



Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
<https://pb.state.ny.us/>

June 17, 2020

Charles Voorhis, CEP, AICP, Managing Partner
Nelson Pope & Voorhis
572 Walt Whitman Road
Melville, New York 11747

RE: Lewis Road PRD Subdivision, June 3, 2020 submission

Dear Mr. Voorhis:

The Central Pine Barrens Commission staff performed a preliminary review of the June 3 submission. The Project Site area has been increased by 20 acres to 608.45 acres through a combination of 8.89 acres of additional road abandonments and the purchase of an 11.11-acre parcel (Timperman property) adjacent to Parlato for open space mitigation. The allowable clearing limit increased 5.75 acres to 171.93 acres.

Revised Master Plan

The Revised Master Plan reflects benefits, clarifications, and changes including:

- Greater unfragmented open space in the northerly portion of the Project Site to connect with contiguous public open space to the east
- Tighter clustering of development and open space
- Conservation easement on private HOA open space
- Mitigation through the purchase and sterilization of 11.11 acres near Parlato
- Conformance with NYSDEC clearing window restrictions to protect the Federal and New York State-listed Threatened, Northern Long Eared Bat and its habitat.
- No construction of the 17 density incentive units as per Planning Board Findings
- No mining permits are needed.
- No dewatering is necessary
- No off-site exportation of soil will occur.
- Underground parking garage area totals 27,500 square feet
- Relocation of the new public water supply well field to a flatter area of topography on the south end of Parlato.

The Revised Master Plan shifts development southward approximately 1,300 feet, and as a result, a larger block of unfragmented open space is now proposed in the northerly portion. Shifting development south also reduces impacts to steep slopes. However, additional information is required in regard to the slope analysis and how much area of steep slopes will be removed, as previously requested in the February 19, 2020 Staff Report. This information is required to verify conformance with the Comprehensive Land Use Plan (the "Plan"). See review of conformance below.

Review of Conformance

Standards and Guidelines 5.3.3.1.1 through 5.3.3.1.3 Nitrate-nitrogen

- A Sewage Treatment Plant with tertiary treatment is proposed voluntarily even though the project density is well below Suffolk County Health threshold.

Conformance with Plan Standard (5.3.3.1.2), which states, “Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens,” will need to be determined.

- The revised submission states “The SONIR Model was updated for LINAP assumptions as explained in the SONIR Model User’s Guide,” and “The SONIR inputs have been reviewed and are found to accurately reflect the Project’s impact on nitrogen in recharge,” but no revised SONIR analysis was provided to support these assumptions nor were responses submitted that adequately address the questions posed in the 2/19/20 Staff Report. Please submit the revised SONIR model and analyses along with these responses.
- Please confirm the STP nitrogen effluent will not exceed 10 mg/l and how the Project achieves the more protective goal of 2.5 mg/l of nitrogen over the entire site.

Standard 5.3.3.6.1 Vegetation Clearance Limit

Conformance cannot be demonstrated until information is provided including:

- The clearing limit has increased to 28.26% (equal to 171.93 acres). However, the sum of 171.93 acres of cleared area and 401.56 acres of open space does not appear to equal the total Project Site area of 608.45 acres. Please clarify.
- The amount of existing cleared area has still not been provided in the Clearing Plan. Please provide this information.
- Please clarify any changes in the amount of existing cleared area and how it relates to conformance with the clearing limit. The submission states 151.70 acres will be cleared for the Project, and the existing cleared area is 9.35 acres. These amounts appear to have changed from areas reported in the Record. Please clarify the amount of existing cleared area and how it applies to the clearing limit.
- The 2/19/20 Staff Report asked if the existing cleared area is 28 or 44 acres. This was not clarified in the narrative or in the Clearing Plan. Please submit the information.
- The 2/19/20 Staff Report asked if the area of road abandonments in the Parlato Old Filed Map contribute to yield in the Project and if they also contribute to the overall clearing limit as they increase the area of the Project Site. This was not provided - please do so.
- Demonstrate the clearing limit includes existing cleared area and all areas proposed to be cleared. In addition, please provide the amount of existing cleared area and how much existing cleared area is utilized in the Project prior to undertaking “new” clearing or clearing of existing natural vegetation. The Project must address this Standard as it is stated in the Plan:

Site plans, surveys, and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities. Areas of the site proposed to be cleared combined with the previously cleared areas shall not exceed the clearing percentage.

- The Clearing Plan identifies 401.56 acres of open space on a 608.45 acre Project Site, leaving 206.89 acres (34%) to be cleared and developed. Identify the existing cleared area in this amount and the proposed clearing in this amount of area. The Record indicated approximately 167 acres would be developed. Please explain and clarify the area that will be cleared and developed in the Project.
- The Revised Master Plan visually shows areas of “Existing natural area within the development” and “Open space outside the development” but it does not quantify these areas or list the amount of each area in the Plan. Please quantify the areas and provide them in the plans and assessment for the Record.
- Is the area titled “Existing natural area within the development” expected to be cleared? If so, confirm the clearing limit is met if it is cleared.
- Clearing for cart paths between golf holes must be included in the clearing limit. Identify the amount of clearing needed for cart paths between golf holes in a cleared path from the end of one hole (green) to the beginning of the next hole (tee box).
- It appears some of the cleared area between holes may be included in the clearing limit for the following: from Hole 2 to 3, from Hole 10 to 11, from Hole 11 to 12, from Hole 12 to 13, from Hole 13 to 14, and from Hole 14 to 15. However, please confirm the clearing for paths between golf holes is covered in the clearing limit calculation, specifically the clearing needed to connect areas on the golf course including: from the Practice Fairway to Hole 1, from Hole 1 to 2, from Hole 3 to 4, from Hole 4 to 5, from Hole 5 to 6, from Hole 9 to 10, and from Hole 15 to 16.

Standard 5.3.3.6.2 Unfragmented Open Space

A greater amount of unfragmented open space exists in the Revised Plan on the Project Site in the area between the northerly limits of physical disturbance and south of the Core boundary. This improves connectivity among open space areas on the Project Site and with public land to the east. However, it appears approximately 200 acres of fragmented open space is still situated in between the golf course and residential development. More information is needed to demonstrate conformance including:

- Identify the extent to which the Revised Plan has reduced unfragmented open space in the northerly portion and in other areas of the Project Site.
- How much of the 244.68 acres of private HOA open space will be fragmented?
- It appears approximately 200 acres of fragmented open space, in the form of vegetation corridors, is dispersed among the 171 acres of physical development. Please confirm.
- Identify which area(s) shown in different colors in the Revised Master Plan will be subject to filing of conservation easement. Will an easement be recorded for areas identified separately as “Existing Natural Area within the Development” and/or the “Open space (all outside Development)?” Each of these areas are extensive and fragmented in islands or corridors of vegetation winding around the golf course, in the area of residences and other facilities where surveying, delineating, and protection may be challenging. Please explain these areas as it relates to this Standard.

- Extensive areas of isolated islands of “open space” are scattered throughout the development. Again, this appears to be roughly 200 acres of fragmented habitat and open space area that still remains in long narrow corridors and strips of vegetation in and around the developed facilities including the golf course.
- The tee box on Hole 15 is north of the Avigation Easement. Is it feasible to shift it southward of the easement to reduce fragmentation of open space between Holes 15 and 16, which would shorten the distance and tighten the cluster between the green on Hole 15 to the tee box of Hole 16?
- Please also refer to the related discussion of Guidelines 5.3.3.11.1 through 11.4 below.

Guidelines 5.3.3.8.1 through 5.3.3.8.6 Soils and Steep Slopes.

The submission states the revisions to the Project “reduced the amount of impact to steep slopes in the central and northern portion” and that “Generally, the Project’s design seeks to avoid steep slope areas and utilize existing cleared/disturbed areas to the maximum extent, so that the Project will be developed on these surfaces, allowing the remaining natural steep slopes to be preserved. The Revised Master Plan places clearing envelopes on slopes less than 10 percent.”

However, in the 2/19/20 Staff Report the Commission requested specific details on the amount of steep slopes that will be removed. This information was not submitted and is again requested. The required information includes:

- Question #16 in the Staff Report (page 27) requested the Applicant, “Quantify steep slopes removed for the project.” This information was not provided. Please submit the requested information.
- To determine conformance with Guidelines 5.3.3.8.1 through 8.6, the Staff Report requested the submission of information and plans that quantify impacts to steep slopes. Although a visual plan and qualitative discussions were submitted, no quantitative information was submitted to address these Guidelines. Please submit this information.
- Please submit the information requested, including but not limited to, quantifying areas of roads and driveways that traverse slopes in excess of 10%. The Record indicated 88.36 acres of slopes exceeding 10% and 36.94 acres of slopes exceeding 15% grade would be subject to construction. Please confirm the amount of removal, 36.94 acres, or if the conditions have changed in the Revised Master Plan and if so, how much area of steep slopes will be removed.
- The Staff Report requested the Applicant identify where clearing envelopes occur on slopes less than 10% grade and on slopes in excess of 10%. No quantitative analysis is provided to determine the impact to this Guideline.
- Please submit a map identifying the areas of steep slopes, where they intersect with physical development on site, and how much area of steep slopes will be removed including slopes in the categories 10 to 15% grade and 15% or greater.

- How much of the 70.11 acres of steep slopes greater than 15% grade will be removed? The prior Record reported an estimated 70.11 acres of slopes in excess of 15% grade exist on the Site, and 36.94 acres of these would be removed. Confirm this amount to be removed, or provide the revised amount as per the Revised Plan.
- The existing area of slopes greater than 10% is provided (88.36 acres), but not the amount of this area to be removed by the Project. Please provide this information and submit plans that provide the information requested for Guideline 5.3.3.8.6, including quantifying areas of roads and driveways that traverse slopes in excess of 10% grade.
- The submission only provides a qualitative assessment of steep slope impacts which is not adequate to address the Project's impacts on the Plan Guidelines. The narrative provided does not identify the quantity of removal, even though the Applicant was requested to provide the "quantity of steep slopes removed for the project." For instance, it states, "The majority of grading on steep slopes will be associated with the golf course surfaces." Please submit this quantitative information.
- Confirm the maximum amount of steep slope disturbance is more than 88 acres on slopes 10% or greater and 36.94 acres on slopes exceeding 15% grade. If this is incorrect, please identify the correct amounts and identify where on the Project Master Plan they occur.

Guideline 5.3.3.9.2 Clustering

Tighter clustering could be achieved if Hole 16 were shifted south of the Avigation Easement and closer to the Hole 16 tee box to tighten the cluster. Please revise or advise why this is not feasible.

Guidelines 5.3.3.11.1 through 5.3.3.11.4 Scenic, Historic, and Cultural Resources

Public lands and trails are adjacent to the easterly side of the Project Site. Development will occur on the shared boundary for a linear distance of roughly 5,600 feet, and visually shielding natural buffers will be removed. Protecting public land resources and connecting open spaces is a goal of the Plan. Please do the following:

- Please submit revised grading plans to verify that adequate buffers to public land will remain and to confirm that no clearing or grading will occur on adjoining public lands.
- Identify widths of natural buffers on the east side of the site where golf course holes, facilities and other structures are proposed adjacent to the boundary. Buffers should be preserved to protect resources including trails and public open space.

Other Comments

- Public comments received at the February 19, 2020 hearing were not addressed. Please provide responses to any relevant questions and concerns raised by the public.
- Submit the information necessary to update the Project Record to reflect current plans and to determine conformance including:
 - Revised SONIR analysis
 - List of tax lots in the Project including the tax map number of the Timperman property
 - Revised Grading Plans

- Other Standards and Guidelines cannot be confirmed unless and until compliance is demonstrated upon approval of a Stormwater Pollution Prevention Plan:
 - Standard 5.3.3.5.1 Stormwater recharge
 - Guideline 5.3.3.5.5 Soil erosion and stormwater runoff control during construction.
- The Record identified gore conditions, overlaps and unknown owners and the Staff Report requested that these be excluded from yield, clearing and sanitary flow calculations. Has this been done and please explain how these areas contribute to the Project include the overall Project Site area, yield, clearing, and any other element of the Project.
- Submit revised Attachment C titled “Table of Tax Lots Proposed Project” to reflect the current list of all tax parcels in the Project and their ownership. Owner’s consents are needed from all applicable owners and entities.
- Please explain if the areas for public facilities including but not limited to the STP and well field dedication area (4-5 acres) were used in the site area to calculate yield.
- Provide a map showing each parcel in the Project and the Project overlay.
- Explain how the Applicant will protect outparcels, private and public, in the Hills South area where physical development is in proximity to parcels not under the Applicant’s ownership.

Please note that these are preliminary comments, based upon an initial review of the June 3 submission, and that additional comments may be provided at the continuation of the public hearing.

Thank you for your attention.

Sincerely,



Julie Hargrave
Principal Environmental Planner

cc: John W. Pavacic, Executive Director, CPBJP&P Commission
Judy Jakobsen, Deputy Director, CPBJP&P Commission
John Milazzo, Counsel to the CPBJP&P Commission