



Central Pine Barrens Commission Meeting Agenda  
Wednesday, August 16, 2023 at 2:00 pm  
Wertheim National Wildlife Refuge  
340 Smith Road  
Shirley, NY 11967

IN PERSON ONLY, NO REMOTE OPTION

1. **Administrative and Public Comment**

- a. Public Comment
- b. Minutes for 7/19/23 review (*approval*)

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

- a. Credit Program Auction: results and next steps / *draft resolution (Mr. Tverdy)*

**Core Preservation Area, Critical Resource Area, Compatible Growth Area**

- b. CVE North America, Inc. Core Preservation Area Hardship Waiver Application (former site of Westhampton Property Associates Core hardship, 2012) / east of Speonk Riverhead Road, Speonk / 900-276-3-1 and 2 / development of a 25 acre, 5 MW solar facility for lease on a 114 acre project site where a 91 acre sand mine is present in the CR 200 zoning district / *schedule public hearing (Ms. Hargrave)*

**Core Preservation Area**

- c. Suffolk County Correction Officers Association Core Preservation Area Hardship Waiver Application / 1001 NYS Route 25, Ridge / 200-295-1-5.2 / construction of a 1,750 square foot meeting hall for members on a 3 acre project site in the J4 Business zoning district / *schedule public hearing (Ms. Hargrave)*
- d. SEQRA Coordination LIPA Medford Operations Center / 3351 NYS Route 112, Medford / 200-574-2-3.1, 16 and 17.1 / development of a LIPA operations center on a 24.26 acre project site where Country Fair amusement park is located in the J2 Business and A1 Residence zoning districts / *draft response (Ms. Hargrave)*

**Compatible Growth Area**

- e. Venezia Square CGA Development of Regional Significance / NYS Route 25A, Wading River / 600-73-1-1.4 and 1.16, 1.17, 1.18 and 1.19 / development of 37,000 square feet of commercial uses on a 6.3 acre project site in the Business CR zoning district / decision deadline 8/16/23 / *request for extension of decision deadline (Ms. Hargrave)*

3. **Public Hearing at 2:30 pm**

- a. Taco Bell-Mangogna Core Preservation Area Hardship Waiver Application / Chapman Boulevard-CR 111, Manorville / 200-462-2-12.2 / development of a 2,624 square foot drive through restaurant on a 1.6 acre project site where a 7,200 square foot restaurant is present (Michaelangelo's) in the J2 Business zoning district / continuation of hearing adjourned on 7/19/23 / *decision deadline 10/5/23 (Ms. Hargrave)*

4. **Public Comment**

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

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Westhampton Beach, NY  
11978

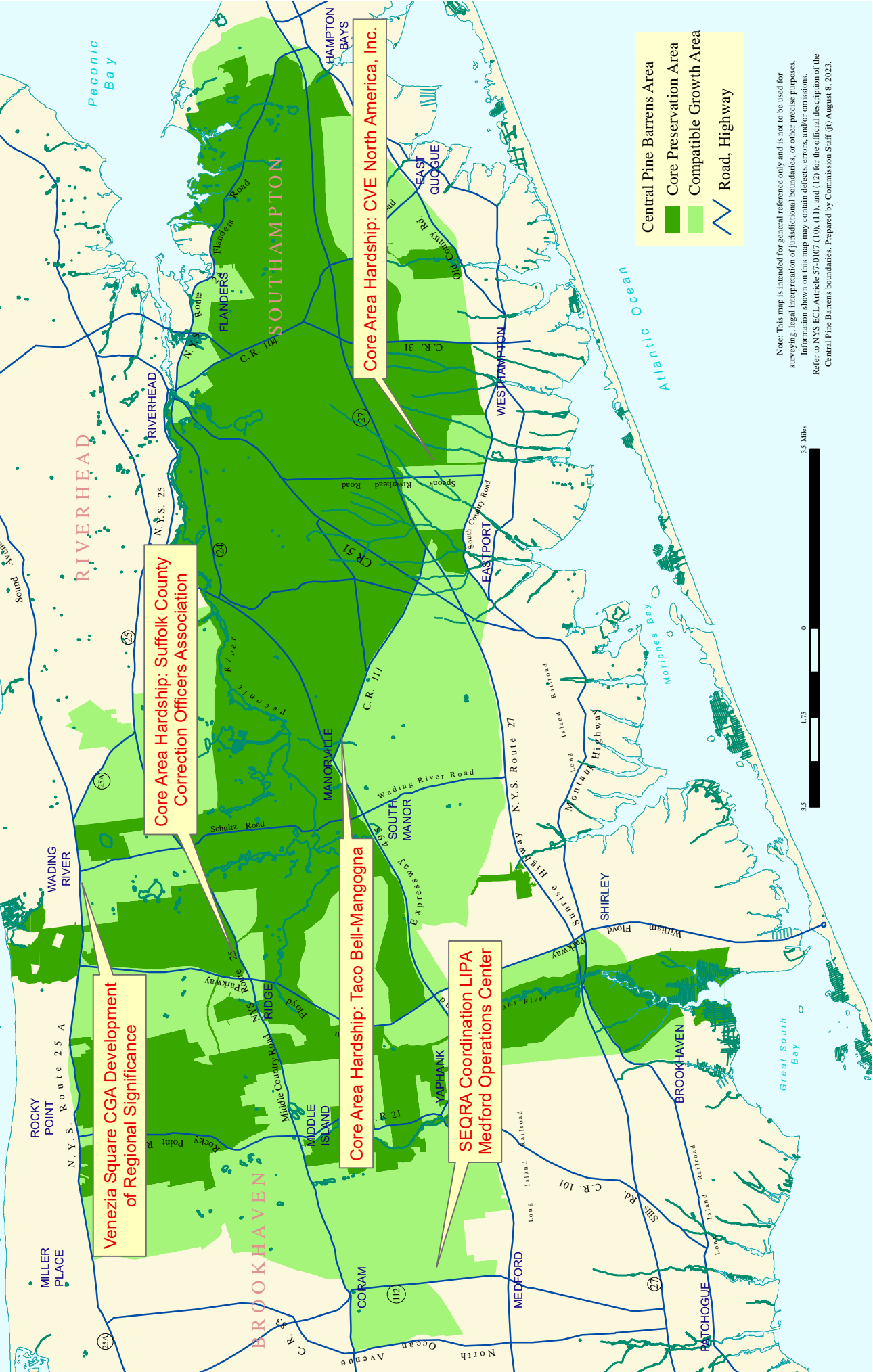
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Next Commission Meeting, Wednesday, September 20, 2023 at 2:00 pm  
For meeting information visit <https://pb.state.ny.us/>

**SITES FOR DISCUSSION AT  
CENTRAL PINE BARRENS COMMISSION MEETING OF  
August 16, 2023**



Long Island Sound



**Venezia Square CGA Development  
of Regional Significance**

**Core Area Hardship: Suffolk County  
Correction Officers Association**

**Core Area Hardship: Taco Bell-Mangogna**

**SEQRA Coordination LIPA  
Medford Operations Center**

**Core Area Hardship: CVE North America, Inc.**

**Central Pine Barrens Area**

- Core Preservation Area
- Compatible Growth Area
- Road, Highway

Note: This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries, or other precise purposes. Information shown on this map may contain defects, errors, and/or omissions. Refer to NYS ECL Article 57-0107 (10), (11), and (12) for the official description of the Central Pine Barrens boundaries. Prepared by Commission Staff (R) August 8, 2023.





Central Pine Barrens Commission Meeting  
Wednesday, July 19, 2023 (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. Romaine and Ms. Pines (for Brookhaven), Ms. Aguiar (for Riverhead), Mr. Dale (for Suffolk County) and Mr. Shea (for Southampton).

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

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

Robert Calarco  
Chairman

Yvette Aguiar  
Member

Steven Bellone  
Member

Edward P. Romaine  
Member

Jay H. Schneiderman  
Member

1. **Administrative and Public Comment**

a. *Public Comment*

*Summary: No public comments were received.*

b. *Minutes for 6/21/23 review*

*Summary: **The motion was made by Mr. Shea and seconded by Mr. Romaine to adopt the June 21, 2023 meeting minutes. The motion was approved by 5:0 vote.***

2. **Education and Science and Stewardship**

a. *Education and Outreach Division: update*

*Summary: Ms. Parrott was not present the Education and Outreach division's activities were covered in the previously distributed education and outreach division report. Ms. Jakobsen discussed the Barrens to Bay Camp has been running July and August with a full camp with great activities. She announced that Mr. Motz is transitioning to the education and outreach division.*

b. *Science and Stewardship Division: update*

*Summary: Ms. Weigand discussed highlights and updates on the Science and Stewardship division's activities covered in the previously distributed science and stewardship division report. Ms. Weigand introduced the Science and Stewardship new Ecological Field Specialists staff Christopher Steigerwald and Samantha Acampora. Mr. Shea asked if any of the control burn areas are being monitored for recovery of species and what are the staff's observation. Ms. Weigand responded that there is a vegetation monitoring program for the prescribed burn areas and the areas are monitored at different stages with regards to observations and that it is too soon to see any definitive results.*

c. *New York Wildfire and Incident Management Academy / update*

*Summary: Ms. Jakobsen discussed highlights on the New York Wildfire and Incident Management Academy's activities which will be from October 19 to October 29, 2023 at the Brookhaven National Laboratory. We will be offering 14 classes relating to training for wildland fire fighting and two all hazard classes. The brochure and registration link will be available on the Commission website. The NYWIMA academy has been active and offering courses for 26 years.*

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

a. *Compliance and Enforcement Division: update*

*Summary: Mr. Carbone discussed highlights and updates on the Compliance and*

Enforcement division's activities. covered in the previously distributed compliance and enforcement division report. Mr. Romaine discussed dumping in the town of Brookhaven is a \$10,000 fine and the district attorney's office is willing to work with the towns regarding the dumping issues.

b. *Land Use Division: update*

*Summary: Ms. Hargrave discussed highlights and updates on the Land Use and Outreach division's activities covered in the previously distributed land use division report. Ms. Hargrave discussed that the Commission received material from Mr. Joe Gazza a property owner and developer in the Pine Barrens who is concerned about the conversion of a sand mine that it may cross some of his properties. Mr. Milazzo discussed the matter with Mr. Gazza and indicated the matter has been previously reviewed by the Commission and it is development. Mr. Romaine asked if DEC is involved and if the staff could verify if the access road has been constructed or if it is pre-existing.*

c. *Credit Program: update*

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

**Core Preservation Area**

d. *Request for determination: Ashley Huser / construction of single-family residential lot/dwelling in the subdivision Adel and Casola in the CR 120 zoning district / Flanders Road, Hampton Bays / 900-204.01-2-1 /*

*Summary: Ms. Hargrave discussed this is a property of one of four lots in a subdivision of 42 acres; the subject lot is 10.8 acre with a clearing limit of 25 percent. The zoning district has not changed. The draft letter explains that and therefore the determination is non development.*

***The motion was made by Mr. Romaine and seconded by Mr. Shea to send the draft letter. The motion was approved by 5:0 vote.***

e. *NYSDEC referral: 49 Old Westhampton Road, Wildwood Lake / Northampton / 900-164-4-11 and 12 / construction of a single-family residence and removal of existing cabins /*  
*Summary: Ms. Hargrave discussed this is a referral proposal to construct a single-family residence and removal of seven structures covering approximately 6,200 square feet, removal of old cesspools and installation of a new wastewater treatment system and construction of a new driveway. The draft letter explains that the changes are determined to be development and it requires a core hardship waiver application, subject to review and decision of the Commission. Mr. Jason Gosselin the property owner discussed some background of the family property. He also shared his interpretation of the Pine Barrens Protection Act. Mr. Milazzo discussed the Commission has taken the same position on other applications that it has taken on this matter.*

***The motion was made by Mr. Shea and seconded by Ms. Aguiar to send the draft referral letter. The motion was approved by 5:0 vote.***

**Compatible Growth Area**

f. *PSEG LI notification / replacement of 8 wooden utility poles on Wading River Hollow Road in Ridge /*

***Summary: The motion was made by Mr. Romaine and seconded by Mr. Shea to send the draft letter. The motion was approved by 5:0 vote.***

g. *Southampton Planning Board SEQRA Coordination: Jeffrey DiLandro / 1323 Speonk Riverhead Road, Speonk / 900-326-1-8.2 / development of 10,000 square foot building for five special trade units on a 1.6 acre property in the L -40 zoning district /*  
***Summary: The motion was made by Mr. Shea and seconded by Mr. Romaine to send the draft letter. The motion was approved by 5:0 vote.***



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

*Core Hardship application: redevelopment for a change of zone and site plan for a drive through Taco Bell / 457 County Road 111, Manorville (formerly Michaelangelo's / 200-462-02-12.2 /*

*Summary:*

*A stenographic transcript was prepared for the hearing.*

5. **Public Comment**

*Summary: No public comments were received.*

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

***The motion was made by Mr. Shea and seconded by Ms. Aguiar 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 3:30 pm*

Attachments (in order of discussion)

1. Draft Commission meeting summary for June 21, 2023
2. Final Commission meeting summary for June 21, 2023
3. Education and Outreach division update dated July 2023
4. Science and Stewardship division update dated July 19, 2023
5. Compliance and Enforcement division update dated May - June 2023
6. Land Use division update dated July 19, 2023
7. Credit Program update dated July 19, 2023
8. Draft response letter request for determination of jurisdiction 19 Flanders Road dated July 19, 2023; CCP Ventures LLC letter, maps and affidavit dated July 9, 2023
9. Final letter for determination 19 Flanders Road dated July 19, 2023
10. Draft referral letter to NYS Department of Environmental Conservation 49 Old Westhampton Road, Wildwood Lake, Northampton Town of Southampton dated July 19, 2023; Memo and information for a permit application regarding 49 Old Westhampton Road dated June 15, 2023.
11. Final referral letter to NYS Department of Environmental Conservation 49 Old Westhampton Road dated July 19, 2023
12. Draft response letter PSEG-LI Transmission Pole Replacements, Ridge, Town of Brookhaven dated July 19, 2023; Letter, attachment and photos from PSEG-LI dated June 9, 2023.
13. Final response letter PSEG-LI Transmission Pole Replacement, Ridge dated July 19, 2023
14. Draft response letter SEQRA Lead Agency Coordination for DiLandro Site Plan Application Speonk Riverhead Road, Southampton Town dated July 19, 2023; Memo and Environmental Assessment for regarding notification of SEQRA Coordination for Jeffrey DiLandro dated June 30, 2023.
15. Final letter SEQRA Lead Agency Coordination for DiLandro Site Plan Application dated July 19, 2023
16. Draft Staff report for Taco Bell Core Preservation Area Extraordinary Hardship Waiver dated July 19, 2023



**DRAFT**  
**Central Pine Barrens Joint Planning and Policy Commission Meeting**  
**Wednesday, August 16, 2023**  
**Resolution**

**Central Pine Barrens Commission Authorization to Purchase Pine Barrens Credits**

Present:

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

Robert Calarco  
*Chair*

**Whereas**, the Long Island Pine Barrens Protection Act (the “Act”) authorizes the Central Pine Barrens Joint Planning and Policy Commission (the “Commission”) to establish regulations, values, and standards which may include a system of bonuses and incentives in order to purchase, sell, hold and transfer development rights, and

Yvette Aguiar  
*Member*

**Whereas**, the Central Pine Barrens Comprehensive Land Use Plan (the “Plan”) established a Pine Barrens Credit Clearinghouse Board of Advisors (the “Clearinghouse”) to oversee and manage its transfer of development rights program, known as the Pine Barrens Credit program, and

Steven Bellone  
*Member*

**Whereas**, the Commission owns 0.54 Pine Barrens Credits (the “PBCs”) that originated from lands within the Town of Brookhaven, and

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

**Whereas**, the Plan authorizes the sale, exchange or conveyance of PBCs previously purchased by the Commission, and to establish the monetary value of the PBCs to be sold, and

**Whereas**, at the March 15, 2023 Central Pine Barrens Commission Meeting, the Commission Board Members authorized the Commission Staff to execute the Auction and purchase PBCs generated in the Town of Brookhaven, and

**Whereas**, on June 23, 2023 the Commission Staff completed mailing to Letter of Interpretation (the”LOI”) and Credit holders with an offer to purchase their credits, and

**Whereas**, the Auction ended at 5pm on August 4, 2023 and the Commission received offers from LOI and Credit holders with the total amount of 3.95 credits, and

**Whereas**, based on all responses received, the average price per PBC was calculated, and

**Whereas**, no more than one credit may be purchased from each credit holder and the Commission reserves the right to reject any or all offers, and

**Whereas**, the Commission authorizes the purchase of Pine Barrens Credits at the average price of \$106,797 per credit or at the current average in the Town of Brookhaven of \$109,756 per credit, and

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**Whereas**, the Commission authorizes Judith Jakobsen, Executive Director, to approve and sign the Agreements for Sale of Pine Barrens Credits, now, therefore, be it

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**Resolved**, that the Commission finds that the Plan authorizes it to purchase Pine Barrens Credits, and be it further

**Resolved**, the Commission finds that the purchasing of Pine Barrens Credits is consistent with the goals of the Act and the Plan, and be it further

**Resolved**, the Commission offers to purchase 3.95 Pine Barrens Credits pursuant to the terms and conditions contained in the attached Agreements for Sale of Pine Barrens Credits, and be it further

**Resolved**, the Commission reserves the right to cancel this offer at any time and for any reason.

**Resolved**, the purchase price per credit is based on 1) the average price of \$106,797 or 2) the current average price in the Town of Brookhaven of \$109,756.

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: \_\_\_\_\_

List of Credit Auction offers from Sellers

August 7, 2023

Owner	SCTM#/Credit Cert#	# of credits	Price offered	Price per credit
Albert Brayson	200-745	0.29	29,000	100,000
Edward Brewer	200-499-1-3	0.1	12,000	120,000*
William Clark	200-849-1-15	1	95,000	95,000
John Delia c/o T. Pitera	200-531-6-5	0.1	7,000	70,000
Stephen Emmerman	200-529	0.09	9,000	100,000
Stephen Jakowski	200-480-2-7	1	120,000	120,000*
Ed Pinto	200-576	0.27	14,850	55,000
Bob Toussie	200-834	1	125,000	125,000*
Jeffrey Slonim	200-464-3-1	0.1	10,000	100,000
	Total # of credits	3.95	421,850	
		Average price per credit	106,797	
		Current average in the Town of Brookhaven	109,756	

\* Highlighted are the sellers who bid above the average price.

**DRAFT**  
**AGREEMENT FOR SALE OF PINE BARRENS CREDITS**

This Agreement made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023 is by and between

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

hereinafter called "SELLER", who agrees to sell \_\_\_\_\_PINE BARRENS CREDITS:

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

hereinafter called "COMMISSION" who agrees to buy \_\_\_\_\_PINE BARRENS CREDITS associated with the Certificates Number 200-\_\_\_\_\_.

**WITNESSETH**

Whereas, the Commission seeks to purchase Pine Barrens Credits and requested holders of Pine Barrens Credits to tender their Pine Barrens Credits for sale at an average price based on all responses received from Sellers, and

Whereas, Seller tendered their \_\_\_\_\_Pine Barrens Credits to the Commission at a price of \$ \_\_\_\_\_, and

Whereas, the Commission offers to purchase the Seller's Pine Barrens Credits for \$ \_\_\_\_\_, and upon the terms and conditions of this Agreement, and

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, whose sufficiency is acknowledged by the parties, it is mutually agreed as follows:

1. The Commission shall purchase Seller's \_\_\_\_\_Pine Barrens Credits for a TOTAL Purchase Price of \$ \_\_\_\_\_ within twenty (30) days of its receipt of the Certificate pursuant to Paragraph 2 below. The Purchase Price shall be payable to Seller by check from the County of Suffolk.
  
2. The Seller agrees to complete and sign column 1 on the back of the Pine Barrens Credit Certificate and submit it to the Commission simultaneously with its return of this executed agreement. The signature on the back of the Certificate shall match exactly the name on the Certificate. The Commission may terminate this offer if the signed agreement and Certificate are not returned to the Commission's office by \_\_\_\_\_



3. Seller represents that it has good and clean title to the Credits and the same are not encumbered in any manner. Seller shall defend, indemnify and hold harmless Purchaser, its members, agents and representatives and the Central Pine Barrens Joint Planning and Policy Commission, its members, agents and representatives against any claims affecting title to the Credits or claims concerning Seller unencumbered right to convey the Credits to the Commission. This obligation shall survive closing of title of the Credits.
  
4. In the event that the Pine Barrens Credit Certificate is unacceptable to the Commission, this Agreement shall be null and void and the parties shall have no rights or obligations to the other. In such event, the Commission shall return the tendered Pine Barrens Credit Certificate to the Seller. Seller understands that all decisions regarding acceptability of the Pine Barrens Credit Certificate are to be made by the Commission in its sole discretion and that its decision is final.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and to effective as of the date first above written.

Central Pine Barrens Joint Planning  
and Policy Commission

SELLER

By: \_\_\_\_\_  
Judith Jakobsen,  
Executive Director

By: \_\_\_\_\_  
Name:

## **Company Background - CVE North America (“CVE”)**

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

### **Capabilities:**

Considerable experience developing, financing, and operating solar projects across the U.S. with a focus on New York State and the Northeast

- 9 self-developed projects totaling 37 megawatts of solar projects in operation under the Massachusetts SMART program since 2020
- Development pipeline of 450+ MW across NY, NM, VA, PA, OH and MI, more than 250 MW are under site control and in the development process
- Since 2022 CVE NA has financed and commenced construction of a 73 MW portfolio consisting of:
  - 41 MW of acquired pre-construction projects
  - 32 MW of self-developed projects

### **Our Community Solar Approach:**

CVE focuses on building renewable power production systems close to where power is consumed. This is the essence of "Distributed Generation", in contrast with the more traditional large power plants requiring substantial transmission to deliver power to consumers. The idea is simple: designing renewable energy solutions that fit the various needs of local governments, conservation bureaus, landowners, local industry, investors, and financial partners.

CVE is committed to providing long-term ecological solutions to meet the energy needs of businesses and communities. Competitiveness, energy efficiency and sustainability are key objectives which underpin the group's activities and drive the ambitions of its members.

### **What is Community Solar?**

Community Distributed Generation (CDG) is the NY State community solar program that allows homeowners, renters, municipalities, and businesses to have access to the benefits of solar energy without having to install solar panels on their buildings. Subscribers benefit from local renewable energy produced in their region and save money every month on their electricity bill.

New York is one of 22 states that currently allow and incentivize community solar, and more states are currently considering bills to broaden community solar in the country. CVE is actively developing Community Solar projects throughout the country under its brand Halo. New York's Climate Leadership and Community Protection Act (CLCPA) has a stated goal for 70% of the state's electricity generation to be sourced from renewable energy sources by 2030, including 6 gigawatts of solar by 2025 on a path to 10 gigawatts by 2030. Community Distributed Generation (CDG) has and will continue to play a key role in achieving the states' target. Importantly CDG has been advanced to democratize the beneficiaries of clean energy development in a fair and equitable way.

### CVE Recognized for Environmental and Quality Practices

1. Certified B-Corp (please add language)
2. ISO 9001 and ISO 14001 certified (with annual renewal).
  - ISO 9001 is a family of quality management systems, a set of guidelines that aid businesses in ensuring that they satisfy the needs of customers and other stakeholders while adhering to all applicable legal and regulatory requirements for a given service or product
  - ISO 14001 is a series of environmental management standards that exists to assist firms in reducing the impact of their operations on the environment

### Ground Mount Solar Solutions

- Ground mounted solar farms consist of a series of solar panels installed above the ground across large areas.
- Instead of directly providing power to a local consumer like a residential rooftop, solar farms provide power to the electric grid and are part of the utility's energy mix.
- There are different types of ground mounted PV projects, like community solar and utility-scale solar farms. All of CVE's ground-mount installations in the United States are community solar farms, benefiting nearby residents and businesses.

### CVE Partnerships with Townships and Landowners

- CVE works hand in hand with Towns, Municipalities, Conservation Districts and Landowners to develop ground mounted PV installations that respect the environment and the concerns of communities.
- Our experienced Solar Site Originators first identify land parcels suitable for solar. Then they work directly with landowners to either lease or purchase the land, in an effort to forge a lasting relationship that is beneficial for all parties.
- Landowners benefit from a reliable source of revenue from a long-term lease or land purchase without having to bear any cost, as all expenses related to the construction, operation and maintenance of each installation are borne by CVE.

### Pollinator Friendly Solar –

- CVE is committed to creating a pollinator-friendly habitat at each site, making every effort to incorporate the industry best-practices

- A 'Pollinator Friendly' solar facility incorporates land use and management practices beneficial to pollinators by: planting native wildflowers, limiting the use of pesticides and installing cavity nesting for bee habitats.

#### CVE Green Initiative – Supporting Local Environmental Issues

- CVE donates \$1 for every panel installed to a local nonprofit organization working towards:
  - Tree planting
  - Land and Water conservation
  - Protection of local wildlife and biodiversity
  - Education in sustainability and clean energy

#### Key CVE NA Financing Partners:

**FOSS & COMPANY**  
TAX CREDIT SPECIALISTS



**LiveOakBank**

**The Seminole Companies**

  
**AVANA CAPITAL**  
PRESERVING WEALTH. CREATING GROWTH.

  
**REA**  
RENEWABLE ENERGY ALTERNATIVES

## **CVE Community Solar Project - Project Description**

CVE North America, Inc. (Applicant), proposes to construct and operate the CVE US NY Southampton 243 LLC (Project); a ground mounted, tracking photovoltaic (PV) community solar facility, with 5.00 MWac capacity. The Project is proposed to be located on two privately-owned parcels located off Speonk-Riverhead Road, Westhampton, NY in Suffolk County.

Suffolk County Tax Map Parcel No.:

- 900-276.00-03.00-001.000
- 900-276.00-03.00-002.000

### Purpose and Need

CVE proposes a positive re-use of a disturbed and scarred, long-standing sand mining operation located on the border of the Central Pine Barrens area, largely located within the Compatible Growth Area and partially in the Core Preservation Area.

The site is comprised of two adjacent land parcels: 0900-276.00-03.00-001.000 & 002.00. The solar project would reside about 1400' to the east of Speonk-Riverhead Road, 1500' south of Sunrise Hwy. and 2200' north of Old Country Road in Westhampton. Both parcels are owned by Westhampton Property Associates, Inc.

We are respectfully requesting permission from the Central Pine Barrens Commission (CPBC) to construct and operate a PV solar facility that would generate clean renewable energy and benefit residents and small businesses within the area of the project. The project is proposed under the Community Distributed Generation (CDG) NYSEERDA Program, which provides direct financial relief to PSEG-LI customers who subscribe to the project through an established PSEG-LI billing program. While the Program targets at least 30% of customer offtake be subscribed by low-moderate (LMI) income households, CVE will base our efforts on ensuring that at least 60% of subscribers are Low-Moderate Income households. Small businesses seeking relief through local and state programs can also be serviced through this program. A monthly bill savings is applied directly to their PSEG-LI account, commensurate with their participation in the program. As an additional societal benefit to show Hardship, this clean energy project, built to scale, positively impact the Town, County and the State's ability to reach their stated renewable energy goals to reduce reliance on fossil fuel sources to power our electricity grid.

Based on CVE's commitment to providing renewable energy, we propose to develop the site described below to maximize its solar energy potential. In order to best determine optimal location within the site, the following factors have been analyzed:

- Site accessibility
- Significant solar radiation (insolation)
- Very limited tree and vegetative impact



- Limited visibility from offsite locations
- Lowest impact development in the Compatible Growth and Core Protection Areas
- Ideal land use for disturbed mining sites, with negligible impact on ground water recapture

Given the high property values and scarcity of large parcels of land in the area of Westhampton, New York, CVE understands that residents of this area are displaced from this state program benefit – another community hardship. There is a great imbalance between the amount of community members seeking to participate in these cost savings programs and solar projects that deliver community energy savings in Suffolk County.

In order to build projects that provide utility savings to the surrounding community, projects need to be built at a scale and on land that doesn't support the high valuations present throughout the east end of Suffolk County, NY. This site is ideal in its ability to deliver a significant scale renewable energy project, its proximity to utility grid infrastructure and the ability to positively reuse an already disturbed mining site.

This sand mining site has a sunken, flat bottom valley design which is ideal for solar development for a few reasons. The land has no other intrinsic value for commercial or residential use, it's already cleared of vegetation, and it would be completely out of the view of any neighbors or area residents. The property is already located far back from area roads and any residential neighborhoods.

Ground mounted solar projects have little to no impact on local town resources like sewage, water, lighting, roads, road maintenance or transportation needs of any kind. CVE will present in greater detail the beneficial impact that a solar project provides to groundwater recapture and replenishment. There would be a negligible addition to impervious surfaces as the existing dirt access roads to the property would not need to be significantly altered.

Environmental Conservation Law 57-0121 was intended to reduce the negative impact to groundwater recapture from residential and commercial buildings and parking lots. Ground mounted solar energy projects are a completely different type of development, which has nearly no negative impact on groundwater recapture.

Community Distributed Generation (CDG) projects differ in notable ways from "utility" scale projects. A primary difference is that residents within the Southampton, Riverhead and Brookhaven townships can receive a direct benefit by subscribing to the CDG program for this project and to reduce their electricity bills. Participation makes them eligible to receive a credit on their electricity bills from PSE&G LI, and they can cancel anytime. There are no costs to subscribe, and on average, customers can expect to save 5-10% on their monthly utility bills.

CDG projects are also less impactful to conserved land. Due to their smaller overall land requirements, a community solar energy facility requires less land disturbance, has fewer stormwater impacts, and can be more effectively screened from public view. Moreover,

throughout the life of the project, the land beneath the panels can be planted with native species of grasses, flowers, and other landscaping materials. At the end of the project's life, the solar energy panels and related equipment can be easily removed.

## Equipment Description

CVE is seeking a hardship declaration from the CPBC for this proposed community solar project based on the community and societal benefits described in the 'Purpose and Need' section above, as well as the positive repurposing of this preexisting disturbed mining site. If approved by CPBC the solar facility would be developed over the next 3 years. CVE and the Pine Barrens Commission will potentially have the opportunity to consider expanding the project when remaining mining activities may cease (7-10 years).

We hope to demonstrate the societal and community benefit of the project as well as the positive reuse to be in alignment with what ECL 57-0121 was intended to preserve. Description of all equipment can be found below.

### Solar Project to Include:

- 11,154 solar modules (panels)
- Total AC System Size 5 MW
- (2) 2500 KVA Transformers
- (2) DC to AC Inverters, 2,500 KW each
- (4) 2752 KW Sungrow or alternate Battery Energy Storage containers
- Utility Switchgear Located at Speonk-Riverhead Rd.:
  - Pad mounted transformers, reclosers, meters, communication reclosers,

### Equipment Dimensions:

- Total Parcel Area =114.305 acres
- Solar Array Footprint Area: 25 acres (includes inter row spacing)
- Area of Land Disturbed by Solar Facility: 0 Acres
- Inverter Area: 112 Square Feet
- Battery Energy Storage System: 1045 Square Feet
- Transformer = 100 Square Feet

### Safety, Fire and Electrical Code

- Entire system design will be compliant with the most recent version of the New York State Fire Code
- All electrical plans will be third party stamped by a NY licensed EE using the most recent version of the National Electrical Code (currently v.2020)
- System will be located far from residential homes and neighborhoods, compliant with the Towns' code and preference
- Since the inception of CVE, we have placed quality at the core of our operations

## Solar Modules

The proposed Project will utilize approximately 11,154 solar modules. The modules are manufactured offsite and will be delivered to the site by truck in wooden crates or cardboard boxes. Each module will measure approximately 7 feet by 4 feet and will be rated at 480 watts.

Solar modules will be configured into metal frames and oriented in rows running north to south. The frames of solar modules will be mounted on steel racking posts that rotate to track the sun throughout the day – facing east in the morning and west in the evening. Approximately 15 feet of space will be maintained between each row of solar modules for operations and maintenance access.

The maximum height of the modules will be approximately 10 feet high (in the mornings and evenings when the racking posts are fully tilted).

## Balance of System Equipment

Balance of System Equipment including but not limited to inverters, DC combiner boxes, transformers, and/or medium voltage switchgear may be installed near the solar array within the project's fence line. The Balance of System Equipment will be installed on H-Frames and concrete pads and in compliance with equipment manufacturer instructions. Full details of Balance of System Equipment will be included as part of the Project's electrical design plan-set submitted for ministerial permits.

## Access Roads

The site will be accessed from Speonk-Riverhead Road an existing private access road which will extend into the Project parcel(s) and into the Project's proposed fence line. The access road will extend to the Project's equipment pads, as well as the furthest sections of modules, with hammerhead turnarounds to accommodate maintenance vehicles. The road will be wide enough to accommodate emergency vehicles and designed in compliance with County standards.

## Fencing

The solar array and all balance of system equipment will be enclosed in an eight-foot-tall wildlife-friendly, agricultural fencing. The fence will have at least one vehicle access gate at the boundary of the array, which will always remain locked, except during operations and maintenance activities.

## Transportation and Traffic

Materials for the proposed Project (e.g., solar modules, supporting racks, foundation materials, electrical gear) will be brought to the site by truck over the course of construction. It is not expected that the additional vehicles associated with construction will have an impact of overall traffic in Suffolk County. Once construction is complete, vehicles will be on site sparingly for operations and maintenance activities.

## Stormwater

CVE will be impacting over 1 acre(s), therefore we will be required to draft a Stormwater Pollution Prevention Plan (SWPPP). This will be drafted in accordance with NYS DEC guidelines and will be reviewed and approved during site Plan engineering with the Town of Southampton. Per the SWPPP Stormwater BMPs will be implemented on site such as stormwater basins, vegetative filter strips and level spreaders will be used convert concentrated to sheet flow, where applicable.

## Employment and Construction

A typical construction workforce for a solar facility of this size consists of approximately 80 workers during the construction period, which should last approximately 6 months. Construction personnel will be divided between civil and electrical services and based on the phasing of construction it is not anticipated that all workers will be present on site at the same time. Workers will be transported to the site via construction trucks and will park in an established staging area.

## Water Use

No water will be required for construction activities, and no water infrastructure is proposed in association with the project.

## Sewer and Solid Waste

Sewer services will not be needed. Temporary sanitary facilities will be placed onsite during construction.

## Decommissioning

Applicant will record a bond with Suffolk County equal to the cost to decommission the Project and restore the site to pre-existing conditions (estimated to be \$200,000 - \$300,000). The decommissioning cost estimate will be prepared by a third-party engineering firm. A decommissioning plan outlining all decommissioning efforts and timelines has been provided to Suffolk County, and the Authority having jurisdiction--the Town of Southampton.

In general, decommissioning efforts include:

- Remove all panels
- Remove posts, racking, and fence
- Remove concrete equipment pads
- Disassemble wiring, conduits, inverters
- Excavate access road
- Restore site conditions
  - Soils de-compacted
  - Fill excavations with soils
  - Reseed disturbed areas

## Conclusion

In conclusion, the Applicant requests the approval to proceed with the proposed project that will deliver many benefits with the positive reuse of a disturbed mining site. This renewable energy development will help the Town, State and Federal governments meet their clean energy goals. Equally important, the economic benefits this renewable energy project can deliver to area residents and businesses stranded from community solar projects align with the intent and requirements of the CPBC's definition of Hardship. We would be pleased to meet the CPBC at the next meeting on August 16<sup>th</sup> to be considered for development in the Compatible Growth and Core Preservation areas of the Pine Barrens.

- Uniquely sited on a property currently used for sand mining/quarry, with feasible utility interconnection, and zoned appropriately (Zoned Quasi-Public Service Use District – QPSUD solar is allowable by way of a Conditional Use Permit).
- Driving significant tax revenues to the County
- Significantly reducing local residents' energy costs for 30+ years
- Minimal addition of impervious surface, maintains the sites ability to recapture rainwater and recharge the aquifer
- Not impact on traffic counts in the neighborhood
- Not demanding County services such as water, sewer, roads or school

A community solar facility is a low-intensity, harmonious use of the property.

Thank you for your time and attention to this matter. We look forward to working with the Central Pine Barrens Commission, Suffolk County and the Community as the application progresses.

Sincerely,

*Steven Engelmann*

Steven Engelmann, Senior Business Developer

[Steven.Engelmann@cvegroupp.com](mailto:Steven.Engelmann@cvegroupp.com)

631-445-4145









# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Westhampton Property Associates, Inc. - Solar Project			
Name of Action or Project: CVE US NY Southampton 243 LLC			
Project Location (describe, and attach a location map): 80 Sunrise Highway, Westhampton, NY, 11977 - Resides to the east of Speonk-Riverhead Road			
Brief Description of Proposed Action: Construction of a new community solar energy facility (solar photo-voltaic array system) consisting of solar panels, associated equipment and a grass surfaced access road on the portion of a 114.305 acre parcel(s) located off Speonk-Riverhead Road in the Town of Southampton, NY.  Solar arrays will consist of photo-voltaic modules, typically 81.9" x 40.6", mounted on a galvanized metal racking system anchored to the ground using helical ground screws.  Suffolk County Tax Map Parcel Numbers: 900-276.00-03.00-001.000 & 900-276.00-03.00-002.000			
Name of Applicant or Sponsor: CVE North America, Inc.		Telephone: 631-445-4145 E-Mail: David.Froelich@cvegroup.com	
Address: 8th Floor, 109 W 27th Street			
City/PO: New York		State: NY	Zip Code: 10001
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Southampton Planning Board Special Permit and site plan approval; Town of Southampton Building permits; NYS DEC		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 25 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 114.305 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Mining/Quarry operation			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: <u>Central Suffolk Pine Barrens</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ No water will be required for construction activities, and no water infrastructure is proposed in association with the project.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Wastewater will not be generated at the site. Temporary sanitary facilities will be placed on-site during construction.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. 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? b. 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?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A Stormwater Pollution Prevention Plan (SWPPP) will be drafted in accordance with NYS DEC guidelines and will be reviewed and approved during site plan review by the Town of Southampton. Measures will be implemented to retain stormwater on-site.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>David Froelich</u> Date: <u>08/02/2023</u>  Signature: <u>David Froelich</u> <i>David Froelich</i> Title: <u>Director, Business Development</u>		

**OWNER'S AFFIDAVIT**

(Use this form if property is owned by a corporation)

STATE OF New York

COUNTY OF Suffolk )ss:

I, Giuseppe Giaquinto, being duly sworn, deposes and says that I am  
(Authorized Officer's Name)

Owner of the Westhampton Property Associates, Inc corporation  
(Official Title) (Landowner's Name)

Located at 928 Long Island Ave, Deer Park, NY 11729,  
(Landowner's Address)

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

this corporation is the owner in fee of the property located at 80 Sunrise Highway and 0 Sunrise Highway, Westhampton  
(Property Address)

which is also designated as Suffolk County Tax Map Number(s) \_\_\_\_\_

0900-276.00-03.00-001.000 & 900-276.00-03.00-002.000 and that this corporation has been the

owner of this property continuously since 10/02/2006, and that I have  
(Date)

authorized CVE North America, Inc to make a permit application to the  
(Applicant's Name)

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

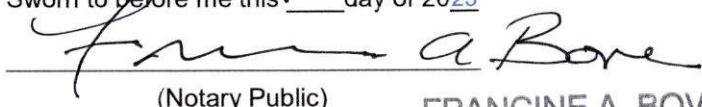


(Authorized Officer's Signature)

Giuseppe Giaquinto  
(Officer's Name - Please Print)

1 8/1/2023  
Date

Sworn to before me this 1<sup>st</sup> day of August 2023

  
(Notary Public)

**FRANCINE A. BOVE**  
Notary Public, State of New York  
No. 01BO6046059  
Qualified in Suffolk County  
Commission Expires Aug. 7, 2026



## Hargrave, Julie

---

**From:** Steven ENGELMANN <steven.engelmann@cvegroup.com>  
**Sent:** Wednesday, August 2, 2023 3:54 PM  
**To:** Hargrave, Julie  
**Cc:** Florence MASSON; Iyioluwa OKUNLOLA  
**Subject:** Hardship Application - Westhampton Property Assoc., Inc., Solar Energy Project  
**Attachments:** Westhampton-Property-Owners\_ Solar-Project-Narrative\_v20230802-Final.docx; Westhampton-Property-Owners\_Short EAF Form\_Final.pdf; Westhampton-Property- Assoc-CVE\_Owners Affidavit v20230710.pdf

**CAUTION:** This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Hargrave and thank you for your patience and guidance on the application process.

CVE North America is working with the aforementioned owners of the Westhampton Property Owners Inc. sand mining site east of Speonk-Riverhead Road in Westhampton. We have filled out and attached the necessary EAF and provided a detailed Project Narrative to indicate our proposed intent.

CVE has come to the CPBC as the first agency to propose the project to. Our proposal seeks permission from the Central Pine Barrens Commission to positively redevelop this previously disturbed mining site to a renewable energy project, offering significant community and broad societal benefits. The Owners Affidavit is also attached for your review.

We would like to request the opportunity to meet the Commission at the next meeting on August 16<sup>th</sup> to provide further detail and discuss our proposal. Please let me know if you need anything further from me at this point or if there are any immediate questions.

Thank you so much for your consideration of this application, I look forward to meeting you and the rest of the Commissioners to review this proposal.

Best Regards,



**Steven Engelmann**  
Senior Business Developer

[cvenorthamerica.com](http://cvenorthamerica.com)

Direct: 631 445 4145



[steven.engelmann@cvegroup.com](mailto:steven.engelmann@cvegroup.com)

## Hargrave, Julie

---

**From:** Steven ENGELMANN <steven.engelmann@cvegroun.com>  
**Sent:** Thursday, August 3, 2023 4:29 PM  
**To:** Hargrave, Julie  
**Subject:** Questions

**CAUTION:** This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Julie,

Below are answers to your questions from this morning which I hope helps to clarify our proposed project.

The solar project as proposed occupies roughly 25-26 acres, the remainder of the site will remain as is.

The solar project would be constructed in the previously disturbed mining area. All solar arrays and most electrical equipment would be located at the current bottom of the mine pit. Therefore, we are not 'disturbing' that area as it is already disturbed. There will be a small area near Speonk-Riverhead Rd. to be disturbed for the placement of utility required equipment. We can discuss that further if you would like more clarification on the area by the road which is in the Compatible Growth Area.

The applicant is leasing the property for this project.

We approached the Town Planning Dept. to discuss the project and zoning of this site. The Town feels this is a good use of a disturbed, excavated mining site and is in support of its positive redevelopment. They suggested we seek approval from CPBC first and then come back to them to apply for a Planning Board Special Permit and site plan approval - no change of zone is required for the proposed use. While the Southampton Town Code does supplement the list of Type I and Type II actions, the proposed action does not fit within either so yes, we are viewing this project as an Unlisted Action.

Hope that helps and please let me know if any other questions arise or clarification is needed.

Best Regards,

**Steven Engelmann**  
Senior Business Developer



## Hargrave, Julie

---

**From:** Steven ENGELMANN <steven.engelmann@cvegroup.com>  
**Sent:** Friday, August 4, 2023 3:44 PM  
**To:** Hargrave, Julie  
**Subject:** Re: two things on the solar app

**CAUTION:** This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Julie,

Yes, I do plan to attend the meeting and hope to discuss our proposal with the rest of the Commission. I assumed we were meeting at your offices in Westhampton but can come to the NWR site in Shirley instead.

Over the next two weeks I will work with my team to understand the mine reclamation plan better so we can relate our proposed project to that plan. Does the Conservation Easement go into effect when the mine project ceases?

As we get a better understanding of these documents, I will have further questions of you so we can be prepared to discuss the relevant points with the Commission.

I'll also follow up on Monday regarding the questions you posed on the utility equipment area in a separate email.

Thank you and have a great weekend,  
Steven

---

**From:** Hargrave, Julie <Julie.Hargrave@SCWA.com>  
**Sent:** Friday, August 4, 2023 11:10 AM  
**To:** Steven ENGELMANN <steven.engelmann@cvegroup.com>  
**Subject:** two things on the solar app

**Warning:** This email is from someone outside of your organization. Do not click on links or open attachments if you do not know the sender and are unsure of the content.

Dear Steven,

Will you or someone representing the application be present at the August 16 meeting? It is at 2:00 PM at Wertheim National Wildlife Refuge in Shirley.


And would you be able to provide some information on how the project relates to the mine reclamation plan pursuant to the conservation easement that I provided to you that was required and recorded after the mining project?

Thank you  
Julie Hargrave  
631-218-1192

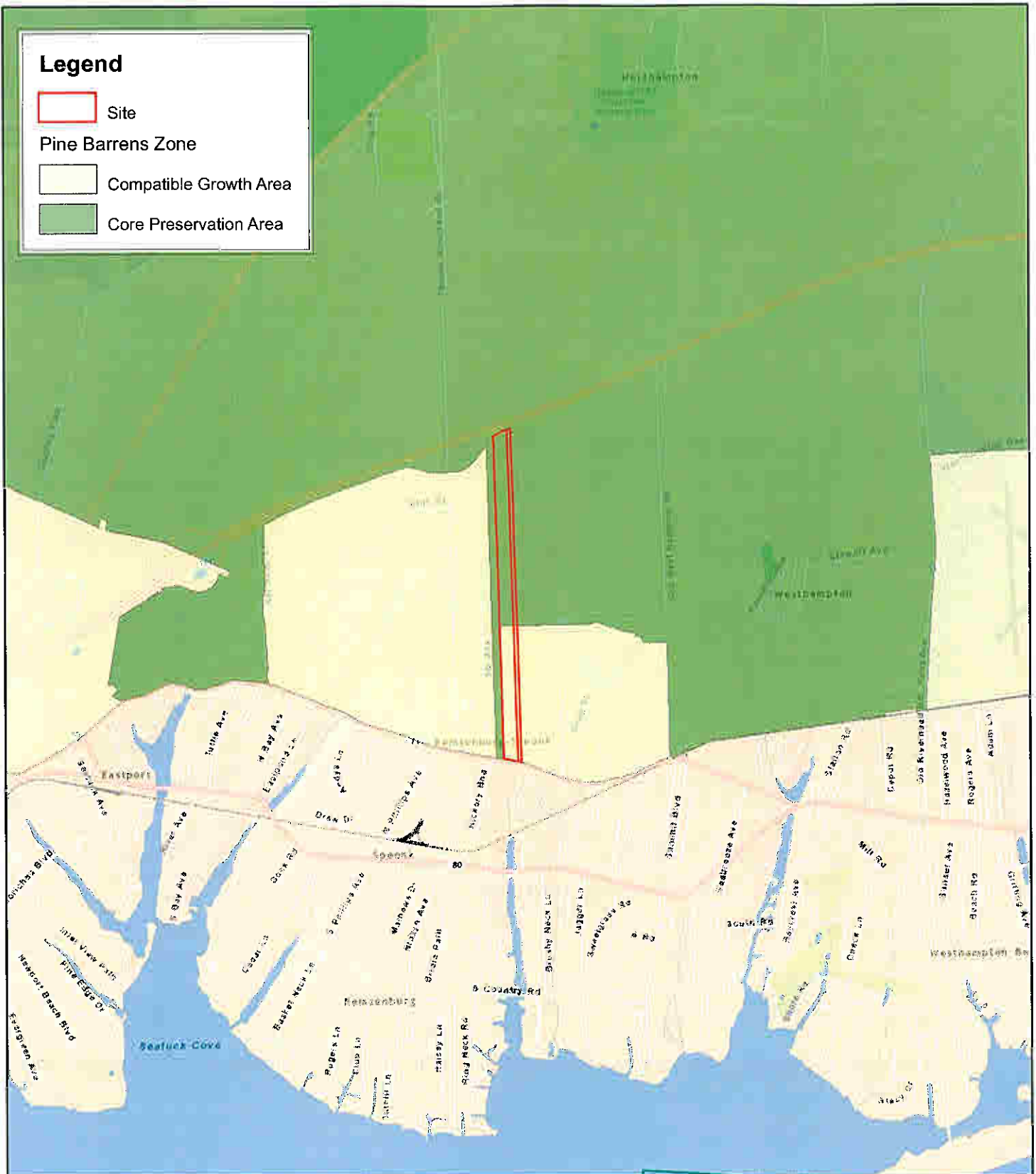
**Legend**

 Site

**Pine Barrens Zone**

 Compatible Growth Area

 Core Preservation Area



**FIGURE 1  
LOCATION MAP**

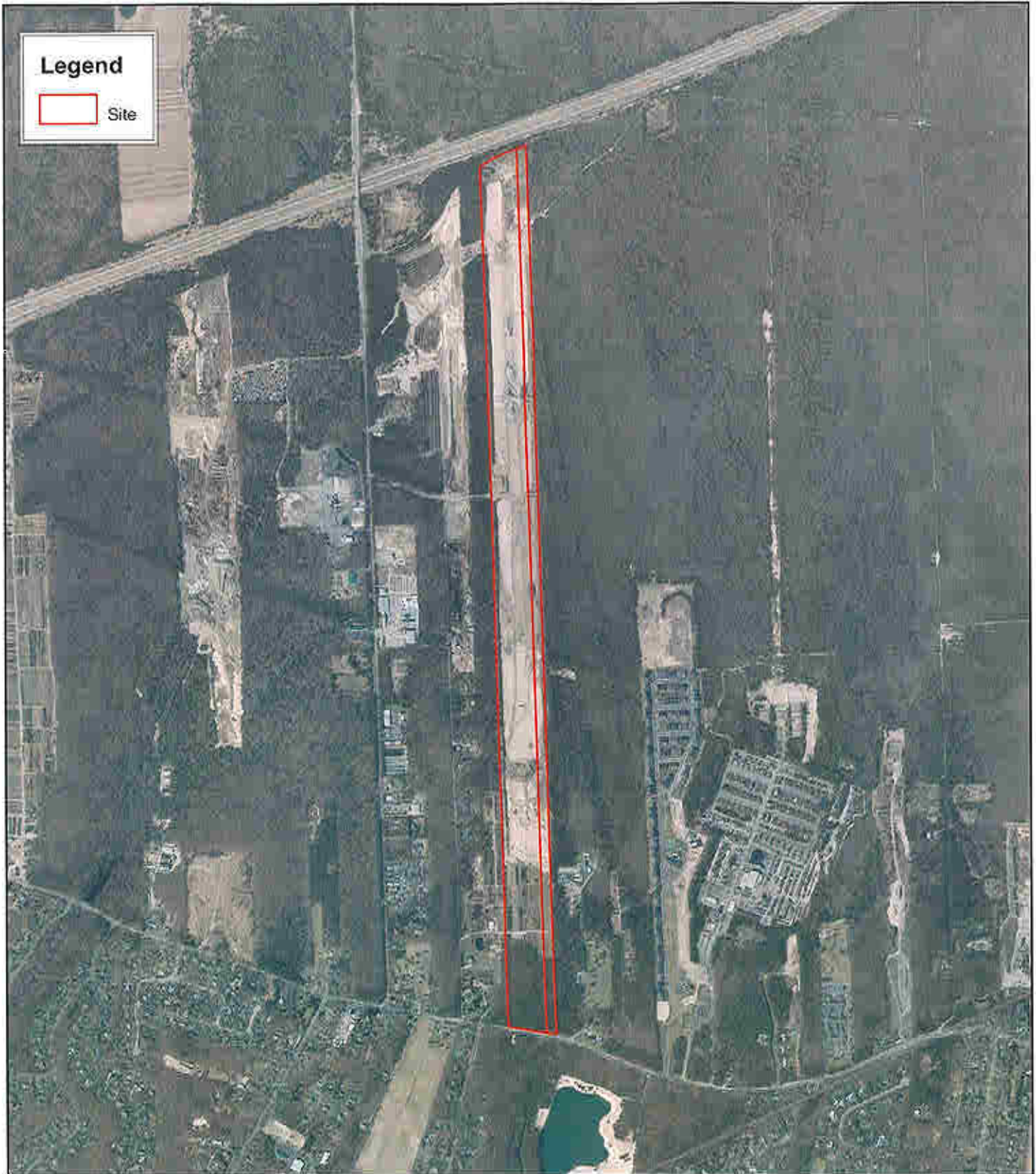
Source: ESRI Web Mapping Service

Scale: 1 inch = 4,000 feet



Received  
Westhampton Mine,  
Westhampton  
NOV 9 2011  
Mine Reclamation Plan  
Pine Barrens  
Planning and  
Policy Commission





**Legend**

Site

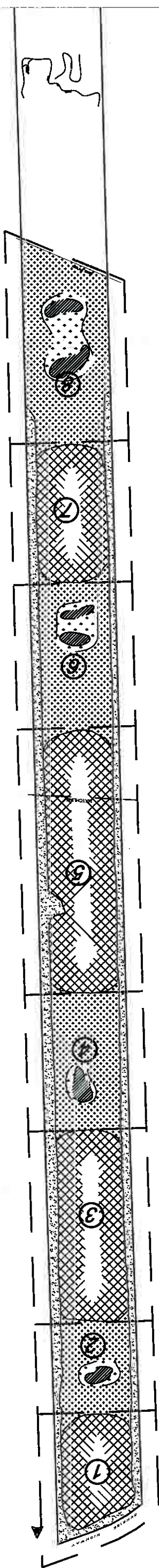
**FIGURE 2  
AERIAL PHOTOGRAPH**

Source: ESRI Web Mapping Service

Scale: 1 inch = 1,500 feet

	<p>Received</p> <p>NOV 9 2011</p>
	<p><b>Westhampton Mine, Westhampton</b></p> <p><b>Mine Reclamation Plan</b></p> <p><small>Environmental Services Joint Planning and Purveyor Commission</small></p>





**RESTORATION METHOD AND SCHEDULE**

BEGIN PLANTING IN MODULE No. 8 - APPROX. TIME FRAME: 4 YEARS  
 AFTER MODULE No. 8 IS COMPLETED MOVE TO MODULE No. 7

BEGIN PLANTING MODULE No. 7 - APPROX. TIME FRAME: 3 YEARS  
 AFTER MODULE No. 7 IS COMPLETED MOVE TO MODULE No. 6

BEGIN PLANTING MODULE No. 6 - APPROX. TIME FRAME: 3 YEARS  
 AFTER MODULE No. 7 IS COMPLETED MOVE TO MODULE No. 1

BEGIN PLANTING MODULE No. 1 - APPROX. TIME FRAME: 3 YEARS  
 AFTER MODULE No. 1 IS COMPLETED MOVE TO MODULE No. 2

BEGIN PLANTING MODULE No. 2 - APPROX. TIME FRAME: 2 YEARS  
 AFTER MODULE No. 2 IS COMPLETED MOVE TO MODULE No. 3

BEGIN PLANTING MODULE No. 3 - APPROX. TIME FRAME: 4 YEARS  
 AFTER MODULE No. 2 IS COMPLETED MOVE TO MODULE No. 4

BEGIN PLANTING MODULE No. 4 - APPROX. TIME FRAME: 3 YEARS  
 AFTER MODULE No. 4 IS COMPLETED MOVE TO MODULE No. 5

BEGIN PLANTING MODULE No. 5 (ON NORTH SIDE) - APPROX. TIME FRAME: 3 YEARS  
 AFTER (NORTH SIDE) MODULE No. 5 IS COMPLETED MOVE TO (SOUTH SIDE) MODULE No. 5

BEGIN PLANTING MODULE No. 5 (SOUTH SIDE) - APPROX. TIME FRAME: 3 YEARS  
 AFTER (SOUTH SIDE) MODULE No. 5 IS COMPLETED MOVE TO (SOUTH SIDE) MODULE No. 5  
 UPON COMPLETION OF THE SOUTH SIDE OF MODULE No. 5, EXIT MINE THROUGH ENTRANCE  
 ROADWAY. TOTAL TIME OF COMPLETION: 28 YEARS

Received

NOV 9 2011

Central Penn. Quarry  
 Reclamation and  
 Policy Commission

**FIGURE 3**  
**MINE RESTORATION PHASING SCHEDULE**

**Westhampton Mine,  
 Westhampton**

Source: Survey by Raynor Mareks and Carrington  
 Scale: 1" = 500'



**Mine Reclamation Plan**



# Conservation Easement

THIS INDENTURE, made this 10<sup>th</sup> day of June, 2014,

**Witnesseth:**

Whereas, Westhampton Property Associates, Inc., (“Westhampton Property”), having its principal address at 928 Long Island Avenue, Deer Park, New York 11729, owns 115 acres of real property located in the Town of Southampton; and

Whereas, the Central Pine Barrens Joint Planning and Policy Commission (the “Commission”), with offices at 624 Old Riverhead Road, Westhampton Beach, New York 11978, was created pursuant to the Long Island Pine Barrens Protection Act of 1993 and codified in New York Environmental Conservation Law Article 57 (“Article 57”); and

Whereas, Westhampton Property operates a commercial sand mine enterprise that operates on the 91 acre portion of its property more particularly described in Schedule A attached hereto and made a part hereof (the “Property”); and

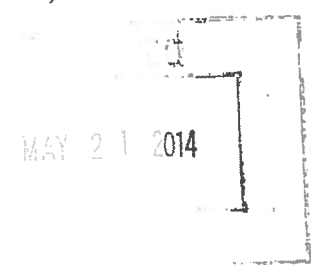
Whereas, the Property is located within the Central Pine Barrens as delineated in Article 57; and

Whereas, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (the “Plan”) pursuant to Article 57 and has jurisdiction over certain types of activities within the Central Pine Barrens; and

Whereas, Westhampton Property, pursuant to Article 57 and the Plan applied to the Commission for a combined Core Preservation Area and Compatible Growth Area Critical Resource Area hardship exemption authorizing Westhampton Property to undertake certain activities on the Property related to its current use; and

Whereas, the Commission, by resolution dated October 17, 2012 issued a hardship exemption to Westhampton Property authorizing it to undertake certain activities on the Property as more fully described in the resolution which is set forth in Schedule B, attached hereto and made a part hereof; (the “Approval”); and

Whereas, the Approval contained certain conditions, which, among other things, required Westhampton Property to implement a restoration plan, at its own cost and expense, to improve and restore the Property’s ecological, scientific, groundwater recharge, scenic, educational, recreational and aesthetic values after completion of the activities authorized by the Approval (the “Mine Restoration Plan”) and to convey a conservation easement on the Property to ensure its use is consistent with the terms of the Approval and the Mine Restoration Plan; and



Whereas, Westhampton Property wishes to grant to the Commission this Conservation Easement pursuant to Title 3 of Article 49 of the Environmental Conservation Law (“ECL”), or its similar successor statute, and this Conservation Easement is intended to comply with said statute; and

Now, therefore, Westhampton Property, for and in consideration of the facts above and hereinafter recited including, but not limited to, grant of the Approval and the mutual covenants, terms, conditions and restrictions herein contained, does hereby give, grant, bargain, sell and convey unto the Commission, its successors and assigns forever a Conservation Easement in perpetuity over the Property consisting of the following:

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

Enforcement pursuant to (a) and (b) hereinabove shall not be defeated because of any subsequent adverse possession, laches, estoppel or waiver. The Commission or any party with a third party enforcement right or its respective agents, employees or other representatives shall be permitted access, if necessary, to cross other lands retained by Westhampton Property and to enter upon the Property at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions herein contained. The Commission, its agents, employees or other representatives, agree to give Westhampton Property reasonable advance notice of its intention to enter and inspect the Property, and further such entrance and inspection shall be in a reasonable manner and at reasonable times. Furthermore, Westhampton Property shall provide any third party with enforcement rights, or its agents, representatives or employees, access to cross other lands retained by Westhampton Property, and permission to enter upon the Property, upon receipt of advance notice of such third party’s intention to enter and inspect. Such entrance and inspection shall be in a reasonable manner and at reasonable times.



### **Covenants**

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

1. There shall be no construction activity, alteration of vegetation or change in topography, no development as defined by ECL Section 57-0107(13) and no operations or uses not constituting development pursuant to ECL Section 57-0107(13)(i-xiv), unless otherwise expressly authorized by the Approval.
2. There shall be no storing, dumping, discharging or placing of any substance in or on the Property in contravention of any applicable federal, state or local law or ordinance.
3. Westhampton Property shall implement the Mine Restoration Plan and comply with the Provisions contained therein.

### **Reserved Rights**

Nevertheless, and notwithstanding any of the foregoing provisions to the contrary and as expressly limited herein, Westhampton Property reserves for itself, its heirs, successors and assigns the following reserved rights in addition to all those rights previously retained, reserved and defined herein, which may be exercised without written notice to the Commission unless otherwise required by the Approval or the Mine Restoration Plan.

1. The right of exclusive possession of the Property.
2. The right to use the Property consistent with the terms of the Approval.
3. The right to implement the Mine Restoration Plan.
4. The right to use the Property for passive recreational activities such as, but not limited to, hunting, fishing, camping, hiking and activities associated therewith so long as such activities conform to local zoning regulations and do not constitute development as defined in ECL Section 57-0107(13).
5. The right to use the Property for operations or uses described in ECL Section 57-0107 (13) (i, ii and vi) upon approval of applicable Federal, State, and local agencies and upon the approval of the Commission, or environmental restoration projects commenced by Westhampton Property or its heirs, successors or assigns upon approval of applicable Federal, State, and local agencies and upon the approval of the Commission.

6. The right to sell, give or otherwise convey the Property or, consistent with the Covenants herein, any portion or portions of the Property, subject to the terms of this Conservation Easement. Westhampton Property, upon the sale, gift or other conveyance of its fee interest in the Property, shall have no further obligations or liabilities under this Conservation Easement. Westhampton Property shall promptly notify Commission of any conveyance of any interest in the Property, including the full names and mailing addresses of all grantees, and the individual principals thereof, under any such conveyance. The instrument of any such conveyance shall specifically set forth that the interest thereby conveyed is subject to this Conservation Easement, without modification or amendment of the terms of this Conservation Easement, and shall incorporate this Conservation Easement by reference, specifically setting forth the date, office, liber and page of the recording thereof. The failure of any such instrument to comply with the provisions hereof shall not affect the Commission's rights hereunder.

#### **Rights of the Public**

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

#### **Miscellaneous**

1. The parties hereto understand and agree that all the terms and provisions of ECL, Title 3, Article 49, as the same may be hereafter amended, entitled Conservation Easements, shall apply to this Conservation Easement.
2. This Conservation Easement contains the entire understanding between its parties concerning its subject matter. Any prior agreement between the parties concerning its subject matter shall be merged into this Conservation Easement and superseded by it.
3. Any provision of this Conservation Easement restricting Westhampton Property's activities, which is determined to be invalid or unenforceable by a court, shall not be rendered a nullity. Instead, that provision shall be reduced or limited to whatever extent that the court determines will make it enforceable and effective. Any other provision of this Conservation Easement which is determined to be invalid or unenforceable by a court shall be severed from the other provisions, which shall remain enforceable and effective.
4. Regardless of any contrary rule of construction, no provision or alleged ambiguity of this Conservation Easement shall be construed in favor of one of the parties because it was drafted by the other party's attorney. If any provision of this

Conservation Easement is ambiguous or shall be subject to two or more interpretations, one of which would render that provision invalid, then that provision shall be given such interpretation as would render it valid and consistent with the purposes of this Conservation Easement as intended by Westhampton Property. Any rule of strict construction designed to limit the breadth of the restrictions on use of the Property shall not apply in the construction or interpretation of this Conservation Easement, and, this Conservation Easement shall be interpreted broadly to effect the purposes of this Conservation Easement as intended by Westhampton Property. The parties intend that this Conservation Easement, which is by nature and character primarily negative in that Westhampton Property has restricted and limited Westhampton Property's right to use the Property, except as otherwise recited herein, be construed at all times and by all parties to effectuate its purposes.

5. This Conservation Easement can be terminated only in accordance with the law of the State of New York applicable to the termination of easements and covenants running with the land. This Conservation Easement may be modified only upon the written consent of both Westhampton Property and the Commission, or their successors, heirs, representatives or assigns. Westhampton Property and the Commission recognize that circumstances could arise which would justify the modification of certain of the restrictions contained herein. To this end, the Commission and Westhampton Property shall mutually have the right, in their sole discretion, to agree to amendments to this Conservation Easement which are not inconsistent with the basic purpose of this Conservation Easement, 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.
6. Westhampton Property agrees that the terms, conditions, restrictions and purposes of this Conservation Easement shall continue as a servitude running in perpetuity with the Property and will be incorporated by reference in any subsequent deed or other legal instrument by which Westhampton Property divests itself of either the fee simple title to, or its possessory interest in, the Property or any portion thereof specifically setting forth the date, and the liber and page of the Suffolk County Clerk's records of the recording hereof.
7. Any notices required in this Conservation Easement shall be written. Notices shall be given either by manual delivery or by mailing in a mail receptacle maintained by the United States Postal Service. Mailed notices must be contained in an accurately addressed, sealed envelope, marked for delivery by first class registered or certified mail, with sufficient prepaid postage affixed and with return receipt requested. Mailed notice to Westhampton Property shall be addressed to Westhampton Property's address as recited herein or to any such other address as

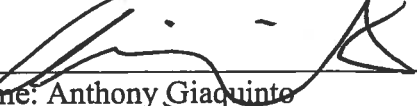
Westhampton Property may designate by notice in accordance with this section. Mailed notice to the Commission shall be addressed to the Commission's address as recited herein or to any such other address as the Commission may designate by notice in accordance with this section.

8. It is understood and agreed by the Parties hereto that the Westhampton Property, its successors, heirs and assigns, shall not be liable for any changes to the Property caused by any natural disaster or Act of God.
9. 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.
10. Westhampton Property does further covenant and represent that Westhampton Property is seized of the Property in fee simple and has good right to grant and convey the aforesaid Conservation Easement, that the Property is free and clear of any and all encumbrances, other than those of record, and that the Commission shall have the use of, and enjoy all of the benefits derived from and arising out of, the aforesaid Conservation Easement.
11. The parties hereto recognize and agree that the benefits of this Conservation Easement are in gross and assignable, and the Commission hereby covenants and agrees that any transferee or assignee will be an organization or public body qualified to hold a Conservation Easement pursuant to ECL, Title 3, Article 49, as the same may be hereafter amended, and the regulations promulgated thereunder.
12. All references to statutory provisions of Article 57 shall be as such provisions were in effect on the date of execution of this Conservation Easement.

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

WESTHAMPTON PROPERTY  
ASSOCIATES, INC.

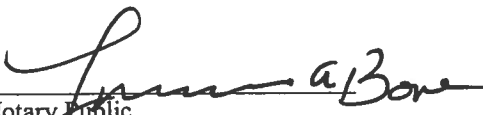
By:   
Name: Anthony Giaquinto  
President *Pres. and*

CENTRAL PINE BARRENS JOINT  
PLANNING AND POLICY COMMISSION

By:   
Peter A. Scully  
Chairman

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

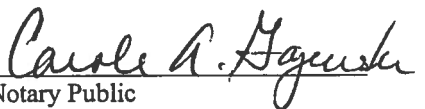
On the 30<sup>th</sup> day of April in the year 2014 before me, the undersigned, a notary public in and for said state, personally appeared Anthony Giaquinto, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public

FRANCINE A. BOVE  
Notary Public, State of New York  
No. 01BO8046059  
Qualified in Suffolk County  
Commission Expires Aug. 7, 2014

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

On the 10<sup>th</sup> day of June in the year 2014 before me, the undersigned, a notary public in and for said state, personally appeared Peter A. Scully, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public

CAROLE A. GAJEWSKI  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01-GA6192849  
QUALIFIED IN SUFFOLK COUNTY  
COMMISSION EXPIRES SEPT 02, 2016

## SCHEDULE A

**RAYNOR, MARCKS and CARRINGTON  
SURVEYING**  
P.O. BOX 5037 - 77 JESSUP AVENUE  
QUOGUE, N.Y. 11959  
(531) 853-4068  
(531) 853-8175 Fax

FLOYD CARRINGTON, L.S., CPESC, CPSWC  
L.S. No. 49188  
CPESC No. 5798  
CPSWC No. 0849

Description of a parcel of land situate in the hamlet of Westhampton, Town of Southampton, County of Suffolk, State of New York and more particularly described as follows:

Beginning at a point said point being the following two courses and distances from the intersection of the northerly side of Old Country Road and the easterly side of Speonk-Riverhead Road:

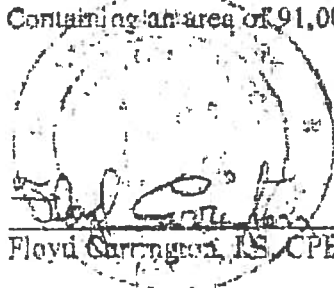
- 1) South  $68^{\circ} 31' 00''$  East 1343.25ft
- 2) North  $09^{\circ} 47' 20''$  East 1965.50ft

Thence North  $09^{\circ} 47' 20''$  East 7490.00ft along the easterly line of Map of Oishe Road Estate Company filed July 25, 1906 as Map number 451 to a point; Thence the following two courses and distances along the southerly side of the Sunrise Highway to a point:

- 1) along a curve to right in a northeasterly direction with a radius of 970.00ft and a length of 334.27ft.
- 2) North  $82^{\circ} 00' 12''$  East 236.74ft

Thence South  $09^{\circ} 47' 20''$  West 7716.71ft along lands now or formerly Bide-A-Wee House Association Inc. to a point. Thence North  $80^{\circ} 12' 40''$  West 520.04ft to the point of beginning.

Containing an area of 91,00000 acres

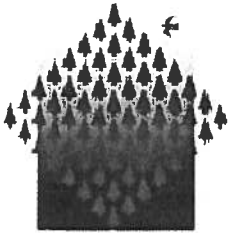


Floyd Carrington, L.S., CPESC, CPSWC

# SCHEDULE B

## Commission Meeting of October 17, 2012 Brookhaven Town Hall

Present: Mr. Scully (New York State), Ms. Lansdale (Suffolk County),  
Ms. Prusinowski (Brookhaven), Mr. Walter (Riverhead),  
Ms. Throne-Holst (Southampton)



CENTRAL  
PINE  
BARRENS  
JOINT  
PLANNING  
&  
POLICY  
COMMISSION

### Adopted Resolution

#### Westhampton Property Associates Core Preservation Area Hardship and Compatible Growth Area Critical Resource Area Application

Property located on the south side of Sunrise Highway (SR 27), north side of  
Old Country Road (CR 71), 500 feet east of 5<sup>th</sup> Avenue, in the hamlet of  
Remsenburg/Speonk, Town of Southampton,  
Suffolk County Tax Map #: 900-276-3-1 and 2

Peter A. Scully  
*Chair*

Steven Bellone  
*Member*

Kathleen A. Walsh  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

**Whereas**, on November 9, 2011, Westhampton Property Associates, LLC (the Applicant) by its representative Nelson Pope & Voorhis, LLC, filed with the Commission an application for development to expand the depth of an existing 91-acre sand and gravel mine (the Project); and

**Whereas**, the 91-acre mine is part of a 115 acre project site comprised of two parcels owned by the Applicant, in the Country Residence 200 (CR 200) Zoning District, in the Town Aquifer Protection Overlay District, hamlet of Remsenburg/Speonk, Town of Southampton, identified on the Suffolk County Tax Map as parcels 900-276-3-1 and 2, as per the map entitled "Sand Mine Plan and Profile" prepared by Raynor, Marcks & Carrington last dated August 4, 2011 (Sheets 1, 2, and 3); and

**Whereas**, 68.07 acres of the project site is located in the Core Preservation Area of the Central Pine Barrens; and

**Whereas**, 46.93 acres of the project site is located in the Compatible Growth Area and is designated as part of a Critical Resource Area (CRA) identified as S10 in Figure 4-6 in Chapter 4.5.4.1 of the Central Pine Barrens Comprehensive Land Use Plan (CLUP); and

**Whereas**, the features of CRA S10 are described in the CLUP as "Open space on northerly portion of site complements adjacent open space;" and

**Whereas**, the Project is a depth expansion of an existing sand mine, which is currently at an elevation of approximately 45 feet above sea level, to an elevation of approximately 26 feet above sea level, which will be a minimum of four feet and a maximum of six feet above the elevation of the groundwater table, depending on the seasonally varying height of the

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

Phone (631) 224-2604  
Fax (631) 224-7653  
[www.pb.state.ny.us](http://www.pb.state.ny.us)

groundwater table; and

**Whereas**, other Project elements include the preparation and recording of a Conservation Easement on the 91-acre mine to preserve it when mining is completed; and restoration of the mine in accordance with a reclamation plan prepared by Nelson, Pope & Voorhis dated July 18, 2011; and

**Whereas**, the current New York State Department of Environmental Conservation (NYSDEC) mine permit expires in the year 2016; and a permit modification for the depth expansion was filed by the Applicant with NYSDEC; and

**Whereas**, the Project expands the area of mining on site and extends mining activity on site to the year 2041; and

**Whereas**, the Applicant submitted a Mine Restoration Plan for the site prepared by Nelson Pope & Voorhis dated July 18, 2011 and a narrative entitled "Mine Reclamation Plan" prepared by Nelson Pope and Voorhis. The Plan describes the implementation of an eight phase mine land reclamation plan. The Plan schedule indicates Phase 1 will commence in 2019, and Phase 8 will commence in 2041. Restoration monitoring spans from the year 2022 to 2047. The Plan legend lists the habitat types to be created as follows: 38.24 acres of pitch pine oak forest, 30.17 acres of meadow, 3.91 acres of wet meadow, 2.06 acres of vernal pools, and 16.32 acres of slope restoration area. The total area of reclamation is 90.7 acres; and

**Whereas**, the Project will not intercept groundwater elevation under the mine floor and will maintain a maximum vertical buffer of six feet to groundwater but which shall be no less than four feet; and

**Whereas**, the Project constitutes development pursuant to Environmental Conservation Law (ECL) §57-0107(13)(b) and (c), which states development includes, "*a material increase in the intensity of use of land or environmental impacts as a result thereof;*" and "*commencement of mining, excavation or material alteration of grade or vegetation on a parcel of land excluding environmental restoration activities,*" respectively; and

**Whereas**, the Project requires a Core Preservation Area Extraordinary Hardship, a discretionary action of the Commission; and

**Whereas**, the CRA portion is subject to the Review Procedures of the CLUP in Chapter 4 Section 4.5.5, *Development located within the Compatible Growth Area which is also located within a Critical Resource Area*, which states, "*The Act sets forth the jurisdiction for the Commission's review of development within the Compatible Growth Area of the Central Pine Barrens. Such review includes development that is located in Critical Resource Areas. The Act also authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship;*" and



**Whereas**, a public hearing was held on January 18, 2012, continued on February 15, 2012 and stenographic transcripts of the hearings were made available to the Commission; and

**Whereas**, on June 15, 2012, the Applicant submitted supplemental information including a report entitled “*Fiscal and Economic Impact Analysis and Assessment of Needs and Benefits*” prepared by Nelson, Pope & Voorhis, LLC dated June 15, 2012; and

**Whereas**, a second public hearing was held on July 18, 2012; and a stenographic transcript of the hearing was made available to the Commission; and

**Whereas**, at the July 18<sup>th</sup> hearing, the Commission inquired about potential impacts on the owner’s business with respect to the availability of material to contractors; and

**Whereas**, on August 14, 2012, the Applicant submitted copies of letters received from contractors in support of the hardship waiver as it relates to their continued business with the Applicant and potential impacts if the hardship were not granted; and the letters were entered into the record for the Project in response to the Commission’s inquiry at the public hearing; and

**Whereas**, the Town of Southampton submitted a copy of a letter to NYSDEC dated June 20, 2008 indicating the pre-existing nonconforming use of a sand mine and mining activities on site pre-date the Town Zoning Code, and the site’s existing and continued use as a mine is grandfathered, and

**Whereas**, pursuant to the criteria contained in ECL §57-0121(10) (a) (i) through (iii), the Applicant has satisfied the conditions for and has demonstrated extraordinary hardship as the Project is unique since the site contains a pre-existing sand mine permitted and developed in 1981, prior to the Long Island Pine Barrens Protection Act of 1993 (the “Act”), with no disturbance to existing native vegetation or clearing beyond the existing extent of the currently permitted mine; and

**Whereas**, pursuant to the Applicant’s demonstration of extraordinary hardship as per ECL §57-0121(10)(a), the Applicant has satisfied the conditions for demonstrating extraordinary hardship as the Applicant contends the business is family operated and planning for future business is an imminent concern; although the current permit term expires in 2016, the 16 acres of material left to mine will be extracted sooner than the current permit term extends; and, as shown in the record, the Applicant has no other beneficial use of the site if not used as a mine; and

**Whereas**, pursuant to the Applicant’s demonstration of extraordinary hardship as per ECL §57-0107(1)(a)(i), the Project does not apply to or affect other properties in the immediate vicinity since other sand and gravel mines in the vicinity are in the CGA,

and much of the Core property in the vicinity of the site is preserved under public ownership; and

**Whereas**, the Applicant submitted an Environmental Assessment Form (EAF) Part I; and

**Whereas**, the Project is a Type I Action pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, SEQRA), and the Commission performed a coordinated review for Lead Agency status with other Involved Agencies including the New York State Department of Environmental Conservation (NYSDEC) and the Town of Southampton Planning Board and requested to serve as Lead Agency by letter dated January 4, 2012, as per the Central Pine Barrens Comprehensive Land Use Plan Chapter 4 Section 4.5.1.1, *Lead Agency Assertion*; and

**Whereas**, no objection was raised by the NYSDEC or Town of Southampton concerning the Commission's request to assume Lead Agency status, and the Commission assumed Lead Agency; and

**Whereas**, an EAF Part II was prepared and reviewed by the Commission; and no significant adverse environmental impacts were identified in the SEQRA process; and

**Whereas**, pursuant to New York State Environmental Conservation Law (ECL) Article 8 (State Environmental Quality Review Act (SEQRA) and its implementing regulations 6 NYCRR Part 617, the Commission has considered the relevant areas of potential environmental impacts applicable to the Project and has applied the Criteria for Determining Significance contained in 6 NYCRR Part 617, section 617.7(c), and

**Whereas**, the Project will not generate objectionable odors, will not install any stationary sources of air emissions and will continue to manage the mine within its current operating parameters using the same machinery as before with no significant increase in air emissions; therefore, as a result, the Project will not result in any significant adverse impact on air quality, and

**Whereas**, although the Project will decrease the vertical distance to groundwater, the review of the record indicates the Project will not generate sanitary flow which will obviate the potential for groundwater contamination by constituents in effluent; will not create sources of nitrate-nitrogen as it will exclude fertilizer-dependent vegetation that could potentially enter groundwater; will not engage in any industrial processes, storage of toxic materials or fueling operations that could adversely impact groundwater; will not generate significant discharges of effluent; is not located near any public water supply wells and the project site does not contain a private well; therefore the Project will not result in any adverse impacts to groundwater and complies with CLUP Standard 5.3.3.1.1 regarding Suffolk County Sanitary Code Article 6 compliance, Standard 5.3.3.1.2 regarding Sewage treatment plant discharge, Guideline 5.3.3.1.3 regarding Nitrate-nitrogen goal, Standard 5.3.3.2.1 regarding Suffolk County Sanitary Code Articles 7 and

12 compliance, Standard 5.3.3.3.1 regarding Significant discharges and public supply well locations and Guideline 5.3.3.3.2 regarding Private well protection, and

**Whereas**, the Project will not result in any adverse impacts to groundwater located in Hydrogeologic Zone III, a deep-recharge zone, as the Project preserves the hydrologic functions and groundwater quality of the Core, pursuant to the goals and objectives in Environmental Conservation Law Article 57, §57-0121(3), and

**Whereas**, the record indicates there are no wetlands or surface waters located either on or in proximity to the project site and the project site is not located within a Wild, Scenic and Recreational River corridor; therefore, the Project will not result in any significant adverse impacts on wetlands, surface waters or a Wild, Scenic and Recreational River corridor and, as a result, CLUP Standard 5.3.3.4.1 regarding Nondisturbance buffers, Standard 5.3.3.4.2 regarding Buffer delineations, covenants and conservation easements, Standard 5.3.3.4.3 regarding Wild, Scenic and Recreational Rivers Act compliance and Guideline 5.3.3.4.4 regarding Additional nondisturbance buffers are not applicable to the Project, and

**Whereas**, according to the record, all stormwater generated on the project site will be recharged on site, will be controlled during mining operations and will not impact adjacent properties nor any surface waters or wetlands; no drainage systems or recharge basins are proposed on the project site and vernal pools to be created by the project will be perched above the groundwater table and will serve to receive stormwater runoff as well as to establish new habitat areas; therefore, the Project will not result in any significant adverse impacts due to stormwater runoff, will not increase the potential for erosion, will not cause flooding and will not cause drainage problems, and, as a result, the project will comply with CLUP Standard 5.3.3.5.1 regarding Stormwater recharge, Guideline 5.3.3.5.3 regarding the creation of ponds and Guideline 5.3.5.5 regarding Soil erosion and stormwater runoff control during construction while Guidelines 5.3.3.5.2 regarding Natural recharge and drainage and 5.3.3.5.4 regarding Natural topography in lieu of recharge basins are not applicable, and

**Whereas**, as the Project will be managed within its current operating parameters, there will be no substantial net increase in traffic generation, truck trips and noise nor a significant net increase in solid waste production and

**Whereas**, the project site was legally approved for mining prior to the adoption of the Long Island Pine Barrens Protection Act and, as a result, the majority of the project site was previously disturbed, cleared, and excavated, and

**Whereas**, that portion of the project site within the Core Preservation Area was one of the areas that was previously cleared and excavated and is therefore devoid of any existing natural vegetation and wildlife habitat, and

**Whereas**, the Project will clear an additional area of 10 acres comprised of commercial nursery vegetation pursuant to the life of mine permit issued by the New York State Department of Environmental Conservation and which predates the Act, and

**Whereas**, a 3.08 acre portion of the existing nursery, that is not approved for mining under the existing life of mine permit, will remain in its current state and will revert to natural conditions to provide new natural habitat in the future and an existing 10.92 area of pine barrens habitat on the southern end of the property will remain intact under the Project, and

**Whereas**, no rare, endangered, threatened or special concern species of plants or animals nor their habitats have been identified on the project site, and

**Whereas**, as a result of the lack of vegetation in that portion of the project site located in the Core Preservation Area and in the majority of the Compatible Growth Area and the lack of native vegetation on the affected 10-acre nursery area, the Project will not result in significant adverse impacts on vegetation, and

**Whereas**, due to the lack of native-vegetated habitat within the project site, the Project will not result in the removal or destruction of large quantities of fauna; will not cause substantial interference with any resident or migratory wildlife; will not adversely impact a significant habitat area nor cause significant adverse impacts to rare, endangered, threatened or special concern species of plants or animals; and

**Whereas**, when reclaimed at the end of mining activity, the Project will provide a replanted natural habitat area comprised of native pine barrens plant material which is consistent with the surrounding pine barrens vegetational communities in which no fertilizer-dependent vegetation is to be installed and which will allow for connections to be made with nearby open space areas, and, as a result, the Project will be consistent with CLUP Standard 5.3.3.6.1 regarding Vegetation Clearance Limits, Standard 5.3.3.6.2 regarding unfragmented open space, Standard 5.3.3.6.3 regarding fertilizer-dependent vegetation and Standard 5.3.3.6.4 regarding native plantings, and

**Whereas**, although the project site is not located within a Critical Environmental Area and will therefore not result in significant adverse impacts on said area's designated environmental characteristics, a portion of the project site within the Compatible Growth Area also lies within Critical Resource Area S10, "Upland Forest Westhampton," which was designated as such because "*Open space on northerly portion of site complements adjacent open space,*" and

**Whereas**, pursuant to Section 4.5.4.2 of the CLUP, the Commission is required to address "*the protection for the critical resource feature(s)*" of the Critical Resource Area designated in the Plan, and

**Whereas**, because the majority of the project site has already been previously disturbed and cleared and is privately owned, there is no existing protected open space on

the project site to complement any adjacent open space, and therefore, the Project will not result in any significant adverse impacts to the critical resource features of Critical Resource Area S10, and

**Whereas**, the natural pitch pine-oak woodland in the southern end of the Compatible Growth Area portion of the project site will remain in its current natural state and will continue to complement the open space within the Critical Resource Area, and

**Whereas**, the record indicates that the mine reclamation that will occur upon completion of the Project will complement the contiguous open space through revegetation with native pine barrens vegetation and by “expanding the unfragmented open space continuum,” and

**Whereas**, the Project is consistent with community plans, including the CLUP, will not result in a major change in use in the quantity or type of energy, will not create a hazard to human health, will not result in a substantial change in use, will not induce the attraction of large numbers of persons and will not cause significant adverse or cumulative impacts, and

**Whereas**, the record indicates the project site does not contain any significant archaeological or historical resources, in particular because of the significant amount of prior ground disturbance that previously occurred prior to the Act; therefore, the Project will not result in any significant adverse impacts to archaeological or historical resources, and

**Whereas**, the project site does not contain any significant aesthetic resources due to its previously-disturbed conditions and will not have any significant adverse impacts on aesthetic or scenic resources as a result and also due to the fact that the Project will preserve the character of the Core Preservation Area, as it will retain the existing naturally-vegetated buffer adjacent to New York State 27, a Scenic Road identified in Volume 2 of the CLUP, and will continue to not be visible from Route 27 and adjacent roadways, and

**Whereas**, the Commission has considered all materials submitted in connection with the application, now, therefore, be it,

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

**Resolved**, that pursuant to New York State Environmental Conservation Law (ECL) Article 8 (State Environmental Quality Review Act (SEQRA)) and its implementing regulations 6 NYCRR Part 617, the Commission hereby adopts a Negative Declaration pursuant to SEQRA for the Project, for the reasons set forth in this resolution, and be it further

**I. Core Preservation Area Hardship Determination**

**Resolved**, that the Commission hereby determines the application, as submitted, meets the criteria for Core Preservation Area Hardship based on extraordinary hardship pursuant to New York State ECL §57-0121(10) (b) and (c); and be it further

**Resolved**, the Commission finds the instant Core Hardship Waiver is not inconsistent with the purposes, objectives, or general spirit and intent of the Act; and be it further

**Resolved**, pursuant to ECL §57-0121(10)(a)(i) through (ii), the Commission finds that the Applicant has satisfied the conditions for and has demonstrated extraordinary hardship as the project site was developed and permitted as a sand mine prior to the Act; the Project will occur in the existing disturbed area of the project site, which was developed prior to the Act; the hardship does not apply to other properties in the immediate vicinity, since many other properties in the Core are under public ownership and other developed properties in the vicinity are in Compatible Growth Area; the development activity arises out of the characteristics of the subject property rather than the personal situation of the Applicant; and based on the review of existing regulations in effect on the project site and through the recording of a Conservation Easement on the 91 acre mine, the mine site will be protected from future development, especially that which could impact the environment and that once mining activity has ceased and restoration will occur in accordance with the Reclamation Plan, the Project is not expected to result in significant adverse environmental impacts; and be it further

**Resolved**, pursuant to ECL §57-0121(10)(c)(i), the Commission finds that the Applicant has satisfied the conditions for and has demonstrated extraordinary hardship as the Project involves no disturbance to existing natural vegetation; therefore, the Project will not be materially detrimental or injurious to other property or improvements in the area because the property in the vicinity of the site is also in the Core, is under public ownership, already developed, or not developable; the Project does not result in endangering public safety or substantial impairment of the resources of the Core; and the Applicant has met these additional standards for granting a Hardship Waiver in the Core due to site development as a mine prior to the Act and the continued use of the site as a sand mine, and the Project avoids disturbance to existing natural vegetation in the Core; and be it further

**Resolved**, no groundwater impacts in Hydrogeologic Zone III shall occur as the record demonstrates the Project will maintain a vertical buffer of 4 to 6 feet above the groundwater table, will not intercept groundwater below the mine floor elevation, will not generate sewage or discharge effluents that could contaminate groundwater, will not engage in the storage of toxic materials so as to adversely impact the underlying aquifer, will store all fuel in accordance with all local, County and State regulations and will adequately control stormwater and the Project preserves the hydrologic functions and groundwater quality of the Core, pursuant to the goals and objectives in ECL §57-0121(3), and be it further

**Resolved**, the Project will preserve the character of the Core Preservation Area, as the Project will not result in the removal of any natural vegetation from the Core Preservation Area; will retain the existing naturally vegetated buffer to NYS Route 27, a Scenic Road identified in Volume 2 of the CLUP, and it will continue to not be visible from Route 27 and adjacent roadways and will establish a new revegetated area upon cessation of mining which will further bolster the Route 27 buffer; and be it further

**Resolved**, pursuant to ECL §57-0121(10)(c)(iii), the waiver is the minimum relief necessary to relieve the extraordinary hardship on behalf of the Applicant and meets the needs of the business as the Project will not result in a lateral expansion beyond the existing NYSDEC life of mine permitted boundaries, will not expand the mine into the Compatible Growth Area beyond the existing NYSDEC life of mine permitted boundaries, will not expose groundwater and will not vertically expand the mine below the groundwater table; the Project avoids significant adverse environmental impacts, continues a pre-existing industrial land use in the Core, and avoids new construction and disturbance to natural vegetation in the Core via the applicant's offer to subject the project area to a Conservation Easement which obviates further development after cessation of the mining activity approved herein; and be it further

**Resolved**, the Applicant has demonstrated that the mined materials from the project site represent a commodity which is valuable and necessary to the local and regional economy and has demonstrated that there are specific commercial entities which are dependent on supplies of mined materials generated by the mine and which are particular to its geographic location and quality and grade of material; and be it further

**Resolved**, the Commission finds that the project site does not have a beneficial use other than a sand mine due to the location of the site, its lack of proximity to certain utilities and highway access, adjacent uses, zoning, the Applicant's investment in equipment and support services required for mining and market forces, and the interruption or cessation in the mine operation would result in financial hardship to the Applicant and contractors to whom it supplies materials; and be it further

**Resolved**, the Commission acknowledges that the Applicant offered to the Commission a Conservation Easement on the 91-acre sand mine site and the Commission accepts said Conservation Easement from the Applicant on the 91 acre sand mine which will be granted to the Commission, will be recorded on the 91 acre mine and will aim to preserve the resources of the project site in the Core and in the CGA-CRA, with the Applicant reserving rights to the current and continued use of the existing 91 acre mining land use through to the end of the expansion approved herein; and be it further

**Resolved**, no other use, development activity, or expansion of existing use on the 91-acre mine is permitted; and no future development activity beyond this Waiver is permitted on the 91 acre site mine; and be it further

**Resolved**, the Commission finds that the Project is consistent with Article 57 of the New York State Environmental Conservation Law, and the Applicant has

demonstrated it has met the criteria necessary for the issuance of a Core hardship waiver; and be it further

## **II. Critical Resource Area and Compatible Growth Area**

**Resolved**, the Commission determines that the Applicant has demonstrated compliance with the standards and guidelines set forth in Volume 1, Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (“the CLUP”), and the area of the CRA that is not subject to past and currently permitted mining activity will remain subject to the provisions that require Commission review of a CRA; and be it further

**Resolved**, the sand mine pre-dates the Act and the CLUP; therefore, the CRA portion of the 91 acre mine will continue to be mined and will be expanded in depth under the Project; the existing open space of the CRA, to which the project site is partially connected, will continue in its existing state, and once the Conservation Easement is recorded, that portion of the project site within the CRA will be protected from future development; and be it further

**Resolved**, the remaining 24 acres in the CRA are currently wooded and no development activity is proposed under the Project; therefore, it will remain in its natural state under the Project; in the future if development activity, as per the Act, is proposed in the CRA, it is subject to Commission review in accordance with the CLUP; and be it further

## **III. Plans and Monitoring**

**Resolved**, the Commission accepts the Project’s Mine Restoration Plan prepared by Nelson Pope & Voorhis dated July 18, 2011 and a narrative entitled “Mine Reclamation Plan” prepared by Nelson Pope and Voorhis and requires the applicant to submit to the Commission, within 30 days of any changes, any and all revised versions of the Reclamation Plan and narrative in the future; and be it further

**Resolved**, based on current plans, mining is expected to cease completely on the project site by 2041, with reclamation occurring until the year 2048; and if the Applicant applies to NYSDEC for permit extensions or renewals to complete mining to the permitted depth, no additional deepening of the mine floor elevation shall be permitted below the Project elevation of six feet above groundwater; and be it further

**Resolved**, the Commission accepts the Applicant’s offer to submit monitoring reports that would provide quarterly and annual monitoring reports to document seasonal groundwater elevations and requires the applicant to submit monitoring reports quarterly and to also submit an annual report based on the prior year’s four quarters. In the event groundwater is intercepted at any time during mining operations, the Applicant shall immediately stop its mining operations, shall immediately notify the Commission and



shall not recommence mining operations until it has received written Commission authorization to do so; and be it further

#### **IV. Conditions of Approval**

**Resolved**, that the Commission approves the Project in accordance with the Sand Mine Plan and Profile prepared by Raynor, Marcks & Carrington last dated August 4, 2011 (Sheets 1, 2, and 3) and all application materials and submissions to date, subject to the following specific conditions:

1. Obtain other permits and approvals, as required by law, prior to commencement of the project. Copies of other agency approvals shall be forwarded to the Commission office within 30 days of their issuance.
2. Prior to commencement of new mining authorized by this approval, the applicant shall submit, at that time, the most current version of the Project's Mine Restoration Plan and Mine Reclamation Plan narrative and the applicant shall submit to the Commission, within 30 days of any changes, any and all revised versions of the Reclamation Plan and narrative in the future.
3. Mining activity on the existing 91 acre mine will continue and be expanded in depth to a maximum mine floor elevation of approximately 26 feet above sea level and a minimum of 4 feet and a maximum of six feet above groundwater, based on seasonal groundwater elevation.
4. Groundwater monitoring
  - a. Maintain a minimum six foot buffer from the mine floor to existing groundwater elevation to preserve the hydrologic functions of the Pine Barrens.
  - b. Conduct quarterly monitoring of fluctuating groundwater elevations to ensure the six foot buffer is maintained.
  - c. Submit quarterly and annual groundwater elevation monitoring reports to the Commission through the end of mining activity on the project site, which is currently projected to end in the year 2041.
  - d. In the event groundwater is intercepted at any time during mining operations, the Applicant shall immediately stop its mining operations, shall immediately notify the Commission and shall not recommence mining operations until it has received written Commission authorization to do so.
5. No change in land use or zoning on the project site.

6. No expansion of the mine, existing mine use, depth of mine, lateral or vertical extent beyond the current proposal on the 91-acre sand mine.
7. Any other development activity on the project site, as per the Act, is subject to Commission jurisdiction, review, and a discretionary decision. However, this statement does not constitute an approval of or recommendation for said future development activity.
8. Conservation Easement
  - a. Prepare a Conservation Easement (CE) for the 91 acre mine site, and record the Conservation Easement in the Office of the Suffolk County Clerk within six months of the date of this resolution after the Commission approves the same. Prior to filing with the County Clerk, the Applicant shall submit a draft of same to the Commission for its approval. If approved by the Commission the CE shall be filed promptly with the Suffolk County Clerk. If rejected, the Applicant shall revise the draft CE as per the Commission's comments and re-submit the same for its approval. This cycle shall continue until the Commission approves the CE. The Applicant shall record the Commission-approved CE with the Suffolk County Clerk within six months of the date of this resolution.
  - b. The Commission accepts the owner's proposal to record a conservation easement on the project site to protect it from future development once mining activity has ceased under the current proposal. As a result, once mining has ceased, the current owner, future owner, or successor shall not seek relief in the form of a hardship application for a development project on the project site, engage in development activity on the project site, nor apply for Pine Barrens Credits to obtain financial return on the project site. Development activity will not be permitted, and Pine Barrens Credits will not be issued on the project site. The property is effectively sterilized of its development rights at the time of this Waiver. The owner shall be allowed to deed the property to a municipal agency, non-profit organization or equivalent to obtain value for the underlying fee title. The restrictions herein shall be included in the language of the Conservation Easement.
  - c. At the expiration of 6 months following the date of this resolution, if the language of a Conservation Easement has not been accepted by the Commission and a Conservation Easement acceptable to the Commission has not been filed with the Suffolk County Clerk, then the applicant shall cease all development activity on the site, including all mining activity, until a Conservation Easement is accepted by the Commission and filed in the Office of the Suffolk County Clerk.

- d. Provide copies of the Conservation Easement and mined land reclamation plans to the Town of Southampton and Suffolk County Department of Health Services, and file copies of the reclamation plans, with the Conservation Easement attached to the deed, in the Office of the Suffolk County Clerk.
9. Install a split rail fence on the “edge of clearing” on the south side of the site, adjacent to the area outside of the permitted 91 acre mine area to avoid disturbance, dumping, and encroachment into the existing, remaining 24 acres of natural wooded lands in the CGA-CRA.
10. Implement Best Management Practices on the project site, in accordance with the materials submitted in the application.

**Resolved**, a copy of this resolution shall be filed with the Suffolk County Clerk indexed against the property.

Record of Motion:

Decision (Approval):

Motion by: Ms. Throne-Holst

Seconded by: Mr. Walter

Yea Votes: 4

Nay Votes: 0

Abstain: Mr. Scully



# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

**Schedule A – Information relating to conveyance**

Grantor/Transferor <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantor) Westhampton Property Associates, Inc. Mailing address 429 Carlis Path City State ZIP code Deer Park NY 11729 Single member's name if grantor is a single member LLC (see instructions)	Social security number Social security number Federal EIN 20-5029516 Single member EIN or SSN
Grantee/Transferee <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input checked="" type="checkbox"/> Other	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantee) Central Pine Barrens Joint Planning and Policy Commission Mailing address 624 Old Riverhead Road City State ZIP code Westhampton Beach NY 11978 Single member's name if grantee is a single member LLC (see instructions)	Social security number Social security number Federal EIN 11-3286762 Single member EIN or SSN

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
900-276-3-1 and 2	473689	S/s Sunrise Highway	Southampton	Suffolk

Type of property conveyed (check applicable box)

1 <input type="checkbox"/> One- to three-family house 2 <input type="checkbox"/> Residential cooperative 3 <input type="checkbox"/> Residential condominium 4 <input type="checkbox"/> Vacant land	5 <input type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input checked="" type="checkbox"/> Other <u>Easement</u>	Date of conveyance <table style="width: 100%; border: 1px solid black;"> <tr> <td style="width: 33%; text-align: center;">month</td> <td style="width: 33%; text-align: center;">day</td> <td style="width: 33%; text-align: center;">year</td> </tr> </table>	month	day	year	Percentage of real property conveyed which is residential real property _____% (see instructions)
month	day	year				

Condition of conveyance (check all that apply)

a. <input type="checkbox"/> Conveyance of fee interest b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%) c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%) d. <input type="checkbox"/> Conveyance to cooperative housing corporation e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F) g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G) h. <input type="checkbox"/> Conveyance of cooperative apartment(s) i. <input type="checkbox"/> Syndication j. <input type="checkbox"/> Conveyance of air rights or development rights k. <input type="checkbox"/> Contract assignment	l. <input type="checkbox"/> Option assignment or surrender m. <input type="checkbox"/> Leasehold assignment or surrender n. <input type="checkbox"/> Leasehold grant o. <input checked="" type="checkbox"/> Conveyance of an easement p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III) q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state r. <input type="checkbox"/> Conveyance pursuant to divorce or separation s. <input type="checkbox"/> Other (describe) _____
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For recording officer's use	Amount received Schedule B., Part I \$ _____ Schedule B., Part II \$ _____	Date received	Transaction number
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**Schedule B – Real estate transfer tax return (Tax Law, Article 31)**

**Part I – Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) .....  **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....
- 3 Taxable consideration (subtract line 2 from line 1) .....
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....
- 6 Total tax due\* (subtract line 5 from line 4) .....

1.		
2.		
3.		
4.		
5.		
6.		

**Part II – Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

- 1 Enter amount of consideration for conveyance (from Part I, line 1) .....
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due\* (multiply line 2 by 1% (.01)) .....

1.		
2.		
3.		

**Part III – Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) ..... k

\*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule C – Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

- 1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- 2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

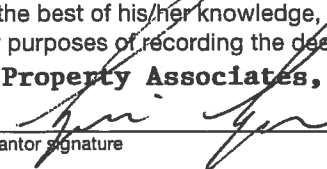

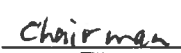
Other (attach detailed explanation).

- 3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
- 4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the **NYC Department of Finance**.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

**Westhampton Property Associates, Inc.**

By: 			
Grantor signature	Title	Grantee signature	Title
Grantor signature	Title	Grantee signature	Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under Exemptions for nonresident transferor(s)/seller(s) and sign at bottom.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ to \_\_\_\_\_ (see instructions).  
Date Date
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Combined Real Estate Transfer Tax Return  
Credit Line Mortgage Certificate, and  
Certification of Exemption from the  
Payment of Estimated Personal Income Tax


**Conservation Easement  
Additional Grantors**

Consent Agreement between Westhampton Property Associates, Inc., Giovanni Giaquinto a/k/a John Giaquinto, Giaquinto Masonry, Inc., Giaquinto Brothers, LLC, Tristate Capital Bank, and Central Pine Barrens Joint Planning and Policy Commission

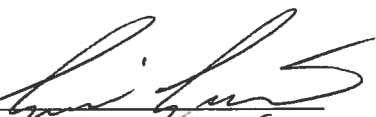
SCTM #900-276-3-1 and 2

**Grantors**

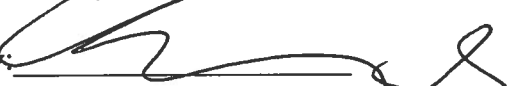
Giovanni Giaquinto a/k/a John Giaquinto  
429 Carlls Path  
Deer Park, New York 11729



Giaquinto Masonary, Inc.  
429 Carlls Path  
Deer Park, New York 11729

By:   
Name: Giovanni Giaquinto  
Title: President  
Federal Identification Number: 112493746

Giaquinto Brothers, LLC  
429 Carlls Path  
Deer Park, New York 11729

By:   
Name: Anthony Giaquinto  
Title: Managing Member  
Federal Identification Number: 113547876

**Grantee**

Central Pine Barrens Joint Planning and Policy Commission  
624 Old Riverhead Road  
Westhampton Beach, New York 11978  
Federal Identification Number: 11-3286762





## SUFFOLK COUNTY CORRECTION OFFICERS ASSOCIATION, INC.

1001 Middle Country Road, Ridge, New York 11961

Phone (631) 208-1301 \* Fax (631) 473-0536 \* Email office@scco.net

07/31/23

**Louis Viscusi**  
President

### Application Checklist

**Will Faller**  
First Vice President

1- We would like to build an oversized one-story garage, approximately 35X50. We are very flexible on the desired material, wood, steel, or block. The preferred location is on the northernmost area of our currently existing open area before the treeline starts. (Image attached for location)

**Richard Lange**  
Second Vice President

**Robert Ragonese**  
Third Vice President

2- This project, if approved, would be based on the parameters of approval. All portions will be in compliance of requirements.

**James Sclafani**  
Recording Secretary

3- I completed the "Short Environmental Assessment Form" to the best of my ability. I apologize but I am unsure of the answer to some of the sections in this form.

**Jeffrey P. Moreno**  
Sgt- At- Arms

**Robert Profeta**  
Treasurer

4- I have not applied for a hardship with any other agency.

**Archer, Byington,  
Glennon & Levine LLP**  
Counsel

5- I have no approvals from any other agencies.

6- Owner's Affidavit attached.

### Hardship Request

The Suffolk County Correction Officer's Association has been in existence since 1985. We represent the hardworking women and men who work as Correction Officers in Suffolk County. I fully understand the action that took place in 2014 should not have taken place but I cannot undo what was done.

Our Association enjoys our current location and would like to continue our existence at 1001 Middle Country Road, Ridge, New York. In order to do so, we need an area to hold our monthly membership meetings. Our plan would not require removal of any currently standing trees. I feel we could work together to meet the needs of our membership and also help remedy our past misdeeds. Perhaps we can revegetate and work cooperatively with your organization in any way that would benefit the core Pine Barrens area.

I look forward to continuing our discussion in hopes of a resolution that would be suitable for all.



## SUFFOLK COUNTY CORRECTION OFFICERS ASSOCIATION, INC.

1001 Middle Country Road, Ridge, New York 11961

Phone (631) 208-1301 \* Fax (631) 473-0536 \* Email office@sccoa.net

July 31, 2023

Ladies and Gentlemen of the Commission,

**Louis Viscusi**  
President

**Will Faller**  
First Vice President

**Richard Lange**  
Second Vice President

**Robert Ragonese**  
Third Vice President

**James Sclafani**  
Recording Secretary

**Jeffrey Moreno**  
Sergeant-at-Arms

**Robert Profeta**  
Treasurer

**Blitman & King LLP**  
Counsel

I am writing today to discuss an issue which predates my tenure as President of the Suffolk County Correction Officers Association (S.C.C.O.A.). The S.C.C.O.A. purchased the property at 1001 Middle Country Road in Ridge in October of 2013. The building and property were in need of many upgrades and the Association did a lot, including replacing windows, roofing, heating and air conditioning as well as cleaned up debris on the property and planted 20 Leyland Cypress trees.

In an attempt to beautify the area and make it more useful for the SCCOA membership, the parking lot was redone and some trees were removed from the north side of the building. The projects were done in 2014, with the best of intentions but were done with no knowledge of the property being within the core of the Pine Barrens. A notice of violation was issued on January 8, 2015 and Fred Towle was hired to address the issue on behalf of the Association.

All of this took place under my predecessor, who I ran against and defeated on January 31, 2015. I have been the SCCOA President since that date and I was just re-elected to another 4 year term, this past January. During my 8 plus years as President I have received no notices of violation or any communication from the Pine Barrens Commission or Brookhaven Town in relation to the violation. Although I was made aware of the changes made by SCCOA while they were unaware of their property being in the core Pine Barrens region, I did not know that there was still a violation pending.

During a recent conversation with Mr. Steve Englebright I mentioned that we may be looking to purchase somewhere else. He had asked why, as he knew our building to be convenient for our membership and that the Executive Board loves the location. I explained that we would like to be able to build a structure to use as a meeting hall for our monthly membership meetings. Mr. Englebright then spoke about his dealings with the Pine Barrens Commission and also educated me on the historical nature of this area. It was quite intriguing to learn and I now fully understand the need to preserve an area such as ours. He went on to explain that there is a process to request a hardship which could bring us into compliance and be able to meet the needs of our members without having to leave this historic area.





**SUFFOLK COUNTY CORRECTION OFFICERS ASSOCIATION, INC.**

1001 Middle Country Road, Ridge, New York 11961

Phone (631) 208-1301 \* Fax (631) 473-0536 \* Email office@sccoa.net

(Continued from Page 1)

**Louis Viscusi**  
President

**Will Faller**  
First Vice President

**Richard Lange**  
Second Vice President

**Robert Ragonese**  
Third Vice President

**James Sclafani**  
Recording Secretary

**Jeffrey Moreno**  
Sergeant-at-Arms

**Robert Profeta**  
Treasurer

**Blitman & King LLP**  
Counsel

Mr. Englebright wrote a letter, on our behalf, to the Commission and I promptly received a call from Julie Hargrave. We had a great conversation regarding our property and the needs of our membership. I explained that I would like to build a meeting hall which would actually be an oversized one story garage (Generic Picture Attached), approximately 35' X 50'. Inside we would like two small bathrooms, running water, electric and an open area for membership meetings. The structure sizing and building material is flexible if some are thought to be more aesthetic or acceptable for the area.

If we are eligible to build this oversized garage, that would be great for this Association and our membership but throughout our communication, I have now been made aware that there still may be an outstanding violation. I interact with Brookhaven Town officials on a regular basis and I am embarrassed that this violation is out there possibly marring the name of our Association. Our membership is comprised of over 800 Suffolk County residents who work hard as Correction Officers but also strive to be good neighbors by volunteering to help their communities and the many organizations which help our fellow Suffolk County residents. Although I was not President at the time this violation was issued, nor when the work was done, I want to take the proper steps to remedy the situation. If you can tell me how I can resolve this issue, I would be very grateful.

Sincerely,

Louis Viscusi  
S.C.C.O.A. President

**Louis Viscusi**

---

**From:** Louis Viscusi  
**Sent:** Monday, July 31, 2023 4:18 PM  
**To:** Louis Viscusi  
**Subject:** Generic Garage Picture



Sent from my iPhone



# Short Environmental Assessment Form

## Part 1 - Project Information

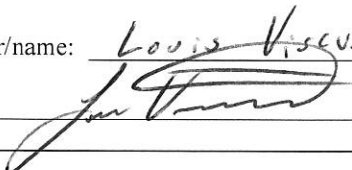
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
To build a meeting hall for members (approx 35'x50') Suffolk County Correction Officers Association, President (Louis Viscusi)				
Name of Action or Project: Suffolk County Correction Officers Association Expansion				
Project Location (describe, and attach a location map): 1001 Middle Country Road, Ridge, New York				
Brief Description of Proposed Action: To build an oversized garage/meeting hall for members of The Suffolk County Correction Officers Association (approx 35'x50') to serve as a meeting hall. The inside of the building would have two small bathrooms, running water, electric and an open area for the membership meetings.				
Name of Applicant or Sponsor: Louis Viscusi (President of Suffolk County Correction Officers Association)		Telephone: 631-830-1910 E-Mail: LViscusi@sccoa.net		
Address: 1001 Middle Country Road				
City/PO: Ridge		State: New York	Zip Code: 11961	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ <u>3</u> acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. 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?  b. 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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Louis Viscusi</u> Date: <u>08/01/23</u>		
Signature: <u></u> Title: <u>SCCOA President</u>		



# Suffolk County Corrections Union

0200-29500-0100-005001  
2015 Aerial Image

Legend

APN:



35x50



200 ft

Google earth

© 2015 Google



**OWNER'S AFFIDAVIT**

(Use this form if property is owned by a corporation)

STATE OF New York

COUNTY OF Suffolk )ss:

I, Louis Viscusi, being duly sworn, deposes and says that I am  
(Authorized Officer's Name)

President of the Suffolk County Correction Officer's Association corporation  
(Official Title) (Landowner's Name)

Located at 1001 Middle Country Road Ridge  
(Landowner's Address)

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

this corporation is the owner in fee of the property located at 1001 Middle Country Road, Ridge NY  
(Property Address)

which is also designated as Suffolk County Tax Map Number(s) 0200295000100005002

\_\_\_\_\_ and that this corporation has been the

owner of this property continuously since October 2013, and that I have  
(Date)

authorized Louis Viscusi to make a permit application to the  
(Applicant's Name)

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

[Signature]  
(Authorized Officer's Signature)

Louis Viscusi  
(Officer's Name - Please Print)  
08-01-2023  
Date

Sworn to before me this 31<sup>st</sup> day of July 2023  
[Signature]  
(Notary Public)





August 16, 2023

Sy Gruza, Esq.  
Environmental Counsel, PSEG Li  
175 East Old Country Road  
Hicksville, NY 11801

RE: SEQRA Lead Agency Coordination  
LIPA Operations Center, Medford, Brookhaven Town  
Central Pine Barrens Compatible Growth Area  
SCTM #s 200-574-2-3.1, 16 and 17.1

Dear Mr. Gruza:

Robert Calarco  
*Chairman*

Yvette Aguiar  
*Member*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Jay H. Schneiderman  
*Member*

On August 4, 2023, the Central Pine Barrens Commission office received the SEQRA Lead Agency Coordination material on the LIPA Medford Operations Center. The Commission does not object to LIPA being Lead Agency. The project site is in the Central Pine Barrens Compatible Growth Area. The Environmental Assessment Form for the project was provided on August 9.

The project site contains approximately 24.26 acres of property situated on the east side of Route 112 in Medford. Part of the site is presently developed with an amusement park known as Country Fair. It is split zoned in the J2 Business and A1 Residence zoning districts.

The proposal is the development of a LIPA operations center. It includes conversion of an existing 10,690 square foot building to an administrative office, a 16,000 square foot fleet garage and 21,000 square foot warehouse for fleet vehicles and materials. The project consolidates, centralizes and modernizes LIPA operations at two existing facilities in Patchogue and Port Jefferson.

A total of 409 vehicle parking spaces are proposed including 252 standard spaces and 157 other fleet spaces of varying sizes. Other facilities include gas and diesel fueling stations with underground gasoline and above ground diesel storage tanks with fire suppression, secondary containment, vapor control and overflow protection. Electric charging stations will be constructed. A total of 19.84 acres or 81% of the site will be disturbed.

### **Central Pine Barrens**

The proposal constitutes development activity pursuant to the definitions in the New York State Environmental Conservation Law Article 57 Section 57-0107(13). Therefore, it must conform with the standards of the Central Pine Barrens

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
[www.pb.state.ny.us](http://www.pb.state.ny.us)

Comprehensive Land Use Plan (the Plan). If the proposal does not conform, it must be revised to conform, or the applicant must seek a hardship waiver.

Please submit a demonstration of conformance with the Plan and ensure conformance prior to implementation, pursuant to §57-0123(3)(a) of the Environmental Conservation Law, which 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

Standards outlined in the Plan should be addressed. For instance, please provide information on the site's vegetation coverage and clearing limits including existing and proposed clearing limits and the extent of existing natural vegetation on the project site and how much vegetation will remain. If the project site is presently overcleared, pursuant to the limits defined in the Vegetation Clearance Limit Standard (5.3.3.6.1), no additional clearing may occur absent a hardship. If the project exceeds the standard, please revise it to conform or seek a hardship waiver from the Commission, subject to review and discretionary action. As a split zoned site, the clearing limit will be a combined sum of the amount of clearing allowed in each different zoning category. Please note revegetated areas do not count toward conformance with this standard. Please distinguish existing natural areas from areas that will be planted.

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 Milazzo, Commission Counsel

**Sy Gruza**  
Senior Environmental Counsel, PSEG Long Island

175 East Old Country Road  
Hicksville, NY 11801  
Sy.Gruza@pseg.com



August 3, 2023

**UPS Overnight Mail**

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

**Re: Lead Agency Coordination Request**  
Proposed Action: LIPA Medford Operations Center  
Medford, Town of Brookhaven, Suffolk County, NY

Dear Ms. Hargrave:

In accordance with Article 8 (State Environmental Quality Review - SEQR) of the Environmental Conservation Law and its implementing regulations at 6 NYCRR Part 617 and 21 NYCRR LXXXI 10052, the Long Island Power Authority (LIPA) is commencing a coordinated review of the above-referenced Proposed Action. The Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC) has been identified as an Involved Agency for the review and approval of this action on the basis that the Proposed Action includes construction within the Pine Barrens Compatible Growth Area. The first step of the coordinated review is to determine which Involved Agency will serve as the Lead Agency. LIPA is proposing to serve as Lead Agency for this Proposed Action.

PSEG Long Island, as Agent for the Long Island Lighting Company d/b/a LIPA, a wholly owned subsidiary of the Long Island Power Authority, is proposing to convert and redevelop the 24.26± acre property currently occupied by Country Fair commercial amusement/entertainment facility to an administrative office, warehouse, maintenance/repair building for fleet vehicles, and lineman training facility. The project includes conversion of an existing 10,690± SF Country Fair recreational building to be used as an administrative office building, and construction of a 16,000± SF fleet garage and 21,000± warehouse for fleet vehicles and materials.

PSEG Long Island on behalf of LIPA seeks to consolidate their operations at two existing facilities (Patchogue and Port Jefferson) at the proposed site. The project plans will allow for the centralization and modernization of fleet and administrative offices through the installation of 409 surface parking stalls, which includes 252 standard vehicle parking spaces, 90 10'x20' fleet parking spaces, 55 15'x40' fleet spaces, and 12 15'x80' heavy duty fleet

vehicle spaces, as well as a fleet gas and diesel fueling station with underground gasoline storage tanks, above-ground diesel storage tank with required fire suppression, secondary containment, vapor control, and overflow protection equipment as applicable. Electric charging stations for employee vehicles and planning for additional future fleet charging stations will also be provided. Of the 24.26± acres, a total of 19.84± acres is expected to be disturbed, which includes previously disturbed areas affected by Country Fair Entertainment. The project will result in 13.68± acres of impervious surface, where stormwater runoff will be collected in a series of catch basins and leaching pools in addition to a wet meadow/bioswale. The remaining acreage of the site will be comprised of naturally revegetated woodland and meadow areas, and undisturbed landscape/woodland.

Annexed hereto is the Draft SEQRA Full Environmental Assessment Form for your review.

PSEG Long Island would like to quickly move forward with this important project. Accordingly, we request that you complete the attached form, sign, and return it to PSEG Long Island by August 24, 2023. If you would like to provide additional comments, including issues of concern which you believe should be evaluated as part of the SEQRA process, please provide those on a separate sheet and attach them to the completed form. Please note that if a response is not received within 30 days (i.e., by August 24, 2023), we will assume that you concur on LIPA serving as Lead Agency, and that your agency has no comments on the Proposed Action at this time.

If you have any questions, please contact me at (516) 222-3570. Thank you for your cooperation.

Sincerely,



On behalf of

Sy Gruza, Esq.  
Environmental Counsel, PSEG LI

Enclosures: Draft SEQRA Full Environmental Assessment Form (FEAF), Project Location Map – Figure I, Overall Alignment Plan

Cc: Jason Horowitz (LIPA)

**LEAD AGENCY RESPONSE**  
LIPA Medford Operations Center

Agency:

Jurisdiction:

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- The undersigned hereby consents to Long Island Power Authority serving as lead agency for the proposed action described above.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Please send this form to: PSEGLongIslandSEQR@pseg.com

and

PSEG Long Island  
Attn: Lara Pomi-Urbat  
Permitting Specialist Supervisor  
Bethpage Office  
175 East Old Country Road  
Hicksville, NY 11801



- Project Site
- SC Tax Lots

Esri Community Maps Contributors, Suffolk County, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA



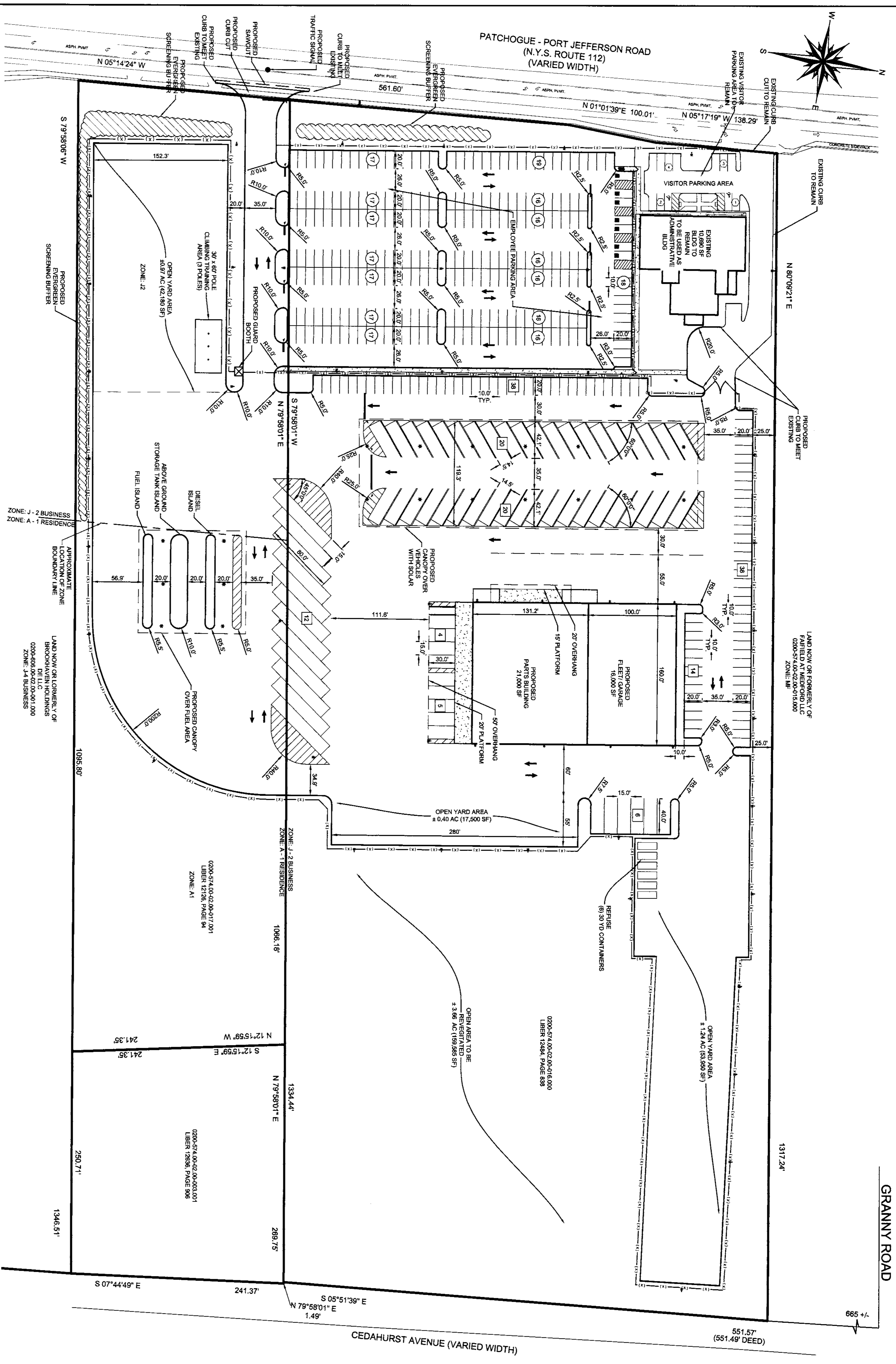
**FIGURE 1  
LOCATION MAP**

Sources: ESRI WMS  
Scale: 1 inch equals 400 feet



**Medford  
Operations  
Center**





GRANNY ROAD

**SITE DATA**  
 ADDRESS: 3881 NY-112, MEDFORD, NY 11783  
 S.C.T.M.: 200-574-02-3.001, 16.8 & 17.1  
 PERMITTED USE: MANAGEMENT OPERATION CENTER  
 ZONING: J2 (BUSINESS)/A1 (RESIDENTIAL)  
 SITE AREA: LOT 1 3,001 ± 1.44 AC  
 LOT 16 16,163 AC  
 LOT 17 16,163 AC  
 BUILDING AREA: 47,680 SF  
 F.H.E. DISTRICT: MEDFORD  
 SCHOOL DISTRICT: LONGWOOD CSD  
 WATER DISTRICT: SUFFOLK COUNTY WATER AUTHORITY

**PARKING CALCULATION**  
**PROVIDED PARKING:**  
 STANDARD PARKING: 292 STALLS  
 20' FLEET PARKING: 50 STALLS  
 15' X 90' FLEET PARKING: 12 STALLS  
 TOTAL PARKING PROVIDED: 408 STALLS

**BUILDING LOT COVERAGE**  
 EXISTING (ADMINISTRATIVE): 10,680 SF  
 PROPOSED FLEET GARAGE: 16,000 SF  
 PROPOSED FLEET LOT: 15,000 SF  
 TOTAL COVERAGE: 41,680 SF

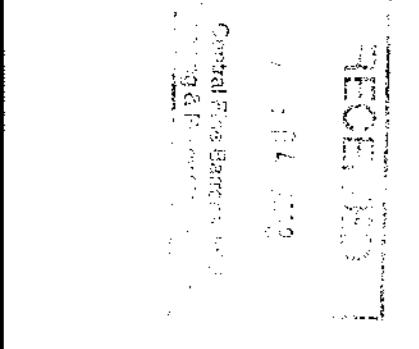
**LEGEND**  
 (1) EXISTING PARKING QUANTITY  
 (39) PROPOSED FLEET PARKING QUANTITY  
 (14) PROPOSED STANDARD PARKING QUANTITY  
 PROPOSED GUARD BOOTH  
 PROPOSED FENCE  
 PROPOSED SIGN  
 PROPOSED SIDEWALK  
 PROPOSED PAVEMENT MARKING  
 PROPOSED PAVEMENT MARKING  
 PROPOSED CLEANING LIMIT  
 PROPOSED EMERGENCY SCREENING BUFFER

**EXISTING LOT COVERAGES**  
 BUILDING: 44,745 SF  
 IMPERVIOUS: 212,280 SF  
 ASPHALT: 214,348 SF  
 WOODS: 214,348 SF  
 TOTAL: 1,056,748 SF

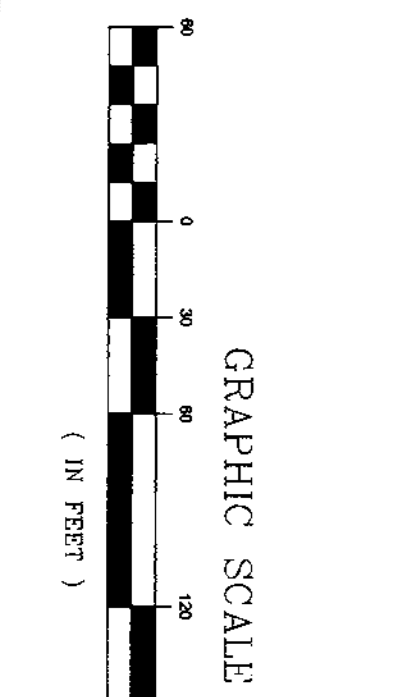
**PROPOSED LOT COVERAGES**  
 PROPOSED BUILDING: 47,680 SF  
 MIMED NATIVE SPECIES AND LAWN: 18,370 SF  
 MEADOW RE-VEGETATION: 129,774 SF  
 WOODLAND RE-VEGETATION: 120,230 SF  
 TOTAL: 1,056,748 SF

**LIMITS OF PROPOSED SITE DEVELOPMENT CALCULATION**  
 Total Area Lot 12: 854,308 SF  
 Allowable Development of 12.65%: 555,300 SF  
 Total Area Lot A1: 202,440 SF  
 Allowable Development of A1.53%: 107,293 SF  
 Limit of Site Development: 662,593 SF  
 Proposed Site Development Area: 619,175 SF

BOUNDARY FROM SURVEY PREPARED BY NELSON AND POPE  
 DATED SEPTEMBER 02, 2022.  
 IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 146, PROFESSIONAL ENGINEERING AND LAND SURVEYING, SECTION 2209 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER ANY ITEM IN ANY WAY, IF ANY ITEM IS ALTERED, THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND NOTATION ALTERED BY [NAME], ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.



**Dig Safely. New York**  
 before you dig



NO.	REVISION	DATE	ACRF
1	REVISE LANDSCAPE PLAN AS PER CLIENT COMMENTS		
2			
3			
4			

**OWNER:** [Redacted]

**APPLICANT:** [Redacted]

**PROPOSED LIPAP/SEGL OPERATION CENTER SITUATED AT MEDFORD TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK S.C.T.M. DISTRICT: 200, SECTION: 57.4, BLOCK: 102, LOT: 3.001, 16.8 & 17.1**

**OVERALL ALIGNMENT PLAN**

**NELSON + POPE**  
 engineers • architects • surveyors  
 70 Market Road, Medford, NY 11767 • 631.427.5655 • nelsonpopc.com

**DRAFT**  
 7/27/2023

**DATE:** JULY 2023 **PROJECT NO.:** 08254 **SHEET NO.:** 2 OF 11



+

Find address or place

Q

-

□

□

□

□

□



400ft

1,261,250.175 249,373.512 Feet

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



**Instructions for Completing Part 1**

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

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

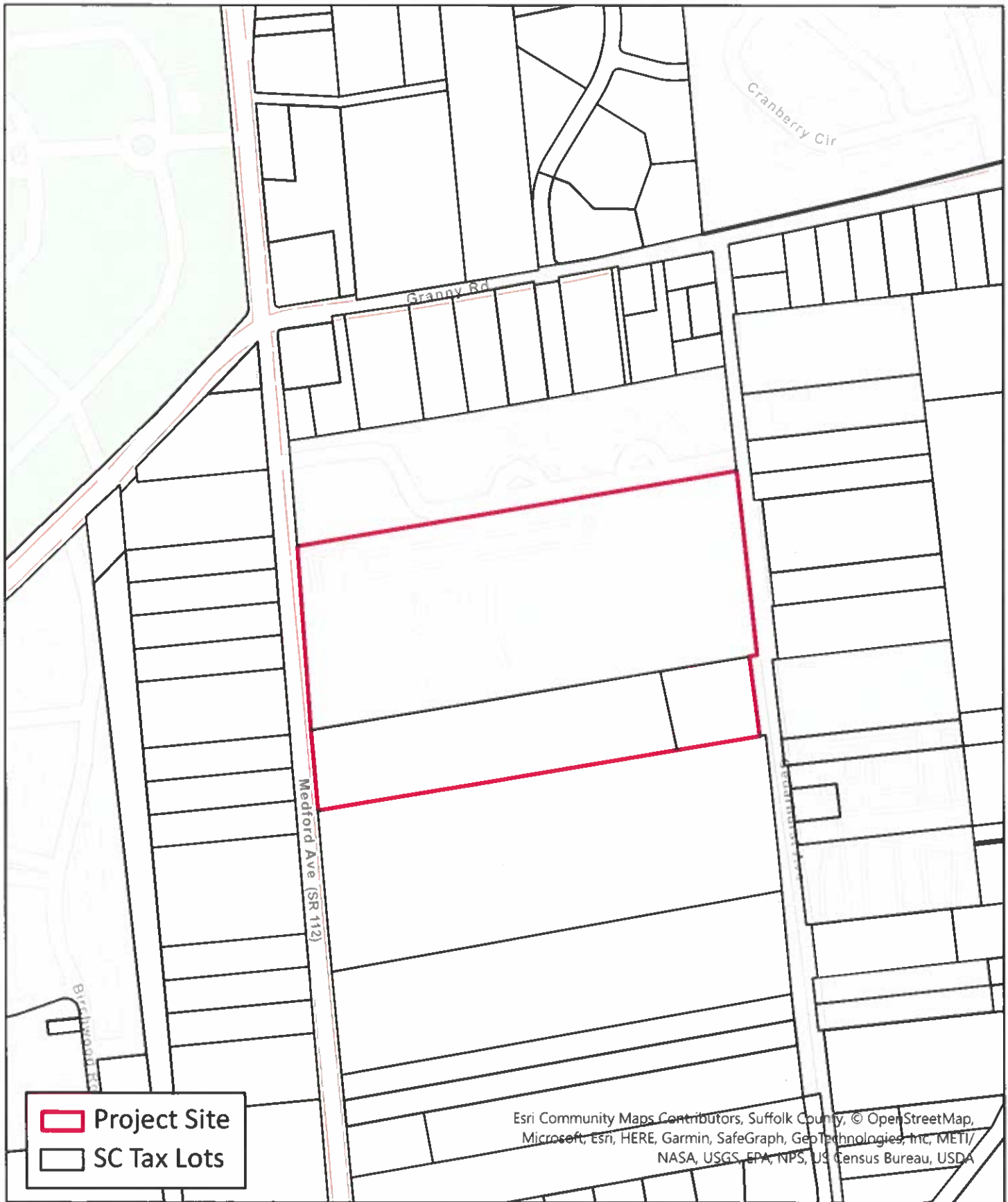
Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No",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



**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Medford Operations Center		
Project Location (describe, and attach a general location map): 3351 NY Route 112 (Port Jefferson-Patchogue Road) Medford, Town of Brookhaven, Suffolk County, NY 11763 (SCTM: 200-574-2-16 and 17.1); Attached		
Brief Description of Proposed Action (include purpose or need): The proposed project involves a request for approvals for the conversion and redevelopment of the existing 24.26+/- acre Country Fair commercial amusement/entertainment facility to a an administrative office, warehouse and maintenance/repair building for fleet vehicles. The project includes conversion of an existing 10,690+/- SF Country Fair recreational building to be used as an administrative office building, and construction of a 16,000+/- SF fleet garage and 21,000+/- warehouse for utility vehicles and materials. The project will also provide a total of 409 surface parking stalls including 252 standard vehicle parking spaces with required Americans With Disabilities Act (ADA) handicap spaces, 90 10'x20' fleet parking spaces, and 55 15'x40' fleet spaces, and 12 15'x80' heavy duty fleet vehicle spaces as well as a fleet gas and diesel fueling station with underground gasoline storage tank, above-ground diesel storage tank and fire suppression, secondary containment, vapor control and overflow protection equipment. Electric charging stations for employee vehicles and planning for additional future fleet charging stations will also be provided. Other site features include landscaping, outdoor lighting, facility signage, site fencing, guard booth, sidewalk, curbing, required drainage infrastructure and two onsite Innovative/ Alternative Onsite Wastewater Treatment Systems. The facility will accommodate 115+/- employees and 80-90 vehicles, create new construction and full-time jobs, and enhance and expedite routine and emergency electrical service capabilities in the area.		
Name of Applicant/Sponsor: PSEG Long Island, as Agent for the Long Island Lighting Company d/b/a LIPA, a wholly owned subsidiary of the Long Island Power Authority	Telephone: (800) 490-0025	E-Mail: PSEGLongIslandSEQRA@pseg.com
Address: 175 East Old Country Road		
City/PO: Hicksville	State: NY	Zip Code: 11801
Project Contact (if not same as sponsor; give name and title/role): Same	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Country Fair Leasing LLC, Country Fair Properties LLC and 709 Cedarhurst Realty LLC**	Telephone:	E-Mail:
Address: Country Fair Leasing, LLC and Country Fair Properties, LLC's addresses are the same: 3351 Rt. 112		
City/PO: Medford	State: NY	Zip Code: 11763

\*\*Cedarhurst Realty LLC's address is PO Box 366 Medford, NY 11763





 Project Site  
 SC Tax Lots

Esri Community Maps Contributors, Suffolk County, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA



**FIGURE 1  
LOCATION MAP**

Sources: ESRI WMS  
Scale: 1 inch equals 400 feet



**RECEIVED**  
 Medford  
 Operations Center  
 AUG 09 2023  
 Central Pine Barrens Joint  
 Planning & Policy Commission

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Central Pine Barrens Joint Planning and Policy Commission (Hardship Exemption)	August 2023
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT curb cut/road work/ possible traffic signal NYS DEC SWPPP & General SPDES Permit	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

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

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
J Business 2 (J-2) General Business and A Residence 1 (A-1); LIPA is not subject to local zoning and land use codes

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

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

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

b. What police or other public protection forces serve the project site?  
Suffolk County Police Department, Sixth Precinct

c. Which fire protection and emergency medical services serve the project site?  
Medford Fire District/Fire Department Station No. 2 and Medford Volunteer Ambulance

d. What parks serve the project site?  
David Overton Preserve, Glacier Ridge hiking/biking trails

**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)? Electric utility administrative offices and fleet fueling, maintenance, repair and indoor/outdoor storage facility

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 24.26 acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ 19.83 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 24.26 acres  
 \*Includes all previous cleared, developed or landscaped areas. In total, 10.16 acres will be existing natural areas or revegetated areas.

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

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ 20 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 3 (one exists) plus one fueling station with canopy and one parking lot canopy that will support a photovoltaic array  
 ii. Dimensions (in feet) of largest proposed structure: 316" height; 120' width; and 160' length  
 iii. Approximate extent of building space to be heated or cooled: 10,600SF blg heated & cooled square feet <sup>\*16,000 fleet garage and 21,000 SF warehouse will be heated</sup>

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? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  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? The project involves redevelopment of a developed site. Existing demand is estimated to be 2,500 gpd. Estimated proposed demand is  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 2,598+/- 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: TBD gallons/minute.

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

If Yes:

i. Total anticipated liquid waste generation per day: 2,598+/- sewage gallons/day \*Plus 250 gals/month of used motor oil and 500 gals/month of oily water

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): \_\_\_\_\_

Wastewater generated onsite will be discharged to two proposed I/A OWTSs. Some automotive fluids will be collected as part of routine fleet vehicle maintenance & repair including waste oil. Vehicle wastes will be collected, stored, transported and disposed in accordance with applicable requirements

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

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):  
Project will include the installation of two Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS) with advanced nitrogen removal capabilities

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
Waste oil will be picked up by a vendor and recycled or disposed in accordance with applicable requirements; the administrative building will connect to a new I/A OWTS and a second I/A OWTS will be installed for used by the warehouse and fleet garage

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  
\*The project involves the redevelopment of a previously disturbed site.  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 13.68 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 24.26 acres (parcel size)

ii. Describe types of new point sources. Stormwater runoff will be collected in a series of catch basins and leaching pools as well as a stormwater wet meadow/bioswale. All runoff from a 2-inch design storm will be collected and recharged onsite.  
 \_\_\_\_\_

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)?  
 \_\_\_\_\_  
A system of catch basins and leaching pools and stormwater wet meadow will be provided. Runoff from a 2-inch design storm will be recharged onsite.

• If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 N/A

• Will stormwater runoff flow to adjacent properties? \*Efforts have been made to reduce pervious surfaces to the extent possible to facilitate site revegetation & achieve Pine Barrens objectives  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)  
Heavy equipment/fleet parking, maintenance, repair and fueling for utility vehicles

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

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 (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ 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

\*Significant increases in site trip generation or levels of service at nearby intersections are not expected to be significant based on the site being currently developed and proposed mitigation. See Traffic Impact analyses and data provided in Appendix H of the EEAF.

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 1/2 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: \_\_\_\_\_  
7,732,907,385 kW / YR = 882,751 kWh; All power provided by the project sponsor and includes energy generated for the site by photovoltaic panels.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
electric service and onsite photovoltaic panels to be provided by project sponsor

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"> <li>• Monday - Friday: _____ 7AM - 5PM _____</li> <li>• Saturday: _____ N/A _____</li> <li>• Sunday: _____ N/A _____</li> <li>• Holidays: _____ N/A _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ Warehouse 6:30 AM -10:00 PM _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

\*24-hour coverage during emergencies

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:  
Demolition and construction will occur during normal working hours

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:  
70 pole or wall mounted LED lights will be installed including under-canopy lights; lights will be mounted at heights ranging between 13' and 20'; wall mounted will be mounted at 18'; Light will be directed downward and will be provided only where necessary in the developed/cleared portion of the site

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: Existing wooded perimeter buffers will be retained and will be supplemented as needed. Several acres of existing lawn will be restored to pine barrens or oak/hickory forest and native meadowlands which will serve to further restrict light from shining offsite

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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 gasoline and diesel fuel

ii. Volume(s) 40,000 gal. per unit time 3 months (e.g., month, year) i.e., 20,000 gallons of gasoline/3 months and 20,000 gallons of diesel/3 months

iii. Generally, describe the proposed storage facilities: Aboveground storage tanks. Storage facilities will comply with SC Article 18 Petroleum Bulk Storage. Tanks will include secondary containment, overfill protection, tank vapor recovery, and required fire suppression system.

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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):  
 \_\_\_\_\_  
 \_\_\_\_\_

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: C&D = 2,742.67+/- tons per 20+/- months (unit of time) \*trash, recyclables, metals debris, etc.
- Operation: \*0.37+/- tons per day (unit of time) but may be quite variable, especially during emergency responses

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

- Construction: \_\_\_\_\_
- Operation: Materials will be separated by waste stream and either recycled or disposed at an appropriate facility

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

- Construction: Demolition and construction debris will be separated and collected in dumpsters and disposed or recycled at approved recycling or disposal facilities
- Operation: Environmental Services will provide outdoor containers for segregating/consolidating the different non-hazardous material waste streams i.e., pole butts, debris, metals, etc. which are then recycled or disposed at an approved disposal facility.  
Hazardous wastes will be temporarily stored indoors in containers, which are then brought to the Hicksville Center facility for consolidation, pickup by a vendor, and disposal at an approved facility. Similarly, petroleum wastes are brought to the same facility, picked up, transported and disposed or recycled.

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: \_\_\_\_\_  
 250 gallons/month of motor vehicle waste oil and 500 gallons/month of oily water  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 Waste oil will be temporarily stored onsite indoors or in a Lube Cube brought to the Hicksville Operations Center where it is consolidated and periodically picked up by a vendor, transported to and recycled or disposed at an authorized recycling or disposal facility  
 iii. Specify amount to be handled or generated 750 gals tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 N/A waste oil will be collected as needed during normal/periodic fleet maintenance and repair activities  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 Waste oil and oily water will be picked up, transported and disposed by a professional vendor and recycled or disposed at an approved facility(ies)  
 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): cemetery  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	5.90	13.68	+7.78
• Forested	4.92	7.19*	+2.27
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	--	2.97	+2.97
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Landscaping</u>	13.44	0.42	-13.02

\*Includes 2.76 acres of proposed restored woodland plantings. Proposed improvements require clearing of 0.5 acres of existing natural area.

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: The site is currently a privately owned amusement/entertainment facility that is open to the public

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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:  
\_\_\_\_\_

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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:  
\_\_\_\_\_

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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: \_\_\_\_\_

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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:  
\_\_\_\_\_

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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: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 1,400+/- feet

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:

Plymouth loamy coarse sand, 0-3% slopes (PIA)	_____	91 %
Plymouth loamy coarse sand, 3-8% slopes (PIB)	_____	9 %
	_____	%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 82+/- feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	_____	100 % of site
<input type="checkbox"/> Moderately Well Drained:	_____	% of site
<input type="checkbox"/> Poorly Drained	_____	% of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	100 % of site
<input type="checkbox"/> 10-15%:	_____	% of site
<input type="checkbox"/> 15% or greater:	_____	% of site

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

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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: \_\_\_\_\_

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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: \_\_\_\_\_  
grey squirrel, eastern chipmunk, white-tailed deer, eastern cottontail, racoon, blue-jay, robin, gray catbird, \_\_\_\_\_  
black-capped chickadee, American crow and other human tolerant species \_\_\_\_\_

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): \_\_\_\_\_  
The property is in proximity (0.5 miles from) historically identified occurrences of 3 NYS "threatened" plant species. Inspection of the property by professional staff did not identify these plants onsite or habitat that would be supportive of these species.

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: \_\_\_\_\_  
The endangered Northern Long-eared bat has been documented by NHP as present within 1.25 miles of the project site. Snags are present onsite but these trees will not be affected by the project and no evidence of bats were seen onsite. Tiger salamanders have also been documented at a location 0.5 miles from the site; however, the site does not provide habitat for this species. No rare species were identified during site inspections.

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 Special Groundwater Protection Area and Central Pine Barrens Compatible Growth Area  
ii. Basis for designation: Protect groundwater and drinking water; public health benefit  
iii. Designating agency and date: SGPA: Long Island Regional Planning Agency (3-19-1993) and CPB CGA: Suffolk County (2-10-1988)





# NELSON POPE VOORHIS

environmental • land use • planning

August 8, 2023

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

**Re: Venezia Square, Wading River, NY; DRS Decision Extension;  
NPV No. 06180**

Dear Julie:

As a follow-up to my letter to John Milazzo dated June 16, 2023, this letter provides an update of the status of the project and also serves as an extension request.

As you know, just prior to the planned June decision meeting, we met with the Town Planning Board and received a staff report with comments. On June 16, I requested an extension of the decision to August 16<sup>th</sup> to allow time to update the plans to address Town comments. Since my June 16<sup>th</sup> letter, we revised the alignment plan to conform with Town comments which included adding a cross access to the property to the west. Knowing the Commission's concern for unfragmented open space based on small natural strips, we have designed the plan to conform with the 65% clearing/35% natural, without including the natural area north of the cross access. This is reflected on the alignment plan that I submitted to you by email on July 23<sup>rd</sup> requesting any comments prior to revising the full site plan package. Having not received any comments, we are revising the full site plan package and will submit this upon completion.

Due to time needed to complete the plans, I am requesting an extension of the decision deadline to September 20, 2023. Once the revised plans are submitted, you and John can determine the steps needed to re-activate the decision. Through discussions at that time, we can determine if the September 20<sup>th</sup> extension is sufficient, or if additional time is needed once you review the plan and evaluate the changes. It is my hope that you will find the changes to be minor which will allow the decision to be re-scheduled without the need for a hearing or other actions.

Thank you for your consideration of this extension request and please contact me should you have any questions. Sincerely,

**NELSON, POPE & VOORHIS, LLC**

Charles J. Voorhis, CEP, AICP; Principal

cc: Judy, Jakobsen, Central Pine Barrens Commission  
John Milazzo, Esq., CPBC Counsel  
Joseph Vento, Venezia Square Applicant

Long Island: 70 Maxess Road, Melville, NY 11747 • 631.427.5665 • [nelsonpopevoorhis.com](http://nelsonpopevoorhis.com)  
Hudson Valley: 156 Route 59, Suite C6, Suffern, NY 10901 • 845.368.1472