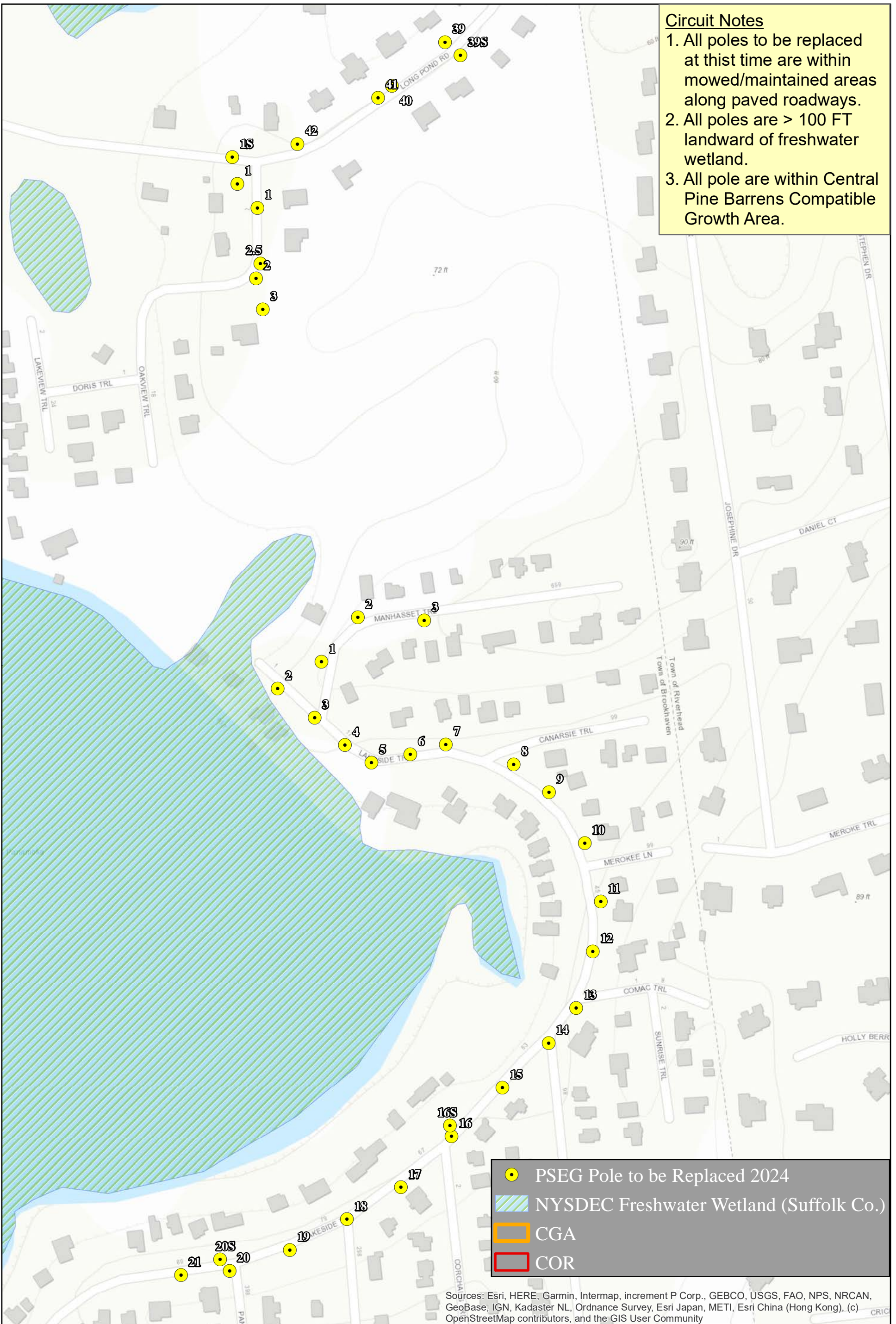


Kelly Risotto
Principal

Enc.
Via Priority Mail and Email

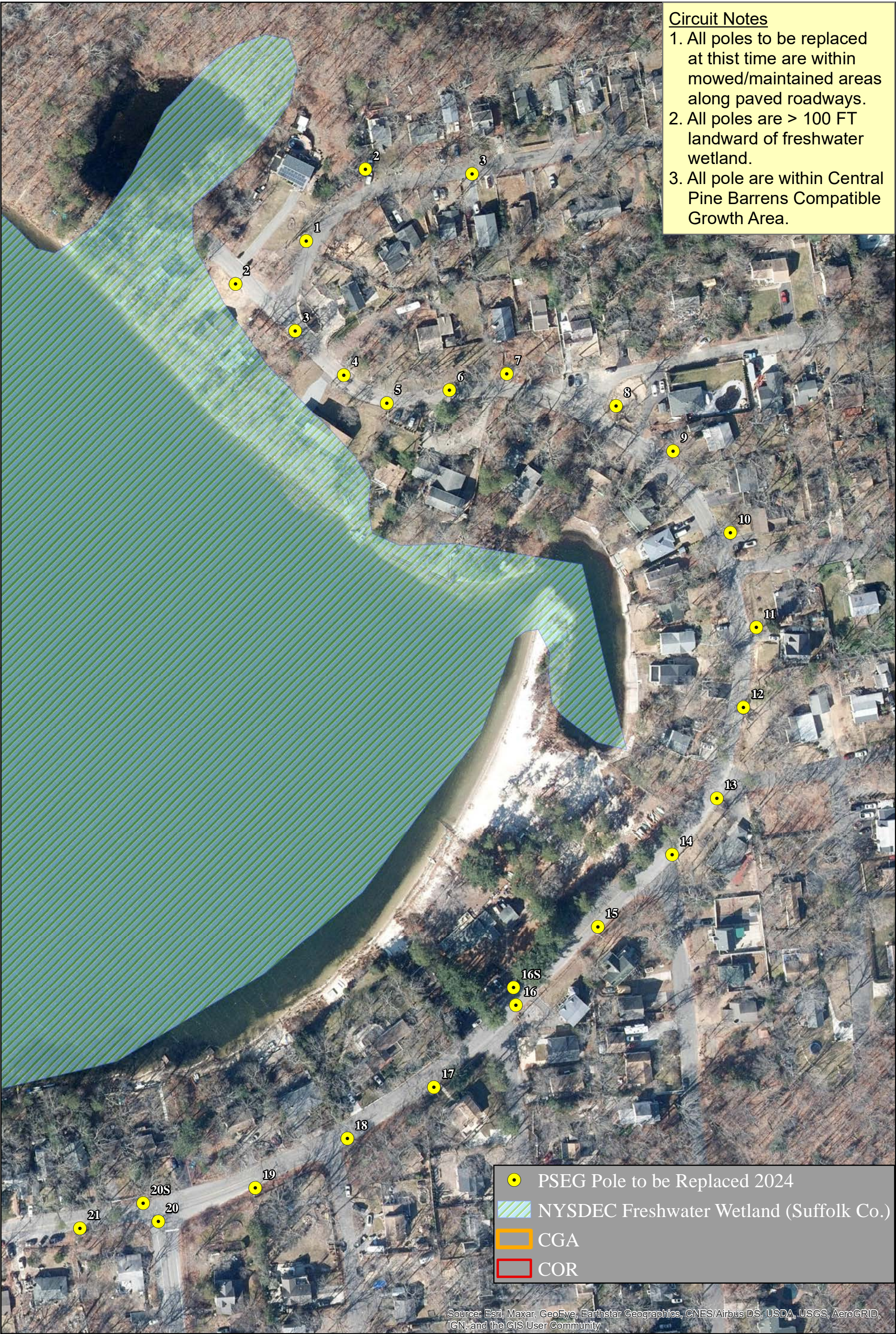
Circuit Notes

1. All poles to be replaced at this time are within mowed/maintained areas along paved roadways.
2. All poles are > 100 FT landward of freshwater wetland.
3. All pole are within Central Pine Barrens Compatible Growth Area.



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong). (c) OpenStreetMap contributors, and the GIS User Community

| | | | | |
|----------------------------|--|---|--|-----------------|
| LAKE PANAMOKA Ridge | | Prepared By: PSEG Long Island H2M architects + engineers Land Use Ecological Services, Inc. | Project: POLE REPLACEMENT For: PSEG Long Island At: Lake Panamoka, Ridge Circuit: 8DR-426 (43283) | |
| | | Date: 3/22/2024 | Revised: | Scale: As Noted |



Circuit Notes

1. All poles to be replaced at this time are within mowed/maintained areas along paved roadways.
2. All poles are > 100 FT landward of freshwater wetland.
3. All pole are within Central Pine Barrens Compatible Growth Area.

- PSEG Pole to be Replaced 2024
- NYSDEC Freshwater Wetland (Suffolk Co.)
- CGA
- COR

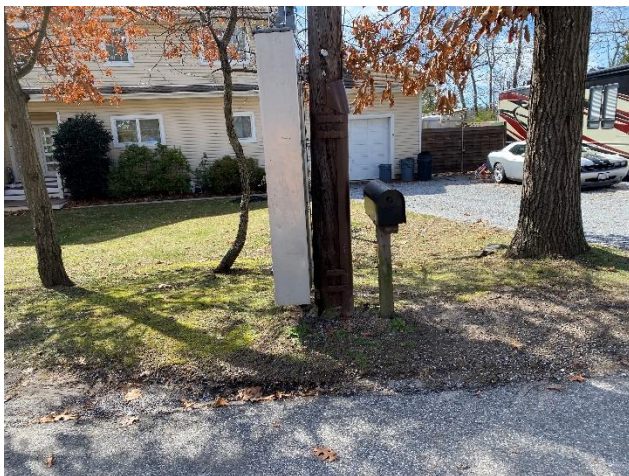
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

| | | | | | |
|-----------------------------------|---|--|-----------------|--|-------------------|
| <p>LAKE PANAMOKA Ridge</p> | <p>N</p> <p>1 in = 125 ft</p> <p>0 25 50 100 ft</p> | <p>Prepared By: PSEG Long Island H2M architects + engineers Land Use Ecological Services, Inc.</p> | | <p>Project: POLE REPLACEMENT For: PSEG Long Island At: Lake Panamoka, Ridge Circuit: 8DR-426 (43283)</p> | |
| | | <p>Date: 3/22/2024</p> | <p>Revised:</p> | <p>Scale: As Noted</p> | <p>Sheet: R-2</p> |








PSEG Long Island - Circuit 8DR-426 (43283)
Representative Photos of Poles 1S, 2-7
Lakeside Trail

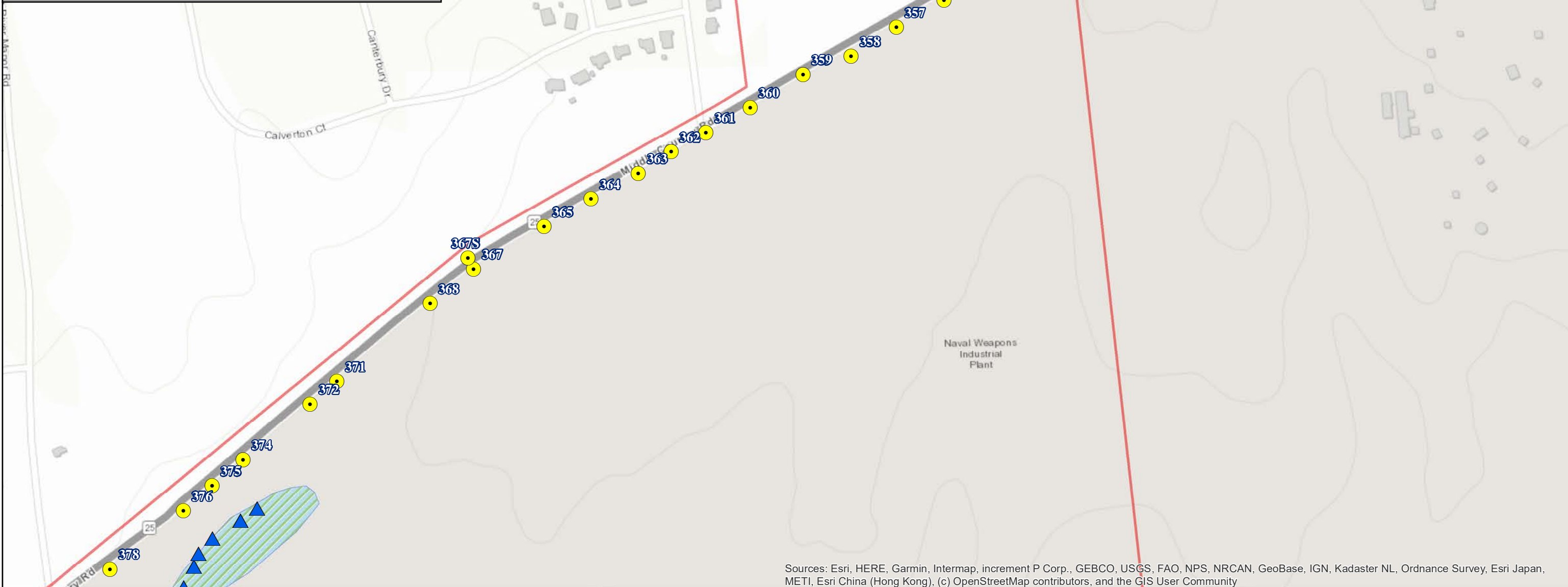
Photos taken 3/8/2024
by Land Use Ecological Services, Inc.



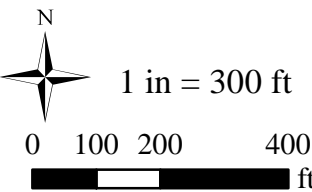
Circuit Notes

1. All poles are within mowed right-of-way along paved road.
2. All poles are greater than 100 FT landward of freshwater wetland.
3. Poles 352-378 are within Central Pine Barrens Core Preservation Area.
4. Poles 344-351 are within Central Pine Barrens Compatible Growth Area.

-  Wetland Flag (Land Use, 3/4/2024)
-  PSEG Pole to be Replaced
-  NYSDEC Freshwater Wetland (Suffolk Co.)
-  CGA
-  COR








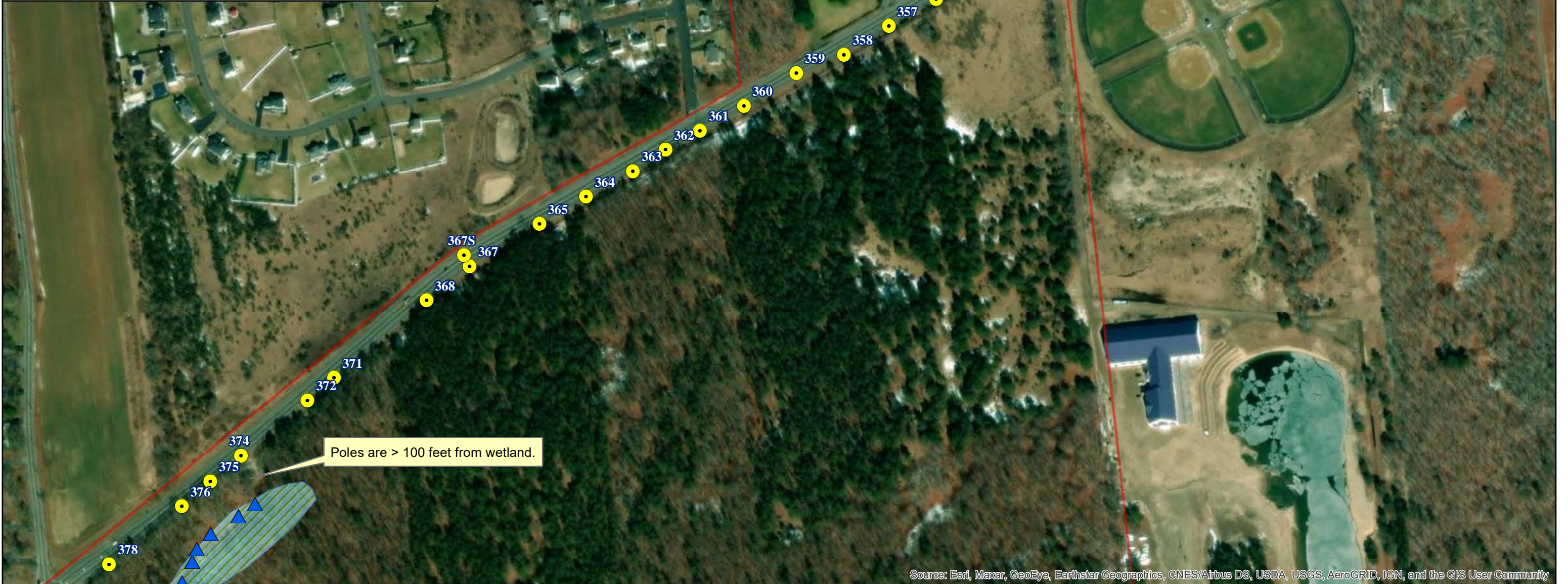
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

| | | | | | |
|--|---|---|----------|--|------------|
| MIDDLE COUNTRY RD Calverton |  <p>1 in = 300 ft 0 100 200 400 ft</p> | Prepared By: PSEG Long Island H2M architects + engineers Land Use Ecological Services, Inc. | | Project: POLE REPLACEMENT For: PSEG Long Island At: Middle Country Rd, Calverton Circuit: 8DR-426 (47344) | |
| | | Date: 3/4/2024 | Revised: | Scale: As Noted | Sheet: C-1 |

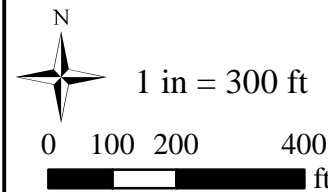
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2. All poles are greater than 100 FT landward of freshwater wetland.
3. Poles 352-378 are within Central Pine Barrens Core Preservation Area.
4. Poles 344-351 are within Central Pine Barrens Compatible Growth Area.

-  Wetland Flag (Land Use, 3/4/2024)
-  PSEG Pole to be Replaced
-  NYSDEC Freshwater Wetland (Suffolk Co.)
-  CGA
-  COR



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

| | | | | | |
|--|--|---|----------|--|------------|
| <p>MIDDLE COUNTRY RD Calverton</p> |  <p>1 in = 300 ft</p> <p>0 100 200 400 ft</p> | Prepared By: PSEG Long Island H2M architects + engineers Land Use Ecological Services, Inc. | | Project: POLE REPLACEMENT For: PSEG Long Island At: Middle Country Rd, Calverton Circuit: 8DR-426 (47344) | |
| | | Date: 3/4/2024 | Revised: | Scale: As Noted | Sheet: C-2 |

PSEG Long Island - Circuit 8DR-426 (47344) - Representative Photos of Poles 344-355

Photos taken 3/4/2024 and 3/6/2024 by Land Use Ecological Services, Inc.



Circuit Notes
 1. All poles are within mowed/maintained ROW in residential/developed areas.
 2. Poles along 25A and Radio Ave are within Central Pine Barrens Compatible Growth Area. (#165-211, 11-19)



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

- PSEG Pole to be Replaced
- NYSDEC Regulated Freshwater Wetland
- CGA
- COR

SOUND BEACH

N

 1 in = 840 ft
 0 250 500 1,000
 ft

Prepared By: PSEG Long Island
 H2M architects + engineers
 Land Use Ecological Services, Inc.

Date: 2/27/2024 Revised:

Project: POLE REPLACEMENT
 For: PSEG Long Island
 At: Sound Beach
 Circuit: 8M-7P2

Scale: As Noted Sheet: SB-1

Circuit Notes

1. All poles are within mowed/maintained ROW in residential/developed areas.
2. Poles along 25A and Radio Ave are within Central Pine Barrens Compatible Growth Area. (#165-211, 11-19)

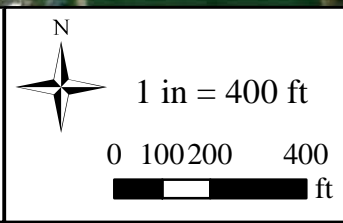


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- PSEG Pole to be Replaced
- NYSDEC Regulated Freshwater Wetland
- CGA
- COR

SOUND BEACH

SOUND BEACH



Prepared By: PSEG Long Island
 H2M architects + engineers
 Land Use Ecological Services, Inc.

Project: POLE REPLACEMENT
 For: PSEG Long Island
 At: Sound Beach
 Circuit: 8M-7P2

Date: 2/27/2024

Revised:

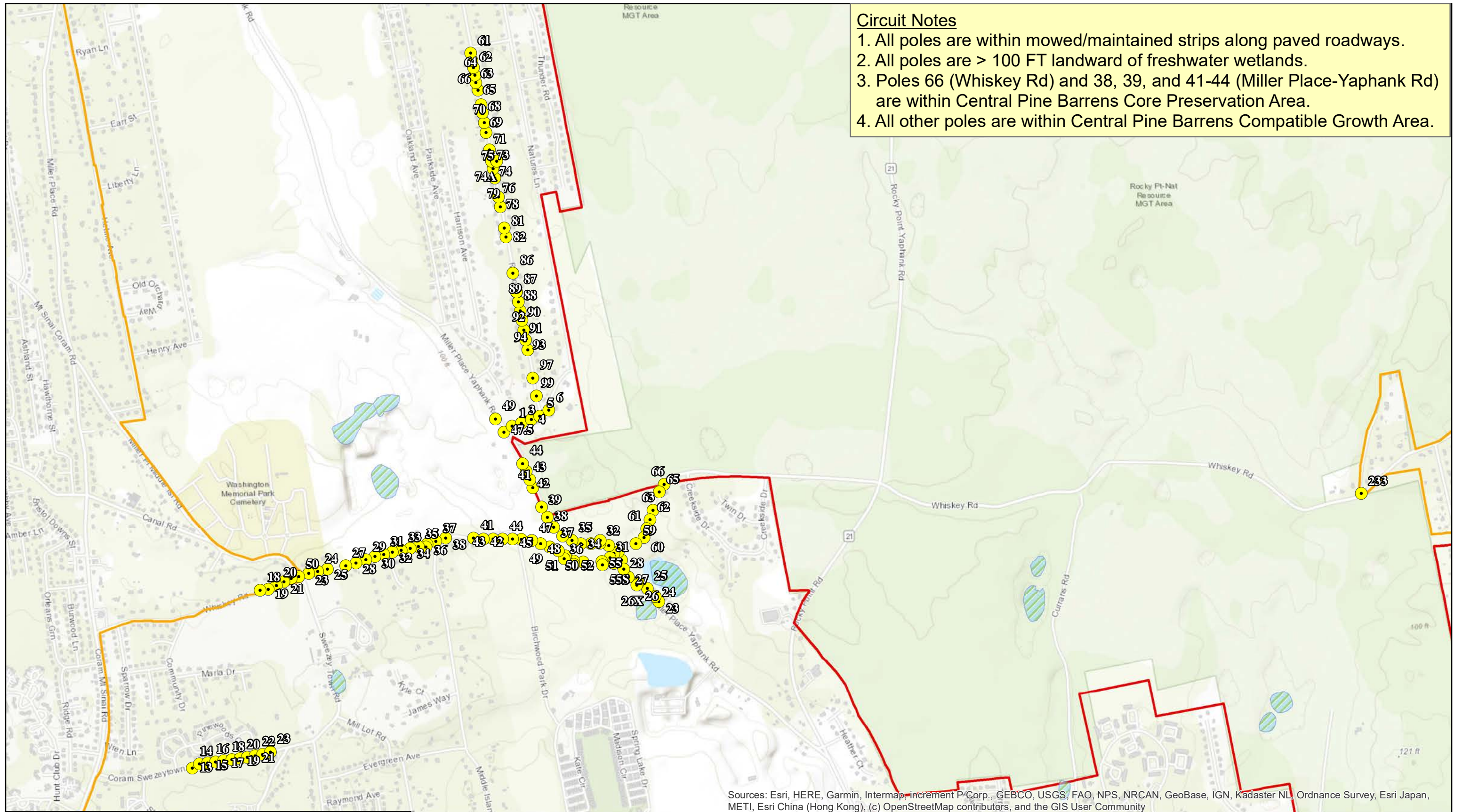
Scale: As Noted

Sheet: SB-2

PSEG Long Island - Circuit 8M-7P2 - Representative Photos of Poles 165-182 (Route 25A)

Photos taken 3/4/2024 by Land Use Ecological Services, Inc.





Circuit Notes

1. All poles are within mowed/maintained strips along paved roadways.
2. All poles are > 100 FT landward of freshwater wetlands.
3. Poles 66 (Whiskey Rd) and 38, 39, and 41-44 (Miller Place-Yaphank Rd) are within Central Pine Barrens Core Preservation Area.
4. All other poles are within Central Pine Barrens Compatible Growth Area.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

- PSEG Pole to be Replaced
- NYSDEC Freshwater Wetland (Suffolk Co.)
- CGA
- COR

MIDDLE ISLAND

1 in = 1,400 ft

0 500 1,000 2,000 ft

Prepared By: PSEG Long Island
 H2M architects + engineers
 Land Use Ecological Services, Inc.

Date: 2/27/2024 Revised:

Project: POLE REPLACEMENT
 For: PSEG Long Island
 At: Middle Island
 Circuit: 8XR-645

Scale: As Noted Sheet: MI-1

Circuit Notes

1. All poles are within mowed/maintained strips along paved roadways.
2. All poles are > 100 FT landward of freshwater wetlands.
3. Poles 66 (Whiskey Rd) and 38, 39, and 41-44 (Miller Place-Yaphank Rd) are within Central Pine Barrens Core Preservation Area.
4. All other poles are within Central Pine Barrens Compatible Growth Area.

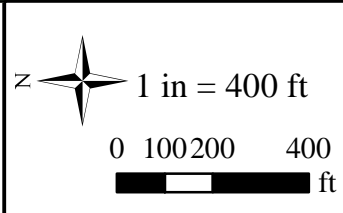


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Air

- PSEG Pole to be Replaced
- NYSDEC Freshwater Wetland (Suffolk Co.)
- CGA
- COR

MIDDLE ISLAND

MIDDLE ISLAND



Prepared By: PSEG Long Island
 H2M architects + engineers
 Land Use Ecological Services, Inc.

Date: 2/27/2024 Revised:

Project: POLE REPLACEMENT
 For: PSEG Long Island
 At: Middle Island
 Circuit: 8XR-645

Scale: As Noted Sheet: MI-2

**PSEG Long Island - Circuit 8XR-645
Representative Photos of Poles 13-23
Coram Swezeytown Road**

Photos taken 3/12, 3/13 and 3/14/2024
by Land Use Ecological Services, Inc.



TOWN OF SOUTHAMPTON

Department of Land Management
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



JANICE SCHERER
TOWN PLANNING AND
DEVELOPMENT ADMINISTRATOR

MARIA Z. MOORE
TOWN SUPERVISOR

April 10, 2024

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

Re: Town of Southampton Hardship Waiver Application
Riverside Sewage Treatment Plant
6, 8, 9, 10, 11, and 12 Enterprise Zone, Riverside
SCTM Nos.: 900-141-1-9.14, 9.25, 9.29, 9.30, 9.31, and 9.32

Dear Commissioners:

Please accept this letter as a request for an extension of time for the Commission to take an action on the above-referenced matter. The Town Board adopted a Notice of Completion for the Supplemental Final Generic Environmental Impact Statement (see resolution attached) and we anticipate the adoption of SEQRA findings and special district formation at the Board's regular meeting of April 23, 2024. Since the SEQRA record must be complete before the Commission can take an action, we respectfully request that you extend the action deadline and endeavor to make a decision at the regular May meeting.

Should you have any questions, please feel free to contact my office at 631-702-1804.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads 'Janice Scherer'.

Janice Scherer
Town Planning and
Development Administrator



Southampton Town Board

116 Hampton Road
Southampton, NY 11968

ADOPTED

TOWN BOARD RESOLUTION 2024-475

Meeting: 04/09/24 01:00 PM

Department: Long Range Planning

Category: SEQRA

Prepared By: Theresa Masin

Initiator: Theresa Masin

Sponsors: Supervisor Maria Z. Moore

DOC ID: 46073

Resolution to Accept and File a Notice of Completion for the Supplemental Final Generic Environmental Impact Statement (SFGEIS) in Connection with the Siting and Construction of a Community Sewage Treatment Plant (STP) and associated Collection and Conveyance System in the Hamlet of Riverside

WHEREAS, in 2015, following public hearings and the preparation of a Generic EIS in accordance with Section 617.10 of 6 NYCRR (SEQRA), the Southampton Town Board as Lead Agency by resolution 2015-1227 accepted the Final GEIS and filed A Notice of Completion for Publication in the Environmental Notice Bulletin (ENB) as prescribed in SEQRA (6 NYCRR) Section § 617.12; and

WHEREAS, subsequently the Riverside Overlay District (ROD) Zoning Amendments were adopted into Chapter 330 (Zoning) of the Town Code of the Town of Southampton; and

WHEREAS, as identified in the GEIS, in order to implement the zoning and realize the development plan for Riverside, the construction of a Sewage Treatment Plant (STP) and creation of a Sewer District with the associated capital improvements/infrastructure is necessary; and

WHEREAS, in anticipation of this, the Town of Southampton has worked with New York State's Environmental Facilities Corporation (EFC) to list the project on the Intended Use Plan and participate in the hardship financing process that produced an Independent Value Engineering Report; and

WHEREAS, in order to formulate a sewer district, the Town is required to identify and describe information including but not limited to the specific details of the siting and design details for the plant, pump stations, wells, clearing of land, infrastructure plan and required easements and other economic considerations discussed in a draft Map, Plan and Report that has been the subject of ongoing public hearings; and

WHEREAS, the subject action of siting the STP is considered Type I pursuant to SEQRA (non-residential use that involves over 10 acres per §617.4(b)(6)(i)) and by Resolution 2023-630, the Town Board re-coordinated Lead Agency, with no other Involved Agency requesting to be lead; and

WHEREAS, by Resolution 2023-902, the Town Board assumed Lead Agency and Issued a Positive Declaration so that a Supplemental Draft Generic Environmental Impact Statement (SDGEIS) on the siting/location of the STP and collection/conveyance system would be prepared; and

WHEREAS, pursuant to Resolution 2023-780, the Town's Consultant has prepared the requisite SEQRA documentation for inclusion in said Supplemental Draft Generic Environmental Impact Statement (SDGEIS); and

WHEREAS, by Resolution 2023-1339, the Town Board deemed the SDGEIS adequate for public review and schedule a public hearing on December 12, 2023; and

WHEREAS, a public hearing was held on December 12, 2023 and continued on January 23, 2024; and

WHEREAS, a third public hearing, scheduled for February 13, 2024 was postponed to February 15, 2024 due to inclement weather; and

WHEREAS, the third public hearing was held on February 15, 2024, in coordination with the first public hearing on the Sewer District formation; and

WHEREAS, the public hearing on SEQRA was closed on February 15, 2024 with a fourteen (14) day written comment period; and

WHEREAS, on March 27, 2024, the Town's Consultant submitted the Supplemental Final Generic Environmental Impact Statement (SFGEIS) for Staff review; and

WHEREAS, Land Management Staff reviewed the document and provided suggested edits to the consultant and the Town Planning & Development Administrator recommends Town Board acceptance; now, therefore, be it

RESOLVED, that the Supplemental Final Generic Environmental Impact Statement (SFGEIS) for the the Siting and Construction of a Community Sewage Treatment Plant (STP) and associated Collection and Conveyance System in the Hamlet of Riverside is hereby accepted as complete, and the Department of Land Management is directed to prepare and file a Notice of Complete Supplemental Final Generic Environmental Impact Statement for publication in the next available Environmental Notice Bulletin (ENB), as prescribed in SEQRA (6NYCRR) Section §617.12; and be it further

RESOLVED, that the Town Clerk is hereby direct that this resolution, together with a copy of the Supplemental FGEIS document, be forwarded to the following involved agencies:

1. New York State Department of Environmental Conservation-Region 1 (SPDES, STP Design, Permitting)
Attn: Susan Ackerman
50 Circle Road
Stony Brook, New York 11790-3409
2. Central Pine Barrens Joint Planning & Policy Commission (CGA)
Attn: Judy Jacobson, Executive Director
624 Old Riverhead Road
Westhampton Beach, New York 11978
3. New York State Environmental Facilities Corporation (Funding)
Attn: Harry Nelson, P.E. Manager, Metro and Eastern Projects
625 Broadway, Albany, New York 12207-2997
Harry.Nelson@efc.ny.gov

4. New York State Department of Transportation (Mains, pump station easement)
Region 10, Office of Right of Way
Perry B. Duryea, Jr. State Office Building
250 Veterans Memorial Highway
Hauppauge, NY 11788
Attn: Michael Librizzi
Real Estate Acquisition, Surplus Property, Property management
5. New York State Comptroller (Sewer district formation)
Attn: Michael Caplice, Long Island Regional Director
Office of Intergovernmental & Community Affairs
State Office Building, Suite 4A-8A
250 Veterans Memorial Highway
Hauppauge, NY 11788
6. Suffolk County Department of Health Services (Sewer connections)
Chief Craig Knepper, P.E., Office of Wastewater Management
335 Yaphank Avenue
Yaphank, New York 11980
7. Suffolk County Department of Public Works (Mains along County Roads, Individual sewer connections)
William Hillman, P.E., Chief Engineer
335 Yaphank Avenue
Yaphank, NY 11980
8. Suffolk County Water Authority
4060 Sunrise Highway
Oakdale, NY 11769
9. Suffolk County Sewer Agency
Joseph Brown, P.E., Commissioner of Public Works and Sewer Agency Chair
335 Yaphank Avenue
Yaphank, NY 11980
10. PSEG Long Island (electrical demand)
117 Doctors Path Riverhead, NY 11901
Attn: Chris Hawks
11. National Grid Environmental Department
175 East Old Country Road Hicksville, NY 11801
Attn: Cathy Waxman, Environmental Engineer
12. U.S. Environmental Protection Agency, Region 2
Attn: Anne Rosenblatt Schaffer
Via email: Schaffer.anne@epa.gov

; and be it further

RESOLVED, the Town Clerk is hereby directed to forward a copy of this resolution to all additional involved and interested agencies identified below:

1. Southampton Town Planning Board (STP Site plan approval)
Attn: Jacqui Lofaro, Chair
2. Southampton Town Building Department (STP Building Permits)
Attn: Sean McDermott, Chief Building Inspector
3. Southampton Town Highway Department (Mains along Town Roads)
Attn: Charles McArdle, Superintendent
4. Southampton Town Engineering Department (SWPPP)
Attn: Thomas Houghton, P.E., Town Engineer
5. Southampton Town Conservation Board (Wetlands permit)
Attn: Marty Shea, Chief Environmental Analyst
6. FRNCA c/o Angela Huneault
P.O. Box 602
Riverhead, NY 11901
7. Peconic Estuary Partnership
Attn: Joyce Novak, PhD, Executive Director
300 Center Drive Room 250S, Riverhead NY 11901
8. Town of Riverhead
Attn: Dawn Thomas, Esq., Community Development Director
200 Howell Avenue, Riverhead NY 11901
9. Riverhead Central School District
Attn: Cheryl Pedisich, Interim Superintendent of Schools
814 Harrison Avenue
Riverhead, New York 11901

; and be it further

RESOLVED, all interested agencies and any individuals are hereby provided the digital link to review the FEIS on the Town's website:

<https://www.southamptontownny.gov/1835/Riverside-STP>

BE IT FURTHER RESOLVED, pursuant to SEQRA, the Town Clerk is further directed that this resolution, together with a copy of the Supplemental FGEIS document, be forwarded to NYSDEC Commissioner at 625 Broadway, Albany, New York, 12233-1011; and

BE IT FURTHER RESOLVED, that copies of the Supplemental FGEIS shall be made available to the public:

- In the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.
- At the Riverhead public library
- On the Town's website: <https://www.southamptontownny.gov/1835/Riverside-STP>

Financial Impact

None

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Maria Z. Moore, Supervisor |
| SECONDER: | Tommy John Schiavoni, Councilman |
| AYES: | Moore, McNamara, Iasilli, Pell, Schiavoni |



April 17, 2024

Amy Moody
Planning Division
Town of Brookhaven
One Independence Hill
Farmingville, New York 11738

RE: Brookhaven Town Board referral
Ross Electric Change of Zone and Site Plan, Log # 2024-002-CZ
120 Middle Country Road, Middle Island, Brookhaven Town
SCTM Number 200-431-3-26.3
Central Pine Barrens Compatible Growth Area

Dear Ms. Moody:

On March 12, 2024, the Central Pine Barrens Commission office received the subject referral. The project site is in the Central Pine Barrens Compatible Growth Area.

Existing Conditions and Project Description

The project site is located on the south side of Middle Country Road in the hamlet of Middle Island, in the Central Pine Barrens Compatible Growth Area.

The site is 1.16 acres and is located in the J Business 2 and A Residence 1 Zoning Districts. The site plan package was prepared by Vollmuth and brush dated November 30, 2023.

The Existing Conditions plan shows existing wooded areas and developed areas, a 4,000 square foot building, parking and trailers. The Site Plan identifies the existing building to remain and the proposed 4,700 square foot building in the rear.

The proposed development consists of:

- Change of zone from J Business 2 and A Residence 1 to L Industrial 1
- Construction of one-story, 4,700 square foot warehouse
- Open space 35% or 37,769 square feet

Central Pine Barrens Status

The proposal appears to constitute development activity pursuant to the Long Island Pine Barrens Protection Act (the Act), New York State Environmental Conservation Law (ECL) Article 57. Therefore, the proposal must conform with the standards for land use in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan) as implemented by the Zoning Code. If the project does not conform, the

Robert T. Calarco
Chairman

Timothy C. Hubbard
Member

Maria Z. Moore
Member

Daniel J. Panico
Member

Edward P. Romaine
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

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

application may be revised to conform or the applicant must apply for a CGA Hardship Waiver from the Commission, subject to review and action.

ECL Article 57 Section 57-0123.3(a) states:

...“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

The project must conform with the Commission’s standards for land use in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (the Plan) as implemented by the Zoning Code. Staff has prepared preliminary comments for your review and consideration on the project’s conformance with one or more of the Plan Standards. The applicant must demonstrate that the project conforms with all applicable standards of the Plan prior to implementation of the project.

- It appears a subdivision occurred in the recent past. Please have the applicant provide information on when the subdivision occurred that created this lot and its approval
- Please confirm no wetlands are present and no species of special concern are expected to be present or adversely impacted by the project. (Standards 5.3.3.4 and 5.3.3.7)
- Prior to development, the project must obtain other agency permits and approvals including a Suffolk County Department of Health Services approval (5.3.3.1.1) and a Stormwater Pollution Prevention Plan (SWPPP) (Standard 5.3.3.5.1).
- Vegetation Clearance Limit Standard 5.3.3.6.1
 - The project must conform with this standard. In the A1 zoning category, clearing is limited to a maximum of 53%. The maximum clearing limit in J2 zoning category is 65%. Please calculate the amount of site area in each different district and apply the limits to each area. The maximum clearing limit will be the sum of the amount of clearing allowed in each district. Please confirm the project conforms. If it does not conform, it must be revised to conform or the applicant must apply for and obtain a hardship waiver prior to development.
 - Revegetation does not count toward conformance with the standard. The development project must conform absent revegetation.
 - Identify the amount of natural vegetation that presently exists on the project site. If the site is presently overcleared, no clearing of natural vegetation may

occur for the project without the Commission's approval of a hardship waiver request.

- Flag and stake existing trees and natural vegetation for protection during and after construction.

- Standard 5.3.3.6.3 Fertilizer dependent vegetation limit
 - The project must conform with the maximum 15% fertilizer dependent vegetation limit. Please have this limit noted in the plan.

- Standard 5.3.3.6.4 Native Plantings
 - Install native plants in the restoration plan.
 - Submit a landscape plan to the Town for review of conformance with this standard.

- Require a Declaration of Covenants and Restrictions to be recorded to protect existing natural vegetation. (Standard 5.3.3.9.1)

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

Sincerely,

Julie Hargrave
Policy and Planning Manager

cc: Judy Jakobsen, Executive Director
John C. Milazzo, Counsel
Office of the Brookhaven Town Clerk



Town of Brookhaven Long Island

Daniel J. Panico, Supervisor

DATE: March 12, 2024

TO: Peter E. Fountaine, Town of Brookhaven, Division of Environmental Protection
Christopher Mehrman, Town of Brookhaven, Division of Fire Prevention
Daniel P. Losquadro, Town of Brookhaven, Highway Department
Judy Jakobsen, Central Pine Barrens Joint Planning & Policy Commission
Melik Tariq, New York State, Department of Transportation
Gregson H. Pigott, Suffolk County, Department of Health Services

FROM: Amy Moody
Planning Division

RE: Town Board Application: **Ross Electric**, Log # **2024-002-CZ**
Proposed change of zone from J-Business-2 and A-Residence-1 to L-Industrial-1, proposed new warehouse building, associated site improvements, variances and special permit; Proposed amendment of restrictive covenant to relocate a 50' buffer.
120 Middle Country Road (NYS Route 25), S/S Middle Country Road (NYS Route 25), 397' W/O Brian Court, Middle Island
SCTM: 0200 43100 0300 026003, 1.16 acres

Attached is a copy of a new application this office has received. A copy of the proposed site plan, a Town Board Land Use Application, and Part 1 of an Environmental Assessment Form supplied by the applicant are enclosed for your consideration.

Please reply within 30 days of the date of this mailing. Also, kindly forward any information or concerns you may have regarding this proposal, particularly with respect to your agency's areas of expertise and jurisdiction, which would enhance the utilization of this site or provide additional protection to the community.

All correspondence should be forwarded to:

**Town of Brookhaven
OFFICE OF THE TOWN CLERK
Kevin J. Lavallo
One Independence Hill
Farmingville, NY 11738**

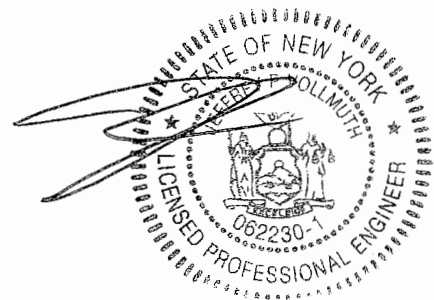
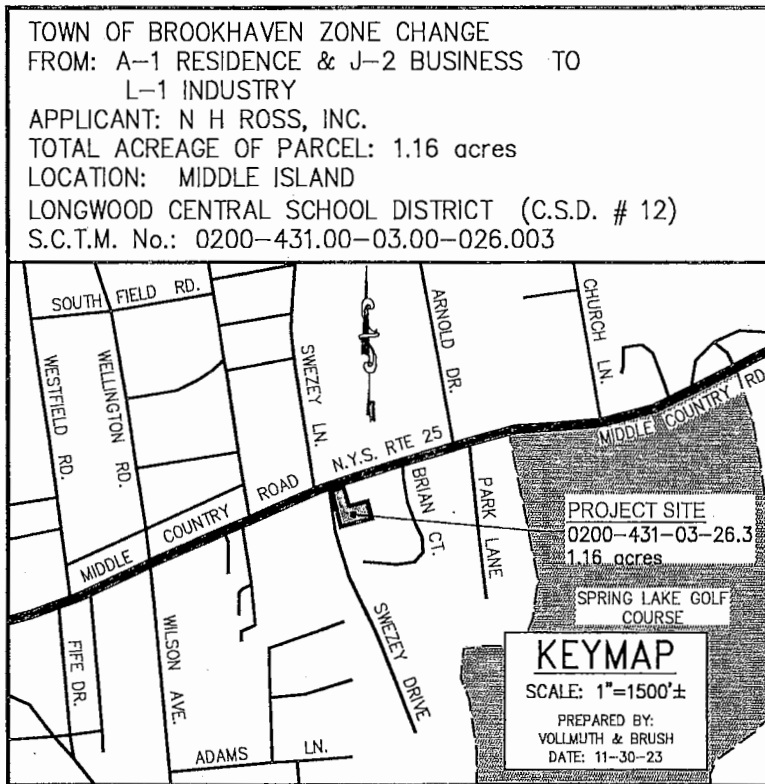
Thank you for your continued cooperation. If you have any questions or need any further information, please contact this Division.

Cc: Kevin J. Lavallo, Brookhaven Town Clerk

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

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

JAN 19 '24 PM2153 REC TOBCLRK





Town of

Brookhaven

Long Island, New York

Land Use Application

One Independence Hill, Farmingville, NY 11738

Form PL-01 rev E 1/1/2019

Page 1 of 11

Please check the appropriate application request:

1. TOWN BOARD:

- 1a. AMENDMENT OF RESTRICTIVE COVENANT (TBR)
- 1b. CHANGE OF ZONE (CZ)
- 1c. PLANNED DEVELOPMENT DISTRICT (PDD)(CZ)
- 1d. SPECIAL PERMIT (CZ)

JAN 17 '24 PM2:42 REC TOBCLRK

Case Number: Application Date:

Town Use Only

2. PLANNING BOARD:

- 2a. AMEND RESTRICTIVE COVENANT (Relief of Covenant) PBR
- 2b. FINAL SUBDIVISION - FS
- 2c. LAND DIVISION - LD
- 2d. PLANNING BOARD VARIANCE
- 2e. PRELIMINARY FINAL SUBDIVISION - FS
- 2f. PRELIMINARY SUBDIVISION - PS
- 2g. ROAD IMPROVEMENT/RESUBDIVISION - RI
- 2h. SINGLE FAMILY RESIDENCE - SF
- 2i. SITE PLAN- SP
- 2j. SPECIAL PERMIT - SP
- 2k. 278 CLUSTER TREATMENT (Submitted w/PS, FS, PF, LD or RI)
- 2l. OTHER:

Application is hereby made to the Town of Brookhaven for the application type requested.

By application submittal, the applicant does hereby authorize employees or agents of the Town of Brookhaven to enter and inspect the project site as necessary in conjunction with this application.

3. PLANNING DIVISION:

- 3a. CHANGE OF USE - CU (including facade and minor additions up to 500 sf)
- 3b. FIRE/AMBULANCE, ETC. - OM
- 3c. TEST HOLE - TH
- 3d. TREE CLEARING - TC
- 3e. REVEGETATION PLAN- RV



Town of
Brookhaven
 Long Island, New York

Land Use Application

Form PL-01 rev E 1/1/2019 Page 2 of 11

I. GENERAL APPLICATION:

Suffolk County Tax Map (SCTM) Property Number: (Use "Scope of Work" section below to list any additional SCTM #'s)

A. PROPERTY LOCATION:

| DISTRICT | SECTION | BLOCK | LOT |
|----------|---------|-------|------|
| 200 | 431 | 3 | 26.3 |

Name of Application:

Located at #: , on the N E S W side of:

Distance: , N E S W of:

Hamlet: Post Office:

Ambulance District: School District:

Fire District: *Total Proposed S.F. of Building(s):

Property Size (Acres): OR Square Feet:

Disturbed Property Size (Acres): OR Square Feet:

Present Zoning/Use of Site: Proposed Zoning/Use of Site:

Name of Subdivision:

Subdivision Lot Number:

Yes No Does the property in question conform to the lot area requirement?

Scope of Proposed Work: (Please list all SCTM #'s associated with application)

The proposed application requests a change of zone to L-1 Industrial. The subject property 1.16 acres is split zoned J-2 (0.59 acres) & A-1(0.57 acres). The property is developed with an existing 4,000 sq.ft. Building which is occupied by Ross Electric a company that installs/maintains electric services in commercial and residential buildings. It also has a tenant H.D. Supply which warehouses electrical supplies which are sold to only Ross Electric. There are reportedly no retail sales by Ross Electric or H.D. Supply. Ross Electric also trains their staff within the existing building. There are a number of storage containers which are currently stored outside on site and Ross Electric parks their trucks and vans overnight on site. Both uses are not acceptable in J-2 Zone. The proposed zone change to L-1 Industrial will allow Ross Electric to construct a 4,700 sq.ft. building with parking on the property. The Ross Electric and H.D. Supply uses are consistent with L-1 Zoning as they both are warehouse type uses with limited office. The new 4,700 sq.ft. building will reportedly be occupied by H.D. Supply and used to warehouse electrical supplies. They will allow Ross Electric to utilize 100% of the 4,000 sq.ft. existing building. The proposed conceptual Site Plan demonstrates that the site can be improved under L-1 Zoning to create 8,700 sq.ft. of total building area with sufficient parking/loading and open space. The need to store containers on the site will be eliminated. The overnight parking of approximately 8 registered vehicles is provided.

The site improvements include additional drainage/landscape and lightings. A new I/A sanitary system will be installed for the proposed building. The Site Plan is compliant with the Pine Barrens Compatible Growth requirements. The site requires a variance for required L-1 Lot Area in a hydrogeologic sensitive Zone and Site/Front yard minimum setbacks to the existing building. A Planning Board Special Permit is required for the overnight parking provision. A Planning Board Variance is required for the front yard landscape area (50%) requirement. The existing building limits available area for landscape in the front yard



Town of
Brookhaven
 Long Island, New York

Land Use Application

Form PL-01 rev E 6/2/15 Page 3 of 11

B. PROPERTY OWNER/ENTITY CONSENT: *(separate sheets may be used for multiple owners)*

Be advised that I am the owner of record of the property referenced herein and hereby consent to this application. By this application, the owner does hereby authorize employees or agents of the Town of Brookhaven, in conjunction with this application, to enter and inspect the project site as necessary.

Owner/Entity Name:

Firm Name:


Address:

Hamlet: State: Zip: Tel#:

E-mail: Fax#:

If corporation, name of responsible officer: Title:

IN WITNESS WHEREOF I have hereto set my hand onto this day of , 2023


 Sign By Owner/Officer Neal S. Ross

STATE OF NEW YORK)

COUNTY OF SUFFOLK) ss:
 On the 28th day of December in the year 2023 before me, the undersigned, personally appeared Neal S. Ross personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individuals(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


 Notary Public

TERESA M. LOGRIECO
 Notary Public, State of New York
 No. 01LO6363862
 Qualified in Suffolk County
 Commission Expires August 28, 2025



Town of
Brookhaven
Long Island, New York

Land Use Application

Form PL-01 rev E 6/2/15

Page 4 of 11

C. APPLICANT/CONTRACT VENDEE/LESSEE

(If same as owner, state in name field below)

Name: Firm Name:

Street Address:

City: State: Zip:

E-mail: Tel#:

Fax#:

D. PLAN PREPARER

Name: Firm Name:

Street Address:

City: State: Zip:

E-mail: Tel#:

Fax#:

E. ATTORNEY/AGENT (If applicable):

Name: Firm Name: ¹

Street Address:

City: State: Zip:

E-Mail: Tel#:

Fax#:

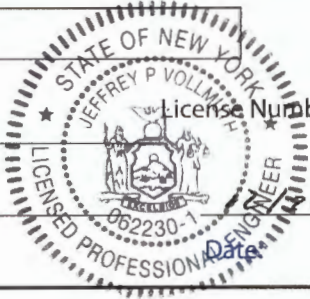
F. Removal of Excess Materials

Engineers Certification:

The site plan or subdivision submitted to the Board depicts an excess of cubic yards, proposed to be removed from the premises.

Name: Phone Number:

E-mail: License Number:



Signature:

Date:



Town of
Brookhaven
Long Island, New York

Land Use Application

Form PL-01 rev E 6/2/15

Page 5 of 11

II. BOARD OF ETHICS TRANSACTIONAL DISCLOSURE:

Case Number:

A. APPLICANT

Application Date:

Name:

Address:

City:

State:

Zip:

Tel#:

E-Mail

Fax#:

Yes No

Does any officer of the State of New York, officer or employee of the Town of Brookhaven, officer or employee of Suffolk County, officer of a political party in Suffolk County or his or her spouse, brother, sister, parent, child, grandchild, or the spouse of any of them have an interest in this application by virtue of being the actual applicant, or, by virtue of having an interest in the corporation, partnership, or association making such application?

B. If you checked "Yes" above, please complete the following section below:

Interested Party and Nature of Interest:

Name:

Address:

City:

State:

Zip:

Title:

Department:

Relationship to Public Officer/Employee and Title if other than Self:

Yes No

1. Is the owner of greater than five percent (5%) of the corporate stock of the application when the applicant is a corporation whose stock is listed on the New York or American Stock Exchanges,

Yes No

2. The actual applicant,

Yes No

3. An Officer, Director, Partner, or Employee of the applicant, or ,

Yes No

4. Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant.

Neal S. Ross

Print Name:

Signature:

On the 28th day of December, in the year 2023, before me, the undersigned, a Notary Public in and for said State, appeared Neal S. Ross, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their/ capacity(ies), and they by his/her/their signature(s), on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Notary Public:

TERESA M. LOGRIECO
Notary Public, State of New York
No. 01LO6363862
Qualified in Suffolk County
Commission Expires August 28, 2025



Town of
Brookhaven
Long Island, New York

Land Use Application

Form PL-01 rev E 6/2/15

Page 6 of 11

III. A. PROJECT DATA

- Yes No 1. Is the property within 500' of the boundary of any village or town? Village/Town
- Yes No 2. Within 500' of any existing or proposed County or State Parkway, Thruway, Expressway or highway?
- Yes No 3. Within 500' of any existing or proposed boundary of any County, State or Federal owned land?
- Yes No 4. Within 500' of any existing or proposed place of public assembly?
- Yes No 5. Within 100' of any freshwater or tidal wetland system?
- Yes No 6. Within Carmans River Watershed area?
- Yes No 7. Within a designated Historic District or Historic District Transition Zone?
- Yes No 8. Are there any existing covenants or restrictions affecting the premises for which the approval is sought?
If **Yes**, please attach a copy certified by the Suffolk County Clerk.
- Yes No 9. Are there covenants or conditions being offered which would affect the use or development of this property?
- Yes No 10. Is the property improved with any structures or signs? If **Yes**, attach a copy of any Certificate of Occupancy(s), Certificates of Existing Use(s), and/or Certificate of Zoning Compliance(s) for all of the existing structures and/or signs.
- Yes No 11. Is the property located within the New York State Hydrogeologic Sensitive Zone?
- Yes No 12. Is the property located within the New York State designated Central Pine Barrens area?
- Yes No 13. Is there any Pine Barrens Credits being purchased?
- Yes NO 14. Does the owner/applicant own or have any interest in any contiguous property?
If **Yes**, list the SCTM numbers below:

- Yes No 15. Have you applied for Health Department approval for sanitary waste for the proposed use?
- Yes No 16. Do any Special Districts or utilities service the site?
If **Yes**, please explain below:

- Yes No 17. Will there be any use, manufacture, or disposal of any hazardous materials, and/or ground water resources be utilized in any other way other than for normal potable consumption, and/or any air, noise or light emissions occur. If **Yes**, please explain below:

- Yes No 18. Is the property located on an improved road?
- Yes No 19. Is the road Town maintained?
- Yes No 20. Does the proposed property disturb more than one acre of land? If **Yes**, please prepare a Stormwater Pollution Prevention Plan.
- Yes No 21. Is the property located within a designated Zoning Overlay District?
- Yes No 22. Was the property subject to a public hearing on a change of zone application within the last 12 months?



III. B. PROJECT DATA: ECONOMIC IMPACTS

Completed for all commercial/industrial projects and residential projects greater than 10 Units
 (If not applicable, check here and go to Section IV) N/A

1. Does project involved Local, State or Federal funding? Yes No

2. **If single phase project:**
 Anticipated period of construction months. (including demolition). 8
3. **If multi-phased:**
 - a. Total number of phases anticipated.
 - b. Expected date of commencement Phase 1. (including demolition)
 - c. Approximate completion date of final phase. (month/year)
 - d. Is Phase 1 functionally dependent on subsequent phases? Yes No

4. Number of jobs generated during construction. (full time equivalent) 6
5. Number of jobs generated after completion. (full time equivalent) no change
6. Number of jobs eliminated by this project. NA
7. What are the current tax revenues generated by the project site? \$18,482.57
8. What tax revenues will project generate after completion? \$18,481.57
9. What is the estimated cost of construction? \$1,000,000
10. How many schoolchildren is the project expected to generate? N/A
11. What is the estimated cost of educating the school-age children generated by the completion of this project? N/A



Town of
Brookhaven
Long Island, New York

Land Use Application

Form PL-01 rev E 6/2/15

Page 8 of 11

IV. SPECIAL USE PERMITS & VARIANCES:

A1. If the proposed project requires a **Special Permit**, please **check** the appropriate **Board** and describe the Special Permit request in the space below:

Town Board Planning Board Zoning Board of Appeals

85-565D Special Permit Planning Board : Outdoor or overnight parking of registered vehicles as an accessory use to a permitted principal use.

B1. If the proposed project requires **Variations, or Waivers**, please **check** the appropriate **Board**, state the nature of the request and the reason in the space below:

Town Board Planning Board Zoning Board of Appeals

85-567A(3) Minimum Lot Area Hydrogeologic Zone: 120,000 sq.ft., Required Existing Lot Area 50,769 sq.ft. ZBA
 85-567 C (1) Minimum Front Yard Setback 50 ft Required, Existing Building 25 ft. ZBA
 85-567 D(1) Minimum Side Yard Setback 10 ft required, Existing Building 2.9 ft ZBA

85-843 A(2) Minimum of 50% of required landscape shall be in front yard. Existing condition 1,657 sq.ft., 5,077 required

2. VARIANCES/WAIVERS REQUESTED:

Please check the type of variance/waiver request and specify the size proposed:
 [Note: Upon application review, additional variance/waiver request(s) may be added by Town Application Examiners.]

| | |
|---|--|
| <input checked="" type="checkbox"/> Lot Area | <input type="checkbox"/> 1st Story Sq. Ft. |
| <input type="checkbox"/> Lot Width | <input type="checkbox"/> 2nd Story Sq. Ft. |
| <input checked="" type="checkbox"/> Front Yard Setback | <input type="checkbox"/> Special Permit Criteria |
| <input type="checkbox"/> Rear Yard Setback | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Side Yard Setback Minimum | Total |

3. List the structure(s) requiring variance/waiver(s): Specify whether each structure is **PROPOSED** or **EXISTING**:

| | | |
|--|--------------------------|-------------------------------------|
| <input type="text" value="Existing 4,000 sq.ft. Building, with CO"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="text"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="text"/> | <input type="checkbox"/> | <input type="checkbox"/> |



| | |
|---|---|
| Town of Brookhaven Long Island, New York | <h1>Land Use Application</h1> |
| | Form PL-01 rev E 6/2/15 Page 9 of 11 |

C1. If the proposed project requires an **Amendment to a Restrictive Covenant**, please **check** the appropriate **Board** and describe: A) Existing covenant for which relief is sought; B) Description of requested relief; and, C) Reason for requested relief, in the space below:

Town Board
 Planning Board
 Zoning Board of Appeals

N/A

2. Percentage of current covenant area affected: % Proposed percentage of covenant area affected: %.

3. Percentage of current buffer area affected: % Proposed percentage of buffer area affected: %.

V. SUBDIVISION/LAND DIVISION: N/A

A1. Complete for all subdivision/land division/road improvements

| | | |
|--|----------------------|--------------------------------------|
| Deed(s) recorded in the Suffolk County Clerk's Office: | | Number of Lots: <input type="text"/> |
| Date: | Liber: | Page: |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

- Yes No 2. Are there encumbrances or liens against this land other than mortgages?
 Yes No 3. Will the final plat be filed in sections, or will it cover the entire preliminary layout?
 Yes No 4. Are all the public open spaces shown on the layout to be dedicated for public purposes?
 5. How many acres are to be dedicated for public park or playground purposes?

Reset Form

**TOWN OF BROOKHAVEN
TRANSACTIONAL DISCLOSURE FORM
(Conflict of Interest Form)**

A Transactional Disclosure form is required when someone submits certain applications to Brookhaven Town. The purpose of the disclosure is to alert the Town if a party of influence has an interest in this application or if someone within the Town who will participate in the decision has an interest.

***Note:** It is required that a copy of this form be sent to the Director of the Board of Ethics.

Name N.H. Ross, Inc. Address 120 Middle Country Road
City Midde Island State NY Zip 11953
Telephone 516-315-5240 Email nealross@nhross.com Fax _____

This form is for:

- An individual A partnership
 A corporation An association

Nature of Application:

- Tax Grievance for non-residential parcel Variance
 Amendment Change of Zone
 Approval of Plat Exemption from Plat or Official Map
 License or Permit affecting real property Bidding on contract(s)

Affected parcel (address) 120 Middle Country Road, Middle Island, NY

Does any officer or employee of the Town of Brookhaven, member of an executive committee of a political party, or his/her spouse, brother, sister, parent, child, grandchild or spouse of any of them, have an interest in this application by virtue of being the actual applicant, being the owner of the actual property or having an interest in the corporation, partnership or association making such application? Yes ___ No X

If Yes, complete the appropriate section below.

If No, sign and date at end of form.

Please complete the following relevant section below:

For individual:

Interested Party:

Name _____ Address _____
City _____ State ___ Zip _____

Effective 11/1/10

For corporation:

Interested Party:

Name _____ Address _____

City _____ State ____ Zip _____

Title _____ Department _____

Relationship to Public Officer/Employee and Title, if other than Self: _____

Yes ___ No ___ Is the owner of greater than five percent (5%) of the corporate stock of the application when the applicant is a corporation whose stock is publicly traded.

Yes ___ No ___ The actual applicant,

Yes ___ No ___ An Officer, Director, Partner, or Employee of the applicant, or

Yes ___ No ___ Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant.

For partnership or association:

Interested Party:

Name _____ Address _____

City _____ State ____ Zip _____

Title _____ Department _____

Relationship to Public Officer/Employee and Title, if other than Self: _____

Yes ___ No ___ Does the owner hold greater than five percent (5%) interest of publicly traded shares?

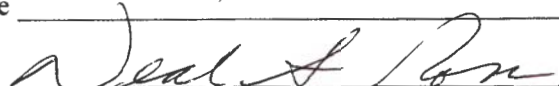
Yes ___ No ___ The actual applicant,

Yes ___ No ___ An Officer, Director, Partner, or Employee of the applicant, or

Yes ___ No ___ Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant.

ALL APPLICANTS PLEASE FILL OUT BELOW:

Print Name Neal S. Ross, President Date 12/28/23

Signature 

Effective 11/1/10

GENERAL SITE PLAN NOTES:

- 1. All concrete curbing, sidewalks, and drainage structure shall conform to Planning Board standard detail and specifications.

L-1 Zoning Evaluation

Table with 2 columns: L-1, Proposed. Rows include Minimum Lot Area, Minimum Road Frontage, Minimum Front Yard Setback, etc.

85-565 D Outdoor Parking of Registered Vehicles. Ross Electric Service Vans and Trucks will be overnight stored in 7? spaces on site.

PARCEL SERVICED BY:

- SUFFOLK COUNTY POLICE
VERIZON TELEPHONE
PSEG LONG ISLAND
MIDDLE ISLAND POST OFFICE

PARK LANE

SITE DATA TABLE:

Table with 4 columns: AREA OF SITE - OVERALL, AREA OF SITE - PER ZONING, AREA OF BUILDING COVERAGE, etc.

THIS IS A VIOLATION OF THE NEW YORK STATE BUILDING LAW AND THE RULES AND REGULATIONS OF THE BOARD OF EXAMINERS OF PROFESSIONAL ENGINEERS AND SURVEYORS.

PROJECT OWNER: N H Ross, Inc. 120 Middle Country Road Middle Island, N.Y. 11953

PROJECT NAME: Ross Electric 120 Middle Country Road Middle Island, N.Y. 11953

TOWN OF BROOKHAVEN APPROVED: TOWN ENGINEER SHEET TITLE: CONCEPTUAL DEVELOPMENT SITE PLANS DIMENSIONAL

Vollmuth & Brush Environmental Engineering & Land Surveying 200 Blue Point Avenue Blue Point, New York 11715

Project No.: 22062 N.Y.S. LIC. NO. 62230 Date: 11/30/23 Scale: 1"=20' Drawn by: JCF Delum: NAVD-1988 CAD ID: 22062_SP2 TAX MAP ID: 0200-431.00-03.00-026.003

RECEIVED JAN 19 2024

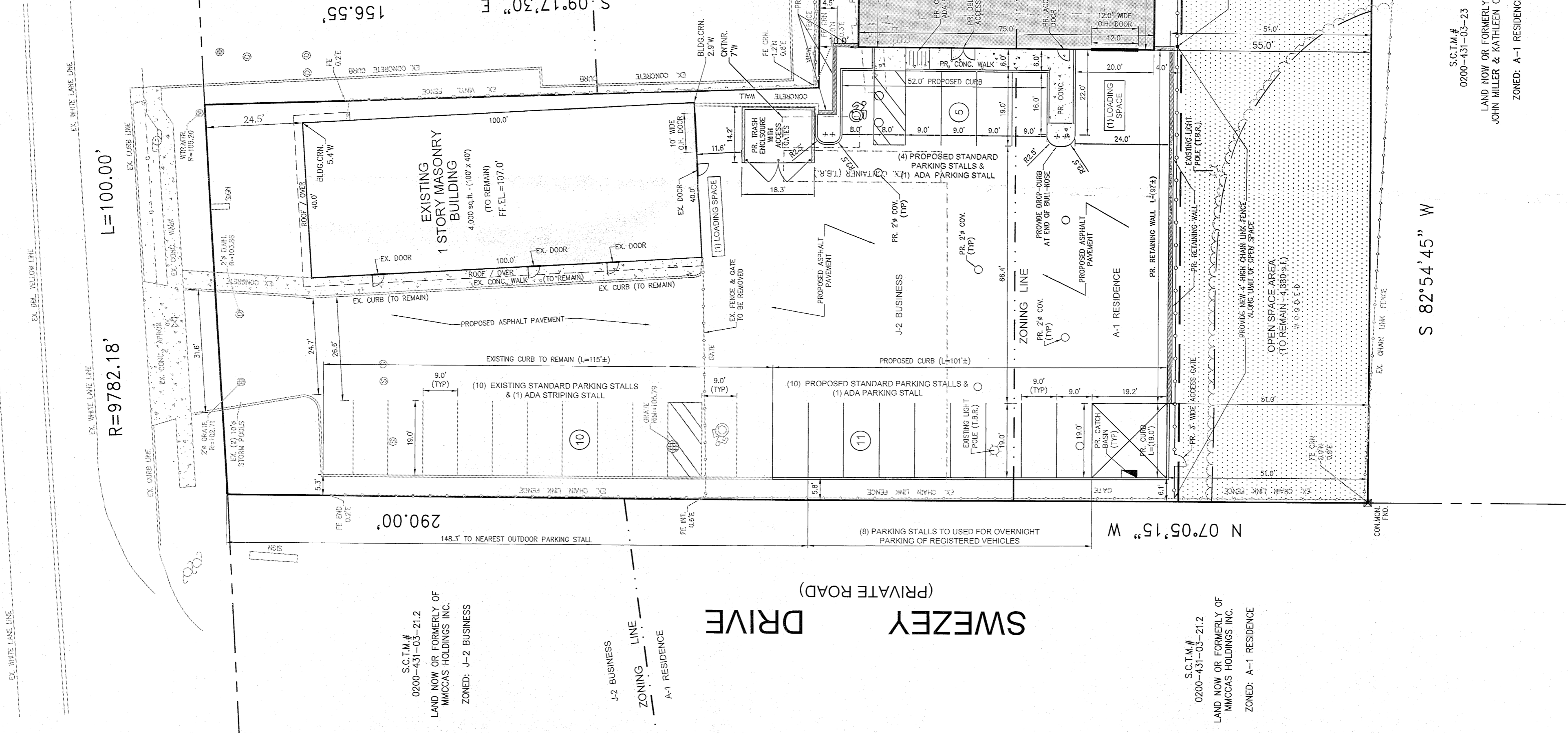
Form of Disbursement From Client's Office

LIGHTING NOTE: SUBSEQUENT TO ZONE CHANGE APPROVAL THE SITE PLAN WILL BE UPDATED WITH 100% DARK SKY COMPLIANT FIXTURES COMPLIANT WITH TOWN CODE

GENERAL NOTES:

- 1. BASE SURVEY INFORMATION TAKEN FROM SURVEY PREPARED BY: PJM LAND SURVEYING, PLLC, 400 W. Main Street, Suite 1252, ENTITLED: BOUNDARY & TOPOGRAPHIC SURVEY, DATED 8/22/1, LAST REVISED 8/28/23

MIDDLE COUNTRY ROAD (S.R.25)



R=9782.18'

L=100.00'

964±

156.55' E

S 09°17'30" E

N 82°54'45" E

144.19'

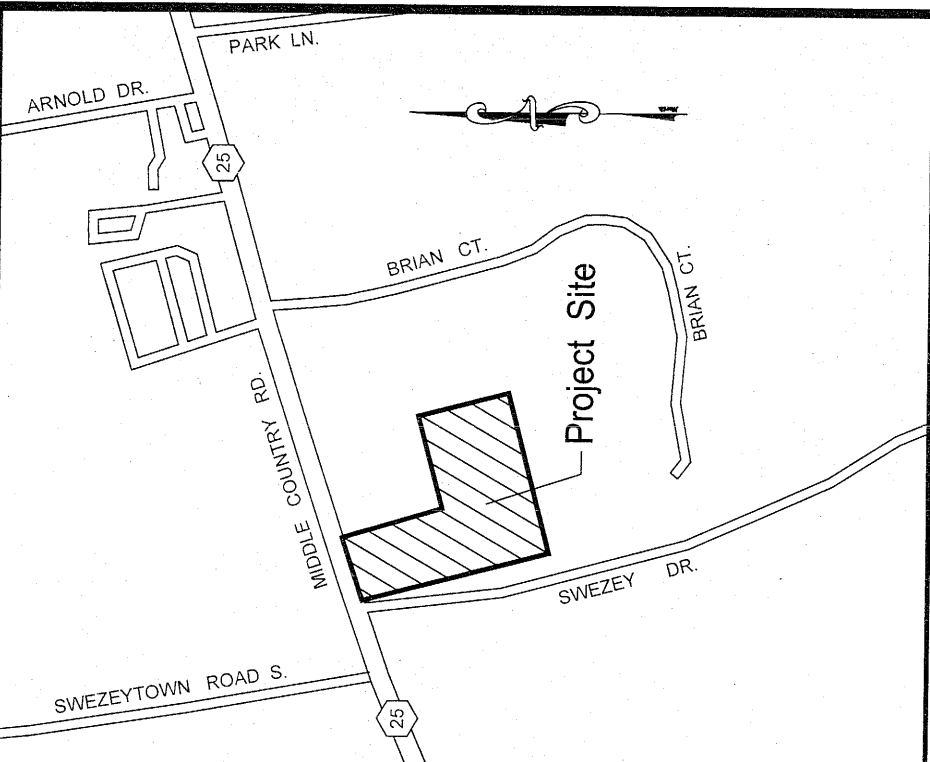
S 07°05'15" E

140.00'

250.00'

S 82°54'45" W

N 07°05'15" W



REVISIONS:

| NO. | DATE | COMMENT |
|-----|----------|--|
| 1 | 12/18/23 | UPDATED EXISTING TOPOGRAPHY & ZONING TABLE |

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW TO ALTER, REPRODUCE, TRANSMIT, OR MAKE AVAILABLE BY ANY MEANS UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR, BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR, IS ALTERED IN ANY WAY, THE ALTERNATIVE ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS/HER SEAL AND THE NOTATION "ALTERED BY [NAME], [LICENSE NO.], [DATE]" TO THE ORIGINAL DRAWING WITH AN ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

PROJECT OWNER:
N H Ross, Inc.
120 Middle Country Road
Middle Island, N.Y. 11953

Neal S. Ross

PROJECT NAME:
Ross Electric
120 Middle Country Road
Middle Island, N.Y. 11953

TOWN OF BROOKHAVEN

APPROVED: TOWN ENGINEER

SHEET TITLE:
**CONCEPTUAL DEVELOPMENT
SITE PLANS**

EXISTING CONDITIONS

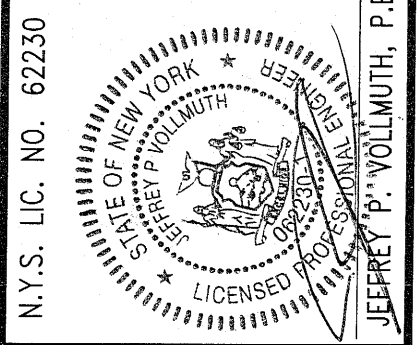
Vollmuth & Brush
Environmental Engineering & Land Surveying
200 Blue Point Avenue,
Blue Point, New York 11715
© est. 1988 N.Y.C. (212) 775-0988 Website: www.vollmuth.com

Project No.: 22062
N.Y.S. LIC. NO.: 62230

Date: 11/30/23
Scale: 1"=20'

Drawn by: JCF
Datum: NAVD-1988

CAD ID: 22062_SP2



TAX MAP ID: 0200-431.00-03.00-026.003
Lot: LAT
Lot: LONG
SHEET NUMBER: C-001

GENERAL SITE PLAN NOTES:

- All concrete curbing, sidewalks, and drainage structure shall conform to Planning Board standard detail and specifications.
- Work shall be performed in accordance with the Department of Planning, Environment and Land Conservation Engineering Inspector in the Department of Planning, Environment and Land Conservation, Office of the Inspector, 100 South Street, 10th Floor, New York, NY 10038, during the hours of 9:00am - 4:30pm, Monday through Friday.
- Please contact the Division of Engineering at (631)-451-6400 to schedule a pre-construction meeting for the commencement of any and all construction activities.
- Location and grade for the proposed driveway shall be in accordance with the Town of Brookhaven Department, SCDPW or NYS DOT prior to construction.
- All traffic control devices, i.e. signs, signals, and pavement markings shall be installed in accordance with the Town of Brookhaven Department of Traffic Safety Uniform Traffic Control Devices and as directed by the Town of Brookhaven, Division of Traffic Safety.
- The contractor performing any and all traffic control device layout and installation work shall work in accordance with the Town of Brookhaven Division of Traffic Safety, 48 hours in advance of beginning such work along a town road.
- All pavement markings required shall be thermoplastic (Suffolk County specifications) unless otherwise noted on plan.
- Signage and distance shall be maintained at all intersections in accordance with AASHTO requirements.

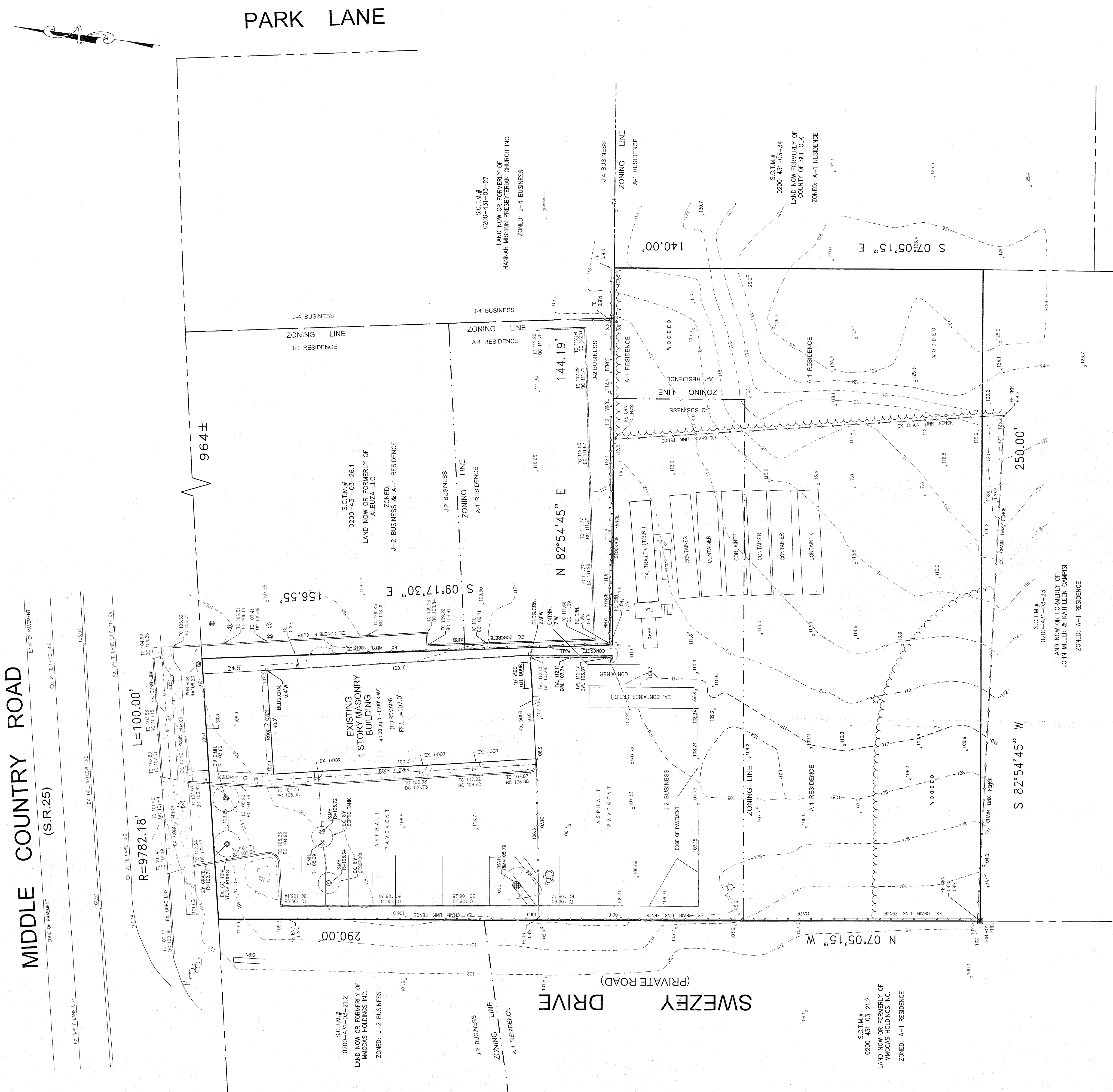
GENERAL NOTES:

- BASE SURVEY INFORMATION TAKEN FROM SURVEY PREPARED BY D.M. LAND SURVEYING, P.L.C. PROJECT NO. 2021-282, ENTITLED: BOUNDARY & TOPOGRAPHIC SURVEY, DATED 8/27/21, LAST REVISED 8/28/23

RECEIVED

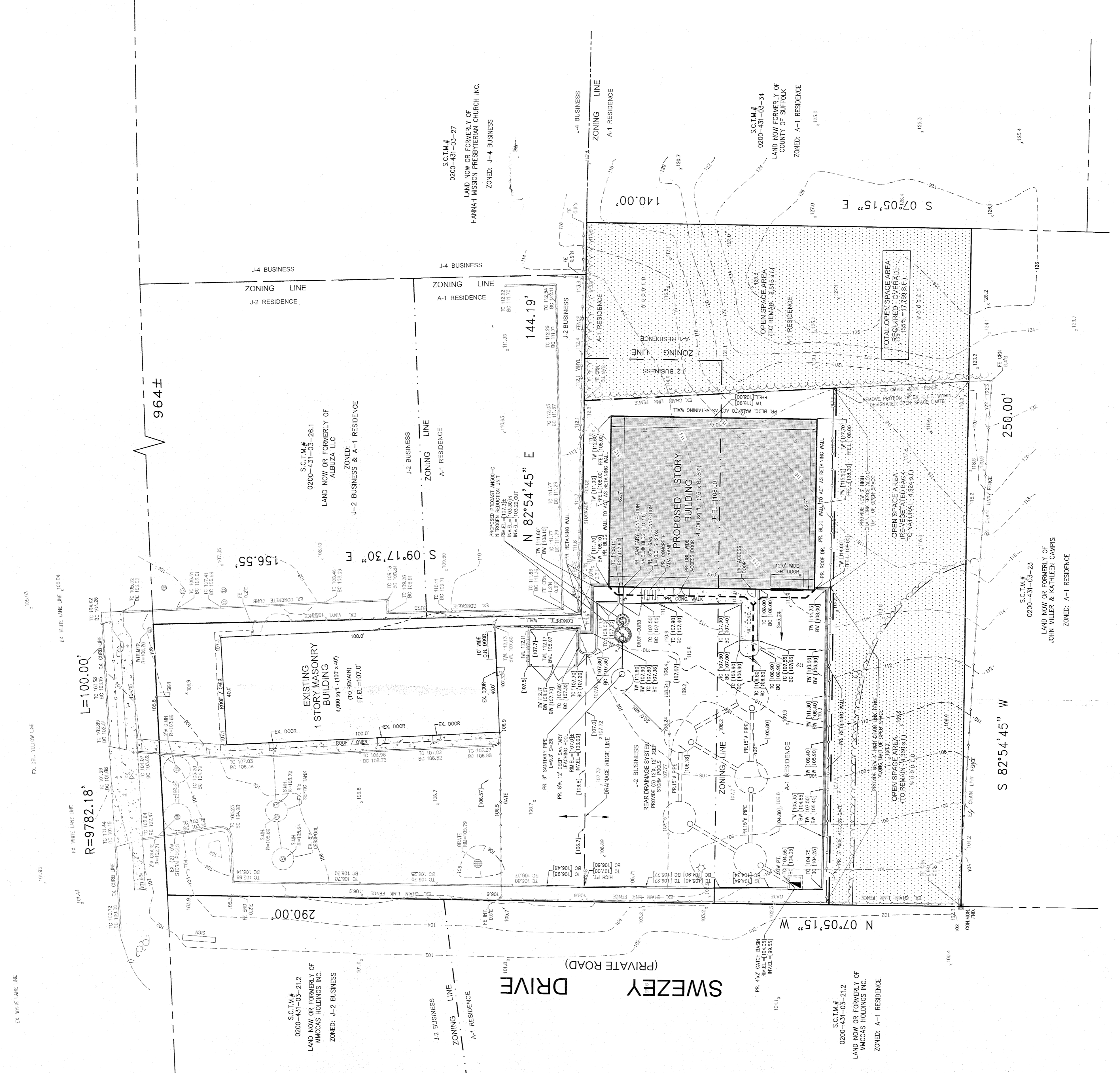
JAN 19 2024

Town of Brookhaven
Town Clerk's Office



MIDDLE COUNTRY ROAD
(S.R.25)

PARK LANE



GENERAL SITE PLAN NOTES:

- All concrete curbing, sidewalks, and drainage structure shall conform to Planning Board standard.
- Management shall be notified 48 hours in advance of all construction at 631-451-6400 between 9:00am and 4:30pm Monday through Friday.
- Please call the Planning Board at 631-451-6400 to schedule a pre-construction meeting 48 hrs prior to the commencement of any construction activities.
- Location and grades for curbs and walks to be verified with the Town of Brookhaven Highway Department prior to construction.
- All traffic control devices shall be installed in accordance with the guidelines of the New York State Traffic Manual.
- The contractor shall be responsible for obtaining all necessary traffic control devices from the Town of Brookhaven, Division of Traffic Safety, 48 hours in advance of beginning such work along a Town road.
- Other traffic control devices required shall be thermoplastic (Suffolk County specifications) unless otherwise noted on the plans.
- Stop line sight distance shall be maintained at all intersections in accordance with AASHTO requirements.

SANITARY CALCULATIONS

| | |
|-----------------------------|-----------------|
| Total Property Area | 1.16 acres |
| Groundwater Management Zone | III |
| Allowable Flow Factor | 300 gpd/acre |
| Allowable Sanitary Flow | 348 gpd |
| Proposed Floor Area | 8700 sq.ft. |
| SCDHS Flow Factor | 0.04 gpd/sq.ft. |
| Proposed Sanitary Flow | 348 gpd |

Existing Building has CO and Approved SCDHS System in Place
 Proposed Building System
 SCDHS Flow Factor
 Proposed Sanitary Flow
 Proposed IA System
 Hydro action Model AN500-C (traffic bearing design)
 Leaching Pool (1) 8 ft diameter, 12 ft effective depth

STORMWATER DRAINAGE CALCULATIONS

*All storm pools must have traffic bearing slabs

| Item | Area | CW |
|--|-------------------|------|
| Roof (sq.ft.) | 4,725 | 1 |
| Pavement (sq.ft.) | 9,039 | 1 |
| Concrete (sq.ft.) | 422 | 1 |
| Grass (sq.ft.) | 0 | 0.15 |
| Total Area | 14,186 sq.ft. | |
| Design Rainfall (ft) | 0.42 | |
| Cubic Feet Storage Required: | 5,911 cubic feet | |
| Diameter of Storm Pools Provided: | 12 feet | |
| Number of Existing Storm Pools Provided: | 5 | |
| Depth of Each Leaching Pool: | 12 feet | |
| Storage per linear foot provided: | 100.88 cubic feet | |
| Storage Provided Sub-grade: | 6,053 cubic feet | |
| Storage Provided @ Grade: | 0 cubic feet | |
| Total Storage Provided: | 6,053 cubic feet | |

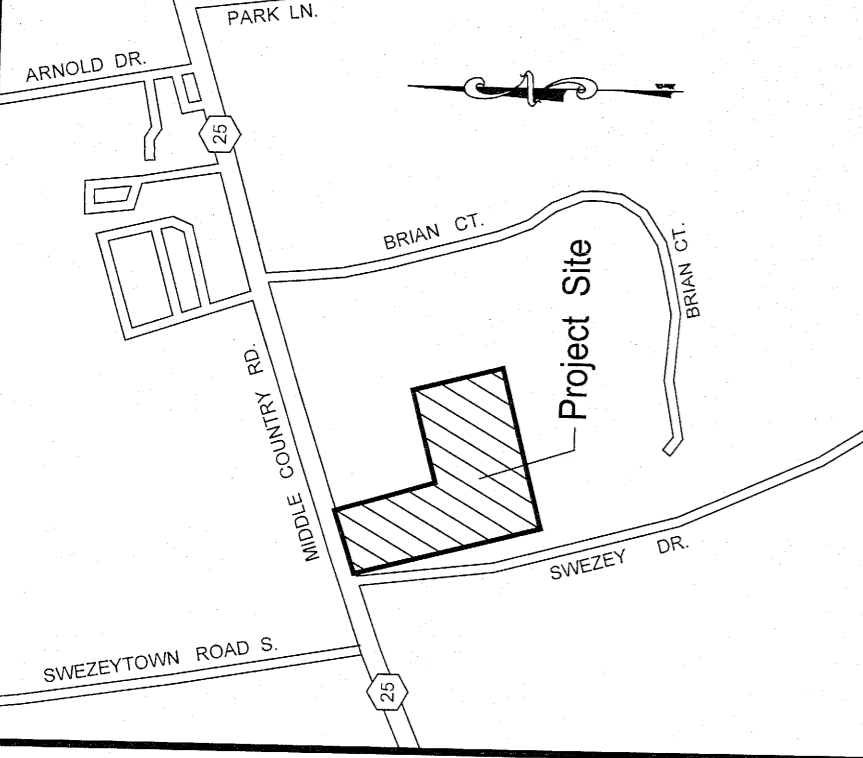
Material Balance Information

| | |
|---------------------------------|-------------------|
| ACAD Surface Model | 1,898 cu.yds |
| Cut Required to Finish Grade | 7 cu.yds |
| Fill Required to Finish Grade | 1,891 cu.yds out |
| Net Export | |
| Subgrade Cuts from Finish Grade | |
| Building Slab | 4,700 sq.ft. |
| Pavement | 17,947 sq.ft. |
| Drainage | 6,237 sq.ft. |
| Sanitary | |
| Total Export | 2,887 cu.yds |
| Land Use Application Report | 3,031 cu.yds (5%) |

GENERAL NOTES:

- BASE SURVEY INFORMATION TAKEN FROM SURVEY PREPARED BY PJM LAND SURVEYING, P.L.C. DATED 02/12/82, ENTITLED, BOUNDARY & TOPOGRAPHIC SURVEY, DATED 8/21/81, LAST REVISED 8/29/82

Vicinity Map:
Scale: 1"=300'



REVISIONS:

| NO. | DATE | COMMENT |
|-----|----------|--|
| 1 | 12/18/23 | UPDATED EXISTING TOPOGRAPHY & ZONING TABLE |

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PROJECT OWNER:
N H Ross, Inc.
 120 Middle Country Road
 Middle Island, N.Y. 11953

PROJECT NAME:
Ross Electric
 120 Middle Country Road
 Middle Island, N.Y. 11953

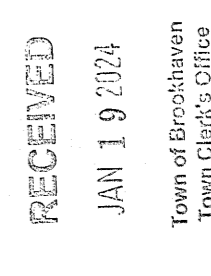
TOWN OF BROOKHAVEN
APPROVED: TOWN ENGINEER

SHEET TITLE:
CONCEPTUAL DEVELOPMENT SITE PLANS

GRADING & DRAINAGE

Vollmuth & Brush
 Environmental Engineering & Land Surveying
 200 Blue Point Avenue,
 Blue Point, New York 11715
 LI (631) 383-2883 FAX (631) 383-2882
 © est. 1988 N.Y.C. (212) 715-0988 Website: www.vollmuth.com

Project No.: 22062 N.Y.S. LIC. NO. 62230
 Date: 11/30/23
 Scale: 1"=20'
 Drawn by: JCF
 Datum: NAVD-1988
 CAD ID: 22062_SP2
 Project: 0200-431-03-21.2
 Tax Map ID: 0200-431.00-03.00-026.003
 Loc.: LAT
 SHEET NUMBER: **C-200**



**Full Environmental Assessment Form
Part 1 - Project and Setting**

.JAN 13 '24 PM2:44 REC TOBCLRK

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

| | | |
|---|---------------------------|-----------------------------|
| Name of Action or Project: Ross Electric | | |
| Project Location (describe, and attach a general location map): 120 Middle Country Road, Hamlet of Middle Island, Town of Brookhaven, Suffolk County, New York (SCTM#: District 0200 - Section 431.00 - Block 03.00 - 00 - Lot 026.003). See attached site location map. | | |
| Brief Description of Proposed Action (include purpose or need): See Attachment. | | |
| Name of Applicant/Sponsor: Neal Ross, N.H Ross Inc. | Telephone: (516) 315-5240 | E-Mail: nealross@nhross.com |
| Address: 120 Middle Country Road | | |
| City/PO: Middle Island | State: New York | Zip Code: 11953 |
| Project Contact (if not same as sponsor; give name and title/role): Eric J. Russo, Esq., VanBrunt, Juzwiak and Russo, P.C. | Telephone: (631) 589-5000 | E-Mail: eric@vbjr.com |
| Address: 140 Main Street | | |
| City/PO: Sayville | State: New York | Zip Code: 11782 |
| Property Owner (if not same as sponsor): N/A | Telephone: | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |

B. Government Approvals

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

New York State Heritage Area: Long Island North Shore

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

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
J Business 2 and A Residence 1 zoning districts of the Town of Brookhaven

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

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? L Industrial 1 (Light Industry)

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
Suffolk County Police Department - 6th Precinct

c. Which fire protection and emergency medical services serve the project site?
Middle Island Fire Department provides fire protection and emergency medical services to the project site.

d. What parks serve the project site?
Bartlett Pond Park serves the Subject Property. However, as a commercial/industrial use, the Proposed Action is not expected to place any demand on area parks.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial - warehouse, office and outdoor storage of overnight vehicles.

b. a. Total acreage of the site of the proposed action? 1.16± acres
 b. Total acreage to be physically disturbed? 0.33± acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.16± acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 85 Units: square feet

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed?
 iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: 8± months
 ii. If Yes:
 • Total number of phases anticipated
 • Anticipated commencement date of phase 1 (including demolition) month year
 • Anticipated completion date of final phase month year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

| | <u>One Family</u> | <u>Two Family</u> | <u>Three Family</u> | <u>Multiple Family (four or more)</u> |
|---------------|-------------------|-------------------|---------------------|---------------------------------------|
| Initial Phase | _____ | _____ | _____ | _____ |
| At completion | _____ | _____ | _____ | _____ |
| of all phases | _____ | _____ | _____ | _____ |

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 1
 ii. Dimensions (in feet) of largest proposed structure: 35± height; 62.7± width; and 75 length
 iii. Approximate extent of building space to be heated or cooled: 4,700± square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? For building foundation and infrastructure (drainage, sanitary leaching, etc.)
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): 3,031 cubic yards
 • Over what duration of time? 1 month
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Material to be removed includes earth and rock. Excavated materials will be disposed of in accordance with applicable Town, County and State regulations.
 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ 0.33± acres
 vi. What is the maximum area to be worked at any one time? _____ 0.33± acres
 vii. What would be the maximum depth of excavation or dredging? _____ 15± feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____
N/A.

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

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

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

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

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

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

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

i. Total anticipated water usage/demand per day: _____ 188± gallons/day *

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

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

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

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

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

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

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

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

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

i. Total anticipated liquid waste generation per day: _____ 188± gallons/day

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

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

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

*It should be noted that while the sanitary design flow would increase due to construction of the proposed building, there are no substantial changes to the operation of the existing facility expected to result from implementation of the Proposed Action, such that no actual appreciable increase in water use would be expected.

Yes No
 Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
The Proposed Action includes the installation of a new Innovative/Alternative Waste Treatment System at the Subject Property in accordance with Suffolk County Department of Health Services standards.

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
N/A

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- ii. Describe types of new point sources. _____
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
Eight commercial vehicles associated with the existing tenants
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
N/A
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
N/A (heat pumps will be installed to heat and cool the proposed building)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- ii. In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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

If Yes:

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

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

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

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

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

If Yes:

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

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

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

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

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

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

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

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

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

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
81 MWh

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

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

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

| | |
|---|---|
| <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 a.m. - 6:00 p.m. **</u> • Saturday: <u>-</u> • Sunday: <u>-</u> • Holidays: <u>-</u> | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7:00 a.m. - 7:00 p.m.</u> • Saturday: <u>8:00 a.m. - 5:00 p.m.</u> • Sunday: <u>-</u> • Holidays: <u>-</u> |
|---|---|

*The proposed improvements to the Subject Property are intended to better accommodate the existing operations on the site.

**In accordance with the Town of Brookhaven noise ordinance, section 50-6 of the Town of Brookhaven Town Code. There would be no changes to the existing hours of operation as a result of the Proposed Action.

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
Ambient noise levels may be temporarily exceeded during construction activities, which would be undertaken in accordance with all applicable Town regulations. Noise levels would not exceed existing ambient levels upon completion of construction activities.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Proposed lighting fixtures will be installed throughout the Subject Property and will be downward facing and shielded to prevent off-site light spill and will be dark sky compliant.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):
The Proposed Project may involve the use of typical landscaping fertilizers and pesticides for routine maintenance. Native/low maintenance plantings will be utilized to the extent practicable and in accordance with the relevant requirements applicable to the Compatible Growth Area as set forth in the Long Island Central Pine Barrens Comprehensive Land Use Plan.

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ TBD tons per _____ TBD (unit of time)
- Operation : _____ 1.41 tons per _____ month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: During construction, recyclable materials would be handled in accordance with prevailing regulations.
- Operation: During operation, recyclable materials would be handled in accordance with prevailing regulations.

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Construction and demolition will be collected and disposed of at a licensed C&D facility.
- Operation: During operation, solid waste will continue to be collected from within the buildings and moved to an outdoor dumpster/enclosure on the Subject Property. A private carter will continue to collect and dispose of the solid waste at a licensed facility.

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

Forest Agriculture Aquatic Other (specify): Community facility (Middle Island Fire Department)

ii. If mix of uses, generally describe:

Commercial, industrial, and other non-residential uses as well as interspersed community facility and institutional uses are concentrated along the Middle Country Road corridor, with residential uses abutting.

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces | 0.41± | 0.62± | +0.21± |
| • Forested | 0.29± | 0.41± | +0.12± |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | N/A | N/A | N/A |
| • Agricultural (includes active orchards, field, greenhouse etc.) | N/A | N/A | N/A |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | N/A | N/A | N/A |
| • Wetlands (freshwater or tidal) | N/A | N/A | N/A |
| • Non-vegetated (bare rock, earth or fill) | N/A | N/A | N/A |
| • Other Describe: <u>Lawn/Landscaping</u> | 0.46± | 0.13± | -0.33± |

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

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

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

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

iii. Describe any development constraints due to the prior solid waste activities: _____

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

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

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 1,300± feet below grade surface (bgs)

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: CpC - Carver and Plymouth soils, 3 100 %
to 15 percent slopes _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: 59± feet bgs

e. Drainage status of project site soils: Well Drained: 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 60.6 % of site
 10-15%: 26.6 % of site
 15% or greater: 12.8 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____
 Typical suburban species (songbirds, squirrels, etc.) may utilize the Subject Property. _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: Central Suffolk Pine Barrens; Central Suffolk Special Groundwater Protection Area
 ii. Basis for designation: Benefit to human health and protect drinking water; protect groundwater
 iii. Designating agency and date: Suffolk County 2-10-1988; Long Island Regional Planning 2-10-1988

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information


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

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

G. Verification

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

Applicant/Sponsor Name Neil Ross, N.H. Ross Inc. Date January 3, 2023

Signature  Title Senior Environmental Manager

David M. Wortman
VHB Engineering, Surveying, Landscape Architecture and Geology, P.C., as
Environmental Consultant to the Applicant

Ross Electric
120 Middle Country Road, Middle Island
Town of Brookhaven, Suffolk County
Part 1 – Environmental Assessment Form

Attachment

Page 1, Item A – Description of Proposed Action:

The Proposed Action involves a change of zone and site plan approval to permit the construction of a 4,700±-square-foot (SF) warehouse building at the rear of the Subject Property, in an area currently used for storage (e.g., equipment, vehicles, storage containers, etc.) in connection with the existing electrical supply and contracting business. The zoning of the site is proposed to be amended from the current J Business 2 and A Residence 1 zoning districts to the L Industrial 1 zoning district of the Town of Brookhaven. The existing 4,000± SF commercial building and associated parking spaces will remain, whereas the storage containers will be removed from the rear of the site. On-site parking will be increased by 16 parking spaces to a total of 26 parking spaces. Of the 26 parking spaces, eight spaces would be used for overnight parking of registered vehicles associated with the existing tenants of the site, requiring a special permit from the Town of Brookhaven Town Board. Vehicular access to the subject property, including the proposed warehouse building, would continue to extend from the existing curb cut along Middle Country Road (New York State Route 25), which allows full movements into and out of the site. A fence and gate that separates the existing parking area and the rear storage area will be removed. The proposed site improvements are intended to better accommodate the existing operations on the site.

Portions of the Subject Property are established in natural vegetation, primarily along the southern and eastern property boundaries at the rear of the site. As part of the Proposed Action, additional portions of the site will be revegetated with native species to meet the maximum clearing limitations applicable to properties in the Compatible Growth Area of the Long Island Central Pine Barrens (i.e., maximum clearing of 65 percent of the site).

Additionally, the Proposed Action includes stormwater management improvements, the installation of a new Innovative Alternative Waste Treatment System (to replace the existing traditional on-site sanitary system), as well as landscaping improvements. Specifically, the stormwater management facilities include storm pools and leaching pools to be installed in addition to the existing drainage infrastructure on-site and would be designed to accommodate a minimum five-inch rainfall event. Potable water would continue to be provided by the Suffolk County Water Authority.

Page 2, Item B – Government Approvals:

| Agency | Permits and Approvals Required |
|---|---|
| Town of Brookhaven Town Board | Change of Zone |
| Town of Brookhaven Planning Board | Special Use Permit; Front Yard Landscaping; and Site Plan Approval |
| Town of Brookhaven Zoning Board of Appeals | Variance Relief for Minimum Lot Area; and Minimum Front and Side Yard Setbacks |
| Town of Brookhaven Building Department | Building Permit |
| Suffolk County Planning Commission | 239-m Review (Referral) |
| Suffolk County Water Authority | Water Connection |
| Suffolk County Department of Health Services | Onsite Sewage Disposal |
| New York State Department of Environmental Conservation | SPDES General Permit for Stormwater Discharges from Construction Activity (GP 0-24-001), Notice of Intent |
| PSEG Long Island | Electric Utility Connection Review |
| National Grid | Natural Gas Supply Connection Review |

Site Location

Ross Electric

120 Middle Country Road, Hamlet of Middle Island, Town of Brookhaven, Suffolk County



Subject Property

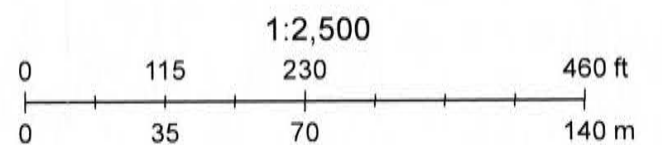
0200 43100 0300 026003 500' Radius Map

JUN 19 124 PM 2:47 REC TOBCLRK



8/10/2023, 4:08:02 PM

- Mailing Labels PDF
 - Data Export
 - Radius Map Info View
- 2020 Aerials**
 - Red: Red
 - Green: Green
 - Blue: Blue



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Central Pine Barrens Joint Planning and Policy Commission
Staff Report
Meeting of April 17, 2024
Southampton Town Hall

PROJECT NAME: Clancy Street Food Court
Core Preservation Area Extraordinary Hardship Waiver

OWNER: David Kepner

REPRESENTATIVE: Charles J. Voorhis, Nelson, Pope and Voorhis

PROJECT TIMELINE:

- 2/13/24 Received Application
- 3/20/24 Scheduled Public Hearing
- 4/17/24 Public Hearing
- 6/11/24 Decision Deadline

PROJECT SITE LOCATION:

Located at the intersection of County Road (CR) 111 and the southeast service road of the LIE at Exit 70 Manorville, Town of Brookhaven, Core Preservation Area

PROJECT SITE AREA: 1.167 acres

TAX MAP NUMBER: 200-462-2-5.001

ZONING DISTRICT: J Business 2 (see Figure 1 for area zoning map)

PROPOSAL

The Project Site contains 1.167 acres. The Applicant proposes to develop a 3,293 square foot restaurant with 54 indoor seats. An additional 32 seats outdoors are proposed.

Parking for 29 vehicles and an onsite innovative alternative treatment sanitary system will be constructed. Landscaping will cover 26,254 square feet and paving covers 15,762 square feet. A cross access connection is planned to join the adjacent property to the east presently occupied by Starbucks.

EXISTING CONDITIONS

The Project Site has been in the same ownership since 1984 and is vacant and naturally vegetated. See Exhibit C for the existing conditions plan. See Exhibit D for photographs of the site.

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**Central Pine Barrens Joint Planning and Policy Commission
Staff Report**

Meeting of April 17, 2024
Southampton Town Hall

I. INTRODUCTION

Project Name: CVE US NY Southampton 243 LLC

Core Preservation Area Extraordinary Hardship Waiver and
Proposed modification of a Conservation Easement pursuant to ECL Article 49

Owner: Westhampton Property Associates, Giuseppe Giaquinto representative

Representative: Charles J. Voorhis, Nelson Pope and Voorhis and Steven Englemann,
CVE Group

Lessee: CVE US NY Southampton 243 LLC (CVE)

Project Timeline:

- 8/8/23 Received application
- 8/16/23 Scheduled Public Hearing
- 9/20/23 Public Hearing
- 11/29/23 Decision Deadline
- 3/7/24 Supplemental material received
- 3/20/24 SEQRA Lead Agency Coordination, scheduled public hearing
- 4/18/24 Public Hearing
- 6/26/24 Decision Deadline

Project Site Location:

East of Speonk Riverhead Road, north of Old Country Road (CR 71), South of New York State Route 27, Eastport, Town of Southampton, Core Preservation Area, see Exhibit A

Project Site: 50 acres, leased or to be leased by CVE, of a 91-acre sand mine located on 115 acres owned by Westhampton Property Associates.

Tax Map Numbers: 900-276-3-1 and 2

Zoning District: Country Residence 200 (five acre residential zoning category)

Proposal:

The Applicant's proposal includes:

- Request for a Core hardship waiver to develop 50 acres of an existing 91-acre sand mine to build a solar facility

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- Request to modify a conservation easement recorded on the property that was a condition of approval for a 2012 core hardship waiver granted by the Commission which allowed the sand mine to be increased.

The application states the project represents a compelling public need. It discusses support by Southampton Town and New York State regarding renewable energy goals as it relates to climate change. It states the, “uniqueness of the property supports the fact that there are no better alternatives in the Town or County for this opportunity.” It continues that it is an adaptive reuse of a disturbed site, that it meets the minimum requirements for a hardship and the environmental benefits make it unique.

The Applicant proposes to convey a conservation easement on the remaining 24 acres of the Project Site, currently not protected by the easement previously granted to the Commission. At the end of the Project, the entire 115 acre will be protected by an easement.

The Applicant also proposes to shorten the life of mine by five years by terminating mining activity in 2039 instead of 2044 as currently proposed. The Application does not indicate whether this represents a reduction in the amount of material excavated from the site or an acceleration of approved mining activity.

The Project proposes 11,154 solar modules, each 15 feet apart, 10 feet high and with dimensions 7 feet x 4 feet, and each with energy of 480 watts.

II. Project Site and the Application

Existing Conditions

The Project Site contains a 91-acre sand and gravel mine. See Exhibit B for photographs of the site and Exhibit C for the sand mine site plan and reclamation phases through 2047.

See Exhibit D for the proposed project's site plan.

Site History

The sand mine was permitted by NYSDEC in 1981. The current owner purchased the mine in 2006.

In 2012, the owner applied for a core and the Commission granted a core hardship waiver to vertically expand the depth of the sand mine from an elevation of approximately 45 feet above sea level to an elevation of approximately 26 feet above sea level. See Exhibit E for the decision.

The waiver required a conservation easement to be recorded that committed the owner to habitat restoration once the mining is completed. A copy of the easement, dated June 10, 2014 is provided as Exhibit F. The easement prohibited the owner or any of its successors from applying to the Commission for another hardship exemption for the project site.

In 2012 the applicant stated in their application:

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“The end result will be the permanent preservation (through a conservation easement) of 91 acres of the site, which will provide for improved contiguous open space with other natural lands in the area.”

The mine restoration plan committed the owner to restore the mine to a pitch pine oak forest and successional field habitat. Vernal pools were expected to form in low elevations of the site. The restoration plan had 8 phases to be completed in 2047, as per the schedule in this summary.

| Phase | Year Mining Begun | Year Mining Complete & Restoration Installed | Year Restoration Monitoring Complete |
|---------|-------------------|--|--------------------------------------|
| 1 | 2026 | 2029 | 2032 |
| 2 | 2030 | 2032 | 2035 |
| 3 | 2030 | 2034 | 2037 |
| 4 | 2034 | 2037 | 2040 |
| 5 North | 2038 | 2041 | 2044 |
| 5 South | 2041 | 2044 | 2047 |
| 6 | 2023 | 2026 | 2029 |
| 7 | 2020 | 2023 | 2026 |
| 8 | 2015 | 2019 | 2022 |

Study Area Land Use

A Study Area of approximately one-half mile surrounding the Project Site was reviewed to characterize the land use development pattern and zoning in the area. See Exhibit G for the Study Area map.



Westhampton Property Associates owns the Project Site which is located in both the Core and the CGA. The southern end of the property has frontage on County Route 71 (Old Country Road). There is a Critical Resource Area (CRA) in the CGA portion.

The CGA portion of the property extends approximately 4,000 feet north of CR 71. North of the CGA boundary is the Core Preservation Area which extends approximately 5,600 feet to State Route 27 (Sunrise Highway). North of the SR 27 is undeveloped wooded pine barrens land owned by the County of Suffolk.

The properties east of the Project Site include an animal shelter and publicly owned natural open space. Developed land uses in the vicinity of the Project Site along Old Country Road include a senior living complex known as Westhampton Senior Housing and a large impound facility operated by the Suffolk County Police Department.

West of the site, in the CGA, there are industrial land uses present including warehouses, sand mines and an asphalt plant.

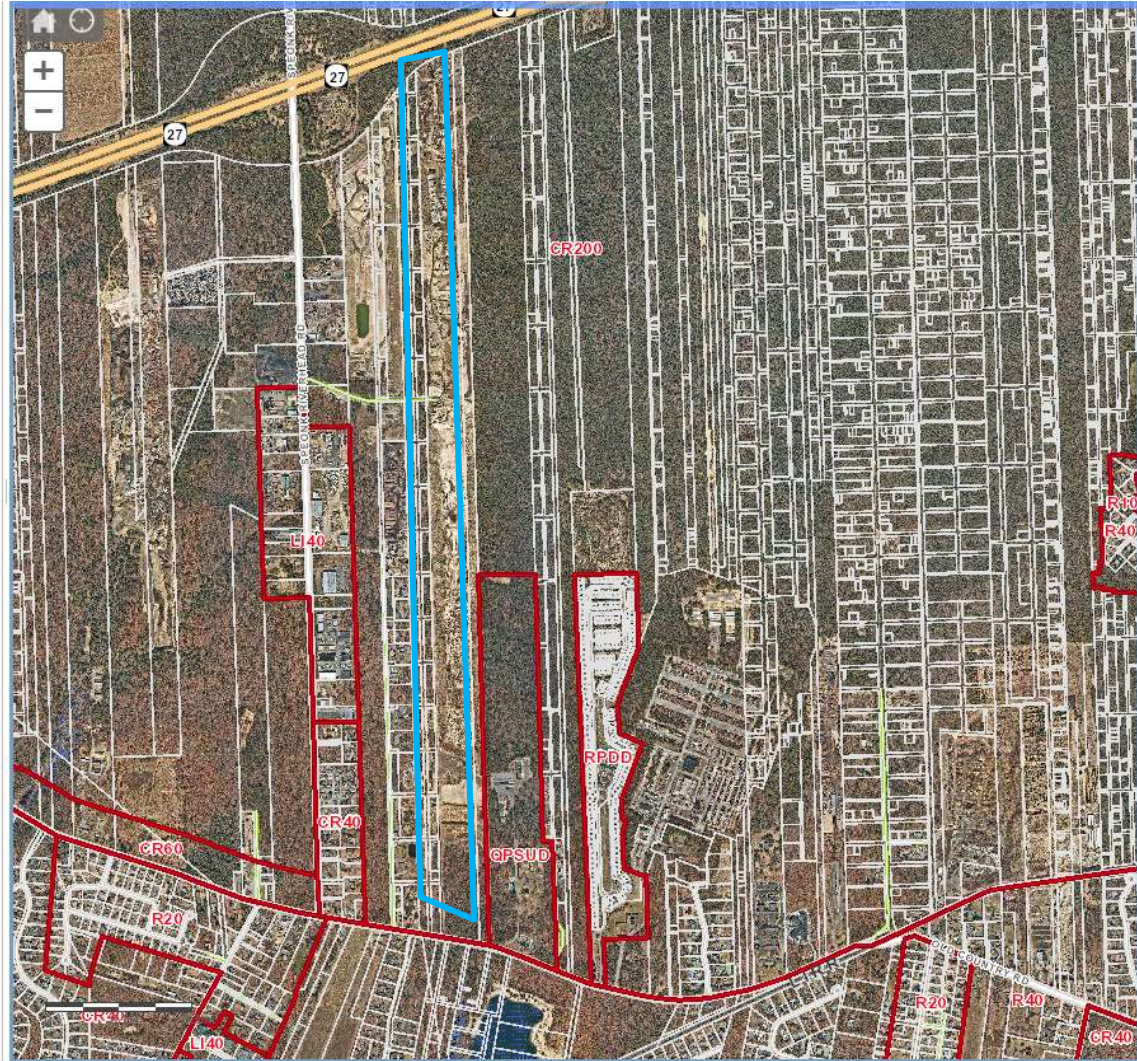
Residential land uses are present at the southerly end of Speonk Riverhead Road. There is a 36 acre block of open space on the southwest corner of Speonk Riverhead Road and Old Country Road that is owned by Southampton Town.

Zoning

The Study Area is zoned CR 200 with exception of sites zoned LI40 directly on Speonk Riverhead Road. The southeast side of Speonk Riverhead Road is in the CR 40 zoning district (1 acre residential). Southampton has designated significant portions of the Study Area as receiving areas for development that could be transferred through the Pine Barrens Credit Program, the

Commission’s transferable rights program. See figure below for zoning districts present in the Study Area. See Figure 1.

Figure 1 zoning in the Study Area



Site Description

Topography/Elevation: The northerly end of the site is higher in elevation at approximately 73 feet than the southern portion at approximately 39 feet. The site’s grade has been significantly altered due to mining activity.

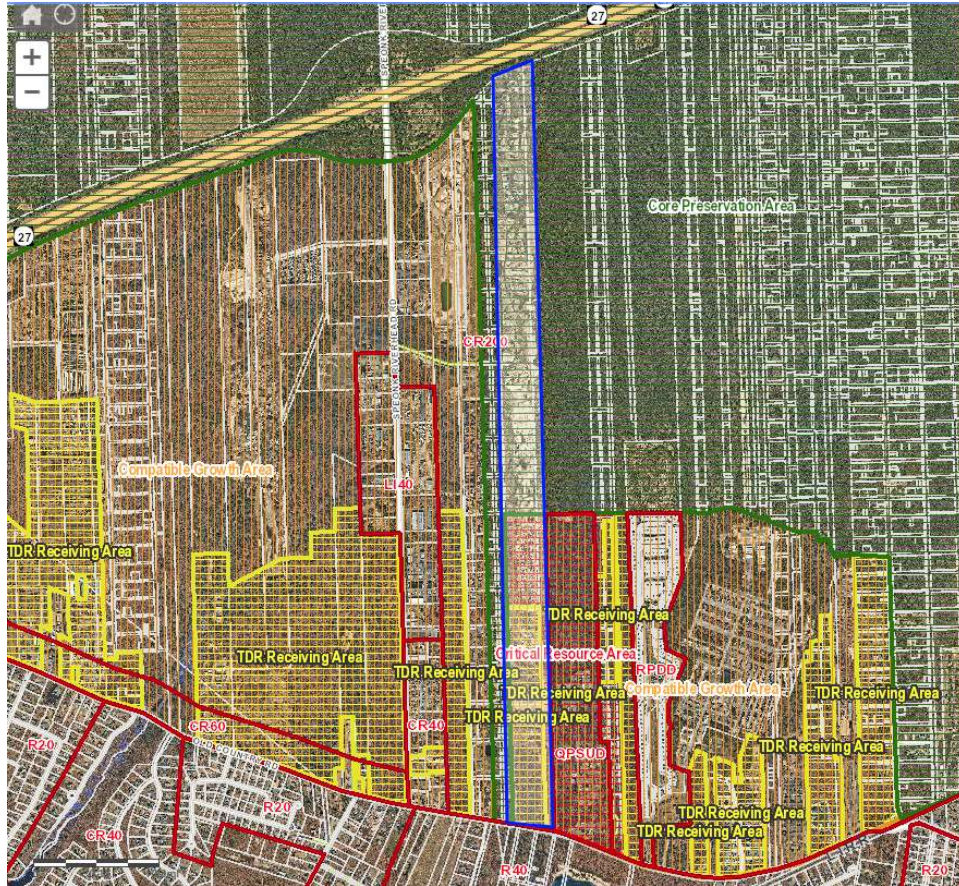
Soils: Soils on site have been significantly altered by the presence of the sand and gravel mine.

Hydrology: Hydrogeologic Zone III. Depth to groundwater varies on the Project Site. Three groundwater elevation monitoring wells were installed on the project site as per the 2012 waiver. The most recent report, March 2024, indicated 6 feet to groundwater at the north end, 30 feet in the center and 6 feet at the south end of the mine.

Vegetation: Natural vegetation is present on the south side of the Project Site in the CGA. Areas of the sand mine have been restored. More information is needed on the current status of reclamation including habitat restoration. See Exhibit B photographs.

Rare, Endangered, & Threatened Species and Species of Concern: Coordination occurred with NYSDEC , waiting for response.

Figure 2 shows the boundaries of the Core, CGA and CRA in the Study Area. Receiving areas for Pine Barrens Credits, as defined in the Comprehensive Land Use Plan, are also illustrated.



Cultural/Archeological: By letter dated September 5, 2023, the NYS Office of Parks Recreation and Historic Preservation indicated that the project will not impact cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

Scenic Resources: Sunrise Highway is a scenic resource described in Volume 2 of the Plan.

Wastewater: The flow capacity is 115 acres x 300 gpd or 34,500 gpd. Confirm if any sewage generating uses are proposed such as an office with a restroom.

Involved and Interested Agencies and Other Required Approvals

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- SEQRA Type I Action. Coordinated review with DEC and Southampton Town.
- NYSDEC – may require permit modification on mine reclamation
- Central Pine Barrens Commission Core Hardship Permit
- NYS ECL Article 49 easement modification request
- Southampton Town applications, permits, approvals, variances

Public Comments

To be received at the Hearing

Extraordinary Hardship Criteria

The applicant is required to demonstrate Hardship in accordance with ECL 57-0121(10). The applicant submitted a petition addressing Section 57-0121(10) of the Act for the proposed extraordinary hardship waiver. See Exhibit H for the applicant's petition on the hardship.

This section provides an outline of the waiver criteria.

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

(b) An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, one of the following:

(i) The proposed development will serve an essential health or safety need of the municipality or, in the case of an application serving more than one of the municipalities that the public health and safety require the requested waiver, that the public benefits from the proposed use are of a character that override the importance of the protection of the core preservation area as established in this article, that the proposed use is required to serve existing needs of the residents, and that no feasible alternatives exist outside the core preservation area to meet the established public need and that no better alternatives exist within the county; or

(ii) The proposed development constitutes an adaptive reuse of an historic resource designated by the commission and said reuse is the minimum relief necessary to ensure the integrity and continued protection of the designated historic resource and further that the designated historic

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resource's integrity and continued protection cannot be maintained without the granting of a permit.

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

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

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

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

The Application included the resolution for the Sunrise Wind compelling public need hardship waiver to support the Project.

The compelling public waiver criteria were discussed in the March submission. It is not clear if and how the applicant would qualify for this type of waiver. Regardless, it is not clear that the project could demonstrate hardship since the compelling public need criteria are stricter and require that there is no other site in the county where the project could be developed. Since there are other sand mines available that are not restricted by conservation easements, this criterion cannot be met. The Applicant has not indicated to whom the Project will supply energy, although it is noted that energy, once delivered to the grid, is fungible.

The Applicant states that the Project Site is unique and no other site exists in the county or town for the Project. However, no substantive information or analysis was submitted to support this statement. The Applicant did not provide any documentation to support their conclusory statement such as an alternatives analysis or description of Applicant's efforts to locate another suitable site for the Project.

III. The Easement Modification Request

The Project is inconsistent with the easement the Applicant granted to the Commission in 2012. The easement was designed to enable the creation of a pitch pine oak forest and successional field habitat protected in perpetuity. The Project would delay or prevent the development of such ecological resource.

Conservation easements accepted by the Commission and the modification of the same are governed by Title 3 of Article 49 of the Environmental Conservation Law. ECL §49-301 provides:

The legislature hereby finds and declares 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, the

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preservation, development and improvement of agricultural and forest lands, the preservation of areas which are significant because of their scenic or natural beauty or wetland, shoreline, geological or ecological, including old-growth forest, character, and the preservation of areas which are significant because of their historical, archaeological, architectural or cultural amenities, is fundamental to the maintenance, enhancement and improvement of recreational opportunities, tourism, community attractiveness, balanced economic growth and the quality of life in all areas of the state.

ECL §49-0303(1) provides:

“Conservation easement” means an easement, covenant, restriction or other interest in real property, created under and subject to the provisions of this title which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in section 49-0301 of this title, provided that no such easement shall be acquired or held by the state which is subject to the provisions of article fourteen of the constitution.

The conservation easement was designed to conform to the provisions of Title 3 of Article 49 by “preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose set forth in [ECL] section 49-0301 of this title.” The Applicant must demonstrate that the Project does not conflict with the statutory requirement that the easement protect a scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy and purpose.

The conservation easement may be modified pursuant to ECL §49-0307 “as provided in the instrument creating the easement.” Paragraph 5 of the Miscellaneous Section of the Westhampton Mining Easement provides in part:

the Commission and Westhampton Property shall mutually have the right, in their sole discretion, to agree to amendments to this Conservation Easement which are not inconsistent with the basic purpose of this Conservation Easement, provided, however, that the Commission shall have no right or power to agree to any amendments hereto that would result in this Conservation Easement failing to qualify as a valid conservation easement under ECL, Title 3, Article 49 as the same may be hereafter amended.

Independently, the Applicant needs to modify the easement to apply for the relief it seeks because Paragraph 5 of the Miscellaneous Section provides:

Westhampton Property and Westhampton Property’s lessees, representatives, successors, heirs[,] and assigns, shall not apply to the Commission or the Pine Barrens Credit Clearinghouse for a hardship, other permit or Pine Barrens Credits under the Plan or under ECL Article 57 pertaining to the Property. Westhampton Property understands and intends to sever the right to develop the Property from the Property.

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Thus, the Applicant must demonstrate that the proposed modification necessary to accommodate the Project is consistent with the basic purpose of the Easement, and if modified, continues to protect a resource identified in Article 49. As a threshold matter, the Applicant must receive permission to modify the easement simply to make its request.

As noted, the Commission has modified an easement granted to you twice in its history. Information on both occurrences was placed into the record following the hearing and each involves a conservation easement granted to the Commission on a Boy Scout Camp in Riverhead.

To address more fully the easement modification request, on October 18, 2023, the Commission reopened the hearing record for two weeks to add an addendum to the draft staff report to provide additional information about the two instances when it consented to modifying a conservation easement granted to it. In the first, although the easement permitted existing structures to be rebuilt - provided their footprint or size was not varied - the Commission agreed to amend its easement to allow the Scout's dining hall to be rebuilt after a catastrophic fire. The easement needed to be modified because the new hall was one square foot larger.

In the second instance, the Commission permitted the Scouts to increase the size of an existing cabin while reducing the size of a cabin that the Scouts can build in the future. The combined square footage of the two cabins is the same but the location of the area is different. This change minimized the amount of clearing required for the future cabin because it will be smaller than what was originally authorized.

The Applicant must address the potential inconsistency between its proposal and the statutory strictures concerning conservation easements.

IV. Consistency of the Application with the 2012 Core Preservation Area Hardship Waiver

The Application must address the apparent inconsistency with several conditions of the 2012 waiver, including conditions 5, 7, 8a, and 8b. These prohibited a change in land use and stated development activity was subject to a discretionary decision by the Commission. Additionally, the easement was intended to protect the project site from future development once mining activity has ceased under the current proposal. Proposing to undertake development activity directly contradicts three conditions of the 2012 waiver. And by undertaking development activity, the Project Site does not fulfill its protection as natural open space, an essential purpose of the conservation easement.

V. Hardship Criteria Elements

The site has a beneficial use. The use was expanded to extend the beneficial use of sand mining activity from 2012 to 2044. The Project seeks to continue to extract mineral resources from the site and develop a second land use of a solar facility for the financial benefit of the Applicant. As part of its 2012 application, the Applicant demonstrated that if it did not receive the waiver it would suffer financial damages because it had executed long term supply contracts.

The hardship criteria requires that the hardship to not arise from the personal situation of the applicant rather than characteristics of the property. The Project is a private facility by a private entity and does not arise out of the characteristics of the property. ECL §57-0121.10(a)(ii)

VI. Precedent

The proposal is inconsistent with the scope of the easement modifications approved in connection with the easement it received from the Boy Scout Council. The Commission has not modified any other of its easements.

No core hardship waivers or development has been approved by a waiver request on protected open space, a conservation easement, or a site with a prior hardship where future development was strictly prohibited.

VII. Discussion/Comments

1. Requesting the applicant discuss how the project demonstrates hardship given the 2012 waiver requestions and protected open space.
2. Submit an updated site plan with the 50 acre buildout
3. Clarify the location on the site relative to the CGA and Core boundaries
4. Confirm number of acres mined to date and the amount of material extracted
5. Confirm number of acres left to mine and the amount left to be extracted
6. Explain assurance that another development proposal will not be proposed when solar is decommissioned. Will the site then be committed as open space?
7. Explain whether this will require a change to the mine land reclamation permit and DEC approval. Explain the process to change the reclamation plan, close the mine, allow a new land use on the mine. We should require the applicant to get a letter from DEC that states whether there will need to be a change to the mine land reclamation permit and require DEC review and approval?
8. Restoration, mine reclamation plan. Discuss the current status of restoration as it relates to the schedule presented in the 2012 waiver application. How many acres have been restored, how much is left, what is the present schedule to complete mining and to complete restoration. Provide plans on current and future restoration plans.
9. SEQRA process, Type I Action. Coordinated review with Southampton Town and NYSDEC. Waiting for responses from the coordinated material to establish lead agency and make a determination of significance pursuant to section 617.6(b)(5)(iv) of the SEQRA regulations. Received response from Southampton on April 12 deferring lead agency and providing comments.
10. Discuss the decommissioning plan, schedule, bond and other requirements. Submit a decommissioning plan to the commission for review prior to a decision. A plan has not been prepared or submitted to date.
11. Further comments and recommendations may be necessary after the public hearing or receipt of additional information.

Exhibits

- A. Location Map
- B. Photographs
- C. Sand mine site plan and reclamation plan
- D. Site plan for solar
- E. Westhampton Property Associates 2012 decision
- F. Conservation Easement and Non-Disturbance agreement
- G. Study Area Map
- H. Applicant hardship letter for the solar facility

PROJECT SITE HISTORY

In 1995, the Commission granted a hardship waiver to develop a 5,915 square foot restaurant on the Project Site. The restaurant was not constructed. Development never commenced. See Exhibit E for the 1995 decision and site plan. The waiver did not contain expiration and is still valid. The proposal is to construct a smaller restaurant in the generally the same area of the project site.

The sanitary flow was 350 gallons per day (gpd) with an additional 7000 for the kitchen flow for a total of 1,050 gpd.

Study Area Land Use

A Study Area of approximately one-half mile surrounding the Project Site was reviewed to characterize the land use development pattern and zoning in the area. See Exhibit F for the Study Area map.

The Act defines the Core boundary as the north side of County Route 111. Land to the south of CR 111 is in the CGA.

Land uses adjacent to the Project Site include open space to then north and a commercial uses to the east.

On the north side of County Road 111, east of the Project Site to Chapman Boulevard, commercial and residential land uses are present that have been developed since the 1970s. The lot adjacent on the east side of the Project Site, is developed with a Starbucks drive through restaurant. Further east resides the abandoned Michaelangelo's restaurant at the corner of Chapman where a hardship was recently granted on November 15, 2023 to the owner of the property for a drive through restaurant.

Public land is present to the north of the Project Site. Wetlands associated with the headwaters of Peconic River are present in the natural open space to the north.

Opposite the site, on the south side of CR 111, is in the CGA. Two large retail shopping complexes are developed on the south side of CR 111. Retail establishments include a grocery store, medical office walk-in clinic, drug store and two drive-through restaurants, McDonald's and Wendy's.

A horticultural farm is present on the southeast corner of Chapman Boulevard and CR 111. Brookhaven Town open space adjoins the nursery's east side. Residential uses are developed south of the tree nursery.

Zoning

Figures 1 and 2 depict the zoning districts in the Study Area. Figure 1 identifies districts in the western portion of the Study Area, and Figure 2 identifies districts to the eastern portion of the Study Area.

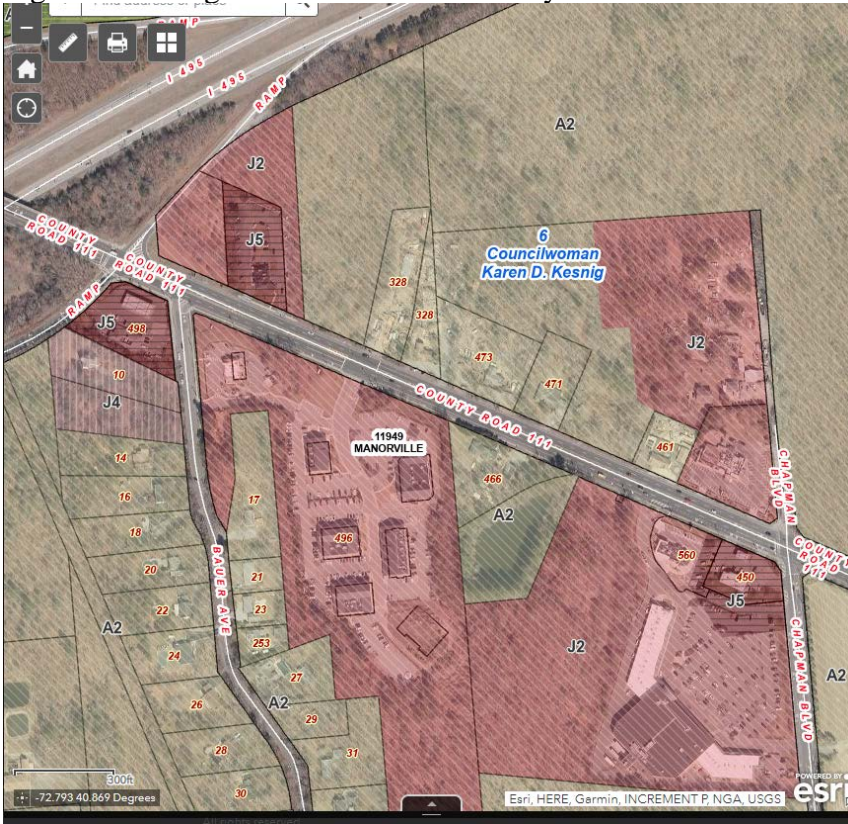
Zoning districts present in the Study Area include commercial categories J Business 2 and J Business 5. Commercial zoning districts cover developed commercial land uses developed in the Study Area including shopping centers, restaurants and gas stations.

Residence zoning districts are present in the Study Area including A Residence 2 and A Residence 5. The two residential zoning districts cover open space and residential development in the Study Area.

Figure 1: Zoning Districts west of the Study Area



Figure 2: Zoning Districts east of the Study Area



SITE DESCRIPTION

Topography/Elevation: The Project Site has no substantial topographic features. It is relatively flat in

Soils: Riverhead sandy loam (RdB0, Haven loam (HaA) topsoil, well graded sand with silt and gravel, coarse sand and gravel.

Hydrology: Hydrogeologic Zone III. Depth to groundwater is approximately 33 feet.

Vegetation: Natural pine barrens vegetation is present on the Project Site. Vegetation includes oak and pitch pine trees, native grasses and other native flora.

Rare, Endangered, & Threatened Species and Species of Concern: Staff submitted a request to Natural Heritage Program, awaiting a response.

Cultural/Archeological: The Project Site is in the Archaeological Buffer Area, defined in the online interactive viewer called the Cultural Resources Information System, published by the New York State Office of Parks, Recreation and Historic Preservation. A consultation was submitted and by letter dated February 29, 2024, the OPRHP

indicated that that “no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.”

Scenic Resources: CR 111 is identified as a Scenic Road described in Volume 2, Chapter 8 of the Comprehensive Land Use Plan.

Wastewater: The as of right sanitary wastewater flow is 350 gallons per day.

The proposal generates 2,100 gpd including 700 sanitary flow for a restaurant with 54 seats and 32 seasonal seats and an additional kitchen flow of 1,400 gpd. The applicant seeks to purchase 1.2 pine barrens credits for excess flow of 1,750 gpd.

INVOLVED/INTERESTED AGENCIES AND REQUIRED APPROVALS

- SEQRA Type II Action.
- NYSDEC Wild and Scenic Recreational Rivers Permit
- NYS Department of Transportation permit for curb cut opening on LIE ramp
- Central Pine Barrens Commission Core Hardship Permit
- Suffolk County Department of Health Article 6 of the Sanitary Code
- Suffolk County Department of Public Works curb cut permit – coordinate with SCDPW
- Town of Brookhaven approvals, permits and variances. Project seeks variances and special permits including major restaurant, outdoor seating as accessory use, and signage relief, 45%, from the required setback of 22 feet to 12 feet provided in the site plan.

PUBLIC COMMENTS

To be received at the Hearing

EXTRAORDINARY HARDSHIP

The applicant is required to demonstrate a Hardship in accordance with ECL 57-0121(10). The applicant submitted a petition addressing Section 57-0121(10) of the Act for the proposed extraordinary hardship waiver. See Exhibit G for the applicant’s petition on the hardship.

This section provides an outline of the waiver criteria.

“10. Any person, the state or a public corporation upon a showing of hardship caused by the provisions of subdivision eight of this section on development in the core preservation area, may apply to the commission for a permit exempting such applicant from such subdivision eight in connection with any proposed development in the core preservation area. Such application for an exemption

pursuant to the demonstration of hardship within the core preservation area shall be approved only if the person satisfies the following conditions and extraordinary hardship or compelling public need is determined to have been established under the following standards or for development by the state or a public corporation or proposed for land owned by the state or a public corporation compelling public need is determined to have been established under the following standards:”

“(a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in an extraordinary hardship, as distinguished from a mere inconvenience, if the provisions of this act are literally enforced.”

“A person shall be deemed to have established the existence of extraordinary hardship only if he or she demonstrates, based on specific facts, that the subject property does not have any beneficial use if used for its present use or developed as authorized by the provisions of this article, and that this inability to have a beneficial use results from unique circumstances peculiar to the subject property which:”

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

(b) omitted, not applicable

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

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

Summary of Applicant's hardship demonstration

The Project Site was historically developed with a residence in the 1960s. It has been owned continuously by the current owner since the 1980s. Applicant relied on prior approval, paid commercial taxes for years.

In May 1995, the owner submitted a request to adjust the core preservation area boundary by no more than 300 feet. In the 1995 decision, it stated, "In October 1995 the Commission accepted an extension of time in which the Commission must make a SEQRA determination and decide the core boundary change request in order that the applicant may seek a core hardship exemption for the same proposal." The core boundary was not adjusted.

The Project Site is heavily impacted visually and acoustically from major highways and previously disturbed by a residence. The Project Site's ecological value is diminished due to site conditions and its prior use.

Prior core hardship granted supports renewing hardship based on minor changes in the project.

PRECEDENT MATTERS

The Commission has denied core hardship waivers on naturally vegetated project sites for development of non-single-family residential uses and commercial uses including Independent Group Home Living (September 26, 2001 and July 19, 2017), Gazza industrial building (June 23, 1995), East End Christian Academy and 7 Eleven Ridge (January 19, 2011).

The Commission has granted core hardship waivers on project sites with prior development where applicants proposed expansions in uses and/or buildings. Waivers have been granted on project sites where applicants proposed changes in use or changes to the site plan.

The waivers granted, outlined below, are distinguished from Clancy because the project sites were physically developed due to developed uses. The Clancy Project Site is naturally vegetated. Clancy received a waiver that did not expire and is still valid, however, Clancy was never built. The site remains vacant and naturally vegetated today.

- Kent Animal Shelter – animal shelter existed, development of a 300 square foot expansion of an existing building occurred (June 20, 2005)
- Taco Bell Mangogna – a restaurant existed, development for a smaller restaurant with no physical alteration of vegetation on the project site (November 15, 2023)
- Starbucks – a restaurant existed, proposed change of zone to allow a drive through with no physical alteration of vegetation on the project site (June 21, 2017)

- JCJC – a commercial building existed, development as a use variance with no physical alteration of vegetation on the project site (December 21, 2011)
- American Physical Society – an office building existed, development of a second story expansion (July 21, 2010)
- Hampton Hills Golf Course – a golf course and tennis courts existed, development of a clubhouse expansion and accessory structures (August 6 1997) and development of a fabric structure on existing tennis courts (June 9, 1999)
- Westhampton Property Associates – a sand mine existed since the 1980s, development of a vertical expansion of the use (October 17, 2012).
- Tuccio storage – existing earthen berms, development of storage units (August 10, 1994)

DISCUSSION/COMMENTS

1. The Core is a sending not receiving area for Pine Barrens Credits (PBCs). The proposal seeks to redeem 1.2 PBCs in the Core. This proposal contradicts the Comprehensive Land Use Plan and the goals and objectives of the Act. The Plan, Section 6.4.2.1 Brookhaven Pine Barrens Credit Program overview, explains the Pine Barrens Credit Program for the Town of Brookhaven is designed to redirect development for residentially zoned lands within the Core Preservation Area to receiving districts throughout the Town.

It should be noted that credits are not allowed to be redeemed in the Core since credits represent the development potential from a core parcel intended to be transferred outside of the core.

Section 6.5.6 of the Plan Amendments, effective July 2024, states PBCs may not be redeemed in the core or other sending area under this Plan.

Furthermore, the Commission's core hardship decision on American Physical Society dated July 21, 2010 found that the redemption of PBCs on a project site in the Core is contrary to the spirit and intent of the Act and the Plan. It further indicated that Section 6.5.3.2.3 of the Plan that states no receiving area may include land in the Core.

The applicant was directed through the Health Department to purchase land for preservation in the same watershed. The applicant for the project should consult with the Health Department in this matter. Other options may include reducing the number of restaurant seats to conform.

2. Applicant will need to obtain approvals and permits as required from New York State Department of Environmental Conservation, New York State Department of Transportation, Suffolk County Department of Public Works, and Suffolk County Department of Health Services and Brookhaven Town.

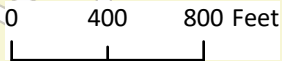
3. NY State listed species and habitats:
 - a. Please coordinate the application and consult with NYSDEC Region 1 to determine if habitat present to support the State and Federally listed Endangered species, Northern Long-eared Bat. Currently no tree removal is allowed from March to November of any given year. Clearing limitations during certain times of the year may be applied. Avoid clearing during protection windows for the Northern long eared bat.
 - b. Confirm no other endangered species are present on the Project Site including State listed amphibians.
 - c. Contact Natural Heritage Program to confirm the presence of rare and listed species.
 - d. Confirm with NYSDEC that there is no regulated wetland habitat present. Regulated wetland habitat associated with the Peconic River headwaters is present in the adjacent public land.
4. Protect the character of the Central Pine Barrens
 - a. Protect existing large trees and other natural vegetation to maintain the character of the region and to provide a visual and noise buffer and screening from adjacent roads including for the outdoor seating area.
 - b. Signage should be minimal and consistent with the pine barrens landscape.
 - c. No signage variances should be granted.
 - d. Dark skies lighting fixtures should be in the site plan.
5. Consider placing the two ingress/egress points as close as possible to the property boundary, on the CR 111 side and on the service roadside, to reduce fragmentation of the natural area and to create the largest block of natural area, to avoid collisions and provide sight distances for vehicle turning movements.
6. Further comments and recommendations may be necessary after the public hearing or receipt of additional information.

EXHIBITS

- A. Location Map
- B. Site plan prepared by Labcrew Engineering P.C. last dated January 18, 2024
- C. Existing Conditions plan
- D. Photographs
- E. 1995 Core hardship waiver
- F. Study Area map
- G. Applicant's material



Date Created: 1/9/2024



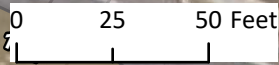
| | | |
|--|--|---------------------------------|
| | <p>FIGURE 1 LOCATION MAP</p> | <p>Clancy Street Food Court</p> |
| <p>Sources: ESRI Streets Layer, 2017; Suffolk County GIS, 2022</p> | | <p>Manorville, NY</p> |
| <p>Scale: 1 inch equals 800 feet</p> | | |





Legend

Project Site

Date Created: 1/9/2024



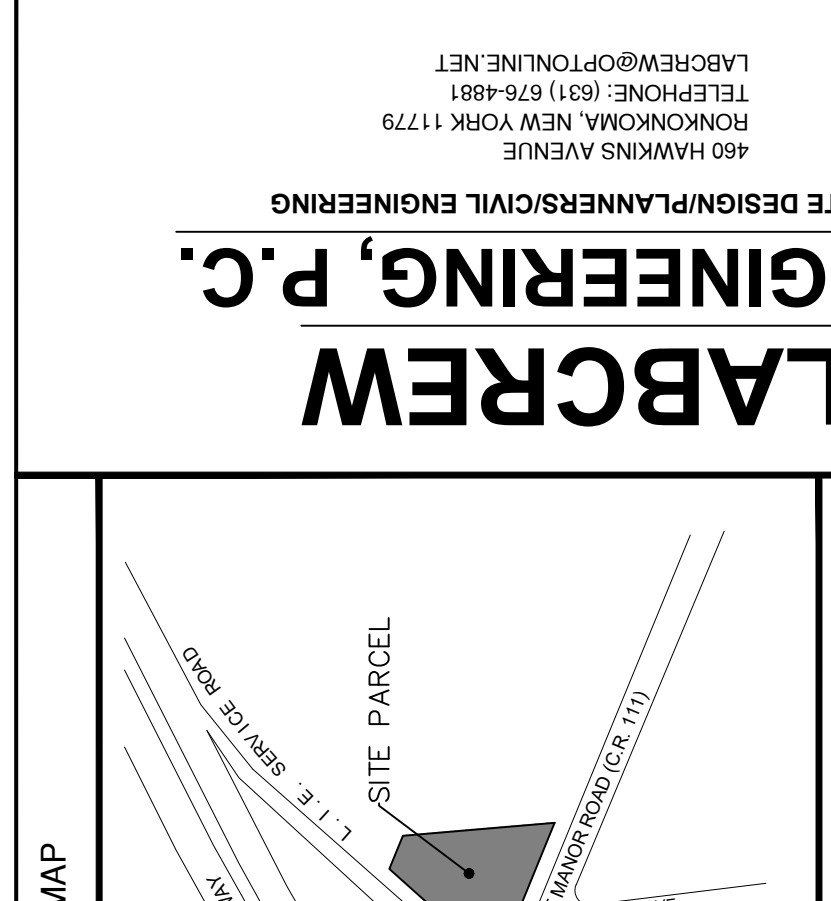
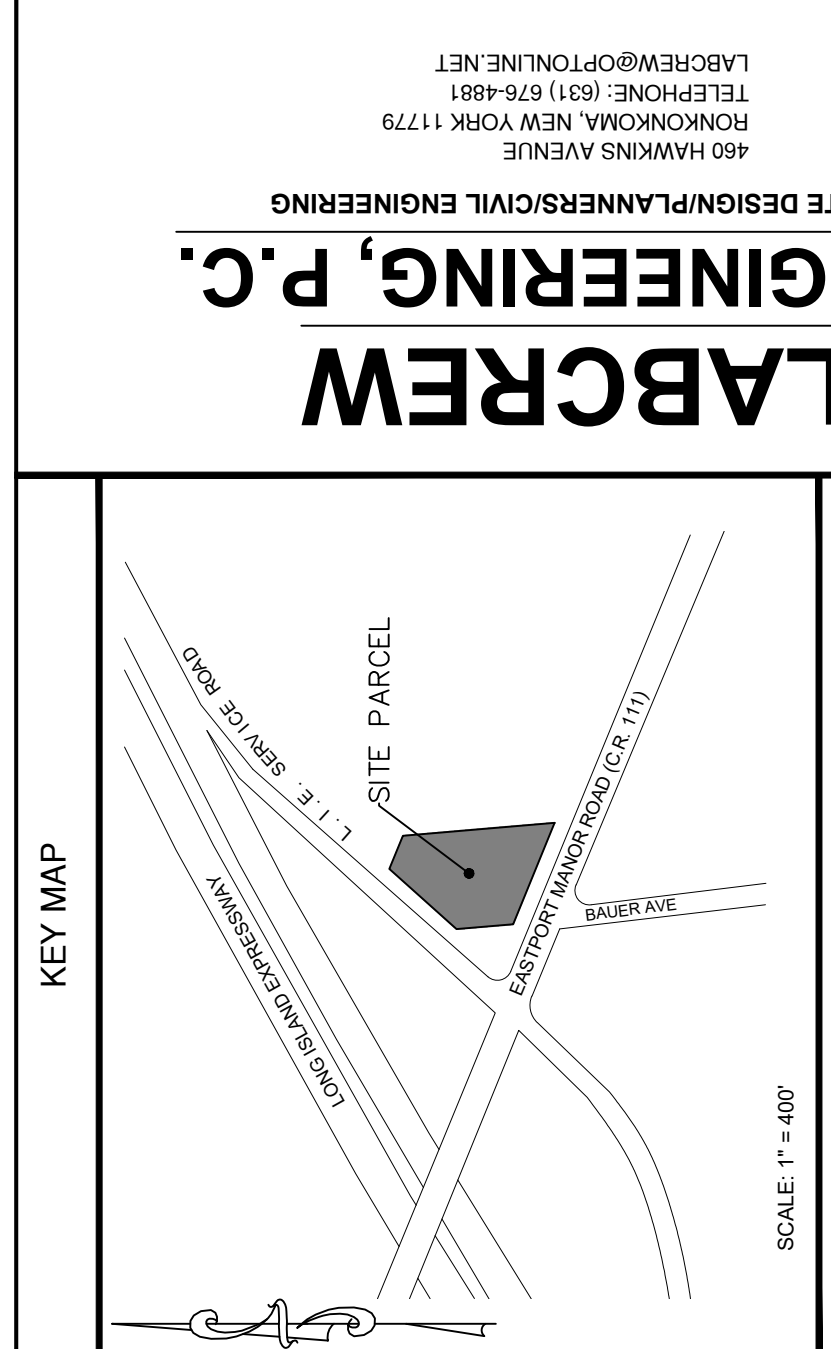
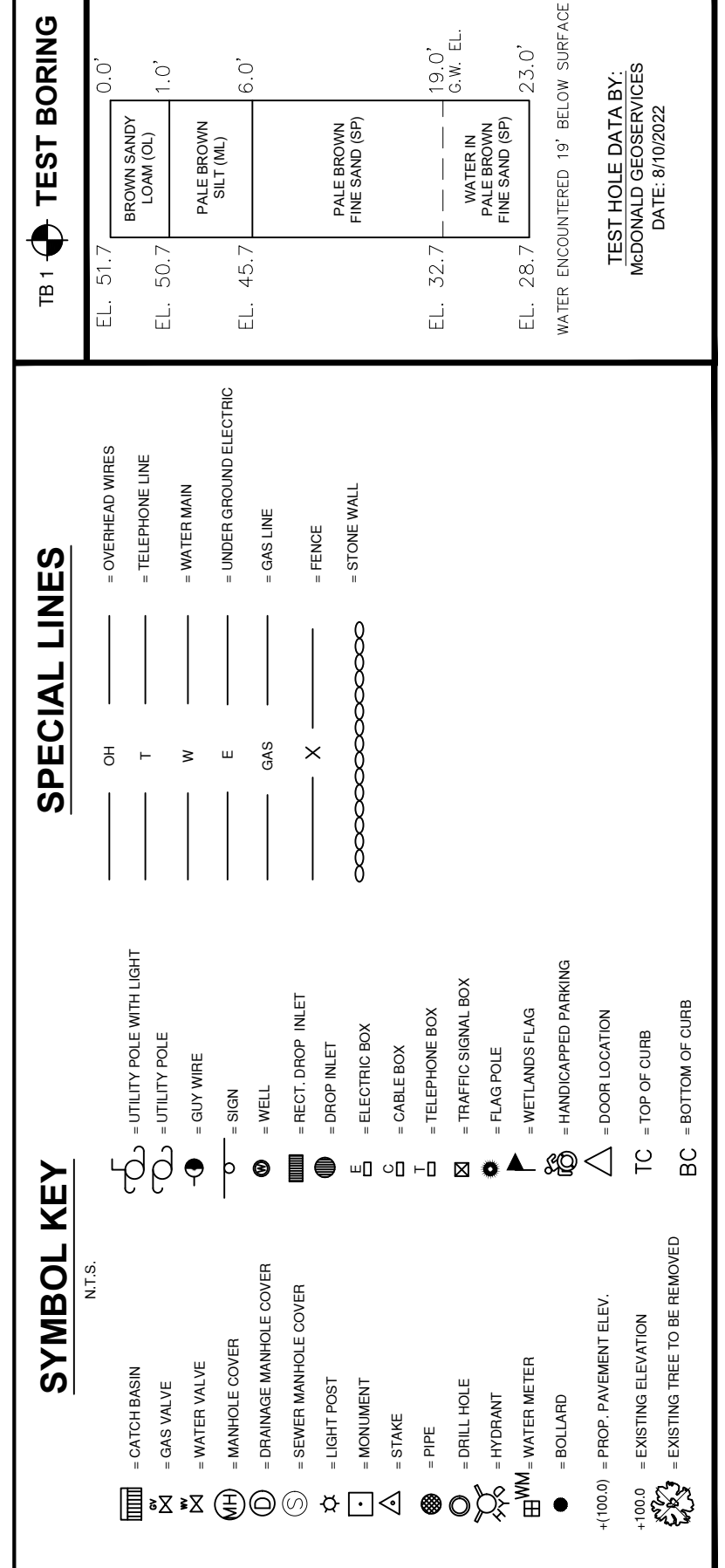
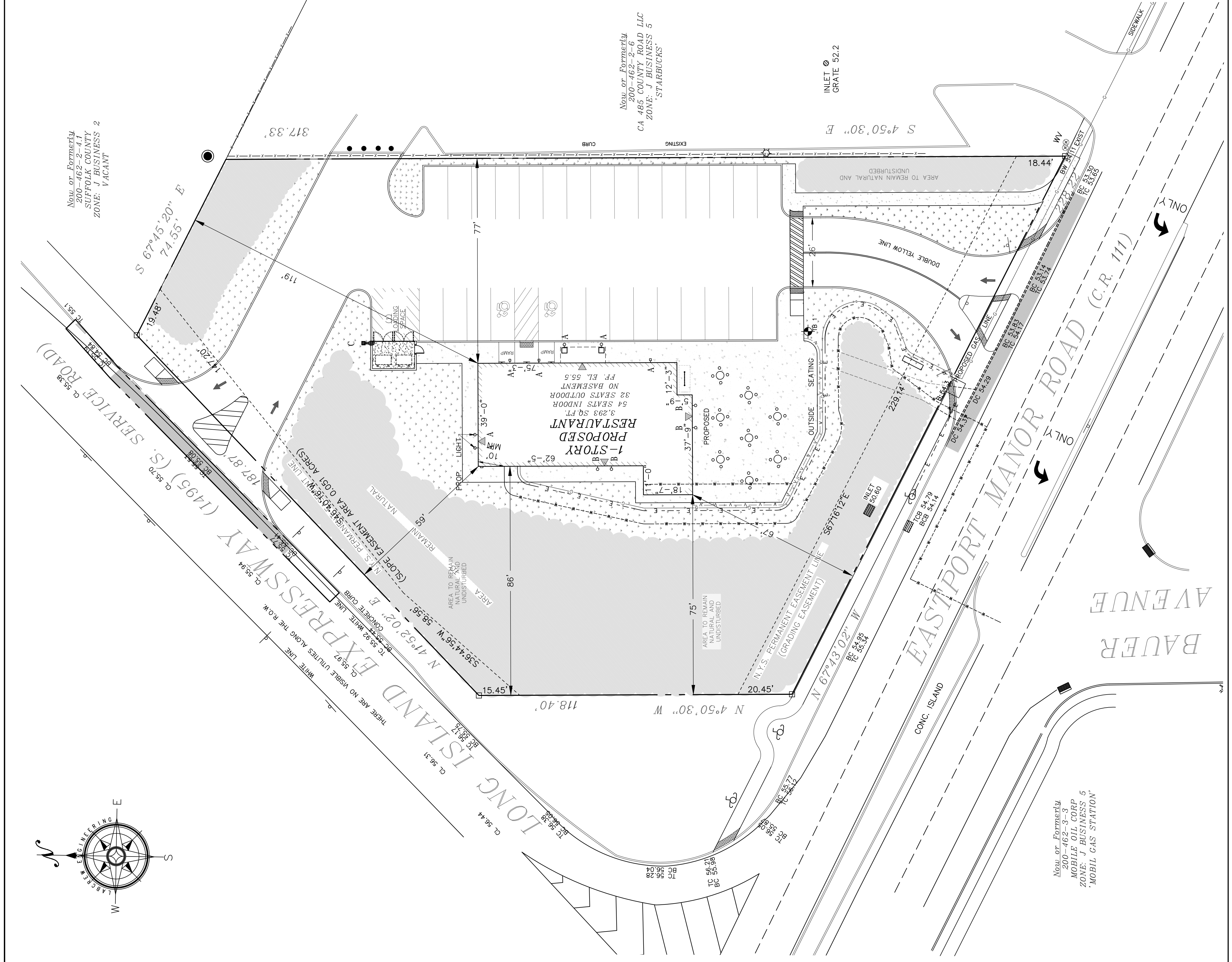
| | | |
|--|--|---|
|  NPV | FIGURE 1 AERIAL MAP | Clancy Street Food Court |
| | Sources: NYS Orthoimagery, 2023; ESRI Hybrid Reference Layer, 2017; Suffolk County GIS, 2022 Scale: 1 inch equals 50 feet |  |

Central Pine Barrens Commission Public Hearing April 17, 2024
Clancy Street Food Court Core Preservation Area
Hardship Waiver Application
CR 111 Manorville, SCTM # 200-462-2-5.1
Study Area Map



draft for discussion purposes only





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LABCREW ENGINEERING, P.C.
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CLANCY STREET FOOD COURT
EASTPORT MANOR RD (C.R. 111)
MANORVILLE, NY 11949
SCIT#M: 0200 - 462 00 - 02 00 - 005 001

LANDSCAPE PLAN
PROJECT TITLE

| NO. | DATE | REVISION |
|-----|---------|-----------------------|
| 1 | 1/3/23 | SCDHS COMMENTS |
| 2 | 1/10/23 | SCDHS COMMENTS |
| 3 | 3/27/23 | FLP BUILDING COMMENTS |
| 4 | 6/20/23 | INSDOT COMMENTS |
| 5 | 8/23/23 | SCDHS COMMENTS |
| 6 | 10/23 | SCDHS COMMENTS |
| 7 | 1/18/24 | REV. UTILITY LOC. |

PROJECT No: 21-084
DRAWN BY: CTN
CHECKED: CTL
DATE: August 2022
SCALE: 1" = 20'

LAN-1

SHEET NO. 3 OF 9

TOWN OF BROOKHAVEN LOG #223P0058

SURVEY PREPARED BY:
RUSSELL H. LEWIS CO. LAND SURVEYOR
57 CONKLIN AVENUE,
WHEATLEY HEIGHTS, NY 11798
PHONE: (616) 474-3665 DATE: JUNE 22, 2021

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

The following assessment outlines Section 57-0121(1) of the New York State ECL and the project's conformance to each of the applicable criteria. It is submitted herein, that the applicant will experience an extraordinary hardship if the proposed commercial development is not permitted. The preclusion of beneficial use of the property stems from the provisions of Article 57 for lands in the CPA, particularly given the fact that the subject site is located along two (2) major highways and was developed prior to the adoption of Article 57 as well as other hardships as demonstrated herein. As noted in Section 1.0, the applicant obtained a prior CPA Hardship for a very similar project, and changes since the prior approval are minor and/or beneficial. The inability to have a beneficial use of the site results from these unique circumstances particular to the subject property.

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

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

It is submitted that the applicant will experience an extraordinary hardship if the proposed use of the property is not permitted in accordance with the Town of Brookhaven Special Exception approval. The preclusion of beneficial use of the property stems from the provisions of Article 57 for lands in the CPA. The inability to have a beneficial use results from unique circumstances particular to the subject property.

The subject property was historically developed with a residence from at least the early 1960s and has been owned continuously by the current owner since the 1980s, predating the CLUP and Article 57. The development of the residence left approximately 20 percent

of the site in an altered and disturbed state. The LIE was developed adjacent to the subject property in the 1970s, greatly diminishing the aesthetic appeal of the subject property, fronting two (2) major highways. The CPA was established in the mid-1990s as a result of the Pine Barrens Act, and the residence was soon after demolished on the subject property. The placement of the CPA boundary including the subject property, zoned for commercial use, foreclosed the ability of the subject property to be redeveloped with a building that would have a beneficial use, particularly given the Town J-Business-2 zoning of the site and the presence of adjacent major highways.

The hardship is not a mere inconvenience, it is a necessity to enable the property owner a beneficial use for their property, which is heavily impacted visually and acoustically from adjacent major highways and has been historically disturbed by a prior residence on-site. The proposed development would be in conformance with Town zoning. **Appendix E** includes photographs showing the current condition of the subject property, including viewpoints to the LIE SSR and CR 111, and the state of previously disturbed areas. It is submitted that the ecological value of the subject property is greatly diminished by these impacts and is not characteristic of other vacant parcels in the CPA.

The provisions of Article 57 would deny any future benefit derived from the subject property, as the parcel would be required to remain in a vacant state. This would effectively deny the owner of use and value in connection with this parcel, particularly in view of the fact that it is zoned for business use.

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

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

The situation and history of the subject property is unique and does not apply to or affect other properties in the vicinity of the site. The CPA boundary runs in a southeast direction along the northeast side of CR 111. Although the residential and commercial uses on the parcels to the southeast of the subject property are also located within the CPA, these uses are permitted to remain under Article 57. However, as the subject site was not in active use for more than one year, the proposed project would be considered as “development” under Article 57-107, and thus, is prohibited in the CPA.

In addition, the project site and use are unique in that a prior CPA Hardship was issued by the CPBC. This precedent adds to the unique site conditions and further supports renewing the Hardship based on the minor changes in the project plan.

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

- (a) The property was previously disturbed and has been owned by the current property owner prior to the establishment of Article 57 and the CLUP for the CPA;
- (b) The subject property is heavily impacted visually and acoustically due to the proximity of the LIE SSR and CR 111;
- (c) The former domestic use of the property has resulted in the historical clearing of more than 55 percent of the site, a large portion of which remains in a vacant and disturbed condition. As noted, a photograph log showing the current condition of the subject property is included as **Appendix E**;
- (d) The ecological value of the subject property is greatly diminished by historical development;
- (e) The subject parcel is zoned for business use.

As noted, the Commission acknowledged the hardship experienced by the applicant with respect to this property in a Hardship Exemption granted in 1995. The site conditions and proposed use of the subject property have not appreciably changed since the 1995 exemption was granted.

- (ii) *Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; or*

The characteristics of the property are described above. This Hardship application has been prepared for a specific site. It would not have been practicable for the applicant to evaluate an alternative site, as this property is uniquely zoned for commercial use, situated along major thoroughfares, and was historically disturbed with a history of an approved Hardship Exemption. Further, the applicant has owned the site since 1984.

The subject property is located at the southeast corner of the intersection of the LIE SSR and CR 111. The site is heavily impacted visually and acoustically due to this situation. The site is also presently impacted by the former occupation of a single-family residence on-site. The former domestic use of the property has resulted in the clearing of more than 55 percent of the site. The remaining pine-oak vegetation is located in narrow strips along the LIE SSR and between CR 111 and the former dwelling. Only the narrow strip along the SSR is contiguous to other pine-oak vegetation. It is submitted that the ecological value of the subject property is greatly diminished by these impacts and is not characteristic of other vacant parcels in the CPA. It is also submitted that the provisions of Article 57 would deny any future benefit derived from the subject property, as the parcel would be required to remain in a vacant state. This would effectively deny the owner of use of the property and value in connection with this parcel, particularly in view of the fact that it is zoned for business use.

A large portion of the proposed disturbance area has been previously disturbed by the historical residence. The proposed project will allow for approximately 52% of the property to remain or be restored as native vegetation (unfertilized/unirrigated native grass, and undisturbed native pine-oak trees).

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

The preclusion of beneficial use of the subject property is not the result of any action or inaction of the current or previous property owners.

The hardship for which an exemption is sought is not the result of any action or inaction on the part of the Applicant (which is also the Owner); the Applicant has not altered the subject property since the removal of the historical residence in the early 1990s. The hardship is the result of the CPA boundary being placed to include the pre-existing developed site in 1993, at least 30 years after the site was initially developed.

The applicant has owned the site since 1984. The applicant unsuccessfully tried to market the site for a food court use after the prior approval; however, market demand for that type of use was not present. The applicant seeks a similar restaurant use which is expected to be successful, particularly given the use of CR 111 for access to the south fork of Long Island, resulting in a busy commercial corridor. The applicant recognizes the benefit of the prior CPA Hardship approval and has relied on that approval since it was granted, in planning for the productive use of the property to achieve financial benefit, particularly in view of years of commercial taxes paid to the Town of Brookhaven on the property. Not having the ability to use the site in conformance with Town zoning and consistent with the prior Hardship would present an extraordinary hardship to the applicant. The proposed use remains consistent with the prior approval in terms of site design and site use for food/restaurant purposes. The applicant seeks issuance of a renewed hardship based on the factors outlined herein including unique site conditions and prior precedent.

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

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

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

The granting of a permit for the proposed project will not be detrimental or injurious to other properties in the area or increase the danger of fire, endanger public safety or substantially impair the resources of the CPA. Land uses in the area of the site include the LIE and CR 111 to the north and south, commercial and residential along CR 111, including a Starbucks immediately southeast of the subject property, and a gas station immediately south across CR 111. Vacant, undeveloped land is present farther to the east. The proposed project will not adversely impact the LIE or CR 111, rather, it is submitted that the visual and acoustical impacts of these roadways render the site inappropriate for uses other than commercial. The proposed project has been designed to contain and recharge all stormwater runoff on-site and provide for acceptable traffic flow in the area of the site, so as to minimize any potential impacts to surrounding parcels. Due to the land use in the area of the site as well as the configuration and limited extent of existing pine-oak vegetation on the subject site, the proposed project would have no significant impact on parcels to the east that lie within the CPA.

The proposed restaurant and associated development including paver patio, and paved parking and driveway areas, would be limited to approximately half of the subject property, a large portion of which was historically disturbed. The proposed development will not impact the use or operation of any adjacent or nearby properties. The proposed project will have no effect on environmental resources or other properties in the area other than beneficial impacts as noted in Sections 1.0 and 2.0. As noted in those sections, the proposed project met the conditions for a CPA Hardship previously, and neither the site conditions, the proposed use, nor the site plan for the project have appreciably changed.

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

The nature and extent of the requested relief is not inconsistent with the purpose, objectives or general intent of Article 57-0121(10)(c), in that the proposed project

would involve a development on a pre-disturbed site with diminished ecological value given the prior disturbance and immediately surrounding major highways. The proposed development will result in a compact, orderly and efficient pattern of development that will be situated primarily on previously disturbed land, while preserving contiguous native pine-oak vegetation on a significant portion of the subject property.

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

It is acknowledged that the waiver is the minimum relief necessary to relieve the hardship. It should be noted that the subject property owner does not own any suitable commercial land in the CGA to which development rights could be transferred.

Thus, the commercial development is necessary for the existing property owner to beneficially use the site, which is entirely located within the CPA. The site is unique in that it stands alone as a pre-developed site dating back to the early 1960s, well before the adoption of Article 57 and the CLUP. The site has been owned by the same entity since 1984, and the site/use received a prior Hardship from the Commission.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739
516-563-0385 / Fax 516-277-4097

Session of November 8, 1995 Brookhaven Town Offices

Present: Ms. Wiplush and Mr. Girandola (for Brookhaven), Mr. Duffy (for Southampton)
Mr. Cowen (for New York State) Mr. Proios (for Suffolk County) Ms. Filmanski (for Town of Riverhead)

Resolution on Clancy Street Food Court Core Preservation Area Hardship Property located southeast corner of the Long Island Expressway Service Road and County Road 111, Manorville, Town of Brookhaven SCTM # 200-462-2-5

Whereas, on May 25, 1995, David Kepner, through his attorney, Philip Sanderman, submitted a core boundary change request to construct a 5,915 square foot fast food or other restaurant on a 1.17 acre parcel in Manorville, and,

Whereas, on August 17, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6, the Commission coordinated lead agency review, and,

Whereas, on August 23, 1995, a public hearing on the core boundary change request was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, on September 20, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6 the Commission designated itself lead agency and accepted an extension from the applicant on the time in which the Commission has to make a SEQRA determination until October 11, 1995, and,

Whereas, on October 11, 1995, the Commission accepted an extension of time in which the Commission must make a SEQRA determination and decide the core boundary change request in order that the applicant may seek a Core Preservation Area hardship exemption for the same proposal, and,

Whereas, on October 13, 1995, David Kepner, through his attorney, Philip Sanderman submitted an application for a Core Preservation Area hardship exemption for all uses permitted in the Town of Brookhaven J-2 zoning district, except dry cleaners, laundries, public garages and automobile body shops on 1.17 acres, and,

Whereas, on October 25, 1995, a public hearing on the Core Preservation Area hardship exemption was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, the Commission has considered all materials submitted in connection with the core boundary change request and the Core Preservation Area hardship exemption, now, therefore, be it

Resolved, that the Commission hereby makes a determination of non-significance pursuant to Environmental Conservation Law Article 8 and be it further

Resolved, that the Commission hereby determines that the application, as submitted, does meet all of the requirements for extraordinary hardship pursuant to New York State Environmental Conservation Law 57-0121 (10)(a) and be it further

Resolved, that the application for a Core Preservation Area hardship exemption is granted subject to the following conditions:

1. The use of the premises is limited to the retail sale of food and food services and/or the sale at retail of dry goods.
2. The physical development of the site shall be in accordance with the Commission's Standards for Land Use as set forth in Chapter 5 of the Plan and the FGEIS for projects located in the Compatible Growth Area.
3. The height of any detached ground signs shall not exceed the height of the detached ground sign found at the gasoline filling station at the southwest corner of the intersection of County Road 111 and the Long Island Expressway Service Road.

Record of Motion:

Motion by Mr. Cowen
Seconded by Mr. Duffy

Yea Votes:

Unanimous